

# Memo

**Subject: Unauthorised earthworks at 115 Murwillumbah Street**

**Tuesday 22 January 2019**

**From: Zoe Fobian - Compliance Officer**  
**Subject: 115 Murwillumbah Street**  
**Reference: ILL19/0002**

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## Timeline of events from 26 December 2018 to 21 January 2019

### **26 December 2018**

On the 26 December 2018 Council's Ranger Unit received a complaint from a member of the public alleging that extensive earth works were taking place at the back of 115 Murwillumbah Street, Murwillumbah.

An inspection was undertaken by Council's Ranger on 26 December 2018 at approximately 1.30pm, there was evidence of tree removal, however it was noted that there were no person's onsite to speak with.

### **28 December 2018**

A second complaint was received on 28 December 2018 from the same complainant advising that there was a person on site clearing trees and debris. Two Council Rangers attended the site at approximately 8.55am and advised the person onsite to cease any clearing activities immediately. The Ranger noted that the person onsite undertaking the clearing was not the property owner. The person advised that he was not from the area and he was doing a favour for the property owner. The person did not supply the owners contact details.

### **02 January 2019**

On 02 January 2019 Council's Compliance Officer contacted the property owner. The property owner advised that he has not cleared any native trees, only Camphor Laurels' and he also advised that he was directed by Tweed Shire Council (he is unsure of who the person was) to unearth the drains from loose soil that keeps falling from the steep slope at the back of the property.

Correspondence was sent out to the property owner after the telephone conversation directing him to cease all external works immediately and to provide sufficient evidence as to why the unauthorised works have taken place at 115 Murwillumbah Street.

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**03 January 2019**

A site inspection was undertaken on 03 January 2019 at approximately 3.00pm by Council's Planning Compliance Officer, Development Assessment and Compliance Unit and Council's Biodiversity Project Officer, Natural Resources Management Unit. The following observations were determined:-

1. Vegetation removal and damage appears to have been undertaken with Council road reserve of Bent Street. Vegetation removed/damaged includes (but not limited to) natives such as:
  - a. Pink Bloodwood (*Corymbia intermedia*)
  - b. Guioa (*Guioa semiglauca*)
  - c. Foam bark (*Jagera pseudorhus*)And non-natives such as:
  - a. Camphor laurel (*Cinnamomum camphora*)
  - b. Cocus Palm (*Syagrus romanzoffiana*)
  - c. Large leaved privet (*Ligustrum lucidum*)
  - d. Umbrella Tree (*Schefflera actinophylla*)
  
2. Removal of "Prescribed Vegetation" protected under DCP A16 – Preservation of Trees or Vegetation and SEPP (Vegetation in Non-rural Areas) also appears to have occurred.  
Prescribed Vegetation that appears to have been removed/harmed without permit include multiple specimens of:
  - a. Guioa (*Guioa semiglauca*)
  - b. Brushbox (*Lophostemon confertus*); and
  - c. Pink Bloodwood (*Corymbia intermedia*)

**08 January 2019**

The property owner provided his response on 08 January 2019 stating that he lodged a Development Application which was to retain the rear wall so it did not keep sliding away. However the property owner believes that the application has been lost within the Planning and Development Unit at Council.

Compliance Officer responded to the property owner advising that a site inspection would need to be undertaken with him to determine the extent of the works and furthermore as to why he has undertaken the works he has without approval. Furthermore, the property owner was instructed to ensure that adequate sediment erosion control was in place.

Due to the property owner being away over Christmas and New Year the inspection was arranged for 17 January 2019 at 10.30am.

**14 January 2019**

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The Imperial Hotel Manager contacted Council Officer on 14 January 2019 advising that property owner will not be able to make the onsite inspection in 17 January 2019 fro to family issues. The property owner requested that a meeting be set for two weeks' time.

The two week extension was denied and an onsite inspection was arranged for 21 January 2019 at 10.00am.

**21 January 2019**

Compliance Officer and Manager of Planning and Regulation attended site on 21 January 2019 at 10.00am. It was noted that no further works had been undertaken and hay bales were in place for sediment erosion control.

A person met with Officers and advised that the property owner could not attend and he will be in contact with Council Officer soon.