



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 20-062

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Published
4. Additional information identified	n/a
5. Fees	n/a
6. Processing time (in working days)	27 days
7. Decision made by Ombudsman	n/a
8. Additional information identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional information identified by ACAT	n/a



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Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, Transport Canberra and City Services may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The Transport Canberra and City Services Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the Transport Canberra and City Services, as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the Transport Canberra and City Services website at www.tccs.act.gov.au.

Applicant details

I wish to make an access application to Transport Canberra and City Services under the *Freedom of Information Act 2016*.

Name

Address

(where notices relating to this request
can be sent – either postal or electronic)

Telephone Contact (Business Hours)

Telephone Contact (Mobile)

Email Contact

What documents are you requesting under the Act?

- To help Transport Canberra and City Services process your request, please include enough detail in your application so that we can fully understand what government information you want.
- You may wish to include a statement about how the release of information is in the public interest.
- If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the agent.
- If for reasons in section 30 of the Act is not compliant and your application cannot be processed, Transport Canberra and City Services will take reasonable steps to assist you and give you reasonable time to amend your application if you wish.

Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the [Social Security Act 1991](#); a current pensioner concession card issued in relation to a pension under the [Veterans' Entitlements Act 1986](#) or [the Military Rehabilitation and Compensation Act 2004](#); a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

Transport Canberra and City Services must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

I would like

a copy of these documents sent to the above address

OR

to inspect these document

APPLICANTS SIGNATURE

DATE OF REQUEST



26/07/2020



ACT
Government

Transport Canberra and
City Services

[REDACTED]

Dear [REDACTED]

Freedom of information request: Reference 20-062

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act) received on 31 July 2020 in which you sought access all documents relating to:

- records that TCCS has in relation to a Fix My Street Request, including any internal notes, internal and external email records, decisions about the dangerous ACT Street tree at [REDACTED], assessment as to the health of the said tree and how this was made, and
- any correspondence between TCCS and the Minister for Transport Canberra and City Services about the matter.

I am an Information Officer appointed by the Director-General under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

I thank you for your patience in the processing of your application and for agreeing to an extension of 9 September 2020.

Decision on access

A search has now been completed and 21 documents (140 pages) have been identified that fall within the scope of your request. I have included a schedule of the documents at **Attachment A**.

I have decided to:

- grant partial access to 20 documents; and
- grant full access to one document.

I have refused access under section 35(1)(c) of the FOI Act to some of the information that you have requested. This is because it is contrary to the public interest to release. My access decision is detailed further in the following statement of reasons.

Statement of Reasons

In reaching my access decision, I have taken the following into account:
The Act, in particular Schedule 2.

Factors favouring disclosure (Schedule 2.1)

- Section 2.1 (a)(iii) – inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
- Section 2.1 (a)(i) - promote open discussion of public affairs and enhance the government’s accountability; and
- Section 2.1 (a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Section 2.2 (a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the *Human Rights Act 2004*.

As an Information Officer, I must decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

I consider that it is in the public interest to release most of this information. Release of the information is in the public interest as it informs the community of the government’s operations which can affect members of the community and the process followed by government in relation to such matters. It also improves the Directorate’s accountability for decisions it makes by being transparent in releasing the information.

The factors I considered relevant in relation to favouring non-disclosure is where information might prejudice the protection of an individual’s right to privacy. This includes email correspondence provided by you or copied to you where third-party information has been disclosed. As these documents will be published on the FOI disclosure log, I have decided that names, contact details and any other information relating to a third party should not be released because the release could identify an individual and would prejudice their right to privacy. More details about the FOI disclosure log is outlined below.

I am satisfied that the factors in favour of release can still be met while protecting the personal information of individuals involved. I find the protection of this information outweighs disclosure. I have decided that release of this information could prejudice their right to privacy under the *Human Rights Act 2004*.

Charges

I have decided to waive the fees of \$34.50 as the number of pages that exceeds the fee free threshold is only marginal.

Online publishing - disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents

released to you will be published. Personal information, such as your contact details will be removed.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any questions concerning the directorate's processing of your request, or would like further information, please contact the directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Cherie Hughes
Information Officer

8 September 2020

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: https://www.tccs.act.gov.au/about-us/freedom_of_information/disclosure-log

File number		WHAT ARE THE PARAMETERS OF THE REQUEST				
FOI – 20-062		Assessment of street tree				
Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1	CRN Notes	07 May 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	Documents not to be published
2	2-11	Tree Claim - Incident 200426-000436	Various	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
3	12-14	Ministerial Request MIN S2020_3512_ Subject Eucalyptus street tree	18 February 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
4	15-16	Attachment to document 3 - letter – Subject sewage remediation	6 February 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii)	

					Prejudice the Protection of an Individual's Right to Privacy	
5	17-19	Email – Subject – Tree	21 February 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
6	20-21	Ministerial Response - MIN S2020_3512-	17 March 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
7	22-31	Email – Subject – S2020/3978 – Follow up – Eucalyptus Street tree	26 March 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
8	32-44	Email – Subject – S20203978	20 April 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
9	45-50	Attachment to document 8 ACT Government Street tree photos	No date on document	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
10	51-55	Attachment to document 8 ACT Government Street tree photos	No date on document	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	

11	56-71	Email – Subject – Ministerial Request – S2020-4614	29 May 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual’s Right to Privacy	
12	72-73	Attachment to Ministerial request at document 11 – S20204614	17 March 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual’s Right to Privacy	
13	74-75	Attachment to Ministerial request at document 11 – S202004614	20 April 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual’s Right to Privacy	
14	76- 77	Attachment to Ministerial request at document 11 – S20204614	27 May 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual’s Right to Privacy	
15	78-85	Attachment to S2020004614 Ministerial request – Trees on Public land	No date on document	Full access		
16	86-95	Email - Subject_ Request for a revision of the Eucalyptus-Nicholii tree	29 May 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual’s Right to Privacy	
17	96	Text Messages Street Trees_BDD6 CRM	25 May 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual’s Right to Privacy	

18	99- 107	Email - RE_ Request for a revision of the Eucalyptus-Nicholii tree	2 June 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
19	108 - 128	Email – Re – Tree	11 June 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
20	129-130	Ministerial Response – S2020-4615	17 July 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
21	131-140	Tree Incident - Tree Claim - incident 170122-000060, 1700301- 001888, 170202-00675, 180919-00034, 202012- 002041	Various from 2017 - 2020	Partial access	Information Privacy Act 2014 Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	

Incident Search view 200426-000436

Incident Details	Tree Details	Contact
Reference # 200426-000436	Tree Incident Type* Public Liability Claims	Contact* [Redacted]
Subject FldMyStreet Submissions: Grass, trees & shrubs > Trees	Category Tree & shrubs - Removal of tree, branches or other	Mobile Phone [Redacted]
Urgent* No	Storm Damage(old) [No Value]	Email [Redacted]
Queue FMS Trees	Storm Damage No	Incident Location
Status* Updated	Technical Officer Required Yes	Address [Redacted]
Customer Requested Response [No Value]	*Please select one	Suburb* Richardson
Ensure you have saved before printing.	Claim?* Yes	
Print Incident	Watering/Planting* No	
Mark as read	Development* No	
Mark as unread / Not Printed	Dead Tree Removal* No	
	Assigned Samantha Ning	
	Priority Level [No Value]	
	Current Contract Process [No Value]	
	Comments No work required	
	Power Outage Required? No	

Correspondence FSME Assessment Details Attachments Map Audit Log

Date Assessed 07/05/2020 12:00 AM Assessor Name [Redacted] Assessed? No

Priority Level [No Value] Spoke to Contact [Redacted]

DBH 00 Calling Card # [Redacted]

TH 00

Comments No work required this tree has already been pruned

Save

Options

Equipment and Work Required



Access
Canberra.

TREE CLAIM

Incident No. # 200426-000436

Date Recieved: 26/04/2020 09.28 PM

Subject: FixMyStreet Submission: Grass, trees & shrubs > Trees & shrubs > Removal of tree, branches or other

Incident Type: Public Liability Claims

Contact Name: [REDACTED]

Best Contact Number: [REDACTED],

Email: [REDACTED]

Location:

[REDACTED] DEAMER CR, RICHARDSON ACT 2905 , Richardson

Suburb: Richardson

Dear Ms Ning,

With regards to your conduct and that of Mr Schwartzkoff, on 28 May 2020, it was Mr Schwartzkoff who made a series of committed undertakings and that he would contact me on the matter with a deadline of 10 June 2020. Whilst you may be his manager, you contacted me on 12 June 2020; this is a later date than what was committed to by Mr Schwartzkoff. Further, the 'Fix My Street Request' should certainly have not been closed off as 'Resolved', and either yourself and/or Mr Schwartzkoff closed the Fix My Street Request at some point prior to 10 June without any advice to me as to why the committed undertakings would not be met.

Regards,

[REDACTED]

Dear Ms Ning,

Whilst the Minister for Transport Canberra and City Services may be the one contacting me regarding this matter it was certainly inappropriate that AccessCanberra closed the request without any advice. Additionally, it was most disrespectful and inappropriate that the ACT TCCS Arborist, Mr Brett

Schwartzkoff, made committed undertakings that he would contact me and then failed to deliver on these then failed to return calls asking for an update; at the very least Mr Schwartzkoff could and should have reached out to advise that he would not be meeting the committed undertakings and provide a reason, such as because the Minister would be contacting me. Mr Schwartzkoff's behaviour in this matter has not been appropriate nor respectful and certainly not within the ACT Public Service Values and Signature Behaviour.

Please find attached a signed, Transport Canberra and City Services Freedom of information Request form. I am hereby requesting copies of all records that TCCS has about this Fix My Street Request, including internal notes, decisions about the dangerous ACT street tree at [REDACTED] assessment as to the health of the tree and how this was made, and finally, any correspondence between TCCS and the Minister for Transport Canberra and City Services about this matter

Regards,

[REDACTED]

On Thursday 28 May 2020, ACT Government Arborist, Mr Brent Schwartzkoff, advised in 7-days he would have advice from his manager and an update.

As at 10 June 2020, this undertaking has not been met. Mr Schwartzkoff has not provided the advice or update. The undertaking of providing the advice in 7-days has not been met.

Tried calling Mr Schwartzkoff on [REDACTED] which is the number he previously used and advised was okay to contact him on. Mr Schwartzkoff did not answer call or respond to the text message. Refer to attachments for copies.

Additionally, I note that Access Canberra have closed this 'FixMyStreet' request as closed and resolved; it is very dishonest of the ACT Government to have closed this item off when the matter is still open and has not been resolved.

Met on site with residents from [REDACTED] Grigg Place Richardson. Tree appears structurally sound with adequate (good) vigour.

ACT Government Arborist, Mr Brent Schwartzkoff, scheduled an appointment for Tuesday 26 May 2020 at 07:45AM, though on Monday 27 May 2020 at 11:09AM, sent a text message from [REDACTED] requesting a reschedule to either Thursday 28 or Friday 29 May. Agreed via text for Mr Schwartzkoff to attend on Thursday 28 May at 07:45AM.

Thursday 28 May 2020, Mr Schwartzkoff arrived at 07:32. In attendance were

█ and █ Grigg Place), and █ Grigg Place).

The following is a summary of discussions with the occupants from █ and █ Grigg Place (the occupants) and Mr Schwartzkoff in regard to the dangerous ACT Government street tree (the dangerous tree):

- Mr Schwartzkoff advised the dangerous tree is an ACT Government street tree and under the custody and liability of the ACT Government.
- Mr Schwartzkoff confirmed the dangerous tree is not a tree covered under the Tree Protection Act 2005 and therefore it's removal can be performed without restrictions of trees covered by the Act.
- Mr Schwartzkoff stated previous inspections of the tree by the ACT Government in 2020 were "by the guys at the depot, they're not the technical officers, I am, that's my job".
- The occupants at █ Grigg Place showed Mr Schwartzkoff photographs of █ Grigg Place when it was under construction in 1983 that confirmed the dangerous tree was not a part of the original property or suburb prior to urban development.
- The occupants at █ Grigg Place showed Mr Schwartzkoff photographs of █ Grigg Place from 1986 which showed the residence was completed and the dangerous tree was then quite small, approximately 2m in height. Additionally the occupants at █ Grigg Place advised Mr Schwartzkoff of the history of the dangerous tree in the past and its invasive root system in particular had caused significant damage to both █ and █ Grigg Place over the years, including root cracked driveway refurbishments on both properties' council land and sewerage works refurbishment carried out by Icon Water on blocked, damaged and invaded pipes during March this year.
- Mr Schwartzkoff asked the occupants did we know what species of eucalyptus tree the dangerous street tree was. All occupants stated they were unsure and highlighted that Mr Schwartzkoff, as a qualified arborist, should be more qualified to know what species the dangerous street tree was.
- The occupants asked Mr Schwartzkoff on at least four occasions, if he was unsure of what species the dangerous tree was, how he could make a thorough, independent and comprehensive assessment regarding its removal or retention when a visual assessment on its own meant he could not identify the risks factors of this dangerous tree and its likely behaviours. Mr Schwartzkoff did not answer the question each time it was asked.
- Mr Schwartzkoff stated words to the effect that he owned rural land near Queanbeyan in New South Wales and that he would like to know what the species of the dangerous tree was so he could plant some on his rural land; though Mr Schwartzkoff conceded "the tree is not suitable for urban settings".
- The occupants advised Mr Schwartzkoff that previous ACT arborists involved in number of complaints to the ACT Government in relation to the dangerous tree, advised this species of tree is no longer planted by the ACT Government because it is known to: drop large limbs which present a threat to public safety

by falling on people, roads, cars and/or property; the root system is known to be highly insidious and invasive by way of seeking nutrients from water and sewage infrastructure; root system damages underground gas, water and sewage infrastructure as well as public foot paths and private property, such as on this street, Grigg Place, where recent sewer pipe replacement took place largely due to it's population of eucalyptus trees directly above the sewerage system pipes.

- The occupants advised Mr Schwartzkoff that the dangerous tree had made planting other trees and plants in their garden impossible as it destroyed all nutrients in the soil and took all available water. Mr Schwartzkoff confirmed that was a risk of eucalyptus trees in urban areas in that they created little prospect for other trees and plants to grow.
- Mr Schwartzkoff asked all occupants what they wanted to happen with the dangerous tree; it was a unanimous agreement that the dangerous street tree be removed because of it's decline, risk to public safety, private property, traffic and water, gas and sewage infrastructure.
- Mr Schwartzkoff asked the occupants at [REDACTED] Grigg Place what they would do if the tree be removed. The occupants advised Mr Schwartzkoff they wanted to have deciduous trees planted as replacements to ensure there is no loss of trees to the environment but to ensure that selection of the replacement trees are safe and suited to urban settings without threat or risk to safety, private property, traffic and water, gas and sewage infrastructure.
- Mr Schwartzkoff, despite not knowing the species of tree the dangerous street tree is, stated it looked "kind of healthy" by way of a visual inspection and that it's removal "would be on compassionate grounds". When asked what compassionate grounds meant, Mr Schwartzkoff refused to provide a definition.
- When asked why Mr Schwartzkoff said removal would be "on compassionate grounds" rather than ACT Transport Canberra and City Services (TCCS) policy and framework on tree removal, Mr Schwartzkoff stated "I do not know what that policy is".
- When asked why Mr Schwartzkoff did not know what TCCS policy and framework on tree removal was, Mr Schwartzkoff replied "I am new so I don't know".
- The occupants read to Mr Schwartzkoff the TCCS policy and framework by directly reading from the website and stated the dangerous tree met the criteria for removal because:
 - o they are dead, damaged or in irreversible decline;
 - o they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
 - o they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.
 - o the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;
 - o they were designated as temporary in the original landscape design and

have reached the end of their intended life span.

- After being read the TCCS policy and framework, Mr Schwartzkoff said "I don't think it's in irreversible decline". The occupants reminded Mr Schwartzkoff he was unsure of the species the dangerous tree is, and therefore cannot without such knowledge make a definitive assessment of whether it is in irreversible decline or not.
- The occupants advised Mr Schwartzkoff that regardless of the differing views on whether the tree was in irreversible decline, the tree met all other TCCS policy and framework to warrant removal. Mr Schwartzkoff replied "that's outside of my pay scale to make a determination on that and need to build a business case with my manager who is paid more than me to make those decisions".
- On at least three occasions Mr Schwartzkoff stated the decision on the tree removal was "outside my pay scale".
- Mr Schwartzkoff was provided with all copies of correspondence from occupants at [REDACTED] Grigg Place to the ACT Government and Minister Steel since February 2020 on the dangerous street tree. The occupants also provided Mr Schwartzkoff with a copy of the TCCS website and highlighted the tree removal sections. Mr Schwartzkoff said he would "give this to my manager at some point tonight when I'm back in the depot".
- Mr Schwartzkoff complained to the occupants that his day "is filled by people complaining about trees and if they all got their way the ACT would be without any public trees". Mr Schwartzkoff was told by the occupants that such a statement was not helpful and that they could not provide comment on other complaints though expected him to consider the merits of the dangerous tree at [REDACTED] Grigg Place, and apply the TCCS framework to this dangerous tree rather than make superfluous statements which were clearly formed by a mindset and cognitive bias towards a greater scale and repetition of duties rather than applying well reasoned due diligence to the circumstances of this individual case.
- The occupants at both [REDACTED] and [REDACTED] Grigg Place showed Mr Schwartzkoff where the invasive root system of the dangerous tree was causing further damage to property, particularly the driveways. Mr Schwartzkoff advised the occupants this damage was on private property, particularly the driveways, was on private property and they needed to lodge claims to the ACT Government and sign an indemnity waivers on future liability though the ACT Government would seek to use age of the property to reduce what was paid in repairs. The occupants disagreed with Mr Schwartzkoff that damage caused by a dangerous tree arises, particularly a known and well documented dangerous tree, could be used to rationalise avoiding payment of damages and acceptance of liability when the most appropriate circumstances is to follow TCCS policy and framework and remove the tree which would negate any future liability. Mr Schwartzkoff was dismissive and tried to rationalise the behaviour with "well look you would have to prove it's the tree and roots, and these driveways are what, forty years old, so with traffic driving over them all that time there's

doubt”.

- The occupants at ■ Grigg Place advised Mr Schwartzkoff that one of the occupants had ■

■ and that tripping on damaged driveway caused by the dangerous root system, or slipping or tripping on its falling branches or leaves, would result in severe health consequences. Mr Schwartzkoff dismissed this with “well he could trip on anything”.

- When corrected to the ACT Government having a duty of care and cannot avoid acting on an identified risk, Mr Schwartzkoff stated he felt the risk was “minimal”. An occupant of ■ Grigg Place advised Mr Schwartzkoff that they were tertiary qualified in risk advisory and it was in fact their professional employment and that Mr Schwartzkoff ought to present an ACT Government risk assessment on the dangerous tree, Mr Schwartzkoff advised no risk assessment had been performed rather it was his “personal opinion”.

- When asked why the ACT Government was ignoring its own policy on TCCS tree removal on this dangerous tree, Mr Schwartzkoff made an irrelevant and generalised statement that he had recently attended a property in Braddon, “owned by a woman in her 80’s who had the leaves blocking her roof and gutter” and that he “didn’t want her on a ladder trying to clear the gutters herself in case she fell off and injured herself”. Mr Schwartzkoff then proudly told the occupants he “arranged ACT government services to go and clean the gutters and leaves”, the occupants asked was this paid for by the taxpayer by way of the ACT Government, Mr Schwartzkoff confirmed yes, the tax payers wore expenses for leave litter removal on a private dwelling behind the boundary. When asked how that is fair and reasonable and relevant to the dangerous tree at ■ Grigg Place, Mr Schwartzkoff could not answer but made a generalised statement that the occupants “appeared to be in good health and capable of cleaning up leaf litter”.

- The occupants asked Mr Schwartzkoff what the next steps were and his advice was “I will speak with my manager”.

- When Mr Schwartzkoff was asked how long it would take to be advised on the outcome, Mr Schwartzkoff was highly evasive in his response though eventually made an undertaking of 7 days.

- When asked Mr Schwartzkoff what his recommendation to his manager would be on the dangerous tree, he was highly evasive and would only say “I will present the paperwork you gave me to build a business case”.

- The occupants perception of Mr Schwartzkoff was one of indifference, in tone and manner, providing a feeling that responding to complainants regarding dangerous trees as a qualified arborist were his routine duties; there was a lack of care and consideration for how this situation needs to be treated uniquely and on it’s merits.

- Mr Schwartzkoff is possibly correct that that tree may not be dead though this is difficult to gauge when by admission he was unsure of the species and its behaviour, lifecycle and associated risks.

- Mr Schwartzkoff as an arborist should have been able to articulate his intended recommendation to the ACT Government. Though despite being asked, his only solution was to defer decision making to a “higher authority outside my pay scale” rather than being pragmatic in that the removal of the tree is indeed in line with the TCCS policy and framework.
- By omission, Mr Schwartzkoff was not willing to consider the bigger picture. He was clear that he was wanted to provide his manager an opinion on the tree health, despite admission he was uncertain of the species, its behaviour, lifecycle and associated risks, though in addition to this, as a representative of the ACT Government he is required to consider TCCS framework and include in his recommendation an objective and impartial advice on not only the tree health but the other points raised by the occupants being compromise to public and private properties and lands/roads/walkways; a statement based around risk.

Additionally, Mr Schwartzkoff’s advice to his manager should include the history of complaints about this dangerous tree, future risk, cost and maintenance caused by this commonly complained about dangerous tree, and how it can be solved by removing it once, at one minor expense. The occupants at ■ Grigg Place can revitalise and make use of their space by planting survivable, sustainable trees in a way that makes them and the environment happy and improved.

Removal of the tree eliminates the future risk and liability to the ACT Government, and the tax payer, by avoid the risk of further injury, debris from decay and seasonal change and further drain storm water drain blockages (we have many photos of this after the summer), driveway refurbishments previously conducted by the ACT Government on both ■ & ■ Grigg Place, water, gas and sewerage infrastructure works and any other expense arising from this dangerous tree.

To the tax payer, it would be a more efficient and effective use of their public monies to cut down the dangerous street tree rather than sending out 7 further tree maintenance technicians again to give it a light trim and say ‘jobs done’, which happened on a recent occasion in March after the last attempt to resolve the matter. This resulted in no identifiable change to the tree from the 7 attendant maintenance staff, which feels like a waste of tax dollars that could have been used to remove the tree the first time around. From a pragmatic business analysis and risk perspective, it just makes more sense and a higher value for money and lower liability proposition if the tree is removed.

- Again, as repeatedly highlighted to Mr Schwartzkoff, the removal of the dangerous tree at ■ Grigg Place would be done so with respect and consideration of the TCCS policy and framework on tree removal. The ACT Government, TCCS, and Mr Schwartzkoff have a duty of care to the occupants

at [REDACTED] and [REDACTED] Grigg Place, as well as the community more broadly. Failure to act on this duty means acceptance of the risks, consequences and liability.

Contacted [REDACTED] & have organised to meet on site [REDACTED] Grigg Place Richardson at 7:45 Tuesday 26.5.20.

Good Evening,

According to the ACT Government Transport Canberra and City Services policy on street tree removal:

Trees are removed when:

- * they are dead, damaged or in irreversible decline;
- * they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
- * they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.

The ACT Government street tree at [REDACTED] Grigg Place is a dangerous ACT Government street tree that:

- is in decline through dieback which is not reversible;
- constitutes an identified hazard to public safety of myself and my fiancé in [REDACTED] Grigg Place and the occupants of [REDACTED] Grigg Place. Additionally a number of years ago this tree cause severe damage to the driveways of both our homes which at the tax payers expense, required expensive remediation;
- presents as a traffic hazard should given its history dropping branches and limbs on the road;
- has a known history of interference in below ground water and sewage services and by admission of Icon Water cannot guarantee with assurance that it will not continue to interfere with services in the future and the only way to provide this assurance is by its removal. This dangerous street tree cause hundreds of thousands of dollars in damage to water and sewage services and disruption which required major sewage and water works in Grigg Place and Twamley Crescent.

Additionally, Transport Canberra and City Services will consider removal of trees when:

- * the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;

This species of eucalyptus tree is not longer planted by the ACT Government in urban residential areas as it is known to be problematic and invasive to water and sewage infrastructure and known to be continually drop limbs and branches. Additionally, this dangerous ACT Government street tree has a known and documented history of invasive roots and there is essential storm water services in Grigg Place.

The ACT Government has a duty of care to ensure dangerous and invasive street trees, like that at [REDACTED] Grigg Place, are removed when they present a hazard, danger and liability to the health and safety of the public and community and to essential services infrastructure. Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson. Failing to remove the street tree means the ACT Government accepts the risks and consequences to public health and safety of the community and services infrastructure.

Positional data at time of incident submissions was:

Latitude: [REDACTED]

Longitude: [REDACTED]

Google Url:

Google Address [REDACTED] DEAMER CR, RICHARDSON ACT 2905

Can you provide any additional information about the location of the job to help us find the issue (i.e., intersections, buildings, landmarks, features)?:

ACT Government street tree at [REDACTED] Grigg Place Richardson

What is the issue?:

Removal of tree or other

Is the tree/shrub growing from private or public land?:

Public

What would you like removed?:

Tree

What is the reason?:

Dead

Please provide more information

Tree is dangerous and invasive. Has a history of roots ripping up driveways and invading sewage system. Forever dropping leaves and branches creating a risk to public health and safety and private property.

Was this caused by a recent storm?:

No

ACTION/REMARKS

This Incident to be completed/resolved by:

Date Received: 26/04/2020 09.28 PM **Date Actioned:**

Action Taken:

Work has been carried out in accordance with the required specifications



From: [STEEL](#)
To: [TCCS Ministerial](#)
Cc: [TCCS DLO](#)
Subject: MINISTERIAL REQUEST: [REDACTED] "Eucalyptus street tree at [REDACTED] Grigg Place, Richardson"
Date: Tuesday, 18 February 2020 9:26:46 AM
Attachments: [Sewage Remediation.pdf](#)

Hi MACS,

Please find attached the details of a TCCS issue raised by a constituent, [REDACTED].

I would appreciate if you could please provide us with a Ministerial response regarding this issue.

Constituent Details:

[REDACTED]
[REDACTED]

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for City Services

Minister for Multicultural Affairs

Minister for Recycling and Waste Reduction

Minister for Roads and Active Travel

Minister for Transport

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]
Sent: Tuesday, 18 February 2020 9:05 AM
To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; STEEL <STEEL@act.gov.au>
Cc: [REDACTED]@gmail.com
Subject: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices requesting the ACT Government remove the dangerous, overgrown and invasive Eucalyptus tree ('the tree') at [REDACTED] Grigg Place, Richardson. The tree is an ACT Government street tree.

My fiancé and I are the residents and owners at [REDACTED] Grigg Place, Richardson. Our neighbours at number [REDACTED] and I have discussed the tree and are supportive of our request to the ACT Government for its removal and share the concerns we have with regard to the tree.

Our neighbours advised they have previously complained to the ACT Government about the tree because its highly invasive root system caused damage to the driveways of both [REDACTED] and [REDACTED] Grigg Place and required, at the tax payers expense, replacement of concrete aprons and part of the driveways because of the extensive damage which represented a risk to public safety.

According to our neighbours, the ACT Government acknowledged this species of Eucalyptus tree is no longer planted in urban areas because it is invasive, known to be problematic with its root system lifting concrete and invading sewage systems, and associated risks due to its nature of dropping limbs and leaves. However, our neighbours

advised the ACT Government refused to remove the tree even though our neighbours offered to plant several deciduous trees in its place.

The reasons we are requesting the ACT Government remove the tree are as follows:

- Risk to public health and safety as the tree is constantly dropping branches and leaves in either the street or on our yard.
 - We are concerned that the tree will drop larger branches on us, our cars; or in a storm or heavy winds the tree falls over and potentially on either our home or our neighbours home.
 - The constantly falling leaves and branches represent a trip and slip hazard that could result in minor or indeed major injury.
- Tree leaves and limbs clogging storm water drains.
 - As discussed in the previous bullet point, the tree consistently drops leaves and branches, many of these fall onto the road and wind up in the gutters which leads to pollution of the stormwater system. Pollution of the stormwater is a risk to the ACT Government and represents a cost burden to ACT residents as well as the overall environmental impacts attributed to polluted stormwater.
- Root system has invaded sewage system and caused severe damage which is currently being remediated by ICON Water (see attached).
 - On 17 February, a subcontractor for ICON Water marking our driveway and land with spray paint for the utility services advised remediation of the sewage system was going to occur because of invasive root systems caused by ACT Government street trees at [REDACTED] Grigg Place and potentially [REDACTED] Grigg Place. The subcontractor advised parts of the system would be replaced and a 'riser' installed on our side of the boundary so in future ICON Water can attribute to which side of the boundary any sewage system blockages are, either the ACT Government or the homeowner.
 - My fiancé and I fear this problematic and invasive tree will continue to invade the sewage system and should it do so from our side of the boundary that ICON Water/the ACT Government use this as an excuse to either on-cost sewage remediation works or state it is a private matter and therefore our expense to incur through a private plumber.

We acknowledge the importance of trees to the environment. However, the tree itself is not unique in terms of its landscape and aesthetic value; it is a common form of Eucalyptus tree. The tree does not contribute significantly to the surrounding landscape. The tree does not represent an outstanding example of its species. The tree is not an exceptional example that reached maturity prior to urban development in Richardson; rather it was planted in Richardson after the suburb was gazetted and built. Further, the fact the ACT Government no longer plants this species of Eucalyptus tree as a street tree because of the risks to public safety and invasion of the sewage system further supports why the tree should be removed.

Should you have any questions or queries please don't hesitate in contacting me on [REDACTED]

[REDACTED]

I look forward in hearing from you at your earliest convenience.

Kind Regards,





The Resident
Grigg Place
Richardson

Dear Customer

**Sewer Mains Rehabilitation Program Works – Access Notification
Pipe Bursting Works**

Icon Water is planning to access your property for the purpose of rehabilitating the sewer main that runs on or near Grigg Place, Richardson, as part of an ongoing sewer maintenance program. This work is scheduled to take place between 13/02/2020 and 26/03/2020

The Contractor

Icon Water has engaged Pipe Replacement Solutions to deliver this work. All contractor personnel will carry Icon Water identification cards during the course of the works and if you are uncertain of the authenticity of any person working near your property, please ask them to show identification.

Property Access

We will require access to your property to clean and camera the sewer and/or complete a land survey prior to works commencing. If there is a sewer manhole on your property, we will also require access to it at various times during the project. The whole operation can take a number of days however your sewer connection will only be disrupted for approximately two hours on the nominated access day. Our contractor will knock on your door to announce their arrival prior to entering your property.

Land survey

A land survey will be undertaken prior to work commencing. The land survey will involve taking photos or video of your property to ensure any ground disturbed is reinstated as close as possible to its original condition. The inspection will occur during the dates given above and our contractor will knock on your door to announce their arrival.

Sewer tie replacement

The process may also involve replacement of your sewer tie (the point where your property sanitary drain connects to the length of sewer that is to be rehabilitated). This will be identified following further investigation and our contractor will notify you if any excavation is required. An excavation of approximately one metre by two metres may be required at your sewer tie. The sewer tie is typically located just inside the boundary of your property and the whole operation can take a number of days. Your sewer connection will only be disrupted for an hour or two on the nominated day.

How you can help

We would really appreciate if you could:

- avoid using dishwashers and washing machines during the works
- restrain any pets on the day(s) staff attend
- ensure we have unobstructed access to the network infrastructure on your property

How does pipe bursting work?

Machinery is used to crack and expand the old pipe from within. An enlarged cavity is created through which a new main is pulled. The driving machinery will create some noise and the ground can vibrate as the bursting head works its way along the pipe.

An excavation of approximately 3 metres long by 2 metres wide will be required next to various sewer manholes in order to guide the pipe bursting equipment into the sewer main. Excavations will also be required at the sewer tie (where your sanitary drainage connects to the sewer) and a sewer riser will be installed.

17/2: sub contractor from Icon Water spraying
our driveway and garden advised
- trees on # [redacted] and # [redacted] the cause of
sewage system w; that species of
gum tree now banned from ACT govt.
street trees due to invasive roots
and falling/dangerous limbs.
- riser to be installed
on our side of boundaries for Icon
to blame future sewage blockages
on us if in the boundary or the
ACT govt ~~was~~ even if caused by neighbours
ACT govt gum tree.

6 February 2020

18/2: OTAM works
start. toilets explode water. House stinks of
sewage!



Restorations - Our obligations to you

- we will take all reasonable steps to minimise damage and restore land as close as possible to original condition (*Utilities ACT 2000*).
- we will communicate and work with you to address any issues where restorations would involve an interference with our network.
- we ask that you raise any concerns regarding restoration with us as soon as you become aware of them, so that we may reasonably respond.
- the ACT Civil and Administrative Tribunal may direct us to pay for loss or damage if satisfied that we have failed to comply with our obligations under the Act.

Talk to us

If you have any concerns about these works please give [REDACTED] from [REDACTED] a call on Mobile [REDACTED]

Should you require further assistance please contact us:

- Icon Water General Enquiries team (02) 6248 3111 (select option 3) weekdays, 8.30am to 5.00pm
- email talktous@iconwater.com.au
- 24hr Faults and Emergencies (02) 6248 3111 (select option 1)

Thank you for your cooperation during these works.

Yours sincerely

[REDACTED]

[REDACTED]

Customer Services

From: [McCarthy, Shellie](#)
To: [Taylor, Lachlan](#)
Cc: [Dawes, Rachael](#); [Ning, Samantha](#); [Peri, John](#)
Subject: FW: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905 [SEC=UNCLASSIFIED]
Date: Friday, 21 February 2020 9:38:27 AM
Attachments: [Sewage Remediation.pdf](#)

Hi Lach

Rosie forwarded this email to me, I assume it will come to someone in our unit to formally answer a Ministerial. There is currently a job logged for this address 200212-002041 to remove the tree. I have just updated it and asked that the tree be assessed and to advise you of the outcome of assessment so that we can respond. I will update you on the claim side following their assessment.

Icon water are carrying out routine upgrade to the entire sewer mains network in the street and not just because there is a tree at number [REDACTED]!!!

Shell

From: Dojcic, Rosie **On Behalf Of** TCCS_CP TreeProtection
Sent: Tuesday, 18 February 2020 9:22 AM
To: McCarthy, Shellie <Shellie.McCarthy@act.gov.au>
Cc: Ning, Samantha <Samantha.Ning@act.gov.au>
Subject: FW: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905 [SEC=UNCLASSIFIED]

Hi Shellie

Sorry, it appears this one is for your area.

Ta
R

From: [REDACTED]
Sent: Tuesday, 18 February 2020 9:05 AM
To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; STEEL <STEEL@act.gov.au>
Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Subject: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices requesting the ACT Government remove the dangerous, overgrown and invasive Eucalyptus tree ('the tree') at [REDACTED] Grigg Place, Richardson. The tree is an ACT Government street tree.

My fiancé and I are the residents and owners at [REDACTED] Grigg Place, Richardson. Our neighbours at number [REDACTED] and I have discussed the tree and are supportive of our request to the ACT

Government for its removal and share the concerns we have with regard to the tree.

Our neighbours advised they have previously complained to the ACT Government about the tree because its highly invasive root system caused damage to the driveways of both ■■■ and ■■■ Grigg Place and required, at the tax payers expense, replacement of concrete aprons and part of the driveways because of the extensive damage which represented a risk to public safety.

According to our neighbours, the ACT Government acknowledged this species of Eucalyptus tree is no longer planted in urban areas because it is invasive, known to be problematic with its root system lifting concrete and invading sewage systems, and associated risks due to its nature of dropping limbs and leaves. However, our neighbours advised the ACT Government refused to remove the tree even though our neighbours offered to plant several deciduous trees in its place.

The reasons we are requesting the ACT Government remove the tree are as follows:

- Risk to public health and safety as the tree is constantly dropping branches and leaves in either the street or on our yard.
 - We are concerned that the tree will drop larger branches on us, our cars; or in a storm or heavy winds the tree falls over and potentially on either our home or our neighbours home.
 - The constantly falling leaves and branches represent a trip and slip hazard that could result in minor or indeed major injury.
- Tree leaves and limbs clogging storm water drains.
 - As discussed in the previous bullet point, the tree consistently drops leaves and branches, many of these fall onto the road and wind up in the gutters which leads to pollution of the stormwater system. Pollution of the stormwater is a risk to the ACT Government and represents a cost burden to ACT residents as well as the overall environmental impacts attributed to polluted stormwater.
- Root system has invaded sewage system and caused severe damage which is currently being remediated by ICON Water (see attached).
 - On 17 February, a subcontractor for ICON Water marking our driveway and land with spray paint for the utility services advised remediation of the sewage system was going to occur because of invasive root systems caused by ACT Government street trees at ■■■ Grigg Place and potentially ■■■ Grigg Place. The subcontractor advised parts of the system would be replaced and a 'riser' installed on our side of the boundary so in future ICON Water can attribute to which side of the boundary any sewage system blockages are, either the ACT Government or the homeowner.

- My fiancé and I fear this problematic and invasive tree will continue to invade the sewage system and should it do so from our side of the boundary that ICON Water/the ACT Government use this as an excuse to either on-cost sewage remediation works or state it is a private matter and therefore our expense to incur through a private plumber.

We acknowledge the importance of trees to the environment. However, the tree itself is not unique in terms of its landscape and aesthetic value; it is a common form of Eucalyptus tree. The tree does not contribute significantly to the surrounding landscape. The tree does not represent an outstanding example of its species. The tree is not an exceptional example that reached maturity prior to urban development in Richardson; rather it was planted in Richardson after the suburb was gazetted and built. Further, the fact the ACT Government no longer plants this species of Eucalyptus tree as a street tree because of the risks to public safety and invasion of the sewage system further supports why the tree should be removed.

Should you have any questions or queries please don't hesitate in contacting me on [REDACTED]

I look forward in hearing from you at your earliest convenience.

Kind Regards,

[REDACTED]



Minister for City Services
 Minister for Multicultural Affairs
 Minister for Recycling and Waste Reduction
 Minister for Roads and Active Travel
 Minister for Transport
 Member for Murrumbidgee

E-MAILED
 17 MAR 2020

Dear [REDACTED]

Thank you for your email of 18 February 2020 regarding the eucalyptus tree out the front of your property.

We are fortunate to live in a city which has over 766,000 public trees throughout our streets and parks. Trees provide many benefits including, shading in summer, wind amelioration, improved air quality, reduced water runoff, habitat for wildlife, urban amenity and increased property values.

Icon Water has advised that the infrastructure along your street will be upgraded to replace the sewer line. Tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself. There should therefore not be any further issues with the sewer line once the infrastructure upgrade has been completed.

I have been advised that a representative from Transport Canberra and City Services (TCCS) inspected the tree on 26 February 2020. The tree assessment determined that the eucalyptus tree is sound and healthy and does not warrant removal. Whilst I am sympathetic to the problems that you have raised, removal of the trees is not considered to be an acceptable management option at this stage. I have asked that TCCS arborists continue to monitor the condition of the tree and make recommendations if the condition deteriorates.

Within our urban forest, increased species diversity helps protect against possible pest and diseases through greater genetic variation, offers increased aesthetic value through differences in colour and form and provides functional benefits such as winter sun and summer shade. Native trees are also an important ecological resource for local wildlife. Whilst TCCS regularly reviews species selected for planting in the urban environment, TCCS does not remove mature, healthy trees that are no longer on current planting lists.

While I acknowledge the inconvenience that leaf litter and branches is creating, this alone is not considered to be a reason to remove the tree near your home. The ACT Government needs to balance the benefits that trees provide to the community with problems that may be associated with their presence within the urban area.

Thank you for raising this matter. I trust this information is of assistance.

Yours sincerely

Chris Steel MLA
 Minister for City Services
 17 MAR 2020

ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
 Phone +61 2 6205 1470 Email steel@act.gov.au





ACT
Government

Transport Canberra and
City Services

RECEIVED
DATE 11 MAR 2020

Critical Date:

Critical Reason:

MINISTERS OFFICE CLEARANCE SHEET

Title: [REDACTED] - Eucalyptus tree - [REDACTED] Grigg Pl, Richardson	
Objective	MIN S2020/3512

CLEARANCE

(electronic clearance in Trim/Objective or initial)

- Deputy Director-General Electronically cleared or _____ initial. Date: _____
- Executive Group Manager Electronically cleared or _____ initial. Date: _____
- Executive Branch Manager Electronically cleared or SA initial. Date: 04.03.20
- Action Officer Electronically cleared or _____ initial. Date: _____

COMMENTS:

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From: [STEEL](#)
To: [TCCS_Ministerial](#)
Cc: [TCCS_DLO](#)
Subject: s2020/3978 - FOLLOW UP: [REDACTED] Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905"
Date: Thursday, 26 March 2020 5:28:58 PM

Hi MACS,

Please find attached the details of a TCCS issue raised by a constituent, [REDACTED]. Could we please request a follow up response (this will be the only one), addressing the highlighted point below and then reiterating the Government's position.

Constituent Details:

[REDACTED]

Kind regards,

Dom Hale

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for City Services

Minister for Multicultural Affairs

Minister for Recycling and Waste Reduction

Minister for Roads and Active Travel

Minister for Transport

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Dominic.Hale@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]
Sent: Monday, 23 March 2020 12:03 PM
To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>
Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; [REDACTED]
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

Thank you for the correspondence from your office received via email on Wednesday 18 March 2020 at 09:16.

However, overall I am not satisfied with the handling of the matter from your office and the correspondence provided is not of assistance. The correspondence has numerous discrepancies that I would like to bring to your attention and correct.

“Thank you for your email of 18 February 2020 regarding the eucalyptus tree out the front of your property.”

As clearly articulated in my email on 18 February 2020, the tree is located at [REDACTED] Grigg Place Richardson, my fiancé and I reside at [REDACTED] Grigg Place Richardson. We are impacted by the tree, which has a highly invasive root system that previously

caused damage to our driveway and are impacted by the tree dropping limbs, branches and leaves on our property, cars and land. Additionally we are concerned the tree may fall on our home, cars and/or us given its size. We are also concerned about the ongoing risks of damage to essential services infrastructure.

Our request to your office is done so with the support of our neighbours at ■ Grigg Place who raised similar concerns with the ACT Government a number of years ago.

“We are fortunate to live in a city which has over 766,000 public trees throughout our streets and parks. Trees provide many including shading in summer, wind amelioration, improved air quality, reduced water runoff, habitat for wildlife, urban amenity and increased property values.”

As clearly articulated in my email on 18 February 2020, my fiancé and I acknowledge the importance of trees to the environment. However I also stated this particular tree was causing environmental damage by way of limb, branch and leaf litter that was entering the storm water system creating pollution.

Additionally, in my email on 18 February 2020, it was stated that our neighbours at ■ Grigg Place have previously requested the ACT Government remove this dangerous tree and offered to plant several deciduous trees in its place. Therefore, the removal of this tree would be offset by gains in planting a higher number of trees which would be of even more benefit.

Regarding your statement of “increased property values” I am interested in how this statement was quantified or if it is merely speculation. Regardless, it is not helpful because neither myself and fiancé or our neighbours are intending on selling our homes, further property values are subjected to many economic factors and market variables.

“Icon Water has advised that the infrastructure along your street will be upgraded to replace the sewer line. Tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself. There should therefore not be any further issues with the sewer line once the infrastructure upgrade has been completed.”

As part of the upgrades to the sewerage system in Grigg Place, I have personally been in contact with the Project Engineer responsible for overseeing the work. I have written correspondence with the Project Engineer which does not state “tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself”; rather it states it is more difficult for tree roots to invade the new sewerage line from the street though cannot provide absolute assurance of this. Discussions with the Project Engineer include how the ACT Government is often “difficult” and “unwilling” to remove invasive street trees, such as the one at ■ Grigg Place that has a document history of problems, despite the costs of replacing essential infrastructure far exceeding the costs of removing the tree.

Further advice from Icon Water does not state whether or not the tree roots from the street tree can invade the sewerage system from where the house line connects to the street system at the join. Part of the concerns raised in my email to your office on 18 February 2020 specifically highlighted our fears that the street tree will invade the sewerage system from our side of the boundary, and either the ACT Government and/or Icon Water will seek to shift costs to us as it falls on our side of the boundary. Your correspondence does not acknowledge nor address these concerns. My fiancé and I planted species of deciduous trees on our side of the boundary which do not enter sewerage systems, in fact we chose these species of tree for this exact reason. Therefore we can say with absolute certainty that if tree roots are located in the sewerage system on our side of the boundary, it is absolutely not attributed to trees on our land and we will not accept liability for costs should this risk be realised.

Icon Water stated the only way to guarantee and provide assurance the ACT Government street tree at ■ Grigg Place, which has a known and reported history of invading the sewerage system, would not invade the upgraded system would be to remove the tree.

“I have been advised that a representative from Transport Canberra and City Services (TCCS) inspected the tree on 26 February 2020. The tree assessment determined that the eucalyptus tree is sound and healthy and does not warrant removal. Whilst I am sympathetic to the problems that you have raised removal of the trees is not considered to be an acceptable management option at this stage. I have asked that TCCS arborists continue to monitor the condition of the tree and make recommendations if the condition deteriorates.”

It was stated earlier in your correspondence that the ACT Government has over 766,000 public trees, therefore I ask how is reasonably possible for TCCS arborists to continue ongoing monitoring of the condition of one dangerous street? Additionally, I ask you Minister, how is it an efficient and effective use of TCCS resources to monitor one dangerous tree when the issues and risks raised can be addressed by its removal?

Further, on 9 March 2020, I wrote a follow up email to your office raising concerns about the conduct of the representative(s) from the ACT Government who attended and inspected the tree, that they appeared to not be interested in the matter and stated words to the effect “the tree won’t get removed so there’s no point trying” and “I’ll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it”. Given this it is clear that any recommendation and assessment was certainly not carried out objectively or impartially.

ACT Government representatives attended on 16 March 2020 and performed minor trimming of the tree branches before dropping and dumping the branches on the ground of our neighbours property, in the street and on our driveway

which created a slip and trip hazard.

My fiancé and I, and our neighbours at [REDACTED] Grigg Place, vehemently disagree with the ACT Government assessment that the tree should remain given the visible dieback that remains, and the ACT Government previously trimmed the tree a number of years ago at the time its invasive root system lifted the driveways at [REDACTED] and [REDACTED] Grigg Place resulting in a significant cost to the ACT tax payer to repair.

“Within our urban forest, increased species diversity helps protect against possible pest and diseases through greater genetic variation, offers increased value through differences in colour and form and provides functional benefits such as winter and summer shade. Native trees are also an important ecological resource for local wildlife. Whilst TCCS regularly reviews species selected for planting in the urban environment, TCCS does not remove mature, healthy trees that are no longer on the current planting lists.”

Whilst I thank you Minister for a generalised statement on urban forests it is not helpful nor relevant to the matters and concerns raised in my emails to your office on 18 February 2020 and 9 March 2020. For example, the ACT Government street tree is planted on the east of ours and our neighbours home so the tree, which I am sure you are aware is not deciduous and does not lose its leaves in autumn and winter, actually impedes on winter sun heating our homes. In summer, the tree provides minimal summer shade in the morning and no shade in the afternoon and evening. This therefore forces use and our neighbours to use gas heating and air conditioning to heat and cool our homes.

With regards to your statement the ACT Government does not remove mature and healthy trees; this is grossly incorrect. The ACT Government removed hundreds of established healthy street trees, despite concerns raised by the community, to make way for light rail because these trees were an obstacle to ACT Government urban planning and development.

The ACT Government has a duty of care to ensure dangerous and invasive street trees, like that at [REDACTED] Grigg Place, are removed when they present a hazard, danger and liability to the health and safety of the public and community and to essential services infrastructure.

“While I acknowledge the inconvenience that leaf litter and branches is creating, this alone is not considered to be a reason to remove the tree near your home. The ACT Government needs to balance the benefits that trees provide to the community with problems that may be associated with their present within the urban area.”

At no stage in my emails to your office Minister have I requested the ACT Government street tree be removed because of the inconvenience of leaf and branch litter, rather, I clearly stated that the street tree should be removed

because it represents an ongoing risk to public and community health and an ongoing risk to essential services infrastructure.

Again, the ACT Government has a duty of care to ensure dangerous and invasive trees like that at [REDACTED] Grigg Place are removed.

Minister, whilst your correspondence includes general statements about trees overall it does not seem to address the specific risks of this ACT Government street tree, so I will draw your attention to them:

- Large branches falling on houses, cars, and/or people which presents a risk to public health and safety.
- Leaf and branch litter falling into the street and entering the storm water system which creates water pollution and represents a financial liability to the ACT Government to remediate as well as generally being bad for the ecosystem.
- Leaf and branch litter falling into the street and onto our driveways that creates a slip and trip hazard. This is particularly risky for [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Slipping, tripping and falling as a result of the leaf and branch litter in the street and our driveway from an ACT Government street tree represents a very real risk with higher likelihood and consequences for my fiancé than it would another person

[REDACTED] My fiancé and I consider this to be an unacceptable risk.

- Tree falling over in heavy winds or storms presents a risk to falling on homes, cars and/or people.
- Further damage to essential services infrastructure of water, gas and sewerage. Utilities providers cannot provide reasonable assurance that services won't be impacted by the street tree, which again the tree has a documented history of problems.

Further cost liability to the ACT Government to again repair roads, gutters and public property as a result of its problematic root system.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson. Failing to remove the street tree means the ACT Government accepts the risks and consequences to public health and safety of the community and services infrastructure.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED] or indeed I encourage you to visit our home for tea and coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 10 March 2020 1:32 PM

To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>; lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>

Cc: [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]@gmail.com>; [REDACTED] <[REDACTED]@gmail.com>

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Tom,

Thank you for your email and for speaking with me on the telephone just now.

As discussed you were unable to provide a specific timeframe in which a formal reply will be issued from the Minister and were not able to confirm whether the inquiries made about the tree included consultation with ICON Water. It was advised that no formal response or recommendation has been received by the Minister from the representatives appointed to examine the matter and the tree. Thank you for confirming the Minister has my email from 21:47 on Monday 9 March 2020 which raises concerns the ACT Government and its appointed representative do not take the matter and the tree removal seriously.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Tuesday, 10 March 2020 1:17 PM

To: [REDACTED] >

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon,

Thank you for your email. The Minister is still waiting on some final information needed for his response.

Sometimes this can take some time and I apologies for the delay.

Thank you for your patience.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]

Sent: Monday, 9 March 2020 9:47 PM

To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>;

LAWDER <LAWDER@parliament.act.gov.au>

Cc: [REDACTED]@gmail.com

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices regarding my email correspondence on 18 February 2020 because I have not receive any further communication or correspondence from your offices on the matter. Further, I have taken the opportunity to include the Shadow Minister for Urban Services in this email correspondence.

Recently I spoke with my neighbours who advised a representative from the ACT Government ('the representative') attended to examine the street tree at [REDACTED] Grigg Place ('the tree'). From these discussions I was advised the representative was not interested in the matter and stated "the tree won't get removed so there's no point trying" and "I'll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it".

I must say that it is very disappointing to hear a representative of the ACT Government having such an attitude and does not take the matter seriously particularly given the tree is the responsibility of the ACT Government and a liability to public safety as well as the essential water and sewage infrastructure.

ICON Water have just undertaken major capital works to replace the sewage infrastructure in Grigg Place and Twamley Crescent. When I spoke with the Project Manager from ICON Water it was advised these works were undertaken because of street trees in Grigg Place and Twamley Crescent, including the tree mentioned in this correspondence, have invaded the sewage system. Further, ICON Water cannot, with absolute assurance, confirm the replacement sewage infrastructure will not be invaded by the tree at either the street level or where the house sewage lines connect to the street. ICON Water also advised the ACT Government is often "difficult" and "unwilling" to remove invasive street trees.

Aside from my disappointment at the attitude of the ACT Government representative, I am disappointed by the inconsistent approach of the ACT Government when it comes to street tree removal. Take the light rail down Northborne Avenue, the ACT Government removed hundreds of street trees, some dead or dying, but many that were indeed healthy; nonetheless the ACT Government removed them because they presented an obstacle to government policy. Yet here is a tree that should be removed because it is a risk and presents an ongoing liability to public safety and yet the ACT Government wants to do nothing.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson. I look forward in hearing a response from you at your earliest convenience.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Tuesday, 18 February 2020 9:27 AM

To: [REDACTED]

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Morning [REDACTED]

Thank you for your email.

I have brought this to the attention of Minister Steel who will be responding.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]

Sent: Tuesday, 18 February 2020 9:05 AM

To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; STEEL <STEEL@act.gov.au>

Cc: [REDACTED]@gmail.com

Subject: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices requesting the ACT Government remove the dangerous, overgrown and invasive Eucalyptus tree ('the tree') at [REDACTED] Grigg Place, Richardson. The tree is an ACT Government street tree.

My fiancé and I are the residents and owners at [REDACTED] Grigg Place, Richardson. Our neighbours at number [REDACTED] and I have discussed the tree and are supportive of our request to the ACT Government for its removal and share the concerns we have with regard to the tree.

Our neighbours advised they have previously complained to the ACT Government about the tree because its highly invasive root system caused damage to the driveways of both [REDACTED] and [REDACTED] Grigg Place and required, at the tax payers expense, replacement of concrete aprons and part of the driveways because of the extensive damage which represented a risk to public safety.

According to our neighbours, the ACT Government acknowledged this species of

Eucalyptus tree is no longer planted in urban areas because it is invasive, known to be problematic with its root system lifting concrete and invading sewage systems, and associated risks due to its nature of dropping limbs and leaves. However, our neighbours advised the ACT Government refused to remove the tree even though our neighbours offered to plant several deciduous trees in its place.

The reasons we are requesting the ACT Government remove the tree are as follows:

- Risk to public health and safety as the tree is constantly dropping branches and leaves in either the street or on our yard.
 - We are concerned that the tree will drop larger branches on us, our cars; or in a storm or heavy winds the tree falls over and potentially on either our home or our neighbours home.
 - The constantly falling leaves and branches represent a trip and slip hazard that could result in minor or indeed major injury.
- Tree leaves and limbs clogging storm water drains.
 - As discussed in the previous bullet point, the tree consistently drops leaves and branches, many of these fall onto the road and wind up in the gutters which leads to pollution of the stormwater system. Pollution of the stormwater is a risk to the ACT Government and represents a cost burden to ACT residents as well as the overall environmental impacts attributed to polluted stormwater.
- Root system has invaded sewage system and caused severe damage which is currently being remediated by ICON Water (see attached).
 - On 17 February, a subcontractor for ICON Water marking our driveway and land with spray paint for the utility services advised remediation of the sewage system was going to occur because of invasive root systems caused by ACT Government street trees at ■■■ Grigg Place and potentially ■■■ Grigg Place. The subcontractor advised parts of the system would be replaced and a 'riser' installed on our side of the boundary so in future ICON Water can attribute to which side of the boundary any sewage system blockages are, either the ACT Government or the homeowner.
 - My fiancé and I fear this problematic and invasive tree will continue to invade the sewage system and should it do so from our side of the boundary that ICON Water/the ACT Government use this as an excuse to either on-cost sewage remediation works or state it is a private matter and therefore our expense to incur through a private plumber.

We acknowledge the importance of trees to the environment. However, the tree itself is not unique in terms of its landscape and aesthetic value; it is a common form of Eucalyptus tree. The tree does not contribute significantly to the surrounding landscape. The tree does not represent an outstanding example of its species. The tree is not an exceptional example that reached maturity prior to urban development in Richardson; rather it was planted in Richardson after the suburb was gazetted and built. Further, the fact the ACT Government no longer plants this species of Eucalyptus tree as a street tree because of the risks to public safety and invasion of the sewage system further supports why the tree should be removed.

Should you have any questions or queries please don't hesitate in contacting me on ■■■■■■■■■■

■■■

I look forward in hearing from you at your earliest convenience.

Kind Regards,



This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Anderson-Clift, Chloe](#)
To: [Ning, Samantha](#)
Cc: [Sweet, Carma](#); [Sneyers, Andre](#); [Dawes, Rachael](#)
Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905 [SEC=UNCLASSIFIED]
Date: Monday, 20 April 2020 11:54:06 AM
Attachments: [2020.04.07 ACT Government Street Tree Photos.pdf](#)
[2020.04.07 ACT Government Street Tree Photos.pdf](#)

UNCLASSIFIED

Hi Sam

I'm terribly sorry for the late reply.

I'll enter it in to the system now and let you know once it's in Rachael's 'tasks' for action.

Chloe Anderson-Clift | Ministerial Liaison Officer

Phone 02 6205 5357 | Email: Chloe.Anderson-Clift@act.gov.au

Governance and Ministerial Services | Transport Canberra and City Services Directorate | **ACT Government**

496 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Ning, Samantha <Samantha.Ning@act.gov.au>
Sent: Tuesday, 7 April 2020 4:15 PM
To: Anderson-Clift, Chloe <Chloe.Anderson-Clift@act.gov.au>
Cc: Sweet, Carma <Carma.Sweet@act.gov.au>; Sneyers, Andre <Andre.Sneyers@act.gov.au>; Dawes, Rachael <Rachael.Dawes@act.gov.au>
Subject: FW: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Chloe,
Do we respond to this or wait for it to come through as a Ministerial?
Thank you
Sam

From: [REDACTED]
Sent: Tuesday, 7 April 2020 3:41 PM
To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>
Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; [REDACTED]
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

I am writing to your office as I have not received a follow-up to my email from Monday 23 March 2020 or at the very least, I have not even a confirmation from your office that you have received my email.

The impression that my fiancé and I have gained is that your office does not take the dangerous ACT Government street tree seriously nor the the risks to personal and community safety and to essential services infrastructure. We are very disappointed in the handling of this matter by your office.

For your records, attached is photographs of the dangerous ACT Government street tree at [REDACTED] Grigg Place Richardson which shows the tree still has dieback in branches and its bark. Also, there are photographs of the tree's leaf and bark litter that are clogging the storm water drains in Grigg Place.

Again, we are requesting the dangerous ACT Government street tree at [REDACTED] Grigg Place Richardson be removed which would eliminate the risks entirely.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED] or again, we extend the offer and encourage you to visit our home for tea and coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]
Sent: Monday, 23 March 2020 12:03 PM
To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>; lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>
Cc: [REDACTED]@gmail.com [REDACTED]@gmail.com>; [REDACTED]
[REDACTED]
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

Thank you for the correspondence from your office received via email on Wednesday 18 March 2020 at 09:16.

However, overall I am not satisfied with the handling of the matter from your office and the correspondence provided is not of assistance. The correspondence has numerous discrepancies that I would like to bring to your attention and

correct.

“Thank you for your email of 18 February 2020 regarding the eucalyptus tree out the front of your property.”

As clearly articulated in my email on 18 February 2020, the tree is located at [REDACTED] Grigg Place Richardson, my fiancé and I reside at [REDACTED] Grigg Place Richardson. We are impacted by the tree, which has a highly invasive root system that previously caused damage to our driveway and are impacted by the tree dropping limbs, branches and leaves on our property, cars and land. Additionally we are concerned the tree may fall on our home, cars and/or us given its size. We are also concerned about the ongoing risks of damage to essential services infrastructure.

Our request to your office is done so with the support of our neighbours at [REDACTED] Grigg Place who raised similar concerns with the ACT Government a number of years ago.

“We are fortunate to live in a city which has over 766,000 public trees throughout our streets and parks. Trees provide many including shading in summer, wind amelioration, improved air quality, reduced water runoff, habitat for wildlife, urban amenity and increased property values.”

As clearly articulated in my email on 18 February 2020, my fiancé and I acknowledge the importance of trees to the environment. However I also stated this particular tree was causing environmental damage by way of limb, branch and leaf litter that was entering the storm water system creating pollution.

Additionally, in my email on 18 February 2020, it was stated that our neighbours at [REDACTED] Grigg Place have previously requested the ACT Government remove this dangerous tree and offered to plant several deciduous trees in its place. Therefore, the removal of this tree would be offset by gains in planting a higher number of trees which would be of even more benefit.

Regarding your statement of “increased property values” I am interested in how

this statement was quantified or if it is merely speculation. Regardless, it is not helpful because neither myself and fiancé or our neighbours are intending on selling our homes, further property values are subjected to many economic factors and market variables.

“Icon Water has advised that the infrastructure along your street will be upgraded to replace the sewer line. Tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself. There should therefore not be any further issues with the sewer line once the infrastructure upgrade has been completed.”

As part of the upgrades to the sewerage system in Grigg Place, I have personally been in contact with the Project Engineer responsible for overseeing the work. I have written correspondence with the Project Engineer which does not state “tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself”; rather it states it is more difficult for tree roots to invade the new sewerage line from the street though cannot provide absolute assurance of this. Discussions with the Project Engineer include how the ACT Government is often “difficult” and “unwilling” to remove invasive street trees, such as the one at ■ Grigg Place that has a document history of problems, despite the costs of replacing essential infrastructure far exceeding the costs of removing the tree.

Further advice from Icon Water does not state whether or not the tree roots from the street tree can invade the sewerage system from where the house line connects to the street system at the join. Part of the concerns raised in my email to your office on 18 February 2020 specifically highlighted our fears that the street tree will invade the sewerage system from our side of the boundary, and either the ACT Government and/or Icon Water will seek to shift costs to us as it falls on our side of the boundary. Your correspondence does not acknowledge nor address these concerns. My fiancé and I planted species of deciduous trees on our side of the boundary which do not enter sewerage systems, in fact we chose these species of tree for this exact reason. Therefore we can say with absolute certainty that if tree roots are located in the sewerage system on our side of the boundary, it is absolutely not attributed to trees on our land and we will not accept liability for costs should this risk be realised.

Icon Water stated the only way to guarantee and provide assurance the ACT Government street tree at ■ Grigg Place, which has a known and reported history of invading the sewerage system, would not invade the upgraded system would be to remove the tree.

“I have been advised that a representative from Transport Canberra and City Services (TCCS) inspected the tree on 26 February 2020. The tree assessment determined that the eucalyptus tree is sound and healthy and does not warrant removal. Whilst I am sympathetic to the problems that you have raised removal of the trees is not considered to be an acceptable management option at this stage. I have asked that TCCS arborists continue to monitor the condition of the tree and make recommendations if the condition deteriorates.”

It was stated earlier in your correspondence that the ACT Government has over 766,000 public trees, therefore I ask how is reasonably possible for TCCS arborists to continue ongoing monitoring of the condition of one dangerous street? Additionally, I ask you Minister, how is it an efficient and effective use of TCCS resources to monitor one dangerous tree when the issues and risks raised can be addressed by its removal?

Further, on 9 March 2020, I wrote a follow up email to your office raising concerns about the conduct of the representative(s) from the ACT Government who attended and inspected the tree, that they appeared to not be interested in the matter and stated words to the effect “the tree won’t get removed so there’s no point trying” and “I’ll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it”. Given this it is clear that any recommendation and assessment was certainly not carried out objectively or impartially.

ACT Government representatives attended on 16 March 2020 and performed minor trimming of the tree branches before dropping and dumping the branches on the ground of our neighbours property, in the street and on our driveway which created a slip and trip hazard.

My fiancé and I, and our neighbours at [REDACTED] Grigg Place, vehemently disagree with the ACT Government assessment that the tree should remain given the visible dieback that remains, and the ACT Government previously trimmed the tree a number of years ago at the time its invasive root system lifted the driveways at [REDACTED] and [REDACTED] Grigg Place resulting in a significant cost to the ACT tax payer to repair.

“Within our urban forest, increased species diversity helps protect against possible pest and diseases through greater genetic variation, offers increased value through differences in colour and form and provides functional benefits such as winter and summer shade. Native trees are also an important ecological resource for local wildlife. Whilst TCCS regularly reviews species selected for planting in the urban environment, TCCS does not remove mature, healthy trees that are no longer on the current planting lists.”

Whilst I thank you Minister for a generalised statement on urban forests it is not helpful nor relevant to the matters and concerns raised in my emails to your office on 18 February 2020 and 9 March 2020. For example, the ACT Government street tree is planted on the east of ours and our neighbours home so the tree, which I am sure you are aware is not deciduous and does not lose its leaves in autumn and winter, actually impedes on winter sun heating our homes. In summer, the tree provides minimal summer shade in the morning and no shade in the afternoon and evening. This therefore forces use and our neighbours to use gas heating and air conditioning to heat and cool our homes.

With regards to your statement the ACT Government does not remove mature and healthy trees; this is grossly incorrect. The ACT Government removed hundreds of established healthy street trees, despite concerns raised by the community, to make way for light rail because these trees were an obstacle to ACT Government urban planning and development.

The ACT Government has a duty of care to ensure dangerous and invasive street trees, like that at ■■■ Grigg Place, are removed when they present a hazard, danger and liability to the health and safety of the public and community and to essential services infrastructure.

“While I acknowledge the inconvenience that leaf litter and branches is creating, this alone is not considered to be a reason to remove the tree near your home. The ACT Government needs to balance the benefits that trees provide to the community with problems that may be associated with their present within the urban area.”

At no stage in my emails to your office Minister have I requested the ACT Government street tree be removed because of the inconvenience of leaf and

branch litter, rather, I clearly stated that the street tree should be removed because it represents an ongoing risk to public and community health and an ongoing risk to essential services infrastructure.

Again, the ACT Government has a duty of care to ensure dangerous and invasive trees like that at [REDACTED] Grigg Place are removed.

Minister, whilst your correspondence includes general statements about trees overall it does not seem to address the specific risks of this ACT Government street tree, so I will draw your attention to them:

- Large branches falling on houses, cars, and/or people which presents a risk to public health and safety.
- Leaf and branch litter falling into the street and entering the storm water system which creates water pollution and represents a financial liability to the ACT Government to remediate as well as generally being bad for the ecosystem.
- Leaf and branch litter falling into the street and onto our driveways that creates a slip and trip hazard. This is particularly risky for [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
Slipping, tripping and falling as a result of the leaf and branch litter in the street and our driveway from an ACT Government street tree represents a very real risk with higher likelihood and consequences for my fiancé than it would another person [REDACTED]. My fiancé and I consider this to be an unacceptable risk.

- Tree falling over in heavy winds or storms presents a risk to falling on homes, cars and/or people.
- Further damage to essential services infrastructure of water, gas and sewerage. Utilities providers cannot provide reasonable assurance that services won't be impacted by the street tree, which again the tree has a documented history of problems.

Further cost liability to the ACT Government to again repair roads, gutters and public property as a result of its problematic root system.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson. Failing to remove the street tree means the ACT Government accepts the risks and consequences to public health and safety of the community and services infrastructure.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED], or indeed I encourage you to visit our home for tea and coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED] >
Sent: Tuesday, 10 March 2020 1:32 PM
To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>;
lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>
Cc: [REDACTED]; [REDACTED]@gmail.com
[REDACTED]@gmail.com>
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Tom,

Thank you for your email and for speaking with me on the telephone just now.

As discussed you were unable to provide a specific timeframe in which a formal reply will be issued from the Minister and were not able to confirm whether the inquiries made about the tree included consultation with ICON Water. It was advised that no formal response or recommendation has been received by the Minister from the representatives appointed to examine the matter and the tree. Thank you for confirming the Minister has my email from 21:47 on Monday 9 March 2020 which raises concerns the ACT Government and its appointed representative do not take the matter and the tree removal seriously.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>
Sent: Tuesday, 10 March 2020 1:17 PM
To: [REDACTED]
Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon,

Thank you for your email. The Minister is still waiting on some final information needed for his

response.

Sometimes this can take some time and I apologies for the delay.

Thank you for your patience.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]
Sent: Monday, 9 March 2020 9:47 PM
To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>;
LAWDER <LAWDER@parliament.act.gov.au>
Cc: [REDACTED] <[REDACTED]@gmail.com>
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices regarding my email correspondence on 18 February 2020 because I have not receive any further communication or correspondence from your offices on the matter. Further, I have taken the opportunity to include the Shadow Minister for Urban Services in this email correspondence.

Recently I spoke with my neighbours who advised a representative from the ACT Government ('the representative') attended to examine the street tree at [REDACTED] Grigg Place ('the tree'). From these discussions I was advised the representative was not interested in the matter and stated "the tree won't get removed so there's no point trying" and "I'll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it".

I must say that it is very disappointing to hear a representative of the ACT Government having such an attitude and does not take the matter seriously particularly given the tree is the responsibility of the ACT Government and a liability to public safety as well as the

essential water and sewage infrastructure.

ICON Water have just undertaken major capital works to replace the sewage infrastructure in Grigg Place and Twamley Crescent. When I spoke with the Project Manager from ICON Water it was advised these works were undertaken because of street trees in Grigg Place and Twamley Crescent, including the tree mentioned in this correspondence, have invaded the sewage system. Further, ICON Water cannot, with absolute assurance, confirm the replacement sewage infrastructure will not be invaded by the tree at either the street level or where the house sewage lines connect to the street. ICON Water also advised the ACT Government is often "difficult" and "unwilling" to remove invasive street trees.

Aside from my disappointment at the attitude of the ACT Government representative, I am disappointed by the inconsistent approach of the ACT Government when it comes to street tree removal. Take the light rail down Northborne Avenue, the ACT Government removed hundreds of street trees, some dead or dying, but many that were indeed healthy; nonetheless the ACT Government removed them because they presented an obstacle to government policy. Yet here is a tree that should be removed because it is a risk and presents an ongoing liability to public safety and yet the ACT Government wants to do nothing.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson.

I look forward in hearing a response from you at your earliest convenience.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Tuesday, 18 February 2020 9:27 AM

To: [REDACTED]

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Morning [REDACTED]

Thank you for your email.

I have brought this to the attention of Minister Steel who will be responding.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED] >

Sent: Tuesday, 18 February 2020 9:05 AM

To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; STEEL <STEEL@act.gov.au>

Cc: [REDACTED] <[REDACTED]@gmail.com>

Subject: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices requesting the ACT Government remove the dangerous, overgrown and invasive Eucalyptus tree ('the tree') at [REDACTED] Grigg Place, Richardson. The tree is an ACT Government street tree.

My fiancé and I are the residents and owners at [REDACTED] Grigg Place, Richardson. Our neighbours at number [REDACTED] and I have discussed the tree and are supportive of our request to the ACT Government for its removal and share the concerns we have with regard to the tree.

Our neighbours advised they have previously complained to the ACT Government about the tree because its highly invasive root system caused damage to the driveways of both [REDACTED] and [REDACTED] Grigg Place and required, at the tax payers expense, replacement of concrete aprons and part of the driveways because of the extensive damage which represented a risk to public safety.

According to our neighbours, the ACT Government acknowledged this species of Eucalyptus tree is no longer planted in urban areas because it is invasive, known to be problematic with its root system lifting concrete and invading sewage systems, and associated risks due to its nature of dropping limbs and leaves. However, our neighbours advised the ACT Government refused to remove the tree even though our neighbours offered to plant several deciduous trees in its place.

The reasons we are requesting the ACT Government remove the tree are as follows:

- Risk to public health and safety as the tree is constantly dropping branches and leaves in either the street or on our yard.
 - We are concerned that the tree will drop larger branches on us, our cars; or in a

storm or heavy winds the tree falls over and potentially on either our home or our neighbours home.

- The constantly falling leaves and branches represent a trip and slip hazard that could result in minor or indeed major injury.
- Tree leaves and limbs clogging storm water drains.
 - As discussed in the previous bullet point, the tree consistently drops leaves and branches, many of these fall onto the road and wind up in the gutters which leads to pollution of the stormwater system. Pollution of the stormwater is a risk to the ACT Government and represents a cost burden to ACT residents as well as the overall environmental impacts attributed to polluted stormwater.
- Root system has invaded sewage system and caused severe damage which is currently being remediated by ICON Water (see attached).
 - On 17 February, a subcontractor for ICON Water marking our driveway and land with spray paint for the utility services advised remediation of the sewage system was going to occur because of invasive root systems caused by ACT Government street trees at [REDACTED] Grigg Place and potentially [REDACTED] Grigg Place. The subcontractor advised parts of the system would be replaced and a 'riser' installed on our side of the boundary so in future ICON Water can attribute to which side of the boundary any sewage system blockages are, either the ACT Government or the homeowner.
 - My fiancé and I fear this problematic and invasive tree will continue to invade the sewage system and should it do so from our side of the boundary that ICON Water/the ACT Government use this as an excuse to either on-cost sewage remediation works or state it is a private matter and therefore our expense to incur through a private plumber.

We acknowledge the importance of trees to the environment. However, the tree itself is not unique in terms of its landscape and aesthetic value; it is a common form of Eucalyptus tree. The tree does not contribute significantly to the surrounding landscape. The tree does not represent an outstanding example of its species. The tree is not an exceptional example that reached maturity prior to urban development in Richardson; rather it was planted in Richardson after the suburb was gazetted and built. Further, the fact the ACT Government no longer plants this species of Eucalyptus tree as a street tree because of the risks to public safety and invasion of the sewage system further supports why the tree should be removed.

Should you have any questions or queries please don't hesitate in contacting me on [REDACTED]

I look forward in hearing from you at your earliest convenience.

Kind Regards,

[REDACTED]

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

Photographs of the dangerous, ACT Government street tree at [REDACTED] Grigg Place showing disease and evidence of dieback in the branches and on the bark:









Photographs of the rain/storm water pollution created by the dangerous ACT Government street tree at [REDACTED] Grigg Place:

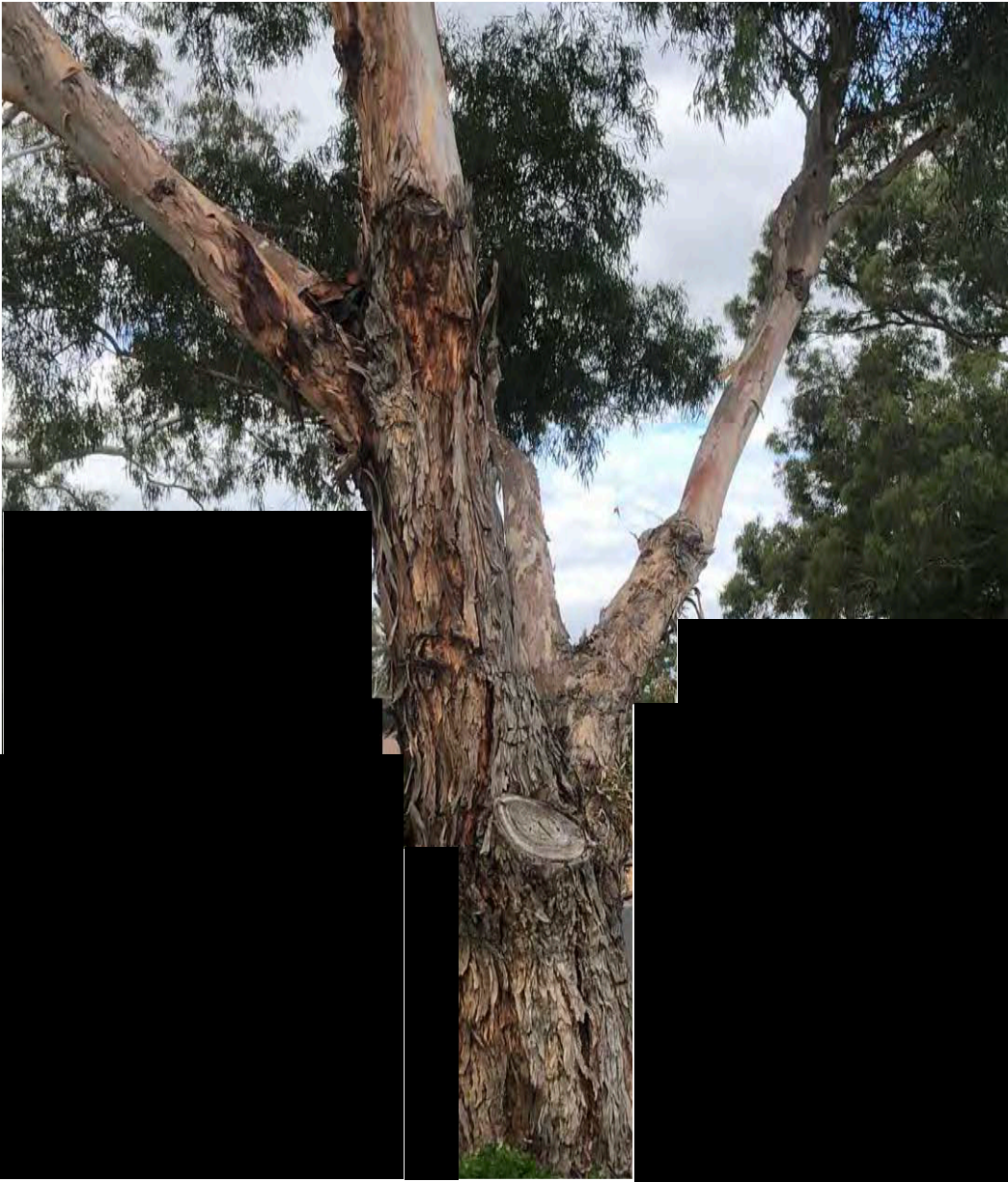




Photographs of the dangerous, ACT Government street tree at [REDACTED] Grigg Place showing disease and evidence of dieback in the branches and on the bark:







Photographs of the rain/storm water pollution created by the dangerous ACT Government street tree at [REDACTED] Grigg Place:





Fenning, Sheldon

From: STEEL
Sent: Friday, 29 May 2020 4:44 PM
To: TCCS_Ministerial
Cc: TCCS_DLO
Subject: MINISTERIAL REQUEST: Todd Lynch 'Eucalyptus street tree at [REDACTED] Grigg Place, Richardson'
Attachments: 2020.05.28 Response from Minister Steel regarding tree at [REDACTED] Grigg Place_EO.pdf; 2020.04.20 Nicole Lawder MLA representation to Minister Steel_EO.pdf; 2020.03.17 Response from Minister Steel regarding tree at [REDACTED] Grigg Place_EO.pdf; TCCS - Trees on public land .pdf

Categories: Mark

Hi MACS,

Please find attached the details of a TCCS issue raised by a constituent [REDACTED]

I would appreciate if you could please provide us with another Ministerial response regarding this issue.

Constituent Details:

[REDACTED]

Kind regards,
Dom Hale
Office Manager to Chris Steel MLA
Member for Murrumbidgee
Minister for City Services
Minister for Multicultural Affairs
Minister for Recycling and Waste Reduction
Minister for Roads and Active Travel
Minister for Transport
ACT Legislative Assembly
GPO Box 1020, CANBERRA, ACT 2601 Australia
E. Dominic.Hale@act.gov.au | T. (02) 6205 1470
www.chrissteel.com.au

From: [REDACTED]
Sent: Thursday, 28 May 2020 11:13 PM
To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>; BARR Reception <BARR@act.gov.au>; COE <COE@parliament.act.gov.au>
Cc: [REDACTED]@gmail.com; [REDACTED]
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Evening Minister Steel,

Thank you for the correspondence from your office received today, Thursday 28 May at 10:39AM in relation to my formal response to your correspondence from Wednesday 18 March regarding my original request on 18 February to have a dangerous ACT Government street tree (the dangerous tree) removed at [REDACTED] Grigg Place in Richardson.

The correspondence received today does not address any of the points I raised in my email reply to your office on Monday 23 March regarding your response on 18 March. I find the overall handling of this matter by you, the responsible Minister, to be unsatisfactory and disappointing. Therefore, I have included the Chief Minister and Opposition Leader into this correspondence. Further, I have continued to include my local member, Ms Nicole Lawder in correspondence relating to this matter.

For the record, my local member, Ms Lawder and her office have demonstrated exemplary conduct in their communication with me on this matter. I thank Ms Lawder and her staff for taking the matter seriously. Also, I understand Ms Lawder's office personally wrote to you on 20 April regarding the matter.

Minister Steel, your correspondence today states:

"I have been advised that the tree outside [REDACTED] Grigg Place Richardson was inspected again on 7 May 2020 in response to your correspondence. The tree has been assessed as being in good health with good structure. During the tree inspection it was determined that this tree does not present any indicators that it poses an unacceptable risk to you or the community"

Today, at 07:32AM, a Mr Brent Schwartzkoff attended my home and spoke with me, my fiancé and two of our neighbours at [REDACTED] Grigg Place regarding the dangerous tree only because I lodged an Access Canberra 'Fix My Street Request' (Reference 200426-000436). Mr Schwartzkoff advised he is an arborist and that the people you speak of who inspected the tree on 7 May were in fact not qualified arborists at all, rather they are "guys at the depot, they're not technical officers". What concerned me, my fiancé and our two neighbours was Mr Schwartzkoff, an ACT Government arborist, was not actually aware of the Transport Canberra and City Services (TCCS) policy and framework on removal of street trees; in fact, we had to educate him on the TCCS policy and framework by referring him to the website and advising the policy and framework states dangerous trees are removed when:

- they are dead, damaged or in irreversible decline;
- they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
- they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.
- the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;
- they were designated as temporary in the original landscape design and have reached the end of their intended life span.

The dangerous tree satisfies the ACT Government's own TCCS policy and framework (attached for your reference and highlighted) for removal and yet you, your office and the ACT Government continue to do nothing about the matter, nor have we been provided evidence as to how a determination was made against the framework. Both you and ACT Government have focussed solely on the health of the dangerous tree based solely on a visible inspection only and not upon totality of the facts such as the documented history of issues this dangerous tree has caused nor conducted any formal risk assessment on the matter. Then you, your office and the ACT Government seem to selectively ignore the remainder of the framework though on matters, such as building the ACT light rail, utilise the framework and policy to proceed with government agenda. Highlighting this to you is not because I am in favour or against the ACT light rail, rather it is to highlight how you as Minister, your office and the ACT Government lose credibility and the community loses faith, trust and confidence. Additionally, such behaviours are not, in my professional opinion, reflective of good management nor good leadership.

Additionally, of equal concern, Mr Schwartzkoff, did not know what species of eucalyptus tree the dangerous tree is, rather he asked me, my fiancé and our neighbours to tell him. If an ACT Government arborist does not know what species the dangerous tree is, there is no possible way that on visual inspection alone they can make an objective, impartial and reasonable assessment on the tree, its health nor conduct a risk assessment and apply that against the TCCS policy and framework.

"Whilst I am sympathetic to your concerns, removal of the tree is not considered to be an acceptable management option at this stage. As mentioned in my previous correspondence with you, TCCS arborists will continue to monitor the condition of the trees".

As stated above, Minister Steel, removal of the dangerous tree is an acceptable option as outlined in the TCCS policy and framework on street tree removal. Continuing to monitor one dangerous tree with a known and documented history of issues eliminates the current and future risk and liability to public safety, private property and essential services infrastructure. Additionally the removal of this dangerous tree provides necessary work for businesses during this COVID time and affords the ACT Government the opportunity to plant multiple new trees in its place in consultation with our neighbours, my fiancé and I. We are in full agreement that we want to see the tree replaced with several deciduous trees more suited for urban development that are not an inherent risk to public safety, private property and essential services infrastructure.

My fiancé and I have little faith and trust in you, your office and the current ACT Government on the handling of this and other dangerous street trees so we felt it prudent to produce a written summary of today's interaction with Mr Schwartzkoff for both your records and for me to affix to the 'Fix My Street' request. Here is a formal copy of the this written summary:

The following is a summary of discussions with the occupants from [REDACTED] and [REDACTED] Grigg Place (the occupants) and Mr Schwartzkoff in regard to the dangerous ACT Government street tree (the dangerous tree):

- Mr Schwartzkoff advised the dangerous tree is an ACT Government street tree and under the custody and liability of the ACT Government.
- Mr Schwartzkoff confirmed the dangerous tree is not a tree covered under the *Tree Protection Act 2005* and therefore it's removal can performed without restrictions of trees covered by the Act.
- Mr Schwartzkoff stated previous inspections of the tree by the ACT Government in 2020 were "by the guys at the depot, they're not the technical officers, I am, that's my job".
- The occupants at [REDACTED] Grigg Place showed Mr Schwartzkoff photographs of [REDACTED] Grigg Place when it was under construction in 1983 that confirmed the dangerous tree was not a part of the original property or suburb prior to urban development.
- The occupants at [REDACTED] Grigg Place showed Mr Schwartzkoff photographs of [REDACTED] Grigg Place from 1986 which showed the residence was completed and the dangerous tree was then quite small, approximately 2m in height. Additionally the occupants at [REDACTED] Grigg Place advised Mr Schwartzkoff of the history of the dangerous tree in the past and it's invasive root system in particular had caused significant damage to both [REDACTED] and [REDACTED] Grigg Place over the years, including root cracked driveway refurbishments on both properties' council land and sewerage works refurbishment carried out by Icon Water on blocked, damaged and invaded pipes during March this year.
- Mr Schwartzkoff asked the occupants did we know what species of eucalyptus tree the dangerous street tree was. All occupants stated they were unsure and highlighted that Mr Schwartzkoff, as a qualified arborist, should be more qualified to know what species the dangerous street tree was.
- The occupants asked Mr Schwartzkoff on at least four occasions, if he was unsure of what species the dangerous tree was, how he could make a thorough, independent and comprehensive assessment regarding its removal or retention when a visual assessment on its own meant he

could not identify the risks factors of this dangerous tree and its likely behaviours. Mr Schwartzkoff did not answer the question each time it was asked.

- Mr Schwartzkoff stated words to the effect that he owned rural land near Queanbeyan in New South Wales and that he would like to know what the species of the dangerous tree was so he could plant some on his rural land; though Mr Schwartzkoff conceded “the tree is not suitable for urban settings”.
- The occupants advised Mr Schwartzkoff that previous ACT arborists involved in number of complaints to the ACT Government in relation to the dangerous tree, advised this species of tree is no longer planted by the ACT Government because it is known to: drop large limbs which present a threat to public safety by falling on people, roads, cars and/or property; the root system is known to be highly insidious and invasive by way of seeking nutrients from water and sewage infrastructure; root system damages underground gas, water and sewage infrastructure as well as public foot paths and private property, such as on this street, Grigg Place, where recent sewer pipe replacement took place largely due to it’s population of eucalyptus trees directly above the sewerage system pipes.
- The occupants advised Mr Schwartzkoff that the dangerous tree had made planting other trees and plants in their garden impossible as it destroyed all nutrients in the soil and took all available water. Mr Schwartzkoff confirmed that was a risk of eucalyptus trees in urban areas in that they created little prospect for other trees and plants to grow.
- Mr Schwartzkoff asked all occupants what they wanted to happen with the dangerous tree; it was a unanimous agreement that the dangerous street tree be removed because of it’s decline, risk to public safety, private property, traffic and water, gas and sewage infrastructure.
- Mr Schwartzkoff asked the occupants at [REDACTED] Grigg Place what they would do if the tree be removed. The occupants advised Mr Schwartzkoff they wanted to have deciduous trees planted as replacements to ensure there is no loss of trees to the environment but to ensure that selection of the replacement trees are safe and suited to urban settings without threat or risk to safety, private property, traffic and water, gas and sewage infrastructure.
- Mr Schwartzkoff, despite not knowing the species of tree the dangerous street tree is, stated it looked “kind of healthy” by way of a visual inspection and that it’s removal “would be on compassionate grounds”. When asked what compassionate grounds meant, Mr Schwartzkoff refused to provide a definition.
- When asked why Mr Schwartzkoff said removal would be “on compassionate grounds” rather than ACT Transport Canberra and City Services (TCCS) policy and framework on tree removal, Mr Schwartzkoff stated “I do not know what that policy is”.
- When asked why Mr Schwartzkoff did not know what TCCS policy and framework on tree removal was, Mr Schwartzkoff replied “I am new so I don’t know”.
- The occupants read to Mr Schwartzkoff the TCCS policy and framework by directly reading from the website and stated the dangerous tree met the criteria for removal because:
 - they are dead, damaged or in irreversible decline;
 - they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
 - they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.
 - the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;
 - they were designated as temporary in the original landscape design and have reached the end of their intended life span.
- After being read the TCCS policy and framework, Mr Schwartzkoff said “I don’t think it’s in irreversible decline”. The occupants reminded Mr Schwartzkoff he was unsure of the species the dangerous tree is, and therefore cannot without such knowledge make a definitive assessment of whether it is in irreversible decline or not.

- The occupants advised Mr Schwartzkoff that regardless of the differing views on whether the tree was in irreversible decline, the tree met all other TCCS policy and framework to warrant removal. Mr Schwartzkoff replied “that’s outside of my pay scale to make a determination on that and need to build a business case with my manager who is paid more than me to make those decisions”.
- On at least three occasions Mr Schwartzkoff stated the decision on the tree removal was “outside my pay scale”.
- Mr Schwartzkoff was provided with all copies of correspondence from occupants at [REDACTED] Grigg Place to the ACT Government and Minister Steel since February 2020 on the dangerous street tree. The occupants also provided Mr Schwartzkoff with a copy of the TCCS website and highlighted the tree removal sections. Mr Schwartzkoff said he would “give this to my manager at some point tonight when I’m back in the depot”.
- Mr Schwartzkoff complained to the occupants that his day “is filled by people complaining about trees and if they all got their way the ACT would be without any public trees”. Mr Schwartzkoff was told by the occupants that such a statement was not helpful and that they could not provide comment on other complaints though expected him to consider the merits of the dangerous tree at [REDACTED] Grigg Place, and apply the TCCS framework to this dangerous tree rather than make superfluous statements which were clearly formed by a mindset and cognitive bias towards a greater scale and repetition of duties rather than applying well reasoned due diligence to the circumstances of this individual case.
- The occupants at both [REDACTED] and [REDACTED] Grigg Place showed Mr Schwartzkoff where the invasive root system of the dangerous tree was causing further damage to property, particularly the driveways. Mr Schwartzkoff advised the occupants this damage was on private property, particularly the driveways, was on private property and they needed to lodge claims to the ACT Government and sign an indemnity waivers on future liability though the ACT Government would seek to use age of the property to reduce what was paid in repairs. The occupants disagreed with Mr Schwartzkoff that damage caused by a dangerous tree arises, particularly a known and well documented dangerous tree, could be used to rationalise avoiding payment of damages and acceptance of liability when the most appropriate circumstances is to follow TCCS policy and framework and remove the tree which would negate any future liability. Mr Schwartzkoff was dismissive and tried to rationalise the behaviour with “well look you would have to prove it’s the tree and roots, and these driveways are what, forty years old, so with traffic driving over them all that time there’s doubt”.
- The occupants at [REDACTED] Grigg Place advised Mr Schwartzkoff that one of the occupants had [REDACTED], [REDACTED] and that tripping on damaged driveway caused by the dangerous root system, or slipping or tripping on its falling branches or leaves, would result in severe health consequences. Mr Schwartzkoff dismissed this with “well he could trip on anything”.
- When corrected to the ACT Government having a duty of care and cannot avoid acting on an identified risk, Mr Schwartzkoff stated he felt the risk was “minimal”. An occupant of [REDACTED] Grigg Place advised Mr Schwartzkoff that they were tertiary qualified in risk advisory and it was in fact their professional employment and that Mr Schwartzkoff ought to present an ACT Government risk assessment on the dangerous tree, Mr Schwartzkoff advised no risk assessment had been performed rather it was his “personal opinion”.
- When asked why the ACT Government was ignoring its own policy on TCCS tree removal on this dangerous tree, Mr Schwartzkoff made an irrelevant and generalised statement that he had recently attended a property in Braddon, “owned by a woman in her 80’s who had the leaves blocking her roof and gutter” and that he “didn’t want her on a ladder trying to clear the gutters herself in case she fell off and injured herself”. Mr Schwartzkoff then proudly told the occupants he “arranged ACT government services to go and clean the gutters and leaves”, the occupants asked was this paid for by the taxpayer by way of the ACT Government, Mr Schwartzkoff confirmed yes, the tax payers wore expenses for leave litter removal on a private dwelling behind

the boundary. When asked how that is fair and reasonable and relevant to the dangerous tree at [REDACTED] Grigg Place, Mr Schwartzkoff could not answer but made a generalised statement that the occupants “appeared to be in good health and capable of cleaning up leaf litter”.

- The occupants asked Mr Schwartzkoff what the next steps were and his advice was “I will speak with my manager”.
- When Mr Schwartzkoff was asked how long it would take to be advised on the outcome, Mr Schwartzkoff was highly evasive in his response though eventually made an undertaking of 7 days.
- When asked Mr Schwartzkoff what his recommendation to his manager would be on the dangerous tree, he was highly evasive and would only say “I will present the paperwork you gave me to build a business case”.
- The occupants perception of Mr Schwartzkoff was one of indifference, in tone and manner, providing a feeling that responding to complainants regarding dangerous trees as a qualified arborist were his routine duties; there was a lack of care and consideration for how this situation needs to be treated uniquely and on it’s merits.

I look forward in hearing a response from you at your earliest convenience and I again, welcome a telephone call on [REDACTED] and again, encourage you to visit our home for tea and/or coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 7 April 2020 3:40 PM

To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>; lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>

Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; [REDACTED]

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

I am writing to your office as I have not received a follow-up to my email from Monday 23 March 2020 or at the very least, I have not even a confirmation from your office that you have received my email.

The impression that my fiancé and I have gained is that your office does not take the dangerous ACT Government street tree seriously nor the the risks to personal and community safety and to essential services infrastructure. We are very disappointed in the handling of this matter by your office.

For your records, attached is photographs of the dangerous ACT Government street tree at [REDACTED] Grigg Place Richardson which shows the tree still has dieback in branches and its bark. Also, there are photographs of the tree's leaf and bark litter that are clogging the storm water drains in Grigg Place.

Again, we are requesting the dangerous ACT Government street tree at [REDACTED] Grigg Place Richardson be removed which would eliminate the risks entirely.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED], or again, we extend the offer and encourage you to visit our home for tea and coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]
Sent: Monday, 23 March 2020 12:03 PM
To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>; lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>
Cc: [REDACTED]@gmail.com [REDACTED]@gmail.com; [REDACTED]
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

Thank you for the correspondence from your office received via email on Wednesday 18 March 2020 at 09:16.

However, overall I am not satisfied with the handling of the matter from your office and the correspondence provided is not of assistance. The correspondence has numerous discrepancies that I would like to bring to your attention and correct.

“Thank you for your email of 18 February 2020 regarding the eucalyptus tree out the front of your property.”

As clearly articulated in my email on 18 February 2020, the tree is located at [REDACTED] Grigg Place Richardson, my fiancé and I reside at [REDACTED] Grigg Place Richardson. We are impacted by the tree, which has a highly invasive root system that previously caused damage to our driveway and are impacted by the tree dropping limbs, branches and leaves on our property, cars and land. Additionally we are concerned the tree may fall on our home, cars and/or us given its size. We are also concerned about the ongoing risks of damage to essential services infrastructure.

Our request to your office is done so with the support of our neighbours at [REDACTED] Grigg Place who raised similar concerns with the ACT Government a number of years ago.

“We are fortunate to live in a city which has over 766,000 public trees throughout our streets and parks. Trees provide many including shading in summer, wind amelioration, improved air quality, reduced water runoff, habitat for wildlife, urban amenity and increased property values.”

As clearly articulated in my email on 18 February 2020, my fiancé and I acknowledge the importance of trees to the environment. However I also stated this particular tree was causing environmental damage by way of limb, branch and leaf litter that was entering the storm water system creating pollution.

Additionally, in my email on 18 February 2020, it was stated that our neighbours at [REDACTED] Grigg Place have previously requested the ACT Government remove this dangerous tree and offered to plant several deciduous trees in its place. Therefore, the removal of this tree would be offset by gains in planting a higher number of trees which would be of even more benefit.

Regarding your statement of “increased property values” I am interested in how this statement was quantified or if it is merely speculation. Regardless, it is not helpful because neither myself and fiancé or our neighbours are intending on selling our homes, further property values are subjected to many economic factors and market variables.

“Icon Water has advised that the infrastructure along your street will be upgraded to replace the sewer line. Tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself. There should therefore not be any further issues with the sewer line once the infrastructure upgrade has been completed.”

As part of the upgrades to the sewerage system in Grigg Place, I have personally been in contact with the Project Engineer responsible for overseeing the work. I have written correspondence with the Project Engineer which does not state “tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself”; rather it states it is more difficult for tree roots to invade the new sewerage line from the street though cannot provide absolute assurance of this. Discussions with the Project Engineer include how the ACT Government is often “difficult” and “unwilling” to remove invasive street trees, such as the one at [REDACTED] Grigg Place that has a document history of problems, despite the costs of replacing essential infrastructure far exceeding the costs of removing the tree.

Further advice from Icon Water does not state whether or not the tree roots from the street tree can invade the sewerage system from where the house line connects to the street system at the join. Part of the concerns raised in my email to your office on 18 February 2020 specifically highlighted our fears that the street tree will invade the sewerage system from our side of the boundary, and either the ACT Government and/or Icon Water will seek to shift costs to us as it falls on our side of the boundary. Your correspondence does not acknowledge nor address these concerns. My fiancé and I planted species of deciduous trees on our side of the boundary which do not enter sewerage systems, in fact we chose these species of tree for this exact reason. Therefore we can say with absolute certainty that if tree roots are located in the sewerage system on our side of the boundary, it is absolutely not attributed to trees on our land and we will not accept liability for costs should this risk be realised.

Icon Water stated the only way to guarantee and provide assurance the ACT Government street tree at [REDACTED] Grigg Place, which has a known and reported history of invading the sewerage system, would not invade the upgraded system would be to remove the tree.

“I have been advised that a representative from Transport Canberra and City Services (TCCS) inspected the tree on 26 February 2020. The tree assessment determined that the eucalyptus tree is sound and healthy and does not warrant removal. Whilst I am sympathetic to the problems that you have raised removal of the trees is not considered to be an acceptable management option at this stage. I have asked that TCCS arborists continue to monitor the condition of the tree and make recommendations if the condition deteriorates.”

It was stated earlier in your correspondence that the ACT Government has over 766,000 public trees, therefore I ask how is reasonably possible for TCCS arborists to continue ongoing monitoring of the condition of one dangerous street? Additionally, I ask you Minister, how is it an efficient and effective use of TCCS resources to monitor one dangerous tree when the issues and risks raised can be addressed by its removal?

Further, on 9 March 2020, I wrote a follow up email to your office raising concerns about the conduct of the representative(s) from the ACT Government who attended and inspected the tree, that they appeared to not be interested in the matter and stated words to the effect “the tree won’t get removed so there’s no point trying” and “I’ll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it”. Given this it is clear that any recommendation and assessment was certainly not carried out objectively or impartially.

ACT Government representatives attended on 16 March 2020 and performed minor trimming of the tree branches before dropping and dumping the branches on the ground of our neighbours property, in the street and on our driveway which created a slip and trip hazard.

My fiancé and I, and our neighbours at [REDACTED] Grigg Place, vehemently disagree with the ACT Government assessment that the tree should remain given the visible dieback that remains, and the ACT Government previously trimmed the tree a number of years ago at the time its invasive root system lifted the driveways at [REDACTED] and [REDACTED] Grigg Place resulting in a significant cost to the ACT tax payer to repair.

“Within our urban forest, increased species diversity helps protect against possible pest and diseases through greater genetic variation, offers increased value through differences in colour and form and provides functional benefits such as winter and summer shade. Native trees are also an important ecological resource for local wildlife. Whilst TCCS regularly reviews species selected for planting in the urban environment, TCCS does not remove mature, healthy trees that are no longer on the current planting lists.”

Whilst I thank you Minister for a generalised statement on urban forests it is not helpful nor relevant to the matters and concerns raised in my emails to your office on 18 February 2020 and 9 March 2020. For example, the ACT Government street tree is planted on the east of ours and our neighbours home so the tree, which I am sure you are aware is not deciduous and does not lose its leaves in autumn and winter, actually impedes on winter sun heating our homes. In summer, the tree provides minimal summer shade in the morning and no shade in the afternoon and evening. This therefore forces use and our neighbours to use gas heating and air conditioning to heat and cool our homes.

With regards to your statement the ACT Government does not remove mature and healthy trees; this is grossly incorrect. The ACT Government removed hundreds of established healthy street trees, despite concerns raised by the community, to make way for light rail because these trees were an obstacle to ACT Government urban planning and development.

The ACT Government has a duty of care to ensure dangerous and invasive street trees, like that at [REDACTED] Grigg Place, are removed when they present a hazard, danger and liability to the health and safety of the public and community and to essential services infrastructure.

“While I acknowledge the inconvenience that leaf litter and branches is creating, this alone is not considered to be a reason to remove the tree near your home. The ACT Government needs to balance the benefits that trees provide to the community with problems that may be associated with their present within the urban area.”

At no stage in my emails to your office Minister have I requested the ACT Government street tree be removed because of the inconvenience of leaf and branch litter, rather, I clearly stated that the street tree should be removed because it represents an ongoing risk to public and community health and an ongoing risk to essential services infrastructure.

Again, the ACT Government has a duty of care to ensure dangerous and invasive trees like that at [REDACTED] Grigg Place are removed.

Minister, whilst your correspondence includes general statements about trees overall it does not seem to address the specific risks of this ACT Government street tree, so I will draw your attention to them:

- Large branches falling on houses, cars, and/or people which presents a risk to public health and safety.
- Leaf and branch litter falling into the street and entering the storm water system which creates water pollution and represents a financial liability to the ACT Government to remediate as well as generally being bad for the ecosystem.
- Leaf and branch litter falling into the street and onto our driveways that creates a slip and trip hazard. This is particularly risky for [REDACTED]
[REDACTED] Slipping, tripping and falling as a result of the leaf and branch litter in the street and our driveway from an ACT Government street tree represents a very real risk with higher likelihood and consequences for my fiancé than it would another person [REDACTED]
[REDACTED] My fiancé and I consider this to be an unacceptable risk.
- Tree falling over in heavy winds or storms presents a risk to falling on homes, cars and/or people.
- Further damage to essential services infrastructure of water, gas and sewerage. Utilities providers cannot provide reasonable assurance that services won't be impacted by the street tree, which again the tree has a documented history of problems.

Further cost liability to the ACT Government to again repair roads, gutters and public property as a result of its problematic root system.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson. Failing to remove the street tree means the ACT Government accepts the risks and consequences to public health and safety of the community and services infrastructure.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED] or indeed I encourage you to visit our home for tea and coffee and to

inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 10 March 2020 1:32 PM
To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>;
lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>
Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Tom,

Thank you for your email and for speaking with me on the telephone just now.

As discussed you were unable to provide a specific timeframe in which a formal reply will be issued from the Minister and were not able to confirm whether the inquiries made about the tree included consultation with ICON Water. It was advised that no formal response or recommendation has been received by the Minister from the representatives appointed to examine the matter and the tree. Thank you for confirming the Minister has my email from 21:47 on Monday 9 March 2020 which raises concerns the ACT Government and its appointed representative do not take the matter and the tree removal seriously.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>
Sent: Tuesday, 10 March 2020 1:17 PM
To: [REDACTED]
Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon,

Thank you for your email. The Minister is still waiting on some final information needed for his response.

Sometimes this can take some time and I apologies for the delay.

Thank you for your patience.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]

Sent: Monday, 9 March 2020 9:47 PM

To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>

Cc: [REDACTED] <[REDACTED]@gmail.com>

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices regarding my email correspondence on 18 February 2020 because I have not receive any further communication or correspondence from your offices on the matter. Further, I have taken the opportunity to include the Shadow Minister for Urban Services in this email correspondence.

Recently I spoke with my neighbours who advised a representative from the ACT Government ('the representative') attended to examine the street tree at [REDACTED] Grigg Place ('the tree'). From these discussions I was advised the representative was not interested in the matter and stated "the tree won't get removed so there's no point trying" and "I'll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it".

I must say that it is very disappointing to hear a representative of the ACT Government having such an attitude and does not take the matter seriously particularly given the tree is the responsibility of the ACT Government and a liability to public safety as well as the essential water and sewage infrastructure.

ICON Water have just undertaken major capital works to replace the sewage infrastructure in Grigg Place and Twamley Crescent. When I spoke with the Project Manager from ICON Water it was advised these works were undertaken because of street trees in Grigg Place and Twamley Crescent, including the tree mentioned in this correspondence, have invaded the sewage system. Further, ICON Water cannot, with absolute assurance, confirm the replacement sewage infrastructure will not be invaded by the tree at either the street level or where the house sewage lines connect to the street. ICON Water also advised the ACT Government is often "difficult" and "unwilling" to remove invasive street trees.

Aside from my disappointment at the attitude of the ACT Government representative, I am disappointed by the inconsistent approach of the ACT Government when it comes to street tree removal. Take the light rail down Northborne Avenue, the ACT Government removed hundreds of street trees, some dead or dying, but many that were indeed healthy; nonetheless the ACT Government removed them because they presented an obstacle to government policy. Yet here is a tree that should be removed because it is a risk and presents an ongoing liability to public safety and yet the ACT Government wants to do nothing.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson.

I look forward in hearing a response from you at your earliest convenience.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Tuesday, 18 February 2020 9:27 AM

To: [REDACTED]

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Morning [REDACTED]

Thank you for your email.

I have brought this to the attention of Minister Steel who will be responding.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]
Sent: Tuesday, 18 February 2020 9:05 AM
To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; STEEL <STEEL@act.gov.au>
Cc: [REDACTED] <[REDACTED]@gmail.com>
Subject: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices requesting the ACT Government remove the dangerous, overgrown and invasive Eucalyptus tree ('the tree') at [REDACTED] Grigg Place, Richardson. The tree is an ACT Government street tree.

My fiancé and I are the residents and owners at [REDACTED] Grigg Place, Richardson. Our neighbours at number [REDACTED] and I have discussed the tree and are supportive of our request to the ACT Government for its removal and share the concerns we have with regard to the tree.

Our neighbours advised they have previously complained to the ACT Government about the tree because its highly invasive root system caused damage to the driveways of both [REDACTED] and [REDACTED] Grigg Place and required, at the tax payers expense, replacement of concrete aprons and part of the driveways because of the extensive damage which represented a risk to public safety.

According to our neighbours, the ACT Government acknowledged this species of Eucalyptus tree is no longer planted in urban areas because it is invasive, known to be problematic with its root system lifting concrete and invading sewage systems, and associated risks due to its nature of dropping limbs and leaves. However, our neighbours advised the ACT Government refused to remove the tree even though our neighbours offered to plant several deciduous trees in its place.

The reasons we are requesting the ACT Government remove the tree are as follows:

- Risk to public health and safety as the tree is constantly dropping branches and leaves in either the street or on our yard.
 - We are concerned that the tree will drop larger branches on us, our cars; or in a storm or heavy winds the tree falls over and potentially on either our home or our neighbours home.
 - The constantly falling leaves and branches represent a trip and slip hazard that could result in minor or indeed major injury.
- Tree leaves and limbs clogging storm water drains.

- As discussed in the previous bullet point, the tree consistently drops leaves and branches, many of these fall onto the road and wind up in the gutters which leads to pollution of the stormwater system. Pollution of the stormwater is a risk to the ACT Government and represents a cost burden to ACT residents as well as the overall environmental impacts attributed to polluted stormwater.
- Root system has invaded sewage system and caused severe damage which is currently being remediated by ICON Water (see attached).
 - On 17 February, a subcontractor for ICON Water marking our driveway and land with spray paint for the utility services advised remediation of the sewage system was going to occur because of invasive root systems caused by ACT Government street trees at [REDACTED] Grigg Place and potentially [REDACTED] Grigg Place. The subcontractor advised parts of the system would be replaced and a 'riser' installed on our side of the boundary so in future ICON Water can attribute to which side of the boundary any sewage system blockages are, either the ACT Government or the homeowner.
 - My fiancé and I fear this problematic and invasive tree will continue to invade the sewage system and should it do so from our side of the boundary that ICON Water/the ACT Government use this as an excuse to either on-cost sewage remediation works or state it is a private matter and therefore our expense to incur through a private plumber.

We acknowledge the importance of trees to the environment. However, the tree itself is not unique in terms of its landscape and aesthetic value; it is a common form of Eucalyptus tree. The tree does not contribute significantly to the surrounding landscape. The tree does not represent an outstanding example of its species. The tree is not an exceptional example that reached maturity prior to urban development in Richardson; rather it was planted in Richardson after the suburb was gazetted and built. Further, the fact the ACT Government no longer plants this species of Eucalyptus tree as a street tree because of the risks to public safety and invasion of the sewage system further supports why the tree should be removed.

Should you have any questions or queries please don't hesitate in contacting me on [REDACTED].

I look forward in hearing from you at your earliest convenience.

Kind Regards,

[REDACTED]

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Chris Steel MLA

Minister for City Services
Minister for Multicultural Affairs
Minister for Recycling and Waste Reduction
Minister for Roads and Active Travel
Minister for Transport
Member for Murrumbidgee

Dear [REDACTED]

Thank you for your email of 18 February 2020 regarding the eucalyptus tree out the front of your property.

We are fortunate to live in a city which has over 766,000 public trees throughout our streets and parks. Trees provide many benefits including, shading in summer, wind amelioration, improved air quality, reduced water runoff, habitat for wildlife, urban amenity and increased property values.

Icon Water has advised that the infrastructure along your street will be upgraded to replace the sewer line. Tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself. There should therefore not be any further issues with the sewer line once the infrastructure upgrade has been completed.

I have been advised that a representative from Transport Canberra and City Services (TCCS) inspected the tree on 26 February 2020. The tree assessment determined that the eucalyptus tree is sound and healthy and does not warrant removal. Whilst I am sympathetic to the problems that you have raised, removal of the trees is not considered to be an acceptable management option at this stage. I have asked that TCCS arborists continue to monitor the condition of the tree and make recommendations if the condition deteriorates.

Within our urban forest, increased species diversity helps protect against possible pest and diseases through greater genetic variation, offers increased aesthetic value through differences in colour and form and provides functional benefits such as winter sun and summer shade. Native trees are also an important ecological resource for local wildlife. Whilst TCCS regularly reviews species selected for planting in the urban environment, TCCS does not remove mature, healthy trees that are no longer on current planting lists.

While I acknowledge the inconvenience that leaf litter and branches is creating, this alone is not considered to be a reason to remove the tree near your home. The ACT Government needs to balance the benefits that trees provide to the community with problems that may be associated with their presence within the urban area.

Thank you for raising this matter. I trust this information is of assistance.

Yours sincerely

Chris Steel MLA
Minister for City Services

17 MAR 2020

ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 1470 Email steel@act.gov.au



@ChrisSteelMLA



chrissteellabor



chrissteelmla



Correspondence from Minister Steel

STEEL <STEEL@act.gov.au>

Wed 18/03/2020 9:16 AM

To: [REDACTED]

1 attachments (80 KB)

17032020175450.pdf;

Good Afternoon,

Please see the attached letter from Chris Steel MLA – Minister for Transport and City Services.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for City Services

Minister for Multicultural Affairs

Minister for Recycling and Waste Reduction

Minister for Roads and Active Travel

Minister for Transport

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E. Thomas.McKernan@act.gov.au

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Nicole
LAWDER MLA
Deputy Leader of the Opposition



[REDACTED]
Grigg Pl
RICHARDSON ACT 2905

Dear [REDACTED]

Thank you for taking the time to contact me regarding your efforts to get the Eucalyptus tree at [REDACTED] Grigg Place Richardson removed.

I have written a letter to the Minister for City Services about this issue on your behalf. Please see **enclosed** a copy of that letter.

As the Shadow Minister for Urban Services and your local member I am always happy to pass on your concerns and make requests on your behalf. Thank you for speaking up for our community.

Once again, thank you most sincerely for contacting me with your concerns. If I can be of further assistance in the future, don't hesitate to contact me.

Kind regards,

'Per''

Nicole Lawder MLA
20 April 2020



Nicole Lawder MLA

Liberal Member for Brindabella - Australian Capital Territory
Deputy Leader of the Opposition
Shadow Minister for Urban Services, Seniors and Heritage

Chris Steel MLA
Minister for City Services
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Minister,

I write to make representations on behalf of a constituent in relation to the removal of a dangerous tree in Richardson.

I have been contacted by a constituent in Richardson who is concerned about a dangerous Eucalyptus tree at [REDACTED] Grigg Place Richardson. He has specifically asked me to raise this matter with you as his efforts to reach a satisfactory resolution through other means have not been successful.

According to my constituent he has been touch with your office, TCCS and other parties, but he is yet to get a helpful response. Earlier this year the tree was trimmed, which has not solved the issue. My constituent believes that the tree is dangerous, causing the people of the nearby houses in the street to worry. He asks why trimming the tree and not just removing the tree takes place, when removing the tree costs less than the maintenance services.

I would appreciate if you could investigate these concerns and advise in due course of the government's position in relation to this matter.

Thank you for your assistance in relation to this matter. I look forward to your response.

Kind regards,

A handwritten signature in blue ink that reads "Nicole Lawder".

"Per"

Nicole Lawder MLA
20 April 2020



Minister for City Services
Minister for Multicultural Affairs
Minister for Recycling and Waste Reduction
Minister for Roads and Active Travel
Minister for Transport
Member for Murrumbidgee

[REDACTED]

Dear [REDACTED]

Thank you for your emails of 23 March and 7 April 2020 regarding the removal of a street tree located at [REDACTED] Grigg Place in Richardson. I apologise for the delay in responding.

I have been advised that the tree outside [REDACTED] Grigg Place Richardson was inspected again on 7 May 2020 in response to your correspondence. The tree has been assessed as being in good health with good structure. During the tree inspection it was determined that this street tree does not present any indicators that it poses an unacceptable risk to you or the community. Whilst I am sympathetic to your concerns, removal of the tree is not considered to be an acceptable management option at this stage. As mentioned in my previous correspondence with you, TCCS arborists will continue to monitor the condition of the trees.

Transport Canberra and City Services has a procedure regarding claims for tree root damage to sewer and stormwater. The claims procedure for tree root damage to sewer and stormwater can be found at https://www.cityservices.act.gov.au/_data/assets/pdf_file/0003/432048/Tree-Root-Damage-to-Sewer-and-Storm-water.pdf

Thank you for raising this matter. I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Chris Steel".

Chris Steel MLA
Minister for City Services
27 May 2020



Correspondence from Minister Steel

STEEL <STEEL@act.gov.au>

Thu 28/05/2020 10:39 AM

To: [REDACTED]

📎 1 attachments (281 KB)
S2020-3978.pdf;

Good Morning,

Please see the attached letter from Chris Steel MLA.

Kind regards,

Dom Hale

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for City Services

Minister for Multicultural Affairs

Minister for Recycling and Waste Reduction

Minister for Roads and Active Travel

Minister for Transport

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Dominic.Hale@act.gov.au T. (02) 6205 1470

[https://eur01.safelinks.protection.outlook.com/?](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.chrissteel.com.au%2F&data=02%7C01%7C%7Cda08c57b48ec403702bb08d8029f7b03%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637262231753397981&sdata=QjDR0VSjAMXQIMg5T%2BUJf%2FBhBGwllDZIZdCmm5k7aXM%3D&reserved=0)

[url=http%3A%2F%2Fwww.chrissteel.com.au%2F&data=02%7C01%7C%7Cda08c57b48ec403702bb08d8029f7b03%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637262231753397981&sdata=QjDR0VSjAMXQIMg5T%2BUJf%2FBhBGwllDZIZdCmm5k7aXM%3D&reserved=0](https://eur01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.chrissteel.com.au%2F&data=02%7C01%7C%7Cda08c57b48ec403702bb08d8029f7b03%7C84df9e7fe9f640afb435aaaaaaaaaaaa%7C1%7C0%7C637262231753397981&sdata=QjDR0VSjAMXQIMg5T%2BUJf%2FBhBGwllDZIZdCmm5k7aXM%3D&reserved=0)

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Public Health Emergency in the ACT

A Public Health Emergency has been declared in the ACT for the response to the COVID-19 pandemic. See the [COVID-19 website \(https://www.covid19.act.gov.au/\)](https://www.covid19.act.gov.au/) for more information.

<p>Home (https://www.cityservices.act.gov.au/home)</p>	<p>Infrastructure Projects (https://www.cityservices.act.gov.au/infrastructure-projects)</p>	<p>Roads and Paths (https://www.cityservices.act.gov.au/roads-and-paths)</p>
<p>Recycling and Waste (https://www.cityservices.act.gov.au/recycling-and-waste)</p>	<p>City Living (https://www.cityservices.act.gov.au/city-living)</p>	<p>Trees and Nature (https://www.cityservices.act.gov.au/trees-and-nature)</p>
<p>Pets and Wildlife (https://www.cityservices.act.gov.au/pets-and-wildlife)</p>	<p>Plan and Build (https://www.cityservices.act.gov.au/plan-and-build)</p>	<p>Territory Services (https://www.cityservices.act.gov.au/territory-services)</p>
<p>Transport Canberra (https://www.cityservices.act.gov.au/transport-canberra)</p>		

- Home (/)
- Trees and Nature ([https://www.cityservices.act.gov.au/trees and nature](https://www.cityservices.act.gov.au/trees-and-nature))
- Trees ([https://www.cityservices.act.gov.au/trees and nature/trees](https://www.cityservices.act.gov.au/trees-and-nature/trees))
- Trees on public land

Trees on public land

Transport Canberra and City Services (TCCS) is the ACT Government agency responsible for the management of Canberra’s urban trees on public land. This includes over 760,000 trees on suburban streets, at local shopping centres, on major road nature strips and medians, and in parks and open spaces in Canberra.

The key objectives of urban tree management are to enhance the landscape setting for the city, to maintain a safe and sustainable urban forest and to conserve the natural environment.

We achieve these objectives through the regular:

- inspection of trees;
- pruning of trees;
- removal of dead, damaged or hazardous trees;
- replacement of dead, missing or ageing trees.

Tree inspections can be requested by calling Access Canberra on 13 22 81 or via [Fix My Street](https://www.accesscanberra.act.gov.au/app/forms/fixmystreet) (<https://www.accesscanberra.act.gov.au/app/forms/fixmystreet>).

Procedures for addressing damage caused by public trees is available [here](#) .

Inspection

Trees in the urban areas of Canberra are inspected periodically to monitor tree health and identify potential hazards that could pose a risk to public safety. Trees in high use areas such as district parks and shopping centres are regularly inspected. This ensures that structural defects and/or other risk factors are identified and addressed in a timely and targeted manner.

When a member of the public expresses concern for the safety or health of a particular tree on public land, a site visit is arranged and the subject tree or trees are assessed against a series of criteria by suitably skilled personnel.

Pruning

Pruning

Routine pruning is carried out to enhance public safety and urban amenity and to improve or maintain tree health. Priority is given to trees in areas of high public use, such as streets, carparks, shopping centres and picnic areas.

Qualified staff carry out the following pruning activities:

- formative pruning of young trees in the first five years following planting;
- pruning to avoid interference with power lines, street lights and other services;
- removal of lower branches up to a height of three to five metres to give clear pedestrian and traffic access as well as clear sight lines, particularly for vehicles entering and leaving driveways or approaching intersections;
- removal of lower branches to a maximum height of five metres on main roads and major streets;
- thinning of tree crowns to minimise hazards caused by wind and rain;
- general pruning to give a balanced weight distribution in the tree framework; and
- removal of dead, diseased, cracked, hollow or otherwise unsound wood.

Removal

TCCS adopts a conservative policy towards the removal of live trees on public land.

Trees are removed when:

- they are dead, damaged or in irreversible decline;
- they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
- they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.

Trees are considered for removal when:

- the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;
- they are deemed unsuitable for a location in conflict with the design intent of the landscape;
- they are part of a dense planting which requires thinning to promote the health of the remaining trees; or
- they were designated as temporary in the original landscape design and have reached the end of their intended life span.

Trees are not removed due to:

- householder preference for no street tree or for a different species;
- appearance (unless this is related to very poor tree health);
- concerns about leaf litter, twigs, fruit or seed drop, or droppings from wildlife;
- solar access; or
- tree roots protruding above the ground or competing with lawns

If it is necessary to remove a living tree from a nature strip, regardless of whether the tree was planted by the ACT Government or the householder, the householder will be notified as to the reason why the tree is to be removed. Consultation will be more extensive where a group of trees are to be removed. Where the site and surrounding services allow, a tree of an appropriate species will be replanted in a similar location.

Unless you have written approval, you cannot remove a public tree.

Habitat Retention

Mature native trees which are dead, damaged or in irreversible decline may be pruned and retained in the landscape where they:

- Provide habitat for wildlife such as through hollows; and/or
- Are a remnant of the original vegetation of the ACT, or have regenerated from one; and
- Are in a location where they do not constitute an identifiable hazard to public safety.

Habitat trees are created by pruning the main branches to leave a 'totem' with exposed hollows to provide habitat for birds and animals. In certain cases, artificial hollows and/or nest boxes may be added to enhance habitat.

Replacement

Tree replacement is an important part of the maintenance of Canberra's public landscape. Where trees are identified and/or scheduled for replacement, every effort is made to consult with the community about the reasons for replacement.

Routine tree replacement

Trees in parks or streets that have been removed or are missing are routinely replanted in a later planting season. This ensures that the original landscape design intent is retained as trees mature.

Strategic tree replacement

Groups of ageing trees in parks and streets may be subject to strategic tree replacement programs. Parks and streets where aging trees need to be removed and replaced are identified and, subject to funding, ACT Government will remove the trees which are nearing the end of their life, and plant new trees. This ensures the look and feel of the urban landscape is retained for future generations. Local residents are informed of the reasons for the replacement of street trees. In where a change of species is required residents may be consulted to ensure their wishes are taken into consideration.

Tree damage claim procedures

City Services administers procedures for dealing with public claims of reimbursement when a tree on public land is suspected of causing damage to private property.

These claims procedures must be followed before a claim for reimbursement can be considered. Each claim request is assessed on its merits by a qualified staff member and if found to be legitimate, costs associated with repairs may be reimbursed.

There are four types of claims that can be made against damage caused by public trees:

- Tree Damage to Private property
([https://www.cityservices.act.gov.au/ data/assets/pdf file/0/0/Tree-Damage-to-Private-property.pdf](https://www.cityservices.act.gov.au/data/assets/pdf_file/0/0/Tree-Damage-to-Private-property.pdf)) (PDF 627.1 KB) , Word Version
([https://www.cityservices.act.gov.au/ data/assets/word doc/0/0/Tree-Damage-to-Private-property.doc](https://www.cityservices.act.gov.au/data/assets/word_doc/0/0/Tree-Damage-to-Private-property.doc)) (Word 77.0 KB)
Tree Damage to Private property
- Tree Root Damage to Pavement
([https://www.cityservices.act.gov.au/ data/assets/pdf file/0/0/Tree-Root-Damage-to-Pavement.pdf](https://www.cityservices.act.gov.au/data/assets/pdf_file/0/0/Tree-Root-Damage-to-Pavement.pdf)) (PDF 557.1 KB) , Word Version
([https://www.cityservices.act.gov.au/ data/assets/word doc/0/0/Tree-Root-Damage-to-Pavement.doc](https://www.cityservices.act.gov.au/data/assets/word_doc/0/0/Tree-Root-Damage-to-Pavement.doc)) (Word 147.0 KB)
Tree Root Damage to Pavement
- Tree Root Damage to Private Property
([https://www.cityservices.act.gov.au/ data/assets/pdf file/0/0/Tree-Root-Damage-to-Private-Property.pdf](https://www.cityservices.act.gov.au/data/assets/pdf_file/0/0/Tree-Root-Damage-to-Private-Property.pdf)) (PDF 490.4 KB) , Word Version
([https://www.cityservices.act.gov.au/ data/assets/word doc/0/0/Tree-Root-Damage-to-Private-Property.doc](https://www.cityservices.act.gov.au/data/assets/word_doc/0/0/Tree-Root-Damage-to-Private-Property.doc)) (Word 150.0 KB)
Tree Root Damage to Private Property
- Tree Root Damage to Sewer and Storm Water
([https://www.cityservices.act.gov.au/ data/assets/pdf file/0/0/Tree-Root-Damage-to-Sewer-and-Storm-water.pdf](https://www.cityservices.act.gov.au/data/assets/pdf_file/0/0/Tree-Root-Damage-to-Sewer-and-Storm-water.pdf)) (PDF 882.9 KB) , Word Version
([https://www.cityservices.act.gov.au/ data/assets/word doc/0/0/Tree-Root-Damage-to-Sewer-and-Storm-water.doc](https://www.cityservices.act.gov.au/data/assets/word_doc/0/0/Tree-Root-Damage-to-Sewer-and-Storm-water.doc)) (Word 150.0 KB)
Tree Root Damage to Sewer and Storm Water

Root-Damage-to-Sewer-and-Storm-water.doc) (Word
88.5 KB)

Tree Root Damage to Sewer and Storm Water

For further information call Access Canberra on 13 22 81 or
enquire via Fix My Street

(<https://www.accesscanberra.act.gov.au/app/forms/fixmystreet>).

We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Feedback

(<https://www.accesscanberra.act.gov.au>)



(<https://vimeo.com/user34620301>)

Contact us

(<https://www.cityservices.act.gov.au/contact>)



(<https://www.facebook.com/ACTGov>)

Jobs (<http://www.jobs.act.gov.au>)



([https://twitter.com/TCCS ACT](https://twitter.com/TCCS_ACT))

Emergency Services (<http://www.esa.act.gov.au>)

Accessibility

(<https://www.cityservices.act.gov.au/accessibility>)

Privacy

(<https://www.cityservices.act.gov.au/privacy>)

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(<https://www.canberra.com.au/>)



(<https://www.yoursay.act.gov.au/>)

(<https://www.accesscanberra.act.gov.au>)



(<https://www.act.gov.au>)

From: [Sweet, Carma](#)
To: [Ning, Samantha](#)
Subject: RE: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson [SEC=UNCLASSIFIED]
Date: Friday, 29 May 2020 7:47:37 PM

UNCLASSIFIED

Thank you Sam

Carma Sweet | A/g Assistant Director Policy, Planning & Contracts
Phone: 02 6207 7158 | Mobile: [REDACTED] | Email: carma.sweet@act.gov.au
Urban Treescapes | City Presentation | Transport Canberra and City Services Directorate | ACT Government
Level 2, 490 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Ning, Samantha <Samantha.Ning@act.gov.au>
Sent: Friday, 29 May 2020 7:45 PM
To: Sweet, Carma <Carma.Sweet@act.gov.au>
Subject: RE: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Carma,
I will follow this one up. We have written to him a few times already.
Thanks
Sam

Samantha Ning | Assistant Director Tree Protection
P 62075878 | E Samantha.ning@act.gov.au
Urban Treescapes, City Presentation
Transport Canberra & City Services Directorate | **ACT Government**
GPO Box 158 Canberra ACT 2601
www.act.gov.au | cityservices.act.gov.au

From: Sweet, Carma <Carma.Sweet@act.gov.au>
Sent: Friday, 29 May 2020 6:25 PM
To: Ning, Samantha <Samantha.Ning@act.gov.au>
Subject: RE: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Sam

Just a quick note to confirm that you are going to respond this enquiry? If you would like any points regarding the use of eucalypts in the urban environment or anything else to support the decision to retain following Brent's assessment please let me know.

Thank you
Carma

Carma Sweet | A/g Assistant Director Policy, Planning & Contracts
Phone: 02 6207 7158 | Mobile: [REDACTED] | Email: carma.sweet@act.gov.au
Urban Treescapes | City Presentation | Transport Canberra and City Services Directorate | ACT Government
Level 2, 490 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Dojic, Rosie <Rosie.Dojic@act.gov.au> **On Behalf Of** TCCS_CP TreeProtection

Sent: Friday, 29 May 2020 5:38 PM

To: Ning, Samantha <Samantha.Ning@act.gov.au>; Sweet, Carma <Carma.Sweet@act.gov.au>

Cc: Dawes, Rachael <Rachael.Dawes@act.gov.au>

Subject: FW: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson
[SEC=UNCLASSIFIED]

From: [REDACTED] <[REDACTED]@gmail.com>

Sent: Friday, 29 May 2020 5:02 PM

To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>; BARR Reception <BARR@act.gov.au>; coe@parliament.act.gov.au

Cc: [REDACTED] <[REDACTED]@gmail.com>; [REDACTED] <[REDACTED]@yahoo.com>

Subject: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson

[REDACTED] Grigg Place
Richardson
ACT 2905

29/5/2020

Dear Sirs and Madam,

I am writing to follow up on previous requests from both my self and my neighbours Mr [REDACTED] and [REDACTED], and to reevaluate the removal request of the ACT Government street tree from the verge at the front of our property at [REDACTED] Grigg Place Richardson.

My Name is [REDACTED] and I am one of the home owners at the above address.

Unfortunately, I was unable to join the meeting with Mr Schwartzkoff yesterday as I had appointments to attend.

I have rewritten this letter a few times to try to take the emotion out of it and include more supporting facts. Unfortunately, I am unable to take the emotion out as I feel passionately about this issue that has been ongoing for quite some time.

I would like to take a moment to make it clear that I love trees.

I appreciate and acknowledge that trees offer a lot by improving our air quality by filtering harmful dust and pollutants such as ozone, carbon monoxide, and sulfur dioxide from the air we breathe. Trees give off oxygen that we need to breathe. Many species of wildlife depend on trees for habitat, food, and shelter.

The tree in question is beautiful, however, it does not belong where it is. It would be better suited to one of our beautiful reserves.

I have undertaken to research and better understand the initial rejection of the request and subsequent complaints. In doing so I have read resources provided by various ACT government departments. I have provided links below as well as highlighting areas of text that are contextual to my point.

Some of the parameters for assessing Canberra's Urban street tree suitability includes it being considered an "asset to the Landscape of the community or the Garden City"

The tree in question is no longer an asset to our street, our property or “the landscape of the community or the "Garden City”.

This tree is *not* exceptional for it's:
- Natural or Cultural Heritage values;
- Landscape and Aesthetic value;
-or its Scientific value.

There are several less destructive species of trees which are planted as street trees around Canberra. They are more suited to the suburbs of Canberra. Several examples of this can be seen in and around Richardson its self. There are also many examples of gum trees failing and dying all over Richardson.

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Our goal is to **replace** this tree with several more that are species which are nondestructive to people or property, feed the wildlife, provide shade and micro nutrients to the soil. Trees that will enhance the landscape and be an asset to the street and our property.

When first inspected, by an ACT government representative (Mr Andrew Denhiem), the tree in question was identified as a species called Eucalyptus Nicholli. The tree was not registered until after his visit. I lived in this house when this tree was originally planted.

As stated in a document from TCCS:
(https://www.tccs.act.gov.au/_data/assets/pdf_file/0008/798551/Eucalyptus-nicholli.pdf)

Its botanical name is Eucalyptus nicholii (Eni)

Its common name is willow peppermint, narrow-leaved black peppermint.

The document also states:

Its “Use is limited to urban parks”

It is “Not suitable as street tree”

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Its lifespan has “Medium longevity”

And that it has “High flammability”

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In further research I found the Eucalyptus Nicholli has been identified to often have weakened branches due to fungal decay when it is older. This tree is in excess of 30 years old

An issue of concern regarding the recent sewerage pipe repair and replacement is that the tree may fail and or die due to the digging and disturbance and cutting of the trees root system:

“Trenching within the drip line will seriously injure and possibly kill the tree”

22.11.2 Trees and services (22 Soft Landscape Design 22-9 EDITION 1 REVISION 0 Design Standards for Urban Infrastructure)

There is potential for conflict between trees and infrastructure such as powerlines, water pipes, street lights, paving, kerbs and signs. The design and location of services must be coordinated with the design process at an early state to minimise conflict. **In developing a landscape design, an awareness of the location of existing services is essential. Conflicts may result in:**

- o **increased maintenance costs**
- o **reduced longevity of the trees and loss of aesthetic value**
- o **reduced public safety.**
- o Beneath power lines, plant only trees that will not encroach upon the acceptable safe distance from the power lines when mature. In open space areas a corridor of 10 metres either side of the power lines should be left.
- o A clear line of sight must be provided to signs, lights and driveways. Low branching or weeping species should not be selected for use near these items.

Where possible, trees should be planted the maximum distance available away from kerbs, driveways and footpaths to reduce root interference (refer to Design Standard 5 Driveways). A one meter minimum clearance (for desirable deep or fine rooted smaller trees), and a root barrier can be installed to reduce the impact of a tree's vigorous root system. A clear line of sight must be provided.

Careful species selection is very important to reduce impact of tree roots on cycle paths. Clearance, both overhead and underground, is required.

Species selection for use near buildings is important; consider the mature size of the tree. If adjacent green space is available then planting trees close to buildings should be avoided. **Trees with vigorous root systems are able to penetrate and interfere with underground services such as stormwater and sewer mains, and underground cabling such as telephone and electricity lines.** Damage to these services can sometimes be reduced by the installation of root barriers, although they should not always be relied upon and may not work where water leaks out of pipes. Species selection is therefore just as important. Select trees that do not have vigorous root systems within service easements.

22.12.2 Maintenance considerations 22 Soft Landscape Design 22-13 EDITION 1 REVISION 0 Design Standards for Urban Infrastructure also states:

- Although shrub beds are an important landscape element in open space areas, they can also create maintenance problems if not designed and constructed correctly. These include:
- **litter accumulation**
- **plant losses caused by** water logging in winter or **drying out in summer**

23.4.11 List of special plants: trees

With-in this document: it clearly states that this tree is not suitable for road verges.

This tree is no longer suited to its position and has out lived its purpose.

Mr Diehm informed me that it was a species of tree that the ACT government no longer plants in the ACT due to its danger to people and property as well as the damage it does to structures, roads, paths and driveways via its root system.

I raised the issue with Mr Diehm of the sewage access point right next to the tree and that if the roots were the cause of damage to the drive way that they would more than likely to cause an issue with the sewerage pipes. My concerns were dismissed.

I have since had verbal confirmation from both management teams of the repairs that the tree in question was the direct cause of the damage to both the driveway and the sewerage pipes.

This tree has cost the ACT government and the Canberra tax payers a substantial amount of money to "maintain" it and to repair damage it has caused in the driveways of both Number [REDACTED] & [REDACTED] Grigg place and Sewerage pipe replacement recently. There is also the cost of the street sweeping and the constant pollution of waterways due to the debris from the tree.

When the gentleman from the department came and assessed the tree, he said that the damage to the roots may well cause the tree to fail. He also said that he will say it is going to be pruned just so he could report that "something had been done".

I would also like to address the potential of future damage to our property. There is now a large root growing from the tree which is clearly visible and is headed towards our house. We have confirmation of the damage this tree has created to date; I would like further investigation and written assurance that this tree will not cause damage to the structure and integrity of our home.

As the second home owner (and daughter of the first owners of this property) I can personally attest that the eucalyptus removes moisture from the soil. The leaves create a moisture barrier that inhibits water from penetrating the soil and as a result the soil is now so hydrophobic and nothing will grow in it. We lost a grove of Silver Birch trees at the front of the property due to this. This tree takes away from the aesthetic value and curb appeal of our property.

In 2017, an ACT Government street tree in front of the house two doors down came down across the road and damaged the tree across from it. This tree had no outward signs that it was sick or damaged. If that tree had fallen in the opposite direction that day, it would have fallen on the house behind it. The tree that fell was removed. It was a stroke of luck that no one was injured or property damaged. This is a fear I live with daily and particularly when there is an extreme weather event such as high winds or fire fronts in the surrounding area.

I have images I took of these damaged trees. The owners at the time of the incident of numbers [REDACTED] & [REDACTED] Grigg place still live there if you would like to discuss it further.

I am a property owner and as such a rate payer and would like the fact that we live daily with the issues this tree creates taken into account.

Our appeal has been well considered and comes from a good place. We just want to improve the environment we live in.

Below are copies of previous correspondence.

I look forward to your responses and in particular, detailed scientific reassurances that this tree poses no threat to my family, my neighbours or my community.

Sincerely,

[REDACTED]

_____||



ACT
Government

**Access
Canberra.**

On 02/02/2017 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree asses...

Message

Response By Email (Urban Trees) (02/03/2017 12.13 PM)

Dear [REDACTED]

Thank you for your tree related request for service. An assessment has been carried out and the work has been categorised as high priority. During peak periods the trees and shrubs team receive over 200 public requests per week. To effectively manage this workload, service requests are categorised into high (aim to complete within 6 weeks), medium (up to 6 months) and low priority (up to 12 months). This work will now be scheduled for one of our work crews to action and you will be notified when the work has been completed.

Regards,

Emma

Urban Trees Team

Customer By Phone (Urban

Trees) (02/02/2017 10.12 AM)
There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree assessed with the view to remove it on the grounds of damage and safety.

Your Details

First Name: [REDACTED] y
Last Name [REDACTED]
Contact Number: not provided
Email
Address: [REDACTED]@gmail.com

Additional Details (if available)

Reference #: 170202-000675
Date Created: 02/02/2017 10.12 AM
Status: In Progress
Category: Trees & Shrubs
Type of Correspondence:

You can [update or track your correspondence](#) on our website.

[--001 001559 26134--]



On 01/03/2017 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

Public trees - Municipal

Message

Response By Email (Andrew Diehm) (24/11/2017 03.46 PM)

Dear [REDACTED] [REDACTED]

I refer to our on site conversation on 20/11/2017, a claim procedure- Tree root damage to pavement & Tree root damage to private property was provided. Transport Canberra and City Services will not be removing the tree located on the verge of [REDACTED] Grigg Place Richardson, as it is sound and healthy. The department follows a broad mandate from the community to manage the landscape of the community as a whole with the "Garden City" as it's standard. Street trees are a significant part of the public urban landscape of Canberra and contribute greatly to the character of the City and removal is considered against a series of criteria. In this case,removal of the tree is not warranted. In regards to your driveway an officer from Roads A.C.T have already marked up with white paint for repairs. If you have any enquires relating to this claim,please feel free to respond to this message.

Kind regards,

Andrew Diehm | Tree
Claims Officer | Urban Treescapes
Phone: 62072504 | e-
mail:andrew.diehm@act.gov.au
City Presentation | Roads and
Infrastructure | Transport Canberra
and City Services Directorate - TCCS
| ACT Government Level 2, 490
Northbourne Avenue Dickson ACT
2602 | GPO Box 158 ACT 2601
| www.gov.au

Customer By CSS Email [REDACTED]

[REDACTED] (05/04/2017 02.15 PM)

Could I please have some one call me regarding this issue.

Thank you

[REDACTED]

Sent from my iPhone

Customer By Phone (Access
Canberra Customer
Service) (01/03/2017 02.17 PM)

Tree assessment Ref 01691

These tree roots are lifting the two driveways.

Please confirm that the tree will be removed as it appears from the assessment

that this will not take place.

The tree which requires removal is about a metre and a half away from the sewer manhole.

Please call [REDACTED] on [REDACTED]

Many thanks

Your Details

First Name: [REDACTED]

Last Name: [REDACTED]

Contact Number: [REDACTED]

Email

Address: [REDACTED]@gmail.com

Additional Details (if available)

Reference #: 170301-001888

Date Created: 01/03/2017 02.17 PM

Status: Resolved

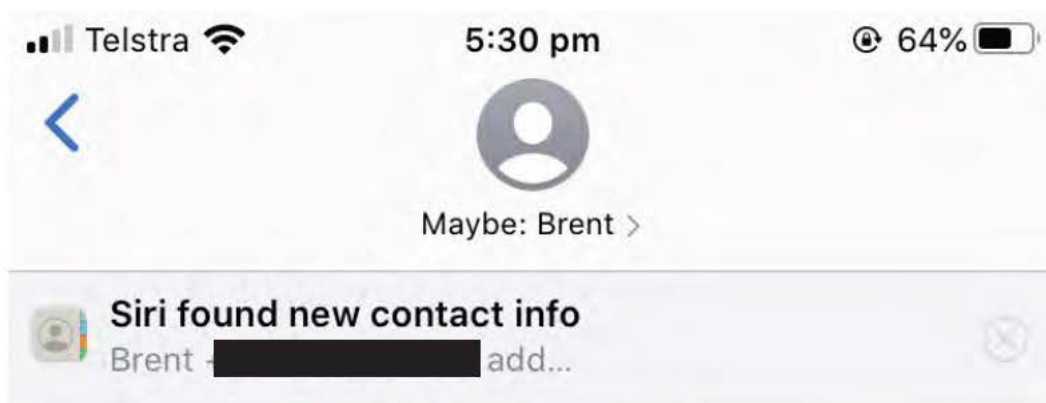
Category: Trees & Shrubs

Type of Correspondence: Request for

Service

If this issue is not resolved to your satisfaction, you may [reopen it under the Your Account section](#) on our website.

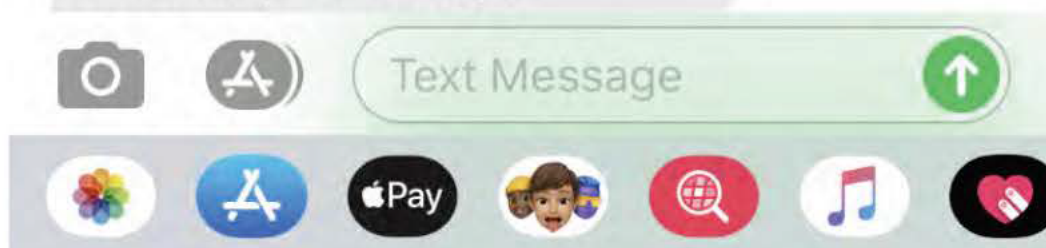




Hi Brent, what times on Thursday or Friday?

I spoke with our neighbours over the weekend and they are very eager to meet you and discuss their concerns about the tree. Also they have evidence the tree was never part of the original suburb which was someone I spoke to in Access Canberra's rationale for keeping the dangerous ACT government street tree their tried to claim it was original part of Richardson prior to urban development.

Hi [redacted] I can meet 7:45 this Thursday 28th May?





From: [Dawes, Rachael](#)
To: [Ning, Samantha](#)
Subject: RE: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson [SEC=UNCLASSIFIED]
Date: Tuesday, 2 June 2020 9:47:41 AM

UNCLASSIFIED

Yep sure.

It also sounds like they have picked certain words he may have said and run with them. They are indicating that the previous assessments were not done by qualified people – just because they were from the depot.

Rachael Dawes | Senior Director Urban Treescapes
Phone 02 6205 5263 | Mob [REDACTED] | Email: rachael.dawes@act.gov.au
Urban Treescapes, City Presentation | Transport Canberra and City Services Directorate | ACT Government
Level 2, 490 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Ning, Samantha <Samantha.Ning@act.gov.au>
Sent: Tuesday, 2 June 2020 9:46 AM
To: Dawes, Rachael <Rachael.Dawes@act.gov.au>
Subject: FW: Request for a revision of the Eucalyptus-Nicholii tree at [REDACTED] Grigg Place Richardson [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi,

Can we have a chat about this one later? We have received a couple of ministerials from someone else about this tree. I need to talk to Brent about it too. Tree is sound and healthy and part of the streetscape and has been assessed by a few different officers. Brent went out in response to a CRM. It may be that the ministerial responses were delayed and it is hard to know what they have received already.

Thanks

Sam

Samantha Ning | Assistant Director Tree Protection
P 62075878 | E Samantha.ning@act.gov.au
Urban Treescapes, City Presentation
Transport Canberra & City Services Directorate | **ACT Government**
GPO Box 158 Canberra ACT 2601
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From: Dojic, Rosie <Rosie.Dojic@act.gov.au> **On Behalf Of** TCCS_CP TreeProtection
Sent: Friday, 29 May 2020 5:38 PM
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■ Grigg Place
Richardson
ACT 2905

29/5/2020

Dear Sirs and Madam,

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"Trenching within the drip line will seriously injure and possibly kill the tree"

(https://www.cityservices.act.gov.au/_data/assets/pdf_file/0004/396886/ds22_softlandscape.pdf)

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There is potential for conflict between trees and infrastructure such as powerlines, water pipes, street lights, paving, kerbs and signs. The design and location of services must be coordinated with the design process at an early state to minimise conflict. In developing a landscape design, an awareness of the location of existing services is essential. Conflicts may result in:

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Careful species selection is very important to reduce impact of tree roots on cycle paths.

Clearance, both overhead and **underground**, is required.

Species selection for use near buildings is important; consider the mature size of the tree. If adjacent green space is available then planting trees close to buildings should be avoided.

Trees with vigorous root systems are able to penetrate and interfere with underground services such as stormwater and sewer mains, and underground cabling such as telephone and electricity lines. Damage to these services can sometimes be reduced by the installation of root barriers, although they should not always be relied upon and may not work where water leaks out of pipes. Species selection is therefore just as important. Select trees that do not have vigorous root systems within service easements.

22.12.2 Maintenance considerations 22 Soft Landscape Design 22-13 EDITION 1 REVISION 0 Design Standards for Urban Infrastructure also states:

- Although shrub beds are an important landscape element in open space areas, they can also create maintenance problems if not designed and constructed correctly. These include:
- **litter accumulation**
- **plant losses caused by** water logging in winter or **drying out in summer**

https://www.tccs.act.gov.au/_data/assets/pdf_file/0005/396887/ds23_plantspecies.pdf

23.4.11 List of special plants: trees

With-in this document: it clearly states that this tree is not suitable for road verges.

This tree is no longer suited to its position and has out lived its purpose.

Mr Diehm informed me that it was a species of tree that the ACT government no longer plants in the ACT due to its danger to people and property as well as the damage it does to structures, roads, paths and driveways via its root system.

I raised the issue with Mr Diehm of the sewage access point right next to the tree and that if the roots were the cause of damage to the drive way that they would more than likely to cause an issue with the sewerage pipes. My concerns were dismissed.

I have since had verbal confirmation from both management teams of the repairs that the tree in question was the direct cause of the damage to both the driveway and the sewerage pipes.

This tree has cost the ACT government and the Canberra tax payers a substantial amount of money to "maintain" it and to repair damage it has caused in the driveways of both Number █ & █ Grigg place and Sewerage pipe replacement recently. There is also the cost of the street sweeping and the constant pollution of waterways due to the debris from the tree.

When the gentleman from the department came and assessed the tree, he said that the damage to the roots may well cause the tree to fail. He also said that he will say it is going to be pruned just so he could report that "something had been done".

I would also like to address the potential of future damage to our property. There is now a large root growing from the tree which is clearly visible and is headed towards our house. We have confirmation of the damage this tree has created to date; I would like further investigation and written assurance that this tree will not cause damage to the structure and integrity of our

home.

As the second home owner (and daughter of the first owners of this property) I can personally attest that the eucalyptus removes moisture from the soil. The leaves create a moisture barrier that inhibits water from penetrating the soil and as a result the soil is now so hydrophobic and nothing will grow in it. We lost a grove of Silver Birch trees at the front of the property due to this. This tree takes away from the aesthetic value and curb appeal of our property.

In 2017, an ACT Government street tree in front of the house two doors down came down across the road and damaged the tree across from it. This tree had no outward signs that it was sick or damaged. If that tree had fallen in the opposite direction that day, it would have fallen on the house behind it. The tree that fell was removed. It was a stroke of luck that no one was injured or property damaged. This is a fear I live with daily and particularly when there is an extreme weather event such as high winds or fire fronts in the surrounding area. I have images I took of these damaged trees. The owners at the time of the incident of numbers [redacted] & [redacted] Grigg place still live there if you would like to discuss it further.

I am a property owner and as such a rate payer and would like the fact that we live daily with the issues this tree creates taken into account.

Our appeal has been well considered and comes from a good place. We just want to improve the environment we live in.

Below are copies of previous correspondence.

I look forward to your responses and in particular, detailed scientific reassurances that this tree poses no threat to my family, my neighbours or my community.

Sincerely,

[redacted]



[redacted] 02/02/2017 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

[redacted]

Subject

There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree asses...

Message

Response By Email (Urban Trees) (02/03/2017 12.13 PM)

Dear [REDACTED]

Thank you for your tree related request for service. An assessment has been carried out and the work has been categorised as high priority. During peak periods the trees and shrubs team receive over 200 public requests per week. To effectively manage this workload, service requests are categorised into high (aim to complete within 6 weeks), medium (up to 6 months) and low priority (up to 12 months). This work will now be scheduled for one of our work crews to action and you will be notified when the work has been completed.

Regards,

Emma

Urban Trees Team

Customer By Phone (Urban Trees) (02/02/2017 10.12 AM)

There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree assessed with the view to remove it on the grounds of damage and safety.

Your Details First Name: [REDACTED] Last Name: [REDACTED] Contact Number: not provided Email Address: [REDACTED]@gmail.com
Additional Details (if available) Reference #: 170202-000675 Date Created: 02/02/2017 10.12 AM Status: In Progress Category: Trees & Shrubs Type of Correspondence:
You can update or track your correspondence on our website.

[---001 001559 26134---



On 01/03/2017 you contacted the ACT Government and an enquiry was submitted. Below is a summary of your correspondence and the response to your enquiry.

Subject

Public trees - Municipal

Message

Response By Email (Andrew Diehm) (24/11/2017 03.46 PM)

Dear Mrs [REDACTED]

I refer to our on site conversation on 20/11/2017, a claim procedure- Tree root damage to pavement & Tree root damage to private property was provided. Transport Canberra and City Services will not be removing the tree located on

the verge of [REDACTED] Grigg Place Richardson, as it is sound and healthy. The department follows a broad mandate from the community to manage the landscape of the community as a whole with the "Garden City" as it's standard. Street trees are a significant part of the public urban landscape of Canberra and contribute greatly to the character of the City and removal is considered against a series of criteria. In this case, removal of the tree is not warranted. In regards to your driveway an officer from Roads A.C.T have already marked up with white paint for repairs. If you have any enquires relating to this claim, please feel free to respond to this message.

Kind regards,

Andrew Diehm | Tree
Claims Officer | Urban Treescapes
Phone: 62072504 | e-mail: andrew.diehm@act.gov.au
City Presentation | Roads and Infrastructure | Transport Canberra and City Services Directorate - TCCS
| ACT Government Level 2, 490 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 ACT 2601
| www.gov.au

Customer By CSS Email [REDACTED]
[REDACTED] (05/04/2017 02.15 PM)

Could I please have some one call me regarding this issue.

Thank you

[REDACTED]

Sent from my iPhone

Customer By Phone (Access
Canberra Customer
Service) (01/03/2017 02.17 PM)

Tree assessment Ref 01691

These tree roots are lifting the two
driveways.

Please confirm that the tree will be
removed as it appears from the
assessment

that this will not take place.

The tree which requires removal is
about a metre and a half away from
the sewer manhole.

Please call [REDACTED] on [REDACTED]

Many thanks

Your Details

First Name: [REDACTED]

Last Name: [REDACTED]y

Contact Number: [REDACTED]

Email

Address [REDACTED]@gmail.com

Additional Details (if available)

Reference #: 170301-001888

Date Created: 01/03/2017 02.17 PM

Status: Resolved

Category: Trees & Shrubs

Type of Correspondence: Request for
Service

If this issue is not resolved to your
satisfaction, you may [reopen it under
the Your Account section](#) on our
website.

From: [Dojic, Rosie](#) on behalf of [TCCS_CP TreeProtection](#)
To: [REDACTED]
Subject: FW: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905
Date: Thursday, 11 June 2020 8:58:03 AM
Attachments: [2020.06.10 FixMyStreet Submission.pdf](#)

UNCLASSIFIED

Dear [REDACTED]

Thank you for all your all emails, however, this email address is reserved for issues relating on private (leased) land.

Your email has been forwarded to an appropriate area.

Kind Regards
Tree Protection Unit
(leased land)

From: [REDACTED]
Sent: Wednesday, 10 June 2020 7:21 PM
To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; LAWDER <LAWDER@parliament.act.gov.au>; BARR Reception <BARR@act.gov.au>; COE <COE@parliament.act.gov.au>
Cc: [REDACTED]@gmail.com;
[REDACTED]@tpg.com.au
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Evening Minister Steel,

As advised in my correspondence on Thursday 28 May 2020, after lodging an ACT Government 'Fix My Street Request' (Ref: 200426-000436), an ACT Government arborist, Mr Brent Schwartzkoff, attended on Thursday 28 May 2020 at 07:32AM to again examine the dangerous ACT Government street tree (the tree) at [REDACTED] Grigg Place Richardson, ACT, 2905. During this interaction, Mr Schwartzkoff advised he would provide an update on the matter within seven days after he had the opportunity to raise it with his manager.

As at today, 10 June 2020, no such update on the matter has been received. It is outside of the seven day commitment and undertaking made by Mr Schwartzkoff. Mr Schwartzkoff did not answer his telephone when I tried calling this evening to seek an update.

Further, this evening when logging into the Fix My Street Request to update the notes field to reflect that Mr Schwartzkoff has not met the undertaking, I observed that someone within Access Canberra changed the status of the request to 'Resolved' and closed it. Minister Steel, I certainly do not need to point out the obvious but the matter certainly is

not resolved. Whilst I will not make assumptions or cast aspersions on why Access Canberra closed the request and Mr Schwartzkoff has not met the undertaking's he made, it is at best, very disappointing and continues to give an impression that the ACT Government does not take the issue of dangerous street trees seriously, nor the validity of the fact removal of the tree is warranted and within the Transport Canberra and City Services tree removal framework.

Attached for your information is a copy of the request which you will see whoever closed it between 28 May 2020 and today, has not left any notes as to why the request was closed.

I look forward in hearing a response from you at your earliest convenience and I again, welcome a telephone call on [REDACTED], and again, encourage you to visit our home for tea and/or coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Friday, 29 May 2020 4:44 PM

To: [REDACTED]

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon,

Thank you for your follow up email.

I have again brought this to the attention of Minister Steel who will be responding.

Kind regards,

Dom Hale

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for City Services

Minister for Multicultural Affairs

Minister for Recycling and Waste Reduction

Minister for Roads and Active Travel

Minister for Transport

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Dominic.Hale@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED] >

Sent: Thursday, 28 May 2020 11:13 PM

To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>;
LAWDER <LAWDER@parliament.act.gov.au>; BARR Reception <BARR@act.gov.au>; COE
<COE@parliament.act.gov.au>

Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>; [REDACTED]

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Evening Minister Steel,

Thank you for the correspondence from your office received today, Thursday 28 May at 10:39AM in relation to my formal response to your correspondence from Wednesday 18 March regarding my original request on 18 February to have a dangerous ACT Government street tree (the dangerous tree) removed at [REDACTED] Grigg Place in Richardson.

The correspondence received today does not address any of the points I raised in my email reply to your office on Monday 23 March regarding your response on 18 March. I find the overall handling of this matter by you, the responsible Minister, to be unsatisfactory and disappointing. Therefore, I have included the Chief Minister and Opposition Leader into this correspondence. Further, I have continued to include my local member, Ms Nicole

Lawder in correspondence relating to this matter.

For the record, my local member, Ms Lawder and her office have demonstrated exemplary conduct in their communication with me on this matter. I thank Ms Lawder and her staff for taking the matter seriously. Also, I understand Ms Lawder's office personally wrote to you on 20 April regarding the matter.

Minister Steel, your correspondence today states:

"I have been advised that the tree outside [REDACTED] Grigg Place Richardson was inspected again on 7 May 2020 in response to your correspondence. The tree has been assessed as being in good health with good structure. During the tree inspection it was determined that this tree does not present any indicators that it poses an unacceptable risk to you or the community"

Today, at 07:32AM, a Mr Brent Schwartzkoff attended my home and spoke with me, my fiancé and two of our neighbours at [REDACTED] Grigg Place regarding the dangerous tree only because I lodged an Access Canberra 'Fix My Street Request' (Reference 200426-000436). Mr Schwartzkoff advised he is an arborist and that the people you speak of who inspected the tree on 7 May were in fact not qualified arborists at all, rather they are "guys at the depot, they're not technical officers". What concerned me, my fiancé and our two neighbours was Mr Schwartzkoff, an ACT Government arborist, was not actually aware of the Transport Canberra and City Services (TCCS) policy and framework on removal of street trees; in fact, we had to educate him on the TCCS policy and framework by referring him to the website and advising the policy and framework states dangerous trees are removed when:

- they are dead, damaged or in irreversible decline;
- they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
- they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.
- the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;
- they were designated as temporary in the original landscape design and have reached the end of their intended life span.

The dangerous tree satisfies the ACT Government's own TCCS policy and framework (attached for your reference and highlighted) for removal and yet you, your office and the

ACT Government continue to do nothing about the matter, nor have we been provided evidence as to how a determination was made against the framework. Both you and ACT Government have focussed solely on the health of the dangerous tree based solely on a visible inspection only and not upon totality of the facts such as the documented history of issues this dangerous tree has caused nor conducted any formal risk assessment on the matter. Then you, your office and the ACT Government seem to selectively ignore the remainder of the framework though on matters, such as building the ACT light rail, utilise the framework and policy to proceed with government agenda. Highlighting this to you is not because I am in favour or against the ACT light rail, rather it is to highlight how you as Minister, your office and the ACT Government lose credibility and the community loses faith, trust and confidence. Additionally, such behaviours are not, in my professional opinion, reflective of good management nor good leadership.

Additionally, of equal concern, Mr Schwartzkoff, did not know what species of eucalyptus tree the dangerous tree is, rather he asked me, [REDACTED] and our neighbours to tell him. If an ACT Government arborist does not know what species the dangerous tree is, there is no possible way that on visual inspection alone they can make an objective, impartial and reasonable assessment on the tree, its health nor conduct a risk assessment and apply that against the TCCS policy and framework.

"Whilst I am sympathetic to your concerns, removal of the tree is not considered to be an acceptable management option at this stage. As mentioned in my previous correspondence with you, TCCS arborists will continue to monitor the condition of the trees".

As stated above, Minister Steel, removal of the dangerous tree is an acceptable option as outlined in the TCCS policy and framework on street tree removal. Continuing to monitor one dangerous tree with a known and documented history of issues eliminates the current and future risk and liability to public safety, private property and essential services infrastructure. Additionally the removal of this dangerous tree provides necessary work for businesses during this COVID time and affords the ACT Government the opportunity to plant multiple new trees in its place in consultation with our neighbours, [REDACTED] and I. We are in full agreement that we want to see the tree replaced with several deciduous trees more suited for urban development that are not an inherent risk to public safety, private property and essential services infrastructure.

[REDACTED] and I have little faith and trust in you, your office and the current ACT Government on the handling of this and other dangerous street trees so we felt it prudent to produce a written summary of today's interaction with Mr Schwartzkoff for both your records and for me to affix to the 'Fix My Street' request. Here is a formal copy of the this written summary:

The following is a summary of discussions with the occupants from [REDACTED] and [REDACTED] Grigg Place

(the occupants) and Mr Schwartzkoff in regard to the dangerous ACT Government street tree (the dangerous tree):

- Mr Schwartzkoff advised the dangerous tree is an ACT Government street tree and under the custody and liability of the ACT Government.
- Mr Schwartzkoff confirmed the dangerous tree is not a tree covered under the *Tree Protection Act 2005* and therefore it's removal can be performed without restrictions of trees covered by the Act.
- Mr Schwartzkoff stated previous inspections of the tree by the ACT Government in 2020 were "by the guys at the depot, they're not the technical officers, I am, that's my job".
- The occupants at [REDACTED] Grigg Place showed Mr Schwartzkoff photographs of [REDACTED] Grigg Place when it was under construction in 1983 that confirmed the dangerous tree was not a part of the original property or suburb prior to urban development.
- The occupants at [REDACTED] Grigg Place showed Mr Schwartzkoff photographs of [REDACTED] Grigg Place from 1986 which showed the residence was completed and the dangerous tree was then quite small, approximately 2m in height. Additionally the occupants at [REDACTED] Grigg Place advised Mr Schwartzkoff of the history of the dangerous tree in the past and it's invasive root system in particular had caused significant damage to both [REDACTED] and [REDACTED] Grigg Place over the years, including root cracked driveway refurbishments on both properties' council land and sewerage works refurbishment carried out by Icon Water on blocked, damaged and invaded pipes during March this year.
- Mr Schwartzkoff asked the occupants did we know what species of eucalyptus tree the dangerous street tree was. All occupants stated they were unsure and highlighted that Mr Schwartzkoff, as a qualified arborist, should be more qualified to know what species the dangerous street tree was.
- The occupants asked Mr Schwartzkoff on at least four occasions, if he was unsure of what species the dangerous tree was, how he could make a thorough, independent and comprehensive assessment regarding its removal or retention when a visual assessment on its own meant he could not identify the risks factors of this dangerous tree and its likely behaviours. Mr Schwartzkoff did not answer the question each time it was asked.
- Mr Schwartzkoff stated words to the effect that he owned rural land near Queanbeyan in New South Wales and that he would like to know what the species of the dangerous tree was so he could plant some on his rural land; though Mr Schwartzkoff conceded "the tree is not suitable for urban settings".
- The occupants advised Mr Schwartzkoff that previous ACT arborists involved in number of complaints to the ACT Government in relation to the dangerous tree, advised this species of tree is no longer planted by the ACT Government because it is known to: drop large limbs which present a threat to public safety by falling on people, roads, cars and/or property; the root system is known to be highly insidious and invasive by way of seeking nutrients from water and sewage infrastructure; root system damages underground gas, water and sewage infrastructure as well as public foot paths and private property, such as on this street, Grigg Place, where

recent sewer pipe replacement took place largely due to it's population of eucalyptus trees directly above the sewerage system pipes.

- The occupants advised Mr Schwartzkoff that the dangerous tree had made planting other trees and plants in their garden impossible as it destroyed all nutrients in the soil and took all available water. Mr Schwartzkoff confirmed that was a risk of eucalyptus trees in urban areas in that they created little prospect for other trees and plants to grow.
- Mr Schwartzkoff asked all occupants what they wanted to happen with the dangerous tree; it was a unanimous agreement that the dangerous street tree be removed because of it's decline, risk to public safety, private property, traffic and water, gas and sewage infrastructure.
- Mr Schwartzkoff asked the occupants at ■ Grigg Place what they would do if the tree be removed. The occupants advised Mr Schwartzkoff they wanted to have deciduous trees planted as replacements to ensure there is no loss of trees to the environment but to ensure that selection of the replacement trees are safe and suited to urban settings without threat or risk to safety, private property, traffic and water, gas and sewage infrastructure.
- Mr Schwartzkoff, despite not knowing the species of tree the dangerous street tree is, stated it looked "kind of healthy" by way of a visual inspection and that it's removal "would be on compassionate grounds". When asked what compassionate grounds meant, Mr Schwartzkoff refused to provide a definition.
- When asked why Mr Schwartzkoff said removal would be "on compassionate grounds" rather than ACT Transport Canberra and City Services (TCCS) policy and framework on tree removal, Mr Schwartzkoff stated "I do not know what that policy is".
- When asked why Mr Schwartzkoff did not know what TCCS policy and framework on tree removal was, Mr Schwartzkoff replied "I am new so I don't know".
- The occupants read to Mr Schwartzkoff the TCCS policy and framework by directly reading from the website and stated the dangerous tree met the criteria for removal because:
 - they are dead, damaged or in irreversible decline;
 - they constitute a traffic hazard/other identifiable hazard to public safety which cannot be corrected by pruning; or
 - they are interfering with above or below-ground services such as power lines or water pipes and the problem is likely to require repeated remedial action.
 - the tree is an unsuitable species for where it is planted, for example poplars and willows near storm water lines;
 - they were designated as temporary in the original landscape design and have reached the end of their intended life span.
- After being read the TCCS policy and framework, Mr Schwartzkoff said "I don't think it's in irreversible decline". The occupants reminded Mr Schwartzkoff he was unsure of the species the dangerous tree is, and therefore cannot without such knowledge make a definitive assessment of whether it is in irreversible decline or not.
- The occupants advised Mr Schwartzkoff that regardless of the differing views on

“minimal”. An occupant of [REDACTED] Grigg Place advised Mr Schwartzkoff that they were tertiary qualified in risk advisory and it was in fact their professional employment and that Mr Schwartzkoff ought to present an ACT Government risk assessment on the dangerous tree, Mr Schwartzkoff advised no risk assessment had been performed rather it was his “personal opinion”.

- When asked why the ACT Government was ignoring its own policy on TCCS tree removal on this dangerous tree, Mr Schwartzkoff made an irrelevant and generalised statement that he had recently attended a property in Braddon, “owned by a woman in her 80’s who had the leaves blocking her roof and gutter” and that he “didn’t want her on a ladder trying to clear the gutters herself in case she fell off and injured herself”. Mr Schwartzkoff then proudly told the occupants he “arranged ACT government services to go and clean the gutters and leaves”, the occupants asked was this paid for by the taxpayer by way of the ACT Government, Mr Schwartzkoff confirmed yes, the tax payers wore expenses for leave litter removal on a private dwelling behind the boundary. When asked how that is fair and reasonable and relevant to the dangerous tree at [REDACTED] Grigg Place, Mr Schwartzkoff could not answer but made a generalised statement that the occupants “appeared to be in good health and capable of cleaning up leaf litter”.
- The occupants asked Mr Schwartzkoff what the next steps were and his advice was “I will speak with my manager”.
- When Mr Schwartzkoff was asked how long it would take to be advised on the outcome, Mr Schwartzkoff was highly evasive in his response though eventually made an undertaking of 7 days.
- When asked Mr Schwartzkoff what his recommendation to his manager would be on the dangerous tree, he was highly evasive and would only say “I will present the paperwork you gave me to build a business case”.
- The occupants perception of Mr Schwartzkoff was one of indifference, in tone and manner, providing a feeling that responding to complainants regarding dangerous trees as a qualified arborist were his routine duties; there was a lack of care and consideration for how this situation needs to be treated uniquely and on it’s merits.

I look forward in hearing a response from you at your earliest convenience and I again, welcome a telephone call on [REDACTED], and again, encourage you to visit our home for tea and/or coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 7 April 2020 3:40 PM

To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>;

lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>

Cc: [REDACTED]@gmail.com <[REDACTED]@gmail.com>; [REDACTED]
[REDACTED]

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

I am writing to your office as I have not received a follow-up to my email from Monday 23 March 2020 or at the very least, I have not even a confirmation from your office that you have received my email.

The impression that [REDACTED] [REDACTED] and I have gained is that your office does not take the dangerous ACT Government street tree seriously nor the the risks to personal and community safety and to essential services infrastructure. We are very disappointed in the handling of this matter by your office.

For your records, attached is photographs of the dangerous ACT Government street tree at [REDACTED] Grigg Place Richardson which shows the tree still has dieback in branches and its bark. Also, there are photographs of the tree's leaf and bark litter that are clogging the storm water drains in Grigg Place.

Again, we are requesting the dangerous ACT Government street tree at [REDACTED] Grigg Place Richardson be removed which would eliminate the risks entirely.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED], or again, we extend the offer and encourage you to visit our home for tea and coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]

Sent: Monday, 23 March 2020 12:03 PM

To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>;
lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>

Cc [REDACTED]@gmail.com [REDACTED]@gmail.com; [REDACTED]
[REDACTED]

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Minister Steel,

Thank you for the correspondence from your office received via email on Wednesday 18 March 2020 at 09:16.

However, overall I am not satisfied with the handling of the matter from your office and the correspondence provided is not of assistance. The correspondence has numerous discrepancies that I would like to bring to your attention and correct.

“Thank you for your email of 18 February 2020 regarding the eucalyptus tree out the front of your property.”

As clearly articulated in my email on 18 February 2020, the tree is located at ■■■ Grigg Place Richardson, ■■■ and I reside at ■■■ Grigg Place Richardson. We are impacted by the tree, which has a highly invasive root system that previously caused damage to our driveway and are impacted by the tree dropping limbs, branches and leaves on our property, cars and land. Additionally we are concerned the tree may fall on our home, cars and/or us given its size. We are also concerned about the ongoing risks of damage to essential services infrastructure.

Our request to your office is done so with the support of our neighbours at ■■■ Grigg Place who raised similar concerns with the ACT Government a number of years ago.

“We are fortunate to live in a city which has over 766,000 public trees throughout our streets and parks. Trees provide many including shading in summer, wind amelioration, improved air quality, reduced water runoff, habitat for wildlife, urban amenity and increased property values.”

As clearly articulated in my email on 18 February 2020, ■■■ and I acknowledge the importance of trees to the environment. However I also started this particular tree was causing environmental damage by way of limb, branch and leaf litter that was entering the storm water system creating pollution.

Additionally, in my email on 18 February 2020, it was stated that our neighbours at [REDACTED] Grigg Place have previously requested the ACT Government remove this dangerous tree and offered to plant several deciduous trees in its place. Therefore, the removal of this tree would be offset by gains in planting a higher number of trees which would be of even more benefit.

Regarding your statement of “increased property values” I am interested in how this statement was quantified or if it is merely speculation. Regardless, it is not helpful because neither myself and [REDACTED] or our neighbours are intending on selling our homes, further property values are subjected to many economic factors and market variables.

“Icon Water has advised that the infrastructure along your street will be upgraded to replace the sewer line. Tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself. There should therefore not be any further issues with the sewer line once the infrastructure upgrade has been completed.”

As part of the upgrades to the sewerage system in Grigg Place, I have personally been in contact with the Project Engineer responsible for overseeing the work. I have written correspondence with the Project Engineer which does not state “tree roots cannot enter upgraded sewer pipes, unless there is a fault or break in the pipe itself”; rather it states it is more difficult for tree roots to invade the new sewerage line from the street though cannot provide absolute assurance of this. Discussions with the Project Engineer include how the ACT Government is often “difficult” and “unwilling” to remove invasive street trees, such as the one at [REDACTED] Grigg Place that has a document history of problems, despite the costs of replacing essential infrastructure far exceeding the costs of removing the tree.

Further advice from Icon Water does not state whether or not the tree roots from the street tree can invade the sewerage system from where the house line connects to the street system at the join. Part of the concerns raised in my email to your office on 18 February 2020 specifically highlighted our fears that the street tree will invade the sewerage system from our side of the boundary, and either the ACT Government and/or Icon Water will seek to shift costs to us as it falls on our side of the boundary. Your correspondence does not acknowledge nor address these concerns. [REDACTED] and I planted species of deciduous trees on our side of the boundary which do not enter sewerage systems, in fact we

chose these species of tree for this exact reason. Therefore we can say with absolute certainty that if tree roots are located in the sewerage system on our side of the boundary, it is absolutely not attributed to trees on our land and we will not accept liability for costs should this risk be realised.

Icon Water stated the only way to guarantee and provide assurance the ACT Government street tree at ■ Grigg Place, which has a known and reported history of invading the sewerage system, would not invade the upgraded system would be to remove the tree.

“I have been advised that a representative from Transport Canberra and City Services (TCCS) inspected the tree on 26 February 2020. The tree assessment determined that the eucalyptus tree is sound and healthy and does not warrant removal. Whilst I am sympathetic to the problems that you have raised removal of the trees is not considered to be an acceptable management option at this stage. I have asked that TCCS arborists continue to monitor the condition of the tree and make recommendations if the condition deteriorates.”

It was stated earlier in your correspondence that the ACT Government has over 766,000 public trees, therefore I ask how is reasonably possible for TCCS arborists to continue ongoing monitoring of the condition of one dangerous street? Additionally, I ask you Minister, how is it an efficient and effective use of TCCS resources to monitor one dangerous tree when the issues and risks raised can be addressed by its removal?

Further, on 9 March 2020, I wrote a follow up email to your office raising concerns about the conduct of the representative(s) from the ACT Government who attended and inspected the tree, that they appeared to not be interested in the matter and stated words to the effect “the tree won’t get removed so there’s no point trying” and “I’ll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it”. Given this it is clear that any recommendation and assessment was certainly not carried out objectively or impartially.

ACT Government representatives attended on 16 March 2020 and performed minor trimming of the tree branches before dropping and dumping the branches on the ground of our neighbours property, in the street and on our driveway which created a slip and trip hazard.

██████████ and I, and our neighbours at ██████ Grigg Place, vehemently disagree with the ACT Government assessment that the tree should remain given the visible dieback that remains, and the ACT Government previously trimmed the tree a number of years ago at the time its invasive root system lifted the driveways at ██████ and ██████ Grigg Place resulting in a significant cost to the ACT tax payer to repair.

“Within our urban forest, increased species diversity helps protect against possible pest and diseases through greater genetic variation, offers increased value through differences in colour and form and provides functional benefits such as winter and summer shade. Native trees are also an important ecological resource for local wildlife. Whilst TCCS regularly reviews species selected for planting in the urban environment, TCCS does not remove mature, healthy trees that are no longer on the current planting lists.”

Whilst I thank you Minister for a generalised statement on urban forests it is not helpful nor relevant to the matters and concerns raised in my emails to your office on 18 February 2020 and 9 March 2020. For example, the ACT Government street tree is planted on the east of ours and our neighbours home so the tree, which I am sure you are aware is not deciduous and does not lose its leaves in autumn and winter, actually impedes on winter sun heating our homes. In summer, the tree provides minimal summer shade in the morning and no shade in the afternoon and evening. This therefore forces use and our neighbours to use gas heating and air conditioning to heat and cool our homes.

With regards to your statement the ACT Government does not remove mature and healthy trees; this is grossly incorrect. The ACT Government removed hundreds of established healthy street trees, despite concerns raised by the community, to make way for light rail because these trees were an obstacle to ACT Government urban planning and development.

The ACT Government has a duty of care to ensure dangerous and invasive street trees, like that at ██████ Grigg Place, are removed when they present a hazard, danger and liability to the health and safety of the public and community and to essential services infrastructure.

“While I acknowledge the inconvenience that leaf litter and branches is creating, this alone is not considered to be a reason to remove the tree near your home. The ACT Government needs to balance the benefits that trees provide to the community with problems that may be associated with their present within the urban area.”

At no stage in my emails to your office Minister have I requested the ACT Government street tree be removed because of the inconvenience of leaf and branch litter, rather, I clearly stated that the street tree should be removed because it represents an ongoing risk to public and community health and an ongoing risk to essential services infrastructure.

Again, the ACT Government has a duty of care to ensure dangerous and invasive trees like that at [REDACTED] Grigg Place are removed.

Minister, whilst your correspondence includes general statements about trees overall it does not seem to address the specific risks of this ACT Government street tree, so I will draw your attention to them:

- Large branches falling on houses, cars, and/or people which presents a risk to public health and safety.
- Leaf and branch litter falling into the street and entering the storm water system which creates water pollution and represents a financial liability to the ACT Government to remediate as a well as generally being bad for the ecosystem.
- Leaf and branch litter falling into the street and onto our driveways that creates a slip and trip hazard. This is particularly risky for [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Slipping, tripping and falling as a result of the leaf and branch litter in the street and our driveway from an ACT Government street tree represents a very real risk with higher likelihood and consequences for my fiancé than it would another person [REDACTED]. My fiancé and I consider this to be an unacceptable risk.

- Tree falling over in heavy winds or storms presents a risk to falling on homes, cars and/or people.
- Further damage to essential services infrastructure of water, gas and sewerage. Utilities providers cannot provide reasonable assurance that services won't be impacted by the street tree, which again the tree has a documented history of problems.

Further cost liability to the ACT Government to again repair roads, gutters and public property as a result of its problematic root system.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson. Failing to remove the street tree means the ACT Government accepts the risks and consequences to public health and safety of the community and services infrastructure.

I look forward in hearing a response from you at your earliest convenience, alternatively I welcome a telephone call on [REDACTED], or indeed I encourage you to visit our home for tea and coffee and to inspect the tree for yourself and discuss the matter further.

Kind Regards,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 10 March 2020 1:32 PM
To: STEEL <STEEL@act.gov.au>; treeprotection@act.gov.au <treeprotection@act.gov.au>; lawder@parliament.act.gov.au <lawder@parliament.act.gov.au>
Cc: [REDACTED] <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)> <[\[REDACTED\]@gmail.com](mailto:[REDACTED]@gmail.com)>
Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon Tom,

Thank you for your email and for speaking with me on the telephone just now.

As discussed you were unable to provide a specific timeframe in which a formal reply will be issued from the Minister and were not able to confirm whether the inquiries made about the tree included consultation with ICON Water. It was advised that no formal response or recommendation has been received by the Minister from the representatives appointed to examine the matter and the tree. Thank you for confirming the Minister has my email from 21:47 on Monday 9 March 2020 which raises concerns the ACT Government and its appointed representative do not take the matter and the tree removal seriously.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Tuesday, 10 March 2020 1:17 PM

To: [REDACTED]

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Afternoon,

Thank you for your email. The Minister is still waiting on some final information needed for his response.

Sometimes this can take some time and I apologies for the delay.

Thank you for your patience.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]

Sent: Monday, 9 March 2020 9:47 PM

To: STEEL <STEEL@act.gov.au>; TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>;

LAWDER <LAWDER@parliament.act.gov.au>

Cc: [REDACTED] <[REDACTED]@gmail.com>

Subject: Re: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices regarding my email correspondence on 18 February 2020 because I have not receive any further communication or correspondence from your offices on the matter. Further, I have taken the opportunity to include the Shadow Minister for Urban Services in this email correspondence.

Recently I spoke with my neighbours who advised a representative from the ACT Government ('the representative') attended to examine the street tree at [REDACTED] Grigg Place ('the tree'). From these discussions I was advised the representative was not interested in the matter and stated "the tree won't get removed so there's no point trying" and "I'll trim some of it back [the tree] to make it look like we [the ACT Government] are doing something about it".

I must say that it is very disappointing to hear a representative of the ACT Government having such an attitude and does not take the matter seriously particularly given the tree is the responsibility of the ACT Government and a liability to public safety as well as the essential water and sewage infrastructure.

ICON Water have just undertaken major capital works to replace the sewage infrastructure in Grigg Place and Twamley Crescent. When I spoke with the Project Manager from ICON Water it was advised these works were undertaken because of street trees in Grigg Place and Twamley Crescent, including the tree mentioned in this correspondence, have invaded the sewage system. Further, ICON Water cannot, with absolute assurance, confirm the replacement sewage infrastructure will not be invaded by the tree at either the street level or where the house sewage lines connect to the street. ICON Water also advised the ACT Government is often "difficult" and "unwilling" to remove invasive street trees.

Aside from my disappointment at the attitude of the ACT Government representative, I am disappointed by the inconsistent approach of the ACT Government when it comes to street tree removal. Take the light rail down Northborne Avenue, the ACT Government removed hundreds of street trees, some dead or dying, but many that were indeed healthy; nonetheless the ACT Government removed them because they presented an obstacle to government policy. Yet here is a tree that should be removed because it is a risk and presents an ongoing liability to public safety and yet the ACT Government wants to do nothing.

Again, I urge the ACT Government to remove the street tree at [REDACTED] Grigg Place Richardson.

I look forward in hearing a response from you at your earliest convenience.

Kind Regards,

[REDACTED]

From: STEEL <STEEL@act.gov.au>

Sent: Tuesday, 18 February 2020 9:27 AM

To: [REDACTED]

Subject: RE: Request for ACT Government to remove dangerous, overgrown and invasive

Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Good Morning [REDACTED]

Thank you for your email.

I have brought this to the attention of Minister Steel who will be responding.

Kind regards,

Tom McKernan

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Community Services and Facilities

Minister for Multicultural Affairs

Minister for Transport and City Services

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

E. Thomas.McKernan@act.gov.au | T. (02) 6205 1470

www.chrissteel.com.au

From: [REDACTED]

Sent: Tuesday, 18 February 2020 9:05 AM

To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>; STEEL <STEEL@act.gov.au>

Cc: [REDACTED]; [REDACTED]@gmail.com

Subject: Request for ACT Government to remove dangerous, overgrown and invasive Eucalyptus street tree at [REDACTED] Grigg Place, Richardson, ACT, 2905

Dear Minister for City Services and ACT Conservator of Flora and Fauna,

I am writing to your offices requesting the ACT Government remove the dangerous, overgrown and invasive Eucalyptus tree ('the tree') at ■■■ Grigg Place, Richardson. The tree is an ACT Government street tree.

My fiancé and I are the residents and owners at ■■■ Grigg Place, Richardson. Our neighbours at number ■■■ and I have discussed the tree and are supportive of our request to the ACT Government for its removal and share the concerns we have with regard to the tree.

Our neighbours advised they have previously complained to the ACT Government about the tree because its highly invasive root system caused damage to the driveways of both ■■■ and ■■■ Grigg Place and required, at the tax payers expense, replacement of concrete aprons and part of the driveways because of the extensive damage which represented a risk to public safety.

According to our neighbours, the ACT Government acknowledged this species of Eucalyptus tree is no longer planted in urban areas because it is invasive, known to be problematic with its root system lifting concrete and invading sewage systems, and associated risks due to its nature of dropping limbs and leaves. However, our neighbours advised the ACT Government refused to remove the tree even though our neighbours offered to plant several deciduous trees in its place.

The reasons we are requesting the ACT Government remove the tree are as follows:

- Risk to public health and safety as the tree is constantly dropping branches and leaves in either the street or on our yard.
 - We are concerned that the tree will drop larger branches on us, our cars; or in a storm or heavy winds the tree falls over and potentially on either our home or our neighbours home.
 - The constantly falling leaves and branches represent a trip and slip hazard that could result in minor or indeed major injury.
- Tree leaves and limbs clogging storm water drains.
 - As discussed in the previous bullet point, the tree consistently drops leaves and branches, many of these fall onto the road and wind up in the gutters which leads to pollution of the stormwater system. Pollution of the stormwater is a risk to the ACT Government and represents a cost burden to ACT residents as well as the overall environmental impacts attributed to polluted stormwater.
- Root system has invaded sewage system and caused severe damage which is currently being remediated by ICON Water (see attached).

On 17 February, a subcontractor for ICON Water marking our driveway and land with spray paint for the utility services advised remediation of the sewage system was going to occur because of invasive root systems caused by ACT Government street trees at [REDACTED] Grigg Place and potentially [REDACTED] Grigg Place. The subcontractor advised parts of the system would be replaced and a 'riser' installed on our side of the boundary so in future ICON Water can attribute to which side of the boundary any sewage system blockages are, either the ACT Government or the homeowner.

- My fiancé and I fear this problematic and invasive tree will continue to invade the sewage system and should it do so from our side of the boundary that ICON Water/the ACT Government use this as an excuse to either on-cost sewage remediation works or state it is a private matter and therefore our expense to incur through a private plumber.

We acknowledge the importance of trees to the environment. However, the tree itself is not unique in terms of its landscape and aesthetic value; it is a common form of Eucalyptus tree. The tree does not contribute significantly to the surrounding landscape. The tree does not represent an outstanding example of its species. The tree is not an exceptional example that reached maturity prior to urban development in Richardson; rather it was planted in Richardson after the suburb was gazetted and built. Further, the fact the ACT Government no longer plants this species of Eucalyptus tree as a street tree because of the risks to public safety and invasion of the sewage system further supports why the tree should be removed.

Should you have any questions or queries please don't hesitate in contacting me on [REDACTED]
[REDACTED]

I look forward in hearing from you at your earliest convenience.

Kind Regards,

[REDACTED]

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



Minister for City Services
Minister for Multicultural Affairs
Minister for Recycling and Waste Reduction
Minister for Roads and Active Travel
Minister for Transport
Member for Murrumbidgee

Dear [REDACTED]

Thank you for your follow up email of 28 May 2020 regarding the removal of a street tree located at [REDACTED] Grigg Place in Richardson.

As previously advised, the tree in front of your residence has been assessed as sound and healthy and does not warrant removal at this time. The tree is not dead, damaged or in irreversible decline; it is not a traffic hazard or other identified hazard to public safety; it is not interfering with above or below ground services in a way that cannot be repaired/remediated. Transport Canberra and City Services (TCCS) have not been contacted by ICON water with regards to this tree and as you have stated in your summary of your discussion with Mr Schwartzkoff, they have carried out refurbishment works on the sewage line.

Damage to a driveway can be repaired and TCCS has a procedure for investigating damaged driveways when it can be shown that the tree has caused such damage. The procedure can be found here www.cityservices.act.gov.au/_data/assets/pdf_file/0010/387928/Tree-Root-Damage-to-Pavement.pdf

The tree is not an unsuitable species for the location where it is planted and it is common to see Eucalypt species planted as street trees across the ACT. This tree was not a temporary planting in the original landscape design. The tree is sound and healthy and has not yet reached the end of its useful life in the landscape.

In its current healthy state the tree is not considered to be dangerous and it contributes greatly to the surrounding landscape by reducing the heat island effect, reducing glare and the effects of wind and solar radiation, stormwater management, reducing air pollution, improving biodiversity, natural beauty, visual interest and public and private amenity.

There are a great number of Eucalypt species growing in the ACT and some are also hybrids of different species. It is not always possible to identify the exact species. I would like to assure you that TCCS employs a team of skilled and experienced staff to undertake tree assessments and determine the appropriate management action.

ACT Legislative Assembly

London Circuit, Canberra ACT 2601, Australia GPO Box 1020, Canberra ACT 2601, Australia
Phone +61 2 6205 1470 Email steel@act.gov.au



@ChrisSteelMLA



chrussteellabor



chrussteelmla



The ACT Government places great value on the role of trees in the urban environment and takes a very conservative approach to requests to remove a tree located on public land. Trees that appear to be healthy and sound will be retained where possible and in this case, TCCS will not be programming the removal of this tree.

Thank you for raising this matter. I trust this information is of assistance.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Chris Steel', is positioned above the printed name.

Chris Steel MLA
Minister for City Services

17 July 2020

TREE CLAIM

Incident No. # 170122-000060

Date Recieved: 22/01/2017 10.04 AM

Subject: Trees & Shrubs : Fix My Street Desktop Quick Report Submission

Incident Type: Public Liability Claims

Contact Name: [REDACTED]

Best Contact Number: [REDACTED], ,

Email: [REDACTED][n@gmail.com](mailto:[REDACTED]n@gmail.com)

Location:

■ Grigg Pl, Richardson ACT 2905, Australia , Richardson

Suburb: Richardson

170202-000675 Sent to KTS to assess tree for d/w and pruning requirements. iams 1012887 sent to Roads ACT for d/w

The roots of the tree at the front of our property has caused major damage to our driveway and has significant die back in it again. There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree assessed with the view to remove it on the grounds of damage and safety.

ACTION/REMARKS

This Incident to be completed/resolved by:

Date Received: 22/01/2017 10.04 AM **Date Actioned:**

Action Taken:

Work has been carried out in accordance with the required specifications

TREE CLAIM

Incident No. # 170301-001888

Date Recieved: 01/03/2017 02.17 PM

Subject: Public trees - Municipal

Incident Type: Tree Assessment

Contact Name: [REDACTED]

Best Contact Number: 0457979110 , ,

[REDACTED]@gmail.com

Location:

■ Grigg Place RICHARDSON , Richardson

Suburb: Richardson

Escalated to: Shelly McCarthy

Customer was provided with information to date: **Yes**

■ has called to advise that the tree has been pruned back numerous times and wants an update weather the tree will be removed.

Duplicate jobs please refer to **170202-000675** job is OP inspected 27/02/17 MJ cc 01691 left. MT GP &DW 6 wk priority

Printed and handed to JP

Could I please have some one call me regarding this issue.

Thank you

[REDACTED]

Sent from my iPhone

Hey Shellie, I will pass it to JP

Emma

I have dealt with the driveway issues (along with Roads ACT). I THINK THE RESIDENT IS REQUESTING INFO ON THE OUTCOME OF THE ASSESSMENT, IF THAT HAS BEEN CARRIED OUT YET. CAN SOMEONE CONTACT HER TO ADVISE.

SHELLIE

Positional data at time of incident submissions was:

Latitude:

Longitude:

Google Url:

Google Address: ■ Grigg Place RICHARDSON

First name ■■■■■

Surname: ■■■■■

Phone: ■■■■■■■■■■

Organisation:

Incident location: ■ Grigg Place RICHARDSON, , Richardson

Topic: Public Liability Claims

IAMS Ref:

Tree assessment Ref 01691

These tree roots are lifting the two driveways.

Please confirm that the tree will be removed as it appears from the assessment that this will not take place.

The tree which requires removal is about a metre and a half away from the sewer manhole.

Please call ■■■■■ on ■■■■■■■■■■

Many thanks

ACTION/REMARKS

This Incident to be completed/resolved by:

Date Received: 01/03/2017 02.17 PM **Date Actioned:**

Action Taken:

Work has been carried out in accordance with the required specifications

TREE CLAIM

Incident No. # 170202-000675

Date Recieved: 02/02/2017 10.12 AM

Subject: There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree asses...

Incident Type: Dead Wood

Contact Name: [REDACTED]

Best Contact [REDACTED] , ,
[REDACTED]@gmail.com

Location:

■ Grigg Place , Richardson

Suburb: Richardson

Damage issue will be addressed by Roads Act. Safety and pruning requirements to be addressed

There is a branch over the driveway that is dead we are concerned it will drop on a person or car. There are two other trees a few doors down from us that have been pruned and removed due to disease. Could we please have this tree assessed with the view to remove it on the grounds of damage and safety.

ACTION/REMARKS

This Incident to be completed/resolved by:

Date Received: 02/02/2017 10.12 AM **Date Actioned:**

Action Taken:

Work has been carried out in accordance with the required specifications

TREE CLAIM

Incident No. # 180919-000034

Date Recieved: 19/09/2018 07.28 AM

Subject: Driveway Damage : Fix My Street Report Submission

Incident Type:

Contact Name: [REDACTED]

Best Contact Number: [REDACTED] 0 , ,

Email: [h\[REDACTED\]e@tpg.com.au](mailto:h[REDACTED]e@tpg.com.au)

Location:

■ Grigg Pl, Richardson ACT 2905, Australia , Richardson

Suburb: Richardson

IAMS: 1060915 - Sent to driveways.

changed queue to Trees.

Positional data at time of incident submissions was:

Latitude: [REDACTED]

Longitude: [REDACTED]

Google Url: [http://maps.google.com.au/maps?q=loc:-\[REDACTED\]](http://maps.google.com.au/maps?q=loc:-[REDACTED])

Google Address ■ Grigg Pl, Richardson ACT 2905, Australia

My driveway is crumbling due to a government street tree. I have reported it and it should have been repaired by now. I have slipped over on the loose concrete and have an injured wrist as a result. I request someone come and meet with me about it ASAP. It is also affecting ■ Grigg place.

My number is [REDACTED] . [REDACTED]

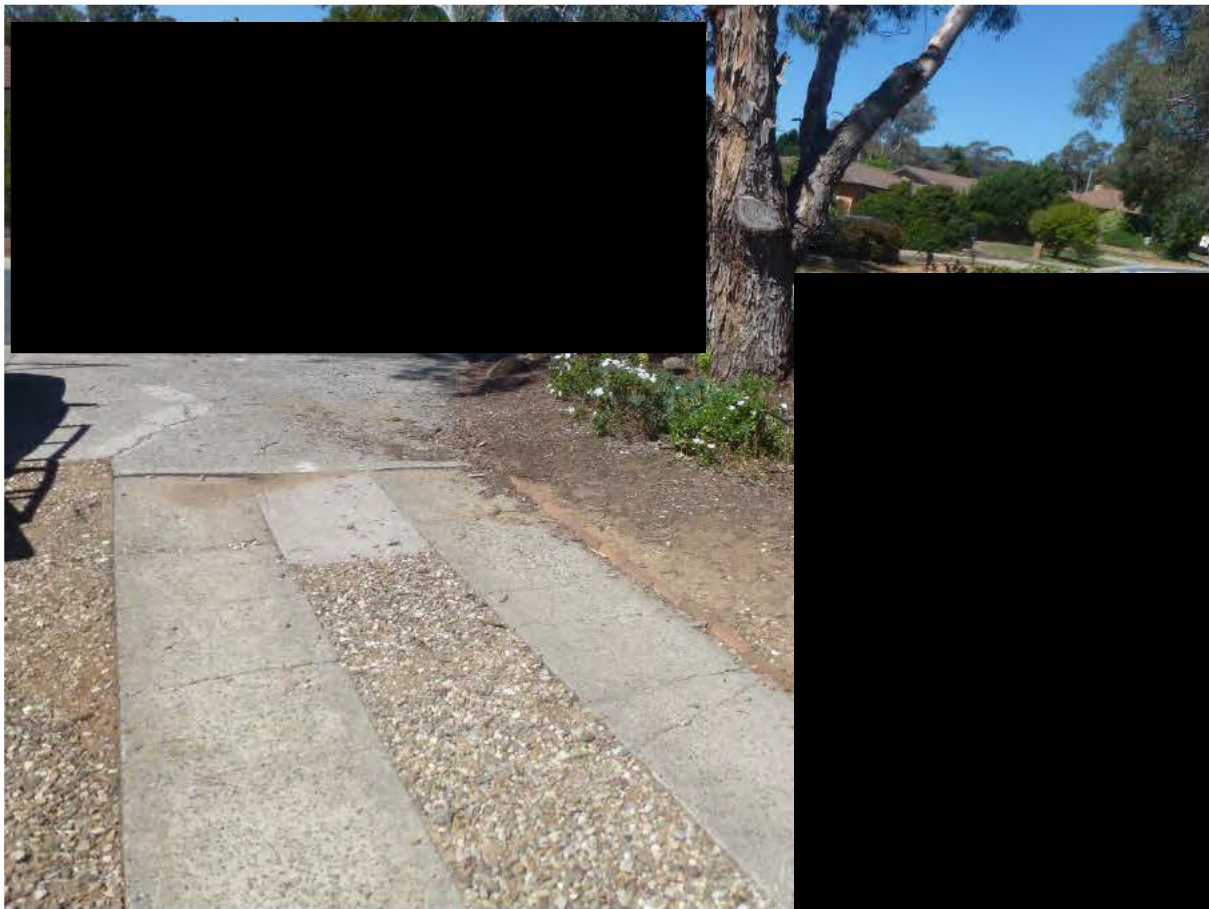
ACTION/REMARKS

This Incident to be completed/resolved by:

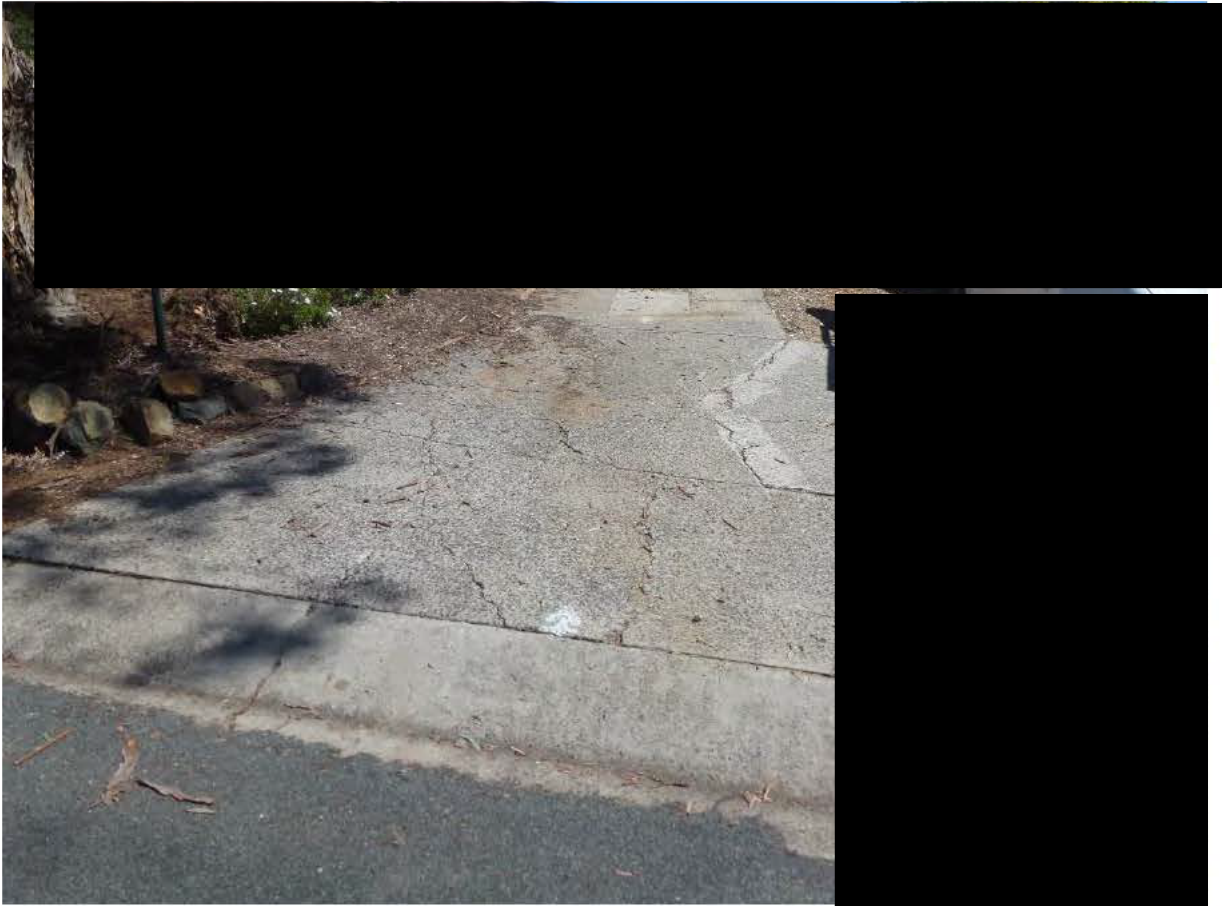
Date Received: 19/09/2018 07.28 AM **Date Actioned:**

Action Taken:

Work has been carried out in accordance with the required specifications







TREE CLAIM

Incident No. # 200212-002041

Date Received: 12/02/2020 02.46 PM

Subject: FixMyStreet Submission: Grass, trees & shrubs > Trees & shrubs > Removal of tree, branches or other

Incident Type: General Prune

Contact Name: anonymousFMS anonymousFMS

Best Contact Number: , ,

Email: [REDACTED]@accesscanberra.act.gov.au.invalid

Location:

[REDACTED] GRIGG PL, RICHARDSON ACT 2905 , Richardson

Suburb: Richardson

Assess tree and advise Lachlan of outcome of assessment so that he can respond to ministerial. Shellie will provide input for claim side

Positional data at time of incident submissions was:

Latitude: [REDACTED]

Longitude: 1 [REDACTED]

Google Url:

Google Address [REDACTED] GRIGG PL, RICHARDSON ACT 2905

Can you provide any additional information about the location of the job to help us find the issue (i.e., intersections, buildings, landmarks, features)?:

Massive tree in the street.

What is the issue?:

Removal of tree or other

Is the tree/shrub growing from private or public land?:

Public

What would you like removed?:

Tree

What is the reason?:

Other

Please provide more information

Dangerous eucalyptus melliodora tree. Dropping branches and leaves all the time which clog house and street gutters. Concerned about tree damaging sewage pipes that are being remediated by ICON water at the moment etc.

Was this caused by a recent storm?:

No

Phone Number:

Verify Email Address:

[REDACTED]@accesscanberra.act.gov.au.invalid

ACTION/REMARKS

This Incident to be completed/resolved by:

Date Received: 12/02/2020 02.46 PM **Date Actioned:**

Action Taken:

Work has been carried out in accordance with the required specifications