



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 22-068

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)	20 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

From: [REDACTED]
To: [TCCS FreedomOfInformation](#)
Subject: FOI Request - [REDACTED]
Date: Monday, 25 April 2022 12:50:21 PM

CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon,

I am seeking access to the following document under FOI, please -

- A copy of the meeting minutes, in full, of the meeting of the Tree Advisory Panel of 10 March 2022 whereby the Panel discussed Application ID 45713 - removal of a large Eucalyptus Mannifera at [REDACTED] ACT 2615.

Many thanks,

[REDACTED]
[REDACTED]



ACT
Government

Transport Canberra and
City Services

[REDACTED]

Dear [REDACTED]

Freedom of Information Request - Reference 22-068

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 26 April 2022 seeking access to the following government information under the *Freedom of Information Act 2016*:

“A copy of the meeting minutes, in full, of the meeting of the Tree Advisory Panel of 10 March 2022 whereby the Panel discussed Application ID 45713 - removal of a large Eucalyptus Mannifera at [REDACTED] ACT 2615.”

Timeframes

A decision is due on your application by 24 May 2022.

Authority

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

Decision on access

In accordance with the FOI Act, a search of TCCS records has been completed and the relevant record has been identified.

In reviewing the information contained in this record and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with full access to this record. My decision is detailed further in the statement of reasons below.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedule 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Section 2.2(a)(vii) - advance the fair treatment of individuals and other entities in accordance with the law in their dealings with the government; 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, Section 2.2)

- No factors relevant to the non-disclosure were identified as relevant.

In reviewing the information contained within the record you have requested access to, no factors favouring non-disclosure were identified. As such, I have found that it is, on balance, in the public interest to provide you with full access to this record.

A copy of the relevant information is enclosed at [Attachment A](#).

Charges

No fees are applicable to this application as the number of pages being released are within the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a [Disclosure Log](#). Your access application, this notice of decision and the requested information will be published within 3 – 10 business days from the date of this decision.

Your personal information, and the address where the relevant tree is located, will be redacted from these copies prior to publication.

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 an 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: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82 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 queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Kristine Scheul
Information Officer

24 May 2022



ACT
Government

Transport Canberra and
City Services

UNCLASSIFIED FOR-OFFICIAL-USE-ONLY

MINUTE

MEETING MINUTES	DATE: 10 MAR 2022	TIME: 9:00AM – 11:30AM	VENUE: DOB GROUND LEVEL, ROOM 00.022 480 NORTHBOURNE AVENUE, DICKSON
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Type of Meeting (Subject)	To provide recommendations to the Conservator of Flora and Fauna for reconsidered decisions
Chair	Mr Richard Hart
List Of Attendees	Ms Christine Rampling Mr Chris Golding Mr Mark Diehm – A/g Assistant Director, TPU
Apologies	Ms Hayley Crossing
Minutes Taker	Rosie Dojcic

Reconsideration Applications:

Application ID:
45713

Tree 1:
Eucalyptus mannifera

Summary of Discussion

The applicant's grounds for reconsideration were:

1. The tree represents an unacceptable risk to public or private safety.
2. The tree is shown to be causing or threatening to cause substantial damage to a substantial building, structure or service.
3. The location of the tree is inappropriate given its potential size and growth habit (excluding remnant eucalyptus).
4. The tree is substantially affecting solar access to the lessee's lease, or neighbouring lease, during the hours of 9am to 3pm and pruning is not sufficient to remedy this (excluding remnant eucalyptus).

The panel discussed the following:

The tree is located in the back yard for the house with a deck extending close to the trunk. It is approximately to the east of the house and north north-east of the garage.

A branch failure during the January storm caused some damage to the house – primarily the sliding doors leading out to the deck area. The applicant is concerned that there could be future failures that might damage the house and threaten personal safety.

The applicant also advised that the eaves of the building are asbestos sheet and if these were damaged in the event this would present a further risk to private and public safety.

There is bird damage in the trunk at a major union, but ground inspection is unable to determine the extent of this damage. The applicant advised that he had been offered an aerial inspection by an arborist but had declined this. There is evidence of past major pruning which is occluding. The tree is apparently healthy and vigorous.

A plan for solar panels on the garage roof was submitted as a solar assessment. This recommended removal of the tree.

The panel discussed the risk and concluded that in the absence of an arborist's report regarding the extent of the bird damage that the risk of failure was low, while the risk of landscape / habitat damage was considered to be medium.

It was considered that mitigating actions to reduce the asbestos risk by having it removed professionally had not been considered in the application.

The tree is approaching its probable maximum size and well located in the yard.

While it impacts on solar access for the garage building, its location on the eastern side of the block precludes it meeting the criteria of impacting on solar access to the block as whole.

The panel concluded that grounds for removal under risk to private or public safety; threatening to cause damage to a substantial building, structure or service; inappropriate location or solar access had not been met and that there are no grounds for removal under the *Tree Protection Act 2005*.

The panel agreed with the recommendation unanimously

Recommendation:

Qualified arborist (level 5) report is required with an aerial inspection – to specifically address the area of bird damage.

Insufficient evidence was provided, therefore, further information is required

Conclusions:

The Advisory Panel concluded this tree **does not** meet the criteria under the *Tree Protection Act 2005* for approval of its removal.

Recommendation: The Advisory Panel recommended that an aerial inspection be carried out by a qualified arborist (level 5 arborist) and if further concerns or damage is noticed (particularly the hollows from bird damage), to provide the arborist's report in a new application to the Conservator.

Other Comments/Notes:

Supported:

N