



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 20-094

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)	33 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: [Bruan, Nicole](#)
To: [Pye, Mark](#)
Cc: [TCCS_FreedomOfInformation](#)
Subject: RE: CALL CONSTITUENT: [REDACTED] - Concerns re tree issue [REDACTED]
Date: Friday, 4 December 2020 1:15:15 PM
Attachments: [image001.png](#)

OFFICIAL

Thanks Mark, I will give her a call today.

From: Pye, Mark <Mark.Pye@act.gov.au>
Sent: Friday, 4 December 2020 11:21 AM
To: Bruan, Nicole <Nicole.Bruan@act.gov.au>
Subject: FW: CALL CONSTITUENT: [REDACTED] - Concerns re tree issue [REDACTED], [REDACTED]

OFFICIAL

Hi Nicole

Are you able to action this constituent call request?

Thanks
Mark

From: STEEL <STEEL@act.gov.au>
Sent: Friday, 4 December 2020 10:39 AM
To: TCCS_Ministerial <TCCS.Ministerial@act.gov.au>
Cc: TCCS_DLO <TCCS.DLO@act.gov.au>
Subject: CALL CONSTITUENT: [REDACTED] - Concerns re tree issue [REDACTED], [REDACTED]

Hi

Can TCCS please ring [REDACTED] to assist her to make an FOI request about this matter (her number is at bottom of email chain).

Thanks

Hanna

Hanna Froehlich | Senior Adviser | Office of Minister Steel
Minister for Transport and City Services
Minister for Skills
Special Minister of State
hanna.froehlich@act.gov.au | 02 6205 1174 | [REDACTED]

From: BARR Reception <BARR@act.gov.au>

Sent: Thursday, 3 December 2020 2:57 PM

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

Cc: Froehlich, Hanna <Hanna.Froehlich@act.gov.au>

Subject: FW: Correspondence from Minister Steel - Concerns re tree issue [REDACTED], [REDACTED]

Hi Tom

Can you please arrange for someone from TCCS to contact [REDACTED] to tell her how to submit a formal FOI request.

Thanks

Iris

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

Sent: Thursday, 3 December 2020 2:44 PM

To: BARR Reception <BARR@act.gov.au>

Subject: Re: Correspondence from Minister Steel - Concerns re tree issue [REDACTED], [REDACTED]

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.

Thanks for this Iris

But I think that you've completely misunderstood my request.

I continue to request all documents associated with the original pruning approval under FOI Legislation.

I don't understand why this is so difficult.

Kindest

[REDACTED]

On Thu, 3 Dec 2020 at 2:27 pm, BARR Reception <BARR@act.gov.au> wrote:

Dear [REDACTED]

Thank you for your email regarding Minister Steel's letter. As outlined in the letter you received from the Delegate of the Conservator on 10 September 2020 and in the letter from Minister Steel received 27 November 2020, whilst approval for major pruning of the tree has been granted, your consent as the property owner is required before work can be undertaken.

The Chief Minister is unable to assist in resolving a private dispute.

In addition to the ACAT process outlined in Minister Steel's letter, I would like to bring your

attention to the Conflict Resolution Service, which is a free service that may be able to assist you in handling this discussion with your neighbour. You can contact the CRS at admin@crs.org.au, or on 6189 0590.

Kind regards

Iris Eagar

Office of Andrew Barr MLA

Chief Minister

Treasurer

Minister for Climate Action

Minister for Economic Development

Minister for Tourism

Member for Kurrajong



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

Sent: Thursday, 3 December 2020 11:43 AM

To: andrew.barr@act.alp.org.au

Subject: Fwd: Correspondence from Minister Steel - Concerns re tree issue [REDACTED]

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.

Dear Chief Minister

I refer to my previous correspondence to you about the issues associated with the decision by the Conservator given to my neighbour which authorised them to conduct a major pruning of my tree.

As you know, my concerns were raised with the responsible minister, Christopher Steel. His response is attached below for your information.

As one of your constituents (I note all my family voted for you), I am now concerned with the overly bureaucratic response given by Minister Steel, including in particular to my request under the ACT Freedom of Information Act, that I be given copies of **all** documentation regarding the approval, including the risk assessment undertaken by the bureaucracy that determined that the basis that the decision was made was that the tree was a risk to person and property. In this regard you will note that I forwarded onto your office a risk assessment by a class 5 arborist under the relevant international standard is that any risk to either persons or property belonging to my neighbour associated with the tree was more than 1 in a million

and that this risk was acceptable. If this is considered not to be an acceptable risk, then it is likely every tree in Canberra would need to have a major pruning.

The Minister notes that there was an administrative error in not providing us with a copy of the approval and now provides this in his response. Hardly an acceptable response, given any possibility to appeal passed months ago. Including in the month it took for the Minister to reply.

You will see that the Minister has required that we forward an application on an official form. Given this was requested in my original letter dated 21 October, it is incredulous that six weeks later, the form is a bureaucratic requirement.

I seek that my original request for the full documentation underpinning the pruning approval be honoured. To do otherwise is rather churlish.

I also note that the Minister's note that I could pursue (what in effect would be expensive litigation) is obstinate and again, bureaucratic.

I would expect better from an administration you lead.

kindest regards

[REDACTED]
[REDACTED]
[REDACTED]
[ACT 2600](#)
[REDACTED]

----- Forwarded message -----

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

Date: Fri, 27 Nov 2020 at 10:51

Subject: Correspondence from Minister Steel - Concerns re tree issue [REDACTED]

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

Good Morning,

Please see the attached letter from Minister Chris Steel MLA.

Kind regards,

Dom Hale

Office Manager to Chris Steel MLA

Member for Murrumbidgee

Minister for Transport and City Services

Minister for Skills

Special Minister of State

ACT Legislative Assembly
GPO Box 1020, CANBERRA, ACT 2601 Australia
E. Dominic.Hale@act.gov.au | T. (02) 6205 1470
www.chrissteel.com.au

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.



ACT
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Transport Canberra and
City Services

Ms [REDACTED]
[REDACTED]@gmail.com

Dear [REDACTED]

Freedom of information request: Reference 20-094

I refer to your applications made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by Transport Canberra and City Services (TCCS) on 4 December 2020 in which you sought access to:

- *copies of **all** documentation regarding the approval, including the risk assessment undertaken by the bureaucracy that determined that the basis that the decision was made that the tree [at [REDACTED]] was a risk to person and property.*

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 Act.

Timeframes

I thank you for your patience in the processing of your application and for agreeing to an extension to 29 January 2021.

Decision on access

A search has now been completed and 11 documents (33 pages) have been identified that fall within the scope of your request.

I have included at **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and access decision for each of those documents.

I have decided to:

- grant partial access to 9 documents; and
- grant full access to 2 documents.

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 Act into account, in particular Schedule 2.

Factors favouring disclosure (Schedule 2)

- 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)

- 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.

Personal Privacy

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. I have decided that names and contact details of third parties should not be released because the release could identify an individual and would prejudice their right to privacy.

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

No fee applies 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 original access application, my decision and documents released to you will be published on the TCCS disclosure from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at http://www.tccs.act.gov.au/about-us/freedom_of_information.

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(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
<http://www.act.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

25 January 2021

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 www.tccs.act.gov.au/about-us/freedom_of_information

			WHAT ARE THE PARAMETERS OF THE REQUEST			
TCCS FOI 20-094			Tree at [REDACTED]			
Document number	Page numbers	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1-2	01. 20200902 - Tree Assessment Report - App ID_ [REDACTED]	2 September 2020	Full access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	Documents to be published
2	3-10	02. 20200902 - photos taken during inspection	2 September 2020	Full access	N/A	
3	11	03. 20200903 - Email with 2 attachments - Subject - TAR-[REDACTED]	3 September 2020	Full access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	
4	12-13	04. 20200903- Attachment 1 of 2 - Tree assessment report -	2 August 2020 (date corrected in document 1)	Partial access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy	

5	14	05. 20200903 - Attachment 2 of 2 - Email with 2 Attachments - Subject - Email [REDACTED]	22 August 2020	Partial access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy
6	15-19	06. 20200903 - Attachment 1 of 2 of attachment 2 of 2 - Subject - [REDACTED] Application dated 22 August 2020	22 August 2019	Partial access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy
7	20-21	07. 20200903 - attachment 2 of 2 of attachment 2 of 2 - pictures	22 August 2020	Full access	N/A
8	22	08. 20200908- Email - ACT Heritage Council advice - TDA - [REDACTED]	8 September 2020	Partial access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy
9	23	20200910 - Conservator's Decision Report - signed	10 September 2020	Partial access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy
10	24-32	10. 20200910 - Letters adjoining to lessee	10 September 2020	Partial access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) Prejudice the Protection of an Individual's Right to Privacy
11	33	11. 20200927 - Notice of Decision - [REDACTED]	27 October 2020	Full access	N/A





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Transport Canberra and
City Services

Inspected by: *[Signature]* Advisor Visit? Y N

Date: *2 - 9 - 2020*

Applicant requests - to be present Y N

Applicant/Lessee/Tenant - present Y N

TREE ASSESSMENT REPORT

Application ID: [Redacted] Date Received: 24-Aug-2020

Applicant Name: [Redacted]

Home Phone:
Business Phone:
Mobile: [Redacted]

Tree Address: [Redacted] Suburb: [Redacted]

Tree owner
mal-ke

Block/s: [Redacted] Section: [Redacted] Block Size (m²): 1075.4

ACTIVITY REQUIRED:

Felling/Removal Groundwork within the TPZ Major pruning Lopping Minor pruning Other

TREE DETAILS:

Tree/s No: 1 of 1 Genus & species Quercus robur Regulated Registered

Location on block: Middle of the backyard

The proposed activity is not subject to the legislation because it is:

under size dead a declared pest plant unleased land rural lease other

Height: 20.0 m Canopy: 28.0 m Circumference: ML m Heritage Block: Y N

Proximity to substantial structure: Trunk: m Canopy: m Overhang: m

Proximity to powerlines: Trunk: m Canopy: m Overhang: m

Landscapes values: 1 2 3 4 5 6 7 8 9 10

Possible nomination for the tree register:
Yes No

Isolated specimen	Remnant <input checked="" type="checkbox"/> planted / rare	Historical Prominent due to location / stature / height / age - (regardless stature)	Planting / Remnant / Commemorative
Group specimen	Remnant / planted		Yes / No
Indigenous	Remnant / planted	Habitat	Yes <input checked="" type="checkbox"/> No (Nest - Active / Hollow)
Cultural	Unusual form / habit / variety	License under the Nature Conservation Act 2014 required	Yes <input checked="" type="checkbox"/> No

Tree stable	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Root damage	Yes <input checked="" type="checkbox"/> No
Epicormic growth	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> None	Trunk damage	Yes <input checked="" type="checkbox"/> No
Foliage insects	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> None	Evidence of borers / termites	Yes <input checked="" type="checkbox"/> No
Deadwood	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> None	Evidence of fungal infestation	Yes <input checked="" type="checkbox"/> No
Previously pruned	<input checked="" type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> None	Evidence of weak branch unions	Yes <input checked="" type="checkbox"/> No
Previously lopped	Yes <input checked="" type="checkbox"/> No	Evidence of stress fractures	Yes <input checked="" type="checkbox"/> No
Causing drain blockages	Major <input type="checkbox"/> Minor <input type="checkbox"/> Not evident <input checked="" type="checkbox"/>	TPZ disturbance	Yes <input checked="" type="checkbox"/> No

Growth stage: juvenile semi-mature mature over-mature in decline
General health: excellent good fair poor

Comments:
* Previously lopped
* Some poor unions
* Some long pieces of dead wood
* Decayed - lopped cuts.
* 8m piece of dead wood fell
Evidence the tree dropped a dead limb on the roof of [Redacted] and broke root ties.

Assessment – TREE FELLING / REMOVAL (visual from ground level)

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
1.1.a	Life expectancy short ...	Yes / No	Yes / No	Yes / No	
1.1.b	Unacceptable risk to public or private safety ...	Yes / No	Yes / No	Yes / No	
1.1.c	Causing / threatening to cause substantial damage ...	Yes / No	Yes / No	Yes / No	
1.1.d	Inappropriate location...	Yes / No	Yes / No	Yes / No	
1.1.e	Blocking solar access (excluding remnant Eucalypts)	Yes / No	Yes / No	Yes / No	
1.1.f	Causing allergic reaction to occupant...	Yes / No	Yes / No	Yes / No	
1.1.g	Part of close planting...	Yes / No	Yes / No	Yes / No	
1.2	Schedule 2 Species	Yes / No	Yes / No	Yes / No	

Recommendation: **APPROVE** **REJECT** **REPLACEMENT TREE: Y / N**

Alternative Recommendation: Selective Pruning / Dead wooding / other.....

Assessment - **MAJOR PRUNING / LOPPING** (visual from ground level)

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
1.5.a.i	As a remedial treatment	Yes / No	Yes / No	Yes / No	
1.5.a.ii	In the general interests of the health of the tree	Yes / No	Yes / No	Yes / No	
1.5.a.iii	To reduce an unacceptable risk to public or private safety	Yes / No	Yes / No	Yes / No	
1.5.a.iv	To reduce the risk of damage or prevent further damage to a substantial building, structure or service	Yes / No	Yes / No	Yes / No	
1.5.b	Substantially affecting solar access to the lessees lease, or neighbouring lease, during winter...(excluding remnant Eucalypts)	Yes / No	Yes / No	Yes / No	

Recommendation: **APPROVE** **REJECT**

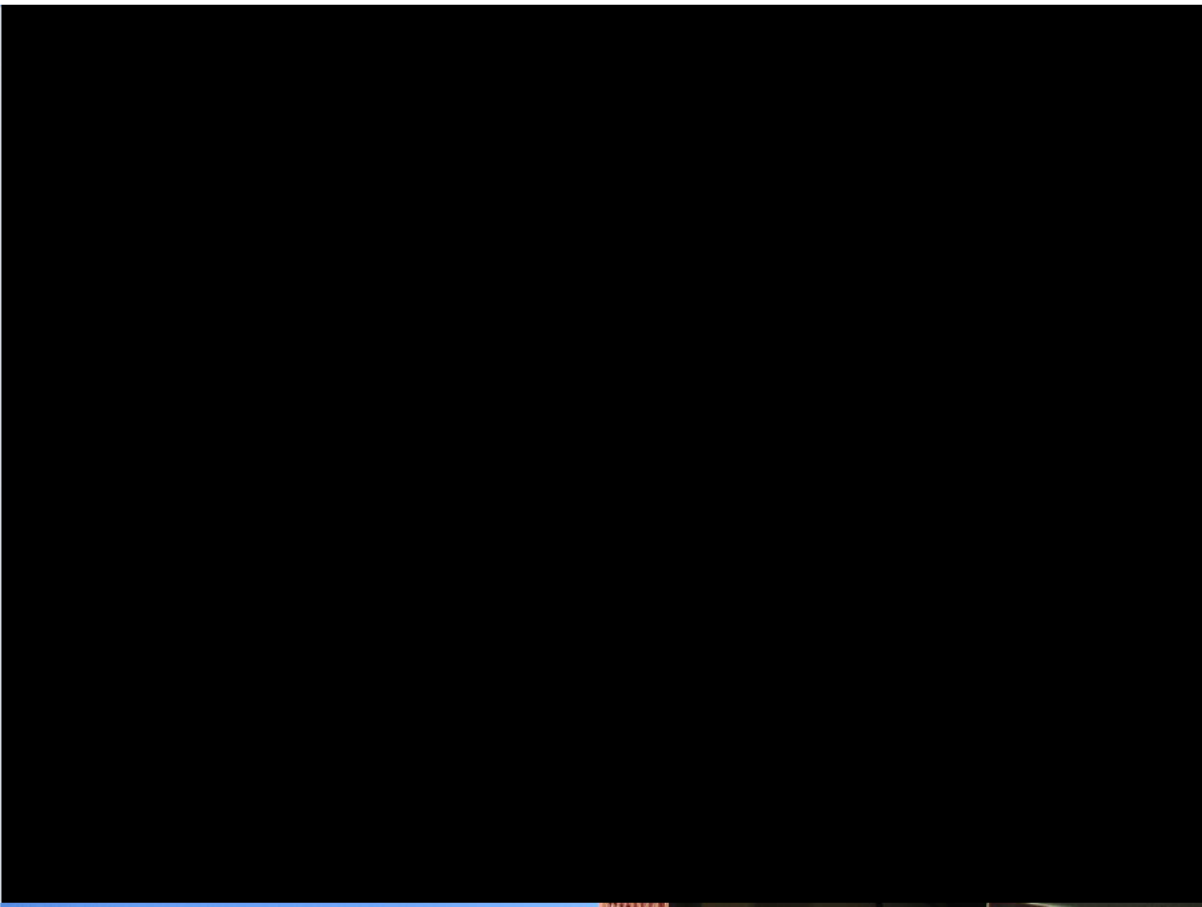
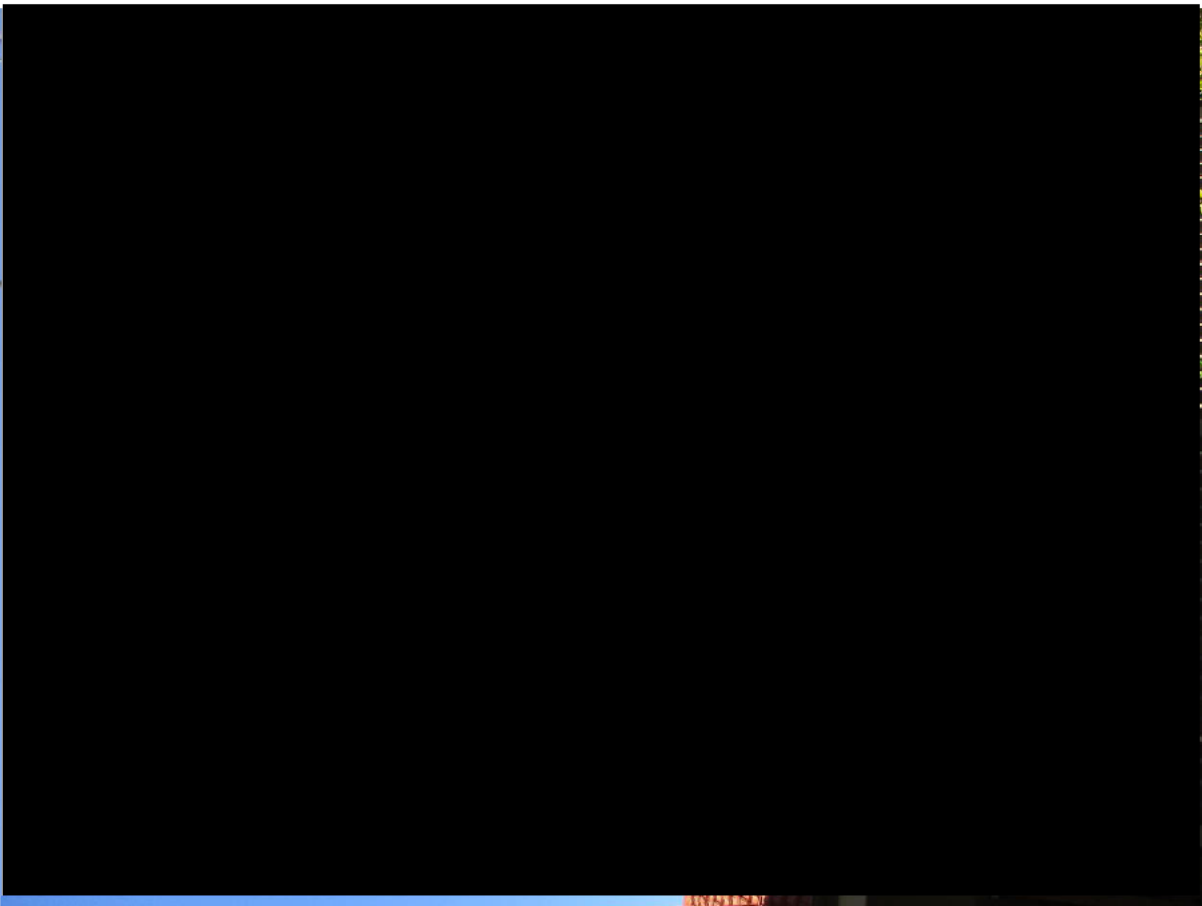
Assessment - **GROUNDWORK** (visual from ground level)

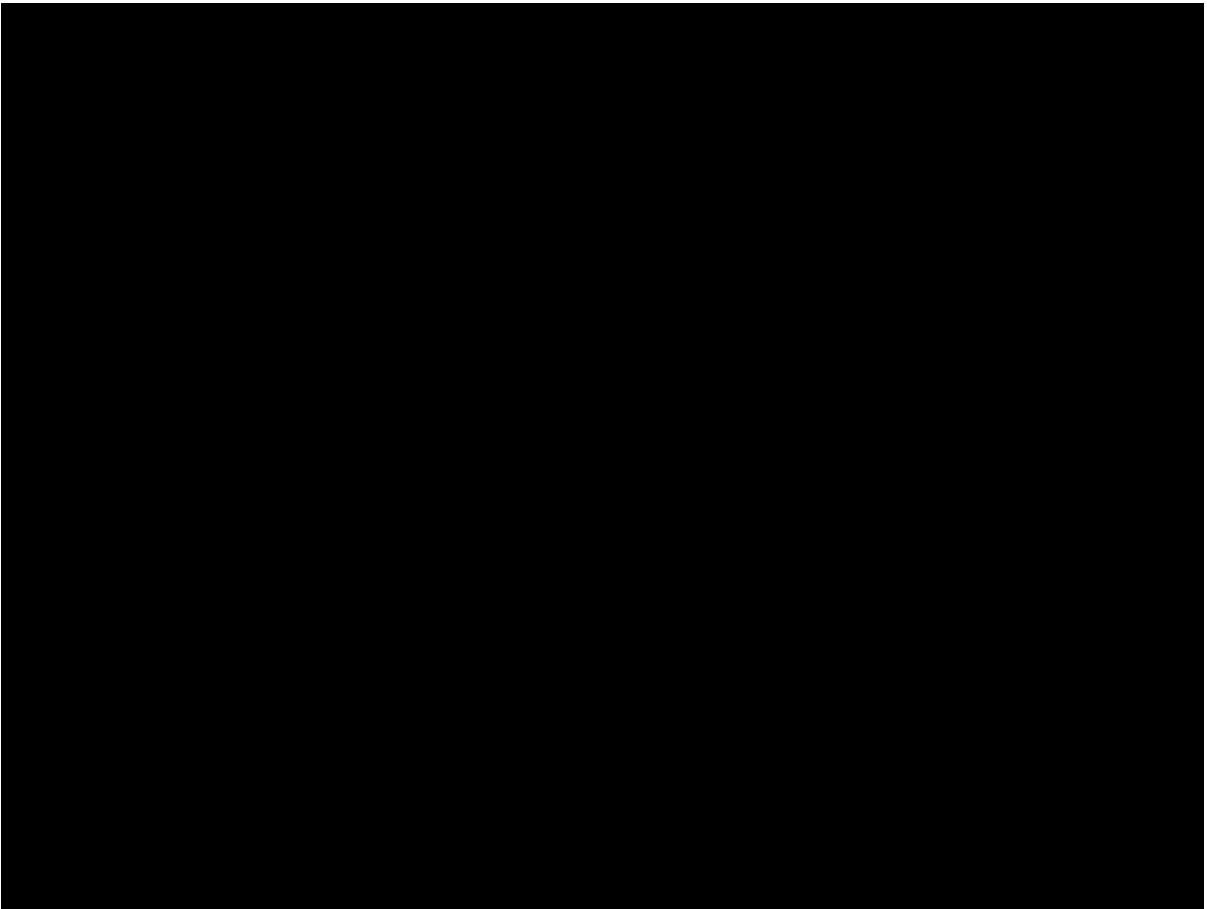
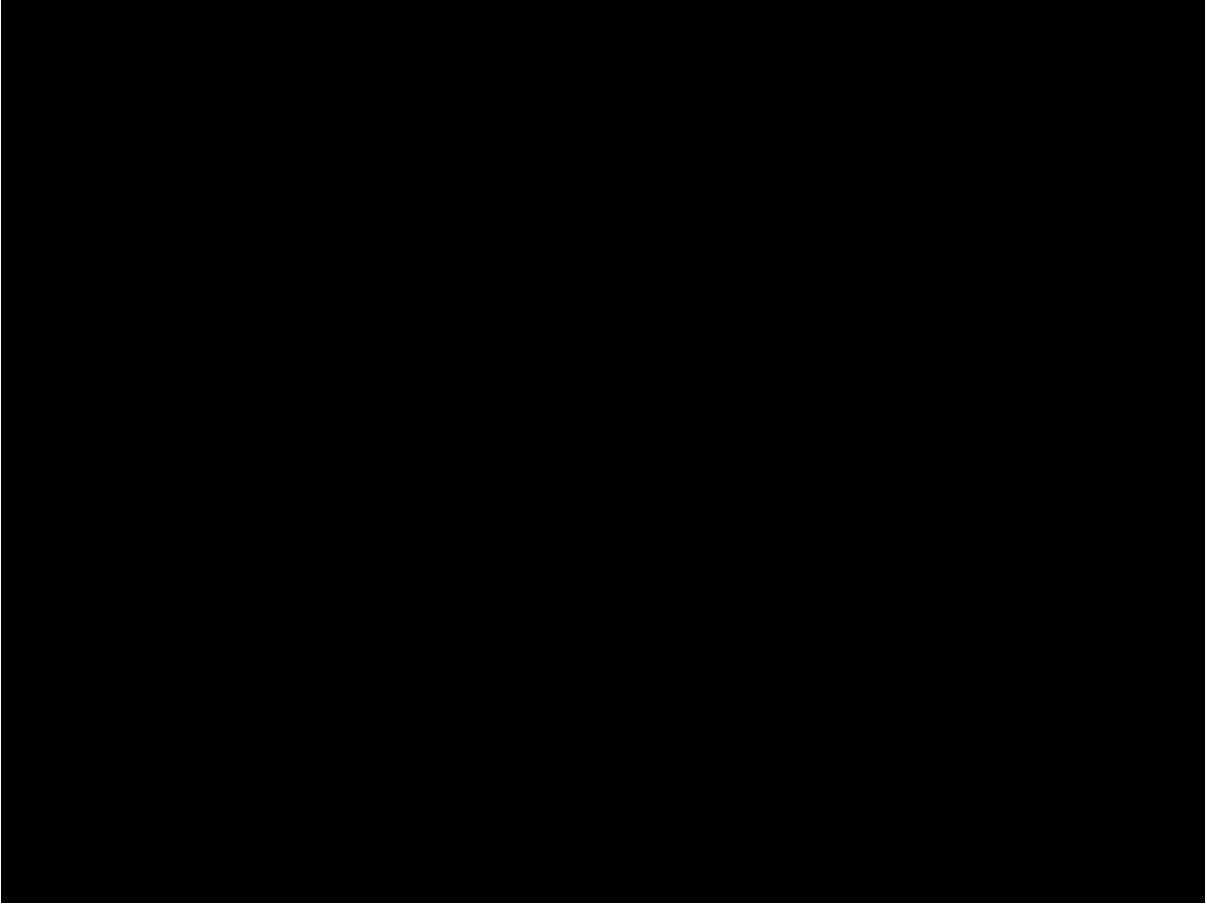
	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
2	The groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval	Yes / No	Yes / No	Yes / No	
s29(4)	The activity will have little or no adverse impact on the health or stability of the tree	Yes / No	Yes / No	Yes / No	

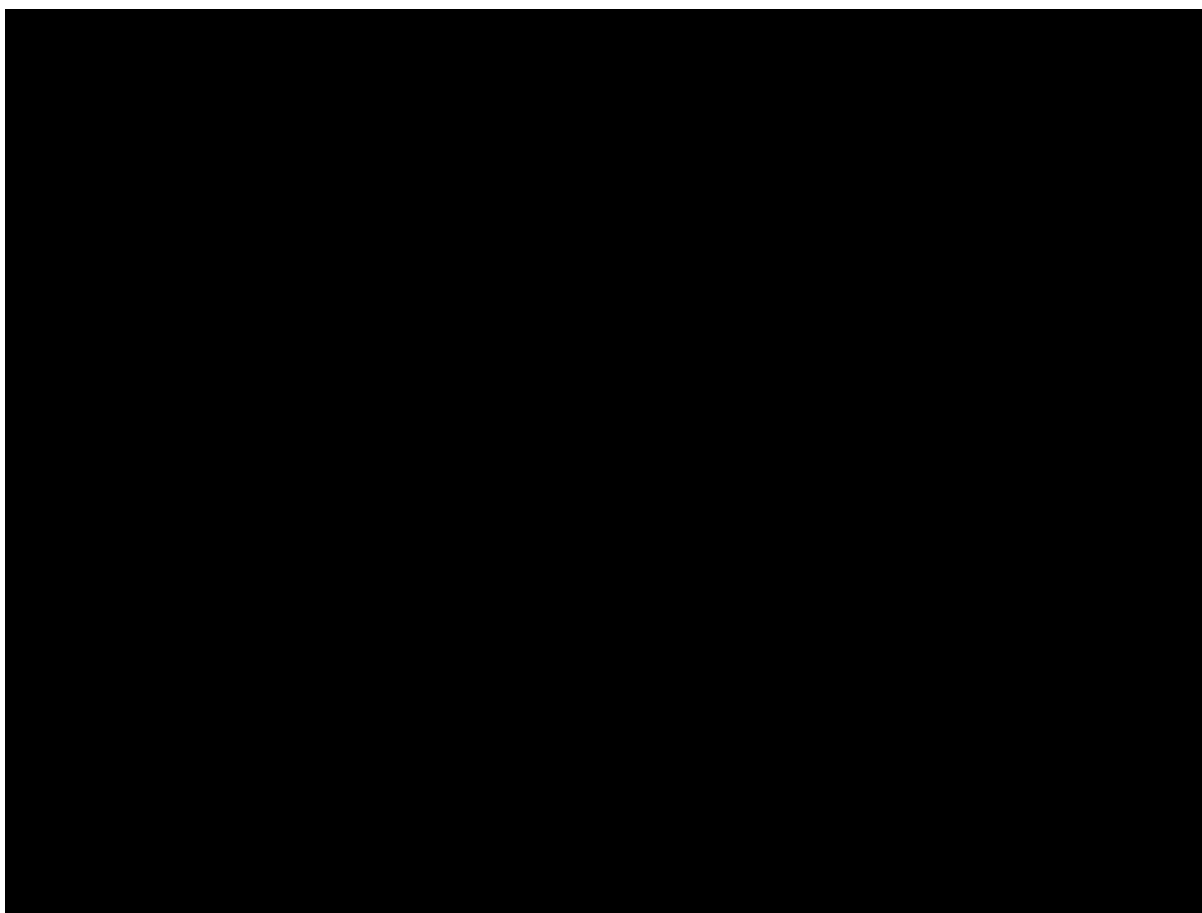
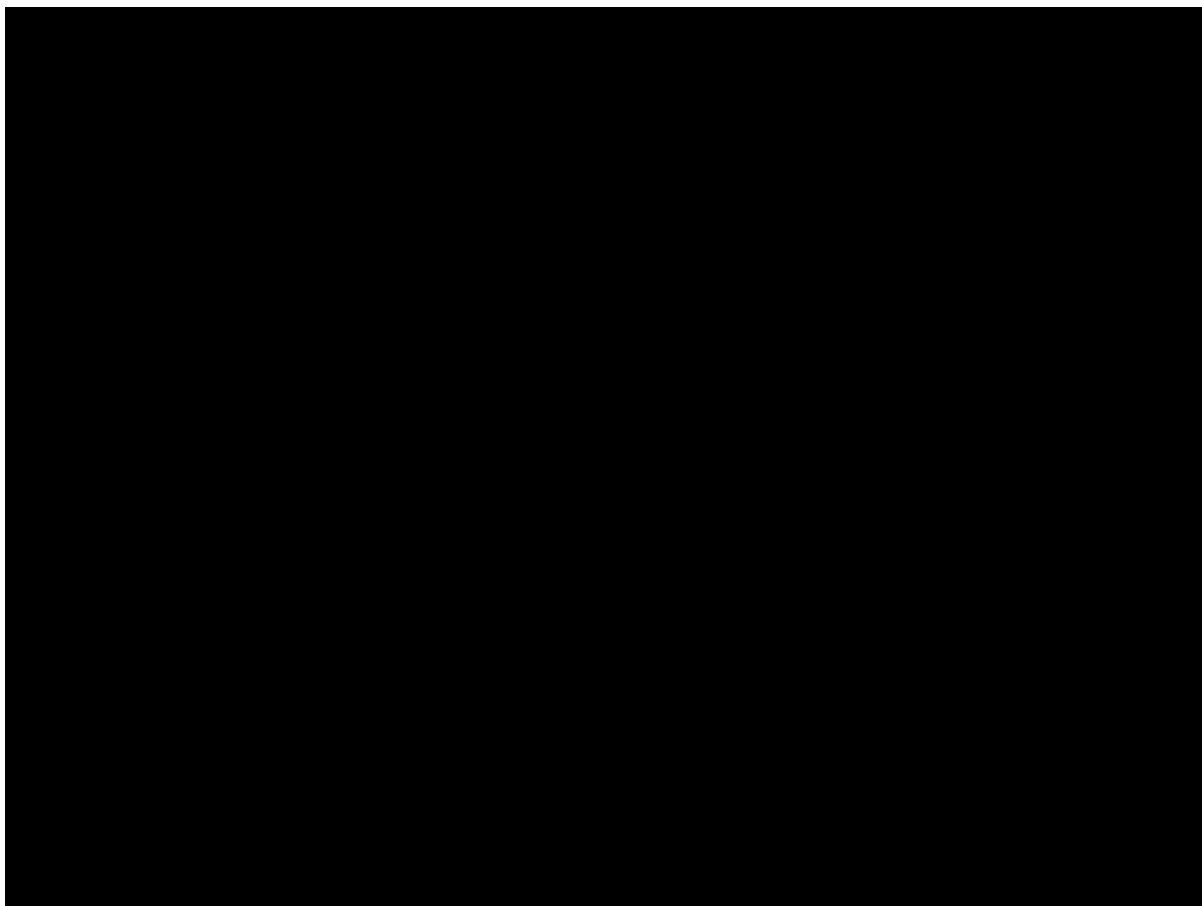
Recommendation: **APPROVE** **REJECT**

TAP DELEGATE ADVICE:

Inspected site: Yes / No See separate report: Yes / No
 Agree with recommendation: Yes / No Refer to Tree Advisory Panel: Yes / No
 Signature: Date:

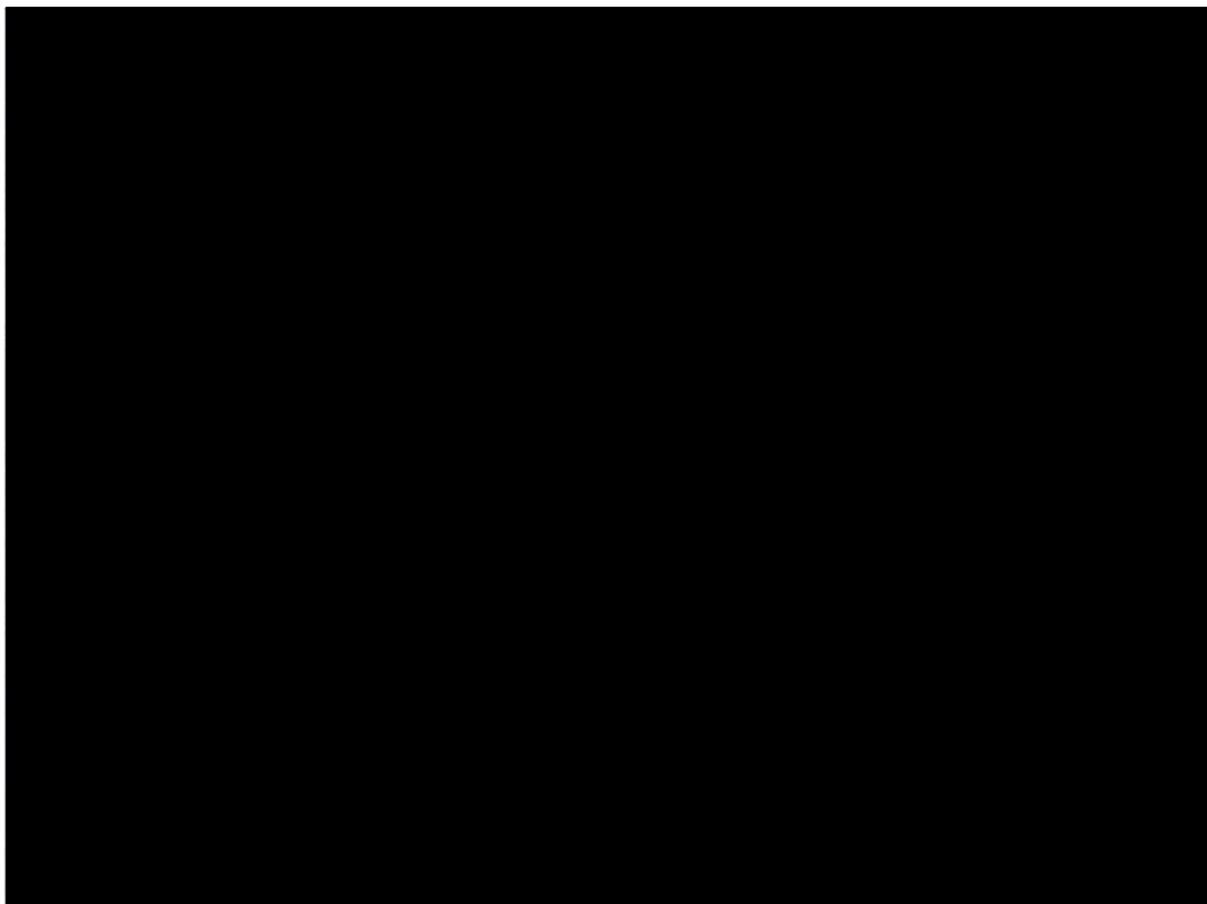
















Bruan, Nicole

From: Raath, Terrance
Sent: Thursday, 3 September 2020 5:55 PM
To: Raath, Terrance
Subject: FW: Emailing: TAR - [REDACTED]
Attachments: TAR - [REDACTED].pdf; [REDACTED] SEC_UNCLASSIFIED_DLM_Sensitive_Personal_.msg

OFFICIAL

-----Original Message-----

From: Raath, Terrance
Sent: Thursday, 3 September 2020 5:44 PM
To: Heritage <Heritage@act.gov.au>
Subject: Emailing: TAR - [REDACTED] Tree Damaging activity application [REDACTED]

OFFICIAL

Heritage
TAR - [REDACTED] Tree Damaging Activity Application [REDACTED].

Please could you review the attached TAR and provide heritage council advice.

Terrance Raath | Tree Protection Officer-Urban Trees | 62076203 | Mobile [REDACTED] |
Email Terrance.Raath@act.gov.au
Urban Treescapes, City Presentation | Transport Canberra & City Services Directorate | ACT Government Level 4, DOB House, 480 Northbourne Avenue, Dickson ACT 2602 | Gpo
Box 158 Canberra 2601 | www.act.gov.au



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Inspected by: <i>[Signature]</i>	Advisor Visit? Y/N
Date: <i>2 - 8 - 2020</i>	
Applicant requests – to be present	Y/N
Applicant/Lessee/Tenant - present	Y/N

TREE ASSESSMENT REPORT

Application ID: [Redacted] Date Received: **24-Aug-2020**

Applicant Name: [Redacted]

Home Phone:
Business Phone:
Mobile: [Redacted]

Tree Address: [Redacted] Suburb: [Redacted]

Tree owner

Block: [Redacted] (m²): **1075.4**

ACTIVITY REQUIRED:

Felling/Removal Groundwork within the TPZ Major pruning Lopping Minor pruning Other

TREE DETAILS:

Tree/s No: 1 of 1 Genus & species Quercus robur Regulated Registered

Location on block: Middle of the backyard

The proposed activity is not subject to the legislation because it is:

under size dead a declared pest plant unleased land rural lease other

Height: 20.0 m Canopy: 28.0 m Circumference: MC m Heritage Block: Y N

Proximity to substantial structure: Trunk: m Canopy: m Overhang: m

Proximity to powerlines: Trunk: m Canopy: m Overhang: m

Landscapes values:

1	2	3	4	5	6	7	8	9	10
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Possible nomination for the tree register: Yes / No

Isolated specimen	Remnant / <u>planted</u> / rare	Historical Prominent due to location / stature / height / age – (regardless stature)	Planting / Remnant / Commemorative
Group specimen	Remnant / planted		Yes / <u>No</u>
Indigenous	Remnant / planted	Habitat	Yes / <u>No</u> (Nest - Active / Hollow)
Cultural	Unusual form / habit / variety	License under the Nature Conservation Act 2014 required	Yes / <u>No</u>

Tree stable	<u>Yes</u> / No	Root damage	Yes / <u>No</u>
Epicormic growth	Major / Minor / None	Trunk damage	Yes / <u>No</u>
Foliage insects	Major / Minor / <u>None</u>	Evidence of borers / termites	Yes / <u>No</u>
Deadwood	Major / Minor / None	Evidence of fungal infestation	Yes / <u>No</u>
Previously pruned	Major / Minor / None	Evidence of weak branch unions	Yes / <u>No</u>
Previously lopped	Yes / <u>No</u>	Evidence of stress fractures	Yes / <u>No</u>
Causing drain blockages	Major / Minor / <u>Not evident</u>	TPZ disturbance	Yes / <u>No</u>

Growth stage: juvenile / semi-mature / mature / over-mature / in decline General health: excellent / good / fair / poor

Comments:

- * Previously lopped
- * Some poor unions
- * Some long pieces of dead wood
- * Decayed - lopped cuts.
- * 8m piece of dead wood fell

Evidence the tree dropped a dead limb on the roof of [Redacted] and broke roof tiles.

Assessment – TREE FELLING / REMOVAL

rel)

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
1.1.a	Life expectancy short ...	Yes / No	Yes / No	Yes / No	
1.1.b	Unacceptable risk to public or private safety ...	Yes / No	Yes / No	Yes / No	
1.1.c	Causing / threatening to cause substantial damage ...	Yes / No	Yes / No	Yes / No	
1.1.d	Inappropriate location...	Yes / No	Yes / No	Yes / No	
1.1.e	Blocking solar access (excluding remnant Eucalypts)	Yes / No	Yes / No	Yes / No	
	occupant...	Yes / No	Yes / No	Yes / No	
1.1.g	Part of close planting...	Yes / No	Yes / No	Yes / No	
1.2	Schedule 2 Species	Yes / No	Yes / No	Yes / No	

Recommendation: **APPROVE** **REJECT** **REPLACEMENT TREE: Y / N**

Alternative Recommendation: Selective Pruning / Dead wooding / other.....

Assessment - MAJOR PRUNING / LOPPING (visual from ground level)

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
1.5.a.i	As a remedial treatment	Yes / No	Yes / No	Yes / No	
1.5.a.ii	In the general interests of the health of the tree	Yes / No	Yes / No	Yes / No	
1.5.a.iii	To reduce an unacceptable risk to public or private safety	Yes No	Yes / No	Yes / No	
1.5.a.iv	To reduce the risk of damage or prevent further damage to a substantial building, structure or service	Yes No	Yes / No	Yes No	
1.5.b	Substantially affecting solar access to the lessees lease, or neighbouring lease, during winter...(excluding remnant Eucalypts)	Yes / No	Yes / No	Yes / No	

Recommendation: **APPROVE** **REJECT**

Assessment - GROUNDWORK (visual from ground level)

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
2	The groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval	Yes / No	Yes / No	Yes / No	
s29(4)	The activity will have little or no adverse impact on the health or stability of the tree	Yes / No	Yes / No	Yes / No	

Recommendation: **APPROVE** **REJECT**

TAP DELEGATE ADVICE:

Inspected site: Yes / No See separate report: Yes / No
 Agree with recommendation: Yes / No Refer to Tree Advisory Panel: Yes / No

Signature: Date:

Bruan, Nicole

From: smartforms@act.gov.au
Sent: Saturday, 22 August 2020 7:17 PM
To: TCCS_CP TreeProtection
Subject: [REDACTED] ACT 2600 [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Attachments: [REDACTED].pdf; JQPD7JCB.zip

Application to Undertake a Tree Damaging Activity

Form data summary

Reference code [REDACTED]

Applicant [REDACTED]



You can also view the tree map [online](#)

For issues or questions relating to SmartForms please contact the Payment Services Integration Team on *5 4607 or email smartforms.admin@act.gov.au.



Application to Undertake a Tree Damaging Activity - Submission confirmation

Your submission has been successful. Please keep a copy of this receipt for your records.

Date and time

Reference code

22 Aug 2020 7:15:57 PM

[REDACTED]

Urban Treescapes

GPO Box 158
Canberra City ACT 2601

Phone: 13 22 81

Applicant details

Title Given name * Family name *

Mrs [REDACTED] [REDACTED]

Company

ACN (Australian company number)

Residential address

Address line 1 *

Address line 2

Suburb *

State *

Postcode *

Postal address

Same as residential address

Address line 1 *

Address line 2

Suburb *

State *

Postcode *

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

Email address *

Is the applicant the lessee of the land on which the tree is located? *

Yes

No

Lessee details

Title

Given name *

Family name *

Company

ACN (Australian company number)

Residential address

Address line 1 *

Address line 2

Suburb *

State *

Postcode *

Postal address

Same as residential address

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

Email address *

Activity details

Type of activity requested

Please tick the appropriate box(es) for the tree damaging activity which you are applying for: *

Tree felling or removal

- Major pruning
- Minor pruning (registered trees only)
- Lopping
- Prohibited groundwork in the tree protection zone
- Other activity

Location of tree

Address line 1 *

Address line 2

Suburb *

State *

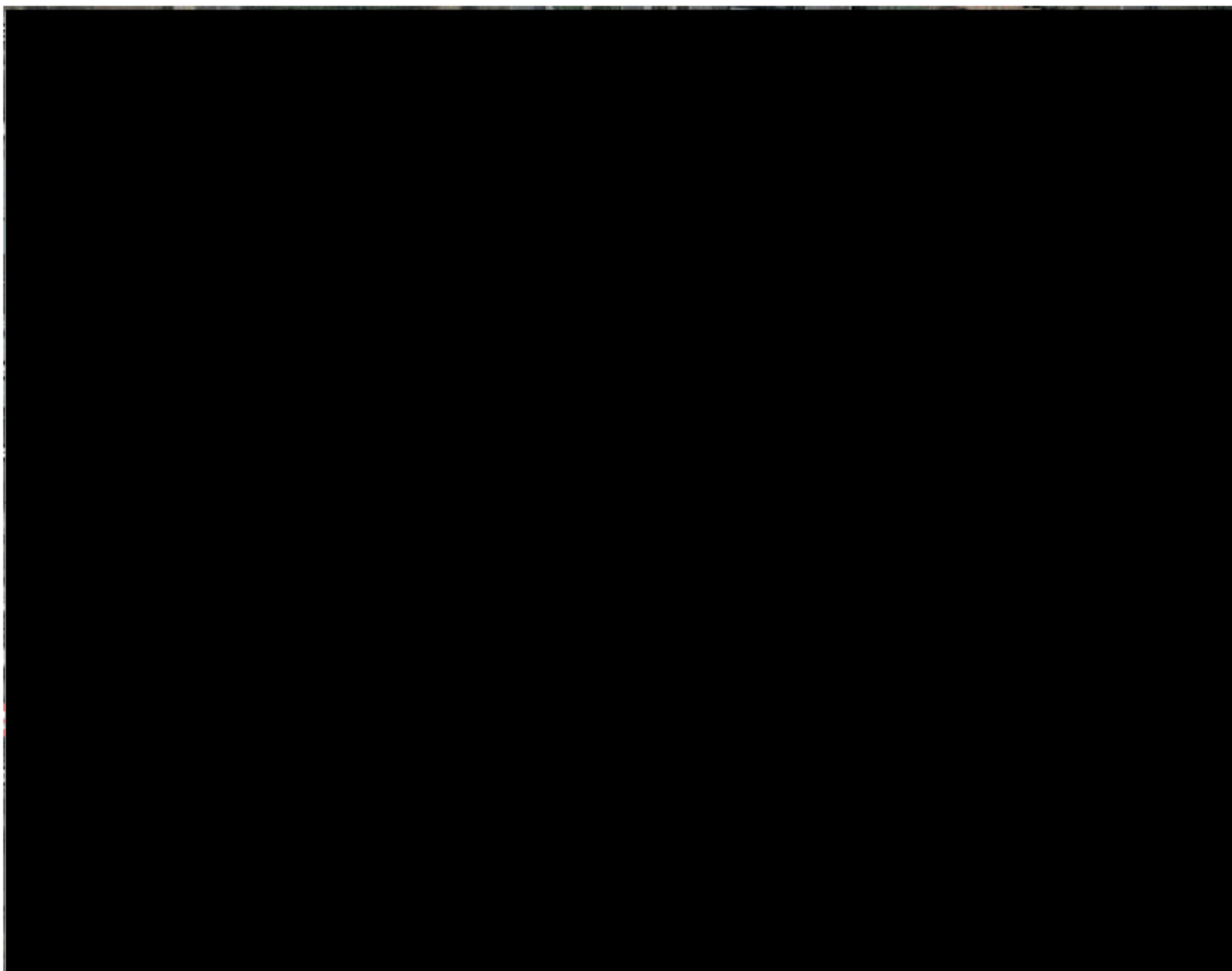
Postcode *

Suburb *

Section *

Block *

If you require help with suburb/district, section or block details, visit ACTMAPi (<http://www.actmap.i.act.gov.au/home.html>).



Tree Detail(s)

Tree 1 *

Reasons for application

Tick the appropriate box: *

- Block of land where the tree(s) is located is on the ACT Heritage Register or other heritage register
- Block of land where the tree(s) is located is on National Capital Authority (NCA) land
- The application is development related or associated with a proposed development
- Other

State the reason/s why the application is being made with regard to each tree (you should have regard to the criteria for approval).

You will be able to attach supporting documentation such as arboriculturist reports, plumbing diagrams, receipts, structural engineers reports or other substantiating evidence that would assist the conservator in assessing the application.

Please note that delays may be experienced in processing your application if we are of the view that you have not provided sufficient or accurate information in order for a comprehensive assessment to be made.

Reason/s for application *

URGENT - The large oak tree in the rear yard of [REDACTED] overhangs [REDACTED] is threatening the safety [REDACTED] the tree has continually dropped a large number of limbs and branches [REDACTED] even when there has been little to no wind. This has caused considerable [REDACTED] damage over time. More recently a larger limb fell and smashed [REDACTED] We have previously expressed our concerns to [REDACTED] letting agent and I have also discussed the danger with Terry at the Tree Protection Unit. [REDACTED] We have approached [REDACTED] who are supportive of pruning and we are thus seeking to have the danger mitigated as a matter of urgency. The last limb that fell [REDACTED] would have easily caused a fatality had it fallen one or two metres closer to the tree. In addition, this is not the largest limb to have ever fallen. The tree poses an unacceptable [REDACTED] Would you kindly attend to this application to prune the tree with urgency. Thank you very much. [REDACTED]

Additional attachments

Block plan

Additional documents (including Arboriculturist reports, plumbing diagrams, receipts, structural engineers reports, etc)

[Oak tree 1.jpg](#)

[Oak tree 2.jpg](#)

[Oak tree 3.jpg](#)

Consent to enter

To enable assessment of this application, an authorised officer will require consent from the occupier to enter the land where the tree damaging activity is to occur.

Are you the current occupier of the property where the tree damaging activity is to occur? *

- Yes
- No

- I consent to an authorised person entering my premises between the hours of 8:30am and 5pm weekdays for the purposes of assessing this application. *

Is there clear access to the tree for the purpose of the inspection? *

Yes

No

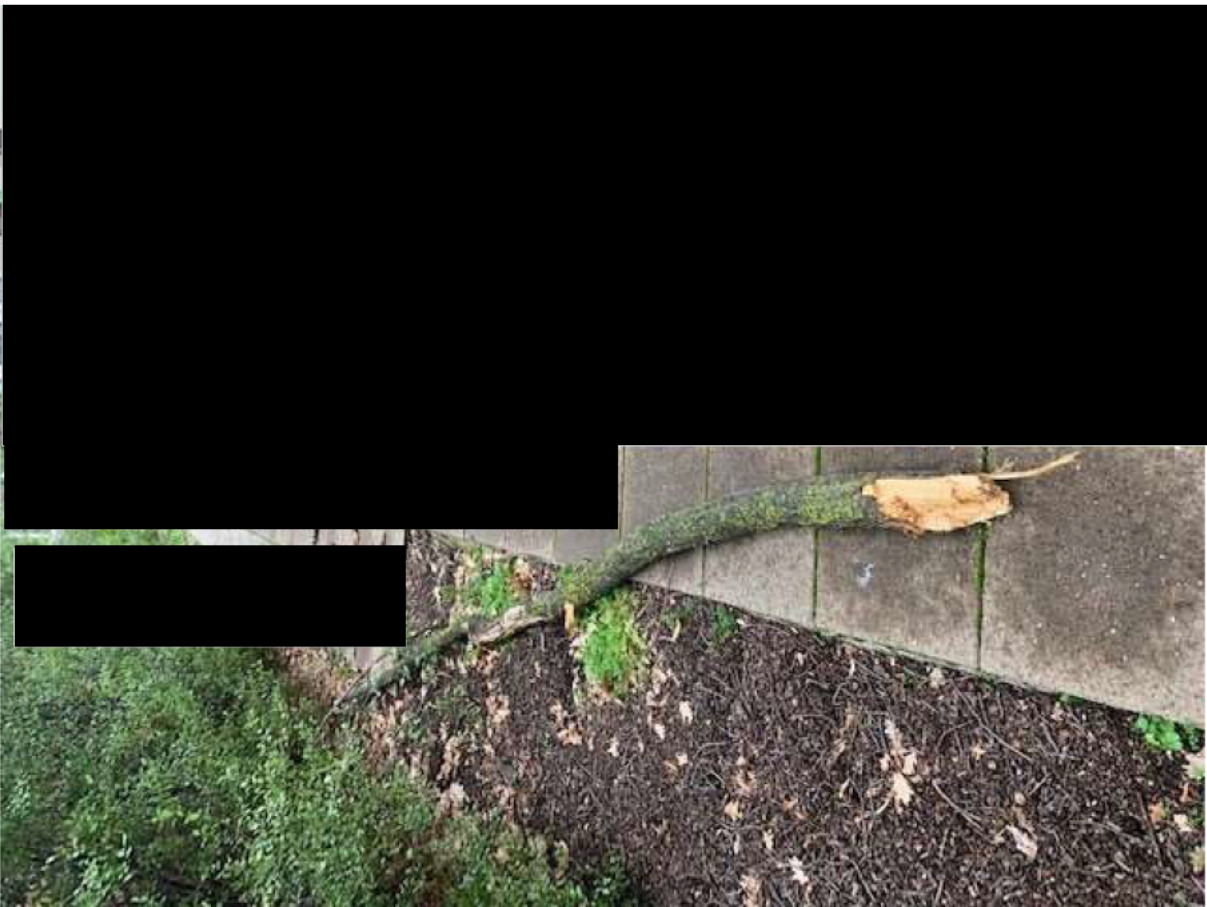
Best contact person to arrange access

Is there a dog in the yard? *

Yes

No

I understand that providing false and misleading information on this application is a serious offence under the Criminal Code 2002. Prosecution may result in a fine of up to \$15,000 for an individual, \$75,000 for a company and/or 12 months imprisonment. *





From: [Russell, Meaghan](#)
To: [TCCS_CP_TreeProtection](#)
Cc: [Raath, Terrance](#)
Subject: ACT Heritage Council advice - TDA - [REDACTED]
Date: Tuesday, 8 September 2020 10:58:41 AM
Attachments: [image001.png](#)
[image002.png](#)

OFFICIAL

Hello Urban Treescapes,

Thank you for referring the Tree Damaging Activity application for [REDACTED] (Block [REDACTED] Section [REDACTED]) to the ACT Heritage Council (the Council) for entity advice.

As you are aware, the block is registered on the ACT Heritage Register as part of the Barton Housing Precinct (the Precinct), significant features of which include original dwellings and the mature public and private streetscape.

The application seeks approval to prune a large *Quercus robur* (English Oak) in the rear yard of the block, on the basis that it poses a safety risk, having dropped a number of limbs on the roof of the dwelling and the rear yard.

The Tree Assessment Report (TAR) prepared by Urban Treescapes, and provided on 3 September 2020, recommends major pruning, as evidence identifies that a dead limb was recently dropped

[REDACTED] The TAR also notes that there is evidence of weak branch unions and fungal infestations.

On this basis, the Council does not object to the major pruning of the tree, which will retain the significant planting in a way that reduces risk to dwellings and private safety.

Regards,
Meaghan

Meaghan Russell | Manager (Approvals and Advice), as delegate for the ACT Heritage Council
Phone: 13 22 81 | Email: meaghan.russell@act.gov.au

ACT Heritage | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House 16 Challis Street Dickson | GPO Box 158 Canberra ACT 2601
www.environment.act.gov.au



[@EnvironPlan](#)



facebook.com/EnvironPlan

CONSERVATOR'S DECISION
Tree Protection Act 2005

Applicant(s): [REDACTED]

Address of Activity: [REDACTED]
[REDACTED] ACT 2600

Application ID: [REDACTED] Block: [REDACTED] Section: [REDACTED]

Tree(s) 1: Quercus robur

TREE ADDRESS: [REDACTED]

LOCATION ON BLOCK: Middle of the backyard open space of the lease.

DECISION SUMMARY:

The request for approval of major pruning of this tree is granted subject to the condition(s), if any, listed below. As provided in Sections 27(1) and 27(2) of the Tree Protection Act 2005, this approval takes effect on the date stated in the notice ('Notice of Decision').

There must be strict compliance with these conditions, failure to do so may constitute an offence against the Tree Protection Act 2005 which may attract a court imposed penalty of up to \$56,000 for an individual and up to \$280,000 for a corporation.

TREE DAMAGING ACTIVITY: MAJOR PRUNING

CONSERVATOR'S DECISION: GRANTED WITH CONDITIONS

CONDITIONS:

1. Please note: that approval for major pruning has been granted for tree 1 (Quercus robur). However, the tree is located in the backyard of [REDACTED], [REDACTED] and any activity cannot commence without the consent of the owners of this property.
2. That the pruning be undertaken by a qualified arborist.

BASIS FOR DECISION:

The tree represents an unacceptable risk to public or private safety.

The tree is shown to be causing or threatening to cause substantial damage to a substantial building, structure or service.



Delegate of the Conservator
10 September 2020



ACT
Government

Transport Canberra and
City Services

PO Box [REDACTED]
CIVIC SQUARE ACT 2608

NOTICE OF DECISION
Tree Protection Act 2005

Dear [REDACTED]

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed activity under the *Tree Protection Act 2005* (the Act) at [REDACTED]. The notice is issued in accordance with section 26(2) of the Act. The location of the relevant tree/s and reasons are set out in the attached Conservator's decision, dated **10 September 2020**.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before **Thursday 1 October 2020** and is to be completed as soon as practicable after commencement, but in any case, no later than **Wednesday 1 October 2025**. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

The Conservator's Decision (attached) is internally reviewable. You may apply for reconsideration of the decision under section 107 of the Act. The application must be in writing and must set out the grounds upon which reconsideration of the decision is sought.

An electronic (Application for Reconsideration) "Smartform" is available to download via the [Access Canberra website](http://www.tccs.act.gov.au/city-living/trees/tree_activity_application_forms) link: http://www.tccs.act.gov.au/city-living/trees/tree_activity_application_forms. The application must be made within **14 days** of the date of this notice by **Monday 28 September 2020**. An application for internal review will suspend any regular activity on tree/s subject to the reconsideration appeal. The review process may take 60 days and may confirm, vary or set aside the first decision.

If you do not agree with the reconsidered decision, you may apply to the *ACT Civil and Administrative Tribunal* for review of the decision. You may also seek review of the decision under the *Administrative Decisions (Judicial Review) Act 1989*. You may also contact the *ACT Ombudsman* if you have concerns about the decision.

If you would like to discuss any aspect of the application, please contact the Tree Protection Unit on telephone (02) 6207 6203 during business hours.

Yours sincerely

Samantha Ning
Assistant Director, Tree Protection Unit
Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate

10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant

[REDACTED]
BARTON ACT 2600

Please Note: If you are not the lessee of this block,
please ensure the lessee receives a copy of this notice.

NOTICE OF DECISION

Tree Protection Act 2005

Dear Lessee/Occupant

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at [REDACTED]

This Notice of Decision is issued in accordance with Part 3, Section 26 (2)(d) of the Act where *the Conservator must give written notice of the decision on the application to the lessee of land that adjoins land where the tree is located.*

The location of the relevant tree/s, the approved activities and reasons are set out in the attached Conservator's decision, dated **10 September 2020**.

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If you have any inquiries, please contact *Access Canberra* on telephone 13 22 81.

Yours sincerely

Samantha Ning
Assistant Director, Tree Protection Unit
Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant

██████████
██████████
Please Note: If you are not the lessee of this block,
please ensure the lessee receives a copy of this notice.

NOTICE OF DECISION
Tree Protection Act 2005

Dear Lessee/Occupant

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Assistant Director, Tree Protection Unit
Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant

[REDACTED]

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NOTICE OF DECISION

Tree Protection Act 2005

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Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant
[REDACTED]
[REDACTED]

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NOTICE OF DECISION

Tree Protection Act 2005

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This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at [REDACTED]

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Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant

[REDACTED]

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NOTICE OF DECISION
Tree Protection Act 2005

Dear Lessee/Occupant

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Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant

[REDACTED]

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NOTICE OF DECISION
Tree Protection Act 2005

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Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant
[REDACTED]
[REDACTED]

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NOTICE OF DECISION

Tree Protection Act 2005

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Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



ACT
Government

Transport Canberra and
City Services

The Lessee/Occupant

[REDACTED]

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NOTICE OF DECISION

Tree Protection Act 2005

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Assistant Director, Tree Protection Unit
Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
10 September 2020



NOTICE OF DECISION
Tree Protection Act 2005

Dear [REDACTED]

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http://www.tccs.act.gov.au/cityliving/trees/tree_activity_application_forms

The application must be made within **14 days** of the date of this notice by **Monday 28 September 2020**. An application for internal review will suspend any regular activity on tree/s subject to the reconsideration appeal. The review process may take 60 days and may confirm, vary or set aside the first decision.

Please note: Tree 1 (*Quercus robur*) located in the middle of the backyard at [REDACTED], Barton has been granted for major pruning, however, as the owner of the tree, you are under no obligation to prune it. The applicant has been advised of the need to gain your consent before undertaking any activity on the tree.

If you do not agree with the reconsidered decision, you may apply to the *ACT Civil and Administrative Tribunal* for review of the decision. You may also seek review of the decision under the *Administrative Decisions (Judicial Review) Act 1989*. You may also contact the *ACT Ombudsman* if you have concerns about the decision.

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Yours sincerely

Samantha Ning
Assistant Director, Tree Protection Unit
Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate
27 October 2020