



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: 22-019

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	waived
6. Processing time (in working days)	21 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

Freedom of Information - Access Application to Transport Canberra and City Services - Submission confirmation

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

Date and time

Reference code

12 Feb 2022 5:14:20 PM

7W96PSW2

Transport Canberra and City Services (TCCS)

GPO Box 158
Canberra ACT 2601

Phone: 02 6207 2987

Email: TCCS.FOI@act.gov.au

Applicant details

Title	Given name	Family name
<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>
Preferred name		
<input type="text" value=""/>		
Preferred method of contact		
<input checked="" type="radio"/> Phone	<input type="radio"/> Email	<input type="radio"/> Post
Contact phone number		
<input type="text" value=""/>		
Preferred method to receive information *		
<input checked="" type="radio"/> Email	<input type="radio"/> Post	
Delivery email address *		
<input type="text" value=""/>		

Information request

Who are you making the request on behalf of?

Myself

What type of information are you requesting access to? *

Other information

What information are you requesting access to under the Act? *

From 1 March 2005, request copies of all 'Applications to Undertake a Tree Damaging Activity' on the Eucalyptus viminalis at . See attachment 'Figure 1' for tree location.

Attach a description or additional details about the information you are requesting access to (optional)

220212 - Eucalyptus viminalis Tree Location.pdf

Do you have a similar or identical request currently under review by another ACT Government Directorate?

Yes No

Are you enquiring as

A member of the public

Do you wish to apply for a waiver of fees associated with processing your application?

Yes No

Provide a statement about how the release of information is in the public interest (optional)

The request is required to support an ACAT submission.

Would you like to provide any additional information? (optional)

Kindly request some urgency so the information can be used to support an ACAT response and submission. The information is required within 10 working days.

Attach additional documents to support your application (optional)

[REDACTED]
[REDACTED]

Dear [REDACTED]

Freedom of Information Request - Reference 22-019

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 12 February 2022 seeking access to the following government information under the *Freedom of Information Act 2016*:

“from 1 March 2005, copies of all ‘Applications to Undertake a Tree Damaging Activity’ on the Eucalyptus Viminalis at [REDACTED] – [REDACTED].”

Timeframes

A decision is due on your access application by 15 March 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. This search identified 20 records as relevant to your application.

Upon reviewing the information within the remaining six records, and applying the public interest test under section 17 of the FOI Act, I have decided to provide you with:

- full access to nine records; and
- partial access to 11 records.

The reasons for my decision are provided below under the heading ‘statement of reasons’.

The documents are listed in the schedule at [Attachment A](#), and a copy of the records with deletions applied to the information I have found to be contrary to the public interest is at [Attachment B](#).

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; 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)

- Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*; and
- Section 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information.

In reviewing the relevant records, personal information relating to third parties has been identified. I find that factor 2.2(a)(ii) is relevant to this information and I must consider if the disclosure is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*.

I acknowledge that you are familiar with the name and contact details of your neighbours. However, I have found that this information is not readily available to the public and has not otherwise been disclosed by TCCS. I find that the protection of an individual's right to privacy under the *Human Rights Act 2004* carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

However, I find that the disclosure of your partner's information to you is not contrary to the public interest as the records show that TCCS has previously corresponded with you both, and this information is already known to you.

I have found that the factors favouring disclosure can be satisfied with the deletion of information which is contrary to the public interest. A copy of the relevant information is enclosed at [Attachment B](#).

Charges

I have decided to waive the fees associated with this request because the number of pages being released only marginally exceed 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 application and my notice of decision will be published on the [TCCS Disclosure Log](#) within 3 – 10 business days. Your, and your partner's, personal information and the residential house numbers relating to this application will be removed from the documents 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



Meghan Oldfield
Information Officer

15 March 2022

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.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Factors favouring non-disclosure:

Schedule 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2016*.

Reference Number		Description				
22-019		<i>From 1 March 2005, copies of all 'Applications to Undertake a Tree Damaging Activity' on the Eucalyptus Viminalis at</i> [REDACTED]				
Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1-5	20220104 - Email - Application for tree damaging activity	4 January 2022	Partial access	Schedule 2.2 (a)(ii)	Documents not to be published on the TCCS Disclosure Log
2	6-13	20220106 - images x 8	6 January 2022	Full access	Not applicable	
3	14	20200101 - Decision Report	January 2022	Partial access	Schedule 2.2 (a)(ii)	
4	15-16	20220107 - Email - Subject - [REDACTED]	7 January 2022	Partial access	Schedule 2.2 (a)(ii)	
5	17-23	20220107 -RE_ Urgent DOT POINTS - Tree Safety Hazard,	7 January 2022	Partial access	Schedule 2.2 (a)(ii)	

		██████████ - to MO tomorrow (7_1_22)			
6	24	20220108 - Email with one attachment - Application to Undertaken a Tree Damaging Activity	8 January 2022	Partial access	Schedule 2.2 (a)(ii)
7	25-28	20220108 - Attachment 1 - Submission - 4GC4KJRV - 4 January 2022	8 January 2022	Partial access	Schedule 2.2 (a)(ii)
8	29	20220112 - Email - Gum Tree at ██████████ ██████████	12 January 2022	Partial access	Schedule 2.2 (a)(ii)
9	30-31	20220117 - Email - Further Info - ██████████ ██████████	17 January 2022	Partial access	Schedule 2.2 (a)(ii)
10	32-36	20220207 - Email with 3 attachments - Application for approval to remove tree at residential property	7 February 2022	Partial access	Schedule 2.2 (a)(ii)
11	37	20220207- Attachment 1 of 3 - Image 1935	7 February 2022	Full access	Not applicable
12	38	20220209 - Attachment 2 of 3 - image 1933	9 February 2022	Full access	Not applicable
13	39-41	20220207 - Email 3 of 3 - Letter - 5 January 2022	7 February 2022	Full access	Not applicable
14	42-44	20220209 - Email - ██████████ ██████████	9 February 2022	Partial access	Schedule 2.2 (a)(ii)
15	45-72	20220210 - Tree Damaging Activity Application - ██████████	10 February 2022	Partial access	Schedule 2.2 (a)(ii)
16	73-74	20220210 - Tree Assessment Report - 46165	10 February 2022	Full access	Not applicable
17	75-88	20220210 - Images x 14	10 February 2022	Full access	Not applicable
18	89	20220217 - Conservator's Decision	17 February 2022	Full access	Not applicable
19		Video 1		Full access	Not applicable

20		Video 2		Full access	Not applicable	
Total number of records: 20						

From: smartforms@act.gov.au
To: [TCCS_CP TreeProtection](#)
Subject: [REDACTED] [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Date: Tuesday, 4 January 2022 8:08:09 PM
Attachments: [4GC4KJRV.pdf](#)

Application to Undertake a Tree Damaging Activity

Form data summary

Reference code 4GC4KJRV
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

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

Date and time

Reference code

04 Jan 2022 8:04:31 PM

4GC4KJRV

Urban Treescapes

GPO Box 158
Canberra City ACT 2601

Phone 13 22 81

Applicant details

Title Given name * Family name *

Mr

Company

ACN (Australian company number)

Residential address

Address line 1 *

Address line 2

Suburb *

State *

Postcode *

ACT

Postal address

Same as residential address

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

Email address *

@outlook.com

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

Yes

No

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 *

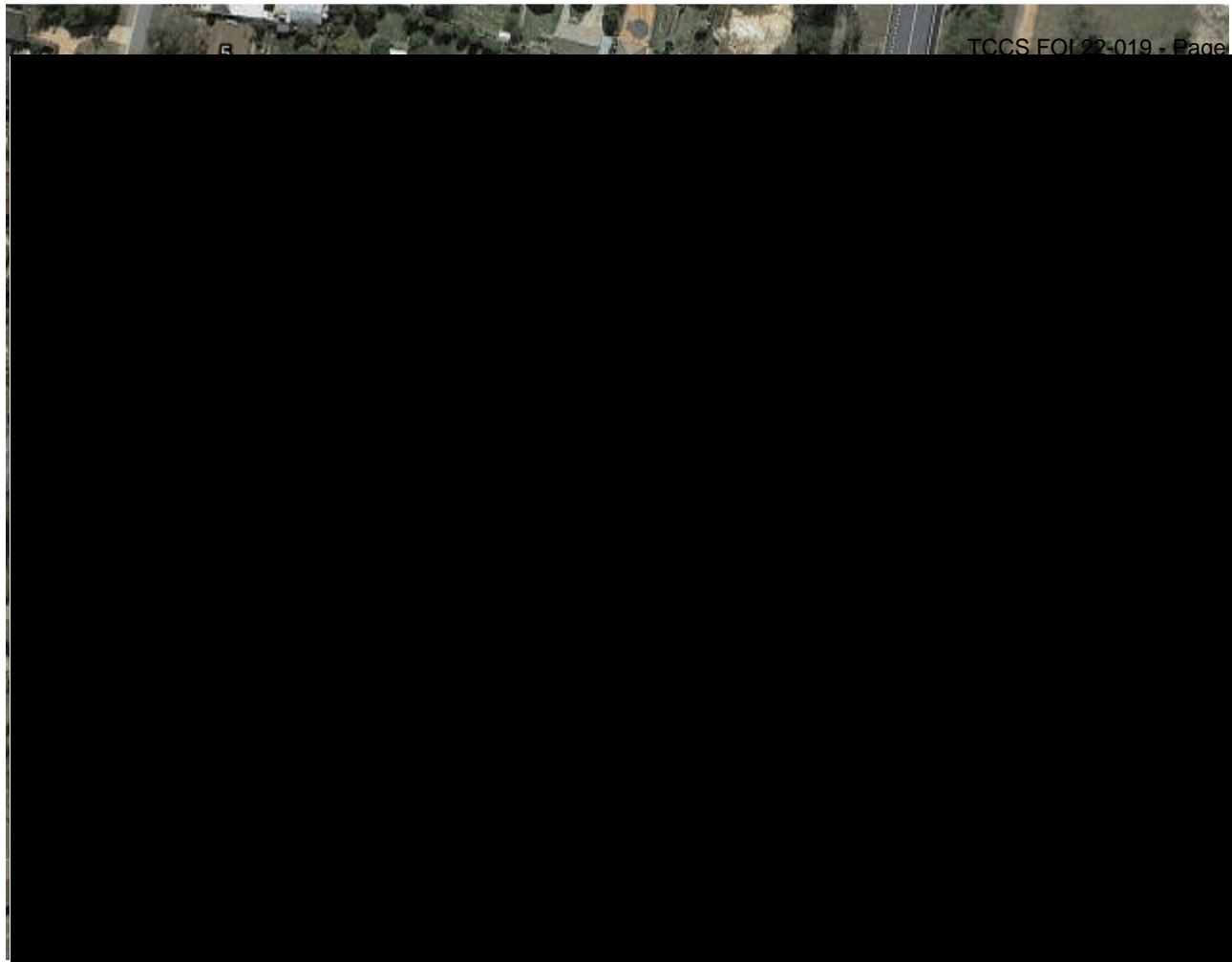
Postcode *

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 *

Large Gum Tree

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 *

Tree very large and dangerous tree located very close to residential homes. Poses significant risk to residents and property.

Additional attachments

Block plan

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

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

[Redacted text box]

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. *



06/01/2022



06/01/2022



06/01/2022



06/01/2022



06/01/2022



06/01/2022



06/01/2022



06/01/2022

CONSERVATOR'S DECISION
Tree Protection Act 2005

Applicant(s): [REDACTED]

Address of Activity: [REDACTED]
[REDACTED]

Application ID: 45720 **Block:** [REDACTED] **Section:** [REDACTED]

Tree(s) 1: Eucalyptus saligna

TREE ADDRESS: [REDACTED]

LOCATION ON BLOCK: Northern side of block.

DECISION SUMMARY:

The request for approval of felling/removal and 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').

TREE DAMAGING ACTIVITY: FELLING/REMOVAL

CONSERVATOR'S DECISION: GRANTED

BASIS FOR DECISION:

The location of the tree is inappropriate given its potential size and growth habit (excluding remnant eucalypts).

TREE DAMAGING ACTIVITY: MAJOR PRUNING

CONSERVATOR'S DECISION: GRANTED

BASIS FOR DECISION:

The work is required to reduce the risk of damage or prevent further damage to a substantial building, structure or service.

Delegate of the Conservator
January 2022

Bruan, Nicole

From: Diehm, Mark
Sent: Tuesday, 1 February 2022 4:02 PM
To: Schwartzkoff, Brent
Cc: TCCS_CP TreeProtection; Lewis-Hughes, Geoff
Subject: RE: [REDACTED]

OFFICIAL

Hi Brent,

I have spoken to [REDACTED] and advised him that the tree protection unit do not get involved in neighbourhood disputes and that he should contact the conflict resolution service or the ACT Civil and Administrative Tribunal (ACAT) to determine an outcome. However, he is insistent on submitting an application without consent to enter the property of where the tree is located, as he is of the opinion that the tree is a schedule 2 species and threatening to cause damage to his property and would like an inspector to assess the tree from his side of the fence. He is going to file a complaint through ACAT and would like a conservator's decision notice to allow removal of the tree if it satisfies criteria, so that ACAT can make a decision.

I did advise that we may not be able to determine a decision based on a partial tree inspection and he understands this, although he would like to proceed with the application.

I have spoken to Geoff and advised him that I would like you to arrange a time to attend the site inspection with him.

Let me know if you would like to discuss further.

Thanks
 Mark

Mark Diehm | A/g Assistant Director - Tree Protection | Urban Treescapes
 Phone: 62058679 | e-mail: mark.diehm@act.gov.au
 City Presentation | Transport Canberra and City Services Directorate - TCCS | ACT Government
 480 Northbourne Ave | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Schwartzkoff, Brent <Brent.Schwartzkoff@act.gov.au>
Sent: Tuesday, 1 February 2022 2:02 PM
To: Diehm, Mark <Mark.Diehm@act.gov.au>
Subject: [REDACTED]

OFFICIAL

Good afternoon Mark,

I think you may have a Ministerial from a [REDACTED] who lives at [REDACTED].

Relating to TDA App ID -45720 lodged by the neighbour who lives at [REDACTED].

The Applicant withdrew the application on what we have called a *Euc saligna* but private arborist have called *Euc viminalis*.

██████████ wishes to discuss with a Manager what avenues are available to his as a neighbour.

Kind Regards,

Brent Schwartzkoff | Tree Protection Officer | Ph 62076127 | Mobile ██████████

Email: brent.schwartzkoff@act.gov.au

Urban Treescapes, City Presentation | Transport Canberra & City Services Directorate | ACT Government
Level 4, Dickson Office Building, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra
2601 | www.act.gov.au

From: [Lewis-Hughes, Geoff](#)
To: [Diehm, Mark](#)
Subject: RE: Urgent DOT POINTS - Tree Safety Hazard, [REDACTED] - to MO tomorrow (7/1/22)
Date: Friday, 7 January 2022 9:23:58 AM
Attachments: [image003.jpg](#)
[image004.png](#)
[image005.jpg](#)
Importance: High

Good morning Mark,

Regarding *Eucalyptus saligna* at [REDACTED]

- I received the application on the 5 January 2022.
- Inspected the tree on 6 January 2022 at 9 am.
- Spoke to owner on site.
- The tree appeared to be structurally sound with one broken branch in canopy.
- The branch was still attached to the trunk and was supported by the lower canopy.
- At the time of inspection the branch was secure within the tree.
- I informed the resident that the tree would probably be approved due to its position and potential size.
- I noticed a small fungal fruiting body in the trunk of the tree.
- I informed the applicant that he would receive a letter in the mail, as the tree did not meet criteria for Urgent Circumstances.
- At approximately 2.00 pm I received a telephone call from the applicants neighbours who were quite concerned about the hanging limb.
- I informed of the process mentioned above and that it did not meet approval for urgent circumstances.
- They asked if the limb could be secured by rope, which I agreed with.
- I informed that, at the time of inspection the branch was secure within the tree, but could not guarantee that it would probably sustain another extreme weather event, as seen on the 3 January, and suggested contacting an arborist to remove the branch.
- They informed me that they had tried, but they were all busy.
- They asked me if the government crews could do it? I informed them that government crews were not allowed to do work on private property.
- Then they asked me if I could influence a local arborist into doing the job ASAP. I informed that I was a government official and that it would be inappropriate for me to try and coerce a private company into doing their job.
- They informed them they would be writing to the minister.
- End of conversation.

Regards

Geoff Lewis-Hughes | Tree Protection Officer | **Urban Treescapes**

Phone: 62072147 | e-mail: Geoff.Lewis-Hughes@act.gov.au

City Presentation | **Transport Canberra and City Services Directorate - TCCS** | **ACT Government**

Level 4, DOB, 480 Northbourne Ave | GPO Box 158 Canberra ACT 2601 | www.gov.au

From: Diehm, Mark <Mark.Diehm@act.gov.au>

Sent: Thursday, 6 January 2022 4:49 PM

To: Lewis-Hughes, Geoff <Geoff.Lewis-Hughes@act.gov.au>

Subject: FW: Urgent DOT POINTS - Tree Safety Hazard, [REDACTED] - to MO tomorrow (7/1/22)

Importance: High

OFFICIAL

Hi Geoff,

I need to provide a response to this one ASAP, it appears that you inspected it and said it would

be approved, just not U/C? See email below.

Can you please advise of some words to include in my response.

Thanks

Mark

From: Blake, Callum <Callum.Blake@act.gov.au> **On Behalf Of** TCCS_DLO

Sent: Thursday, 6 January 2022 3:52 PM

To: TCCS_Ministerial <TCCS.Ministerial@act.gov.au>

Cc: Fenning, Sheldon <Sheldon.Fenning@act.gov.au>; TCCS_DLO <TCCS.DLO@act.gov.au>

Subject: FW: Urgent DOT POINTS - Tree Safety Hazard, [REDACTED] - to MO tomorrow (7/1/22)

OFFICIAL

Hi team

Another one related to damaged trees – can we please get urgent DPs as requested by Hanna below. Looks like some standard responses may be needed moving forward as discussed.

Speaking to Hanna about it now – will send through her request ASAP.

Thanks,

Callum Blake | Directorate Liaison Officer

Office of Minister Steel MLA

Office of Minister Berry MLA (Sportsgrounds)

Phone: 02 6205 9763 | [REDACTED] | Email: tccs.dlo@act.gov.au

Transport Canberra and City Services Directorate | ACT Government | act.gov.au



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

Sent: Thursday, 6 January 2022 3:48 PM

To: TCCS_DLO <TCCS.DLO@act.gov.au>

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

Subject: Urgent DOT POINTS - Tree Safety Hazard, [REDACTED]

Hi Callum

Can I please get some quick dot points from TCCS on this one? I would like to confirm the actions they have taken to date and their advice to the constituent, before we respond further.

By COB tomorrow please.

Thank you

Hanna

Hanna Froehlich

Senior Adviser

Office of Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

ACT Legislative Assembly

GPO Box 1020, CANBERRA, ACT 2601 Australia

Mob: + [REDACTED]

www.chrissteel.com.au



From: STEEL <STEEL@act.gov.au>
Sent: Thursday, 6 January 2022 3:14 PM
To: Froehlich, Hanna <Hanna.Froehlich@act.gov.au>
Subject: FW: RE: Re: Request Urgent Assistance - Tree Safety Hazard, [REDACTED]
 Advice? Thoughts?

From: [REDACTED]
Sent: Thursday, 6 January 2022 3:06 PM
To: STEEL <STEEL@act.gov.au>
Subject: Fwd: RE: Re: Request Urgent Assistance - Tree Safety Hazard, [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.

Good afternoon Minister Steel

Please find below email update with respect to the tree safety hazard we reported over night - the update was requested by Minister Cheyne's office

Whilst it is great that the Tree Protection Unit visited our neighbour's property this morning and will recommend removal of the tree in the long term; we are unable to make the tree safe to our satisfaction in the near term, which is very disappointing.

I will try to call your office to discuss where to from here

Regards,

[REDACTED]

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

From:

[REDACTED]

To:

"CHEYNE" <CHEYNE@act.gov.au>, [REDACTED]

Cc:

[REDACTED]

Sent:

Thu, 06 Jan 2022 14:40:55 +1100

Subject:

RE: Re: Request Urgent Assistance - Tree Safety Hazard, [REDACTED]

Hi Jemma,

Thanks for your email - we have been in touch with TCCS who put us in contact with Mr Jeffrey Lewis-Hughes at the Tree Protection Unit.

Jeffrey said he inspected the tree and limb this morning at 9am (with our neighbour), and has deemed the tree as currently being safe, but will recommend that it be removed.

However, after some discussion with Jeffrey, he agreed that the currently safe status of the tree could change during the next storm in that it could become dislodged.

Therefore we asked him if the Government could priorities an arborist to make it safe in the near term by securing the dangerous limb with some ropes, before it is dislodged in the next storm. Jeffrey's response was that the Government doesn't engage directly with arborists and that our neighbour needs to arrange for an arborist.

Whilst it is great that the Tree Protection Unit will recommend removal of the tree in the long term, we continue to live with a tree safety hazard over-hanging our house in the near term.

This is unacceptable from our perspective as we cannot use our bedrooms and need to closely monitor our children's movements to ensure they are not in the wrong place at the wrong time.

Since my neighbour has been unsuccessful at identifying a suitably qualified arborist, I have been able to organise for a qualified arborist from ACT Tree Felling to inspect the tree on 17 Jan, which is the earliest they could fit us in. It is unclear how long we will have to wait for ACT Tree Felling to be able to remove the tree. Hence, it is unclear how long we will be unable to use our bedrooms.

We continue to have an anxious wait for an arborist as there are more severe thunderstorms forecast over the next week. It is a shame that Jeffrey didn't view the tree from our property to better appreciate the risk it presents to our house and our safety. He would not have seen the SES tape that put in place to cordon off the back of our property.

To say we are disappointed is an understatement. We will continue to work with our neighbour to chase down an arborist but I don't think we will be able to make the tree safe in the near term.

Regards,

[REDACTED]

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

From: "CHEYNE" <CHEYNE@act.gov.au>
To: [REDACTED]
Cc: [REDACTED]
Sent: Thu, 6 Jan 2022 02:20:33 +0000
Subject: RE: Re: Request Urgent Assistance - Tree Safety Hazard, [REDACTED]

Sorry [REDACTED] for not copying you on my reply.

From: CHEYNE <CHEYNE@act.gov.au>
Sent: Thursday, 6 January 2022 1:20 PM
To: [REDACTED]
Subject: RE: Re: Request Urgent Assistance - Tree Safety Hazard, [REDACTED]

Hi [REDACTED]

Thank you for taking the time to get in contact with Tara and for [REDACTED] time on the phone yesterday

I can only imagine the stress on you and your family of this very large limb at risk of falling on your home, particularly given further storms are forecast.

Yesterday afternoon, I wrote to the office of Mr Chris Steel MLA, as Minister for Transport Canberra and City Services, asking for an arborist to visit [REDACTED] as soon as possible to make this tree safe. After Frank's call to Tara and your email, I followed up with Minister Steel's office first thing this morning.

I'm advised that it is being actioned. I'm pleased you received this confirmation directly too.

I'll share any updates I receive with you and I'd be grateful if you could keep Tara updated with any further developments.

Kind regards
Jemma

Jemma Cavanagh
Adviser | Office of Tara Cheyne MLA

Member for Ginninderra
Minister for the Arts
Minister for Business and Better Regulation
Minister for Human Rights
Minister for Multicultural Affairs
Assistant Minister for Economic Development

T 02 6205 0100

From: [REDACTED]
Sent: Thursday, 6 January 2022 9:58 AM
To: CHEYNE <CHEYNE@actgov.au>
Cc: [REDACTED]
Subject: Fwd: Re: Request Urgent Assistance - Tree Safety Hazard, [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.

Good morning Minister Cheyne,

Thank you for taking an interest in our tree safety hazard, which our neighbour [REDACTED] was kind enough to raise with you today [REDACTED] also spoke with your assistant yesterday (Gemma) who was most receptive.

Please find below email thread and attached letter, which contains photographs. I sent this to Minister Steel and Minister Gentleman last night - Minister Steel's office has promptly replied and is actioning the letter. Hopefully we will hear from the TCCS today - previously they have simply advised us to call an arborist, but we have been unable to find one that is available and is suitably qualified for a job of this scale.

This situation also reveals limitations of the SES who despite best efforts, have been unable to assist with making the tree safe, due to the size of the tree, which they said should not be in a suburban back yard.

Thanks again for your interest - I hope you have been able to have some form of a break over the Christmas period

Kind Regards,

[REDACTED]

[REDACTED]

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

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

To:

[REDACTED]

Sent:
Wed, 5 Jan 2022 20:45:29 +0000

Subject:
Re: Request Urgent Assistance - Tree Safety Hazard, [REDACTED]

Dear [REDACTED]

Thank you for contacting Minister Gentleman and Minister Steel regarding the tree that poses a risk to your property.

Our office has brought this issue to the urgent attention of Transport Canberra and City Services (TCCS) so that the matter can be investigated and resolved as soon as possible.

We appreciate your patience while TCCS attend storm affected areas following Monday's events.

Kind regards,

Office of Chris Steel MLA

From: [REDACTED]
Sent: 05 January 2022 23:22
To: STEEL <STEEL@act.gov.au>; GENTLEMAN <GENTLEMAN@act.gov.au>
Cc: [REDACTED]
Subject: Request Urgent Assistance - Tree Safety Hazard, [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.

Good Morning Mr Steel and Mr Gentleman,

The purpose of this email (and attached letter) is to urgently seek assistance with respect to a large eucalyptus gum tree that presents a significant risk of harm to our residence and young family in [REDACTED] ACT – but is unable to be tended to due to a shortage of suitably qualified arborists in the ACT region (including Yass, Cooma and Goulburn), following the severe thunderstorm in Belconnen on Monday 3 January 2022.

SES ACT and SES Queenbeyan have inspected the tree and deemed our bedrooms to be uninhabitable, since a large broken limb is leaning towards our property. The SES did not have an arborist or sufficient equipment to make the tree safe and recommended we find an arborist ourselves. The SES has cordoned off a large hazardous area on our property and has recommended we do not use the rear portion of our house, due to the risk of the limb collapsing on our house and property. Please refer enclosed photographs in the attached letter.

The subject tree is located close to a fence line, deep inside our next-door neighbour's property at [REDACTED]. The tree is 40 to 50 metres in height and we are led to believe it has been registered under the Tree Protection Act 2005 (ACT). The tree regularly drops large branches and our neighbours have previously sought approval for the tree to be removed for safety reasons, but the request has been declined because it is protected under state legislation.

In collaboration with our neighbour, we have contacted numerous arborists who are either unavailable or unqualified to work on the tree. We now have an anxious wait to identify an arborist, which may take some months, since we cannot influence the prioritisation of their work. In the meantime, with further storms predicted, we live with the risk of the tree falling on our house. We are unable to use any of our bedrooms and an ensuite; whilst monitoring our children's movements to make sure they are not in the wrong place at the wrong time. COVID adds to these inconveniences, requiring us to work from home in a house that has been reduced to half its size.

Our current predicament only exists because the ACT government did not allow our neighbours to remove the tree when requested. Whilst section 45 of the Tree Protection Act 2005 does not specify cancellation criteria, we believe the current condition of the tree justifies cancellation of registration, to ultimately protect the safety of

our family and home.

In summary, we kindly request the following:

- Request the ACT government expedite and prioritise access to a qualified arborist to make the tree safe, so that our house and family are safe as soon as possible
- Under section 55 of the Tree Protection Act 2005, request cancellation of registration of the tree for safety reasons, so that the tree can be fully removed as soon as possible.

Sincerely,

[Redacted]

[Redacted]

[Redacted]

Letter Enclosure:

Photographs of Eucalyptus Tree at [Redacted],
[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.

 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.

Bruan, Nicole

From: [REDACTED]@outlook.com>
Sent: Saturday, 8 January 2022 2:27 PM
To: TCCS_CP TreeProtection
Subject: FW: Application to Undertake a Tree Damaging Activity, 4GC4KJRV
Attachments: 4GC4KJRV.pdf

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 ACT Government

I am writing to advise that today the hazardous, splintered limb was safely removed from our large gum tree located at [REDACTED]. The tree is no longer a hazard. Accordingly, we wish to revoke the attached application to undertake a tree damaging activity, as we wish to keep the tree.

Regards,

Tel: + [REDACTED]

From: smartforms@act.gov.au <smartforms@act.gov.au>
Sent: Tuesday, 4 January 2022 8:06 PM
[REDACTED]@outlook.com
Subject: Application to Undertake a Tree Damaging Activity, 4GC4KJRV



ACT
Government

**Access
Canberra.**

Thank you for submitting Application to Undertake a Tree Damaging Activity at Access Canberra.

Your form reference code is: **4GC4KJRV**

Please see the attached PDF for a copy of your form submission.

For enquiries regarding your Application to Undertake a Tree Damaging Activity submission, please contact:

Urban Treescapes

Phone: [13 22 81](tel:132281)

Website: <https://www.cityservices.act.gov.au/trees-and-nature/trees>

Note: Please do not reply to this auto-generated email.



Application to Undertake a Tree Damaging Activity - Submission confirmation

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

Date and time

Reference code

04 Jan 2022 8:04:31 PM

4GC4KJRV

Urban Treescapes

GPO Box 158
Canberra City ACT 2601

Phone 13 22 81

Applicant details

Title

Given name *

Family name *

[REDACTED]

[REDACTED]

[REDACTED]

Company

[REDACTED]

ACN (Australian company number)

[REDACTED]

Residential address

Address line 1 *

[REDACTED]

Address line 2

[REDACTED]

Suburb *

State *

Postcode *

[REDACTED]

[REDACTED]

[REDACTED]

Postal address

Same as residential address

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

[REDACTED]

[REDACTED]

[REDACTED]

Email address *

[REDACTED]@outlook.com

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

Yes

No

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 *

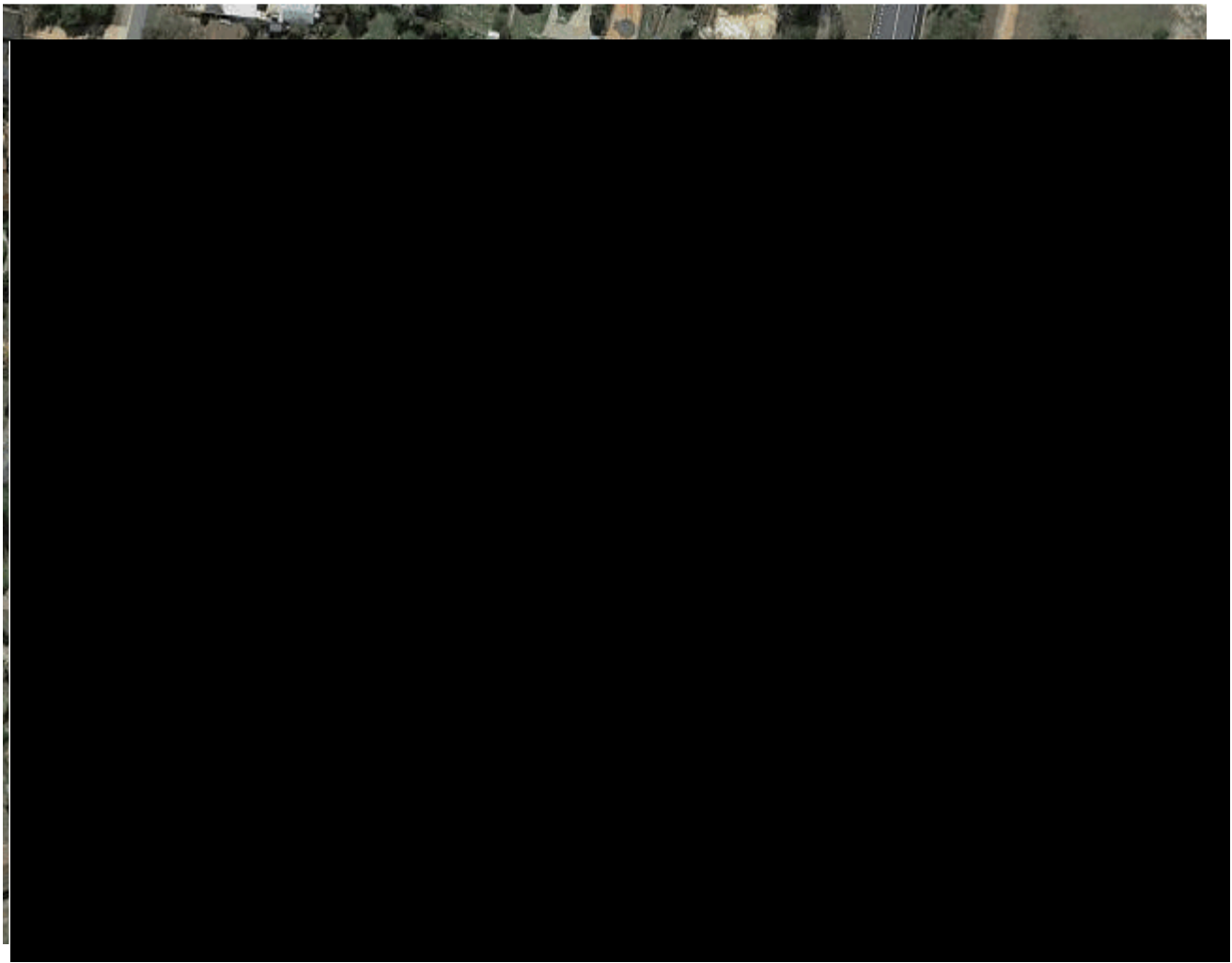
Postcode *

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 *

Large Gum Tree

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 *

Tree very large and dangerous tree located very close to residential homes. Poses significant risk to residents and property.

Additional attachments

Block plan

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

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

[Redacted text box]

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. *

Bruan, Nicole

From: [REDACTED]@outlook.com>
Sent: Wednesday, 12 January 2022 12:00 PM
To: TCCS_CP TreeProtection
Subject: Gum Tree at [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.

Thank you to Geoff Lewis-hughes from your team for urgently coming to our property at [REDACTED] last week, after the 3 January storm and following our urgent online request for tree damaging activity. Geoff was very professional and diligent. He provided clear advice about the Government processes and clearly has strong technical knowledge of trees which was so helpful to us. Following Geoff's advice, we arranged an arborist to urgently remove the splintered limb. We understand our neighbours are very relieved that the splintered limb suspended above their home has been safely removed, as we are.

We thank Geoff and ACT Government for all your work in this area. We also appreciate your advice about the tree currently being safe. Thank you again.

[REDACTED]

Bruan, Nicole

From: TCCS_CP TPUNorth
Sent: Monday, 17 January 2022 1:41 PM
To: TCCS_CP TreeProtection
Subject: Re: Further info - [REDACTED]

He wants to withdraw it so I'm not sure how do that

Get [Outlook for iOS](#)

From: Dojic, Rosie <Rosie.Dojic@act.gov.au> on behalf of TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>
Sent: Monday, January 17, 2022 11:18:33 AM
To: TCCS_CP TPUNorth <TCCS.TPUNorth@act.gov.au>
Subject: RE: Further info - [REDACTED]

UNOFFICIAL

I don't know – I am waiting on you !!!!

From: TCCS_CP TPUNorth <TCCS.TPUNorth@act.gov.au>
Sent: Monday, 17 January 2022 10:09 AM
To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>
Subject: RE: Further info - [REDACTED]

Hey Rosie
Are we withdrawing this app?
Geoff

From: Dojic, Rosie <Rosie.Dojic@act.gov.au> **On Behalf Of** TCCS_CP TreeProtection
Sent: Saturday, 8 January 2022 10:47 PM
To: TCCS_CP TPUNorth <TCCS.TPUNorth@act.gov.au>
Subject: Further info - [REDACTED]

UNOFFICIAL

From: [REDACTED] <[REDACTED]@outlook.com>
Sent: Saturday, 8 January 2022 2:27 PM
To: TCCS_CP TreeProtection <TCCS.TreeProtection@act.gov.au>
Subject: FW: Application to Undertake a Tree Damaging Activity, 4GC4KJRV

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 ACT Government

I am writing to advise that today the hazardous, splintered limb was safely removed from our large gum tree located at [REDACTED]. The tree is no longer a hazard. Accordingly, we wish to revoke the attached application to undertake a tree damaging activity, as we wish to keep the tree.

Regards,

[REDACTED]
Tel: + [REDACTED]

From: smartforms@act.gov.au <smartforms@act.gov.au>
Sent: Tuesday, 4 January 2022 8:06 PM
To: [REDACTED] <[REDACTED]@outlook.com>
Subject: Application to Undertake a Tree Damaging Activity, 4GC4KJRV



Thank you for submitting Application to Undertake a Tree Damaging Activity at Access Canberra.

Your form reference code is: **4GC4KJRV**

Please see the attached PDF for a copy of your form submission.

For enquiries regarding your Application to Undertake a Tree Damaging Activity submission, please contact:

Urban Treescapes

Phone: [13 22 81](tel:132281)

Website: <https://www.cityservices.act.gov.au/trees-and-nature/trees>

Note: Please do not reply to this auto-generated email.

Bruan, Nicole

From: TCCS_CP UTTreeWeek
Sent: Monday, 7 February 2022 7:45 AM
To: Schwartzkoff, Brent
Cc: TCCS_CP TreeProtection
Subject: FW: Application for approval to remove tree at residential property
Attachments: IMG_1935.jpg; IMG_1933.jpg; 220105-Letter-Urgent Tree Removal [REDACTED].pdf

OFFICIAL

Hi Brent,

For some reason this came to the ACT Tree Week email address. This seems to be happening a lot so I will put an auto reply on this address to redirect people to tree protection if that is what their enquiry relates to.

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**

480 Northbourne Avenue, Dickson | GPO Box 158 Canberra ACT 2601

www.act.gov.au | cityservices.act.gov.au



I 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.

Artwork "Relationships" by Lynnice Letty Church

From: [REDACTED]
Sent: Monday, 31 January 2022 3:55 PM
To: TCCS_CP UTTreeWeek <TCCS_CP UTTreeWeek@act.gov.au>
Cc: [REDACTED]
Subject: Application for approval to remove tree at residential property

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.

Attention: Brent

Hi Brent,

As discussed today, we have previously requested approval from the ACT Government for the gum tree at [REDACTED] to be removed. I was disappointed to hear that our application has been withdrawn without us being notified. This is contrary to advice I received from your office on 6 Jan 22 and 14 Jan 22 as outlined below.

Please find below email and attachment with more background information - the attachment contains the request/application to Minister Steel's office on 5 Jan 22. In response to this request, the Tree Protection Unit sent an inspector to inspect the tree on 6 Jan 22 at 9am - which I was not made aware of, which was disappointing. Unfortunately the inspector did not inspect the tree from our property to understand the amount of overhang (which continues to grow) and the risk this presents to the safety of our property and family.

On 14 Jan 22, I called Geoffrey and he confirmed that the application was still being processed by the Conservator and that a Notice of Approval (in the form of a letter) should be provided by the end of January. Hence, my follow-up phone calls today to check on the progress of the letter.

Since the severe storm on 3 Jan 22, two arborists have confirmed that the subject tree is a *Eucalyptus viminalis*. Our research indicates that this species of Eucalyptus will continue to grow and could reach 90 m in height. Parts of the tree are already rotting due to animal habitation, which led to the limb that fractured on 3 Jan and presented a risk to our safety. "This species of tree should not be in a suburban backyard", as quoted by one of the SES staff that answered our call on 3 Jan 22.

Currently being more than 40m in height, and on the fence line of both properties, we continue to be very concerned about the hazard the tree presents - particularly with the ongoing stormy weather.

Could you please re-instate our application and have it processed with urgency?

If I need to send any other 'paperwork' to support the process, please let me know

Regards

█

M: █

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

From:

█

To:

Geoff.Lewis-Hughes@act.gov.au

Cc:

steel@act.gov.au, cheyne@act.gov.au, █

Sent:

Fri, 07 Jan 2022 23:10:33 +1100

Subject:

Re: Request Urgent Assistance - Tree Safety Hazard, █

Dear Geoffrey

Further to correspondence in the below email thread, we would like to thank you for taking the time to inspect the large and dangerous gum tree at █ on the morning of 6 January 2022. As you saw, this tree overhangs our house and property at █ (see attached photos, also included in the attached letter to Minister Steel).

As per our telephone discussion with you at 3pm on 6 January 2022, there is currently a significant limb on the tree which has partially snapped and is resting on other branches, as a result of the severe weather event which occurred on Monday, 3 January 2022.

You accepted our request for urgent approval for the removal of the entirety of the tree (s 29(1) of the *Tree Protection Act 2005*). As you advised, we arranged for an arborist to attend to the tree. They will be coming to the property on the afternoon of Monday 10 January for a consultation regarding the tree and have requested a copy of the approval for the tree to be removed.

In light of the above, we ask that you please hasten the notice of approval by the conservator, and provide written notice of the decision on our application for the removal of the tree (s 29(7)). Kindly request this written notice be provided by email before 12pm Monday 10 January. Pursuant with the *Tree Protection Act 2005*, we believe that removal of the tree is required as soon as reasonably practicable to

protect the health and safety of our family, neighbours and our respective private properties (s 29(3)).

Regards

[REDACTED]

[REDACTED]

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

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

To:

[REDACTED]

Cc:

Sent:

Wed, 5 Jan 2022 20:45:29 +0000

Subject:

Re: Request Urgent Assistance - Tree Safety Hazard, [REDACTED]

Dear [REDACTED]

Thank you for contacting Minister Gentleman and Minister Steel regarding the tree that poses a risk to your property.

Our office has brought this issue to the urgent attention of Transport Canberra and City Services (TCCS) so that the matter can be investigated and resolved as soon as possible.

We appreciate your patience while TCCS attend storm affected areas following Monday's events

Kind regards,

Office of Chris Steel MLA

From: [REDACTED]

Sent: 05 January 2022 23:22

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

Cc: [REDACTED]

Subject: Request Urgent Assistance - Tree Safety Hazard, [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.

Good Morning Mr Steel and Mr Gentleman,

The purpose of this email (and attached letter) is to urgently seek assistance with respect to a large eucalyptus gum tree that presents a significant risk of harm to our residence and young family in [REDACTED] – but is unable to be tended to due to a shortage of suitably qualified arborists in the ACT region (including Yass, Cooma and Goulburn), following the severe thunderstorm in Belconnen on Monday 3 January 2022.

SES ACT and SES Queenbeyan have inspected the tree and deemed our bedrooms to be uninhabitable, since a large broken limb is leaning towards our property. The SES did not have an arborist or sufficient equipment to make the tree safe and recommended we find an arborist ourselves. The SES has cordoned off a large hazardous area on our property and has recommended we do not use the rear portion of our house, due to the risk of the limb collapsing on our house and property. Please refer enclosed photographs in the attached letter.

The subject tree is located close to a fence line, deep inside our next-door neighbour's property at [REDACTED]. The tree is 40 to 50 metres in height and we are led to believe it has been registered under the Tree Protection Act 2005 (ACT). The tree regularly drops large branches and our neighbours have previously sought approval for the tree to be removed for safety reasons, but the request has been declined because it is protected under state legislation.

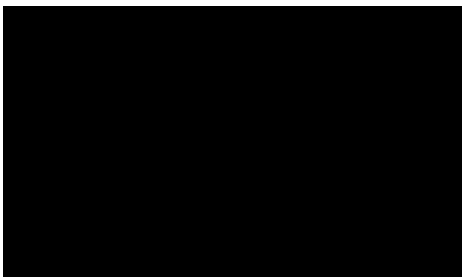
In collaboration with our neighbour, we have contacted numerous arborists who are either unavailable or unqualified to work on the tree. We now have an anxious wait to identify an arborist, which may take some months, since we cannot influence the prioritisation of their work. In the meantime, with further storms predicted, we live with the risk of the tree falling on our house. We are unable to use any of our bedrooms and an ensuite; whilst monitoring our children's movements to make sure they are not in the wrong place at the wrong time. COVID adds to these inconveniences, requiring us to work from home in a house that has been reduced to half its size.

Our current predicament only exists because the ACT government did not allow our neighbours to remove the tree when requested. Whilst section 45 of the Tree Protection Act 2005 does not specify cancellation criteria, we believe the current condition of the tree justifies cancellation of registration, to ultimately protect the safety of our family and home.

In summary, we kindly request the following:

- Request the ACT government expedite and prioritise access to a qualified arborist to make the tree safe, so that our house and family are safe as soon as possible
- Under section 55 of the Tree Protection Act 2005, request cancellation of registration of the tree for safety reasons, so that the tree can be fully removed as soon as possible.

Sincerely,



Letter Enclosure:

Photographs of Eucalyptus Tree at [Redacted]
[Redacted]

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5 January 2022

Chris Steel MLA

GPO Box 1020,
Canberra, ACT 2601
steel@act.gov.au

Mick Gentleman MLA

GPO Box 1020,
Canberra, ACT 2601
gentleman@act.gov.au

Request for Urgent Assistance

Dear Mr Chris Steel and Mr Mick Gentleman,

The purpose of this letter is to urgently seek assistance with respect to a large eucalyptus gum tree that presents a significant risk of harm to our residence and young family in [REDACTED] but is unable to be tended to due to a shortage of suitably qualified arborists in the ACT region (including Yass, Cooma and Goulburn), following the severe thunderstorm in Belconnen on Monday 3 January 2022.

SES ACT and SES Queenbeyan have inspected the tree and deemed our bedrooms to be uninhabitable, since a large broken limb is leaning towards our property. The SES did not have an arborist or sufficient equipment to make the tree safe and recommended we find an arborist ourselves. The SES has cordoned off a large hazardous area on our property and has recommended we do not use the rear portion of our house, due to the risk of the limb collapsing on our house and property. Please refer enclosed photographs.

The subject tree is located close to a fence line, deep inside our next-door neighbour's property at [REDACTED]. The tree is 40 to 50 metres in height and we are led to believe it has been registered under the Tree Protection Act 2005 (ACT). The tree regularly drops large branches and our neighbours have previously sought approval for the tree to be removed for safety reasons, but the request has been declined because it is protected under state legislation.

In collaboration with our neighbour, we have contacted numerous arborists who are either unavailable or unqualified to work on the tree. We now have an anxious wait to identify an arborist, which may take some months, since we cannot influence the prioritisation of

[REDACTED]

their work. In the meantime, with further storms predicted, we live with the risk of the tree falling on our house. We are unable to use any of our bedrooms and an ensuite; whilst monitoring our children's movements to make sure they are not in the wrong place at the wrong time. COVID adds to these inconveniences, requiring us to work from home in a house that has been reduced to half its size.

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- Under section 55 of the Tree Protection Act 2005, request cancellation of registration of the tree for safety reasons, so that the tree can be fully removed as soon as possible.

Sincerely,

[REDACTED]

Enclosure:

Photographs of Eucalyptus Tree at [REDACTED]

Enclosure to
Letter to ACT Government
Dated 5 Jan 22

Photographs of Eucalyptus Tree at [REDACTED]



Bruan, Nicole

From: Schwartzkoff, Brent
Sent: Wednesday, 9 February 2022 9:22 AM
To: Diehm, Mark
Subject: FW: [REDACTED]

UNOFFICIAL

Hi Mark

[REDACTED] tried but was unable, if you tick no consent it won't let you lodge.

No need to reply, I will take an app with me when I go.

Kind Regards,

Brent Schwartzkoff | Tree Protection Officer | Ph 62059765 | Mobile [REDACTED]
Email: brent.schwartzkoff@act.gov.au
Urban Treescaping, City Presentation | Transport Canberra & City Services Directorate | ACT Government
Level 4, Dickson Office Building, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra
2601 | www.act.gov.au

From: Diehm, Mark <Mark.Diehm@act.gov.au>
Sent: Wednesday, 9 February 2022 9:00 AM
To: Schwartzkoff, Brent <Brent.Schwartzkoff@act.gov.au>
Subject: RE: [REDACTED]

UNOFFICIAL

Hi Brent,

[REDACTED] called me last week to discuss his options and advised he was going to submit an application.

Thanks
Mark

From: Schwartzkoff, Brent <Brent.Schwartzkoff@act.gov.au>
Sent: Wednesday, 9 February 2022 8:54 AM
To: Diehm, Mark <Mark.Diehm@act.gov.au>
Subject: FW: [REDACTED]

UNOFFICIAL

No worries Mark

[REDACTED] sent 2 photographs & a copy of the letter addressed to Mr Steele's Office to ACT Tree Week email address & Sam forwarded it on to me Monday 7th of February.

[REDACTED] stated the Electronic Form wouldn't allow him to submit without tree owners consent. All good, I will take a paper copy when I go & look at the tree.

Kind Regards,

Brent Schwartzkoff | Tree Protection Officer | Ph 62059765 | Mobile [REDACTED]
Email: brent.schwartzkoff@act.gov.au
Urban Treescaping, City Presentation | Transport Canberra & City Services Directorate | ACT Government
Level 4, Dickson Office Building, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra
2601 | www.act.gov.au

From: Diehm, Mark <Mark.Diehm@act.gov.au>
Sent: Wednesday, 9 February 2022 8:28 AM
To: Schwartzkoff, Brent <Brent.Schwartzkoff@act.gov.au>
Subject: RE: [REDACTED]

UNOFFICIAL

Good morning Brent,

When did you receive the correspondence?

[REDACTED] advised me that he could submit an application without the owner's consent?
The obligation to provide an application is with [REDACTED], there is no use of inspecting the tree without an application. You may provide him with paper copy while on site if you have time.

Happy to discuss.

Thanks
Mark

From: Schwartzkoff, Brent <Brent.Schwartzkoff@act.gov.au>
Sent: Wednesday, 9 February 2022 8:15 AM
To: Diehm, Mark <Mark.Diehm@act.gov.au>
Subject: [REDACTED]

UNOFFICIAL

Good morning Mark

I received correspondence from [REDACTED] from [REDACTED] The one that we are going to have a second look at the neighbours tree [REDACTED]

There was no application attached to correspondence just Ministerial. I rang [REDACTED] who stated he had been advised that because he can't get consent from tree owner he can't electronically lodge application.

My question is, should I get him to fill out a paper copy of Application – or just take a look at the tree without Application?

Kind Regards,

Brent Schwartzkoff | Tree Protection Officer | Ph 62059765 | Mobile [REDACTED]

Email: brent.schwartzkoff@act.gov.au

Urban Treescapes, City Presentation | Transport Canberra & City Services Directorate | ACT Government
Level 4, Dickson Office Building, 480 Northbourne Avenue, Dickson ACT 2602 | GPO Box 158 Canberra
2601 | www.act.gov.au

APPLICATION TO UNDERTAKE A TREE DAMAGING ACTIVITY (INCLUDING URGENT CIRCUMSTANCES OR MINOR WORKS APPROVAL)

Under the provisions of Sections 22 and 29 of the *Tree Protection Act 2005*

Before you complete this application we suggest you read the *Tree Protection Information and Criteria for Approval of Activities* which is available on the [City Services website](#).

Received
10 FEB 2022
Tree Protection Unit

1. The Applicant

Title (e.g. Mr, Mrs) First name Surname
MR [Redacted] [Redacted]

Company ACN
[Redacted] [Redacted]

Street address
[Redacted]
Suburb [Redacted] Post code [Redacted]

Postal Address (if different from above)
[Redacted]
Suburb Post code

Telephone: Home Work Mobile
[Redacted] [Redacted] [Redacted]

Facsimile Email address
[Redacted] [Redacted]

2. Is the Applicant also the Lessee (owner) of the land on which the Tree Damaging Activity is to be conducted?

Yes No

3. The Lessee (compulsory information)

Title (e.g. Mr, Mrs) First Name Surname
[Redacted] [Redacted] [Redacted]

Company ACN
[Redacted] [Redacted]

Street address
[Redacted] Post code [Redacted]

Postal Address (if different from above)
[Redacted]
Suburb Post code

Telephone: Home Work Mobile
[Redacted] [Redacted] [Redacted]

Facsimile Email Address
[Redacted] [Redacted]@outlook.com



Enquiries: visit [Access Canberra website](#) or call 13 22 81

4. The activity (the location where the proposed tree damaging activity is to occur)

Street address

	Post code

Block	Section

5. Type of activity requested

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

<input checked="" type="checkbox"/> Tree felling or removal <input type="checkbox"/> Major pruning <input type="checkbox"/> Minor pruning (registered trees only) <input type="checkbox"/> Lopping	<input type="checkbox"/> Prohibited groundwork in the tree protection zone: The protection zone for a protected tree is: (a) the area under the canopy of the tree; and (b) the 2 metre wide area surrounding the vertical projection of the canopy; and (c) the 4 metre wide area surrounding the trunk as measured at 1 metre above natural ground level. <input type="checkbox"/> Other activity, please describe <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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6. Block plan

Please provide the following information:

- the location of any significant tree/s affected by the proposal, including trees on adjacent blocks if you propose to undertake prohibited groundwork within the protection zone; and
- **number each tree to which the application relates.**

Diagram or sketch of the block and location of trees

Please refer to Appendix A (attached) for details contained in the report 'Supporting Information for Application to undertake a tree damaging activity', dated 7 Feb 22.

Figure 1 indicates the location of the tree at [redacted] approximately 1.5m from the boundary fence-line with [redacted].

A 'drop pin' indicates the tree position. Multiple photographs of the tree are also provided in the attachment 'Appendix A.'

7. Reason/s for the application

- Tick the appropriate box:
- Block of land where the tree(s) is located is on the ACT Heritage Register or other heritage place.
 - 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 (private property/leased land)

State the reason/s why the application is being made with regard to each tree (you should have regard to the criteria for approval). Include any arborists' 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 you have not provided sufficient or accurate information in order for a comprehensive assessment to be made.

This application is made under the following Approval Criteria:

a. the tree represents an unacceptable risk to public or private safety; b. the tree is shown to be causing or threatening to cause substantial damage to a substantial building, structure or service; c. the location of the tree is inappropriate given its potential size and growth habit. The tree species is Eucalyptus viminalis, which is listed as a problematic tree species under the Tree Protection Act 2005. ACT Government design standards for this species indicate it is inappropriate for suburbia. There is significant canopy overhang & root encroachment onto our property. The tree is too large for the SES to make safe in an emergency situation - such as that resulting from the severe storm event on 3 Jan'22. The storm revealed structural integrity problems with the tree, including deterioration in a 'V' section at the base of a large fractured limb, originating from the trunk at [REDACTED]. It was not safe for us to use the bedrooms of our home for 5 days, until a qualified arborist could be found to remove the dangerous limb. The tree continues to show signs of damage & deterioration. We are extremely concerned about the unacceptable risks posed by the tree.

8. Consent to enter (compulsory information)

To enable assessment of this application, consent is required from the tenant/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

If Yes: You must provide consent to enter by signing the occupier's declaration below.

If No: You must provide consent to enter from the occupier.

If the property is tenanted, consent to enter is required from the tenant.

Note: If the property is not occupied the lessee must sign the declaration.

9. Occupier's/lessee's declaration (compulsory)

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.

Occupier's name

Telephone: Home

Work

Mobile

1. Is there clear access to the tree for the purpose of the inspection? Yes No
2. Is there a dog in the yard? Yes No

Occupier's signature and date

10. Signature of the applicant

Applicant's signature and date

Important disclosure of information

This notice is issued for the purposes of Information Privacy Principle 2 of the *Privacy Act 1988* (Cwlth).

As part of this application, the Transport Canberra and City Services Directorate obtains information about you, including but not limited to personal details, property details, reports, assessments, and other supporting documentation. This information is obtained pursuant to sections 22 and 29 of the *Tree Protection Act 2005*.

The purpose of this information is to process your application, undertake all necessary investigations and assessments in relation to the application and make a determination. This information is usually passed on to some or all ACT Government agencies or in accordance with legislation. These ACT Government agencies may include, but are not limited to:

Environment and Sustainable Development Directorate;
Justice and Community Safety Directorate; and
Health Directorate

You should be aware that any of these agencies may also exchange this information with other similar organisations relevant to the application.

Please acknowledge the Transport Canberra and City Services Directorate has made you aware of its obligations under Information Privacy Principle 2 of the *Privacy Act 1988* (Cwlth) by signing below.

Signature and date

This application should be lodged as follows:

In person at:

Reception

Transport Canberra and City Services
480 Northbourne Avenue
DICKSON ACT 2602

OR

By post to:

Urban Treescapescapes
GPO Box 158
Canberra City
ACT 2601

OR

Scan and email to:

treeprotection@act.gov.au

Should you have any queries with regard to this application form, please visit the [Access Canberra website](#) or call 13 22 81 for assistance.

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 \$10,000 for an individual, \$50,000 for a company and/or 12 months imprisonment.

**Report: Supporting Information for
Application to Undertake a Tree Damaging Activity**

7 February 2022



Executive Summary

This report provides a summary of key points and information regarding the *Eucalyptus viminalis* tree ('Tree'), which originates at [REDACTED]. A qualified arborist has confirmed the species of the Tree to be a *Eucalyptus viminalis* and has stated that he has never seen this fast-growing species of Tree positioned so close to houses on a private property. A severe storm event in the Australian Capital Territory (ACT) on 3 January 2022 ('Storm') has revealed structural integrity problems with the Tree, which is considered dangerous and inappropriate for its location. Major pruning will not eliminate the unacceptable risks associated with the Tree. This report is designed to support an *Application to Undertake a Tree Damaging Activity* under the basis of ACT legislation.

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ACT Government design standards clearly indicate the **Tree species is unsuitable for residential properties in suburbia**; particularly on a shared fence line in the middle of a block as is the case with the Tree. A quick survey of the [REDACTED] suburb shows that the Tree is one of the largest in the local area, including The Pinnacles parkland region. It is also larger than *Eucalyptus viminalis* trees at the Australian Botanical Gardens. A summary of key points from ACT Government design standards is provided as follows (emphasis added):

- **Suitable for use in open parklands** on flatter deeper soils and along watercourses, not suited for road verges, or in screening or shelter belts
- **Fast growth rate** in good conditions
- High flammability
- Susceptible to a wide range of indigenous pest species
- **Drops litter all year**, including large bark ribbons, and **can drop large branches**
- This tree **can quickly develop faults** and is **not ideal where formal longevity is needed**

- Listed as **problematic tree species** under the *Tree Protection Act 2005*.⁷

Key points regarding the Tree at [REDACTED] is provided as follows:

- **Species and potential growth.** The Tree is a fast-growing species⁸ that can reach 50 m to 90 m in height.⁹ A qualified arborist has estimated the Tree is more than 40 m tall – hence the Tree may grow a further 10 to 50 m. As the Tree canopy, trunk and roots continue to grow, this will increase the risk to life and property.
- **Location.** The Tree's trunk is located on land at [REDACTED] It is approximately 1.5m from the boundary fence-line and adjacent to residential houses, but closer to the house at [REDACTED]. A map with a 'drop pin' indicating the Tree's location is provided at [figure 1](#).
- **Site plan constraints.** The 2012 site plan for the property at [REDACTED] confirms there used to be 2.2 m of clearance between the house and the Tree canopy. The floor plan had to be designed to meet Energy Efficiency Rating (EER) requirements. The position of the house (rebuild) was then constrained to protect trees and a lamp post at the front of the property; and to protect trees at the rear of the property. The build also needed to maintain spacing from a public pathway on the northern side. [See figure 2](#).
- **Tree encroachment overhang.** The Tree has grown significantly since 2012, and there is now an encroaching overhang that extends over the house at [REDACTED] including three bedrooms. [See figures 3 to 5 inclusive](#).
- **Uneven tree maintenance.** Photographs suggest only one side of the tree is being maintained through limb and branch removal – the south facing side, which faces [REDACTED]. [REDACTED] The Tree appears to have uneven limb growth due to the suggested bias towards maintaining the south facing side of the Tree. [See figure 3](#).
- **Risk of structural failure.** The Storm has revealed problems with the Tree at 'V' sections in the tree where large limbs attach to Tree trunks on the other side of the fence – at [REDACTED]. [REDACTED] The large limb that fractured during the Storm showed signs of deterioration at its base 'V' section – **a qualified arborist has confirmed the deterioration was most likely due to animal habitation and trapped water.**

⁷ https://www.cityservices.act.gov.au/_data/assets/pdf_file/0016/1503007/Eucalyptus-viminalis.pdf

⁸ The Australian National Botanic Gardens purposefully selected the viminalis species in their rainforest for fast growth and quick coverage. Discussion between [REDACTED] and Gardens employee on 12 Jan 22.

⁹ https://apps.lucidcentral.org/euclid/text/entities/eucalyptus_viminalis_subsp_viminalis.htm

- There were signs of animal habitation after the Storm with a possum returning to the 'V' section. Animal habitation continues since removal of the limb with cockatoos that regularly sit on the damaged limb. Signs of deterioration extend upwards from the 'V' section, suggesting they would have been visible before the limb fractured. See figures 6 to 8 inclusive.
- Other 'V' sections on the Tree are showing signs of deterioration (blackness), likely due to trapped litter (bark) and trapped water. Deterioration in 'V' sections pose a risk of structural failure, evidenced by the large limb that fractured during the Storm.¹⁰ See figure 9.
- **Risk of falling.** Following the Storm, **the SES received 834 requests for assistance, largely in relation to fallen trees** causing structural damage and leaking roofs.¹¹ Dozens of eucalyptus trees in Weetangera and surrounding suburbs were blown over during the Storm – photos can be provided upon request. Many of these appeared to be otherwise healthy trees but their root systems were ineffective in the wet soil and unable to support their weight during the Storm. Future weather events could have a similar impact on the Tree, causing it to fall over, which could have catastrophic consequences, causing serious injury or death. It could also result in expensive damage to our property and that of your clients. The risk of harm is foreseeable, and not insignificant. Major pruning will not eliminate this unacceptable risk.
- We are extremely concerned about the risk of limb and branch failure and the possibility that such failure may cause substantial damage to our property; and/or injure our family and visitors.

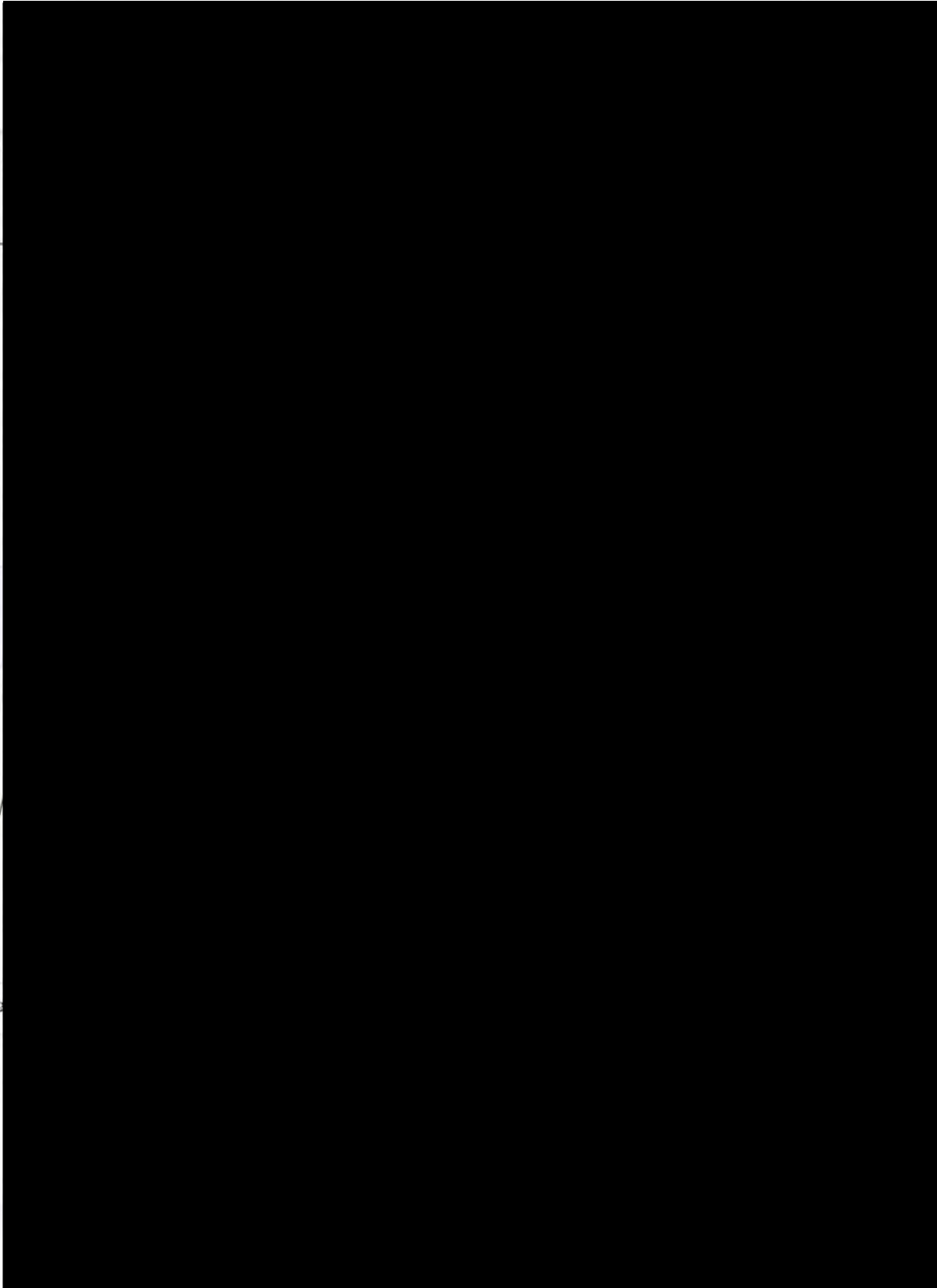
¹⁰ Trees with 'V' sections are more likely to suffer branch failure than trees with 'U' sections, due to the stress concentration factor associated with 'V' section materials under stress.

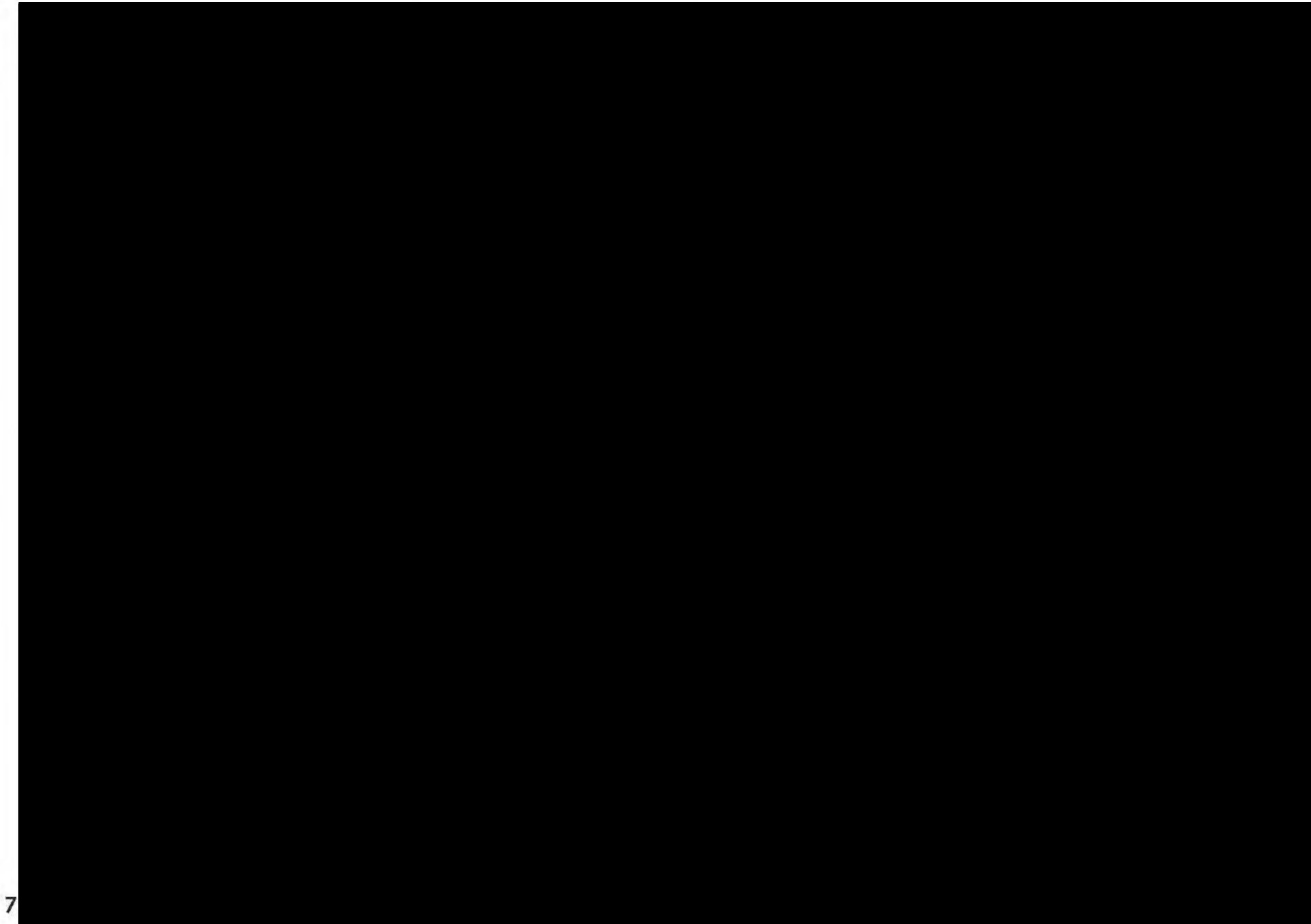
¹¹ <http://esa.act.gov.au/300pm-severe-thunderstorm-update>

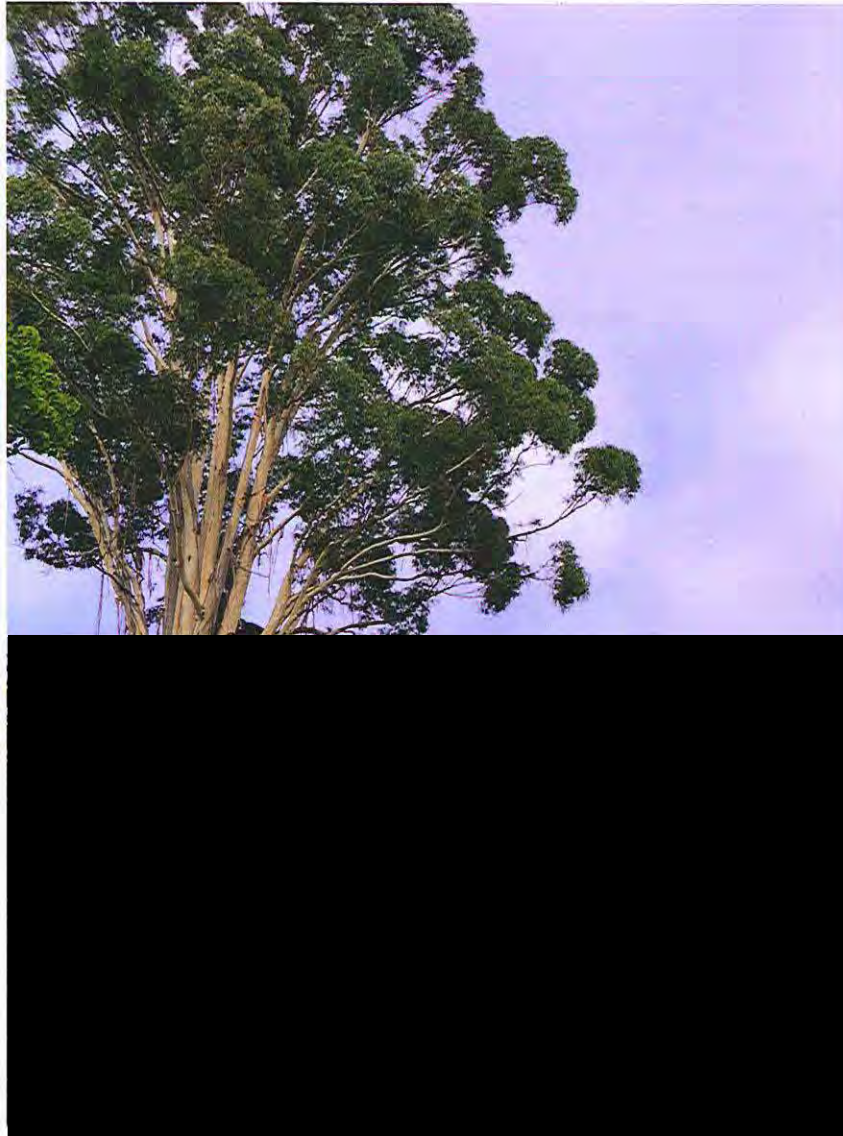
Nuisance Factors

Ongoing growth of the Tree has led to substantial and unreasonable interference with our use of the land as a result of the Tree. We are unable to enjoy the full use of our property. As the Tree canopy, trunk and roots continue to grow, this will increase the nuisance factors summarised as follows:

- **Unreasonable amounts of litter.** The tree constantly drops litter in the form of branches, twigs, long strips of ribbon bark, small cup shaped fruit and leaves across the entirety of our property – especially during the summer season. We are regularly required to clear an excessive amount of litter from the Tree to keep our property clean and to minimise the damage caused by stains to concrete and the pool area. The amount of effort we have to make to keep our property clean from Tree litter is unreasonable. The volume of litter is increasing each year as the tree continues to grow. See figures 10 to 18 inclusive.
- **Encroaching roots.** The Tree's root system is encroaching onto our land, with obvious signs of soil damage and dead lawn. On 7 July 2019, whilst playing soccer with my children, the uneven surface caused by encroaching tree roots caused me to tear my right calf muscle, which took some weeks to heal. This area of the garden contains an uneven surface and trip hazards due to encroaching roots. See figure 19.
- The Tree's root system also presents a risk of causing damage to underground infrastructure including power cables (parallel to the fence line), reticulation, plumbing and foundations of the house. See figures 19 and 20.
- **Unusable land.** Of greater concern is the risk of the tree dropping large limbs and branches on play areas in the garden or the thoroughfare that we use to get to the rear of our property. We need to avoid using the deteriorated grassed area adjacent to the Tree due to the risk of branches falling from the Tree; and the trip hazard from encroaching Tree roots. The area is **11m x 8m square (88m²) approximately 25%** of the total grassed section in the backyard that is unusable.







- **The Tree is a hazard, giving rise to a foreseeable risk of harm to residents and risk of damage to property. The foreseeable risks are increasing due to ongoing tree growth; wet soil impacting root system effectiveness; and severe storm events.**
- Eucalyptus *viminalis* is fast growing and can reach heights up to 90m. The Tree is dangerous and too large for its location. The tree is a nuisance, preventing enjoyment of property.
- The Tree has grown significantly since 2012 when there was no overhang on the house
- The tree is more than 40 m tall and has not been maintained evenly, either side of the fence line – it is leaning towards [REDACTED] [REDACTED] overhanging all bedrooms
- Heavy limbs and branches grow from 'V' sections, that have high stress concentration and become weakened by rot and damage from animal habitation, such as occurred in Storm event on 3 Jan 22
- The Tree is prone to animal habitation and rot forming from long ribbon strips of bark getting trapped in the 'V' sections
- The Tree is prone to dropping limbs; and litter in the form of bark, leaves and sticks
- Encroaching roots cause uneven ground, trip hazards, kills lawn, ruins soil and causes concern for house foundations.

Figure 3: Tree Overhang with Summary of Risks and Issues (3 Feb 22)



Figure 4: Large Tree Trunk on Fence-Line (4 Feb 22)



Figure 5: Damaged 'V' Section & Fractured Limb (3 Jan 22)



Figure 6: Tree Damage and Animal Habitation (3 Jan 22)



Figure 7: Tree Damage After Limb Removal (5 Feb 22)



Figure 8: Tree Damage & Animal Habitation After Limb Removal (31 Jan 22)



Figure 9: 'V' Section with Signs of Deterioration and Trapped Water (31 Jan 22)



Figure 10: Tree Litter from Storm Event (3 Jan 22)



Figure 11: Tree Litter – Bark and Leaves (31 Jan 22)



Figure 12: Tree Damage & Tree Litter (31 Jan 22)

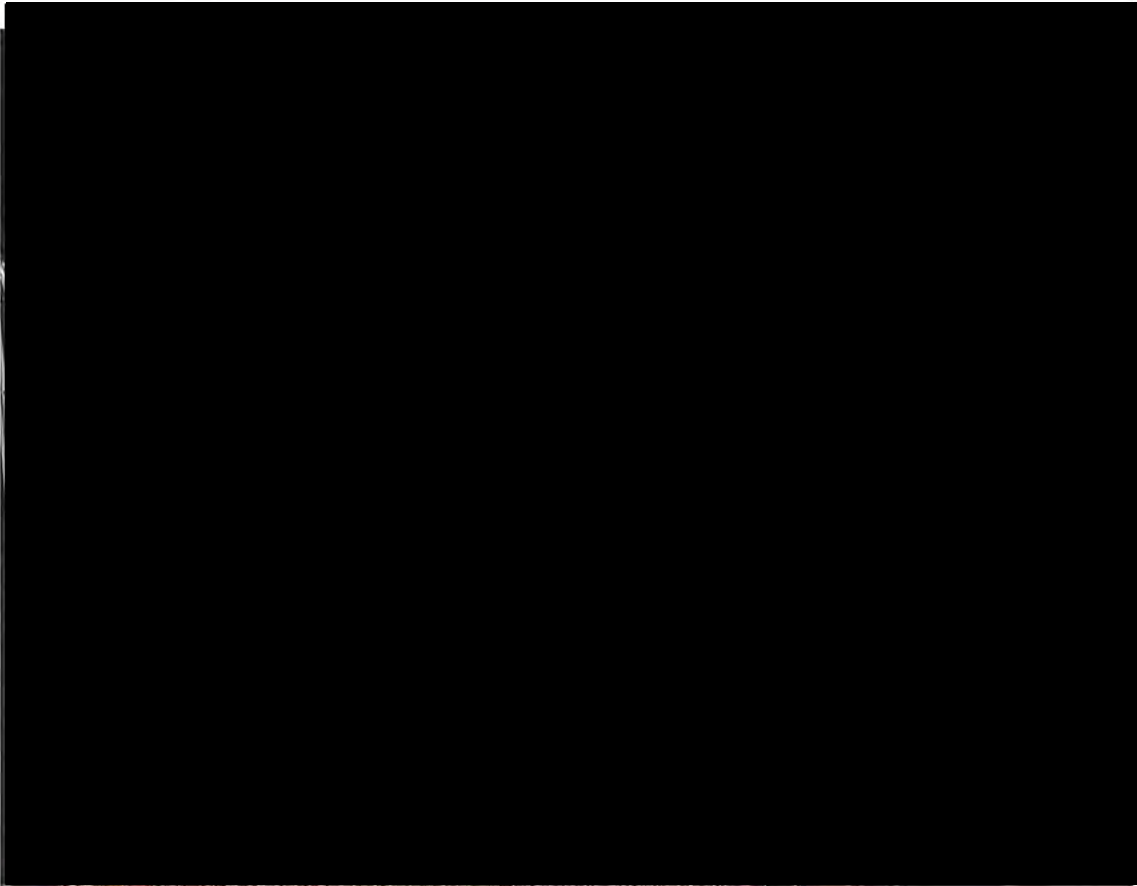


Figure 13: Tree Litter - Large Bark Strips (31 Jan 22)

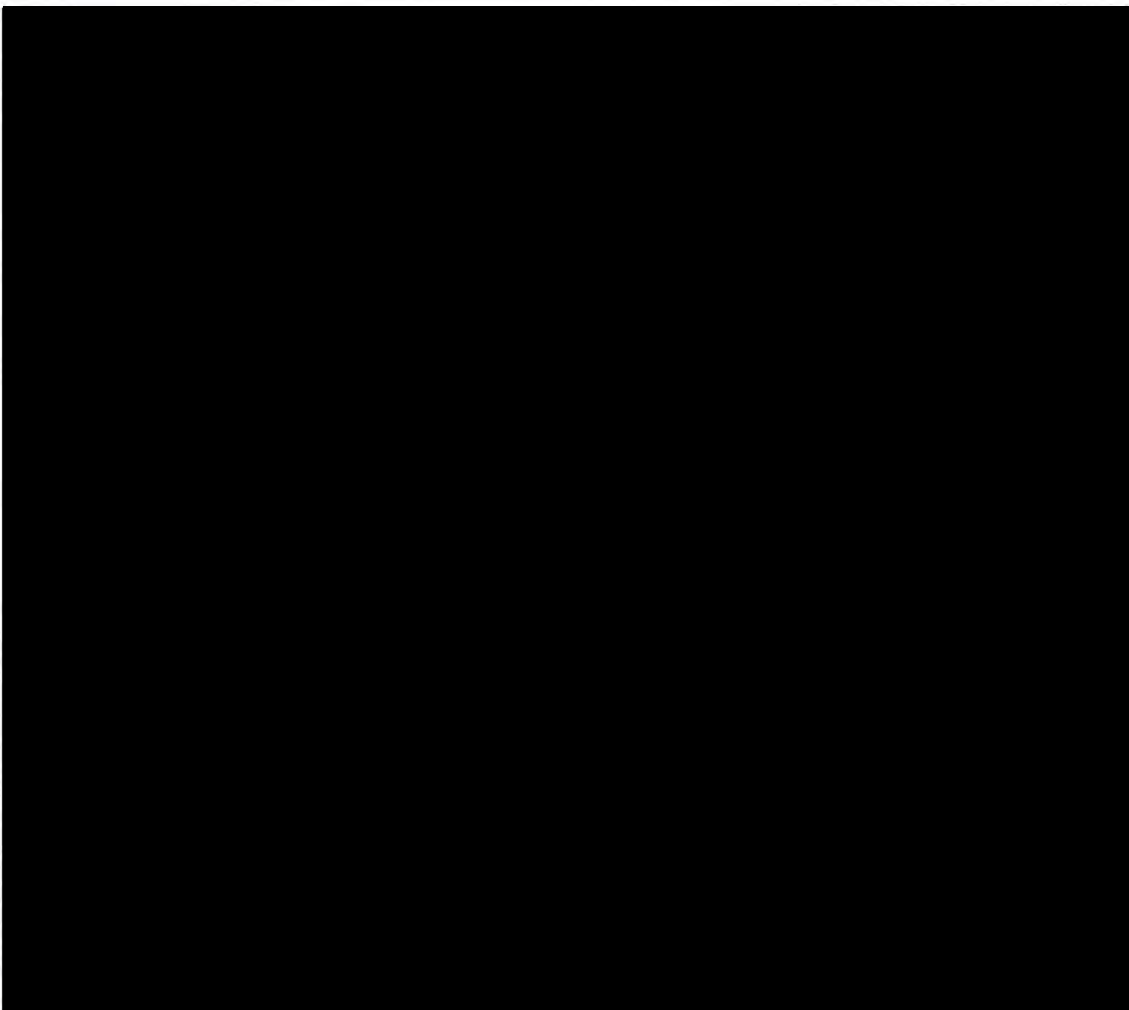


Figure 14: Stained Concrete from Tree Litter (31 Jan 22)

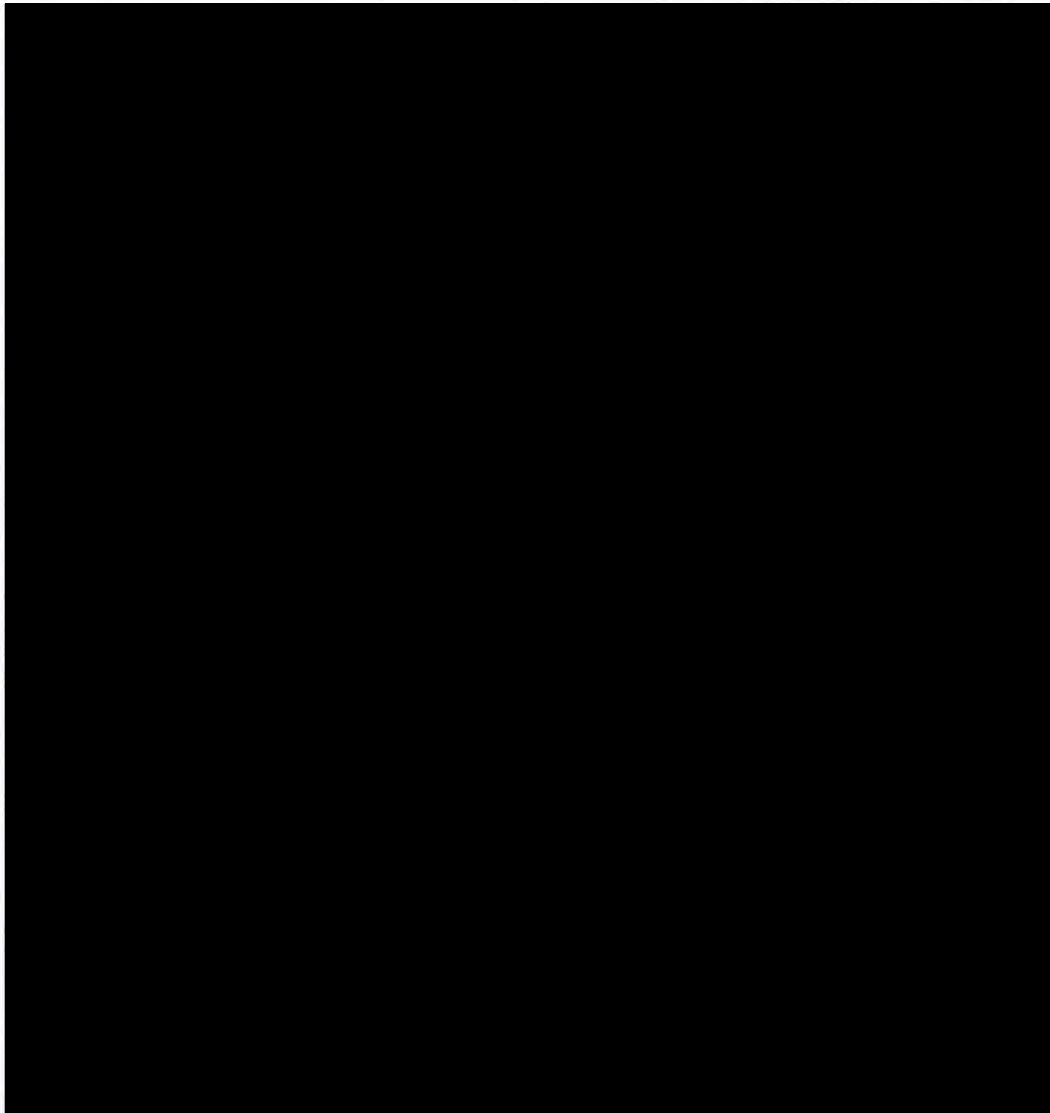


Figure 15: Ruined Sandpit from Tree Litter (31 Jan 22)



Figure 16: Tree Litter in Pool Area (31 Jan 22)



Figure 17: Tree Litter from Pool (31 Jan 21)

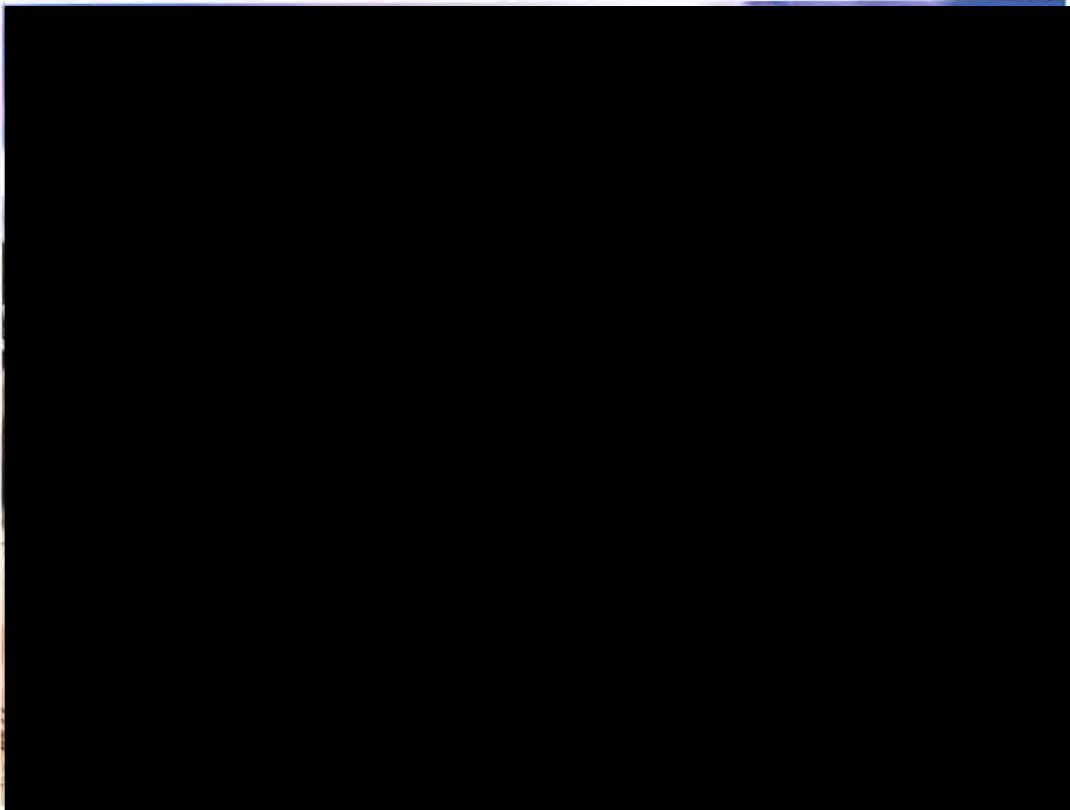


Figure 18: Tree Litter on Roof (4 Feb 21)

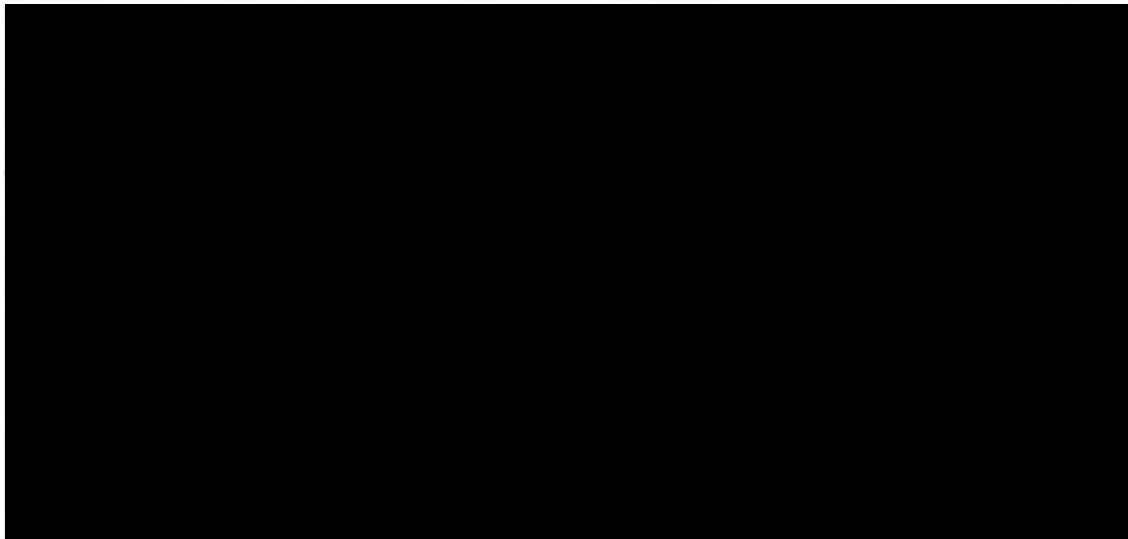


Figure 19: Encroaching Roots – Dead Lawn and Trip Hazards (12 Jan 22)



Figure 20: Encroaching Roots Near Infrastructure (6 Feb 22)

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ACT
Government

Transport Canberra and
City Services

Inspected by: Bo & NG Advisor Visit? Y/N

Date: 10 / 2 / 2022

Applicant requests – to be present Y/N

Applicant/Lessee/Tenant - present Y/N

TREE ASSESSMENT REPORT

Application ID: [redacted] Date Received: 10-Feb-2022

Home Phone:

Business Phone:

Mobile: [redacted]

Applicant Name: [redacted]

Tree Address: [redacted] Suburb: [redacted]

Block/s: [redacted] Block Size (m²): [redacted]

ACTIVITY REQUIRED:

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

TREE DETAILS:

Tree/s No: 1 of 1 Genus & species Eucalyptus viminalis Regulated Registered

Location on block: Northern side of neighbouring block

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: ~25 m Canopy: ~22 m Circumference: NA m Heritage Block: Y/N

Proximity to substantial structure: Trunk: ~10 m Canopy: m Overhang: ~4 m

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

Landscapes values: 8

Possible nomination for the tree register:
Yes / No

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

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

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

Comments: - Large Ribbon Gum that has had what appeared to be a co-dominant include 2nd order union. As a result of this failure on a tree with an up-right canopy the failed limb has approximately 60% sound timber. The tree height is large for Canberra however the canopy is busy & not heavy set clearly as the branch failure became caught up & didn't make ground.

Overall the tree appears to be structurally sound. However.... If an aerial inspection determines the failed limb requires removal this would likely lead to further limb failure & required tree removal.

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	Good vitality
1.1.b	Unacceptable risk to public or private safety ...	Yes / No	Yes / No	Yes / No	Require arborist aerial inspection
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	Dwelling built into TPZ ~ 2013
1.1.e	Blocking solar access (excluding remnant Eucalypts)	Yes / No	Yes / No	Yes / No	Adequate solar access
1.1.f	Causing allergic reaction to occupant...	Yes / No	Yes / No	Yes / No	Non-issue
1.1.g	Part of close planting...	Yes / No	Yes / No	Yes / No	Adequate space
1.2	Schedule 2 Species	Yes / No	Yes / No	Yes / No	Block is larger than 1200m ² .

Recommendation: APPROVE REJECT REPLACEMENT TREE: Y / N

Alternative Recommendation: Selective Pruning / Dead wooding / other Aerial Inspection

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
 Agree with recommendation: Yes / No

See separate report: Yes / No
 Refer to Tree Advisory Panel: Yes / No

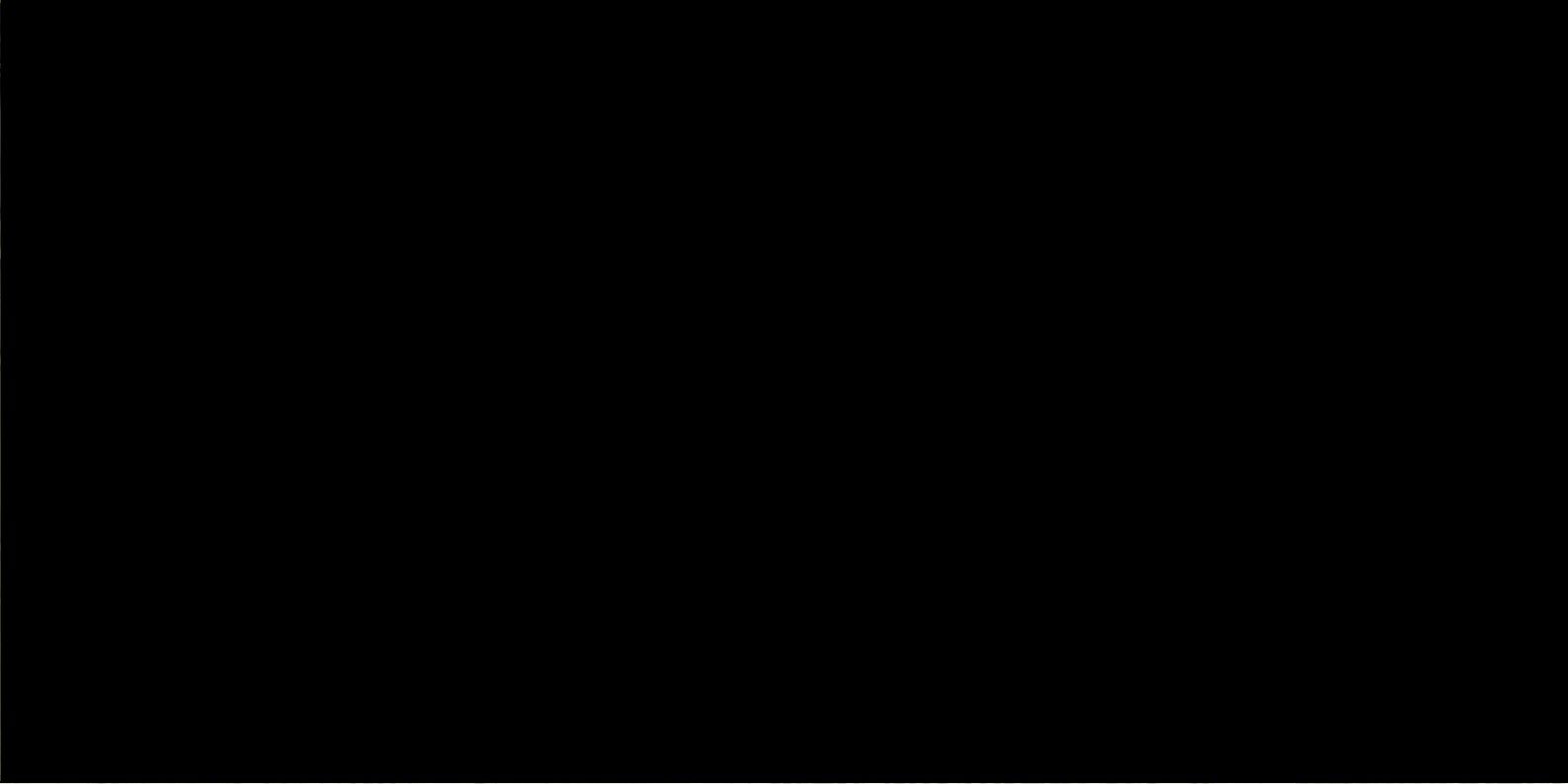
Signature:

Date: / / 2021





























CONSERVATOR'S DECISION
Tree Protection Act 2005

Address of Activity: [REDACTED]

Application ID: [REDACTED]

Block: [REDACTED]

Section: [REDACTED]

Tree(s) 1: Eucalyptus viminalis

TREE ADDRESS: [REDACTED]

LOCATION ON BLOCK: Northern side of the neighbouring lease.

DECISION SUMMARY:

The request for approval of felling/removal of this tree is not granted. Please see details below and recommendations, if any, in the attached Notice of Decision letter.

TREE DAMAGING ACTIVITY: FELLING/REMOVAL

CONSERVATOR'S DECISION: NOT GRANTED

BASIS FOR DECISION:

It has not been established that any of the criteria for removal have been satisfied in Clauses 1(1) and (2) of Schedule 1 of Disallowable Instrument DI2006-60, Tree Protection (Approval Criteria) Determination 2006 (No 2).

M. Diel

Delegate of the Conservator

17 February 2022




ACT
Government

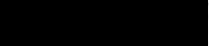
Transport Canberra and
City Services



NOTICE OF DECISION
Tree Protection Act 2005

Dear 

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 

 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 **17 February 2022**.

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. The application fee is \$121.70 under the *Tree Protection (Fees) Determination 2021 (No.1) 1.1, s 106* of the Act from 1 July 2021.

An electronic (Application for Reconsideration) "Smartform" is available to download via the [Access Canberra website](https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1096) link: <https://form.act.gov.au/smartforms/servlet/SmartForm.html?formCode=1096>

The application must be made within **14 days** of the date of this notice by **Monday 7 March 2022**. 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.

Please Note: If an aerial inspection is carried out by a qualified arborist and further concerns or damage noticed, please provide the arborist's report in a new application to the Conservator.

If you would like to discuss any aspect of the application, please contact the Tree Protection Unit on telephone (02) 6205 9765 during business hours.

Yours sincerely



Mark Diehm
A/g Assistant Director, Tree Protection Unit
Delegate of the Conservator of Flora and Fauna
Urban Treescapes, City Presentation
Transport Canberra and City Services Directorate

17 February 2022