



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 23-078

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Published
5. Additional information identified	Not Applicable
6. Fees	Not Applicable
7. Processing time (in working days)	27 Days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not Applicable
10. Decision made by ACAT	Not applicable

11. Additional information identified by ACAT	Not applicable
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Bruan, Nicole

From: [REDACTED]
Sent: Tuesday, 11 July 2023 10:20 AM
To: EPSDFOI
Subject: Re: FOI 23/067694

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. [Learn why this is important](#)

Good morning Angelina

Thank you for your response. In relation to points 4 and 5 of our application, the timeframe for the documents that we are seeking is 2018 to present.

Regards

[REDACTED]

On Thu, Jul 6, 2023 at 4:04 PM EPSDFOI <EPSDFOI@act.gov.au> wrote:

OFFICIAL

Good afternoon [REDACTED]

We have received the following advice from EVOEnergy:

Thank you for the email however ActewAGL Distribution (which includes Evoenergy) is not subject to the FOI Act.

You can request information from EVOEnergy via email to media@evoenergy.com.au.

We have forwarded your application to Chief Minister, Treasury and Economic Development Directorate (CMTEDD) who have accepted your application and will respond to you directly regarding the information they hold within scope of your application.

EPSDD will provide a response to you in relation to the information we hold within scope of your application.

As previously requested, in relation to points 4 and 5 of your application, to assist in document searches could you please advise if possible, a timeframe for the documents you are seeking, for example if you are interested in documents relating to plans, decision etc created since 1 January 2023:

4. The Wattle tree located on [REDACTED] Jacka Crescent, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.

5. The protected trees located on [REDACTED] Savige Street, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.

Please Note: Under section 34(4) of the *Freedom of Information Act 2016*, processing of your application has been suspended and will resume once we have received clarification from you to enable us to identify the documents you are seeking. If no response is received by 18 August 2023, of this request EPSDD will no longer deal with your application and a new application will be required.

Kind regards

Angelina Aloisi (she/her) | Information Governance Officer

Phone: [REDACTED] | Email: Angelina.Aloisi@act.gov.au

Information Governance | Governance, Compliance and Legal

Environment, Planning and Sustainable Development Directorate | ACT Government

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

From: [REDACTED]
Sent: Thursday, 29 June 2023 8:16 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
[REDACTED]
Subject: Re: FOI request

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Good evening Angelina

Thank you for your email.

We are seeking the documents as soon as possible and within the 30 day timeline from the day our application was received (Monday 26 June 2023).

Can you please confirm our understanding that Evoenergy is an 'agency' under section 15 of the FOI Act noting that it has entered into a joint venture with the ACT Government?

Could you please confirm that this answers all of your questions.

Thank you for your assistance.

Regards

[REDACTED]

On Thu, Jun 29, 2023 at 11:47 AM EPSDFOI <EPSDFOI@act.gov.au> wrote:

OFFICIAL

Good morning [REDACTED]

We are in the process of conducting searches and determining which Directorates will hold information within scope of your request. We are also seeking contact information from Evoenergy on who to direct your request to as some information you are seeking may not to be held by ACT Government.

In relation to these points of your application, to assist in document searches could you please advise if possible, a timeframe for the documents you are seeking :

4. The Wattle tree located on [REDACTED] Jacka Crescent, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.

5. The protected trees located on [REDACTED] Savige Street, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.

Please Note: Under section 34(4) of the *Freedom of Information Act 2016*, processing of your application has been suspended and will resume once we have received clarification from you to enable us to identify the documents you are seeking.

If no response is received by 11 August 2023, of this request EPSDD will no longer deal with your application and a new application will be required.

Kind regards

Angelina Aloisi (she/her) | Information Governance Officer

Phone: [REDACTED] Email: Angelina.Aloisi@act.gov.au

Information Governance | Governance, Compliance and Legal

Environment, Planning and Sustainable Development Directorate | ACT Government

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

From: [REDACTED]
Sent: Monday, 26 June 2023 8:33 PM
To: EPSDFOI <EPSDFOI@act.gov.au>
[REDACTED]
Subject: FOI request

You don't often get email from [REDACTED] [Learn why this is important](#)

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FOI – Information Management Team
Environment, Planning and Sustainable Development Directorate
GPO Box 158
CANBERRA ACT 2601

Good evening,

I am seeking access, under the FOI act, to all documents, information, communications, file notes, surveys, measurements, photos, investigations, records and decisions, in any format relating to:

1. Case (and/or reference) number AC-00713514 submitted by [REDACTED] [REDACTED] to ACTPLA on 04 May 2023. This relates to our complaint concerning the installation of Evoenergy's substation on the unleased land in the vicinity of [REDACTED] Jacka Crescent Campbell. This includes all documents, information, communications, file notes, investigations, records and decisions, in any format, made, accessed or held [REDACTED] at the Regulatory Response Team related to Evoenergy's development of a substation on Jacka Crescent, Campbell. We note

that this includes [REDACTED] communications with [REDACTED] at Evoenergy and [REDACTED] [REDACTED] communications with registered surveyor [REDACTED]

2. The decision of Evoenergy to build a substation on, or in the vicinity of, [REDACTED] Jacka Crescent, Campbell, ACT.
3. The decision to relocate a substation that was on, or in the vicinity of, [REDACTED] Savige Street, Campbell, ACT.
4. The Wattle tree located on [REDACTED] Jacka Crescent, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.
5. The protected trees located on [REDACTED] Savige Street, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.
6. Any investigations and decisions made by ACTPLA related to the above points 1-5 (inclusive). This includes all information and decisions related to whether the substation located in the vicinity of [REDACTED] Jacka Crescent, Campbell, ACT is exempt from development approval.
7. Case (and/or reference number) AC-00703361 submitted by [REDACTED] to Worksafe ACT on 14 April 2023.
8. Complaint submitted to [REDACTED] Office by [REDACTED] on 16 April 2023.
9. Substation(s) located on Jacka Crescent, Campbell, from 2018 to present, including in relation to plans and decisions regarding their location and upgrade.
10. Substation(s) located in Campbell, ACT, from 2018 to present, including in relation to plans and decisions regarding their location and upgrade.

We request that, where relevant information is held by another agency or Minister (including Evoenergy) that this FOI request be forwarded to them for response. If this is not possible, we request that the relevant FOI details of that agency be provided to us so that we may forward the FOI request ourselves. For the purposes of the above FOI request, Evoenergy is taken to include ActewAGL, ActewAGL Distribution partnership, Icon, Icon Water, and the ACT Utility Joint Venture.

Regards

[REDACTED]

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

Dear [REDACTED]

Freedom of Information Request - Reference 23-078

I refer to your application for access to government information that was transferred in part (items 4 and 5) to Transport Canberra and City Services (TCCS) from the Environment, Planning and Sustainable Development Directorate on 10 July 2023. In your application you are specifically seeking access to the following government information under the *Freedom of Information Act 2016*:

4 - The Wattle tree located on [REDACTED] Jacka Crescent, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.

5 - The protected trees located on [REDACTED] Savige Street, Campbell, ACT, including plans, decisions, investigations and work undertaken by the Tree Protection Unit, Transport Canberra and City Services and Evoenergy. This includes anything to do with the Tree Protection Act.

I note your clarification on the time period of the document search to include from 1 January 2018 to present.

This decision only relates to parts 4 and 5 of your application. You will receive a separate notice of decision for the remaining sections of your application from the directorates dealing with those parts.

Timeframes

A decision is due on your access application on 22 August 2023.

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 3 records as relevant to your application.

In accordance with section 43 of the FOI Act, I have refused to deal with your application where the relevant information is already available to you:

- Record 3 is an email correspondence chain between you and TCCS officer Brent Schwartzkoff, with the last email sent to you on 16 June 2023.

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

- partial access to record 1; and
- full access to record 2.

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](#). Further information on reasons for my decision are detailed below in the statement of reasons.

Please note that record 2 are photographs at 26 Jacka Crescent, Campbell, ACT during an onsite inspection on 18 May 2023. Information relating to that inspection is included in the email chain already available to you, referenced as record 3.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- The FOI Act; and
- The *Human Rights Act 2016*.

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. I have taken the following sections of schedule 2 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*.

In reviewing the relevant records, personal information relating to third parties has been identified. I have considered that this information is not readily available to the public and the disclosure of this information is likely to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004* and carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest.

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

No fee is applicable to this application, as the total number of pages falls within the fee free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your access application and this notice of decision will be published on the disclosure log within 3 – 10 business days. Your personal information will be removed from these 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



Cherie Hughes
Information Officer

17 August 2023

ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

Reference Number: 23-078

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*.

Division 5.3 - Schedule 43 (d) – the government information is already available to the applicant

Reference number	Page number	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1	1-7	20220522 - Case_ 00179506 -Salesforce - Planting request	22 May 2022	Partial release	Schedule 2.2(a)(ii)	Decision to be published on the TCCS Disclosure Log .
2	8-11	20230518 - IMG_9038, 9039, 9040 and 9041	18 May 2023	Full release	Not applicable	
3	12-15	20230616 - Email - Subject - Tree Protection Act and works conducted by Evoenergy -Jacka Crescent	16 June 2023	Refused	Division 5.3 - Schedule 43 (d) – the government information is already available to the applicant	

Total number of documents: 3



- [Close Window](#)
- [Print This Page](#)

Case: 00179506

Case Owner Jayne Roberts

Reassignment Reason

Case Overview

Case Number	00179506	AC Case Number	00463680
Feedback Type	Programs	Job Type	
Status	Case Closed	Technical Officer Required?	No
Sub Status	Resolved	Suburb	Campbell
Priority		Storm Damage	No
Prioritisation Status		Claim Region	
Response Required?	No	Depot Region	
Correspondence History	No		

Subject Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

ACTCCS Description **Why do you believe this change is required?**
 [REDACTED] corner of Savige Street and Jacka Crescent at [REDACTED] Savige Street Campbell. The original trees (2) have failed on Jacka Crescent. It is understood they are Japanese Pagoda tree like the rest of the trees on Jacka Crescent.

What would you like to request?
 New tree on street verge/nature strip

Resident Details

Account Name	[REDACTED]	Contact Email	[REDACTED]
Contact Phone			

Tree Details

Asset ID		Communicated with the Customer?	Yes
		Communication Comment	

Claims

ACTIA/TAMS Identification No.		Claim Number	
Claims Case	<input type="checkbox"/>	Claim Amount Threshold	
Is Claim Being Honoured?	<input type="checkbox"/>	Claim Amount	

Assessment Details

Assessor		Diameter at Brest Height (DBH)	
Date Assessed		Tree Height	
Calling Card	No	Work Comments	call resident about overcrowding
Added to Field Maps	<input type="checkbox"/>		

Field Work Comments

Field Work Comments

Equipment Required

Chipper	No	Mini Tower	No
Crane Truck	No	Pole Saw	No
Flying Crew	No	Travel Tower	No
Gang	No	Climber	No

Work Type

Removal	No	Line of Site	No
GP/DW	No	Lift	No
Branch Pick Up	No	Street Pruning	
Habitat Prune	No	No Action	No
Mulch		Streetlight Pruning	
		Log	

Case Details

Source	Access Canberra	Incident Address	SAVIGE ST, CAMPBELL ACT 2612
Case Origin	FMS Form	ACTCCS Latitude	
Date/Time Opened	29/03/2022 9:06 PM	ACTCCS Longitude	
Date/Time Closed	25/05/2022 10:59 AM		

System Information

Created By	AC TCCS Integration, 29/03/2022 9:06 PM	Last Modified By	Jayne Roberts, 25/05/2022 10:59 AM
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Contact Information

Account Name		Primary Phone	
Birthdate		Email	

Address Information

Billing Address

System Information

Created By	AC TCCS Integration, 29/03/2022 9:06 PM	Last Modified By	AC TCCS Integration, 29/03/2022 9:06 PM
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Activity History

Email: Re: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

Name [Redacted]
Task
Due Date **25/05/2022**
Assigned To **Jayne Roberts**
Last Modified Date/Time **25/05/2022 10:59 AM**

Comments **Additional To:** [Redacted]
CC:
BCC: jayne.roberts@act.gov.au
Attachment:

Subject: Re: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

Body:

Dear [Redacted]

Please let us know if any trees are removed [Redacted] and we will have a look at planting street trees on the Jacka Cres side.

Kind regards,
Jayne
ACT Government, Urban Treescapes Team

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

From: [Redacted]
Sent: 23/05/2022 7:58 PM
To: tccs.trees.casemanagement@act.gov.au
Subject: Re: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

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Hi Jayne
Thank you for your reply and explanation. At this stage we won't go ahead with any tree planting.

Thank you for your advice.

Kind Regards

[Redacted]

Sent from Yahoo Mail for iPhone

On Wednesday, May 18, 2022, 1:43 pm, Trees Email-to-Case <tccs.trees.casemanagement@act.gov.au> wrote:

Dear [Redacted]

The trees that were planted previously on the Jacka Crescent have failed due to a competing lack of sunlight with the overhead trees.

We can replant into this space, however the outcome will be the same again.

I have marked up a tree for the front of [REDACTED] Savige Street as there is a hedge with less shade.

Happy to discuss further if you would like.

Kind regards,
Jayne
ACT Government, Urban Treescapes

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

From: [REDACTED]
Sent: 28/04/2022 3:26 PM
To: tccs.trees.casemanagement@act.gov.au
Subject: Re: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

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.

Hi Jayne

I apologise for taking time to respond to you [REDACTED]

[REDACTED] corner of Jacka Crescent and Savige Street at [REDACTED] Savige St.

The trees which need to be replaced are on the Jacka Crescent side.

I have attached a simple plan with trees noted. Also attached are photos of the two street trees to be replaced and a couple of broader photos for context.

Please let me know if you need anything further.

Kind Regards

[REDACTED]

On Wednesday, 30 March 2022, 09:17:04 am AEDT, Trees Email-to-Case <tccs.trees.casemanagement@act.gov.au> wrote:

Dear [REDACTED]

Can you please send through some photos of these trees?
If you can mark them on an aerial map/ image, that would also be very helpful and save me from driving out to inspect the site.

Kind Regards,
Jayne
ACT Government, Urban Treescapes

ref:_00D6F2VEqH._5008w12v1i:ref

Email: Re: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

Name [REDACTED]
Task
Due Date **18/05/2022**
Assigned To **Jayne Roberts**
Last Modified Date/Time **18/05/2022 1:43 PM**
Comments

Additional To: [REDACTED]
CC:
BCC: jayne.roberts@act.gov.au
Attachment:

Subject: Re: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

Body:

Dear [REDACTED]

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Jayne
ACT Government, Urban Treescapes

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

From: [REDACTED]
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[REDACTED] corner of Jacka Crescent and Savige Street at [REDACTED] Savige St.

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[REDACTED]

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<tccs.trees.casemanagement@act.gov.au> wrote:

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Kind Regards,
Jayne
ACT Government, Urban Treescapes

ref:_00D6F2VEqH._5008w12v1i:ref

Email: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting

Name [REDACTED]
 Task
 Due Date 30/03/2022
 Assigned To Jayne Roberts
 Last Modified Date/Time 30/03/2022 9:17 AM
 Additional To: [REDACTED]
 CC:
 BCC: jayne.roberts@act.gov.au
 Attachment:
 Subject: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting
 Body:
 Dear [REDACTED]

Comments
 Can you please send through some photos of these trees?
 If you can mark them on an aerial map/ image, that would also be very helpful and save me from driving out to inspect the site.
 Kind Regards,
 Jayne
 ACT Government, Urban Treescapes
 ref:_00D6F2VEqH._5008w12v1i:ref

Case History

25/05/2022 10:59 AM

User Jayne Roberts
Action Changed Status from Assigned to Case Closed. Changed Sub Status from Updated to Resolved.

23/05/2022 7:59 PM

User TCCS Service Account
Action Changed Status from Case Closed to Assigned. Changed Sub Status from Resolved to Updated.

20/05/2022 11:17 AM

User Jayne Roberts
Action Changed Status from Assigned to Case Closed. Changed Sub Status from Waiting for Customer to Resolved.

18/05/2022 1:43 PM

User Jayne Roberts
Action Changed Sub Status from In Progress to Waiting for Customer.

4/05/2022 3:40 PM

User Jayne Roberts
Action Changed Sub Status from Updated to In Progress.

28/04/2022 3:27 PM

User **TCCS Service Account**
 Action **Changed Sub Status from Waiting for Customer to Updated.**

30/03/2022 9:17 AM

User **Jayne Roberts**
 Action **Changed Status from Unassigned to Assigned. Changed Sub Status from Unresolved to Waiting for Customer.**

30/03/2022 9:06 AM

User **Jayne Roberts**
 Action **Changed Case Owner from Trees to Jayne Roberts.**

29/03/2022 9:06 PM

User **AC TCCS Integration**
 Action **Changed Sub Status to Unresolved. Changed Case Owner from AC TCCS Integration to Trees. Deleted Medium in Priority. Changed Case Origin to FMS Form. Changed Case Record Type from TCCS General to Trees. Created.**

Attachments

image		image	
Size	5.73MB	Size	4.56MB
Ownership	Jayne Roberts	Ownership	Jayne Roberts
View	Download	View	Download
Last Modified	10/05/2022 8:50 AM	Last Modified	10/05/2022 8:50 AM

Notes**Customer Entry (Auto Note)**

Last Modified **29/03/2022 9:07 PM**
 Owner **AC TCCS Integration**
 Text Preview **This is an auto note of the original customer submission. Subject: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting Category: Fix My Street > Grass, trees & shrubs > Trees & shrubs > New planting AC Description (forms): Why do you be**







