

[REDACTED]
By email: [REDACTED]

Dear [REDACTED]

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the Freedom of Information Act 2016 (the FOI Act), received by the City and Environment Directorate (CED) on 10 February 2026. It is my understanding you are seeking access to the following information:

“.. documents that set out the general framework, guidance, policy, training material, decision tools, or assessment criteria used by the Tree Protection Unit when determining whether: “the location of a tree is inappropriate given its potential size and growth habit” in relation to buildings or structures. Documents requested Please provide

- 1. Any policy, guideline, checklist, decision matrix, assessment template, or internal procedure used by officers when assessing tree proximity to buildings and/or service infrastructure including private stormwater.*
- 2. Any document identifying technical standards, references, or guidance relied upon for these assessments, including but not limited to: 2.1. AS 4970-2009. 2.2. AS 2870-2011. 2.3. AS 1726-2017. 2.4. Any ACT Government arboricultural or engineering guidance material.*
- 3. Any training material or internal guidance provided to Tree Protection Unit officers or delegates about assessing tree distance from structures.*
- 4. Any document that explains how the phrase “inappropriate location given its potential size and growth habit” is operationalised in practice. This request is not case-specific. It relates to the general operational framework used by the Unit. If documents are exempt, please provide edited copies and a schedule of documents”.*

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your application within 30 working days. However, under section 41 of the FOI Act, you agreed an additional amount of time to decide your application. Therefore, a decision is due on or by 2 April 2026.

Authority

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

Decision on access

Under section 43(1)(d) of the FOI Act, a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available. This includes if the information:

- (a) is publicly available
- (b) is available to the applicant from, or for inspection at, a place the respondent, another agency or Minister operates, free of charge
- (c) is available as part of a public register established under a territory law
- (d) is available to the applicant because it has been produced in accordance with a subpoena or court order
- (e) has previously been given to the applicant under this Act or the Freedom of Information Act 1989 (repealed)
- (f) has otherwise previously been given to the applicant
- (g) is usually available for purchase.

I have refused to deal with parts of your application under section 43(1)(d), read with section 45 of the FOI Act, as the government information is already available to you:

Publicly available information

- Fact sheet – Engineering reports for urban trees, located at: https://www.cityservices.act.gov.au/_data/assets/pdf_file/0007/2999437/db62b0cb3e0a3e9d952d9111012c605240b22cd0.pdf.
- Urban Forest Act 2023, located at: <https://www.legislation.act.gov.au/a/2023-14/>.
- Urban Forest (Approval Criteria) Determination 2025 (No 1) – Disallowable instruments – located at: <https://www.legislation.act.gov.au/di/2025-16/>.

Information available for purchase

- Should you seek a copy of any Australian Standards you can purchase via the Australian Standards website: <https://www.standards.org.au/search-for-a-standard>

A search for CED records has been completed and one record that is not publicly available within the scope of your application has been identified. The records identified are listed in the schedule at Attachment A. I have decided to grant full access to this record.

The reasons for my decision are detailed in the statement of reasons section below. The record being released to you is provided at Attachment B.

For your assistance, I have included further details in relation to your request for each part:

Part 1

The Tree Protection Unit has an internal Standard Operating Procedure (SOP) for conducting tree assessments. Section 2.2 addresses proximity to powerlines and structures, this section provides guidance only and is used in conjunction with the subject matter knowledge of the assessing officer.

There are no further policies, guidelines, checklists, decision matrix or assessment template specifically used by officers for assessing the proximity of trees to buildings and/or service infrastructure, including private stormwater.

Part 2

Officers, may, on occasion refer or utilise the information contained within the Australian Standards; however, these are not solely relied upon for various reasons.

AS 4970–2009 – Protection of trees on development sites, has been superseded by AS 4970-2025 - Protection of trees on development sites. This document is more commonly utilised in relation to new developments near existing trees and has limited application in relation to trees and existing structures.

AS 2870–2011 – Residential slabs and footings, the provisions around trees in this document are broad and nonspecific to species, location etc. When applying subject matter and local knowledge, this document provides little in the way of specific usable information for the assessing officer.

AS 1726–2017 – Geotechnical site investigations, this document would not generally be utilised by a Tree Protection Officer, as it is outside the scope of expertise. Should information in relation to this be required, a request would be made to the applicant to engage an expert in the relevant field.

ACT Government arboricultural and urban tree management guidance includes:

Urban Forest Act 2023, Urban Treescape's Tree Protection Unit Tree Assessment Policy and Standard Operating Procedure (internal document), *Urban Forest (Approval Criteria) Determination 2025* (No 1), Engineering reports for urban trees fact sheet.

Part 3

The directorate does not have any training material or guidance specific to trees and the proximity to structures, other than the previously mentioned SOP. Training in assessing tree distance is conducted when an officer is new to the unit and are paired with a senior/highly experienced officer to conduct assessments.

Part 4

Following reasonable searches, the directorate does not hold any document that explains or operationalises the phrase "*inappropriate location given its potential size and growth habit.*" However, the officer applies professional arboricultural knowledge to consider the characteristics of the tree such as species, the expected mature size, canopy spread, likely root development and anything else about the tree that may be relevant to the particular site in consideration to its proximity to infrastructure, as per *Urban Forest (Approval Criteria) Determination 2025* (No 1) 1(1)(h). Officers also consider what mitigating measures can be implemented to address any concerns regarding the location of the tree and its proximity to structures.

Statement of reasons

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application
- your views regarding the public interest
- the *Human Rights Act 2004*
- the ACT Ombudsman FOI Guidelines.

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- *No relevant sections identified.*

As none of the information falls within any category listed in Schedule 1, I proceeded to apply the public interest test under section 17 of the FOI Act.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

In reviewing the information within the scope of your application, I consider that disclosure promotes open discussion of public affairs and enhances the government's accountability generally. In line with the views you expressed regarding the public interest, I also consider that disclosure of the information will assist in providing additional background and contextual detail about how government decisions are made. In particular, disclosure will help explain how the decision on this matter was reached by the Tree Protection Unit. I have placed moderate weight on these factors.

Factors favouring nondisclosure (Schedule 2.2)

- *No relevant factors have been identified.*

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the information contained in the record is in the public interest to disclose. Accordingly, I have decided to provide you with full access

Charges

Processing charges are not applicable for this application because the number of pages released to you is below the charging threshold of 50 pages.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Signed electronically

Craig Weller
Information Officer
City and Environment Directorate
31 March 2026