



**ACT**  
Government


Transport Canberra and  
City Services

## FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: TCCSFOI 2019-063

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents	Published
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	19 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



Environment, Planning and Sustainable Development Directorate  
Attn: FOI Coordinator

*FOI request re Block 5 Section 28, Reid (23 Dirrawan Gardens, Reid)*

I request access under the ACT *Freedom of Information Act 1989* to information regarding:

- A. the reasoning and decisions in relation to the Building Approval (BA) 20191985, a knockdown/rebuild Mr Fluffy site at 23 Dirrawan Gardens, within the Reid Housing Precinct
- B. the reasoning and decisions by the Conservator of Trees for the mature trees on this block

The request includes:

1. the referral documentation of the proposed building plans to the Heritage Council
2. why the process was unlike the two other Mr Fluffy houses in Reid: 46 Euree and 72 Coranderrk streets
3. copies of the certifier's documentation
4. the approved plans
5. placement of easements marked on plans provided to some neighbours
6. the response by the Heritage Council to the Environment and Planning Directorate and Heritage Unit
7. the Notice of Decision in relation to requirements to meet regulated standards for building a single house dwelling
8. any email correspondence, phone and text notes relating to EPSD decisions regarding this BA
9. dates and copies of meeting notes from the Heritage Unit and Heritage Council on the deliberations on this approval
10. references to the relevant legislation, technical amendments, regulations and variations to the Territory Plan that enable this proposal to proceed as a BA in this Heritage-listed RZ1 zone
11. any further information relating to complying with, and maintaining, the heritage-listed character of the suburb.

Yours sincerely



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**From:** [REDACTED]@gmail.com>  
**Sent:** Friday, 21 June 2019 12:14 PM  
**To:** EPSDFOI  
**Cc:** [REDACTED]  
**Subject:** 23 Dirrawan Gardens REID  
**Attachments:** RRA FOI epsdFOI.pdf

Please find attached the Reid Residents' Association FOI request in relation to process and decisions on a Mr Fluffy rebuild in Reid at 23 Dirrawan Gardens.

Regards





**ACT**  
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Transport Canberra and  
City Services



Dear Ms [REDACTED]

**Freedom of Information request: Reference – 19-063**

I refer to your application made under the *Freedom of Information Act 2016* (the Act), to Environment, Planning and Sustainable Development Directorate (EPSD) that was partially transferred to Transport Canberra and City Services Directorate (TCCS) on 28 June 2019, in which you sought access to:

- a) the reasoning and decisions in relation to the Building Approval (BA)1 20191985, and
- b) the reasoning and decisions by the Conservator of Trees for the mature trees on this block.

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

Part B of your request has been transferred to Transport Canberra and City Services as the decision on tree activity in this case was made by a delegate of the Conservator who works in this directorate.

Part A of your request is being processed by EPSD and you will receive a separate decision by EPSD on section A of your application.

TCCS is required to provide a decision on your access application by 26 July 2019.

**Decision on access**

Searches were completed for relevant documents and 12 documents (18 pages) were identified that fall within the scope of your request.

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

Documents identified as relevant to your request contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to copies of documents (Attachment B) with deletions applied to information that I consider would be contrary to the public interest to disclose.

#### **Statement of Reasons**

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

- the FOI Act in particular Schedule 2; and
- the content of the documents that fall within the scope of your request.

#### **Factors favouring disclosure (Schedule 2)**

- Section 2.1 (a)(iii) – Inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community; and
- Section 2.1 (a)(viii) – reveal the reason for a government decision and any background or contextual information that informed the decision.

#### **Factors favouring non-disclosure (Schedule 2)**

- Section 2.2 (a)(ii) – prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

As an Information Officer, I am required to decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

I consider that it is in the public interest to release most of the information identified as falling within the scope of your request.

Release of the information is in the public interest as it informs the community of the government's operations which can affect members of the community and the process followed by government in relation to such matters. It also improves the Directorate's accountability for decisions it makes by being transparent in releasing the information.

I note however that these documents do contain personal information of third parties, and I have decided people's names and contact details should not be released where it would amount to a release of personal information because the release could identify an individual and could prejudice their right to privacy.

Considering the type of information I propose to withhold from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of individuals involved. I find the protection of this information outweighs disclosure in this instance. As a result, I have decided that release of this information could prejudice their right to privacy under the *Human Rights Act 2004*.

#### **Charges**

No fee is payable as the number of pages being released is within the fee-free threshold.

#### **Online publishing – disclosure log**

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents will

be released in response to your access application will be published in the TCCS disclosure log from 3 days after the date of this decision.

Your personal contact details will not be published. You may view the TCCS' disclosure log at [http://www.tccs.act.gov.au/about-us/freedom\\_of\\_information](http://www.tccs.act.gov.au/about-us/freedom_of_information).

**Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek 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: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

**ACT Civil and Administrative Tribunal (ACAT) review**

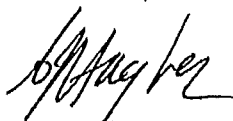
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the 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](http://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 directorate's FOI Coordinator on 6205 5408 or email [tccs.foi@act.gov.au](mailto:tccs.foi@act.gov.au).

Yours sincerely



Cherie Hughes  
Information Officer

25 July 2019

## 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: [insert open access link]

NAME		WHAT ARE THE PARAMETERS OF THE REQUEST				
Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
<b>TCCS FOI 19-063 Mature trees on Block 5 Section 28 Reid</b>						
1	1-3	Decision on trees 1, 2, 3 and 4	9 April 2019	Partial Access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) - Prejudice the Protection of an Individual's Right to Privacy	Published
2	4-5	Tree Assessment Report (trees 1 and 2)	2 April 2019	Partial Access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) - Prejudice the Protection of an Individual's Right to Privacy	Published
3	6-7	Tree Assessment Report (tree 3)	2 April 2019	Partial Access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) - Prejudice the Protection of an Individual's Right to Privacy	Published

4	8-9	Tree Assessment Report (tree 4)	2 April 2019	Partial Access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) - Prejudice the Protection of an Individual's Right to Privacy	Published
5	10-11	Pictures of the trees	Undated	Full Access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) - Prejudice the Protection of an Individual's Right to Privacy	
6	12	Notice of decision	9 April 2019	Partial Access		Published
7	13	Notice of decision	9 April 2019	Partial Access	<i>Information Privacy Act 2014</i> Schedule 2, Section 2.2 (a)(ii) - Prejudice the Protection of an Individual's Right to Privacy	Published
8	14	Notice of decision	9 April 2019	Full Access		Published
9	15	Notice of decision	9 April 2019	Full Access		Published
10	16		9 April 2019	Full Access		Published
11	17	Notice of decision	9 April 2019	Full Access		Published
12	18	Notice of decision	9 April 2019	Full Access		Published
<b>Total Notices: 12</b>						

CONSERVATOR'S DECISION  
*Tree Protection Act 2005*

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Applicant(s): [REDACTED]  
R Inventive Building Design Pty Ltd

Address of Activity: 23 DIRRAWAN GARDENS  
REID ACT 2612

Application ID: 39114      Block: 5      Section: 28

Tree(s) 1 & 2: Liquidambar styraciflua

TREE ADDRESS: 23 DIRRAWAN GARDENS

LOCATION ON BLOCK: Front yard.

**DECISION SUMMARY:**

The request for approval of groundwork within the tree protection zone of these trees is granted subject to the condition(s) listed below.

As provided in Sections 27(1) and 27(2) of the Tree Protection Act 2005, this approval takes effect on the date stated in the notice ('Notice of Decision').

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

TREE DAMAGING ACTIVITY: GROUNDWORK

CONSERVATOR'S DECISION: NOT GRANTED

**CONDITIONS:**

That the development is approved and proceeds in accordance with the following plans:

1. Drawing Title: Site Plan Job No: 1809, Dated 05/03/2019.
2. If root pruning is required, roots shall be cut cleanly, not pulled torn or ripped.

**BASIS FOR DECISION:**

The groundwork will have minimal impact on the trees if the activity complies with the conditions stated in the approval.

CONSERVATOR'S DECISION  
*Tree Protection Act 2005*

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Tree(s) 3: *Cupressus sempervirens*

TREE ADDRESS: 21 DIRRAWAN GARDENS

LOCATION ON BLOCK: Neighbours' block.

DECISION SUMMARY:

The request for approval of groundwork within the tree protection zone of this tree is granted subject to the condition(s) listed below.

As provided in Sections 27(1) and 27(2) of the Tree Protection Act 2005, this approval takes effect on the date stated in the notice ('Notice of Decision').

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

TREE DAMAGING ACTIVITY: GROUNDWORK

CONSERVATOR'S DECISION: GRANTED

CONDITIONS:

That the development is approved and proceeds in accordance with the following plans:

1. Drawing Title: Site Plan Job No: 1809, Dated 05/03/2019.
2. If root pruning is required, roots shall be cut cleanly, not pulled torn or ripped.

BASIS FOR DECISION:

The groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval.

CONSERVATOR'S DECISION  
*Tree Protection Act 2005*

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Tree(s) 4: *Laurus nobilis*

TREE ADDRESS: 21 DIRRAWAN GARDENS

LOCATION ON BLOCK: Neighbours' block.

DECISION SUMMARY:

The request for approval of groundwork within the tree protection zone of this tree is granted subject to the condition(s) listed below.

As provided in Sections 27(1) and 27(2) of the Tree Protection Act 2005, this approval takes effect on the date stated in the notice (Notice of Decision).

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

TREE DAMAGING ACTIVITY: GROUNDWORK

CONSERVATOR'S DECISION: GRANTED WITH CONDITIONS

CONDITIONS:

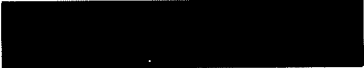
That the development is approved and proceeds in accordance with the following plans:

1. Drawing Title: Site Plan Job No: 1809, Dated 05/03/2019.
2. If root pruning is required, roots shall be cut cleanly, not pulled torn or ripped.

BASIS FOR DECISION:

The groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval.

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Delegate of the Conservator

7 April 2019



Inspected by: BS Advisor Visit?  Y/ N  
 Date: 2.4.19  
 Applicant requests - to be present  Y/ N  
 Applicant/Lessee/Tenant - present  Y/ N

# TREE ASSESSMENT REPORT

Application ID: 39114 Date Received: 12-Mar-2019

Home Phone:  
 Business Phone:  
 Mobile:

Applicant Name: [REDACTED]

Tree Address: 23 DIRRAWAN GARDENS Suburb: REID

Block/s: 5 Section: 28 Block Size (m<sup>2</sup>): 975.5

**ACTIVITY REQUIRED:**

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

**TREE DETAILS:**

Tree/s No: 1 & 2 of 4 Genus & species: Liquidambar styraciflua Regulated  Registered

Location on block: Front yard.

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: ~1.6 m Canopy: ~10 m Circumference: 1.65 m Heritage Block:  Y/ N

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

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

Landscapes values: 

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

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

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

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

Comments: Ground work approved with conditions that apply.

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

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

Recommendation: APPROVE REJECT REPLACEMENT TREE: Y/N

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

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

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
1.5.a.i	As a remedial treatment	Yes / No	Yes / No	Yes / No	
1.5.a.ii	In the general interests of the health of the tree	Yes / No	Yes / No	Yes / No	
1.5.a.iii	To reduce an unacceptable risk to public or private safety	Yes / No	Yes / No	Yes / No	
1.5.a.iv	To reduce the risk of damage or prevent further damage to a substantial building, structure or service	Yes / No	Yes / No	Yes / No	
1.5.b	Substantially affecting solar access to the lessee's 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	As per site plan & stated conditions
s29(4)	The activity will have little or no adverse impact on the health or stability of the tree	Yes / No	Yes / No	Yes / No	

Recommendation: APPROVE REJECT

TAP DELEGATE ADVICE:

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

Signature: Date:



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Inspected by: <i>BS</i>	Advisor Visit? <input checked="" type="checkbox"/> Y / <input type="checkbox"/> N
Date: <i>2.4.19</i>	
Applicant requests - to be present	<input checked="" type="checkbox"/> Y / <input type="checkbox"/> N
Applicant/Lessee/Tenant - present	<input checked="" type="checkbox"/> Y / <input type="checkbox"/> N

# TREE ASSESSMENT REPORT

Application ID: 39114 Date Received: 12-Mar-2019

Home Phone:  
Business Phone:  
Mobile: 0407 908 688

Applicant Name: [REDACTED]

Tree Address: 23 DIRRAWAN GARDENS Suburb: REID

Block/s: 5 Section: 28 Block Size (m<sup>2</sup>): 975.5

**ACTIVITY REQUIRED:**

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

**TREE DETAILS:**

Tree/s No: *3* of *4* Genus & species: *Cupressus sempervirens* Regulated  Registered

Location on block: *neighbouring lease*

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: *1.2* m Canopy: *3.5* m Circumference: *71.5* m Heritage Block:  Y  N

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

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

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

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

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

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

Comments: *As per site plan & stated conditions*

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

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

Recommendation: APPROVE REJECT REPLACEMENT TREE: Y / N

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

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

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
1.5.a.i	As a remedial treatment	Yes / No	Yes / No	Yes / No	
1.5.a.ii	In the general interests of the health of the tree	Yes / No	Yes / No	Yes / No	
1.5.a.iii	To reduce an unacceptable risk to public or private safety	Yes / No	Yes / No	Yes / No	
1.5.a.iv	To reduce the risk of damage or prevent further damage to a substantial building, structure or service	Yes / No	Yes / No	Yes / No	
1.5.b	Substantially affecting solar access to the lessee's 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	As per site plan & stated conditions
s29(4)	The activity will have little or no adverse impact on the health or stability of the tree	Yes / No	Yes / No	Yes / No	

Recommendation: APPROVE REJECT

TAP DELEGATE ADVICE:

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

Signature: Date:



**ACT**  
Government

Transport Canberra and  
City Services

Inspected by: <u>B</u>	Advisor Visit? <u>Y/N</u>
Date: <u>2.4.19</u>	
Applicant requests -- to be present	<u>Y/N</u>
Applicant/Lessee/Tenant - present	<u>Y/N</u>

# TREE ASSESSMENT REPORT

Application ID: 39114 Date Received: 12-Mar-2019

Applicant Name: [REDACTED]

Home Phone:  
Business Phone:  
Mobile: [REDACTED]

Tree Address: 23 DIRRAWAN GARDENS Suburb: RED

Block/s: 5 Section: 28 Block Size (m<sup>2</sup>): 975.5

**ACTIVITY REQUIRED:**

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

**TREE DETAILS:**

Tree/s No: 4 of 4 Genus & species Laurus nobilis Regulated  Registered

Location on block: neighbouring lease

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: 2.4 m Canopy: 2.4 m Circumference: 71.5 m Heritage Block:

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

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

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

Possible nomination for the tree register:  
Yes / No

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

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

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

Comments: As per site plan & stated conditions

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

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

Recommendation: APPROVE REJECT REPLACEMENT TREE: Y / N

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

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

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

Recommendation: APPROVE REJECT

Assessment - GROUNDWORK (visual from ground level)

	Criteria	Reported	Assessed	Meets criteria	Justifying Comments:
2	The groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval	Yes / No	Yes / No	Yes / No	As per site plan & stated conditions
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

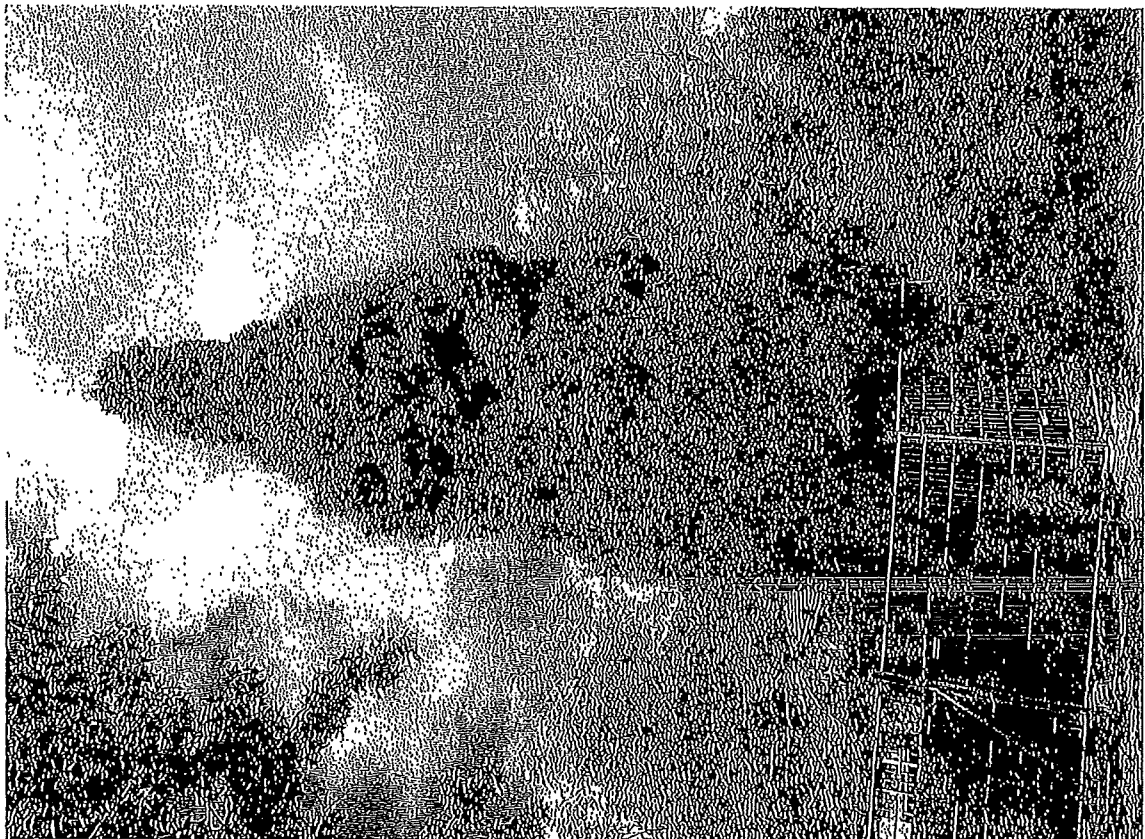
See separate report: Yes / No  
 Refer to Tree Advisory Panel: Yes / No

Signature:

Date:

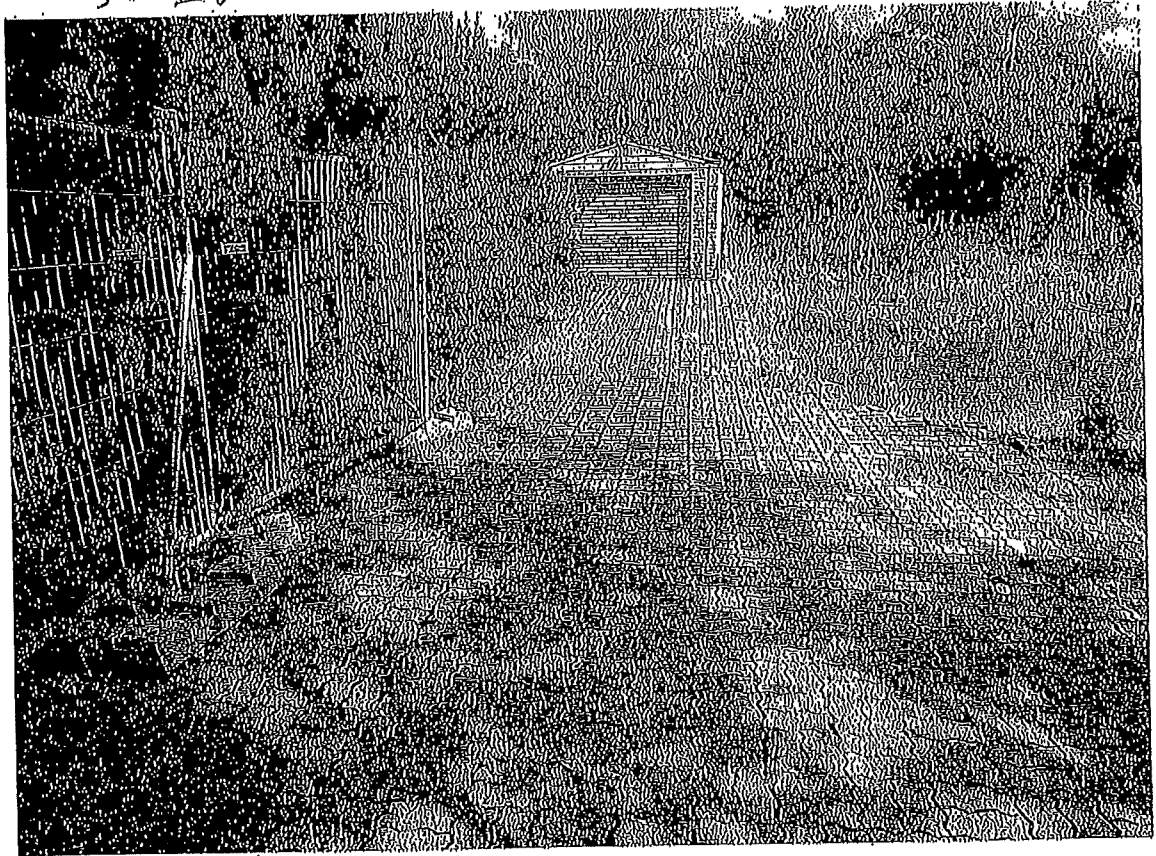
23 Durrwan Gardens REID  
5-28

10  
39114



23 Durravan Gardens Road  
5-28

11  
39114





**ACT**  
Government

Transport Canberra and  
City Services

[REDACTED]  
R Inventive Building Design Pty Ltd  
[REDACTED]

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear [REDACTED]

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed activity under the *Tree Protection Act 2005* (the Act) at 23 DIRRAWAN GARDENS, REID. 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 9 April 2019.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before Monday 29 April 2019 and is to be completed as soon as practicable after commencement, but in any case, no later than Sunday 28 April 2024. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

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

An electronic (Application for Reconsideration) "Smartform" is available to download via the [Access Canberra website](http://www.tccs.act.gov.au/city-living/trees/tree_activity_application_forms) link: [http://www.tccs.act.gov.au/city-living/trees/tree\\_activity\\_application\\_forms](http://www.tccs.act.gov.au/city-living/trees/tree_activity_application_forms). The application must be made within 14 days of the date of this notice by Friday 26 April 2019. An application for internal review will suspend any regular activity on tree/s subject to the reconsideration appeal. The review process may take 60 days and may confirm, vary or set aside the first decision.

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

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

Yours sincerely

[REDACTED]

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019



**ACT**  
Government

Transport Canberra and  
City Services

[REDACTED]  
[REDACTED] HOVEA STREET  
O'CONNOR ACT 2602

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear [REDACTED]

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed activity under the *Tree Protection Act 2005* (the Act) at **28 DIRRAWAN GARDENS, REID**. 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 **9 April 2019**.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before **Monday 29 April 2019** and is to be completed as soon as practicable after commencement, but in any case, no later than **Sunday 28 April 2024**. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

The Conservator's Decision (attached) is internally reviewable. The right to appeal the Conservator's Decision is, however, restricted to the original applicant only. If you wish to appeal the decision outlined in this notice, you will need to discuss the internal review process with the original applicant. You may also consider submitting a fresh application to undertake a tree damaging activity in your name. In this situation, a different assessing officer would assess your new application.

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

Yours sincerely

[REDACTED]

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019



**ACT**  
Government

Transport Canberra and  
City Services

The Lessee/Occupant  
46 CORANDERRK STREET  
REID ACT 2612

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear Lessee/Occupant

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at **23 DIRRAWAN GARDENS, REID**.

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

The location of the relevant tree/s, the approved activities and reasons are set out in the attached Conservator's decision, dated **9 April 2019**.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before **Monday 29 April 2019** and is to be completed as soon as practicable after commencement, but in any case, no later than **Sunday 28 April 2024**. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

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

Yours sincerely

[Redacted signature]

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019



**ACT**  
Government

Transport Canberra and  
City Services

The Lessee/Occupant  
48 CORANDERRK STREET  
REID ACT 2612

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear Lessee/Occupant

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at 23 DIRRAWAN GARDENS, REID.

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

The location of the relevant tree/s, the approved activities and reasons are set out in the attached Conservator's decision, dated 9 April 2019.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before Monday 29 April 2019 and is to be completed as soon as practicable after commencement, but in any case, no later than Sunday 28 April 2024. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

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

Yours sincerely

[Redacted signature]

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019



**ACT**  
Government

Transport Canberra and  
City Services

The Lessee/Occupant  
19 DIRRAWAN GARDENS  
REID ACT 2612

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear Lessee/Occupant

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at **23 DIRRAWAN GARDENS, REID**.

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

The location of the relevant tree/s, the approved activities and reasons are set out in the attached Conservator's decision, dated 9 April 2019.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before **Monday 29 April 2019** and is to be completed as soon as practicable after commencement, but in any case, no later than **Sunday 28 April 2024**. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

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

Yours sincerely

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019



The Lessee/Occupant  
25 DIRRAWAN GARDENS  
REID ACT 2612

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear Lessee/Occupant

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at 25 DIRRAWAN GARDENS, REID.

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

The location of the relevant tree/s, the approved activities and reasons are set out in the attached Conservator's decision, dated 9 April 2019.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before Monday 29 April 2019 and is to be completed as soon as practicable after commencement, but in any case, no later than Sunday 28 April 2024. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

If you have any inquiries, please contact *Access Canberra* on telephone 18 22 81.

Yours sincerely

[Redacted signature]

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019



**ACT**  
Government

Transport Canberra and  
City Services

The Lessee/Occupant  
21 DIRRAWAN GARDENS  
REID ACT 2612

**NOTICE OF DECISION**  
*Tree Protection Act 2005*

Dear Lessee/Occupant

This letter is notice of the Conservator of Flora and Fauna's decision regarding an application for a proposed tree damaging activity under the provisions of the *Tree Protection Act 2005* (the Act) at **23 DIRRAWAN GARDENS, REID,**

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

The location of the relevant tree/s, the approved activities and reasons are set out in the attached Conservator's decision, dated 9 April 2019.

Where approval for an activity has been granted, it is a condition of approval that the activity cannot commence before **Monday 29 April 2019** and is to be completed as soon as practicable after commencement, but in any case, no later than **Sunday 28 April 2024**. If the approved activity is not carried out before this date a new application or request for extension needs to be submitted to the Tree Protection Unit for this activity to occur.

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

Yours sincerely

[Redacted signature]

Terrance S Raath  
A/g Assistant Director - Technical, Urban Treescapes  
Delegate of the Conservator of Flora and Fauna  
City Places and Infrastructure Division  
Transport Canberra and City Services Directorate  
9 April 2019