FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: TCCSFOI 2018-016

<table>
<thead>
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<th>Information to be published</th>
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<tbody>
<tr>
<td>1. Access application</td>
<td>Published</td>
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<td>2. Decision notice and schedule</td>
<td>Published</td>
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<tr>
<td>3. Documents</td>
<td>Published with redactions</td>
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<td>4. Additional information identified</td>
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<td>5. Fees</td>
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<td>6. Processing time (in working days)</td>
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<td>7. Decision made by Ombudsman</td>
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<td>8. Additional information identified by Ombudsman</td>
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<td>10. Additional information identified by ACAT</td>
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Hi TCCS FOI

This request relates to the removal of a street tree at Yarralumla... Yarralumla.

I have reviewed the DA for this site which has recently been... I may be wrong, but from the documents I have viewed and the images on actmap, it appears that there used to be 2 street trees and the new driveway was to be built between them.

The email from the applicant indicates that one of these trees has been removed and a driveway built in that location. It may be that the tree was removed with TCCS consent in which case you will likely hold documents relevant to the scope of the request.

Do you accept a transfer?

Heather Johnston
Information and Systems Support (Freedom of Information)
Phone 02 6207 1941
Information Management | Environment, Planning and Sustainable Development | ACT Government
Dame Pattle Menzies House, Chaliss Street, Dickson | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au

Dear Sir/Madam

I note from your website that you may be able to assist me to locate the information I am seeking. I am a resident of Yarralumla and value the street trees which grow in the nature strips/verges of the suburb.

I am concerned about the removal of a tree, which I believe to be a *Cedrus atlantica*, from the nature strip or verge adjacent to Yarralumla. I believe that the tree was healthy as it did not have a ‘designated for removal’ sign attached to it.

I sought information from Minister Gentleman’s office through Caroline Le Couteur’s office. I first contacted Ms Le Couteur on 18 June 2017 and again in October and January 2018 but she has not received a response from Minister Gentleman.

The space formerly occupied by the tree now forms part of a driveway which was created in late 2017 to provide vehicular access to the northern dwelling in... I am not aware that developers can destroy trees on verges adjacent to blocks they are developing without approval. I am interested in the role of the ACT government in granting approval for the removal of the tree from the nature strip adjacent to...
Yours faithfully
Dear [Name]

**Freedom of information request:** Reference 18-016

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act) transferred by the Environment, Planning and Sustainability Development Directorate on 22 February 2018, in which you sought access to documents relating to:

- the role of the ACT Government in granting approval for the removal of the tree from the nature strip adjacent to [address], Yarralumla.

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.

Transport Canberra and City Services (TCCS) is required to provide a decision on your access application by 23 March 2018.

**Decision on access**

Searches were completed for relevant documents and seven documents were identified that fall within the scope of your request.

I have included as 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 those 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
The information considered contrary to the public interest to disclose includes the name and contact details of third parties, including the mobile numbers of departmental staff.

The material I have considered in the assessment of these documents includes:

- the FOI Act, in particular:
  - Schedule 2 (b)(i) – the person making the request;
  - Schedule 2.2 (a)(ii) – prejudice the protection of an individual’s right to privacy or any other right under the Human Rights Act 2004;
- the Information Privacy Act 2014; and
- the content of the documents that fall within the scope your request.

Documents referenced numbers 1-3 and 5 and 7 contain personal information of third parties. Disclosure of personal information is governed by the ‘use and disclosure’ privacy principles. Part 3 of the Information Privacy Act 2014 (TTP 6.1) states that an agency that holds personal information about an individual that has been collected for a particular purpose, must not disclose the information to a third party unless the individual has consented to the use or disclosure of the information.

I have, therefore, decided that it is not in the public interest to disclose information that is considered as personal information.

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 and my decision and documents 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 details will not be published.


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: 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 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 questions concerning the directorate’s processing of your request, or
would like further information, please contact the directorate’s FOI Coordinator on
6205 5408 or email tcsc.foi@act.gov.au.

Yours sincerely

[Signature]
Cherie Hughes
Information Officer
Transport Canberra and City Services

22 March 2018
## FREEDOM OF INFORMATION 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: HTTP://WWW.TCCS.ACT.GOV.AU/ABOUT-US/FREEDOM_CF_INFORMATION

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Hi Nicole

The tree assessment from 2015 (attached) is part of an LMPP prepared by [redacted] as discussed in Carma's email below.

Please let me know if I can help any further.

Kind regards

Rachael

---

Hi Rachael,

Please see the Canopy LMPP on pages 13 and 14 of the attached [redacted] Yarralumla.pdf. The LMPP was prepared in 2015 in response to the development conditions that centred on both trees being retained. The tree in question was identified as being in poor health by [redacted] but it was not until December 2016 that we were approached by DRC to reinspect the tree to see if its removal and replacement would lead to a better overall design outcome.

Thank you,
Hi Carma,

Can you please check Jeremy's plans against our comments and let me know whether his documentation is acceptable.

As I will be on leave until 18 January 2016 can you please send your comments to Ruwan so he can advice

If we need to discuss give me a call as tomorrow is my last day.

Kind regards,

JOSE HENRIQUEZ
DA COORDINATOR
ASSET ACCEPTANCE
TAMS | ACT GOVERNMENT
PH: +61 2 6207 7480
FAX: +61 2 6207 7484
jose.henriquez@act.gov.au
Figure 2: The verge outside March 2019. Appropriate area of proposed divery is indicated. Some pruning is required to give 2.5m clearance over driveway. Travail is 5.5m to dry driveway with large amount of mulch in the canopy. Photo from google maps street view.

Figure 3: The verge is extensively compacted consisting of the decline of tree 1.

Figure 4: The existing driveway, as height is indicated by the yellow arrow. The Tree Protection fence needs to be 1.5m from the brink (red arrow) to ensure vehicles of 4m height pass under the large branch. Other branches are flexible enough to be tied out of the way for the demolition and construction period.

Figure 5: The sewer manhole is adjacent to the existing driveway and needs to be protected from demolition and construction traffic.

Figure 6: Tree ID: Cercis canadensis. The divery construction is to commence well of unit 4 digestion tank are completed - see Annex 12.

1. Divery / Cercis canadensis
   a. The divery construction is to commence well of unit 4 digestion tank are completed - see Annex 12.
   b. Near the construction for the divery, branches of the same depth as the proposed excavation for the divery, where erosion is to be expected.
   c. The proposed divery edge on all sites of the divery by hydro-extraction to remove the root.
   d. In landscaped areas the root to be not deeper than 3m below the top of the root to be exposed, to prevent shifting during construction.

2. Setback
   a. On abnormal ASW level in the presence of ground water beneath the canopy of the street tree (the hillfill call and completion of the divery)
   b. Nadir: The presence of loose connection to the drain in addition to the drain and blind conditions
   c. Trench shall be graded to the proposed trench (PAU) method of the new divery.

3. Tree Protection
   a. The tree canopy is not to be moved or cut at any time.
   b. During construction of the divery, the tree canopy is to be protected against damage to the tree crown.
   c. Any tree pruning of the tree to be carried out during the construction period.
   d. The tree canopy is to be left intact during the construction period and reinstated after the completion of construction.

4. Driveway
   a. The driveway construction is to commence well of unit 4 digestion tank are completed - see Annex 12.
   b. Near the construction for the divery, branches of the same depth as the proposed excavation for the divery, where erosion is to be expected.
   c. The proposed divery edge on all sites of the divery by hydro-extraction to remove the root.
   d. In landscaped areas the root to be not deeper than 3m below the top of the root to be exposed, to prevent shifting during construction.

5. Tree ID: Cercis canadensis
   a. The tree canopy is not to be moved or cut at any time.
   b. During construction of the divery, the tree canopy is to be protected against damage to the tree crown.
   c. Any tree pruning of the tree to be carried out during the construction period.
   d. The tree canopy is to be left intact during the construction period and reinstated after the completion of construction.
   e. The tree canopy is not to be moved or cut at any time.

6. Compliance
   a. Once the Tree Management Plan is approved, notice to proceed will be provided in writing issued by the owner of the property. The number given above is to be obtained from the property owner, the owner of the property is to proceed with the diversion of vegetation, and the owner of the property is to proceed with the diversion of vegetation.
Verge Protection Measures

1. Not to commence or construct any work on the verge
   a. Not to construct any work on the verge
   b. Not to construct any work on the verge
   c. Not to construct any work on the verge
   d. Not to construct any work on the verge
2. Not to commence or construct any work on the verge
   a. Not to construct any work on the verge
   b. Not to construct any work on the verge
   c. Not to construct any work on the verge
   d. Not to construct any work on the verge
3. Not to commence or construct any work on the verge
   a. Not to construct any work on the verge
   b. Not to construct any work on the verge
   c. Not to construct any work on the verge
   d. Not to construct any work on the verge

Figure 1: Protection for demolition and construction period

Figure 2: For layover construction period

Tree Schedule

| Tree No. | Species           | Height (m) | Canopy Spread (m) | Health Grade | Basic Health Class | Under Basic | عمر | عمر | عمر |
|----------|-------------------|------------|-------------------|--------------|-------------------|-------------| عمر | عمر | عمر |
| 1        | Central Atlantic  | 11         | 4                  | Poor         | Fair              | 2000        | 0.5 | 0.6 | 3.0 |
| 2        | Central Atlantic  | 14         | 8                  | Poor         | Good              | 2000        | 2.5 | 2.5 | 2.5 |

Note: The drawings are not to scale. The proposed and proposed layover sites are not to scale. The trees are not to scale. The proposed and proposed layover sites are not to scale.
Hi Chandra,

The General Arrangement Plan for Yarralumla (151226 C301 Issue D) is consistent with the conditions I outlined on behalf of Urban Treescapes when approval to remove the northern cedar was provided late last year. As such we support the location of the new driveway and the location of the replacement street tree.

Please note that the new Cedrus atlantica 'Glauc' is to be selected from advanced, good quality tree stock (2.5m+) and meet Australian Standards 2303: Tree Street Stock for Landscape Use (e.g. single trunked, with good amenity tree form and sufficient caliper to be self-supporting). The new tree is to be maintained for a minimum of 12 months prior to formal handover to TCCS Development Review and Coordination.

Kind regards,

Carma

Carma Sweet | A/g New Asset Coordinator
Phone: 02 620 CS 8679 | Mobile: | Email: carma.sweet@act.gov.au Urban Treescapes | City Presentation | Transport Canberra and City Services Directorate | ACT Government Level 2, 490 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

-----Original Message-----
From: Perera, Chandra
Sent: Wednesday, 15 November 2017 10:37 AM
To: Sweet, Carma <Carma.Sweet@act.gov.au>
Cc: [REDACTED] <selliekconsultants.com.au>
Subject: Yarralumla [REDACTED] [SEC=UNCLASSIFIED, DLM=For-Official-Use-Only]

Hi Carma

Consultant proposes to remove a tree in order to install the Driveway and also install a new tree "Cedar Atlantica Glauc" 2.5m offset from Driveway (I have highlighted as cloud). Please comment on the proposal and species of the tree.

I appreciate your quick response.

Best regards

Chandra

-----Original Message-----
From: 490NBA001L01P03@act.gov.au [mailto:490NBA001L01P03@act.gov.au]
Sent: Wednesday, 15 November 2017 11:52 AM
To: Perera, Chandra <Chandra.Perera@act.gov.au>
Subject: Message from 490NBA001L01P03

This E-mail was sent from 490NBA001L01P03 (MP C5503).
Sellicks Consultants
-24 Lonsdale Street
Braddon ACT 2612

Attention: [Redacted]

Hi [Redacted]

Certificate of Design Acceptance for [Redacted] Yarralumla
(Two Units Development)

On behalf of the Transport Canberra and City Services (TCCS), this Certificate of Design Acceptance is issued for the Drawings and Documents listed at Attachment A.

Please note that the drawings and documents submitted have not been checked. This Certificate is issued on the basis of your certification and an audit, by this office, of some elements in the following categories:

| Stormwater, Driveway | * |
| Landscape/ Street Trees | * |

It is recommended that all aspects of the design be subject to rigorous final design check by your office prior to calling of tenders for implementation.

The following conditions apply to this certificate:
1. The issue of this certificate does not waive or diminish the continuing responsibilities of the certifying chartered engineer with respect to the efficiency and adequacy of the design nor does it absolve the certifying chartered engineer of continuing obligations under the Road Transport (Road Safety and Traffic Management) Act 1999 and the Roads and Public Places Act.
2. Rectification of infrastructure that are constructed not in accordance with the Design Standard for Urban Infrastructure and the Standard Specification for Urban Infrastructure will be the responsibility of the certifying chartered Engineer.
3. Any proposed amendments to the design as accepted by this certificate should be submitted for acceptance prior to the amendments being implemented.
4. Further Quality Audits may be carried out on the project during the course of construction. These audits are part of a "Total Quality" approach adopted to assure the ACT Community that assets for which they accept continuing responsibility are designed and constructed to the best quality.
5. You are required to notify this office prior to commencement of any construction activity on site.
Operational Acceptance will be processed only when all the documents as required by Ref-08 are received in this office. Under special circumstances, part submission may be accepted to accelerate the processing. However, the processing time for the issue of the certificate in such cases will be counted from the date of receipt of the last document in the package.

Yours faithfully,

[Signature]

Gabriel Joseph
Senior Manager Development Review and Coordination
Strategy, Innovation and Customer Experience,
Transport Canberra and City Services Directorate (TCCS) | ACT Government

Note that the definition of the terms 'Design Acceptance', 'Consultant', 'Works' and 'Standards' shall be the same as that given in TAMS Reference Document 6.

Attachments:
Attachment A: Drawings and Documentation included in the Certificate of Design Acceptance

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<td>C103</td>
<td>Site Establishment Notes and Details</td>
<td>C</td>
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<td>C301</td>
<td>General Arrangement Plan</td>
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</tr>
<tr>
<td>C201</td>
<td>External Services Plan G</td>
<td>C</td>
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Hi Chandra,

As discussed last week I have made a new site visit to [redacted] Yarralumla to reassess the health of the street tree noted as showing signs of decline when first assessed in 2015.

The tree referred to as Tree 1 on the Landscape Management and Protection Plan (20151212 1158 Rev A undated, Prepared by [redacted], Canopy) has undergone further branch dieback and has significant deadwood. Recent pruning presumably for the new driveway has also given the tree an unbalanced form and overall the canopy of the tree is thin and sparse. While the tree is unlikely to die in the short term it is also unlikely to recover and the proposed ground works will further hasten its decline. With this in mind, Urban Treescapes can support the removal of Tree 1 to allow construction of a straight second driveway providing greater clearance from the healthy Cedrus atlantica (Tree 2) is achieved by locating the proposed driveway to the northern property boundary rather than at the centre of the block as shown on the marked up Proposed Site Plan. In addition to moving the proposed driveway, the following measures to protect the existing tree to be retained, remediate the verge and replant the gap in the streetscape will be required:

The existing driveway to the south of the block is very close to Tree 2 and is not to be removed and realigned without consultation with Urban Treescapes. As noted in the LMPP Measure 3e, the corner of the tree protection fence is to be moved out so that it is at least 1.7m from the trunk of Tree 2 and the 1.7m clearance is to be maintained throughout the construction period (the fence is currently located approximately 0.5m from the edge of the trunk).

The new driveway should be constructed from bitumen and be paired with the neighbouring verge crossing and be no more than 3m wide to maximise space for a new street tree planting. The new tree should be at least 8m from Tree 2 with a clearance of at least 2.5m from the new driveway.

The new street should be a good quality Cedrus atlantica ‘Glauca’ that meets Natspec and AS 2303 Tree Stock for Landscape Use criteria. The new tree is to be a minimum of 1.5m high and is to be maintained by the applicant for a minimum 12 month consolidation period before formal handover to TCCS Design Review and Coordination. Please provide a Landscape Plan that shows the location of the new tree and shows the distances from the new tree to the existing tree to be retained and the new driveway and includes a section that details the planting methodology.

Tree protection measures outlined in the LMPP for Tree 1 will no longer be required however the LMPP will need to be updated to show how Tree 2 (the tree towards the southern boundary) will be protected. Measures to remediate the compacted verge will also need to be undertaken, for example an air space should be used to aerate the compacted soil beneath Tree 2 and around the location of the new street tree prior to planting.

Please also update development plans to incorporate the above amendments to offsite works and provide to TCCS Urban Treescapes for review.

Please note that in line with Urban Treescapes public notification procedures, the northern street tree (Tree 1) will need to be signposted at least 14 days prior to removal. Urban Treescapes can provide a template for the removal sign if needed.

Please let me know if there are any issues with the above advice. As always, I am happy to discuss if there are any questions.
Kind regards,

Carma

Carma Sweet | A/g New Asset Coordinator  
Phone: 02 6205 8679 | Mobile:  | Email: carma.sweet@act.gov.au
- Urban Treescapes | City Presentation | Transport Canberra and City Services Directorate | ACT Government  
Level 8, Macarthur House, 12 Wattla Street, Lyneham ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: Perera, Chandra  
Sent: Monday, 12 December 2016 11:16 AM  
To: Sweet, Carma  
Subject: Yarralumla - Treas

Hi Carma  
Can you please provide the status of the above project?  

Thank you  

Chandra Perera