



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2019-186/196

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	18
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

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Friday, 9 August 2019 5:58:58 PM

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Good afternoon

I request the following information under the Freedom of Information Act:

- Documents held by Access Canberra relating to the investigation of the removal of the Heritage-listed scarred tree listed on the Register as MSYB1 (Spook tree), including:
  - the scope of the investigation;
  - the investigation's findings; and
  - materials collected as part of the investigation such as documentation on the circumstances of the removal, works authorisation and plans, and documents related to when relevant authorities such as ACT Heritage and Access Canberra were notified of the removal of the tree.

Thanks for your assistance. If you have any question, please contact [REDACTED]

Kind regards



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2019-186 & 2019-196

[REDACTED]  
via email: [REDACTED]

Dear [REDACTED]

## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 9 August 2019, in which you are seeking access to documents held by Access Canberra relating to the investigation of the removal of the Heritage-listed scarred tree listed on the register as MSYB1 (Spook Tree).

On 23 August 2019 a partial transfer of a request you sent to the ACT Education Directorate was accepted by CMTEDD. In that request you are seeking documents relating to the works that resulted in the removal of the Heritage-listed scarred tree listed on the register as MSYB1 (Spook Tree) from Education Directorate land in Wanniasa.

On 28 August 2019 you were advised that in accordance with section 43(2) of the Act as both requests are from you and they relate closely to each other, a decision was made to combine these requests and respond using the timeline of the first application (CMTEDDFOI 2019-186). Accordingly, this decision letter is in response to CMTEDDFOI 2019-186 and CMTEDDFOI 2019-196.

### **Authority**

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

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 6 September 2019. However, due to third party consultation, this timeframe has been extended by 15 working days pursuant to section 38(5) of the Act. The due date for this request is therefore 27 September 2019.

### **Third Party Consultation**

In making this decision, third party consultation was completed in accordance with section 38 of the Act. The views of the identified third party were considered in making this decision.

### **Decision on access**

Searches were completed for relevant documents and 6 documents were identified that fall within the scope of your request. I have decided to grant full access to 2 documents and partial access to 4 documents.

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.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

### **Statement of Reasons**

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

- the Act;
- the contentions of relevant third parties;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

### **Exemptions claimed**

#### Public Interest Test (Schedule 2 of the Act)

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and factors favouring non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test to be applied to determine whether disclosure of information would be contrary to the public interest. The factors referred to in the test are found in subsection 17(2) and Schedule 2 of the Act.

#### Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factor in favour of disclosure is relevant to determine if release of the information contained within these documents is within the ‘public interest’.

*(a) disclosure of the information could reasonably be expected to do any of the following:*

- (i) promote open discussion of public affairs and enhance the government’s accountability.*

Having considered the above factor identified as relevant in this matter, I consider that release of the information within the scope of the request may contribute to open discussion of public affairs and enhance the government’s accountability. I consider there is a public interest in the operations of the ACT Government in relation to the investigation of the removal of the heritage listed scarred tree listed on the register as

MSYB1. The documents identified as being within the scope of your request provides this information. I am satisfied that the release of this information is within the public interest as it provides background and context to this matter thereby promoting public discussion.

Factors favouring non-disclosure (Schedule 2 section 2.2)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors in favour of non-disclosure are relevant to determine if release of the information contained within these documents is within the 'public interest'.

(a) *disclosure of the information could reasonably be expected to do any of the following:*

...

(ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*

(iii) *prejudice security, law enforcement or public safety;*

...

(xi) *prejudice trade secrets, business affairs or research of an agency or person;*

When considering the documents and factors in favour of non-disclosure, I have considered the personal information contained in the documents, including names and contact information. I am satisfied that the names and contact information of ACT Government employees should be released as these individuals were acting in their official capacity and the personal information being released is done so in relation to these individuals exercising their delegations in a work-related capacity. I have however decided to remove the names and position titles of the Treeworks (ACT/NSW) Pty Ltd's staff below the level of managing director. The names of the staff have been provided for explanation purposes only in the course of the notification of the incident. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*.

I also find that disclosure of parts of the Regulatory Advisory Committee Submission could provide an understanding of the considerations and processes taken into account by the Committee and could subsequently be used to remove heritage listed trees on an unauthorised basis across the ACT without fear of prosecution.

The third factor I have identified as relevant in considering your access application is the prejudice that could occur in releasing trade secrets, business affairs or research of an agency or person. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Having reviewed the documents identified, I am satisfied that the documents contain information related to the business affairs of Treeworks (ACT/NSW) Pty Ltd. I am of the view that the information contained in the documents is sensitive in nature as it contains a quoted figure provided to the ACT Government not publicly known.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that is not in the public interest to release, while releasing the rest of the information will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

### **Charges**

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision in response to your access application together with the documents that are being released to you will be published in the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published. You may view the CMTEDD disclosure log at: <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

### **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 a review by the Ombudsman of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the CMTEDD 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](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made by the Ombudsman under section 82(1), you may apply to the ACAT for a review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or by email at [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah McBurney', with a stylized flourish at the end.

Sarah McBurney  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

4 September 2019



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	Documents held by Access Canberra relating to the investigation of the removal of the scarred tree (Spook tree) and documents relating to the works that resulted in the removal of the Heritage-listed scarred tree listed on the Register as MSYB1 (Spook Tree) from Education Directorate land in Wanniasa.	CMTEDD2019-186 & 2019-196

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-8	Email – Wanniasa Hills Primary School with attachments	13 Dec 2016	Partial release	Sch 2 S2.2 (a)(ii), Sch 2 s2.2 (a)(xi)	Yes
2	9-10	Email – New Work Request – Wanniasa Hills Primary	20 Dec 2016	Full release	N/A	Yes
3	11-14	Email – Various Schools – Tree Surgery (Out of scope information removed)	22 Dec 2016	Partial release	Sch 2 S2.2 (a)(ii)	Yes
4	15-18	Email – Wanniasa Hills Primary School – Tree Notice of Decision	1 Mar 2017	Full release	N/A	Yes
5	19-21	Email – Wanniasa Hills Primary School – Tree Works	4 Apr 2017	Partial release	Sch 2 S2.2 (a)(ii)	Yes
6	22-45	RAC Brief	9 Nov 2017	Partial release	Sch 2 S2.2 (a)(ii), Sch 2 S2.2 (a)(iii)	Yes
<b>Total No of Docs</b>						
6						



**From:**"Salahshor, Mahbod"

**Sent:**21/08/2019 5:52 AM

**To:**"Finch, Stuart" <Stuart.Finch@act.gov.au>

**Subject:**FW: Wanniasa Hills Primary School [SEC=UNCLASSIFIED]

**Attachments:**Wanniasa Hills Primary School Map 2016.pdf, Wanniasa Hills Primary School Report 2016.pdf

fyi

**Mahbod Salahshor**

Project Officer

ACT Property Group | Property Maintenance Services | Planned Maintenance

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0402 712 011 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)

255 Canberra Avenue, Fyshwick, ACT 2609,

PO Box 777 Fyshwick ACT 2609 | [www.cmd.act.gov.au](http://www.cmd.act.gov.au)



**ACT**  
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Chief Minister, Treasury and  
Economic Development

If you have any feedback for the ACT Property Group, please email [actpgfeedback@act.gov.au](mailto:actpgfeedback@act.gov.au)

**25** Years of the  
**ACT Public Service**

**From:** 2.2(a)(ii) [mailto:admin@treeworks.net.au]

**Sent:** Tuesday, 13 December 2016 10:11 AM

**To:** Salahshor, Mahbod <Mahbod.Salahshor@act.gov.au>

**Subject:** Wanniasa Hills Primary School

Good morning Mahbod,

Please find attached the tree report for Wanniasa Hills Primary School.

Kind regards

2.2(a)(ii)

2.2(a)(ii)



**TREWORKS**

JAS-ANZ



Ph: 02 6282 1244 | Fax: 02 6282 3544

E: [office@treeworks.net.au](mailto:office@treeworks.net.au)

9 Yallourn Street, Fyshwick, ACT | PO Box 139, Fyshwick, ACT, 2609





# Tree Diagnostic Report

For

**Wanniassa Hills Primary School**

ACT Properties Group  
Department of Land and Property Services  
PO BOX 777  
Fyshwick ACT 2609

Treeworks (ACT/NSW) Pty Ltd  
Phone 1: 1300 135 835  
Phone 2: 6282 1244  
Fax: 6282 3544  
Email: [office@treeworks.net.au](mailto:office@treeworks.net.au)  
Address: PO BOX 139 Fyshwick 2609

Prepared by <sup>2.2(a)(ii)</sup> [REDACTED] Consulting Arborist November 2016

Tree Number	Botanical Name / Common Name	Tree Condition	Suggested Action/s	Priority	Permit	Tree Surgery + GST	Stump Grinding + GST
1	Fraxinus oxycarpa (Desert Ash) x7	Good condition	Remove deadwood and broken branch	Recommended	NO	270	
2	Fraxinus oxycarpa (Desert Ash)	Good condition	Remove deadwood	Priority	NO	130	
3	Fraxinus oxycarpa (Desert Ash)	Good condition	Remove deadwood	Priority	NO	180	
4	Fraxinus oxycarpa (Desert Ash)	Good condition	No action required				
5	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
6	Zelkova serrata (Japanese Elm)	Good condition	No action required				
7	Quercus palustris (Pinoak)	Good condition	No action required				
8	Zelkova serrata (Japanese Elm)	Good condition	No action required				
9	Zelkova serrata (Japanese Elm)	Good condition	No action required				
10	Eucalyptus blakelyi (Blakely's Red Gum)	Fair condition	Remove deadwood. Monitor dieback	Priority	NO	360	
11	Eucalyptus blakelyi (Blakely's Red Gum)	Fair condition	No action required				
13	Eucalyptus melliodora (Yellow Box)	Good condition	No action required				
14	Eucalyptus melliodora (Yellow Box)	Poor condition	Remove and grind	Priority	YES	1080	180
15	Eucalyptus mannifera (Brittle Gum)	Fair condition	Monitor bird damage				
16	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
17	Eucalyptus sideroxylon (red ironbark)	Fair condition	No action required				
18	Fraxinus Sp (Ash)	Good condition	No action required				
19	Fraxinus oxycarpa (Desert Ash)	Fair condition	No action required				
20	Fraxinus Sp (Ash)	Good condition	No action required				
21	Fraxinus Sp (Ash)	Good condition	No action required				
22	Fraxinus Sp (Ash)	Good condition	No action required				
23	Eucalyptus blakelyi (Blakely's Red Gum)	Fair condition	Monitor bird damage				
24	Casuarina cunninghamiana (Sheoak) x10	Fair condition	Remove deadwood and branches over path	Recommended	NO	1080	
25	Leptospermum (Tea Tree) group	Fair condition	Remove deadwood	Priority	NO	720	
26	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
27	Group of small trees and shrubs	Fair condition	No action required				

28	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
29	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
30	Eucalyptus mannifera (Brittle Gum)	Good condition	Remove deadwood	Priority	NO	130	
31	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
32	Fraxinus oxycarpa (Desert Ash)	Fair condition	Remove dead stems/branches	Priority	NO	100	
33	Fraxinus oxycarpa (Desert Ash)	Fair condition	No action required				
34	Eucalyptus blakelyi (Blakely's Red Gum)	Dead	Remove and grind	Priority	NO	1450	120
35	Platanus acerifolia (London Plane)	Good condition	No action required				
36	Eucalyptus mannifera (Brittle Gum)	Poor condition	Monitor potential insect infestation				
37	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
38	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
39	Eucalyptus sideroxylon (red ironbark)	Fair condition	No action required				
41	Eucalyptus melliodora (Yellow Box)	Fair condition	Remove lowest limb. Monitor	Priority	NO	180	
42	Eucalyptus sideroxylon (red ironbark)	Fair condition	No action required				
43	Eucalyptus sideroxylon (red ironbark)	Fair condition	Monitor, reinspect in 12 months				
44	Eucalyptus camaldulensis (Red River Gum)	Good condition	No action required				
45	Eucalyptus mannifera (Brittle Gum)	Fair condition	No action required				
46	Ulmus sp. (Elm)	Fair condition	No action required				
47	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
48	Quercus palustris (Pinoak)	Good condition	No action required				
49	Various small trees	Good condition	No action required				
50	Eucalyptus mannifera (Brittle Gum)	Fair condition	No action required				
51	Eucalyptus mannifera (Brittle Gum) x9	Good condition	No action required				
52	Fraxinus oxycarpa (Desert Ash)	Good condition	Remove branches around light	Recommended	NO	100	
53	Fraxinus oxycarpa (Desert Ash)	Good condition	No action required				
54	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				

# Tree Assessment

We are pleased to provide you with a detailed report on the condition of all trees the **Wanniassa Hills Primary School**.

## **Limited Basis of Report**

This report is submitted and acknowledged by the client to be prepared by Treeworks (ACT/NSW) Pty. Limited, as instructed, on a limited basis after visual inspection of the tree at ground level only, and following due consideration of the appearance of the tree by a qualified Arborist.

## **Acknowledgements**

The client acknowledges:

- (a) That Treeworks (ACT/NSW) Pty. Limited has not conducted any invasive procedure or ultrasound test on the tree, nor inspected it at crown level;
- (b) This report does not and cannot make comment upon or determine or assess defects that may exist in the tree internally, whether arising from decay, disease, effect of drought, insect infestation or any other inherent condition that may exist.

## **No Warranty for Non discernible Defects or Damage**

Accordingly, this report cannot and does not warrant that defects or damage do not exist within the tree that may not be discernible to a competent Arborist making an inspection at ground level.

## **Reliance Period**

The client acknowledges that no reliance may be placed on this report after the date three months following the date of inspection

**Disclaimer of Liability to Third Parties**

To the extent permissible by law, Treeworks (ACT/NSW) Pty. Limited is not liable for any loss, damage, personal injury, costs or expenses suffered by any person or persons other than the recipient of this report.

Glenosborne Pty Ltd T/A TreeWorks is covered by QBE Insurance (Australia) Ltd for legal liability cover Australia wide to the sum of \$20,000,000 for public liability and \$20,000,000 for products liability. Glenosborne Pty Ltd T/A TreeWorks is also covered by QBE Workers Compensation NSW Ltd for workers compensation and unlimited common law anywhere in the ACT and copies of these policies are available on request.

This report provides you with an assessment of all trees on site, as well as costs associated with the work recommended.

**All trees removals will also be stump grinded. Unless advise. See stump grinding prices on charts.**

Sub Total: Urgent	High risk rehabilitation works that, if not undertaken, may cause injury to people or damage to property / Immediate attention required.	2.2(a)(xi)
Sub Total: Priority	High risk rehabilitation works that requires priority attention.	
Sub Total: Recommended	Medium Risk non critical rehabilitation works that may require attention.	
Sub Total: No Action Required	Low risk, no rehabilitation works required.	
Sub Total		
GST		
<b>Total</b>		

We will removal all materials from site unless instructed otherwise and the site will be left clean and tidy.

Thank you for the opportunity to quote this work. Please contact our office if you wish to proceed with this work or should you require any addition information on the assessment. Our business hours are 8:30AM to 5:00PM Monday to Friday.

Yours truly,

2.2(a)(ii)

TreeWorks



**From:**"Salahshor, Mahbod"

**Sent:**21/08/2019 5:43 AM

**To:**"Finch, Stuart" <Stuart.Finch@act.gov.au>

**Subject:**FW: Education and Training Directorate - New Work Request - Wanniasa Hills Primary [SEC=UNCLASSIFIED]

**Attachments:**Response to Condition Reports R&M Work Request System 16-17 (version 1)\_Work Request.pdf

fyi

**Mahbod Salahshor**

Project Officer

ACT Property Group | Property Maintenance Services | Planned Maintenance

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0402 712 011 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)

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**25** Years of the  
**ACT Public Service**

**From:** Hall, Leanne

**Sent:** Tuesday, 20 December 2016 3:18 PM

**To:** Salahshor, Mahbod <Mahbod.Salahshor@act.gov.au>

**Cc:** McCreath, Kris (ACTEDU) <Kris.McCreath@ed.act.edu.au>

**Subject:** Education and Training Directorate - New Work Request - Wanniasa Hills Primary [SEC=UNCLASSIFIED]

Hello,

Please see attached new work request for Wanniasa Hills Primary.

If you have any questions, please contact me on the numbers below.

Thank you

*Leanne Hall* | Contracts Manager | Email: [leanne.hall@act.gov.au](mailto:leanne.hall@act.gov.au)

+ 61 2 6205 9384 | Fax 02 6205 9333

Infrastructure and Capital Works | Education | ACT Government

220 Northbourne Avenue Braddon ACT 2601 | GPO Box 158 Canberra ACT 2601

[www.det.act.gov.au](http://www.det.act.gov.au) | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [LinkedIn](#) | [Google+](#)

# ETD Job Request

Date: 20/12/2016

DET Reference Number CA2017/0113



School Name: Wanniassa Hills Primary

Contact Name: Kris McCreath  
Contact Number: 6205 8161

Education and Training

ETD Officer & Contact Number:

Leanne Hall Ph 6205 9384

ACT PG Project Officer Contact:

Mahbod

Urgency Category:

Normal

Response Times Required:

Urgent - within 4 hours  
Priority - within 3 days  
Normal - within 14 working days

Description of Works

ACT PG Project Number: 0

Mahbod, please organise for all priority and urgent (if applicable) tree work to be completed at Wanniassa Hills Primary

COMMENTS

Bill to: Education and Training Directorate  
GPO Box 158  
Canberra City ACT 2601

Completion date:

**From:**"Salahshor, Mahbod"

**Sent:**21/08/2019 5:45 AM

**To:**"Finch, Stuart" <Stuart.Finch@act.gov.au>

**Subject:**FW: Various Schools - Tree Sugary [SEC=UNCLASSIFIED]

**Attachments:**Narrabundah Early Childhood School - CA2017-0116 - Work Request.pdf, Harrison School - CA2017-0112 - Work Request.pdf, Melba Copland College - CA2017-0115 - Work Request.pdf, Wanniasa Hills Preschool - CA2017-0114 - Work Request.pdf, Wanniasa Hills Primary - CA2017-0113 - Work Request.pdf

fyi

**Mahbod Salahshor**

Project Officer

ACT Property Group | Property Maintenance Services | Planned Maintenance

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0402 712 011 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)

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PO Box 777 Fyshwick ACT 2609 | [www.cmd.act.gov.au](http://www.cmd.act.gov.au)



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**25** Years of the  
**ACT Public Service**

**From:** Salahshor, Mahbod

**Sent:** Thursday, 22 December 2016 2:44 PM

**To:** <sup>2.2(a)(ii)</sup> <admin@treeworks.net.au>

**Subject:** Various Schools - Tree Sugary [SEC=UNCLASSIFIED]

Hi <sup>2.2(a)(ii)</sup>

Please find attached job requests from ETD for various schools.

Please use project number # 28046 for all these works.

**Note: Please make sure to send all your invoices to ACT Property Group for these works.**

If you have any question please let me know.

Regards

**Mahbod Salahshor**

Project Officer

ACT Property Group | Project Team

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0478 401 475 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)



Please note that this office will close from 5.00pm Friday 23 December 2016 and re-open 8.30am Monday 3 January 2017

During this period emergency maintenance requests can be made to the Response Centre on 6213 0700.  
The Response Centre will operate 24 x 7 over the holiday period.

Merry Christmas and a Happy New Year from the ACT Property Group.

# ETD Job Request

Date: 20/12/2016

DET Reference Number CA2017/0114



School Name: Wanniassa Hills Pre  
Contact Name: Kris McCreath  
Contact Number: 6205 8161

Education and Training

ETD Officer & Contact Number:  
Leanne Hall Ph 6205 9384

ACT PG Project Officer Contact:  
Mahbod

Urgency Category: Normal  
Response Times Required:  
Urgent - within 4 hours  
Priority - within 3 days  
Normal - within 14 working days

Description of Works  
ACT PG Project Number: 0  
Mahbod, please organise for all priority and urgent (if applicable) tree work to be completed at Wanniassa Hills Preschool

COMMENTS

Bill to: Education and Training Directorate  
GPO Box 158  
Canberra City ACT 2601

Completion date:

# ETD Job Request

Date: 20/12/2016

DET Reference Number CA2017/0113



School Name: Wanniassa Hills Primary

Contact Name: Kris McCreath  
Contact Number: 6205 8161

Education and Training

ETD Officer & Contact Number:

Leanne Hall Ph 6205 9384

ACT PG Project Officer Contact:

Mahbod

Urgency Category:

Normal

Response Times Required:

Urgent - within 4 hours  
Priority - within 3 days  
Normal - within 14 working days

Description of Works

ACT PG Project Number: 0

Mahbod, please organise for all priority and urgent (if applicable) tree work to be completed at Wanniassa Hills Primary

COMMENTS

Bill to: Education and Training Directorate  
GPO Box 158  
Canberra City ACT 2601

Completion date:

**From:** "Salahshor, Mahbod"  
**Sent:** 21/08/2019 5:42 AM  
**To:** "Finch, Stuart" <Stuart.Finch@act.gov.au>  
**Subject:** FW: Wanniasa Hills Primary School - Tree Notice of Decision [SEC=UNCLASSIFIED]  
**Attachments:** 20170224120752214.pdf, oledata.mso  
**Importance:** High

fyi

**Mahbod Salahshor**

Project Officer

ACT Property Group | Property Maintenance Services | Planned Maintenance

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0402 712 011 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)

255 Canberra Avenue, Fyshwick, ACT 2609,

PO Box 777 Fyshwick ACT 2609 | [www.cmd.act.gov.au](http://www.cmd.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

If you have any feedback for the ACT Property Group, please email [actpgfeedback@act.gov.au](mailto:actpgfeedback@act.gov.au)



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**From:** Hall, Leanne  
**Sent:** Wednesday, 1 March 2017 4:20 PM  
**To:** Salahshor, Mahbod <Mahbod.Salahshor@act.gov.au>; Taylor, Brett <Brett.Taylor@act.gov.au>  
**Cc:** Hunter, Stuart <Stuart.Hunter@act.gov.au>; Bin Saad, Hamid <Hamid.BinSaad@act.gov.au>  
**Subject:** FW: Wanniasa Hills Primary School - Tree Notice of Decision [SEC=UNCLASSIFIED]  
**Importance:** High

Hi Mahbod/Brett

In line with Gowrie and Arawang, there is also Wanniasa Hills Primary. Can you please track down a copy of the application?

*Leanne Hall* | *Contracts Manager* | Email: [leanne.hall@act.gov.au](mailto:leanne.hall@act.gov.au)

+ 61 2 6205 9384 | Fax 02 6205 9333

Infrastructure and Capital Works | Education | ACT Government

220 Northbourne Avenue Braddon ACT 2601 | GPO Box 158 Canberra ACT 2601

[www.det.act.gov.au](http://www.det.act.gov.au) | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [LinkedIn](#) | [Google+](#)

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**From:** Giucci, Aldo  
**Sent:** Friday, 24 February 2017 2:56 PM  
**To:** Hall, Leanne; Bin Saad, Hamid

**Cc:** McCreath, Kris (ACTEDU); Hunter, Stuart

**Subject:** FW: Wanniasa Hills Primary School - Tree Notice of Decision [SEC=UNCLASSIFIED]

FYI.

Aldo Guucci

---

**From:** McCreath, Kris [<mailto:Kris.McCreath@ed.act.edu.au>]

**Sent:** Friday, 24 February 2017 1:49 PM

**To:** Guucci, Aldo

**Subject:** Wanniasa Hills Primary School - Tree Notice of Decision

Hi Aldo,

I received this Notice of Decision regarding one of our trees.  
Just wondering if one of the tree contractors submitted the application?

Does this need to be forwarded to them?

Thanks

**Kris McCreath** | Business Manager



**Wanniasa Hills Primary School**

Education and Training Directorate  
**ACT Government**



**Phone (Direct):** (02) 6205 1670  
**Phone (Mobile):** 0466 000 510  
88 Langdon Avenue, Wanniasa ACT  
2903  
[www.whps.act.edu.au](http://www.whps.act.edu.au)







**ACT**  
Government

Transport Canberra and  
City Services

Ms Kris McCreath  
Wanniassa Hills Primary Scholl  
88 LANGDON AVENUE  
WANNIASSA ACT 2903

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

Dear Ms McCreath

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 **88 LANGDON AVENUE, Wanniassa Hills Primary Scholl, WANNIASSA**. The notice is issued in accordance with section 26(2) of the Act. The location of the relevant tree/s and reasons are set out in the attached Conservator's decision, dated **17 February 2017**.

The Conservator's Decision (attached) is internally reviewable. You may apply for reconsideration of the decision under section 106 of the Act. The application must be in writing and must set out the grounds upon which reconsideration of the decision is sought. The application fee is \$108.00 under the *Tree Protection (Fees) Determination 2014 (No1) 1.1. S22* of the Act from 1 July 2016.

An electronic "Smartform" is available to download via the [Access Canberra website](http://www.tccs.act.gov.au/city-living/trees/tree_activity_application_forms) link below  
[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 **Monday 6 March 2017**. 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.

The request for Felling/Removal of Tree 14 (*Eucalyptus blakelyi*) has not been, granted, however, it is recommended that:

- the tree be assessed regularly by a qualified arborist to undertake a hazard and risk assessment every two to three years or when deterioration is noticed.

If you would like to discuss any aspect of the application, please contact the Tree Protection Unit on telephone (02) 6207 6127 during business hours.

Yours sincerely

Richard Allen  
Technical Manager, Urban Treescaping  
Delegate of the Conservator of Flora and Fauna  
Roads and Infrastructure Division  
Transport Canberra and City Services Directorate  
17 February 2017

**CONSERVATOR'S DECISION**  
*Tree Protection Act 2005*

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**Address of Activity:** 88 LANGDON AVENUE, Wanniasa Hills Primary Scholl  
WANNIASSA ACT 2903

**Application ID:** 33988      **Block:** 1      **Section:** 253

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Tree(s) 14: Eucalyptus blakelyi

TREE ADDRESS: 88 LANGDON AVENUE, Wanniasa Hills Primary School

LOCATION ON BLOCK: Alongside southern boundary.

**DECISION SUMMARY:**

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

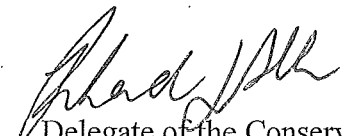
TREE DAMAGING ACTIVITY: FELLING/REMOVAL

CONSERVATOR'S DECISION: NOT GRANTED

**BASIS FOR DECISION:**

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

---

  
Delegate of the Conservator  
17 February 2017

**From:** "Salahshor, Mahbod"  
**Sent:** 21/08/2019 5:41 AM  
**To:** "Finch, Stuart" <Stuart.Finch@act.gov.au>  
**Subject:** FW: Wanniasa Hills Primary School - Tree Works [SEC=UNCLASSIFIED]

fyi

**Mahbod Salahshor**

Project Officer

ACT Property Group | Property Maintenance Services | Planned Maintenance  
Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0402 712 011 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)

255 Canberra Avenue, Fyshwick, ACT 2609,

PO Box 777 Fyshwick ACT 2609 | [www.cmd.act.gov.au](http://www.cmd.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

*If you have any feedback for the ACT Property Group, please email [actpgfeedback@act.gov.au](mailto:actpgfeedback@act.gov.au)*

**25** Years of the  
**ACT Public Service**

---

**From:** Treeworks Admin [mailto:admin@treeworks.net.au]

**Sent:** Tuesday, 4 April 2017 10:57 AM

**To:** Salahshor, Mahbod <Mahbod.Salahshor@act.gov.au>

**Cc:** Dominic Osborne <dosborne@treeworks.net.au>

**Subject:** RE: Wanniasa Hills Primary School - Tree Works

Good morning Mahbod,

I have spoken to the crew and it seems that this tree has been removed without the relevant permission required. We will be contacting the Tree Protection Unit to advise them of this mistake, and will be taking full responsibility of the mix up.

We sincerely apologise for this mistake. We will be conducting a full investigation as to how this happened to ensure it doesn't reoccur.

Kind regards

2.2(a)(ii)

2.2(a)(ii)



**TREWORKS**



Ph: 02 6282 1244 | Fax: 02 6282 3544

E: [office@treeworks.net.au](mailto:office@treeworks.net.au)

9 Yallourn Street, Fyshwick, ACT | PO Box 139, Fyshwick, ACT, 2609

---

**From:** Salahshor, Mahbod [<mailto:Mahbod.Salahshor@act.gov.au>]

**Sent:** Tuesday, 4 April 2017 10:51 AM

**To:** Treeworks Admin

**Cc:** Hunter, Stuart; Taylor, Brett; Schaidreiter, Robert; Bin Saad, Hamid; Hall, Leanne

**Subject:** FW: Wanniasa Hills Primary School - Tree Works

Hi 2.2(a)  
(m)

Following our conversation on the phone, please see email below. Can you please get back to me ASAP.

Regards

**Mahbod Salahshor**

Project Officer

ACT Property Group | Project Team

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

M: 0478 401 475 | T: 02 6205 1283 | F: 02 6213 0735

E: [mahbod.salahshor@act.gov.au](mailto:mahbod.salahshor@act.gov.au)

255 Canberra Avenue, Fyshwick, ACT 2609,

PO Box 777 Fyshwick ACT 2609 | [www.cmd.act.gov.au](http://www.cmd.act.gov.au)



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

---

**From:** Hunter, Stuart

**Sent:** Tuesday, 4 April 2017 10:06 AM

**To:** Salahshor, Mahbod <[Mahbod.Salahshor@act.gov.au](mailto:Mahbod.Salahshor@act.gov.au)>

**Cc:** Hall, Leanne <[Leanne.Hall@act.gov.au](mailto:Leanne.Hall@act.gov.au)>; McCreath, Kris (ACTEDU) <[Kris.McCreath@ed.act.edu.au](mailto:Kris.McCreath@ed.act.edu.au)>

**Subject:** FW: Wanniasa Hills Primary School - Tree Works

Mahbod,

Please see email below. Will need a quick response from the contractor on what has happened here.

Regards,

Stuart Hunter | Manager, Repairs and Maintenance

Phone: +61 2 6207 8831 | Mobile: 0478 488 885 | Email: [stuart.hunter@act.gov.au](mailto:stuart.hunter@act.gov.au)

Infrastructure & Capital Works | Education | ACT Government

Level 1 220 Northbourne Avenue | GPO Box 158 Canberra ACT 2601 | [www.det.act.gov.au](http://www.det.act.gov.au)

---

**From:** McCreath, Kris [<mailto:Kris.McCreath@ed.act.edu.au>]

**Sent:** Tuesday, 4 April 2017 9:47 AM

**To:** Hunter, Stuart; Hall, Leanne

**Subject:** Wanniasa Hills Primary School - Tree Works

Hi Stuart and Leanne,

I'm writing to you regarding our tree works which is happening at the moment. Attached is our tree report, map and letter of decision about tree #14.

In our report it outlines that the tree (14) should be removed, however the letter of decision outlines that removal was not granted.

The contractors have pretty much removed the tree and we are already getting questions from the community (it was quite a famous tree around the community).

In short, I'm hoping all the paperwork is in line? and removal was the final decision? Could you please advise.

If you have any questions please let me know.

Thanks

**Kris McCreath** | Business Manager



**Wanniasa Hills Primary School**

Education and Training Directorate  
**ACT Government**



**Phone (Direct):** (02) 6205 1670  
**Phone (Mobile):** 0466 000 510  
88 Langdon Avenue, Wanniasa ACT  
2903  
[www.whps.act.edu.au](http://www.whps.act.edu.au)



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## Regulatory Advisory Committee Submission

<b>Title</b>	Unauthorised removal of a heritage listed tree
<b>Reference #</b>	171109 - 001391
<b>Description</b>	Access Canberra (AC) has been asked to look into the circumstances around the unauthorised removal of a Heritage listed tree (Aboriginal scar Tree) at the Wanniasa Hills Primary School.
<b>Recommendation</b>	No Further Action
<b>Team unit</b>	Business Engagement, Education and Compliance
<b>Project staff</b>	Danny Baker
<b>Date</b>	9 November 2017
<b>Legal advice</b>	Nil

### 1. Alleged conduct

*Provide a high level summary of the alleged conduct which forms the subject of the investigation/decision.*

1.1 The 'Wanniasa Spook Tree' was a well-known and public example of an Aboriginal Scarred Tree and as a result, the tree was heritage listed. Aboriginal scarred trees are material evidence of the activity of Aboriginal Australians which is no longer practiced. Aboriginal people stripped a layer of the bark to use as shelter or equipment such as coolamons, shields and canoes which resulted in permanent scarring of a tree.

1.2 The Education Directorate carries out an annual audit of all trees on school grounds. Treeworks (ACT/NSW) Pty Ltd (Treeworks) was contracted to provide an audit of all the trees located at 180 schools.

1.3 In November 2016 the ACT Property Group (CMTEDD) on behalf of the Education Directorate, received a Tree Diagnostic Report (Quote) from Treeworks for an assessment of the trees located at the Wanniasa Hills Primary School. Tree Diagnostic Report Identified tree 14 (Yellow Box) as being unsafe due to declining health and recommended it be removed and grinded as a matter of priority.

1.4 On 20 December 2016 the Infrastructure and Capital Works (Education Directorate) issued the ACT Property Group with a work order to carry out all priority work identified on the Tree Diagnostic Report.

1.5 On 2 February 2017 <sup>2.2(a)(ii)</sup> at Treeworks, identified that tree 14 required approval for removal and submitted an online application to the Tree Protection Unit.

1.6 On 17 February 2017 the Delegate of the Conservator of Flora and Fauna refused to grant the tree damaging application because it had not been established that any of the criteria for removal had been satisfied.

1.7 On 18 February 2017 both Treeworks and Wanniasa Hills Primary School were provided with the Delegate of the Conservator of Flora and Fauna's decision to refuse the tree damaging application. It appears that at this point the <sup>2.2(a)(ii)</sup> [redacted] at Treeworks inadvertently failed to transfer that information onto the Tree Diagnostic Report.

1.8 On 3 & 4 April 2017 Treeworks staff attended the Wanniasa Hills Primary School and carried out the priority work identified on the original Tree Diagnostic Report.

2.2(a)(iii)

1.10 On 6 April 2017 the Aboriginal Liaison Officer from ACT Heritage attended the Wanniasa Hills Primary School and confirmed the removal of tree 14 and photographed the site.

1.11 It appears that the unauthorised removal of the heritage listed tree was caused by the Treeworks

2.2(a)(ii)

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## 2. Potential contravention/s

*List the sections of the relevant Act that are alleged to have been contravened or should be considered and form the subject of the investigation/decision.*

2.1 s. 75  
Heritage Act  
2004

2.2(a)(iii)

2.2 s. 15 Tree  
Protection  
Act 2005

2.2(a)(iii)

2.2(a)(iii)

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## 3. Key decisions and dates

*Outline the key milestones in the investigation/decision*

3.1 N/A

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#### 4. Factors that warrant Access Canberra intervention decision

*To outline why the issue should be progressed, or the reasons for the proposed compliance, enforcement decision.*

AC was requested to look into the circumstances that led to the unauthorised removal of a heritage listed tree. Scarred trees are important to contemporary Aboriginal people, especially the local Ngunnawal people. Sites such as these represent to Aboriginal people a sense of place in time, and belonging – places where their ancestors left visible signs of their occupation of the land.

There is significant public interest in relation to this incident and 2.2(a)(iii)

2.2(a)(iii)

There are also a number of ACT Government Directorates that are involved in this matter, for example -

ACT Property Group – Chief Minister, Treasury and Economic Development Directorate.

ACT Heritage - Environment, Planning and Sustainable Development Directorate.

Infrastructure and Capital Works - Education Directorate

Wanniassa Hills Primary School – Education Directorate.

Delegate of the Conservator of Flora and Fauna – Transport Canberra and City Services

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#### 5. Other relevant investigations decisions

*Highlight activities undertaken by Access Canberra or other regulators relevant to the alleged conduct and any response/actions.*

5.1 N/A

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#### 6. Risk or harm or level of Detriment caused by the conduct

6.1 The scarred tree is valued by the Aboriginal community generally, and particularly the Ngunnawal community, as evidence of traditional ties to the land. Such trees are used in educating the public about traditional Aboriginal life. There is evidence to suggest that the local Aboriginal community see this type of Aboriginal place as an important, highly visible landmark of their continuing occupation of the country.

2.2(a)(iii)



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**7. Recommendation and Rationale**

2.2(a)(iii)



2.2(a)(iii)



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**8. Recommendation and Rationale of the Committee**

**Date of recommendation:** 17 November 2017

**RAC Chair:** Greg Jones

**RAC Members:** Radmila Andric, Derise Cubin, David Middlemiss, Michael Azize

**RAC Attendees:** Dan Curtin, Michelle Da Silva, Danny Baker

**Recorded by:** Raffaele Mallamace

2.2(a)(iii)



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**9. Attachments**

- A. 1998 Archive photo of the Heritage listed (Aboriginal scar tree) tree 14.
- B. Tree Diagnostic Report
- C. Email from Treeworks admitting liability for the unauthorised removal.
- D. Tree Protection (Approval Criteria) Determination 2006 (No 2).











TREWORKS

# Tree Diagnostic Report

For

**Wanniassa Hills Primary School**

ACT Properties Group

Department of Land and Property Services

PO BOX 777

Fyshwick ACT 2609

Treeworks (ACT/NSW) Pty Ltd

Phone1:1300 135 835

Phone 2:6282 1244

Fax: 6282 3544

Email: [office@treeworks.net.au](mailto:office@treeworks.net.au)

Address: PO BOX 139 Fyshwick 2609

Prepared by Glenice Buck Consulting Arborist November 2016



Tree Number	Botanical Name / Common Name	Tree Condition	Suggested Action/s	Priority	Permit	Tree Surgery + GST	Stump Grinding + GST
1	Fraxinus oxycarpa (Desert Ash) x7	Good condition	Remove deadwood and broken branch	Recommended	NO	270	
2	Fraxinus oxycarpa (Desert Ash)	Good condition	Remove deadwood	Priority	NO	130	
3	Fraxinus oxycarpa (Desert Ash)	Good condition	Remove deadwood	Priority	NO	180	
4	Fraxinus oxycarpa (Desert Ash)	Good condition	No action required				
5	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
6	Zelkova serrata (Japanese Elm)	Good condition	No action required				
7	Quercus palustris (Pinoak)	Good condition	No action required				
8	Zelkova serrata (Japanese Elm)	Good condition	No action required				
9	Zelkova serrata (Japanese Elm)	Good condition	No action required				
10	Eucalyptus blakelyi (Blakely's Red Gum)	Fair condition	Remove deadwood. Monitor dieback	Priority	NO	360	
11	Eucalyptus blakelyi (Blakely's Red Gum)	Fair condition	No action required				
13	Eucalyptus melliodora (Yellow Box)	Good condition	No action required				
14	Eucalyptus melliodora (Yellow Box)	Poor condition	Remove and grind	Priority	YES	1080	180
15	Eucalyptus mannifera (Brittle Gum)	Fair condition	Monitor bird damage				
16	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
17	Eucalyptus sideroxylon (red ironbark)	Fair condition	No action required				
18	Fraxinus Sp (Ash)	Good condition	No action required				
19	Fraxinus oxycarpa (Desert Ash)	Fair condition	No action required				
20	Fraxinus Sp (Ash)	Good condition	No action required				
21	Fraxinus Sp (Ash)	Good condition	No action required				
22	Fraxinus Sp (Ash)	Good condition	No action required				
23	Eucalyptus blakelyi (Blakely's Red Gum)	Fair condition	Monitor bird damage				
24	Casuarina cunninghamiana (Sheoak) x10	Fair condition	Remove deadwood and branches over path	Recommended	NO	1080	
25	Leptospermum (Tea Tree) group	Fair condition	Remove deadwood	Priority	NO	720	
26	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
27	Group of small trees and shrubs	Fair condition	No action required				

28	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
29	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
30	Eucalyptus mannifera (Brittle Gum)	Good condition	Remove deadwood	Priority	NO	130	
31	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
32	Fraxinus oxycarpa (Desert Ash)	Fair condition	Remove dead stems/branches	Priority	NO	100	
33	Fraxinus oxycarpa (Desert Ash)	Fair condition	No action required				
* 34	Eucalyptus blakelyi (Blakely's Red Gum)	Dead	Remove and grind	Priority	NO	1450	120
35	Platanus acerifolia (London Plane)	Good condition	No action required				
36	Eucalyptus mannifera (Brittle Gum)	Poor condition	Monitor potential insect infestation				
37	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
38	Eucalyptus sideroxylon (red ironbark)	Good condition	No action required				
39	Eucalyptus sideroxylon (red ironbark)	Fair condition	No action required				
41	Eucalyptus melliodora (Yellow Box)	Fair condition	Remove lowest limb. Monitor	Priority	NO	180	
42	Eucalyptus sideroxylon (red ironbark)	Fair condition	No action required				
43	Eucalyptus sideroxylon (red ironbark)	Fair condition	Monitor, reinspect in 12 months				
44	Eucalyptus camaldulensis (Red River Gum)	Good condition	No action required				
45	Eucalyptus mannifera (Brittle Gum)	Fair condition	No action required				
46	Ulmus sp. (Elm)	Fair condition	No action required				
47	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				
48	Quercus palustris (Pinoak)	Good condition	No action required				
49	Various small trees	Good condition	No action required				
50	Eucalyptus mannifera (Brittle Gum)	Fair condition	No action required				
51	Eucalyptus mannifera (Brittle Gum) x9	Good condition	No action required				
52	Fraxinus oxycarpa (Desert Ash)	Good condition	Remove branches around light	Recommended	NO	100	
53	Fraxinus oxycarpa (Desert Ash)	Good condition	No action required				
54	Eucalyptus mannifera (Brittle Gum)	Good condition	No action required				

# Tree Assessment

We are pleased to provide you with a detailed report on the condition of all trees the **Wanniassa Hills Primary School**.

## Limited Basis of Report

This report is submitted and acknowledged by the client to be prepared by Treeworks (ACT/NSW) Pty. Limited, as instructed, on a limited basis after visual inspection of the tree at ground level only, and following due consideration of the appearance of the tree by a qualified Arborist.

## Acknowledgements

The client acknowledges:

- (a) That Treeworks (ACT/NSW) Pty. Limited has not conducted any invasive procedure or ultrasound test on the tree, nor inspected it at crown level;
- (b) This report does not and cannot make comment upon or determine or assess defects that may exist in the tree internally, whether arising from decay, disease, effect of drought, insect infestation or any other inherent condition that may exist.

## No Warranty for Non discernible Defects or Damage

Accordingly, this report cannot and does not warrant that defects or damage do not exist within the tree that may not be discernible to a competent Arborist making an inspection at ground level.

## Reliance Period

The client acknowledges that no reliance may be placed on this report after the date three months following the date of inspection



**Disclaimer of Liability to Third Parties**

To the extent permissible by law, Treeworks (ACT/NSW) Pty. Limited is not liable for any loss, damage, personal injury, costs or expenses suffered by any person or persons other than the recipient of this report.

Glensborne Pty Ltd T/A TreeWorks is covered by QBE Insurance (Australia) Ltd for legal liability cover Australia wide to the sum of \$20,000,000 for public liability and \$20,000,000 for products liability. Glensborne Pty Ltd T/A TreeWorks is also covered by QBE Workers Compensation NSW Ltd for workers compensation and unlimited common law anywhere in the ACT and copies of these policies are available on request.

This report provides you with an assessment of all trees on site, as well as costs associated with the work recommended.  
**All trees removals will also be stump grinded. Unless advise. See stump grinding prices on charts.**

Sub Total: Urgent	High risk rehabilitation works that, if not undertaken, may cause injury to people or damage to property / Immediate attention required.	2.2(a)(ii)
Sub Total: Priority	High risk rehabilitation works that requires priority attention.	
Sub Total: Recommended	Medium Risk non critical rehabilitation works that may require attention.	
Sub Total: No Action Required	Low risk, no rehabilitation works required.	
Sub Total		
GST		
<b>Total</b>		

We will removal all materials from site unless instructed otherwise and the site will be left clean and tidy.

Thank you for the opportunity to quote this work. Please contact our office if you wish to proceed with this work or should you require any addition information on the assessment. Our business hours are 8:30AM to 5:00PM Monday to Friday.

Yours truly,

Glenice Buck  
TreeWorks

Allen, Richard

---

**From:** Dominic Osborne <dosborne@treeworks.net.au>  
**Sent:** Tuesday, 4 April 2017 1:21 PM  
**To:** TCCS\_CP TreeProtection; Salahshor, Mahbod; McCreath, Kris (ACTEDU); Hall, Leanne; Sneyers, Andre; Hunter, Stuart  
**Subject:** Tree removal at Wanniasa Primary School

**To:**

Andre Sneyers - Tree Protection Unit, Urban Treescapes  
Kris McCreath - Business Manager, Wanniasa Hills Primary School  
Stuart Hunter / Leanne Hall - Department of Education  
Mahbod Salahshor - ACT Property Group

**Re: *Incorrect and Mistaken Removal Of Tree At Wanniasa Hills Primary School, 88 Langdon Avenue, Wanniasa***

Dear all,

As you are all aware Treeworks (ACT/NSW) Pty Ltd has mistakenly removed a tree at Wanniasa Hills Primary School. We are acutely embarrassed and devastated that this has occurred and sincerely apologise for any inconvenience that will no doubt arise from this issue.

We have prided ourselves, over the last six years that we have been operating in the ACT, in being totally professional with regard to tree regulations. We have, through our website and any customer contact, always highlighted the need to comply with the Tree Protection Act. We have submitted hundreds of applications for tree removals and have never, until now, been in breach of those regulations. Our company's philosophy is very much one of preserving and repairing trees. WE only prescribe removal if safety is a concern. We are continually educating our arborists, tree surgeons and tree workers about the regulations. All of this has resulted in us being engaged many times by the ACT Government, the National Capital Authority and surrounding NSW Councils.

The circumstances leading to the mistaken removal are as such:

1. In November 2016 our Level 5 Arborist, <sup>2.2(a)(ii)</sup> [REDACTED], carried out an audit of all trees at Wanniasa Hills Primary School. In the audit, known as a Tree Diagnostic Report, <sup>2.2(a)(ii)</sup> [REDACTED] identified a Eucalyptus sp. (Tree No. 14 in the report) as being unsafe due to declining health. She prescribed the tree to removed.
2. On 22 December 2016 the Dept of Education, through ACT Property Group, issued us with a Work Order (dated 20.12.17) to carry out all items listed as a priority.
3. On 2 February 2017 our <sup>2.2(a)(ii)</sup> [REDACTED] identified that Tree 14 required approval for removal and submitted the application to the Tree Protection Unit online.
4. On 18 February 2017 we received the Notice of Decision from the Tree Protection Unit not granting permission to remove the tree. <sup>2.2(a)(ii)</sup> [REDACTED] who was in the middle of processing Work Orders to carry out works at 98 schools inadvertently failed to transfer the information onto the Tree Diagnostic Report. This is the point where our system failed.
5. On 3&4 April 2017 our crew attended Wanniasa Hills Primary with the original tree report and carried out all items listed as a priority on the report.

I have deliberately not included <sup>2.2(a)(ii)</sup> [REDACTED] in this email as she is extremely upset at what has occurred. If at all possible could you please exclude her from further communication on this issue and deal with me. <sup>2.2(a)(ii)</sup> [REDACTED] is a highly valued long serving staff member and normally incredibly efficient and diligent

(refer to Mahbod Salahshor at ACT Property who has dealt with her for several years). She acknowledges that she was responsible for the oversight and is very distressed that this has occurred. She places unusually high standards for herself and as a result is probably more affected than normal by the incident.

I would like to offer Wanniasa Hills Primary School some sort of appropriate remedy for this unfortunate incident. The remedy could be anything related to our services, however can I suggest we plant a number of trees at the school and maintain them for a year to help them establish (we are on the tree planting panel for Urban Treescapes so have an expertise in that area). I would be happy for the school to nominate the appropriate number of trees, or other remedy if required.

Regards

Dominic Osborne  
Managing Director  
Treeworks (ACT/NSW) Pty Ltd  
0403 450 872

# Tree Protection (Approval Criteria) Determination 2006 (No 2)

Disallowable instrument DI2006—60

made under the

*Tree Protection Act 2005* s21 (Approval Criteria)

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## 1 Name of instrument

This instrument is the *Tree Protection (Approval Criteria) Determination 2006* (No 2).

## 2 Commencement

This instrument commences on the day after notification.

## 3 Determination

I determine that the criteria for approving an activity that would or may damage a protected tree or be prohibited groundwork in the protection zone for a protected tree or a declared site are as set out in Schedule 1.

## 4 Instrument repealed

The disallowable instrument *Tree Protection (Approval Criteria) Determination 2006 (No 1)* DI – 2006 55 is repealed.

Jon Stanhope MLA  
Minister for the Environment

4 April 2006

# Schedule 1

Determination of criteria for the purposes of section 21 of the *Tree Protection Act 2005*.

## Regulated Trees

### 1 Approval to damage a regulated tree

- (1) The Conservator of Flora and Fauna (the Conservator) may give an approval to damage a regulated tree under section 25 when:
  - (a) the tree is in decline and its life expectancy is short; or
  - (b) the tree represents an unacceptable risk to public or private safety; or
  - (c) the tree is shown to be causing or threatening to cause substantial damage to a substantial building, structure or service; or
  - (d) the location of the tree is inappropriate given its potential size and growth habit (excluding remnant eucalypts); or
  - (e) the tree is substantially affecting solar access to the lessees lease, or neighbouring lease, during winter between the hours of 9am to 3pm and pruning is not sufficient to remedy this (excluding remnant eucalypts); or
  - (f) the tree is causing an allergic reaction to an occupant of the lease, or neighbouring lease, and the claim can be supported by certification from a relevant medical specialist; or
  - (g) where the tree is part of a close planting of a number of trees, the removal of the tree will allow the other trees to develop; and

all other reasonable remedial treatments and risk mitigation measures have been determined to be ineffective.

- (2) The Conservator may also give an approval under section 25 of the *Tree Protection Act 2005* to remove a tree if the tree is located on a block of less than or equal to 1200m<sup>2</sup> and is a species listed in Schedule 2.
- (3) When deciding whether the criteria in paragraph 1 are met, the Conservator may consider:
  - (a) any exceptional circumstances that have been raised by the applicant, taking into account advice from the Tree Advisory Panel;
  - (b) the importance of the tree in the surrounding landscape; and
  - (c) if the tree is a species listed on schedule 3, whether the tree has ecological importance to the local environment.
- (4) In considering whether criteria 1(1)(b) and (c) are met the Conservator must assess whether the removal of the tree is urgently required in accordance with section 29 of the Act.



- (5) The Conservator may give an approval under section 25 of the Act to undertake major pruning on a regulated tree when:
- (a) the work is required:
    - (i) as a remedial treatment; or
    - (ii) in the general interests of the health of the tree; or
    - (iii) to reduce an unacceptable risk to public or private safety; or
    - (iv) to reduce the risk of damage or prevent further damage to a substantial building, structure or service.
  - (b) the tree is substantially affecting solar access to the lessee's lease, or neighbouring lease, during winter between the hours of 9am to 3pm and minor pruning is not sufficient to remedy this (excluding remnant eucalypts).
- (6) The approval of lopping should only be considered when the criteria in clause 1 are met and the retention of the tree is considered necessary.

**Example:** Where the retention of the tree is necessary to maintain habitat or heritage values.

## **2 Approval to undertake prohibited groundwork within the tree protection zone of a regulated tree**

The Conservator may give an approval under section 25 of the Act to carry out groundwork within the tree protection zone of a regulated tree where the groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval.

## **Registered Trees**

### **3 Major pruning of registered tree**

- (1) The Conservator may give an approval for major pruning of a Registered Tree under section 25 of the Act if the work is required:
- (a) to maintain the health and safety of the tree; or
  - (b) to maintain clearance from services; or
  - (c) as a remedial treatment.
- (2) The Conservator may only give an approval for major pruning of a Registered Tree under criterion 3(1) if the work is considered necessary and will not:
- (a) substantially alter the tree's shape and form; or
  - (b) cause the tree to become unsafe; or
  - (c) result in the decline and death or necessitate the removal or destruction of the tree.

#### **4 Approval to undertake prohibited groundwork within the tree protection zone of a registered tree**

The Conservator may give an approval under section 25 of the Act to carry out groundwork within the tree protection zone of a registered tree where the groundwork will have minimal impact on the tree if the activity complies with the conditions stated in the approval.

### **Declared Sites**

#### **5 Approval to undertake prohibited groundwork within a declared site**

- (1) The Conservator may give approval under section 25 of the Act to carry out prohibited groundwork within a declared site if satisfied that the area of the site affected by the prohibited groundwork, and any other prohibited groundwork done with or without approval in the past 12 months, would be less than 10%.
- (2) The Conservator may approve prohibited groundwork within a declared site if, on advice from the ACT Planning and Land Authority, the groundwork is necessary to achieve broader strategic planning objectives of the Territory Plan.

### **Examples**

#### **6 Examples of reasonable remedial treatments or measures for a regulated tree**

Examples of reasonable remedial treatments or measures for a regulated tree are:

- (1) crown thinning, selective pruning or reduction pruning of trees to lessen wind resistance, to reduce weight of limbs, to reduce competition, to increase light penetration and air circulation through the crown, undertaken every three years.
- (2) general pruning to remove dead, diseased, dying, or defective and conflicting branches deemed to be dangerous or detrimental to the tree, undertaken every two years.
- (3) selective or formative pruning, to remove identified branches that encroaching on utilities or buildings, undertaken every two years.
- (4) crown lifting for pedestrian or vehicular access undertaken every two years.
- (5) thinning, selective pruning or reduction pruning on trees to provide solar access and property alignment to private dwellings undertaken every two years.
- (6) annual inspection by a qualified arboriculturist to undertake risk and hazard assessment.

#### **7 Examples of reasonable risk mitigation measures**

Examples of reasonable risk mitigation measures are:

- (1) the erection of fences to prevent access under the tree or an area of risk;
- (2) landscaping to discourage access under the tree or an area of risk; or

(3) the erection of signage warning of possible risk.

## **8 Examples of damaging activities that may be approved for a regulated tree**

Examples of the kinds of activities for which an approval for damaging activity on a regulated tree may be granted are:

- (1) removal of unsuitable or hazardous trees subject to replacement plantings being undertaken where necessary; or
- (2) pollarding on deciduous trees grown for horticultural amenity or on native trees to retain habitat values; or
- (3) remedial pruning to prolong the useful life expectancy of damaged trees; or
- (4) root pruning to ameliorate damage to built or natural structures.

The list of examples set out in paragraphs 7, 8 and 9 do not limit the matters that the Conservator may consider.

## Schedule 2

List of problematic tree species for the purposes of criterion 1(2).

<i>Botanical Name</i>	<i>Common Name</i>
<i>Cupressus arizonica</i>	Arizona Cypress
<i>Cupressus glabra</i>	Smooth Arizona Cypress
<i>Cupressus macrocarpa</i>	Monterey Cypress
<i>Cupressus macrocarpa</i> 'Horizontalis Aurea'	Lambert's Cypress
<i>Eucalyptus bicostata</i>	Eurabbie or Southern Blue Gum
<i>Eucalyptus globulus</i>	Tasmanian Blue Gum
<i>Eucalyptus nicholii</i>	Narrow Leaf Peppermint
<i>Eucalyptus pseudoglobulus</i>	Bastard Eurabbie
<i>Eucalyptus elata</i>	River Peppermint
<i>Eucalyptus viminalis</i>	Rough Barked Manna Gum
<i>Gleditzia triacanthos</i>	Honey Locust
<i>Populus tremuloides</i>	Trembling Aspen
<i>Salix babylonica</i>	Weeping Willow

### Schedule 3

List of local ecologically beneficial species for purposes of criterion 1(3)(c).

<i>Botanical Name</i>	<i>Common Name</i>
<i>Acacia melanoxydon</i>	Blackwood
<i>Casuarina cunninghamiana</i>	River oak
<i>Eucalyptus blakelyi</i>	Blakely's red gum
<i>Eucalyptus bridgesiana</i>	Apple box
<i>Eucalyptus dives</i>	Broad leaf peppermint
<i>Eucalyptus goniocalyx</i>	Bundy
<i>Eucalyptus mannifera</i>	Red spotted gum
<i>Eucalyptus nortonii</i>	Silver bundy
<i>Eucalyptus pauciflora</i>	Snow gum
<i>Eucalyptus polyanthemos</i>	Red box
<i>Eucalyptus radiata</i>	Narrow-leaved Peppermint
<i>Eucalyptus rossii</i>	Scribbly gum
<i>Eucalyptus rubida</i>	Candle bark
<i>Eucalyptus melliodora</i>	Yellow box