

Australian Capital Territory

# Urban Forest (Prohibited Activities) Authorisation 2023 (No 1)

Disallowable instrument DI2023-333

made under the

*Urban Forest Act 2023*, section 19 (Authorisation to carry out prohibited activities)

## EXPLANATORY STATEMENT

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Section 19 of the *Urban Forest Act 2023* allows the Minister to authorise an administrative unit to carry out an activity that would or may:

- (a) damage a protected tree; or
- (b) be prohibited groundwork in—
  - (i) the protection zone for a protected tree; or
  - (ii) a declared site.

In accordance with the Act, the Minister has authorised that specified activities that constitute damage to a protected tree or prohibited groundwork may be carried out without approval by:

- the Urban Treescapes administrative unit within the Transport Canberra and City Services Directorate for the purposes of urban forest management;
- the ACT Parks and Conservation Service administrative unit within the Environment, Planning and Sustainable Development Directorate for the purposes of vegetation management in line with the Bushfire Operation Plan (BOP); and
- the Light Rail Operations administrative unit within the Transport Canberra and City Services Directorate for the purposes of managing the light rail alignment.

This instrument commences on 1 January 2024 and will remain in place until such a time as this instrument is repealed or replaced.

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. There are no human rights implications arising from this instrument.

Transport Canberra and City Services anticipates that this authorisation of the three stated administrative units will have a neutral impact on climate change. This instrument grants these entities the power to conduct unapproved activities which impact protected trees in the ACT urban forest. This is justified as it will enable effective and timely urban forest and fire management works to be conducted. These works will contribute to public safety and the long-term sustainability of the public urban forest, which has a positive impact on climate mitigation and adaptation.

This determination is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 64 of the *Legislation Act 2001*.