



Australian Capital Territory

# Urban Forest Regulation 2023

**SL2023-39**

made under the

**Urban Forest Act 2023**

**Republication No 1**

**Effective: 1 January 2024 – 9 September 2024**

Republication date: 1 January 2024

Regulation not amended

## About this republication

### The republished law

This is a republication of the *Urban Forest Regulation 2023*, made under the *Urban Forest Act 2023* (including any amendment made under the [Legislation Act 2001](#), part 11.3 (Editorial changes)) as in force on 1 January 2024. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the [Legislation Act 2001](#) applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial amendments

The [Legislation Act 2001](#), part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see [Legislation Act 2001](#), s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the [Legislation Act 2001](#), section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see [Legislation Act 2001](#), s 133).



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Australian Capital Territory

# Urban Forest Regulation 2023

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made under the

**Urban Forest Act 2023**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Urban Forest Regulation 2023*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation.

For example, the signpost definition '*home owner*, for part 2 (Canopy contribution agreements)—see section 5.' means that the term 'home owner' is defined in that section for that part.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

## Part 2 Canopy contribution agreements

### 5 Definitions—pt 2

In this part:

*canopy cover restoration period* means the period within which a tree canopy cover must be restored.

*financial settlement amount*—see section 7 (1).

*home owner*—a person is a *home owner* if—

- (a) the person is the lessee of land; and
- (b) the person provides written evidence that—
  - (i) the person has been living on the land for at least 2 years; or
  - (ii) the person intends to live on the land for at least 2 years.

*Note* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

*replacement trees*—see section 6 (1).

### 6 Canopy contribution agreements—on-site canopy contribution—Act, s 36 (5) (a)

- (1) For an on-site canopy contribution, a person who is the lessee of land must plant on the land the following number of trees (*replacement trees*):
  - (a) for a home owner—2 replacement trees for each protected tree on the land approved for removal;

- (b) for a person other than a home owner—the number of replacement trees required to ensure that, at the end of the canopy cover restoration period, the combined projected canopy area of all the replacement trees will be equal to the combined canopy area of all the protected trees on the land approved for removal.
- (2) A replacement tree planted under subsection (1) must be at least the minimum size determined under subsection (4) (b).
- (3) If there is not enough space on the land to plant the number of replacement trees required under subsection (1), the person must—
  - (a) plant as many replacement trees as possible on the land; and
  - (b) pay a financial settlement amount equal to the value of the number of replacement trees that are unable to be planted on the land.
- Note* Under the [Act](#), s 36 (2), a canopy contribution agreement is subject to an on-site canopy contribution, a financial settlement or both.
- (4) The Minister may determine the following:
  - (a) the canopy cover restoration period;
  - (b) the minimum size of a replacement tree;
  - (c) the projected canopy area of a replacement tree at the end of the canopy cover restoration period.
- (5) A determination is a disallowable instrument.



## 7 Canopy contribution agreements—financial settlement— Act, s 36 (5) (b)

- (1) For a financial settlement, a person who is the lessee of land must pay the following amount (the *financial settlement amount*):
- (a) for a home owner—\$1 200 for each protected tree on the land approved for removal;
  - (b) for a person other than a home owner—the amount worked out as follows:

$$(AL - AG + RC) \times ZM$$

**AG** means the amount gained, at the end of the canopy cover restoration period, from planting a replacement tree.

**AL** means the amount lost, at the end of the canopy cover restoration period, from removing the protected tree.

**RC** means the cost of planting a replacement tree.

**ZM** means the modifying number (the *zone modifier*) for the zone where the lessee's land is located.

- (2) If the person agrees to make a partial on-site canopy contribution, the financial settlement amount payable may be reduced by an amount equal to the value of the number of replacement trees the person agrees to plant.

*Note* Under the [Act](#), s 36 (2), a canopy contribution agreement is subject to an on-site canopy contribution, a financial settlement or both.

- (3) The financial settlement amount payable by a home owner who holds a Commonwealth concession card is reduced by 50%.
- (4) The Minister may determine the following:
- (a) the amount lost from removing a protected tree;
  - (b) the amount gained from planting a replacement tree;
  - (c) the canopy cover restoration period;

- (d) the cost of planting a replacement tree;
- (e) the zone modifier for a zone.
- (5) A determination is a disallowable instrument.
- (6) In this section:

***Commonwealth concession card*** means any of the following cards:

- (a) a current health care card issued under the *Social Security Act 1991* (Cwlth);
- (b) a current pensioner concession card issued under the *Social Security Act 1991* (Cwlth);
- (c) a current pensioner concession card issued in relation to a pension under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth);
- (d) a current gold card.

***gold card*** means a card known as the Repatriation Health Card For All Conditions that evidences a person's eligibility, under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth), to be provided with treatment for all injuries or diseases.

***zone*** means an area identified as a zone in the [territory plan](#).

## Part 3 Tree bonds

### 8 Tree bond agreements—Act, s 92 (3)

The following documents are prescribed:

- (a) a report stating the condition of the protected tree;
- (b) a statement setting out—
  - (i) how the applicant proposes to protect the tree from damage (the *protection measures*); and

**Examples—protection measures**

fencing, signage

- (ii) how the protection measures are in accordance with any government policy relating to tree protection.

**Example—government policy relating to tree protection**

tree management plan guidelines

### 9 Tree bond amount—Act, s 93 (5) (a)

- (1) The amount of a tree bond is—
  - (a) for a registered tree—the greater of—
    - (i) \$3 000; and
    - (ii) 3 times the value of the tree; and
  - (b) for any other tree—the amount decided by the decision-maker.
- (2) For subsection (1) (b), the amount must be—
  - (a) at least—
    - (i) \$3 000; or
    - (ii) if the value of the tree is more than \$3 000—the value of the tree; but
  - (b) not more than 3 times the value of the tree.

- (3) The value of a tree is worked out as follows:

$$AL - AG + RC$$

*AG*—see section 7 (1).

*AL*—see section 7 (1).

*RC*—see section 7 (1).

**10 Tree bond amount and period—matters decision-maker must and may consider—Act, s 93 (5) (b)**

- (1) This section applies if a decision-maker is deciding—
- (a) the amount of a tree bond; or
  - (b) the period for which a tree bond has effect.
- (2) The decision-maker—
- (a) must take into account the following:
    - (i) for a young tree—the cost of replacing the tree;
    - (ii) whether the applicant for a tree bond agreement has a history of not complying with the Act or the repealed Act;
    - (iii) whether the decision-maker has previously refused to refund the amount of a tree bond to the applicant; and
  - (b) may take into account the following:
    - (i) the condition of the tree to which the tree bond relates;
    - (ii) the risk of damage to the tree, taking into consideration the tree's species;

- (iii) the tree's proximity to any activity to be carried out for a plan, permit or development mentioned in the [Act](#), section 92 (1) (a).

**Examples—activities that may be carried out**  
demolition, excavation, construction

- (3) In this section:

*repealed Act* means the [Tree Protection Act 2005](#).

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions relevant to this regulation. For example:

- document
- in relation to
- land
- person (see s 160).

*Note 2* Terms used in this regulation have the same meaning that they have in the [Urban Forest Act 2023](#). For example, the following terms are defined in the [Act](#), dict:

- canopy contribution agreement (see s 35 (3))
- decision-maker
- financial settlement
- on-site canopy contribution
- protected tree (see s 9)
- registered tree (see s 10)
- tree bond (see s 92 (2) (b))
- tree bond agreement.

***canopy cover restoration period***, for part 2 (Canopy contribution agreements)—see section 5.

***financial settlement amount***, for part 2 (Canopy contribution agreements)—see section 7 (1).

***home owner***, for part 2 (Canopy contribution agreements)—see section 5.

***replacement trees***, for part 2 (Canopy contribution agreements)—see section 6 (1).

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the [Legislation Act 2001](#), part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3      Legislation history

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**3      Legislation history**

**Urban Forest Regulation 2023 SL2023-39**  
notified LR 15 December 2023  
s 1, s 2 commenced 15 December 2023 (LA s 75 (1))  
remainder commenced 1 January 2024 (s 2 and see [Urban Forest Act 2023](#) A2023-14, s 2)

**4      Amendment history**

**Commencement**  
s 2                      om LA s 89 (4)

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