



Australian Capital Territory

Urban Forest Regulation 2023

SL2023-39

made under the

Urban Forest Act 2023

Republication No 2

Effective: 10 September 2024

Republication date: 10 September 2024

Last amendment made by [SL2024-28](#)

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 10 September 2024. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 10 September 2024.

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):

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

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

Editorial changes

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 includes 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). 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

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[Urban Forest Act 2023](#)

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

- (1) In this part:

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

common property—see the *Unit Titles Act 2001*, section 13.

financial settlement amount—see section 7 (1).

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

- (a) the person—
 - (i) is the lessee of land; and
 - (ii) provides written evidence that they—
 - (A) have been living on the land for at least 2 years; or
 - (B) intend to live on the land for at least 2 years; or
- (b) for land that is the common property of a units plan—the person is an owners corporation holding the lease for the land, but only when the corporation is not—
 - (i) an applicant for development approval for development involving the removal of a protected tree on the land; or
 - (ii) an approval-holder in relation to development involving the removal of a protected tree on the land.

Note The owners corporation is granted a lease for the common property on registration of a units plan (see *Unit Titles Act 2001*, s 33 (2) (b)).

owner, in relation to a unit in a units plan—see the *Unit Titles Act 2001*, dictionary.

owners corporation, for a units plan—see the [Unit Titles \(Management\) Act 2011](#), dictionary.

parcel, in relation to a units plan—see the [Unit Titles Act 2001](#), section 5 (b).

replacement tree, in relation to the removal of a protected tree from land, means a tree to be planted on the land to replace the protected tree as part of an on-site canopy contribution under a canopy contribution agreement.

units plan—see the [Unit Titles Act 2001](#), dictionary.

unit subsidiary—see the [Unit Titles Act 2001](#), section 12.

- (2) In this section:

approval-holder—see the [Planning Act 2023](#), dictionary.

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

- (1) In working out an on-site canopy contribution for an applicant who is a home owner, the number of replacement trees for each protected tree approved for removal is—
- (a) if the decision-maker is satisfied it is feasible to plant 2 replacement trees—2 trees; or
 - (b) in any other case—as near as practicable to, but not more than, 2 trees.
- (2) In considering the feasibility of planting a replacement tree for subsection (1), if the land where the protected tree is located is part of a unit or the common property of a units plan, the decision-maker may only consider—
- (a) if the applicant is an owner of a unit in the units plan—the land shown on the units plan as the owner’s unit, including any unit subsidiary annexed to the unit; and

- (b) if the applicant is the owners corporation for the units plan—the common property of the units plan.
- (3) In working out an on-site canopy contribution for an applicant other than a home owner, the decision-maker must be satisfied 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 approved for removal.
- (4) The size of a replacement tree for an on-site canopy contribution must be at least the minimum size determined under subsection (5) (b).
- (5) 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.
- (6) A determination is a disallowable instrument.
- (7) In this section:

applicant means a person entering into a canopy contribution agreement under the [Act](#), section 35 in relation to the removal of a protected tree.

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

- (1) In working out the amount to be paid for a financial settlement, an applicant 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 an applicant 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) However, the financial settlement amount payable by an applicant may be reduced by the following amount:

- (a) for a home owner—
- (i) \$600 for each replacement tree the home owner agrees to plant in accordance with an on-site canopy contribution worked out under section 6; and
 - (ii) if the decision-maker is satisfied at least 30% of the land where a protected tree is located is covered by tree canopy when the application is made—\$600 for each replacement tree it is not feasible to plant; and
 - (iii) if the home owner holds a Commonwealth concession card—50% of the amount payable after any deductions under subparagraphs (i) and (ii) are made;
- (b) for an applicant other than a home owner—an amount equal to the value of the number of replacement trees the applicant agrees to plant.

- (3) For subsection (2) (a) (ii), if the land where the protected tree is located is part of a unit or the common property of a units plan, the decision-maker—
- (a) in considering the percentage of the land covered by tree canopy, may consider the whole parcel of land; and
 - (b) in considering the feasibility of planting a replacement tree on the land, may only consider—
 - (i) if the applicant is an owner of a unit in the units plan—the land shown on the units plan as the owner’s unit, including any unit subsidiary annexed to the unit; and
 - (ii) if the applicant is the owners corporation for the units plan—the common property of the units plan.
- (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:

applicant—see section 6 (7).

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](#).

7A Canopy contribution agreements—exemption considerations for home owners—Act, s 39 (3) (b)

- (1) If the applicant under the [Act](#), section 21 is a home owner, the matters in subsection (2) are prescribed in relation to the land where the protected tree is located.
- (2) The decision-maker must consider—
 - (a) whether at least 30% of the land is predicted to be covered by tree canopy immediately after the protected tree is removed; and
 - (b) if at least 30% of the land is predicted to be covered by tree canopy immediately after the protected tree is removed—the feasibility of planting a replacement tree on the land.
- (3) For subsection (2), if the land where the protected tree is located is part of a unit or the common property of a units plan, the decision-maker—
 - (a) in considering the percentage of the land predicted to be covered by tree canopy, may consider the whole parcel of land; and

- (b) in considering the feasibility of planting a replacement tree on the land, may only consider—
 - (i) if the applicant is an owner of a unit in the units plan—the land shown on the units plan as the owner’s unit, including any unit subsidiary annexed to the unit; and
 - (ii) if the applicant is the owners corporation for the units plan—the common property of the units 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
 - (ii) how the protection measures are in accordance with any government policy relating to tree protection.

Examples—protection measures

fencing, signage

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
- development approval
- 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 (1).

common property, for part 2 (Canopy contribution agreements)—see the [Unit Titles Act 2001](#), section 13.

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

home owner, for part 2 (Canopy contribution agreements)—see section 5 (1).

owner, in relation to a unit in a units plan, for part 2 (Canopy contribution agreements)—see the [Unit Titles Act 2001](#), dictionary.

owners corporation, for a units plan, for part 2 (Canopy contribution agreements)—see the [Unit Titles \(Management\) Act 2011](#), dictionary.

parcel, in relation to a units plan, for part 2 (Canopy contribution agreements)—see the [Unit Titles Act 2001](#), section 5 (b).

replacement tree, for part 2 (Canopy contribution agreements)—see section 5 (1).

units plan, for part 2 (Canopy contribution agreements)—see the [Unit Titles Act 2001](#), dictionary.

unit subsidiary, for part 2 (Canopy contribution agreements)—see the [Unit Titles Act 2001](#), section 12.

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

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)

as amended by

[Urban Forest Amendment Regulation 2024 \(No 1\)](#) SL2024-28

notified LR 9 September 2024

s 1, s 2 commenced 9 September 2024 (LA s 75 (1))

remainder commenced 10 September 2024 (s 2)

4 Amendment history

Commencement

s 2 om LA s 89 (4)

Definitions—pt 2

s 5 sub [SL2024-28](#) s 4
def **canopy cover restoration period** sub [SL2024-28](#) s 4
def **common property** ins [SL2024-28](#) s 4
def **financial settlement amount** sub [SL2024-28](#) s 4
def **home owner** sub [SL2024-28](#) s 4
def **owner** ins [SL2024-28](#) s 4
def **owners corporation** ins [SL2024-28](#) s 4
def **parcel** ins [SL2024-28](#) s 4
def **replacement tree** ins [SL2024-28](#) s 4
def **replacement trees** om [SL2024-28](#) s 4
def **units plan** ins [SL2024-28](#) s 4
def **unit subsidy** ins [SL2024-28](#) s 4

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

s 6 am [SL2024-28](#) s 5, s 6; ss renum R2 LA

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

s 7 am [SL2024-28](#) ss 7-10

Canopy contribution agreements—exemption considerations for home owners—Act, s 39 (3) (b)

s 7A ins [SL2024-28](#) s 11

Dictionary

dict

am [SL2024-28](#) s 12def **canopy cover restoration period** am [SL2024-28](#) s 13def **common property** ins [SL2024-28](#) s 14def **home owner** am [SL2024-28](#) s 15def **owner** ins [SL2024-28](#) s 16def **owners corporation** ins [SL2024-28](#) s 16def **parcel** ins [SL2024-28](#) s 16def **replacement tree** ins [SL2024-28](#) s 16def **replacement trees** om [SL2024-28](#) s 17def **units plan** ins [SL2024-28](#) s 18def **unit subsidiary** ins [SL2024-28](#) s 18**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Jan 2024	1 Jan 2024— 9 Sept 2024	not amended	new regulation

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