



Australian Capital Territory

Urban Forest (Consequential Amendments) Act 2023

A2023-52

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Australian Capital Territory

Urban Forest (Consequential Amendments) Act 2023

A2023-52

An Act to amend legislation because of the enactment of the *Urban Forest Act 2023*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Urban Forest (Consequential Amendments) Act 2023*.

2 Commencement

This Act commences on the commencement of the *Urban Forest Act 2023*, section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended—sch 1

This Act amends the legislation mentioned in schedule 1.

Schedule 1 Legislation amended

(see s 3)

Part 1.1 ACT Civil and Administrative Tribunal Act 2008

[1.1] Section 22P (1)

omit

- *Tree Protection Act 2005*

substitute

- [Urban Forest Act 2023](#)

[1.2] Section 32 (2), note

omit

Tree Protection Act 2005

substitute

[Urban Forest Act 2023](#)

[1.3] Section 48 (2) (d) etc

omit

Tree Protection Act 2005

substitute

[Urban Forest Act 2023](#)

in

- section 48 (2) (d)
- sections 77 to 79
- section 86 (2)

Part 1.2 City Renewal Authority and Suburban Land Agency Act 2017

[1.4] Section 36B (3) (a) (ii)

substitute

- (ii) if the proposed plan involves works that may affect a registered tree or regulated tree under the *Urban Forest Act 2023*—the conservator of flora and fauna;
- (iia) if the proposed plan involves works that may affect a public tree under the *Urban Forest Act 2023*—the director-general responsible for that Act;

Part 1.3 Heritage Act 2004

[1.5] Section 3B (4)

substitute

- (4) In this section:

urban forest—see the *Urban Forest Act 2023*, section 7.

urban tree means a tree in the urban forest.

Note In addition to the protections under this Act, the *Urban Forest Act 2023* also protects trees of heritage significance, including Aboriginal cultural trees, in the urban forest (see that [Act](#), pt 3 and pt 4).

[1.6] Section 61A

substitute

61A Definitions—pt 10A

In this part:

Aboriginal cultural tree—see the *Urban Forest Act 2023*, dictionary.

decision-maker—see the *Urban Forest Act 2023*, dictionary.

tree damaging activity means an activity to which an application under the *Urban Forest Act 2023*, section 21 applies.

tree management plan—see the *Urban Forest Act 2023*, dictionary.

[1.7] Section 61B (1) (b) (i)

substitute

- (i) is an Aboriginal cultural tree; or

[1.8] Section 61B (3) and (4)

substitute

- (3) The council or representative Aboriginal organisation, as the case requires—
 - (a) may give the decision-maker written advice about the proposed tree-damaging activity, or tree management plan proposal or application, set out in the notice; and
 - (b) if the council or representative Aboriginal organisation decides to give written advice—must give the decision-maker advice—
 - (i) in accordance with section 61C; and
 - (ii) within the period mentioned in—
 - (A) for a proposed tree damaging activity—the *Urban Forest Act 2023*, section 26; or

(B) for a tree management plan proposal or application—
that [Act](#), section 83.

(4) In this section:

tree protection notice means a notice given to the council or a representative Aboriginal organisation by—

- (a) for a proposed tree damaging activity—the decision-maker under the [Urban Forest Act 2023](#), section 25; or
- (b) for a tree management plan proposal or application—the decision-maker under that [Act](#), section 82.

[1.9] Section 61C (1) and (2)

omit

conservator

substitute

decision-maker

[1.10] Section 61C (2) (a) (i)

substitute

- (i) the Aboriginal cultural tree; or

[1.11] Section 61D (1) (a)

omit

conservator

substitute

decision-maker

[1.12] Section 61D (1) (b)

substitute

- (b) the decision-maker makes a decision under the *Urban Forest Act 2023* in relation to the proposed activity, or plan proposal or application that is substantially consistent with the advice of the entity.

[1.13] Section 61D (2)

omit

conservator

substitute

decision-maker

[1.14] Section 61D (3) (a)

substitute

- (a) was not required to be provided under the *Urban Forest Act 2023* for the decision-maker to make a decision about a tree damaging activity or tree management plan under that Act; and

[1.15] Dictionary, new definition of *Aboriginal cultural tree*

insert

Aboriginal cultural tree, for part 10A (Tree damaging activity etc)—see the *Urban Forest Act 2023*, dictionary.

[1.16] Dictionary, definition of *Aboriginal heritage tree*

omit

[1.17] Dictionary, definition of *decision-maker*

substitute

decision-maker—

- (a) for part 10A (Tree damaging activity etc)—see the [Urban Forest Act 2023](#), dictionary; and
- (b) for part 17 (Notification and review of decisions)—see section 112.

[1.18] Dictionary, definition of *tree management plan*

substitute

tree management plan, for part 10A (Tree damaging activity etc)—see the [Urban Forest Act 2023](#), dictionary.

Part 1.4 Nature Conservation Act 2014

[1.19] Section 139, definitions of *built-up urban area* and *damage*

substitute

built-up urban area—see the [Urban Forest Act 2023](#), section 8.

damage a tree—

- (a) includes the following:
 - (i) kill or destroy the tree;
 - (ii) poison the tree;
 - (iii) ringbark the tree (whether partially or completely);
 - (iv) fell or remove the tree;
 - (v) lop or pollard the tree;
 - (vi) remove a hollow from the tree;

- (vii) anything else done to or in relation to the tree that—
 - (A) is likely to cause it to die; or
 - (B) significantly reduces its life expectancy; or
 - (C) significantly and adversely affects its health, stability or general appearance; but
- (b) does not include any cultural heritage practice undertaken in relation to the tree.

Examples—subpar (vii)

- 1 remove, cut or break a branch of the tree
- 2 contaminate soil around a protected tree by spilling chemicals or washing down construction products, such as cement, on the soil

[1.20] New section 139 (2)

insert

- (2) In this section:

hollow—see the *Urban Forest Act 2023*, section 14 (3).

lop a tree means cut branches or stems of the tree between branch unions.

pollard a tree means remove branches of the tree to a previously pruned or lopped point.

[1.21] Section 140 (2), except note

substitute

- (2) This section does not apply to a person if—
- (a) the person is a public servant exercising a function as a public servant; or
 - (b) the person is authorised to take the plant under a development approval under the *Planning Act 2023*, chapter 7; or

- (c) the person only takes seeds from the plant for domestic use; or
- (d) an exception under the *Urban Forest Act 2023*, section 18 (Exceptions—tree damaging and prohibited groundwork offences) applies.

[1.22] Section 144 (2), except note

substitute

- (2) This section does not apply to a person if—
 - (a) the person is a public servant exercising a function as a public servant; or
 - (b) the person is authorised to engage in the conduct constituting the offence under a development approval under the *Planning Act 2023*, chapter 7; or
 - (c) an exception under the *Urban Forest Act 2023*, section 18 (Exceptions—tree damaging and prohibited groundwork offences) applies.

[1.23] New section 145 (2) (e)

before the note, insert

- (e) an exception under the *Urban Forest Act 2023*, section 18 (Exceptions—tree damaging and prohibited groundwork offences) applies.

Part 1.5 Planning Act 2023

[1.24] Section 3, note 1

omit

‘declared site’—see the *Tree Protection Act 2005*, dictionary.’ means that the term ‘declared site’

substitute

‘district’—see the *Districts Act 2002*, dictionary.’ means that the term ‘district’

[1.25] New section 170 (1) (e)

insert

(e) if the authority is satisfied that the proposed development is likely to affect a protected tree or declared site—to the conservator of flora and fauna.

[1.26] Section 185 (5)

after

regulated tree

insert

or a public tree

[1.27] Section 185 (6), new definition of *public tree*

insert

public tree—see the *Urban Forest Act 2023*, section 9, definition of *protected tree*, paragraph (a) (iii).

[1.28] New section 187 (1) (f)

insert

- (f) if the application is for approval of a development that includes works in a declared site or the protection zone of a protected tree under the *Urban Forest Act 2023*—must include a condition that the development comply with any of the following that apply in relation to the declared site or the tree:
- (i) a tree management plan;
 - (ii) a canopy contribution agreement;
 - (iii) a tree bond agreement;
 - (iv) any other agreement or undertaking to do something or not do something in relation to the declared site or the tree.

[1.29] New section 187 (2) (q)

insert

- (q) for an approval of a development that proposes to remove a protected tree under the *Urban Forest Act 2023*, section 21—the applicant must enter into a canopy contribution agreement in relation to the tree’s removal.

[1.30] New section 187 (6)

insert

- (6) In this section:
- canopy contribution agreement*—see the *Urban Forest Act 2023*, section 35 (3).
- tree bond agreement*—see the *Urban Forest Act 2023*, section 92 (2).

[1.31] Section 189 (1) (d)

after

registered tree

insert

, remnant tree located on land outside the built-up urban area

[1.32] Section 189 (7), definition of *registered tree*

substitute

registered tree—see the [Urban Forest Act 2023](#), section 10.

[1.33] Section 189 (7), new definition of *remnant tree*

insert

remnant tree—see the [Urban Forest Act 2023](#), section 12.

[1.34] Section 430 (1) (f)

substitute

(f) if the order relates to the pruning of a protected tree—
the decision-maker under the [Urban Forest Act 2023](#);

Note Pruning of a protected tree may be restricted under the [Urban Forest Act 2023](#), pt 3.

[1.35] Section 430 (3)

omit

[1.36] Dictionary, definition of *declared site*

substitute

declared site—see the [Urban Forest Act 2023](#), dictionary.

- (ii) section 32 (Approval in urgent circumstances or for minor works).

[1.43] Schedule 1, section 1.137 (2)

substitute

- (2) In this section:

damage a protected tree—see the *Urban Forest Act 2023*, section 14.

Note **Damage** includes killing, destroying, felling or removing all or part of a protected tree (see *Urban Forest Act 2023*, s 14).

prohibited groundwork—see the *Urban Forest Act 2023*, section 15.

Note **Prohibited groundwork** includes contaminating, compacting or excavating soil in a protected tree's protection zone or damaging the protected tree's root system (see *Urban Forest Act 2023*, s 15).

protection zone, for a protected tree—see the *Urban Forest Act 2023*, section 13.

Part 1.7 Planning (General) Regulation 2023

[1.44] Section 33 (1) (b)

omit

Part 1.8 Public Unleased Land Act 2013

[1.45] New section 19 (4) (a) (iv)

insert

- (iv) damage a protected tree, or be prohibited groundwork in the protection zone of a protected tree; and

[1.46] New section 19 (5) (c)

insert

- (c) cause unacceptable damage to a protected tree.

Note Under the *Urban Forest Act 2023*, s 92, an applicant for a work approval may be required to enter into a tree bond agreement if a protected tree is at risk of damage because of work carried out under the approval.

[1.47] New section 19 (7)

after the examples, insert

- (7) In this section:

prohibited groundwork—see the *Urban Forest Act 2023*, section 15.

[1.48] Section 30

substitute

30 Definitions—div 2.6

In this division:

leased land—see the *Urban Forest Act 2023*, dictionary.

registered tree—see the *Urban Forest Act 2023*, section 10.

tree damaging activity approval means an approval under the *Urban Forest Act 2023*—

- (a) section 28 (Approval application—decision); or
(b) section 32 (Approval in urgent circumstances or for minor works).

[1.49] Section 31 (1)

after

a tree or other plant

insert

on leased land

[1.50] Section 31 (3)

substitute

- (3) However, if the tree or other plant is a registered tree and the pruning would or may damage the tree, a tree damaging activity approval for the pruning must be in force before the director-general issues the plant pruning direction.

Note A tree damaging activity approval is not needed for a regulated tree because anything done in relation to a regulated tree under a plant pruning direction is an exception to an offence under the *Urban Forest Act 2023*, s 16 or s 17 (see that [Act](#), s 18 (1) (e) (i)).

[1.51] Section 31 (4) (f)

omit

tree protection approval

substitute

tree damaging activity approval

[1.52] Section 34 (1)

after

tree or other plant

insert

on leased land

[1.53] Section 34 (3)

substitute

- (3) However, if the tree or other plant is a registered tree, a tree damaging activity approval for the removal must be in force before the director-general issues the plant removal direction.

Note A tree damaging activity approval is not needed for a regulated tree because anything done in relation to a regulated tree under a plant removal direction is an exception to an offence under the *Urban Forest Act 2023*, s 16 or s 17 (see that *Act*, s 18 (1) (e) (ii)).

[1.54] Section 34 (4) (e)

omit

tree protection approval

substitute

tree damaging activity approval

[1.55] New section 45 (2) (d) (ii) (C)

insert

- (C) the location of any protected trees on the public unleased land.

[1.56] Section 50, definition of *suitability information*, new paragraph (a) (via)

insert

- (via) if there is a protected tree on the public unleased land—any risks that the placement of the object may pose to the tree, and how those risks are to be minimised;

[1.57] Section 50, definition of *suitability information*, new paragraph (b) (iva)

insert

- (iva) if there is a protected tree on the public unleased land—any risks that the holding of the event may pose to the tree, and how those risks are to be minimised;

[1.58] Section 57 (4), new example and note

insert

- 4 that stated measures be put in place to avoid damage to a protected tree on the land

Note Under the *Urban Forest Act 2023*, s 92 an applicant for a public unleased land permit may be required to enter into a tree bond agreement if a protected tree is at risk of damage because of an activity to be carried out for the permit.

[1.59] Dictionary, definition of *damage*

substitute

damage a protected tree—see the *Urban Forest Act 2023*, section 14.

[1.60] Dictionary, new definitions

insert

leased land, for division 2.6 (Trees and other plants affecting public unleased land)—see the *Urban Forest Act 2023*, dictionary.

protected tree—see the *Urban Forest Act 2023*, section 9.

[1.61] Dictionary, definition of *registered tree*

substitute

registered tree, for division 2.6 (Trees and other plants affecting public unleased land)—see the *Urban Forest Act 2023*, section 10.

[1.62] Dictionary, new definition of *tree damaging activity approval*

insert

tree damaging activity approval, for division 2.6 (Trees and other plants affecting public unleased land)—see section 30.

[1.63] Dictionary, definition of *tree protection approval*

omit

Part 1.9 Surveyors Act 2007

[1.64] Section 45 (1) (f), new note

insert

Note The *Urban Forest Act 2023* includes offences for damaging protected trees. However, minor pruning of a regulated tree does not constitute damaging the tree (see *Urban Forest Act 2023*, s 14).

Part 1.10 Trespass on Territory Land Act 1932

[1.65] New section 7 (2)

insert

(2) In this section:

protected tree—see the *Urban Forest Act 2023*, section 9.

tree does not include a protected tree.

Part 1.11 Urban Forest Act 2023

[1.66] Section 3, note 1

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.67] Section 7, definition of *urban forest*, paragraph (c) and note

substitute

(c) any area that is the subject of a subdivision design application.

Note An area of land ceases to be in a future urban area if the [territory plan](#) is amended because of the approval of a subdivision design application for the land (see [Planning Act 2023](#), s 44 (2)).

[1.68] Section 8 (1), definition of *built-up urban area*, paragraphs (b) and (c)

substitute

(b) includes an area that is a verge of a road, and the road is in or adjacent to a zone mentioned in paragraph (a); but

(c) does not include the following areas:

(i) a reserve;

(ii) an area in the hills, ridges and buffer zone (NUZ3);

(iii) a rural lease.

[1.69] Section 8 (4)

substitute

(4) In this section:

reserve—see the *Nature Conservation Act 2014*, section 169.

rural lease—see the *Planning Act 2023*, section 256.

[1.70] Section 9, definition of *protected tree*, paragraph (b) (ii)

substitute

(ii) an area that is the subject of a subdivision design application.

[1.71] Section 25 (2) (b)

omit

given to the council under the *Planning and Development Act 2007*, section 148

substitute

referred to the council under the *Planning Act 2023*, section 170 or section 171

[1.72] Sections 29 (1) (c) and 31 (2) (c)

substitute

(c) the territory planning authority.

[1.73] Section 34, definition of *decision-maker*

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.74] Section 35 (2)

substitute

- (2) This section also applies if—
- (a) a person applies under the *Planning Act 2023*, chapter 7 (Development assessment and approvals) for approval of a development that proposes to remove a protected tree; and
 - (b) the territory planning authority approves the development proposal in accordance with the *Planning Act 2023*.

Note For a simplified outline of this Act, pt 6 (Development applications—conservator’s advice) and the *Planning Act 2023*, ch 7 (Development assessment and approvals), see s 106.

[1.75] Section 35 (3), note

omit

Planning and Development Act 2007

substitute

Planning Act 2023

[1.76] Section 69 (4) (a) (ii)

substitute

- (ii) the territory planning authority; and

[1.77] Section 78 (4), note

substitute

Note If the territory planning authority approves a development application that relates to a regulated tree or a public tree, the authority may also approve a tree management plan for the tree under the *Planning Act 2023*, s 185 (5).

[1.78] Section 82 (3) (b)

omit

given to the council under the *Planning and Development Act 2007*, section 148

substitute

referred to the council under the *Planning Act 2023*, section 170 or section 171

[1.79] Section 105, definition of *development*

omit

Planning and Development Act 2007, chapter 7

substitute

Planning Act 2023, chapter 7

[1.80] Section 106

substitute

106 Simplified outline—pt 6

The following notes provide a simplified outline of this part and the *Planning Act 2023*, chapter 7 (Development assessment and approvals).

Note 1 Certain development applications to be referred to conservator

The territory planning authority may be required to refer a development application to the conservator (see *Planning Act 2023*, s 170 and s 171).

Note 2 Conservator to give advice about development application

The conservator gives advice to the territory planning authority, within the prescribed number of days, in relation to tree protection and the development (see *Planning Act 2023*, s 172). The conservator may also give the authority advice about tree protection on land subject to development under this Act, s 107.

Note 3 Development approvals subject to tree protection conditions

An approval for a development that includes works in a declared site or the protection zone of a protected tree must include a condition that the development comply with any applicable tree protection conditions, which may include a tree management plan, a canopy contribution agreement, and a tree bond agreement (see [Planning Act 2023](#), s 187 (1) (f)).

Note 4 Conservator's advice to be considered

The conservator's advice must be considered by the decision-maker in deciding a development application referred to the conservator (see [Planning Act 2023](#), s 186 (i), s 189 and s 190).

Note 5 Approvals inconsistent with conservator's advice

A development approval that is inconsistent with the conservator's advice in relation to a regulated tree or a public tree may be given by the decision-maker in certain circumstances (see [Planning Act 2023](#), s 190 (1) (a) (i)).

A development approval that is inconsistent with the conservator's advice in relation to a registered tree, remnant tree or declared site may only be given by the Minister in certain circumstances for a territory priority project (see [Planning Act 2023](#), s 190 (1) (a) (ii)).

[1.81] Section 107 (2)

substitute

- (2) The conservator may give the territory planning authority written advice in relation to the development in accordance with section 108.

Note If the territory planning authority refers a development application or changed application to the conservator under the [Planning Act 2023](#), s 170 or s 171, the conservator must, within the time required under that [Act](#), s 172, give the territory planning authority advice in relation to the development application.

[1.82] Section 108 (1) (b)

omit

Planning and Development Act 2007, section 149

substitute

[Planning Act 2023](#), section 170 or section 171

[1.83] Dictionary, note

omit

- planning and land authority

substitute

- territory planning authority

[1.84] Dictionary, definition of *decision-maker*, paragraph (b)

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

[1.85] Dictionary, definition of *development*, paragraph (a)

substitute

- (a) for this Act generally—see the [Planning Act 2023](#), section 14;
and

[1.86] Dictionary, definition of *development application*

omit

Planning and Development Act 2007, dictionary

substitute

[Planning Act 2023](#), section 166 (1)

[1.87] Dictionary, definition of *development approval*

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

[1.88] Dictionary, definition of *estate development plan*

omit

[1.89] Dictionary, definition of *future urban area*

omit

Planning and Development Act 2007

substitute

[Planning Act 2023](#)

[1.90] Dictionary, new definition of *subdivision design application*

insert

subdivision design application—see the [Planning Act 2023](#), section 43 (1).

[1.93] Section 106 (3) and note

substitute

- (3) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or
- (c) for a protected tree in any other case—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.94] Section 110 heading

substitute

110 Notice about lopping trees etc on private land—network operations

[1.95] Section 110 (3) (d)

substitute

- (d) if paragraph (c) applies—must contain a statement—
- (i) about the effect of subsection (6); and
 - (ii) that the land-holder may need approval under the *Urban Forest Act 2023*, part 3 (Protection of trees) to carry out the activity; and

[1.96] Section 110 (3), new note

insert

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to an activity approved under the *Urban Forest Act 2023*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.97] Section 231 (5) and note

substitute

- (5) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for any other protected tree—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.98] Section 232 (3) and note

substitute

- (3) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or
- (c) for a protected tree in any other case—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.99] Section 236 heading

substitute

236 Notice about lopping trees etc on private land—territory network operations

[1.100] Section 236 (3) (d)

substitute

- (d) if paragraph (c) applies—must contain a statement—
- (i) about the effect of subsection (6); and
 - (ii) that the land-holder may need approval under the *Urban Forest Act 2023*, part 3 (Protection of trees) to carry out the activity; and

[1.101] Section 236 (3), new note

insert

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to an activity approved under the *Urban Forest Act 2023*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.102] Section 249 (1)

after

structure

insert

, tree

[1.103] Section 249 (2)

after

structure

insert

or tree

[1.104] Section 249 (4) (a)

after

structure

insert

, tree

[1.105] Section 249 (7) and (9) (a)

after

structure

insert

or tree

[1.106] Section 249 (10)

substitute

- (10) Any work undertaken under this section in relation to a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for any other protected tree—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.107] Section 249 (11), definition of *person given the notice*, paragraph (a)

after

structure

insert

or tree

[1.108] Dictionary, new definition of *protected tree*

insert

protected tree—see the [Urban Forest Act 2023](#), section 9.

Part 1.13 Utilities (Technical Regulation) Act 2014

[1.109] Section 32 (1) and (3) (a)

after

structure

insert

, tree

[1.110] Section 32 (6) and (9) (a)

after

structure

insert

or tree

[1.111] Section 32 (10)

substitute

- (10) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for any other protected tree—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.112] Section 41D (8) and note

substitute

- (8) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or
- (c) for a protected tree in any other case—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.113] Section 41H (4) and note

substitute

- (4) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or
- (c) for a protected tree in any other case—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.114] Section 41I (9)

substitute

- (9) Any work undertaken under this section that affects a protected tree is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree or do prohibited groundwork in the tree's protection zone (see that *Act*, s 16 and s 17). However, the offences do not apply to—

- (a) for a public or regulated tree—anything done in relation to the tree under this section; or
- (b) for a registered or remnant tree, if the work is undertaken for protecting life or property in urgent circumstances—anything done in relation to the tree under this section; or
- (c) for a protected tree in any other case—an activity approved under that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

[1.115] Dictionary, new definition of *protected tree*

insert

protected tree—see the *Urban Forest Act 2023*, section 9.

Part 1.14 Utility Networks (Public Safety) Regulation 2001

[1.116] Section 25 (1), new note

insert

Note Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a protected tree (see that *Act*, s 16). However, the offences do not apply to an activity approved under the *Urban Forest Act 2023*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).

Endnotes

- 1 **Presentation speech**
Presentation speech made in the Legislative Assembly on 25 October 2023.
- 2 **Notification**
Notified under the [Legislation Act](#) on 11 December 2023.
- 3 **Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Urban Forest (Consequential Amendments) Bill 2023, which was passed by the Legislative Assembly on 28 November 2023.

Clerk of the Legislative Assembly

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