

2023

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Transport and City Services)

# Urban Forest (Consequential Amendments) Bill 2023

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J2022-777

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2023

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Transport and City Services)

# Urban Forest (Consequential Amendments) Bill 2023

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## A Bill for

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

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

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J2022-777

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

1 **1 Name of Act**

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

3 **2 Commencement**

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

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

8 **3 Legislation amended—sch 1**

9 This Act amends the legislation mentioned in schedule 1.

1 **Schedule 1**            **Legislation amended**

2 (see s 3)

3 **Part 1.1**                    **ACT Civil and Administrative**  
4 **Tribunal Act 2008**

5 **[1.1] Section 22P (1)**

6 *omit*

- 7 • *Tree Protection Act 2005*

8 *substitute*

- 9 • *Urban Forest Act 2023*

10 **[1.2] Section 32 (2), note**

11 *omit*

12 *Tree Protection Act 2005*

13 *substitute*

14 *Urban Forest Act 2023*

15 **[1.3] Section 48 (2) (d) etc**

16 *omit*

17 *Tree Protection Act 2005*

18 *substitute*

19 *Urban Forest Act 2023*

20 *in*

- 21 • section 48 (2) (d)  
22 • sections 77 to 79  
23 • section 86 (2)

1 **Part 1.2** **City Renewal Authority and**  
2 **Suburban Land Agency Act 2017**

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

4 *substitute*

5 (ii) if the proposed plan involves works that may affect a  
6 registered tree or regulated tree under the *Urban Forest*  
7 *Act 2023*—the conservator of flora and fauna;

8 (iia) if the proposed plan involves works that may affect a  
9 public tree under the *Urban Forest Act 2023*—the  
10 director-general responsible for that Act;

11 **Part 1.3** **Heritage Act 2004**

12 **[1.5] Section 3B (4)**

13 *substitute*

14 (4) In this section:

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

16 *urban tree* means a tree in the urban forest.

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

1 **[1.6] Section 61A**

2 *substitute*

3 **61A Definitions—pt 10A**

4 In this part:

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

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

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

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

10 **[1.7] Section 61B (1) (b) (i)**

11 *substitute*

- 12 (i) is an Aboriginal cultural tree; or

13 **[1.8] Section 61B (3) and (4)**

14 *substitute*

- 15 (3) The council or representative Aboriginal organisation, as the case  
16 requires—

17 (a) may give the decision-maker written advice about the proposed  
18 tree-damaging activity, or tree management plan proposal or  
19 application, set out in the notice; and

20 (b) if the council or representative Aboriginal organisation decides  
21 to give written advice—must give the decision-maker advice—

22 (i) in accordance with section 61C; and

23 (ii) within the period mentioned in—

24 (A) for a proposed tree damaging activity—the *Urban*  
25 *Forest Act 2023*, section 26; or

- 1 (B) for a tree management plan proposal or application—  
2 that [Act](#), section 83.
- 3 (4) In this section:
- 4 *tree protection notice* means a notice given to the council or a  
5 representative Aboriginal organisation by—
- 6 (a) for a proposed tree damaging activity—the decision-maker  
7 under the [Urban Forest Act 2023](#), section 25; or
- 8 (b) for a tree management plan proposal or application—  
9 the decision-maker under that [Act](#), section 82.

10 **[1.9] Section 61C (1) and (2)**

11 *omit*  
12 conservator  
13 *substitute*  
14 decision-maker

15 **[1.10] Section 61C (2) (a) (i)**

16 *substitute*  
17 (i) the Aboriginal cultural tree; or

18 **[1.11] Section 61D (1) (a)**

19 *omit*  
20 conservator  
21 *substitute*  
22 decision-maker



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

2 *substitute*

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

7 **[1.13] Section 61D (2)**

8 *omit*

9 conservator

10 *substitute*

11 decision-maker

12 **[1.14] Section 61D (3) (a)**

13 *substitute*

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

17 **[1.15] Dictionary, new definition of *Aboriginal cultural tree***

18 *insert*

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

21 **[1.16] Dictionary, definition of *Aboriginal heritage tree***

22 *omit*

- 1    **[1.17]    Dictionary, definition of *decision-maker***
- 2            *substitute*
- 3            *decision-maker*—
- 4            (a) for part 10A (Tree damaging activity etc)—see the *Urban*
- 5                            *Forest Act 2023*, dictionary; and
- 6            (b) for part 17 (Notification and review of decisions)—
- 7                            see section 112.

- 8    **[1.18]    Dictionary, definition of *tree management plan***
- 9            *substitute*
- 10           *tree management plan*, for part 10A (Tree damaging activity etc)—
- 11                            see the *Urban Forest Act 2023*, dictionary.

## 12    **Part 1.4                            Nature Conservation Act 2014**

- 13    **[1.19]    Section 139, definitions of *built-up urban area* and**
- 14            ***damage***
- 15            *substitute*
- 16            *built-up urban area*—see the *Urban Forest Act 2023*, section 8.
- 17            *damage* a tree—
- 18            (a) includes the following:
- 19                            (i) kill or destroy the tree;
- 20                            (ii) poison the tree;
- 21                            (iii) ringbark the tree (whether partially or completely);
- 22                            (iv) fell or remove the tree;
- 23                            (v) lop or pollard the tree;
- 24                            (vi) remove a hollow from the tree;

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

8 **Examples—subpar (vii)**

- 9 1 remove, cut or break a branch of the tree  
10 2 contaminate soil around a protected tree by spilling chemicals or washing  
11 down construction products, such as cement, on the soil

12 **[1.20] New section 139 (2)**

13 *insert*

14 (2) In this section:

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

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

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

20 **[1.21] Section 140 (2), except note**

21 *substitute*

22 (2) This section does not apply to a person if—

23 (a) the person is a public servant exercising a function as a public  
24 servant; or

25 (b) the person is authorised to take the plant under a development  
26 approval under the *Planning Act 2023*, chapter 7; or

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

5                    **[1.22] Section 144 (2), except note**

6                    *substitute*

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

16                    **[1.23] New section 145 (2) (e)**

17                    *before the note, insert*

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

1 **Part 1.5** **Planning Act 2023**

2 **[1.24] Section 3, note 1**

3 *omit*

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

6 *substitute*

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

8 **[1.25] New section 170 (1) (e)**

9 *insert*

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

13 **[1.26] Section 185 (5)**

14 *after*

15 regulated tree

16 *insert*

17 or a public tree

18 **[1.27] Section 185 (6), new definition of *public tree***

19 *insert*

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

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

2 *insert*

3 (f) if the application is for approval of a development that includes  
4 works in a declared site or the protection zone of a protected tree  
5 under the *Urban Forest Act 2023*—must include a condition that  
6 the development comply with any of the following that apply in  
7 relation to the declared site or the tree:

8 (i) a tree management plan;

9 (ii) a canopy contribution agreement;

10 (iii) a tree bond agreement;

11 (iv) any other agreement or undertaking to do something or not  
12 do something in relation to the declared site or the tree.

13 **[1.29] New section 187 (2) (q)**

14 *insert*

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

19 **[1.30] New section 187 (6)**

20 *insert*

21 (6) In this section:

22 *canopy contribution agreement*—see the *Urban Forest Act 2023*,  
23 section 35 (3).

24 *tree bond agreement*—see the *Urban Forest Act 2023*, section 92 (2).

1 **[1.31] Section 189 (1) (d)**

2 *after*

3 registered tree

4 *insert*

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

6 **[1.32] Section 189 (7), definition of *registered tree***

7 *substitute*

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

9 **[1.33] Section 189 (7), new definition of *remnant tree***

10 *insert*

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

12 **[1.34] Section 430 (1) (f)**

13 *substitute*

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

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

18 **[1.35] Section 430 (3)**

19 *omit*

20 **[1.36] Dictionary, definition of *declared site***

21 *substitute*

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

1    **[1.37]    Dictionary, new definition of *protected tree***  
2                *insert*  
3                *protected tree*—see the [Urban Forest Act 2023](#), section 9.

4    **[1.38]    Dictionary, definition of *tree management plan***  
5                *substitute*  
6                *tree management plan*—see the [Urban Forest Act 2023](#), dictionary.

## 7    **Part 1.6                                    Planning (Exempt Development)** 8    **Regulation 2023**

9    **[1.39]    Schedule 1, section 1.1, definition of *built-up urban area***  
10                *substitute*  
11                *built-up urban area*—see the [Urban Forest Act 2023](#), section 8.

12   **[1.40]    Schedule 1, section 1.2**  
13                *omit*

14   **[1.41]    Schedule 1, section 1.13 (1) (d)**  
15                *substitute*  
16                (d) the [Urban Forest Act 2023](#).

17   **[1.42]    Schedule 1, section 1.137 (1) (b)**  
18                *substitute*  
19                (b) the activity is authorised by, and carried out in accordance with  
20                    any conditions of, an approval under the [Urban Forest](#)  
21                    [Act 2023](#)—  
22                    (i) section 28 (Approval application—decision); or



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

3 **[1.43] Schedule 1, section 1.137 (2)**

4 *substitute*

5 (2) In this section:

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

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

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

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

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

15 **Part 1.7 Planning (General)**  
16 **Regulation 2023**

17 **[1.44] Section 33 (1) (b)**

18 *omit*

19 **Part 1.8 Public Unleased Land Act 2013**

20 **[1.45] New section 19 (4) (a) (iv)**

21 *insert*

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

1 **[1.46] New section 19 (5) (c)**

2 *insert*

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

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

8 **[1.47] New section 19 (7)**

9 *after the examples, insert*

10 (7) In this section:

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

12 **[1.48] Section 30**

13 *substitute*

14 **30 Definitions—div 2.6**

15 In this division:

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

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

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

20 (a) section 28 (Approval application—decision); or

21 (b) section 32 (Approval in urgent circumstances or for minor  
22 works).

1 **[1.49] Section 31 (1)**

2 *after*  
3 a tree or other plant  
4 *insert*  
5 on leased land

6 **[1.50] Section 31 (3)**

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

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

16 **[1.51] Section 31 (4) (f)**

17 *omit*  
18 tree protection approval  
19 *substitute*  
20 tree damaging activity approval

21 **[1.52] Section 34 (1)**

22 *after*  
23 tree or other plant  
24 *insert*  
25 on leased land

1 **[1.53] Section 34 (3)**

2 *substitute*

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

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

10 **[1.54] Section 34 (4) (e)**

11 *omit*

12 tree protection approval

13 *substitute*

14 tree damaging activity approval

15 **[1.55] New section 45 (2) (d) (ii) (C)**

16 *insert*

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

19 **[1.56] Section 50, definition of *suitability information*, new  
20 paragraph (a) (via)**

21 *insert*

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

1 **[1.57] Section 50, definition of *suitability information*, new**  
2 **paragraph (b) (iva)**

3 *insert*

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

7 **[1.58] Section 57 (4), new example and note**

8 *insert*

9 4 that stated measures be put in place to avoid damage to a protected tree on the  
10 land

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

15 **[1.59] Dictionary, definition of *damage***

16 *substitute*

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

18 **[1.60] Dictionary, new definitions**

19 *insert*

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

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

23 **[1.61] Dictionary, definition of *registered tree***

24 *substitute*

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

1    **[1.62]        Dictionary, new definition of *tree damaging activity***  
2                         ***approval***

3                         *insert*

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

6    **[1.63]        Dictionary, definition of *tree protection approval***

7                         *omit*

8                         **Part 1.9                         Surveyors Act 2007**

9    **[1.64]        Section 45 (1) (f), new note**

10                        *insert*

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

14                        **Part 1.10                        Trespass on Territory Land**  
15                        **Act 1932**

16    **[1.65]        New section 7 (2)**

17                        *insert*

18                        (2) In this section:

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

20                        *tree* does not include a protected tree.

1 **Part 1.11** **Urban Forest Act 2023**

2 **[1.66] Section 3, note 1**

3 *omit*

4 *Planning and Development Act 2007*

5 *substitute*

6 *Planning Act 2023*

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

9 *substitute*

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

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

14 **[1.68] Section 8 (1), definition of *built-up urban area*,**  
15 **paragraphs (b) and (c)**

16 *substitute*

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

19 (c) does not include the following areas:

20 (i) a reserve;

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

22 (iii) a rural lease.

1 **[1.69] Section 8 (4)**

2 *substitute*

3 (4) In this section:

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

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

6 **[1.70] Section 9, definition of *protected tree*, paragraph (b) (ii)**

7 *substitute*

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

10 **[1.71] Section 25 (2) (b)**

11 *omit*

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

14 *substitute*

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

17 **[1.72] Sections 29 (1) (c) and 31 (2) (c)**

18 *substitute*

19 (c) the territory planning authority.

20 **[1.73] Section 34, definition of *decision-maker***

21 *omit*

22 *Planning and Development Act 2007*

23 *substitute*

24 *Planning Act 2023*



1 **[1.74] Section 35 (2)**

2 *substitute*

3 (2) This section also applies if—

4 (a) a person applies under the *Planning Act 2023*, chapter 7  
5 (Development assessment and approvals) for approval of a  
6 development that proposes to remove a protected tree; and

7 (b) the territory planning authority approves the development  
8 proposal in accordance with the *Planning Act 2023*.

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

12 **[1.75] Section 35 (3), note**

13 *omit*

14 *Planning and Development Act 2007*

15 *substitute*

16 *Planning Act 2023*

17 **[1.76] Section 69 (4) (a) (ii)**

18 *substitute*

19 (ii) the territory planning authority; and

20 **[1.77] Section 78 (4), note**

21 *substitute*

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

1 **[1.78] Section 82 (3) (b)**  
2 *omit*  
3 given to the council under the *Planning and Development Act 2007*,  
4 section 148  
5 *substitute*  
6 referred to the council under the *Planning Act 2023*, section 170 or  
7 section 171

8 **[1.79] Section 105, definition of *development***  
9 *omit*  
10 *Planning and Development Act 2007*, chapter 7  
11 *substitute*  
12 *Planning Act 2023*, chapter 7

13 **[1.80] Section 106**  
14 *substitute*

15 **106 Simplified outline—pt 6**  
16 The following notes provide a simplified outline of this part and the  
17 *Planning Act 2023*, chapter 7 (Development assessment and  
18 approvals).

19 *Note 1 Certain development applications to be referred to conservator*  
20 The territory planning authority may be required to refer a development  
21 application to the conservator (see *Planning Act 2023*, s 170 and s 171).

22 *Note 2 Conservator to give advice about development application*  
23 The conservator gives advice to the territory planning authority, within  
24 the prescribed number of days, in relation to tree protection and the  
25 development (see *Planning Act 2023*, s 172). The conservator may also  
26 give the authority advice about tree protection on land subject to  
27 development under this Act, s 107.

- 1                    *Note 3*    *Development approvals subject to tree protection conditions*  
2                    An approval for a development that includes works in a declared site or  
3                    the protection zone of a protected tree must include a condition that the  
4                    development comply with any applicable tree protection conditions,  
5                    which may include a tree management plan, a canopy contribution  
6                    agreement, and a tree bond agreement (see *Planning Act 2023*,  
7                    s 187 (1) (f)).
- 8                    *Note 4*    *Conservator's advice to be considered*  
9                    The conservator's advice must be considered by the decision-maker in  
10                    deciding a development application referred to the conservator  
11                    (see *Planning Act 2023*, s 186 (i), s 189 and s 190).
- 12                    *Note 5*    *Approvals inconsistent with conservator's advice*  
13                    A development approval that is inconsistent with the conservator's advice  
14                    in relation to a regulated tree or a public tree may be given by the  
15                    decision-maker in certain circumstances (see *Planning Act 2023*,  
16                    s 190 (1) (a) (i)).  
17                    A development approval that is inconsistent with the conservator's advice  
18                    in relation to a registered tree, remnant tree or declared site may only be  
19                    given by the Minister in certain circumstances for a territory priority  
20                    project (see *Planning Act 2023*, s 190 (1) (a) (ii)).

21    **[1.81]    Section 107 (2)**

- 22                    *substitute*
- 23                    (2) The conservator may give the territory planning authority written  
24                    advice in relation to the development in accordance with section 108.
- 25                    *Note*        If the territory planning authority refers a development application or  
26                    changed application to the conservator under the *Planning Act 2023*,  
27                    s 170 or s 171, the conservator must, within the time required under that  
28                    *Act*, s 172, give the territory planning authority advice in relation to the  
29                    development application.

1 **[1.82] Section 108 (1) (b)**

2 *omit*

3 *Planning and Development Act 2007*, section 149

4 *substitute*

5 *Planning Act 2023*, section 170 or section 171

6 **[1.83] Dictionary, note**

7 *omit*

- 8
  - planning and land authority

9 *substitute*

- 10
  - territory planning authority

11 **[1.84] Dictionary, definition of *decision-maker*, paragraph (b)**

12 *omit*

13 *Planning and Development Act 2007*

14 *substitute*

15 *Planning Act 2023*

16 **[1.85] Dictionary, definition of *development*, paragraph (a)**

17 *substitute*

18 (a) for this Act generally—see the *Planning Act 2023*, section 14;  
19 and

1 **[1.86] Dictionary, definition of *development application***

2 *omit*

3 *Planning and Development Act 2007*, dictionary

4 *substitute*

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

6 **[1.87] Dictionary, definition of *development approval***

7 *omit*

8 *Planning and Development Act 2007*

9 *substitute*

10 [Planning Act 2023](#)

11 **[1.88] Dictionary, definition of *estate development plan***

12 *omit*

13 **[1.89] Dictionary, definition of *future urban area***

14 *omit*

15 *Planning and Development Act 2007*

16 *substitute*

17 [Planning Act 2023](#)

18 **[1.90] Dictionary, new definition of *subdivision design***  
19 ***application***

20 *insert*

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

1 **[1.91] Dictionary, definition of *tree management plan*,**  
2 **paragraph (b)**

3      *omit*

4      *Planning and Development Act 2007*, section 162 (6)

5      *substitute*

6      [Planning Act 2023](#), section 185 (5)

7 **Part 1.12 Utilities Act 2000**

8 **[1.92] Section 105 (5) and note**

9      *substitute*

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

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

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

1 **[1.93] Section 106 (3) and note**

2 *substitute*

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

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

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

15 **[1.94] Section 110 heading**

16 *substitute*

17 **110 Notice about lopping trees etc on private land—network**  
18 **operations**

19 **[1.95] Section 110 (3) (d)**

20 *substitute*

21 (d) if paragraph (c) applies—must contain a statement—

- 22 (i) about the effect of subsection (6); and  
23 (ii) that the land-holder may need approval under the *Urban*  
24 *Forest Act 2023*, part 3 (Protection of trees) to carry out  
25 the activity; and

1 **[1.96] Section 110 (3), new note**

2 *insert*

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

8 **[1.97] Section 231 (5) and note**

9 *substitute*

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

12 *Note* Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a  
13 protected tree or do prohibited groundwork in the tree's protection zone  
14 (see that *Act*, s 16 and s 17). However, the offences do not apply to—  
15 (a) for a public or regulated tree—anything done in relation to the tree  
16 under this section; or  
17 (b) for any other protected tree—an activity approved under that *Act*,  
18 s 28 or s 32 (see that *Act*, s 18 (1) (c)).

19 **[1.98] Section 232 (3) and note**

20 *substitute*

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

23 *Note* Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a  
24 protected tree or do prohibited groundwork in the tree's protection zone  
25 (see that *Act*, s 16 and s 17). However, the offences do not apply to—  
26 (a) for a public or regulated tree—anything done in relation to the tree  
27 under this section; or  
28 (b) for a registered or remnant tree, if the work is undertaken for  
29 protecting life or property in urgent circumstances—anything done  
30 in relation to the tree under this section; or  
31 (c) for a protected tree in any other case—an activity approved under  
32 that *Act*, s 28 or s 32 (see that *Act*, s 18 (1) (c)).



1 **[1.99] Section 236 heading**

2 *substitute*

3 **236 Notice about lopping trees etc on private land—territory**  
4 **network operations**

5 **[1.100] Section 236 (3) (d)**

6 *substitute*

7 (d) if paragraph (c) applies—must contain a statement—

8 (i) about the effect of subsection (6); and

9 (ii) that the land-holder may need approval under the *Urban*  
10 *Forest Act 2023*, part 3 (Protection of trees) to carry out  
11 the activity; and

12 **[1.101] Section 236 (3), new note**

13 *insert*

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

19 **[1.102] Section 249 (1)**

20 *after*

21 structure

22 *insert*

23 , tree

1    **[1.103]    Section 249 (2)**

2            *after*  
3            structure  
4            *insert*  
5            or tree

6    **[1.104]    Section 249 (4) (a)**

7            *after*  
8            structure  
9            *insert*  
10          , tree

11   **[1.105]    Section 249 (7) and (9) (a)**

12          *after*  
13          structure  
14          *insert*  
15          or tree

16   **[1.106]    Section 249 (10)**

17          *substitute*  
18          (10) Any work undertaken under this section in relation to a protected tree  
19          is subject to the *Urban Forest Act 2023*, part 3 (Protection of trees).  
20          *Note*        Under the *Urban Forest Act 2023*, pt 3 it is an offence to damage a  
21                    protected tree or do prohibited groundwork in the tree's protection zone  
22                    (see that *Act*, s 16 and s 17). However, the offences do not apply to—  
23                    (a) for a public or regulated tree—anything done in relation to the tree  
24                    under this section; or  
25                    (b) for any other protected tree—an activity approved under that *Act*,  
26                    s 28 or s 32 (see that *Act*, s 18 (1) (c)).

1 **[1.107] Section 249 (11), definition of *person given the notice*,**  
2 **paragraph (a)**

3 *after*

4 structure

5 *insert*

6 or tree

7 **[1.108] Dictionary, new definition of *protected tree***

8 *insert*

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

10 **Part 1.13 Utilities (Technical Regulation)**  
11 **Act 2014**

12 **[1.109] Section 32 (1) and (3) (a)**

13 *after*

14 structure

15 *insert*

16 , tree

17 **[1.110] Section 32 (6) and (9) (a)**

18 *after*

19 structure

20 *insert*

21 or tree

1 **[1.111] Section 32 (10)**

2 *substitute*

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

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

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

12 **[1.112] Section 41D (8) and note**

13 *substitute*

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

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

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

1 **[1.113] Section 41H (4) and note**

2 *substitute*

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

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

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

15 **[1.114] Section 41I (9)**

16 *substitute*

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

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

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

29 **[1.115] Dictionary, new definition of *protected tree***

30 *insert*

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

