

2026

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for City and Government Services)

# Urban Forest and Planning Legislation Amendment Bill 2026

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Legislation amended 2
4	Legislation repealed 2
<b>Part 2</b>	<b>Planning Act 2023</b>
5	New part 7.1A 3
6	When authority must refer development application Section 170 (1) (e) 8

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	Page	
7	Deciding development applications New section 185 (5A) and (5B)	9
8	Section 185 (6), definitions of <i>public tree</i> and <i>regulated tree</i>	9
9	Considerations when deciding development applications New section 186 (m)	9
10	Conditional approvals Section 187 (1) (f) (i)	9
11	Section 187 (6), new definition of <i>approved tree management plan</i>	10
12	Section 187 (6), definition of <i>canopy contribution agreement</i>	10
13	Restrictions on development approval New section 189 (1) (da)	10
14	Section 189 (7), new definition of <i>built-up urban area</i>	10
15	Dictionary, new definition of <i>canopy contribution agreement</i>	10
16	Dictionary, definition of <i>development approval</i>	11
17	Dictionary, new definitions	11
<b>Part 3</b>	<b>Planning (General) Regulation 2023</b>	
18	New part 4A	12
<b>Part 4</b>	<b>Urban Forest Act 2023</b>	
19	Objects of Act Section 6 (a)	17
20	Section 6 (c)	17
21	New section 6 (e) to (g)	17
22	Meaning of <i>built-up urban area</i> Section 8 (1), definition of <i>built-up urban area</i> , paragraphs (a) (v) and (b)	18
23	New section 8 (1A)	18
24	Section 8 (4), new definitions	18
25	Meaning of <i>protected tree</i> Section 9, definition of <i>protected tree</i> , paragraph (a) (iii)	19
26	Section 9, definition of <i>protected tree</i> , paragraph (b) (ii)	19
27	Meaning of <i>regulated tree</i> Section 11 (1), definition of <i>regulated tree</i> , paragraph (a) (ii)	19
28	Section 11 (1), definition of <i>regulated tree</i> , paragraph (a) (iv)	19
<hr/>		
contents 2	Urban Forest and Planning Legislation Amendment Bill 2026	

## Contents

---

	Page	
29	New section 11A	20
30	Meaning of <i>protection zone</i> for protected tree Section 13 (2)	20
31	Meaning of <i>damage</i> Section 14 (3), definition of <i>minor pruning</i>	20
32	Meaning of <i>prohibited groundwork</i> Section 15 (1)	21
33	New section 15 (3)	22
34	New section 15A	22
35	New section 17A	23
36	Exceptions—tree damaging and prohibited groundwork offences Section 18 (1) (c)	23
37	Section 18 (1) (d) (i)	23
38	Section 18 (1) (d) (iv) and (v)	23
39	New section 18 (1) (da) and (db)	24
40	New section 18 (1) (dc)	24
41	Application for approval of tree damaging etc activity New section 21 (2) (d) to (f)	24
42	New section 21 (2A) and (2B)	25
43	Approval application—assessment of tree Section 23, examples	25
44	Section 23, examples, new dot point	25
45	Sections 28 and 29	26
46	Operation of approval Section 30 (1) and (2)	29
47	Cancellation of approval Section 31 (3) (d)	30
48	Section 32	30
49	Offence—contravene condition of approval Section 33 (1)	33
50	Definitions—sdiv 3.3.2 Section 34, definition of <i>decision-maker</i>	33
51	Section 34, definition of <i>financial settlement</i>	33
52	Section 34, definition of <i>on-site canopy contribution</i>	34

## Contents

---

	Page	
53	Decision on approval application—canopy contribution agreements New section 35 (2A)	34
54	Section 35 (3), note	34
55	New section 35 (4) (e)	34
56	Canopy contribution agreements—conditions Section 36 (1)	35
57	Section 36 (2)	35
58	Section 36 (3) and (4)	35
59	New section 36 (6) and (7)	36
60	Criteria for tree protection directions Section 43 (1)	36
61	New section 43 (1A)	36
62	Section 46	36
63	Tree reparation directions Section 48 (1), examples 1 and 2	37
64	Tree register Section 53 (2)	37
65	Cancellation of registration of dead tree Section 70 (1)	37
66	Sections 78 to 80	38
67	Section 81 heading	39
68	Section 81	39
69	Section 82 heading	39
70	Section 82 (1) (a)	39
71	Section 82 (2)	39
72	Section 82 (3) and (4)	39
73	Tree management plans—time for referral entity to give advice Section 83	40
74	Section 83 (a)	40
75	Tree management plans—effect of no response by heritage council Section 84	40
76	Tree management plans—decision Section 85 (1)	40
77	Section 85 (2), (3) and note	40

Contents

	Page
78 Section 85 (4) (a)	40
79 Section 85 (4) (c)	41
80 Sections 86 to 88	41
81 Offence—contravene tree management plan Section 90 (1)	42
82 Tree bonds and tree bond agreements Section 92 (1) (a) (i)	42
83 Advisory panel—functions Section 100 (a) (ii)	43
84 New division 5.4	43
85 Simplified outline—pt 6 Section 106, new note	46
86 Land subject to development—conservator may give advice about tree protection New section 107 (1A)	46
87 Conservator’s advice about tree protection Section 108 (3) (b) (i)	46
88 Applications for internal review Section 133 (2)	47
89 Delegation of decision-maker’s functions New section 141 (3)	47
90 Section 145	47
91 New part 10	48
92 Internally reviewable decisions Schedule 1, part 1.1, item 1	52
93 Schedule 1, part 1.1, item 4, column 2	53
94 Schedule 1, part 1.1, item 5, column 2	53
95 Schedule 1, part 1.1, item 9, column 4	53
96 Reviewable decisions Schedule 1, part 1.2, new item 6A	53
97 Dictionary, new definition of <i>approved tree management plan</i>	54
98 Dictionary, definition of <i>decision-maker</i>	54
99 Dictionary, definition of <i>financial settlement</i>	54
100 Dictionary, definition of <i>on-site canopy contribution</i>	54
101 Dictionary, definition of <i>public tree</i>	55

	Page	
102	Dictionary, new definition of <i>rectification direction</i>	55
103	Dictionary, definition of <i>tree management plan</i>	55
<b>Part 5</b>	<b>Urban Forest Regulation 2023</b>	
104	Dictionary Section 3, note 1	56
105	New section 4A	56
106	New part 1A	57
107	New sections 4C and 4D	57
108	Definitions—pt 2 Section 5 (1), new definition of <i>applicant</i>	60
109	Section 5 (1), definition of <i>financial settlement amount</i>	60
110	Section 5 (1), definition of <i>home owner</i>	60
111	Section 5 (1), new definitions	60
112	New section 5A	60
113	Section 6 heading	63
114	Section 6 (1)	63
115	New section 6 (2A)	63
116	New section 6A heading	63
117	Section 6 (3)	64
118	Section 6 (4)	64
119	Section 6 (7)	64
120	Sections 6 (3) to (6)	64
121	Section 7	64
122	Section 7A heading	68
123	Section 7A (1)	68
124	Tree bond agreements—Act, s 92 (3) Section 8 (b) (ii), example	68
125	Tree bond amount—Act, s 93 (5) (a) Section 9 (3)	68
126	New part 4	69
127	Dictionary, note 1	69
128	Dictionary, new definition of <i>applicant</i>	69
129	Dictionary, definition of <i>financial settlement amount</i>	70

## Contents

---

		Page
130	Dictionary, definition of <i>home owner</i>	70
131	Dictionary, new definitions	70
132	Urban Forest Regulation 2023—renumbering	70
<b>Schedule 1</b>	<b>Consequential amendments</b>	<b>71</b>
<b>Part 1.1</b>	<b>Heritage Act 2004</b>	<b>71</b>
<b>Part 1.2</b>	<b>Magistrates Court (Planning Infringement Notices) Regulation 2023</b>	<b>73</b>
<b>Part 1.3</b>	<b>Magistrates Court (Urban Forest Infringement Notices) Regulation 2023</b>	<b>73</b>
<b>Part 1.4</b>	<b>Nature Conservation Act 2014</b>	<b>76</b>
<b>Part 1.5</b>	<b>Planning (Exempt Development) Regulation 2023</b>	<b>76</b>
<b>Part 1.6</b>	<b>Public Unleased Land Act 2013</b>	<b>77</b>
<b>Part 1.7</b>	<b>Utilities Act 2000</b>	<b>77</b>
<b>Part 1.8</b>	<b>Utilities (Technical Regulation) Act 2014</b>	<b>78</b>
<b>Part 1.9</b>	<b>Utility Networks (Public Safety) Regulation 2001</b>	<b>78</b>



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(Minister for City and Government Services)

# Urban Forest and Planning Legislation Amendment Bill 2026

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## A Bill for

An Act to amend legislation about the urban forest and planning, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Urban Forest and Planning Legislation Amendment*  
4 *Act 2026*.

5 **2 Commencement**

6 (1) Section 3, section 39 and part 5 (other than sections 107 and 124)  
7 commence on the day after this Act's notification day.

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

10 (2) The remaining provisions commence 3 months after this Act's  
11 notification day.

12 **3 Legislation amended**

13 This Act amends the legislation mentioned in parts 2 to 5 and  
14 schedule 1.

15 **4 Legislation repealed**

16 The *Urban Forest (Tree Management Plans) Guidelines 2025 (No 1)*  
17 (NI2025-364) is repealed.

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## Part 2 Planning Act 2023

### 5 New part 7.1A

*insert*

## Part 7.1A Development proposals involving tree removals

### 144A Application to remove regulated tree or public tree

- (1) A proponent of a development proposal may apply to the territory planning authority for approval to remove a regulated tree or a public tree affected by the proposed development (a *tree removal application*).
- (2) However, subsection (1) does not apply to a heritage tree or an Aboriginal cultural tree.
- (3) A tree removal application must—
  - (a) be in writing; and
  - (b) if the tree is a regulated tree and the application is made by someone other than the lessee of the land on which the tree is located—be approved in writing by a person prescribed by regulation; and
  - (c) include a site plan for the proposed development; and
  - (d) include anything set out in any guidelines made under section 144G; and
  - (e) include any other information, plan or document prescribed by regulation.

- 1           (4) In this section:  
2                 *Aboriginal cultural tree*—see the *Urban Forest Act 2023*, dictionary.  
3                 *heritage tree*—see the *Urban Forest Act 2023*, dictionary.

4   **144B    More information about tree removal application**

- 5           (1) The territory planning authority may, by written notice, require the  
6                 applicant to give the authority additional information that the  
7                 authority reasonably needs to decide the tree removal application,  
8                 within the time stated in the notice.  
9           (2) If the applicant fails to give the authority the additional information  
10                 within the stated time, the authority may refuse to consider the  
11                 application further.

12   **144C    Decision on tree removal application**

- 13           (1) After receiving a tree removal application, the territory planning  
14                 authority must decide whether to approve the removal of the  
15                 regulated tree or public tree to which the application relates within 10  
16                 working days after the day—  
17                 (a) the authority receives the application; or  
18                 (b) if the applicant was required to give additional information  
19                 under section 144B—the authority receives the additional  
20                 information.  
21           (2) The authority may approve the application if the authority has  
22                 assessed the design of the proposed development to which the  
23                 application relates and is satisfied that—  
24                 (a) removing the tree will facilitate the achievement of a desired  
25                 planning outcome applying to the proposed development under  
26                 the [territory plan](#); and  
27                 (b) the proposed development does not involve a protected matter.

- 1 (3) In making a decision, the authority must consider—
- 2 (a) the desired planning outcomes applying to the proposed
- 3 development under the [territory plan](#); and
- 4 (b) any guidelines made under section 144G; and
- 5 (c) anything else the authority considers relevant.
- 6 (4) An approval must include the condition that the applicant must enter
- 7 into a canopy contribution agreement in relation to the tree's removal.
- 8 (5) An approval may be given subject to any other condition—
- 9 (a) stated in the approval; or
- 10 (b) prescribed by regulation.
- 11 (6) If the authority approves a tree removal application, the authority
- 12 may, under this section—
- 13 (a) if a tree management plan is already in force for the tree—
- 14 approve an amendment of, or replacement for, the tree
- 15 management plan; or
- 16 (b) in any other case—approve a tree management plan for the tree.
- 17 (7) In making a decision under subsection (6), the authority must take
- 18 into account any rules made under the [Urban Forest Act 2023](#), section
- 19 88 (Tree management plans—rules), as if the authority were
- 20 approving a tree management plan under that Act.
- 21 (8) A decision to approve a tree management plan may be given subject
- 22 to stated conditions.

23 **144D Notice of decision**

- 24 (1) The territory planning authority must give written notice of a decision
- 25 made under section 144C on a tree removal application, including any
- 26 decision under section 144C (6) in relation to a tree management plan,
- 27 to—

- 1 (a) the applicant; and
- 2 (b) any prescribed person who approved the application under
- 3 section 144A (3) (b); and
- 4 (c) either—
- 5 (i) if the decision relates to a regulated tree—the conservator
- 6 of flora and fauna; or
- 7 (ii) if the decision relates to a public tree—the director-general
- 8 of the administrative unit responsible for the *Urban Forest*
- 9 *Act 2023*; and
- 10 (d) any other person prescribed by regulation.
- 11 (2) A regulation may prescribe information that must or may be included
- 12 in the notice.

13 **144E Period of approval**

- 14 (1) A decision under section 144C to approve a tree removal application
- 15 does not take effect until—
- 16 (a) either—
- 17 (i) a building approval has been issued under the *Building*
- 18 *Act 2004*, section 28; or
- 19 (ii) for building work that does not require building
- 20 approval—the day the building work starts; and
- 21 (b) the applicant has entered into a canopy contribution agreement
- 22 in relation to the tree’s removal.
- 23 (2) For subsection (1) (a), the approved plans for the building approval
- 24 or, if building approval is not required, the building work must be
- 25 substantially consistent with the approved site plan for the proposed
- 26 development to which the decision relates.

1 (3) An approval under section 144C remains in force for the period stated  
2 in the approval, which must be not more than 5 years after the day the  
3 territory planning authority approves the tree removal application.

4 (4) In this section:

5 *approved plans*, for a building approval—see the *Building Act 2004*,  
6 dictionary.

7 *approved site plan*, for a proposed development, means a site plan for  
8 the proposed development that is—

9 (a) approved by the territory planning authority; and

10 (b) marked with—

11 (i) the location of the tree proposed to be removed; and

12 (ii) any essential design elements.

13 *building approval* means a building approval under the *Building*  
14 *Act 2004* involving the erection or alteration, or the removal or  
15 demolition, of a building.

16 *building work*—see the *Building Act 2004*, dictionary.

17 **144F Offence—contravene condition of approval**

18 (1) A person commits an offence if—

19 (a) the territory planning authority approves a tree removal  
20 application under section 144C; and

21 (b) the approval is subject to a condition; and

22 (c) the person contravenes the condition.

23 Maximum penalty: 60 penalty units.

24 (2) An offence against this section is a strict liability offence.

1 **144G Guidelines**

- 2 (1) The Minister may make guidelines setting out matters that may or  
3 must be considered by the territory planning authority when deciding  
4 whether to approve the removal of a tree under this division.

5 **Examples—matters that may or must be considered**

- 6 1 the design options considered by the proponent of the development proposal  
7 2 the desired planning outcomes under the [territory plan](#) to be achieved by the  
8 proposed development  
9 3 particulars about the tree proposed to be removed, including the type and  
10 quality of the tree, and the location of the tree  
11 4 any unusual or exceptional circumstances applying to the proposed  
12 development

- 13 (2) The Minister must—

- 14 (a) consult with the conservator of flora and fauna in the preparation  
15 of the guidelines; and  
16 (b) consider any advice of the conservator of flora and fauna before  
17 making the guidelines.

- 18 (3) A guideline is a disallowable instrument.

19 **6 When authority must refer development application**  
20 **Section 170 (1) (e)**

21 *omit*

22 the conservator of flora and fauna

23 *substitute*

24 the decision-maker under the [Urban Forest Act 2023](#)

1 **7 Deciding development applications**  
2 **New section 185 (5A) and (5B)**

3 *insert*

4 (5A) In making a decision under subsection (5), the authority must take  
5 into account any rules made under the *Urban Forest Act 2023*, section  
6 88 (Tree management plans—rules), as if the authority were  
7 approving a tree management plan under that Act.

8 (5B) A decision to approve a tree management plan may be given subject  
9 to stated conditions.

10 **8 Section 185 (6), definitions of *public tree* and**  
11 ***regulated tree***

12 *omit*

13 **9 Considerations when deciding development applications**  
14 **New section 186 (m)**

15 *insert*

16 (m) if the territory planning authority previously made a decision  
17 under section 144C about an application to remove a regulated  
18 tree or a public tree—the authority’s decision and the reasons  
19 for the decision.

20 **10 Conditional approvals**  
21 **Section 187 (1) (f) (i)**

22 *substitute*

23 (i) an approved tree management plan;

- 1 **11 Section 187 (6), new definition of *approved tree***  
2 ***management plan***
- 3 *insert*
- 4 *approved tree management plan*—see the [Urban Forest Act 2023](#),  
5 dictionary.
- 6 **12 Section 187 (6), definition of *canopy contribution***  
7 ***agreement***
- 8 *omit*
- 9 **13 Restrictions on development approval**  
10 **New section 189 (1) (da)**
- 11 *insert*
- 12 (da) for development that proposes to remove a regulated tree or a  
13 public tree for which the territory planning authority previously  
14 made a decision about under section 144C and for which the  
15 design of the proposed development is substantially the same—  
16 the authority’s decision;
- 17 **14 Section 189 (7), new definition of *built-up urban area***
- 18 *insert*
- 19 *built-up urban area*—see the [Urban Forest Act 2023](#), section 8.
- 20 **15 Dictionary, new definition of *canopy contribution***  
21 ***agreement***
- 22 *insert*
- 23 *canopy contribution agreement*—see the [Urban Forest Act 2023](#),  
24 section 35 (3).

1 **16 Dictionary, definition of *development approval***

2 *substitute*

3 *development approval*—

4 (a) means approval for a development under chapter 7  
5 (Development assessment and approvals); but

6 (b) does not include approval to remove a tree under part 7.1A  
7 (Development proposals involving tree removals).

8 **17 Dictionary, new definitions**

9 *insert*

10 *public tree*—see the *Urban Forest Act 2023*, section 11A.

11 *regulated tree*—see the *Urban Forest Act 2023*, section 11.

12 *tree removal application*, for part 7.1A (Development proposals  
13 involving tree removals)—see section 144A (1).

1 **Part 3** **Planning (General)**  
2 **Regulation 2023**

3 **18** **New part 4A**

4 *insert*

5 **Part 4A** **Development proposals**  
6 **involving tree removals**

7 **27A** **Approval of application—Act, s 144A (3) (b)**

8 If the land on which a regulated tree is located is subject to a lease,  
9 the application must be approved, in writing, by the lessee of the land.

10 **27B** **Information for application—Act, s 144A (3) (e)**

11 The following information is prescribed:

- 12 (a) a brief description of the proposed development;
- 13 (b) in relation to the applicant—
- 14 (i) the applicant's name; and
- 15 (ii) if the applicant is a company registered under the
- 16 [Corporations Act](#)—the ACN for the company under that
- 17 Act; and
- 18 (iii) the applicant's contact details;
- 19 (c) in relation to the land on which the tree proposed to be removed
- 20 is located—
- 21 (i) the block and section number and division; and
- 22 (ii) the street name and number; and

- 1 (iii) if the land is under a land sublease—the sublease plan  
2 number; and
- 3 (iv) for a tree on public unleased land—a description of the  
4 location of the tree in relation to the location of the  
5 proposed development;
- 6 (d) in relation to the tree proposed to be removed—
- 7 (i) the species of the tree; and
- 8 (ii) a recent photograph of the tree; and
- 9 (iii) a statement about how removing the tree will facilitate a  
10 desired planning outcome being achieved;
- 11 (e) any information required for the applicant to enter into a canopy  
12 contribution agreement in relation to the tree’s proposed  
13 removal;
- 14 (f) if section 27C applies—
- 15 (i) a written statement that section 27C has been complied  
16 with; and
- 17 (ii) a copy of any written information given under  
18 section 27C (2).

19 **27C Notifying neighbouring residents about development**  
20 **proposal**

- 21 (1) This section applies in relation to a development proposal to which a  
22 tree removal application relates if—
- 23 (a) a place (the *adjoining place*) other than unleased land adjoins  
24 the place to which the development proposal relates; and
- 25 (b) the adjoining place has 1 or more dwellings on it.

- 1           (2) The proponent of the development proposal must take reasonable  
2           steps to give the following written information about the proposal to  
3           an occupier (a *resident*) of each dwelling:
- 4           (a) a site plan for the proposed development;
- 5           (b) a brief description of the proposed development;
- 6           (c) information about the tree proposed to be removed, including  
7           the location and species of the tree;
- 8           (d) any additional information required by the territory planning  
9           authority and included in a notice published on the authority  
10          website.
- 11          (3) However, the proponent need not give the written information to a  
12          resident of a dwelling on an adjoining place if the resident is the  
13          proponent or a person for whom the proponent has been appointed to  
14          act as agent.
- 15          (4) The proponent may give the written information to a resident of a  
16          dwelling by leaving it at the dwelling.

17          **Examples**

- 18          1     if the dwelling is an apartment—leaving it in the letterbox for the apartment  
19          2     placing it under a door that gives access into the dwelling

20          *Note*     For how documents may be given, see the [Legislation Act](#), pt 19.5.

- 21          (5) In this section:
- 22          *adjoins*—a place *adjoins* another place if the place touches the other  
23          place, or is separated from the other place only by a road, reserve,  
24          river, watercourse or similar division.
- 25          *resident*, of a dwelling, includes a person believed on reasonable  
26          grounds to be occupying the dwelling.

1     **27D       Plans for application—Act, s 144A (3) (e)**

- 2             (1) The following plans are prescribed:
- 3                 (a) one copy of the site plan for the proposed development in
- 4                         electronic form;
- 5                 (b) if the person to whom the application is made asks for a paper
- 6                         copy of the site plan—3 paper copies of the site plan.
- 7             (2) The site plan must—
- 8                 (a) be marked with the location and size of the tree proposed to be
- 9                         removed, as well as any other trees on the block; and
- 10                (b) include any preliminary drawings or plans of the proposed
- 11                        development on the site, marked with any relevant details.

12                        **Examples—relevant details**

13                        location of buildings, access points, any other development

14     **27E       Notice of decision—information to be included—**

15             **Act, s 144D (2)**

- 16             (1) The notice must include the following information:
- 17                 (a) the date of the application;
- 18                 (b) a brief description of the tree to which the decision relates and
- 19                         its location;
- 20                 (c) a description of the proposed development to which the decision
- 21                         relates;
- 22                 (d) the decision and the reasons for the decision, including the
- 23                         reasons why the authority was or was not satisfied of the matters
- 24                         mentioned in the [Act](#), section 144C (2) (a);
- 25                 (e) the date of the decision;

- 1                   (f) if the application is approved—
- 2                   (i) whether it is approved with conditions and, if so, what the
- 3                   conditions are; and
- 4                   (ii) the date the approval takes effect; and
- 5                   (iii) an approved site plan for the proposed development.
- 6           (2) In this section:
- 7                   *approved site plan*—see the [Act](#), section 144E (4).

1 **Part 4** **Urban Forest Act 2023**

2 **19** **Objects of Act**  
3 **Section 6 (a)**

4 *after*

5 community

6 *insert*

7 health and

8 **20** **Section 6 (c)**

9 *after*

10 biodiversity

11 *insert*

12 and sustainability

13 **21** **New section 6 (e) to (g)**

14 *insert*

15 (e) to provide for long-term strategies for renewing and maintaining  
16 trees; and

17 (f) to recognise the importance of community involvement to  
18 protect and enhance the urban forest; and

19 (g) to support and enhance the Territory's liveability and prosperity.

1 **22** **Meaning of *built-up urban area***  
2 **Section 8 (1), definition of *built-up urban area*,**  
3 **paragraphs (a) (v) and (b)**

4 *substitute*

5 (v) parks and recreation zone (PRZ); and

6 (b) includes an area that is a verge of a road, or a median strip or  
7 roundabout on a road, if the road is in or adjacent to a zone  
8 mentioned in paragraph (a); but

9 **23** **New section 8 (1A)**

10 *insert*

11 (1A) Despite the definition of *built-up urban area*, paragraph (a), a  
12 built-up urban area does not include a future urban area.

13 **24** **Section 8 (4), new definitions**

14 *insert*

15 ***median strip*** means a dividing strip designed or developed to separate  
16 vehicles travelling in opposite directions.

17 ***roundabout*** means an intersection—

18 (a) with either—

19 (i) 1 or more marked lanes, all of which are for the use of  
20 vehicles travelling in the same direction around a central  
21 traffic island; or

22 (ii) room for 1 or more lines of traffic travelling in the same  
23 direction around a central traffic island; and

24 (b) with or without a roundabout sign at each entrance.

1 **25** **Meaning of *protected tree***  
2 **Section 9, definition of *protected tree*, paragraph (a) (iii)**

3 *substitute*

4 (iii) a public tree; and

5 **26** **Section 9, definition of *protected tree*, paragraph (b) (ii)**

6 *substitute*

7 (ii) an area that is—

8 (A) the subject of a subdivision design application; and

9 (B) outside the built-up urban area.

10 **27** **Meaning of *regulated tree***  
11 **Section 11 (1), definition of *regulated tree*,**  
12 **paragraph (a) (ii)**

13 *after*

14 wide

15 *insert*

16 at its widest point

17 **28** **Section 11 (1), definition of *regulated tree*,**  
18 **paragraph (a) (iv)**

19 *omit*

20 , the average circumference of the trunks is at least 625mm, and

1 **29** **New section 11A**

2 *insert*

3 **11A** **Meaning of *public tree***

4 (1) In this Act:

5 *public tree* means a tree on public unleased land.

6 (2) However, a tree is not a public tree if it is a registered tree.

7 **30** **Meaning of *protection zone* for protected tree**  
8 **Section 13 (2)**

9 *omit*

10 a tree management plan

11 *substitute*

12 an approved tree management plan

13 **31** **Meaning of *damage***  
14 **Section 14 (3), definition of *minor pruning***

15 *substitute*

16 *minor pruning*, of a tree, means pruning that—

17 (a) only involves removing deadwood; or

18 (b) does not—

19 (i) involve removing any limbs that have a diameter greater  
20 than 100mm; and

21 (ii) adversely affect the general appearance of the tree; or

22 (c) for a fruit tree—is done for fruit production.

1 **32** **Meaning of *prohibited groundwork***  
2 **Section 15 (1)**

3 *substitute*

4 (1) For this Act, a person does ***prohibited groundwork*** in the protection  
5 zone for a protected tree if the person—

6 (a) does anything prescribed by regulation that—

7 (i) is likely to cause the tree to die; or

8 (ii) significantly reduces the tree's life expectancy; or

9 (iii) significantly and adversely affects the tree's health,  
10 stability or general appearance; or

11 (b) does any of the following:

12 (i) contaminates the soil in the protection zone with  
13 something that is poisonous to trees;

14 (ii) damages the tree's root system in the protection zone;

15 (iii) engages in conduct that would compact the soil in at least  
16 10% of the protection zone;

17 (iv) excavates to a depth greater than 100mm over an area 4m<sup>2</sup>  
18 or larger, other than in cultivating the soil for horticultural  
19 purposes;

20 (v) raises the soil level by more than 100mm above the natural  
21 ground level over an area 4m<sup>2</sup> or larger, other than in  
22 cultivating the soil for horticultural purposes.

23 **Examples—par (ii)—damages protected tree's root system**

24 1 cuts or rips a protected tree's root system, whether by machine or  
25 otherwise

26 2 reduces the permeable surface around a protected tree

27 3 compacts or contaminates the soil around a protected tree

- 1                                   **Examples—par (iii)—conduct that would compact soil**
- 2                                   1    park a heavy vehicle on the soil in a protected tree’s protection zone
- 3                                   2    install a concrete slab or non-permeable pavers over a protected tree’s
- 4                                   protection zone
- 5                                   3    store heavy materials in a protected tree’s protection zone
- 6                                   4    use a compaction machine on the soil in a protected tree’s protection
- 7                                   zone
- 8                                   5    place a shipping container in a protected tree’s protection zone
- 9                                   **Examples—pars (iv) and (v)—cultivation for horticultural purposes**
- 10                                  1    preparing garden beds for planting
- 11                                  2    planting trees and shrubs

12   **33           New section 15 (3)**

13                                  *after the examples, insert*

- 14                                  (3) A regulation may prescribe groundwork that is not prohibited
- 15                                  groundwork.

16   **34           New section 15A**

17                                  *in division 3.1, insert*

18   **15A           Meaning of *tree management plan***

19                                  In this Act:

20                                  *tree management plan* means a plan in relation to a protected tree

21                                  that may—

- 22                                  (a) provide for activities that may be carried out in relation to the
- 23                                  tree; and
- 24                                  (b) include conditions about how the activities are to be carried out.

25                                  *Note*    Anything done in relation to a protected tree in accordance

26                                  with an approved tree management plan for the tree is an exception

27                                  to the offences under sdiv 3.2.1 (Prohibited activities—offences)

28                                  (see s 18 (1) (d) (i)).

1 **35 New section 17A**

2 *in subdivision 3.2.1, insert*

3 **17A Time for beginning prosecution for offences**

4 A prosecution for an offence against section 16 or section 17 must be  
5 begun not later than 2 years after the day the offence is committed.

6 **36 Exceptions—tree damaging and prohibited groundwork  
7 offences**

8 **Section 18 (1) (c)**

9 *substitute*

10 (c) an activity approved under any of the following provisions that  
11 is done in accordance with the conditions (if any) of the approval  
12 (whether or not done by the applicant for the approval):

- 13 (i) section 28;  
14 (ii) section 32;  
15 (iii) section 32A;

16 **37 Section 18 (1) (d) (i)**

17 *substitute*

- 18 (i) an approved tree management plan; or

19 **38 Section 18 (1) (d) (iv) and (v)**

20 *substitute*

- 21 (iv) a rectification direction; or  
22 (v) a declaration made under section 137 (Power to apply or  
23 disapply Act to entities or activities);

**39 New section 18 (1) (da) and (db)**

2 *insert*

- 3 (da) the removal of a protected tree under a development proposal  
4 approved by the territory planning authority under the *Planning*  
5 *Act 2023*, chapter 7 (Development assessment and approvals)  
6 that is done in accordance with the conditions (if any) of the  
7 approval (whether or not done by the applicant for the approval);
- 8 (db) anything done in relation to a protected tree in accordance with  
9 the *Biosecurity Act 2023*;

**Example**

11 anything done to a protected tree under an emergency declaration, control  
12 declaration or biosecurity direction under the *Biosecurity Act 2023*

**40 New section 18 (1) (dc)**

14 *insert*

- 15 (dc) the removal of a regulated tree or a public tree approved by the  
16 territory planning authority under the *Planning Act 2023*,  
17 part 7.1A (Development proposals involving tree removals) that  
18 is done in accordance with the conditions (if any) of the approval  
19 (whether or not done by the applicant for the approval);

**41 Application for approval of tree damaging etc activity  
New section 21 (2) (d) to (f)**

22 *insert*

- 23 (d) if the tree is a public tree and the application is for an activity  
24 mentioned in subsection (1) (a)—a tree management plan for the  
25 tree; or
- 26 (e) if the application is for an activity mentioned in  
27 subsection (1) (b)—a tree management plan for the tree; or
- 28 (f) anything else prescribed by regulation.

**42 New section 21 (2A) and (2B)**

*insert*

(2A) However, the application need not include the written evidence mentioned in subsection (2) (b) if—

(a) the application is for an activity that would or may be prohibited groundwork in the protection zone for a protected tree; and

(b) the groundwork is to be carried out—

(i) on the applicant's land; and

(ii) in accordance with an approved tree management plan.

(2B) If the tree is a protected tree other than a public tree and the application is for an activity mentioned in subsection (1) (a), the application may include a tree management plan for the tree.

**43 Approval application—assessment of tree  
Section 23, examples**

*after*

any of the following

*insert*

in accordance with any identified risk management methodology

**44 Section 23, examples, new dot point**

*after the last dot point, insert*

- whether the tree is or may be affected by any key threatening processes under the *Nature Conservation Act 2014*.

- 1 **45 Sections 28 and 29**
- 2 *substitute*
- 3 **28 Approval application—decision**
- 4 (1) Within the relevant period, the decision-maker for an application
- 5 under section 21 (1) (a)—
- 6 (a) must decide whether to approve the activity to which the
- 7 application relates; and
- 8 (b) may decide to—
- 9 (i) if the applicant included a tree management plan for the
- 10 tree to which the application relates—approve the plan; or
- 11 (ii) propose a tree management plan for the tree.
- 12 *Note* If a decision-maker proposes a tree management plan for a
- 13 protected tree, other provisions apply (see div 5.1).
- 14 (2) Within the relevant period, the decision-maker for an application
- 15 under section 21 (1) (b) must decide whether to approve—
- 16 (a) the activity to which the application relates; and
- 17 (b) the tree management plan for the tree included in the
- 18 application.
- 19 (3) In working out the relevant period, the following must be disregarded:
- 20 (a) any period during which an application is incomplete;
- 21 (b) any period during which a requirement under section 22 (1) is
- 22 not complied with.
- 23 (4) However, the decision-maker may, by written notice given to the
- 24 applicant, extend the period for deciding an application for a stated
- 25 period if, while the decision-maker is considering the application—
- 26 (a) the tree to which the application relates is damaged; and

1 (b) the decision-maker is reasonably satisfied that additional time is  
2 needed to investigate the circumstances that led to the tree's  
3 damage.

4 *Note* The period for deciding an application may also be extended or  
5 suspended in extraordinary circumstances (see s 138).

6 (5) In making a decision on the application, the decision-maker must take  
7 into account the following:

8 (a) the approval criteria;

9 (b) the advice (if any) of the advisory panel;

10 (c) the advice (if any) of an entity to which the application was  
11 given under section 25;

12 (d) anything else the decision-maker considers relevant.

13 (6) A decision to approve the activity may be given subject to conditions  
14 stated in the decision.

15 (7) A decision to approve or propose a tree management plan may be  
16 given subject to stated conditions.

17 (8) If the conservator approves a tree management plan for a registered  
18 tree, the conservator must include details of the plan in the tree  
19 register.

20 (9) This section is subject to section 35 (Decision on approval  
21 application—canopy contribution agreements).

22 *Note* Under s 35, if the decision-maker approves the removal of a protected  
23 tree under this section, the applicant must enter into a canopy contribution  
24 agreement with the decision-maker in relation to the tree's removal.

- 1 (10) In this section:
- 2 *relevant period* means—
- 3 (a) if the conservator asks the advisory panel for advice under
- 4 section 24—35 working days after the day the decision-maker
- 5 receives the application; or
- 6 (b) in any other case—25 working days after the day the
- 7 decision-maker receives the application.

8 **29 Approval application—notice of decision**

- 9 (1) If the decision-maker for an application under section 21 relating to a
- 10 declared site approves the application and tree management plan, the
- 11 decision-maker must give written notice of the decision to the
- 12 following:
- 13 (a) the applicant;
- 14 (b) the lessee of, or custodian for, the land where the site is located;
- 15 (c) the territory planning authority.
- 16 (2) If the decision-maker approves any other application or approves or
- 17 proposes a tree management plan for any other application made
- 18 under section 21, the decision-maker must give written notice of the
- 19 decision to the following:
- 20 (a) the applicant;
- 21 (b) the lessee of, or custodian for, the land where the tree is located;
- 22 (c) the lessee of, or custodian for, the land where the activity is to
- 23 be carried out;
- 24 (d) if the application is for the removal of a tree on leased land—the
- 25 occupier of land that—
- 26 (i) adjoins the land where the tree is located; and
- 27 (ii) is within 50m of the tree;

- 1 (e) if the application relates to a heritage tree—the heritage council;  
2 (f) if the application relates to an Aboriginal cultural tree—the  
3 heritage council and each representative Aboriginal  
4 organisation.
- 5 (3) However, the decision-maker need not—  
6 (a) give more than 1 notice to a particular person; and  
7 (b) if the tree to which the decision relates is a public tree—give  
8 notice to anyone mentioned in subsection (2) (b) to (d).
- 9 (4) The decision-maker may give written notice of the decision to anyone  
10 else the decision-maker considers appropriate.

11 **46 Operation of approval**  
12 **Section 30 (1) and (2)**

13 *substitute*

- 14 (1) Subject to section 133 (Applications for internal review), an approval  
15 of an application under section 21 takes effect on—  
16 (a) if there is no leased land adjoining the land where the tree is  
17 located—the day the notice of the decision is given to the  
18 applicant; or  
19 (b) if the applicant provides written notice that each lessee of land  
20 that adjoins the land where the tree is located has been notified  
21 of the approval—the day the applicant provides the notice; or  
22 (c) in any other case—the date stated in the notice of the decision.
- 23 (2) For subsection (1) (c), the date stated in the notice must be at least  
24 14 working days after the day the notice is given to the applicant.

1 **47 Cancellation of approval**  
2 **Section 31 (3) (d)**

3 *before*

4 the occupier of land

5 *insert*

6 if the application is for the removal of a tree on leased land—

7 **48 Section 32**

8 *substitute*

9 **32 Approval for activity in urgent circumstances**

10 (1) A person may apply to the decision-maker in relation to a protected  
11 tree for approval to carry out an activity on land mentioned in  
12 section 21 (1) if the person believes—

13 (a) the circumstances require the application to be considered  
14 urgently; and

15 (b) the activity is necessary to protect the health or safety of people  
16 or animals, or public or private property.

17 (2) The application may be made orally or in writing.

18 (3) However, if the application is made orally, the applicant must make  
19 a written application as soon as practicable after the oral application  
20 is made.

21 (4) The decision-maker—

22 (a) must decide whether to approve the activity to which the  
23 application relates; and

24 (b) may propose a tree management plan for the tree.

25 *Note* If a decision-maker proposes a tree management plan for a  
26 protected tree, other provisions apply (see div 5.1).

- 1 (5) The decision-maker may approve the activity if satisfied that—
- 2 (a) the circumstances require the application to be considered
- 3 urgently; and
- 4 (b) the activity is necessary to protect the health or safety of people
- 5 or animals, or public or private property.
- 6 (6) The decision-maker must give notice of a decision on the application
- 7 and any proposed tree management plan to the applicant as soon as
- 8 practicable after making the decision or proposal.
- 9 *Note* The decision-maker must also give notice to other people if the
- 10 decision-maker approves a tree management plan (see s 86).
- 11 (7) The notice may be given orally or in writing but the decision-maker
- 12 must make a written record of any notice given orally as soon as
- 13 practicable after giving it.
- 14 (8) The approval may be given subject to conditions stated in the
- 15 approval.
- 16 (9) If the application relates to a heritage tree, the decision-maker must
- 17 give written notice of the approval and any proposed tree
- 18 management plan to the heritage council.
- 19 (10) Unless cancelled sooner, the approval has effect for the period stated
- 20 in the approval.
- 21 (11) If the decision-maker decides not to approve the activity under
- 22 subsection (5), the decision-maker may consider the application made
- 23 under subsection (1) as if it were an application under section 21.

24 **32A Approval for minor works**

- 25 (1) A person may apply, in writing, to the decision-maker in relation to a
- 26 protected tree for approval to carry out an activity on land if—
- 27 (a) the activity would or may be—
- 28 (i) major pruning of the protected tree; or

- 1 (ii) prohibited groundwork in—
- 2 (A) the protection zone for the protected tree; or
- 3 (B) a declared site; and
- 4 (b) the person believes that the activity will have a minor impact on
- 5 the health or stability of the tree.
- 6 (2) Within 10 working days after the decision-maker for an application
- 7 under subsection (1) receives the application, the decision-maker—
- 8 (a) must decide whether to approve the activity to which the
- 9 application relates; and
- 10 (b) may propose a tree management plan for the tree.
- 11 *Note* If a decision-maker proposes a tree management plan for a
- 12 protected tree, other provisions apply (see div 5.1).
- 13 (3) The decision-maker may approve the activity if satisfied that the
- 14 activity will have a minor impact on the health or stability of the tree.
- 15 (4) The decision-maker must give notice of a decision on the application
- 16 and any proposed tree management plan to the applicant as soon as
- 17 practicable after making the decision or proposal.
- 18 *Note* The decision-maker must also give notice to other people if the
- 19 decision-maker approves a tree management plan (see s 86).
- 20 (5) The notice may be given orally or in writing but the decision-maker
- 21 must make a written record of any notice given orally as soon as
- 22 practicable after giving it.
- 23 (6) The approval may be given subject to conditions stated in the
- 24 approval.
- 25 (7) If the application relates to a heritage tree, the decision-maker must
- 26 give written notice of the approval and any proposed tree
- 27 management plan to the heritage council.

- 1 (8) Unless cancelled sooner, the approval has effect for the period stated  
2 in the approval.
- 3 (9) If the decision-maker decides not to approve the activity under  
4 subsection (3), the decision-maker may consider the application made  
5 under subsection (1) as if it were an application under section 21.
- 6 (10) In this section:  
7 *major pruning*—see section 14 (3).

8 **49 Offence—contravene condition of approval**  
9 **Section 33 (1)**

- 10 *omit*  
11 section 28 or section 32  
12 *substitute*  
13 section 28, section 32 or section 32A

14 **50 Definitions—sdiv 3.3.2**  
15 **Section 34, definition of *decision-maker***

- 16 *omit*

17 **51 Section 34, definition of *financial settlement***

- 18 *omit*  
19 section 36 (2) (b)  
20 *substitute*  
21 section 36 (2) (a) (ii)

1 **52 Section 34, definition of *on-site canopy contribution***

2 *omit*

3 section 36 (2) (a)

4 *substitute*

5 section 36 (2) (a) (i)

6 **53 Decision on approval application—canopy contribution**  
7 **agreements**  
8 **New section 35 (2A)**

9 *insert*

10 (2A) This section also applies if—

11 (a) a person applies under the *Planning Act 2023*, part 7.1A  
12 (Development proposals involving tree removals) to remove a  
13 regulated tree or a public tree; and

14 (b) the territory planning authority approves the removal in  
15 accordance with that part.

16 **54 Section 35 (3), note**

17 *omit*

18 **55 New section 35 (4) (e)**

19 *before the note, insert*

20 (e) the approval relates to the removal of a protected tree, other than  
21 a registered tree or a remnant tree, as part of civil infrastructure  
22 works on unleased territory land or national land.

1 **56 Canopy contribution agreements—conditions**  
2 **Section 36 (1)**

3 *omit*

4 an applicant

5 *substitute*

6 a person

7 **57 Section 36 (2)**

8 *substitute*

9 (2) The canopy contribution agreement must be subject to at least one of  
10 the following conditions, as decided by the decision-maker:

11 (a) either or both of the following:

12 (i) the person must make a contribution (an *on-site canopy*  
13 *contribution*) to the tree canopy on the land where the  
14 protected tree is located;

15 (ii) the person must pay an amount (a *financial settlement*) to  
16 the Territory;

17 (b) a condition determined by the Minister.

18 (2A) The agreement must state the condition to which it is subject.

19 **58 Section 36 (3) and (4)**

20 *omit*

21 applicant

22 *substitute*

23 person

- 1 **59 New section 36 (6) and (7)**
- 2 *insert*
- 3 (6) A regulation may prescribe other conditions for canopy contribution
- 4 agreements.
- 5 (7) A determination under subsection (2) (b) is a disallowable instrument.
- 6 **60 Criteria for tree protection directions**
- 7 **Section 43 (1)**
- 8 *after*
- 9 directions
- 10 *insert*
- 11 in relation to protected trees other than public trees
- 12 **61 New section 43 (1A)**
- 13 *insert*
- 14 (1A) The director-general may determine criteria for the giving of tree
- 15 protection directions in relation to public trees.
- 16 **62 Section 46**
- 17 *substitute*
- 18 **46 Offence—fail to comply with tree protection direction**
- 19 (1) A person commits an offence if the person fails to comply with a tree
- 20 protection direction.
- 21 Maximum penalty: 50 penalty units.

1 (2) This section does not apply if the person has a reasonable excuse for  
2 failing to comply with the direction.

3 *Note* The defendant has an evidential burden in relation to the matters  
4 mentioned in s (2) (see [Criminal Code](#), s 58).

5 (3) An offence against this section is a strict liability offence.

6 **63 Tree reparation directions**  
7 **Section 48 (1), examples 1 and 2**

8 *substitute*

9 1 an approval given to the person under s 28, s 32 or s 32A

10 2 an approved tree management plan

11 **64 Tree register**  
12 **Section 53 (2)**

13 *omit*

14 the tree management plan

15 *substitute*

16 the approved tree management plan

17 **65 Cancellation of registration of dead tree**  
18 **Section 70 (1)**

19 *substitute*

20 (1) The conservator may cancel a registered tree's registration if satisfied  
21 on reasonable ground that the tree—

22 (a) has died of natural causes; and

23 (b) no longer satisfies the registration criteria.

- 1 **66** **Sections 78 to 80**
- 2 *substitute*
- 3 **78** **Application—div 5.1**
- 4 This division applies if a decision-maker proposes a tree management
- 5 plan—
- 6 (a) under section 28 (1) (b) (ii), section 32 (4) (b) or
- 7 section 32A (2) (b); or
- 8 (b) on their own initiative under section 79.
- 9 **79** **Tree management plans—proposal**
- 10 A decision-maker in relation to a protected tree may, on their own
- 11 initiative, propose a tree management plan for the tree.
- 12 **80** **Tree management plans—assessment of tree**
- 13 The decision-maker must assess the tree to which a tree management
- 14 plan proposal relates.
- 15 **Examples—assessing tree**
- 16 Assessing a tree may include assessing any of the following in accordance with any
- 17 identified risk management methodology:
- 18 • the health, condition and structure of the tree
- 19 • the ecological significance of the tree
- 20 • the tree’s location, including the tree’s proximity to infrastructure, services
- 21 and construction activity
- 22 • whether the tree is a protected tree
- 23 • whether the tree is or may be affected by any key threatening processes under
- 24 the *Nature Conservation Act 2014*.

1	<b>67</b>	<b>Section 81 heading</b>
2		<i>substitute</i>
3	<b>81</b>	<b>Tree management plans—advisory panel advice on proposal</b>
4		
5	<b>68</b>	<b>Section 81</b>
6		<i>omit</i>
7		or application
8	<b>69</b>	<b>Section 82 heading</b>
9		<i>substitute</i>
10	<b>82</b>	<b>Tree management plans—referral of proposal to other entities</b>
11		
12	<b>70</b>	<b>Section 82 (1) (a)</b>
13		<i>substitute</i>
14		(a) assesses a tree to which a tree management plan proposal relates;
15		and
16	<b>71</b>	<b>Section 82 (2)</b>
17		<i>omit</i>
18		or application
19	<b>72</b>	<b>Section 82 (3) and (4)</b>
20		<i>omit</i>

1 **73 Tree management plans—time for referral entity to give**  
2 **advice**  
3 **Section 83**

4 *omit*  
5 or application

6 **74 Section 83 (a)**

7 *substitute*  
8 (a) 15 working days after the day the decision-maker gives the  
9 proposal to the entity; or

10 **75 Tree management plans—effect of no response by**  
11 **heritage council**  
12 **Section 84**

13 *omit*  
14 or application

15 **76 Tree management plans—decision**  
16 **Section 85 (1)**

17 *omit*  
18 , or receives an application for,

19 **77 Section 85 (2), (3) and note**

20 *omit*

21 **78 Section 85 (4) (a)**

22 *substitute*  
23 (a) any rules made under section 88;

1 **79 Section 85 (4) (c)**

2 *omit*

3 or application

4 **80 Sections 86 to 88**

5 *substitute*

6 **86 Tree management plans—notice of decision**

7 (1) If a decision-maker approves a tree management plan for a tree, the  
8 decision-maker must give written notice of the decision to the  
9 following:

10 (a) the lessee of, or custodian for, the land where the tree is located;

11 (b) the lessee of, or custodian for, the land where the approved  
12 activity is to be carried out;

13 (c) if the tree is on leased land—the occupier of land that—

14 (i) adjoins the land where the tree is located; and

15 (ii) is within 50m of the tree;

16 (d) for a heritage tree—the heritage council;

17 (e) for an Aboriginal cultural tree—the heritage council and each  
18 representative Aboriginal organisation.

19 (2) However, the decision-maker need not—

20 (a) give more than 1 notice to a particular person; and

21 (b) if the tree to which the decision relates is a public tree—give  
22 notice to anyone mentioned in subsection (2) (a) to (c).

23 (3) The decision-maker may give written notice of the decision to anyone  
24 else the decision-maker considers appropriate.

1 **87 Tree management plans—operation**

2 Subject to section 133 (Applications for internal review), an approved  
3 tree management plan takes effect on the date stated in the plan.

4 **88 Tree management plans—rules**

5 (1) The conservator may make rules for tree management plans for  
6 protected trees other than public trees.

7 (2) The director-general may make rules for tree management plans for  
8 public trees.

9 (3) The rules may set out things that must or may be included in a tree  
10 management plan.

11 *Note* The rules may apply, adopt or incorporate an instrument as in force from  
12 time to time (see s 142).

13 (4) A rule under subsection (1) or (2) is a notifiable instrument.

14 **81 Offence—contravene tree management plan**  
15 **Section 90 (1)**

16 *omit*

17 a tree management plan

18 *substitute*

19 an approved tree management plan

20 **82 Tree bonds and tree bond agreements**  
21 **Section 92 (1) (a) (i)**

22 *substitute*

23 (i) an approved tree management plan;

1 **83** **Advisory panel—functions**  
2 **Section 100 (a) (ii)**

3 *substitute*

- 4 (ii) a proposal for a tree management plan under  
5 subdivision 3.3.1 or division 5.1;

6 **84** **New division 5.4**

7 *insert*

8 **Division 5.4** **Rectification directions**

9 **104A** **Rectification directions**

- 10 (1) This section applies if the conservator believes on reasonable grounds  
11 that a tree, other than a registered tree, on leased land—  
12 (a) endangers the health or safety of people or animals; or  
13 (b) is causing, or may cause, substantial damage to public or private  
14 property.  
15 (2) The conservator may give a direction (a *rectification direction*) to do  
16 something to the tree.

17 **Examples—rectification direction**

- 18 • to remove a tree  
19 • to cut the roots of a tree

- 20 (3) A rectification direction—  
21 (a) may be given orally or in writing; and  
22 (b) must identify the tree and the land to which the direction applies;  
23 and  
24 (c) must state when the direction must be complied with.

- 1 (4) If the rectification direction is given orally, the conservator must give  
2 written notice of the direction as soon as possible after the oral  
3 direction is given.

4 **104B Rectification directions—service**

5 A written rectification direction or written notice under  
6 section 104A (4) may be given to the lessee or occupier of the land  
7 where the tree is located by leaving it, secured conspicuously, on or  
8 at the land.

9 **104C Offence—fail to comply with rectification direction**

- 10 (1) A person commits an offence if the person fails to comply with a  
11 rectification direction.

12 Maximum penalty: 50 penalty units.

- 13 (2) This section does not apply if the person has a reasonable excuse for  
14 failing to comply with the direction.

15 *Note* The defendant has an evidential burden in relation to the matters  
16 mentioned in s (2) (see [Criminal Code](#), s 58).

- 17 (3) An offence against this section is a strict liability offence.

18 **104D Contravention of rectification direction—action by  
19 authorised person**

- 20 (1) This section applies if—  
21 (a) the conservator gives a person a rectification direction requiring  
22 the person to do something in relation to a tree; and  
23 (b) the conservator gives the direction because they believe the tree  
24 is causing, or may cause, substantial damage to public property;  
25 and  
26 (c) the person fails to comply with the direction.

- 1 (2) An authorised person, or anyone else authorised by the conservator  
2 for this section, may enter the land where the tree is located and—
- 3 (a) do the thing stated in the direction; or  
4 (b) do or finish any work stated in the direction.
- 5 (3) The reasonable cost incurred by the Territory in doing anything under  
6 subsection (2) is a debt owing to the Territory by the person to whom  
7 the rectification direction was given.
- 8 (4) The conservator must give written notice of the proposed action under  
9 subsection (2) to the person given the rectification direction at least  
10 1 working day before the day the action is to begin.
- 11 (5) The conservator may give written notice of the proposed action under  
12 subsection (2) to anyone else the conservator considers appropriate.
- 13 (6) The notice must include the following:
- 14 (a) a statement about the operation of this section;  
15 (b) the purpose and nature of the proposed action;  
16 (c) the time or times when the action is proposed to be taken;  
17 (d) a statement about the obligations of the authorised person and  
18 the Territory under subsection (8).
- 19 (7) A person may waive the right to all or part of the minimum period of  
20 notice under subsection (4).
- 21 (8) Section 129 (Damage etc to be minimised) and section 130  
22 (Compensation for exercise of enforcement powers) apply to any  
23 action taken under subsection (2) as if—
- 24 (a) it were the exercise of a function under part 7 (Enforcement) by  
25 an authorised person or a person assisting an authorised person;  
26 and  
27 (b) any changes prescribed by regulation, and all other necessary  
28 changes, were made.

1 **85 Simplified outline—pt 6**  
2 **Section 106, new note**

3 *before note 1, insert*

4 *Note 1A Development proposals involving tree removals*

5 The territory planning authority may approve the removal of a regulated  
6 tree or a public tree before a development application is made if the  
7 authority is satisfied that removing the tree will facilitate the achievement  
8 of a desired planning outcome applying to the proposed development  
9 under the [territory plan](#) (see [Planning Act 2023](#), pt 7.1A).

10 **86 Land subject to development—conservator may give**  
11 **advice about tree protection**  
12 **New section 107 (1A)**

13 *insert*

14 (1A) However, this section does not apply if the territory planning  
15 authority has approved the removal of a regulated tree or a public tree  
16 under the [Planning Act 2023](#), part 7.1A (Development proposals  
17 involving tree removals).

18 **87 Conservator’s advice about tree protection**  
19 **Section 108 (3) (b) (i)**

20 *substitute*

21 (i) any rules made under section 88 (Tree management  
22 plans—rules); and

1 **88 Applications for internal review**  
2 **Section 133 (2)**

3 *substitute*

4 (2) The application must be made within the period prescribed by  
5 regulation.

6 (2A) However, the decision-maker may extend the period mentioned in  
7 subsection (2) if satisfied there is good reason to do so.

8 **89 Delegation of decision-maker's functions**  
9 **New section 141 (3)**

10 *insert*

11 (3) Despite subsection (2) (c), the decision-maker may delegate the  
12 function of reviewing a decision under section 134 if the decision is  
13 in relation to a public tree.

14 **90 Section 145**

15 *substitute*

16 **145 Review of Act**

17 (1) The Minister must review the operation and effectiveness of this Act  
18 as soon as practicable 5 years after the commencement of the *Urban*  
19 *Forest and Planning Legislation Amendment Act 2026*, section 3.

20 (2) The Minister must present a report of the review to the Legislative  
21 Assembly as soon as practicable after the report is completed.

22 (3) This section expires 6 years after the day it commences.

**91** **New part 10***insert***Part 10** **Transitional—Urban Forest and  
Planning Legislation Amendment  
Act 2026****146** **Definitions—pt 10**

In this part:

*commencement day* means the day the *Urban Forest and Planning Legislation Amendment Act 2026*, part 4 commences.

*pre-amendment Act* means this Act as in force immediately before the commencement day.

**147** **Applications for approval of tree damaging etc activity  
made before commencement day**

(1) This section applies if—

(a) before the commencement day, a person applied under the pre-amendment Act, section 21 (Application for approval of tree damaging etc activity) for approval for an activity mentioned in that section; and

(b) immediately before the commencement day, the decision-maker had not decided the application.

(2) The pre-amendment Act continues to apply in relation to the application.

- 1           (3) If the application is approved—
- 2               (a) the approval is taken to be an approval under this Act, section 28
- 3               (Assessment application—decision) as amended; and
- 4               (b) this Act as amended applies to the approval.

5       **148       Approvals for tree damaging etc activity in force before**

6       **commencement day**

- 7           (1) This section applies if, immediately before the commencement day,
- 8           a person has an approval for an activity under the pre-amendment Act,
- 9           section 28 (Assessment application—decision).
- 10          (2) The approval—
- 11               (a) continues in force until the time when, under the pre-amendment
- 12               Act, it would have ended; and
- 13               (b) may be extended once under the pre-amendment Act, section 30
- 14               (4) if the application for the extension is made—
- 15                   (i) before the approval expires; and
- 16                   (ii) not later than 6 months after the commencement day.

17       **149       Approvals for tree damaging etc activity in force with**

18       **uncommenced extension**

- 19          (1) This section applies if, immediately before the commencement day—
- 20               (a) a person has an approval for an activity under the
- 21               pre-amendment Act, section 28 (Assessment application—
- 22               decision); and
- 23               (b) an extension of the approval has been granted but has not
- 24               commenced.

- 1           (2) The approval—
- 2               (a) continues in force under the pre-amendment Act; and
- 3               (b) ends at the end of the period for which the approval was
- 4                     extended under the pre-amendment Act before the
- 5                     commencement day.
- 6       **150       Applications for approval of activity in urgent**
- 7                     **circumstances or for minor works made before**
- 8                     **commencement day**
- 9           (1) This section applies if—
- 10               (a) before the commencement day, a person applied under the
- 11                     pre-amendment Act, section 32 (Approval in urgent
- 12                     circumstances or for minor works) for approval for an activity
- 13                     mentioned in that section; and
- 14               (b) immediately before the commencement day, the decision-maker
- 15                     had not decided the application.
- 16           (2) The pre-amendment Act continues to apply in relation to the
- 17                     application.
- 18           (3) If the application is approved—
- 19               (a) the approval is taken to be an approval under this Act—
- 20                     (i) if the approval is for an activity in urgent circumstances—
- 21                         section 32 as amended; or
- 22                     (ii) if the approval is for an activity for minor works—
- 23                         section 32A; and
- 24               (b) this Act as amended applies to the approval.

1 (4) In this section:

2 *minor works*—an activity is for *minor works* if the decision-maker is  
3 satisfied of the matters mentioned in the pre-amendment Act,  
4 section 32 (5).

5 *urgent circumstances*—an activity is in *urgent circumstances* if the  
6 decision-maker is satisfied of the matters mentioned in the  
7 pre-amendment Act, section 32 (4).

8 **151 Approvals of activity in urgent circumstances or for**  
9 **minor works before commencement day**

10 If, immediately before the commencement day, a person has an  
11 approval for an activity under the pre-amendment Act, section 32  
12 (Approval in urgent circumstances or for minor works), the approval  
13 continues in force until the time when, under the pre-amendment Act,  
14 it would have ended.

15 **152 Applications for and approvals of tree management plans**  
16 **made before commencement day**

17 (1) This section applies if—

18 (a) before the commencement day, a person applied under the  
19 pre-amendment Act, section 78 (Tree management plans—  
20 proposal or application) for approval of a tree management plan;  
21 and

22 (b) immediately before the commencement day, the decision-maker  
23 had not decided the application.

24 (2) The pre-amendment Act continues to apply in relation to the  
25 application.

- 1 (3) If the application is approved—
- 2 (a) the approval is taken to be an approval under this Act, section 85
- 3 (Tree management plans—decision) as amended; and
- 4 (b) this Act as amended applies to the approval.

5 **153 Approvals of tree management plans before**

6 **commencement day**

7 If, immediately before the commencement day, a person has an

8 approval for a tree management plan under the pre-amendment Act,

9 section 85 (Tree management plans—decision), the approval

10 continues in force until the time when, under the pre-amendment Act,

11 it would have ended.

12 **154 Expiry—pt 10**

13 This part expires 1 year after the day it commences.

14 *Note* A transitional provision is repealed on its expiry but continues to have

15 effect after its repeal (see [Legislation Act](#), s 88).

16 **92 Internally reviewable decisions**

17 **Schedule 1, part 1.1, item 1**

18 *substitute*

1	28 (1)	approve, or refuse to approve, activity or tree management plan	applicant for approval, lessee of land, heritage council, representative Aboriginal organisation
1A	28 (2)	approve, or refuse to approve, activity or tree management plan	applicant for approval, lessee of land, heritage council, representative Aboriginal organisation

**93 Schedule 1, part 1.1, item 4, column 2***omit*

36 (2) (a)

*substitute*

36 (2) (a) (i)

**94 Schedule 1, part 1.1, item 5, column 2***omit*

36 (2) (b)

*substitute*

36 (2) (a) (ii)

**95 Schedule 1, part 1.1, item 9, column 4***omit*

applicant for approval,

**96 Reviewable decisions  
Schedule 1, part 1.2, new item 6A***substitute*

6A	104A	give rectification direction	<ul style="list-style-type: none"> <li>• person given direction</li> <li>• lessee or occupier of land to which direction relates</li> </ul>
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1 **97 Dictionary, new definition of *approved tree management***  
2 ***plan***

3 *insert*

4 ***approved tree management plan*** means a tree management plan  
5 approved under—

6 (a) this Act, section 28, section 32, section 32A or section 85; or

7 (b) the *Planning Act 2023*, section 144C (6) or section 185 (5).

8 **98 Dictionary, definition of *decision-maker***

9 *substitute*

10 ***decision-maker*** means—

11 (a) for a decision or other function relating to a protected tree other  
12 than a public tree—the conservator; or

13 (b) for a decision or other function relating to a public tree—the  
14 director-general.

15 **99 Dictionary, definition of *financial settlement***

16 *omit*

17 section 36 (2) (b)

18 *substitute*

19 section 36 (2) (a) (ii)

20 **100 Dictionary, definition of *on-site canopy contribution***

21 *omit*

22 section 36 (2) (a)

23 *substitute*

24 section 36 (2) (a) (i)

1 **101 Dictionary, definition of *public tree***

2 *substitute*

3 *public tree*—see section 11A.

4 **102 Dictionary, new definition of *rectification direction***

5 *insert*

6 *rectification direction*—see section 104A (2).

7 **103 Dictionary, definition of *tree management plan***

8 *substitute*

9 *tree management plan*—see section 15A.

## Part 5 Urban Forest Regulation 2023

### 104 Dictionary Section 3, note 1

*substitute*

*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 ‘*owner*, in relation to a unit in a units plan, for part 2 (Canopy contribution agreements)—see the *Unit Titles Act 2001*, dictionary.’ means that the term ‘owner’ is defined in that dictionary and the definition applies to this regulation.

### 105 New section 4A

*in part 1, insert*

### 4A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

*Note 1 Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2 Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**106 New part 1A***insert***Part 1A Prohibited activities****4B Offence—minor damage to protected trees**

- (1) A person commits an offence if the person engages in conduct that constitutes minor damage to a protected tree.

Maximum penalty: 15 penalty units.

- (2) An offence against this section is a strict liability offence.

- (3) In this section:

*minor damage*, to a tree—see the [Act](#), section 14 (3).

**107 New sections 4C and 4D***insert***4C Groundwork that is not *prohibited groundwork*—  
Act, s 15 (3)**

- (1) Groundwork that is excavation is not prohibited groundwork if the excavation—

(a) is required to undertake development in accordance with the [Planning Act 2023](#); and

(b) is to a depth of not more than—

(i) 450mm below existing ground level using any of the following methods:

(A) hydro-vacuum excavation;

(B) air spading;

- 1 (C) hand excavation around tree roots; or
- 2 (ii) 650mm below existing ground level using directional
- 3 boring beneath tree roots; and
- 4 (c) is not undertaken within—
- 5 (i) a tree's structural root zone; and
- 6 (ii) for a protected tree—more than 20% of the protection zone
- 7 for the tree; and
- 8 (d) does not result in—
- 9 (i) any tree root greater than 50mm in diameter being cut or
- 10 severed; and
- 11 (ii) any tree roots being torn or ripped; and
- 12 (iii) damage to a tree's structural root zone.
- 13 (2) The excavation may cut or sever a tree root not more than 50mm in
- 14 diameter if the cut is made cleanly and appropriate arboricultural root
- 15 pruning equipment is used.
- 16 **Example—appropriate arboricultural root pruning equipment**
- 17 sharp sterilised secateurs
- 18 (3) In this section:
- 19 ***air spading*** means excavation to expose tree roots using compressed
- 20 air to loosen or displace soil without cutting the roots.
- 21 ***directional boring***, beneath tree roots, means a trenchless method of
- 22 boring where—
- 23 (a) a drill bores from an entry point at the existing ground level; and
- 24 (b) a second drill may bore from another point at the existing ground
- 25 level opposite the entry point so the two bores meet; and
- 26 (c) each drill is directed under a tree's root system to avoid cutting
- 27 or damaging any tree roots.

1 **hand excavation** means excavation by manual digging using hand  
2 tools in a way that—

- 3 (a) locates and works around a tree’s root system; and  
4 (b) avoids cutting, tearing or severing the roots.

5 **hydro-vacuum excavation** means excavation to expose underground  
6 services or tree roots using—

- 7 (a) pressurised water to loosen or break up soil; and  
8 (b) a vacuum extraction system to remove the loosened soil.

9 **structural root zone**, of a tree, means the root area around the base of  
10 a tree required for the tree’s structural stability in the ground and to  
11 hold the tree upright.

12 **4D Groundwork that is not prohibited groundwork—**  
13 **groundwork in accordance with AS 4970:2025—**  
14 **Act, s 15 (3)**

15 (1) The following groundwork is not prohibited groundwork if the  
16 excavation is undertaken in accordance with AS 4970:2025:

- 17 (a) excavation that would compact the soil in at least 20% of the  
18 protection zone;  
19 (b) excavation to a depth greater than 200mm over an area 4m<sup>2</sup> or  
20 larger, other than in cultivating the soil for horticultural  
21 purposes.

22 (2) The [Legislation Act](#), section 47 (6) does not apply to AS 4970:2025.

23 (3) In this section:

24 **AS 4970:2025** means Australian Standard AS 4970:2025 (Protection  
25 of trees on development sites) as in force from time to time.

26 *Note* AS 4970:2025 does not need to be notified under the Legislation Act  
27 because s 47 (6) does not apply to it (see Act, s 142). The standard may  
28 be purchased at [www.standards.org.au](http://www.standards.org.au).

- 1 **108** **Definitions—pt 2**  
2 **Section 5 (1), new definition of *applicant***
- 3 *insert*
- 4 *applicant* means a person entering into a canopy contribution  
5 agreement under the [Act](#), section 35 in relation to the removal of a  
6 protected tree.
- 7 **109** **Section 5 (1), definition of *financial settlement amount***
- 8 *substitute*
- 9 *financial settlement amount*—
- 10 (a) for a tier 1 applicant—see section 7 (1); and  
11 (b) for a tier 2 applicant—see section 7AA (1).
- 12 **110** **Section 5 (1), definition of *home owner***
- 13 *omit*
- 14 **111** **Section 5 (1), new definitions**
- 15 *insert*
- 16 *tier 1 applicant*—see section 5A.  
17 *tier 2 applicant* means an applicant other than a tier 1 applicant.
- 18 **112** **New section 5A**
- 19 *insert*
- 20 **5A** **Meaning of *tier 1 applicant***
- 21 (1) An applicant is a *tier 1 applicant* in relation to a canopy contribution  
22 agreement for the removal of a protected tree if—  
23 (a) the applicant—

- 1 (i) is the lessee of the land where the protected tree is located;  
2 and
- 3 (ii) provides written evidence that they—  
4 (A) have been living on the land for at least 2 years; or  
5 (B) intend to live on the land for at least 2 years; or
- 6 (b) for land that is the common property of a units plan—  
7 (i) the applicant is an owners corporation holding the lease for  
8 the land where the protected tree is located; and  
9 (ii) the owners corporation does not have, and has not applied  
10 for, approval for development involving the removal of the  
11 protected tree; or
- 12 *Note* The owners corporation is granted a lease for the common property  
13 on registration of a units plan (see *Unit Titles Act 2001*,  
14 s 33 (2) (b)).
- 15 (c) the applicant—  
16 (i) is the lessee of the land where the protected tree is located;  
17 and  
18 (ii) has not been living on, and does not intend to live on, the  
19 land for at least 2 years; and  
20 (iii) does not have, and has not applied for, approval for  
21 development involving the removal of the protected tree;  
22 or
- 23 (d) the applicant—  
24 (i) is any of the following:  
25 (A) an education entity;  
26 (B) a health facility;  
27 (C) a registered community housing provider;

1 (D) the housing commissioner or an entity contracted by  
2 the housing commissioner to provide public housing;  
3 and

4 (ii) does not have, and has not applied for, approval for  
5 development involving the removal of the protected tree.

6 (2) The Minister may also declare an applicant to be a *tier 1 applicant*.

7 (3) A declaration is a notifiable instrument.

8 (4) In this section:

9 *education entity* means any of the following:

10 (a) a government or non-government school under the *Education*  
11 *Act 2004*;

12 (b) a registered higher education provider under the *Tertiary*  
13 *Education Quality and Standards Agency Act 2011* (Cwlth);

14 (c) an approved education and care service under the *Education and*  
15 *Care Services National Law (ACT)*;

16 *Note* The *Education and Care Services National Law (ACT) Act 2011*,  
17 s 6 applies the Education and Care Services National Law set out  
18 in the *Education and Care Services National Law Act 2010* (Vic),  
19 schedule as if it were an ACT law called the *Education and Care*  
20 *Services National Law (ACT)*.

21 *health facility*—see the *Health Act 1993*, section 6.

22 *registered community housing provider*—see the *Community*  
23 *Housing Providers National Law (ACT)*, section 4 (1).

24 *Note* The *Community Housing Providers National Law (ACT) Act 2013*, s 7  
25 applies the Community Housing Providers National Law set out in the  
26 *Community Housing Providers (Adoption of National Law) Act 2012*  
27 (NSW), appendix as if it were an ACT law called the *Community Housing*  
28 *Providers National Law (ACT)*.

1 **113 Section 6 heading**

2 *substitute*

3 **6 On-site canopy contribution—tier 1 applicants—**  
4 **Act, s 36 (5) (a)**

5 **114 Section 6 (1)**

6 *omit*

7 an applicant who is a home owner

8 *substitute*

9 a tier-1 applicant

10 **115 New section 6 (2A)**

11 *insert*

12 (2A) For subsection (1), if the decision-maker is satisfied that a group of  
13 7 or more protected trees that are each approved for removal form a  
14 hedge, the applicant need only plant replacement trees for up to 6 of  
15 the trees forming the hedge.

16 **116 New section 6A heading**

17 *before section 6 (3), insert*

18 **6A On-site canopy contribution—tier 2 applicants—**  
19 **Act, s 36 (5) (a)**

Section 117

---

**117 Section 6 (3)**

2 *omit*

3 an applicant other than a home owner

4 *substitute*

5 a tier-2 applicant

**118 Section 6 (4)**

7 *omit*

8 subsection (5) (b)

9 *substitute*

10 subsection (3) (b)

**119 Section 6 (7)**

12 *omit*

**120 Sections 6 (3) to (6)**

14 *renumber as subsections (1) to (4)*

**121 Section 7**

16 *substitute*

**7 Financial settlement amount—tier 1 applicants—  
Act, s 36 (5) (b)**

19 (1) The amount of financial settlement a tier 1 applicant must pay is  
20 \$1 200 for each protected tree on the land approved for removal  
21 (the *financial settlement amount*).

- 1           (2) However, the financial settlement amount may be reduced by the  
2           following amount:
- 3           (a) \$600 for each replacement tree the applicant agrees to plant in  
4           accordance with an on-site canopy contribution worked out  
5           under section 6;
- 6           (b) if the decision-maker is satisfied at least 30% of the land where  
7           a protected tree is located is covered by tree canopy when the  
8           application is made—\$600 for each replacement tree it is not  
9           feasible to plant;
- 10          (c) if the applicant holds a Commonwealth concession card—50%  
11          of the amount payable after any deductions under paragraphs (a)  
12          and (b) are made.
- 13          (3) Also, if the decision-maker is satisfied that a group of 7 or more  
14          protected trees that are each approved for removal form a hedge, the  
15          financial settlement amount—
- 16          (a) for up to 6 of the trees forming the hedge—may be reduced by  
17          the amount set out under subsection (1); and
- 18          (b) for any other tree forming the hedge—is \$0.
- 19          (4) For subsection (2) (b), if the land where the protected tree is located  
20          is part of a unit or the common property of a units plan, the  
21          decision-maker—
- 22          (a) in considering the percentage of the land covered by tree  
23          canopy, may consider the whole parcel of land; and
- 24          (b) in considering the feasibility of planting a replacement tree on  
25          the land, may only consider—
- 26                  (i) if the applicant is an owner of a unit in the units plan—the  
27                  land shown on the units plan as the owner’s unit, including  
28                  any unit subsidiary annexed to the unit; and

1 (ii) if the applicant is the owners corporation for the units  
2 plan—the common property of the units plan.

3 (5) In this section:

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

5 (a) a current health care card issued under the *Social Security*  
6 *Act 1991* (Cwlth);

7 (b) a current pensioner concession card issued under the *Social*  
8 *Security Act 1991* (Cwlth);

9 (c) a current pensioner concession card issued in relation to a  
10 pension under the *Veterans' Entitlements Act 1986* (Cwlth) or  
11 the *Military Rehabilitation and Compensation Act 2004*  
12 (Cwlth);

13 (d) a current gold card.

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

19 **7AA Financial settlement amount—tier 2 applicants—**  
20 **Act, s 36 (5) (b)**

21 (1) The amount of financial settlement a tier 2 applicant must pay is the  
22 amount worked out as follows (the **financial settlement amount**):

23 
$$(AL - AG + RC) \times ZM$$

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

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

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

- 1            **ZM** means the modifying number (the *zone modifier*) for the zone  
2            where the lessee's land is located.
- 3            (2) However, the financial settlement amount payable by a tier 2  
4            applicant may be reduced by an amount equal to the value of the  
5            number of replacement trees the applicant agrees to plant.
- 6            (3) The Minister may determine the following:
- 7            (a) the amount lost from removing a protected tree;
- 8            (b) the amount gained from planting a replacement tree;
- 9            (c) the canopy cover restoration period;
- 10           (d) the cost of planting a replacement tree;
- 11           (e) the zone modifier for a zone.
- 12           (4) A determination is a disallowable instrument.
- 13           (5) In this section:
- 14           **zone** means an area identified as a zone in the [territory plan](#).

15           **7AB        Canopy contribution agreements—conditions—**  
16           **Act, s 36 (6)**

17           A decision-maker may make a canopy contribution agreement subject  
18           to the condition that, for a protected tree that is removed from land,  
19           development on the land must not be undertaken within 2 years of the  
20           day the tree is removed.

Section 122

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1	<b>122</b>	<b>Section 7A heading</b>
2		<i>substitute</i>
3	<b>7A</b>	<b>Canopy contribution agreements—exemption</b>
4		<b>considerations for tier 1 applicants—Act, s 39 (3) (b)</b>
5	<b>123</b>	<b>Section 7A (1)</b>
6		<i>omit</i>
7		If the applicant under the Act, section 21 is a home owner
8		<i>substitute</i>
9		If a tier 1 applicant applied under the <a href="#">Act</a> , section 21 for approval to
10		remove a protected tree
11	<b>124</b>	<b>Tree bond agreements—Act, s 92 (3)</b>
12		<b>Section 8 (b) (ii), example</b>
13		<i>omit</i>
14		guidelines
15		<i>substitute</i>
16		rules
17	<b>125</b>	<b>Tree bond amount—Act, s 93 (5) (a)</b>
18		<b>Section 9 (3)</b>
19		<i>omit</i>
20		section 7 (1)
21		<i>substitute</i>
22		section 7AA (1)

1 **126 New part 4**

2 *insert*

3 **Part 4 Miscellaneous**

4 **11 Period for applications for internal review—Act, s 133 (2)**

5 An application for internal review must be made—

6 (a) for a decision mentioned in the [Act](#), schedule 1, part 1.1,  
7 column 3, items 1 and 1A to—

8 (i) approve an activity or a tree management plan—  
9 14 working days after the day the entity is given the  
10 internal review notice; or

11 (ii) refuse to approve an activity or a tree management plan—  
12 3 months after the day the entity is given the internal  
13 review notice; or

14 (b) for any other decision mentioned in the [Act](#), schedule 1, part 1.1,  
15 column 3—3 months after the day the entity is given the internal  
16 review notice.

17 **127 Dictionary, note 1**

18 *insert*

- 19
  - housing commissioner

20 **128 Dictionary, new definition of *applicant***

21 *insert*

22 *applicant*, for part 2 (Canopy contribution agreements)—see  
23 section 5 (1).

- 1 **129 Dictionary, definition of *financial settlement amount***
- 2 *substitute*
- 3 *financial settlement amount*, for part 2 (Canopy contribution
- 4 agreements)—
- 5 (a) for a tier 1 applicant—see section 7 (1); and
- 6 (b) for a tier 2 applicant—see section 7AA (1).
- 7 **130 Dictionary, definition of *home owner***
- 8 *omit*
- 9 **131 Dictionary, new definitions**
- 10 *insert*
- 11 *tier 1 applicant*, for part 2 (Canopy contribution agreements)—see
- 12 section 5A.
- 13 *tier 2 applicant*, for part 2 (Canopy contribution agreements)—see
- 14 section 5 (1).
- 15 **132 Urban Forest Regulation 2023—renumbering**
- 16 *on the last commencement date for this regulation, renumber*
- 17 *provisions when regulation republished under Legislation Act*

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Heritage Act 2004**

4 **[1.1] Section 59, new note**

5 *before note 1, insert*

6 *Note 1A Development proposals involving tree removals*

7 The territory planning authority may approve the removal of a regulated  
8 tree or a public tree before a development application is made if the  
9 authority is satisfied that removing the tree will facilitate the achievement  
10 of a desired planning outcome applying to the proposed development  
11 under the [territory plan](#) (see *Planning Act 2023*, pt 7.1A).

12 **[1.2] Section 61A, new definitions**

13 *insert*

14 *tree management plan application* means a tree management plan  
15 included in an application for a tree damaging activity under the  
16 [Urban Forest Act 2023](#), section 21.

17 *tree management plan proposal* means a tree management plan  
18 proposed by a decision-maker under the [Urban Forest Act 2023](#).

19 **[1.3] Section 61B (2)**

20 *omit*

21 proposed tree damaging activity, or a tree management plan

22 *substitute*

23 a proposed tree damaging activity, or a tree management plan  
24 proposal or application

1 **[1.4] Section 61B (3) (b) (ii) (A)**

2 *after*  
3 a proposed tree damaging activity  
4 *insert*  
5 or a tree management plan application

6 **[1.5] Section 61B (3) (b) (ii) (B)**

7 *omit*  
8 or application

9 **[1.6] Section 61B (4), definition of *tree protection notice*,**  
10 **paragraph (a)**

11 *after*  
12 a proposed tree damaging activity  
13 *insert*  
14 or a tree management plan application

15 **[1.7] Section 61B (4), definition of *tree protection notice*,**  
16 **paragraph (b)**

17 *omit*  
18 or application

19 **[1.8] Section 61C (1) (a) and (2) (a)**

20 *after*  
21 tree management plan  
22 *insert*  
23 proposal or application

1 **[1.9] Dictionary, new definitions**

2 *insert*

3 *tree management plan application*, for part 10A (Tree damaging  
4 activity etc)—see section 61A.

5 *tree management plan proposal*, for part 10A (Tree damaging  
6 activity etc)—see section 61A.

7 **Part 1.2 Magistrates Court (Planning**  
8 **Infringement Notices)**  
9 **Regulation 2023**

10 **[1.10] Schedule 1, new item 1A**

11 *before item 1, insert*

1A	144F (1)	60	1 200
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12 **Part 1.3 Magistrates Court (Urban Forest**  
13 **Infringement Notices)**  
14 **Regulation 2023**

15 **[1.11] Sections 5 and 6**

16 *omit*

17 *Urban Forest Act 2023*

18 *substitute*

19 urban forest legislation

1 **[1.12] Section 6**  
2 *omit*  
3 that Act  
4 *substitute*  
5 the *Urban Forest Act 2023*

6 **[1.13] Sections 7 to 12**  
7 *omit*  
8 *Urban Forest Act 2023*  
9 *substitute*  
10 urban forest legislation

11 **[1.14] Section 12 (b)**  
12 *omit*  
13 that Act  
14 *substitute*  
15 the urban forest legislation

16 **[1.15] Schedule 1 heading**  
17 *substitute*

18 **Schedule 1 Urban forest legislation**  
19 **infringement notice offences**  
20 **and penalties**

1 **[1.16] Schedule 1, new part 1.1 heading**

2 *before the table, insert*

3 **Part 1.1 Urban Forest Act 2023**

4 **[1.17] Schedule 1, new item 3A**

5 *insert*

3A	46 (1)	50	1 100
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6 **[1.18] Schedule 1, new item 5A**

7 *insert*

5A	104C (1)	50	1 100
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8 **[1.19] Schedule 1, new part 1.2**

9 *insert*

10 **Part 1.2 Urban Forest Regulation 2023**

column 1 item	column 2 offence provision	column 3 offence penalty (penalty units)	column 4 infringement penalty (\$)
1	4B (1)—		
1.1	<ul style="list-style-type: none"><li>if registered tree or remnant tree</li></ul>	15	480
1.2	<ul style="list-style-type: none"><li>if public tree or regulated tree</li></ul>	15	300

1 **[1.20] Dictionary, new definition of *urban forest legislation***

2 *insert*

3 *urban forest legislation* means—

- 4 (a) the *Urban Forest Act 2023*; and  
5 (b) the *Urban Forest Regulation 2023*.

6 **Part 1.4 Nature Conservation Act 2014**

7 **[1.21] Section 316, new note**

8 *before note 1, insert*

9 *Note 1A Development proposals involving tree removals*

10 The territory planning authority may approve the removal of a regulated  
11 tree or a public tree before a development application is made if the  
12 authority is satisfied that removing the tree will facilitate the achievement  
13 of a desired planning outcome applying to the proposed development  
14 under the [territory plan](#) (see *Planning Act 2023*, pt 7.1A).

15 **Part 1.5 Planning (Exempt Development)**  
16 **Regulation 2023**

17 **[1.22] Schedule 1, section 1.137 (1) (b) (ii)**

18 *substitute*

- 19 (ii) section 32 (Approval for activity in urgent circumstances);  
20 or  
21 (iii) section 32A (Approval for minor works).

1 **Part 1.6** **Public Unleased Land Act 2013**

2 **[1.23] Section 30, definition of *tree damaging activity approval*,**  
3 **paragraph (b)**

4 *substitute*

5 (b) section 32 (Approval for activity in urgent circumstances); or

6 (c) section 32A (Approval for minor works).

7 **[1.24] Section 36 (2) (c)**

8 *omit*

9 pruning

10 *substitute*

11 removal

12 **Part 1.7** **Utilities Act 2000**

13 **[1.25] Section 105 (5), note etc**

14 *omit*

15 s 28 or s 32

16 *substitute*

17 s 28, s 32 or s 32A

18 *in*

- 19 • section 105 (5), note  
20 • section 106 (3), note  
21 • section 110 (3), note  
22 • section 231 (5), note  
23 • section 232 (3), note

- 1                   • section 236 (3), note  
2                   • section 249 (10), note

3                   **Part 1.8                   Utilities (Technical Regulation)**  
4                   **Act 2014**

5                   **[1.26]                   Section 32 (10), note etc**

6                   *omit*

7                   s 28 or s 32

8                   *substitute*

9                   s 28, s 32 or s 32A

10                  *in*

- 11                  • section 32 (10), note  
12                  • section 41D (8), note  
13                  • section 41H (4), note  
14                  • section 41I (9), note

15                  **Part 1.9                   Utility Networks (Public Safety)**  
16                  **Regulation 2001**

17                  **[1.27]                   Section 25 (1), note**

18                  *omit*

19                  s 28 or s 32

20                  *substitute*

21                  s 28, s 32 or s 32A

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 12 June 2026.

**2 Notification**

Notified under the [Legislation Act](#) on 2026.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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