



Australian Capital Territory

Urban Forest (Transitional Provisions) Regulation 2024

SL2024-1

made under the

Urban Forest Act 2023

Republication No 1

Effective: 16 January 2024 – 1 January 2026

Republication date: 16 January 2024

Regulation not amended

About this republication

The republished law

This is a republication of the *Urban Forest (Transitional Provisions) Regulation 2024*, made under the *Urban Forest Act 2023* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 January 2024. It also includes any commencement, repeal or expiry affecting this republished law.

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

Kinds of republications

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

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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

Editorial amendments

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

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

Uncommenced provisions and amendments

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

Modifications

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

Penalties

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



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R1
16/01/24

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1 Name of regulation

This regulation is the *Urban Forest (Transitional Provisions) Regulation 2024*.

3 Development applications made before commencement day

- (1) This section applies if, before the commencement day—
 - (a) the territory planning authority referred a development application to the conservator under the *Planning Act 2023*, section 170 (1) (a) or section 171 (2) (a); and
 - (b) the conservator has not given the authority their advice in relation to the application.
- (2) This section also applies if the territory planning authority—
 - (a) received a development application under the *Planning Act 2023*, section 166 before the commencement day; and
 - (b) refers the development application to the conservator under that *Act*, section 170 (1) (a) or section 171 (2) (a) on or after the commencement day.
- (3) The repealed Act continues to apply to the application despite its repeal.

Examples—development applications referred to conservator

- 1 A development application is made on 1 December 2023 in relation to a block where 5 trees are located. The trees are not regulated trees under the *Tree Protection Act 2005* but would be regulated trees under the *Urban Forest Act 2023*. The territory planning authority refers the development application to the conservator on 22 December 2023. The conservator gives the authority their advice on 1 February 2024. Because the application was referred to the conservator before the commencement day, the advice must be based on the repealed Act.

- 2 A development application is made on 28 November 2023 in relation to a block where trees that are regulated trees under the repealed Act are located. The development application is accompanied by a tree management plan prepared in accordance with the repealed Act. The territory planning authority refers the development application to the conservator on 15 December 2023. Because the application was referred to the conservator before the commencement day, the advice must be based on the repealed Act.

Note *Commencement day* and *repealed Act*—see the [Act](#), s 300.

4 **Expiry**

This regulation expires on the day the [Act](#), part 20 (Transitional) expires.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

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

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

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

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

The endnotes also include a table of earlier publications.

2 Abbreviation key

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

3 Legislation history

Urban Forest (Transitional Provisions) Regulation 2024 SL2024-1

notified LR 15 January 2024

s 1, s 2 commenced 15 January 2024 (LA s 75 (1))

remainder commenced 16 January 2024 (s 2)

Note Regulation exp 1 January 2026 (s 4 and see [Urban Forest Act 2023 A2023-14 s 317](#))

4 Amendment history

Commencement

s 2 om LA s 89 (4)

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