



Australian Capital Territory

# Urban Forest Amendment Regulation 2024 (No 1)

Subordinate Law SL2024-28

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The Australian Capital Territory Executive makes the following regulation under the *Urban Forest Act 2023*.

Dated 6 September 2024.

ANDREW BARR  
Chief Minister

TARA CHEYNE  
Minister

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[Urban Forest Act 2023](#)

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

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**1 Name of regulation**

This regulation is the *Urban Forest Amendment Regulation 2024 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

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

**3 Legislation amended**

This regulation amends the *Urban Forest Regulation 2023*.

**4 Section 5**

*substitute*

**5 Definitions—pt 2**

(1) In this part:

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

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

*financial settlement amount*—see section 7 (1).

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

- (a) the person—
  - (i) is the lessee of land; and
  - (ii) provides written evidence that they—
    - (A) have been living on the land for at least 2 years; or
    - (B) intend to live on the land for at least 2 years; or

- (b) for land that is the common property of a units plan—the person is an owners corporation holding the lease for the land, but only when the corporation is not—
- (i) an applicant for development approval for development involving the removal of a protected tree on the land; or
  - (ii) an approval-holder in relation to development involving the removal of a protected tree on the land.

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

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

**owners corporation**, for a units plan—see the *Unit Titles (Management) Act 2011*, dictionary.

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

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

**units plan**—see the *Unit Titles Act 2001*, dictionary.

**unit subsidiary**—see the *Unit Titles Act 2001*, section 12.

- (2) In this section:

**approval-holder**—see the *Planning Act 2023*, dictionary.

**5 Section 6 (1) to (3) and note**

*substitute*

- (1) In working out an on-site canopy contribution for an applicant who is a home owner, the number of replacement trees for each protected tree approved for removal is—
  - (a) if the decision-maker is satisfied it is feasible to plant 2 replacement trees—2 trees; or
  - (b) in any other case—as near as practicable to, but not more than, 2 trees.
- (2) In considering the feasibility of planting a replacement tree for subsection (1), if the land where the protected tree is located is part of a unit or the common property of a units plan, the decision-maker may only consider—
  - (a) if the applicant is an owner of a unit in the units plan—the land shown on the units plan as the owner’s unit, including any unit subsidiary annexed to the unit; and
  - (b) if the applicant is the owners corporation for the units plan—the common property of the units plan.
- (3) In working out an on-site canopy contribution for an applicant other than a home owner, the decision-maker must be satisfied that, at the end of the canopy cover restoration period, the combined projected canopy area of all the replacement trees will be equal to the combined canopy area of all the protected trees approved for removal.
- (3A) The size of a replacement tree for an on-site canopy contribution must be at least the minimum size determined under subsection (4) (b).

**6 New section 6 (6)**

*insert*

(6) In this section:

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

**7 Section 7 (1)**

*omit*

For a financial settlement, a person who is the lessee of land

*substitute*

In working out the amount to be paid for a financial settlement, an applicant

**8 Section 7 (1) (b)**

*omit*

a person

*substitute*

an applicant

**9 Section 7 (2) and (3)**

*substitute*

(2) However, the financial settlement amount payable by an applicant may be reduced by the following amount:

(a) for a home owner—

(i) \$600 for each replacement tree the home owner agrees to plant in accordance with an on-site canopy contribution worked out under section 6; and



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- (ii) if the decision-maker is satisfied at least 30% of the land where a protected tree is located is covered by tree canopy when the application is made—\$600 for each replacement tree it is not feasible to plant; and
    - (iii) if the home owner holds a Commonwealth concession card—50% of the amount payable after any deductions under subparagraphs (i) and (ii) are made;
  - (b) for an applicant other than a home owner—an amount equal to the value of the number of replacement trees the applicant agrees to plant.
- (3) For subsection (2) (a) (ii), if the land where the protected tree is located is part of a unit or the common property of a units plan, the decision-maker—
- (a) in considering the percentage of the land covered by tree canopy, may consider the whole parcel of land; and
  - (b) in considering the feasibility of planting a replacement tree on the land, may only consider—
    - (i) if the applicant is an owner of a unit in the units plan—the land shown on the units plan as the owner’s unit, including any unit subsidiary annexed to the unit; and
    - (ii) if the applicant is the owners corporation for the units plan—the common property of the units plan.

## **10 Section 7 (6), new definition of *applicant***

*insert*

***applicant***—see section 6 (6).

**11 New section 7A**

*in part 2, insert*

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

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

**12 Dictionary, note 2**

*insert*

- development approval

**13 Dictionary, definition of *canopy cover restoration period***

*omit*

section 5

*substitute*

section 5 (1)

**14 Dictionary, new definition of *common property***

*insert*

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

**15 Dictionary, definition of *home owner***

*omit*

section 5

*substitute*

section 5 (1)

**16 Dictionary, new definitions**

*insert*

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

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

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

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

**17 Dictionary, definition of *replacement trees***

*omit*

**18 Dictionary, new definitions**

*insert*

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

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

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**Endnotes**

**1 Notification**

Notified under the [Legislation Act](#) on 9 September 2024.

**2 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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