



# Help protect trees, so they can protect us

## New tree protection laws apply from 1 January 2024

As Australia's "bush capital", trees are the defining feature of our city. They are a key part of what makes our city the most liveable in Australia.

Demand for housing in Canberra is growing and so is our city's urban footprint. More houses also need to be built within the city's existing footprint.

**Without the right rules in place Canberra could end up with fewer trees. But, in the face of a changing climate, trees are more important than ever. It's about finding a balance.**

Mature trees can significantly enhance new developments, not only for the people who live there but also for the developments' attractiveness and marketability.

Mature trees:

- Provide an instant landscape, soften the built form and provide an aesthetic and functional focal point
- Reduce cooling costs, improve mental wellbeing and reduce urban heat
- Improve property values and marketability
- Service the development by, for example, reducing stormwater runoff and increasing the lifespan of some hard surfaces.

Every tree in Canberra – both on public and private land – is part of an urban forest. New laws have been developed to protect the forest that protects us.

## What's changing?

From 1 January 2024, the [Urban Forest Act 2023](#) will replace the [Tree Protection Act 2005](#) and improve tree protection on both public and private land.

The new laws include:

- a new definition for protected trees
- a new Canopy Contribution Framework
- the introduction of tree bonds.

**All Development, Driveway and Building Applications, where the work may impact a protected tree (including those on adjoining land), must now include a Tree Management Plan (TMP).**

## Protected trees

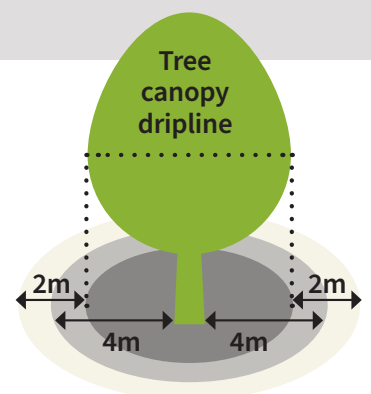
A tree on private land is protected if it:

- is 8m or taller
- has a canopy 8m or wider
- has a trunk circumference of 1m or more at 1.4m above natural ground level
- is a registered tree – that is, the tree has been identified as being of exceptional value and is listed in the ACT Tree Register
- is a dead native tree on leased land that at 1.4m above natural ground level has a trunk circumference of at least 1.88m
- was planted in the last five years as part of a Canopy Contribution Agreement.

## Tree Protection Zones

In the ACT, the Tree Protection Zone for a protected tree is:

- the area under the canopy of the tree
- the 2-metre-wide area surrounding the vertical projection of the canopy
- the 4-metre-wide area surrounding the trunk as measured at 1 metre above ground level
- the area as specified in an approved Tree Management Plan (TMP).



# Permission to work on or around protected trees

You must have permission from the ACT Government to undertake any work that may impact a protected tree. This includes trees on neighbouring public and private land.

- For protected trees on private land, permission can be sought by completing a Tree Activity Application online. This can be done by any entity or person, or a third party on their behalf.

- If the tree activity relates to an activity that requires another form of approval, such as a development, building or driveway application, permission can be sought:
  - through a Tree Activity Application, submitted prior to the other application process, or
  - during the other application process, supported by a Tree Management Plan.

## Tree Activity Applications

An online Tree Activity Application must be completed when planning to undertake any works on or around a protected tree on private land.

This includes:

- tree removal
- tree pruning
- utility maintenance or installation
- building or landscape construction.

An approved Tree Activity Application can be included in other ACT Government approval processes where the activity being applied for may impact a protected tree.

## Tree Management Plans

Tree Management Plans (TMP) are now compulsory for ACT Government approval processes where the activity being applied for may impact a protected tree.

Approval processes include:

- development applications
- building applications
- driveway applications
- public land use applications.

TMPs must comply with legislated Tree Management Guidelines. We recommend that applicants engage a consulting arborist or other suitably qualified professional to develop a TMP for their project.

## Tree Bonds

When a TMP is assessed, the ACT Government may request that a bond be paid before works identified in the application can commence.

Bonds will be returned after the completion of the work if an assessment by an authorised person determines there is no evidence of TMP breaches.

The amount of the bond and its duration will be set out in a bond agreement and determined on a case-by-case basis.

## Work on a protected tree or within its Tree Protection Zone may commence only after receipt of:

- an approved Tree Activity Application
- a signed Canopy Contribution Agreement (for trees which are being removed), and/or
- an approved TMP and bond agreement (for trees which are being retained, where applicable).

## Canopy Contribution Agreements

If a protected tree is approved for removal, the applicant will be required to enter into a Canopy Contribution Agreement with the ACT Government. The Agreement sets out:

- how many replacement trees are to be planted on the block to replace those removed, and
- if some or all of the trees cannot be planted, what financial contribution is required to support tree canopy elsewhere.

Replanting and repayment requirements are different for **homeowners** (owner-occupiers) and **non-homeowners** (such as developers). If a homeowner asks a third party (such as a builder) to complete a Tree Activity Application on their behalf, the replanting and repayment requirements will still be those relevant to the homeowner.

### Homeowners

For homeowners, for every protected tree that is removed, two new trees must be planted on site, or a financial contribution of \$600 must be made for each tree that is not replanted. Exemptions may be granted, including if an applicant is experiencing financial or social hardship.

### Non-homeowners

For non-homeowners, the number of replacement trees and/or financial contribution will be determined using the Tree Calculator. This online calculator will help developers estimate the replanting and/or financial contribution requirements for proposed tree removals.

Financial contributions will fund tree planting, maintenance and renewal activities throughout Canberra.

## Penalties

It is an offence under the [Urban Forest Act 2023](#) to damage a protected tree or undertake prohibited groundwork without approval.

Contravening the Act can lead to on-the-spot fines or court-imposed penalties of up to \$80,000 for an individual and \$405,000 for a corporation, and a criminal record for more serious offences.

