

# CONSERVATOR'S DECISION

Made under Section 28 of the Urban Forest Act 2023

**Case Number:** 00589991

**Block:** 22 **Section:** 62 **Suburb:** TURNER

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Tree 1: *Ulmus parvifolia*

**TREE ADDRESS:** 58 MACLEAY ST, TURNER ACT 2612

**LOCATION ON BLOCK:** On the left side of the house, Macleay St driveway entrance. Tree 8 on Site Plan.

**DECISION SUMMARY:** The request for approval to remove the tree is granted subject to the conditions, if any. As provided in Section 30 of the Urban Forest Act 2023, this approval takes effect on the date stated in the Notice of Decision.

**TREE DAMAGING ACTIVITY PROPOSED:** Tree Removal

**CONSERVATOR'S DECISION:** Removal (Approved)

**CONDITIONS:** N/A

**BASIS FOR DECISION:** The location of the tree is inappropriate given its potential size and growth habit (excluding remnant eucalypts).

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Where **approval** for an activity has been granted, see **Notice of Decision letter** for dates the **approval takes effect**.



Delegate of the Conservator of Flora and Fauna

Decision Date: 11/12/2025

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### CONDITIONS OF APPROVAL READ CONDITIONS CAREFULLY

#### General Conditions

1. No enforcement or direction

If this activity pertains to a tree located on leased land (that the applicant is not the leaseholder of) this notice does not constitute approval for the applicant, or direction/enforcement for the leaseholder (tree owner), to undertake that activity. This approval does not take effect, and no tree damaging activity is to be undertaken, unless and until consent to the precise tree damaging activity authorised in this approval is sought from and given by the tree owner.

2. Canopy Contribution Agreement (where applicable)

This approval does not take effect, and no tree damaging activity is permitted to be undertaken, until either:

- a. The applicant and the tree owner have completed, signed, and returned to the Conservator the Canopy Contribution Agreement (see separate email from DocuSign) and any applicable financial settlement has been paid or the Conservator has entered into a payment management plan with the applicant in respect of that applicable financial settlement; or
- b. The Conservator is satisfied that the applicant does not need to enter into a Canopy Contribution Agreement or has granted an exemption from the requirement to enter into that Agreement.

#### Offences

Please be aware that pursuant to Section 33 of the Act, it is an offence to contravene any of the above conditions of approval. It is an offence to damage a protected tree, subject to limited exceptions such as where it is approved by the Conservator under Section 28 of the Act (i.e., the approval Conservator decision) and it is done in accordance with the above conditions of approval.

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### INTERNAL REVIEW NOTICE

Parties who may apply for Internal Review under s133(1) of the Act include: the applicant for approval, lessee of the land and, where applicable, heritage council and representative Aboriginal organisations.

#### Internal Review

1. The Conservator's Decision (attached) is internally reviewable. The above-mentioned parties may apply for internal review of the decision under Section 133 of the Act.
2. The application must be in writing, state the person's name and address, and must set out the reasons for making the application for internal review of the decision. An electronic (Application for Internal Review) "form" is available via:  
<https://urbanforest.cityservices.act.gov.au/UrbanForestManagementSystem/s/>
3. The application must be made within 14 working days after the day this notice is given to the party.
4. The application fee is \$140.20 under the *Urban Forest (Fees) Determination 2025 (No1)*, subject to annual indexation.
5. An application for internal review will suspend the operation of the Conservator's Decision until the review application is finally dealt with.
6. The review process may take from 35 to over 65 working days – if advice is sought from the Tree Advisory Panel, that advice must be given within 30 working days of the Conservator requesting the advice, and any review decision must be made within 35 working days of either receiving that advice or alternatively from the date of the review application if no advice is sought. The review may confirm, vary, or set aside the original decision.
7. If the person who applies for internal review does not agree with the internal review decision, they may apply to the ACT Civil and Administrative Tribunal for review of that decision.

#### Other Review Options

1. The parties above may also seek judicial review of the Conservator's decision (or any internal review decision) in the ACT Supreme Court under the Administrative Decisions (Judicial Review) Act 1989. There are timeframes and fees that may apply to such an application. Ordinarily the application must be made to the Court within 28 days after the day notice of the decision is given.
2. The parties may also contact the ACT Ombudsman if they have concerns about the decision (such as if you think we have been unfair or have done something wrong) and wish to make a complaint that we have not been able to resolve. For more information, visit the ACT Ombudsman website ([ombudsman.act.gov.au](http://ombudsman.act.gov.au)) including their online complaint form or call them on (02) 5117 3650.



Henry Jr Edquiban  
[planning@cgfb.com.au](mailto:planning@cgfb.com.au)

## NOTICE OF DECISION

*Given under Section 29 of the Urban Forest Act 2023*

Dear Henry,

This letter is notice of the Conservator of Flora and Fauna's decision regarding your application under the *Urban Forest Act 2023* (the Act) for a proposed activity that would or may damage a protected tree, at **58 MACLEAY ST, TURNER ACT 2612**.

Your Tree Activity Application has been **Approved**. Please see the Conservator's Decision, attached to this email for detail of the Conservator's Decision and associated conditions [if applicable].

### **Please Note - where approval for an activity has been granted:**

The date the (approved) decision takes effect is **14 working days** from the date of this notice, as per s30(2) of the Act, unless an application for internal review is made, in which case the decision does not take effect until the internal review application is finally dealt with.

Approval of a decision remains in force for **5 years** from the date of this notice, unless otherwise specified. This approval may be cancelled if the approved activity does not, or no longer, satisfies the approval criteria. Unless this approval is cancelled beforehand, it remains in force for the period specified above. If the approved tree damaging activity is not completed within the period, the Conservator may extend the period if the activity still satisfies the approval criteria.

If this activity pertains to a tree located on leased land (that you are not the leaseholder of) this notice does not constitute approval for you, or direction for the leaseholder (tree owner), to undertake that activity. Approval must be sought from and agreed to by the tree owner to arrange access for any activity to be undertaken on a tree on their land.

If you have any questions or seek further information about the decision, please contact the Tree Protection Unit on 6207 6262.

### **Associated documents**

You will receive the following document(s) in association with this notice:

- **Conservator's Decision.**
- If applicable, a **Canopy Contribution Agreement** through a separate email (DocuSign eSignature) for your signature. You are required to return the signed agreement prior to carrying out any approved removal detailed in this notice. If your agreement includes a financial contribution, an invoice will be issued following receipt of your signed agreement.

Samantha Ning  
Delegate of the Conservator of Flora and Fauna  
**Date:** 17/12/2025