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Expert Panel
Planning System Implementation Review
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Submission - Planning System Implementation Review

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The City of Unley

Introduction

The purpose of this separate submission is to complement the City of Unley's (Unley) formal submission to the Expert Panel Planning System Implementation Review. In doing so it seeks to specifically provide additional information and evidence to support our desire to implement a Tree Canopy Off-set Fund which was set out in Council's submission within the section dealing with *Tree Policy*.

The additional information and evidence should assist in our request for the Minister for Planning to approve such a fund.

Land is key

Unley has the lowest amount of publicly owned space of any Council area in South Australia, at just 8.8 m² per person. Therefore, any scheme to offset the removal of trees in Unley requires the *purchase* of additional land by Council to plant replacement trees on. We cannot simply rely on the use of public land to ensure the existence of sufficient trees.

Despite this reality, Unley has implemented an accelerated tree planting program which will see all available land and street kerbs fully planted within the next four years. Beyond this measure, we need to look to private land to plant trees. Where this doesn't happen, we need a Tree Off-set Fund to enable Council to purchase the required land to plant trees.

Furthermore, in order for the fund to be effective, it must be adequate to buy sufficient land for trees to grow to maturity. To achieve the State Government's tree canopy target of 31%, tree canopy levels on private property in Unley need to increase from 22.34% in 2021¹ to 27% overall.

In December 2022, Brisbane City Council recognised that the key to provide for trees is land, and specifically, private land. Council resolved to implement a 15% mandatory provision of land in all new developments, meaning development applications will not be approved without the mandatory

15% included. The “objective is to get more, healthier, bigger trees within new developments,” City Planning Chair Adam Allan stated in the following ABC article [Brisbane 15% land mandatory for trees](#).

The requirement for 15% of land is to allow for deep planting, which has replaced the previous requirement of 10%. This is a good start to combat the loss of trees, however, there are concerns from some Brisbane City Councillors that “the amendment would not be enforced sufficiently” due to the apparent lack of penalty¹. I will expand on this, and the need for an incentive scheme to complement a land requirement later in the paper.

Tree Off-set Scheme

Over the past four years, Unley has investigated numerous models which would see a financial mechanism implemented to encourage the retention/increase of tree canopy cover on private properties with a goal of reaching the State Government’s 31% target. Like the Brisbane model, our objective is to increase tree canopy on private land, but most importantly, goes further to include an incentive scheme ensuring compliance and encouraging developers to retain the trees.

Our current proposal requires the permission of the Minister to implement a scheme which would affect new developments that increase the built form but do not meet a 15% tree canopy cover. If developments do *not* meet this target, they will incur additional rates. This stands in contrast to the Brisbane City Council’s requirement which doesn’t appear to include a measure which would be put in place should a developer fail to meet the 15% target.

Background

Unley loses approximately 1000 trees (or 4 ha) on private property per annum, approximately half of which is due to new developments (Figure 1).

Total area of the City of Unley	1,429 ha
Total tree canopy	400 ha (28%)
Previous decade annual loss	8 ha
Current annual loss	4 ha
Annual loss from new developments (200+)	2 ha (50% of all current loss)

Figure 1. City of Unley’s land area, canopy area, and annual canopy loss in 2021

Council is planting 1,000 trees per annum on public land to offset the loss, but Unley has just 3% open space. Public land, open space, buildings, and roads amount to just 16% of the total council land area. However, a large portion of this council land cannot be planted out with trees such as on sporting grounds and land occupied by council buildings. It is our estimation that approximately half is available to plant trees on. Therefore, the maximum canopy cover across the whole City when Council land is fully planted is only 6.4% of the 31% target,ⁱⁱ hence the urgency to look to private property to increase tree canopy.

¹ https://www.abc.net.au/news/2022-12-07/brisbane-deep-planting-subtropical-trees/101743810?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web.

However, private property is approximately 80% of the area of Unley. Our LiDAR data shows us that tree canopy cover across private properties is 22%. Therefore, given the target for tree canopy cover is 31%, we needed to come up with an effective scheme to fill that gap. To achieve 31% our tree cover on private property needs to average 27%. The extra 5% from the 22% needed to make 27% can be achieved if we implement an effective mechanism to encourage developers to retain trees. This is where the Unley Council proposal for a Tree Canopy Offset Scheme was born.

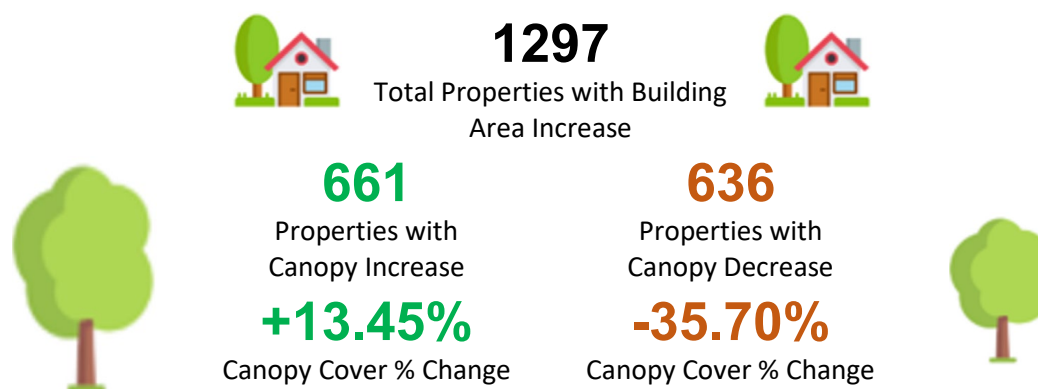


Figure 2. Average positive and negative canopy change due to development between 2018-2021

Included in Unley's formal submission to the Review, Council resolved the following motion at its full meeting on 12 December 2022. Referring to our proposal, it states that:

- 1) Administration is authorised to prepare a submission to the Expert Review Panel for the Planning System Implementation Review, and the following points to be included:
 - a) A statement which indicates the City of Unley's desire to implement a Tree Offset Fund;
 - b) The Tree Offset Fund would only apply to new developments that result in an increase in the built footprint and which do not have a 15% tree canopy cover;
 - c) An additional 10% of council rates would be paid on an annual basis to the Tree Offset Fund until a 15% canopy cover was achieved on the property; and
 - d) The Tree Offset Fund would be used to purchase land to plant trees on within our local area.

I will now provide an explanation of how the proposed Tree Offset Fund would be implemented in more detail.

Proposal

The object of Unley's proposed scheme is to offset the loss of trees and increase the tree canopy cover on private property. It will involve additional rates (set at 10%) being incurred when a property does not meet a minimum of 15% of its land as canopy cover. The additional rates would go directly into an offset fund created for the purpose of Council purchasing land within Unley on which to plant more trees. The fund would be held and managed by Council. The additional rates would only be applied to new developments that result in an increase in the built footprint and which do not meet the 15% cover. The additional rates would apply annually until such a time as the 15% cover was met.

To implement an offset fund of this nature, Council requires the approval of the Minister of Planning (the Minister) in accordance with the *Development and Infrastructure Act 2016 (SA)*ⁱⁱⁱ. Unley has already been in discussions with the Minister to this end. The Minister is yet to provide his full support to the proposal and is waiting for the recommendations of your committee.

Approach

The approach to this proposed scheme is to provide an incentive to developers not only planting trees, but also *retaining* trees in order to actually achieve long term canopy cover. When a development application is made to Council, an assessment of tree canopy cover would be made on the property against a target tree canopy cover of 15%. Should the target not be met at the time of development, the property owner would be charged additional rates of 10% on their notice on an annual basis until the tree canopy cover has reached 15% of the land.

Our suggestion for initial measures includes extensive community consultation and a subsequent trial to measure outcomes. A trial is vital to determining the most effective mechanisms to ensuring the success of the scheme in achieving its objective of increased tree canopy cover (with a goal of reaching 31%) in Unley.

Modelling

The proposed modelling is based on our LiDAR data which tells us that private property canopy cover needs to increase its average cover from 22% to 27% in order to achieve the city-wide target of 31%. To achieve this, we need new developments to provide a minimum of a 15% of land for trees, either by way of an offset fund, or within their own land. Otherwise, the increased rates that property owners would incur is 15% of their land value, paid annually over a span of 500 years or until the property has reached the target canopy cover. (For a property without trees this is expected to be approximately 5-7 years).

The additional rates incurred would be calculated as a percentage increase (10% was agreed to by Council in its motion on 12 December) to rates in the dollar to demonstrate that it is a low-cost incentive to encouraging developers to retain trees. The additional rates would be used by Council to buy nearby land of a similar value in order to 'offset' the environmental degradation caused by the lack of tree canopy cover on the property paying the extra rates.

To buy land nearby there are two factors:

1. How much is needed?
2. What is the cost?

The amount of land required to ensure 15% of tree canopy is achieved would be 15% of the land area of the property being developed. The cost of buying nearby land would be the same value per square metre as the developed property. The cost of nearby land is therefore 15% of the land value of the property as the below table demonstrates.

A single upfront payment on a \$1 million property would need to be \$150,000 (Figure 3).

Rate	Land Value	Cost	Time allotted	Amount per year	Rate in the \$	% increase in rates
0.001869 residential	\$1,000,000.00	\$150,000	500 years	\$300	0.0003	16.1%
0.004715 commercial	\$1,000,000.00	\$150,000	500 years	\$300	0.0003	6.4%

Figure 3. An example of the additional rates incurred on a property with a land value of \$1m to ensure 15% tree canopy can be achieved on the offset land purchased.

The Minister conveyed concerns about the ability to implement a model which would see an ongoing payment system, such as what we are proposing. With our LiDar data programming, Council can readily implement the scheme. We have already identified the new developments that have increased the built form, and we have mapped the tree canopy of all properties across Unley with an accuracy of 10 cm². The benefit to an ongoing scheme is that the cost incurred to owners would be less burdensome if spanned over the 500 years allotted (Figure 3) rather than acquiring a substantial cost on a one-off basis.

A substantial one-off payment, as proposed in the December 2022, Brisbane City Council model, could put development in Unley at risk. With cumbersome financial barriers in place, developers may seek opportunities elsewhere if faced with such a cost, the system would appear to be punitive. We do not wish to discourage or penalise development in Unley, but rather incentivise developers to maintain/increase their tree canopy.

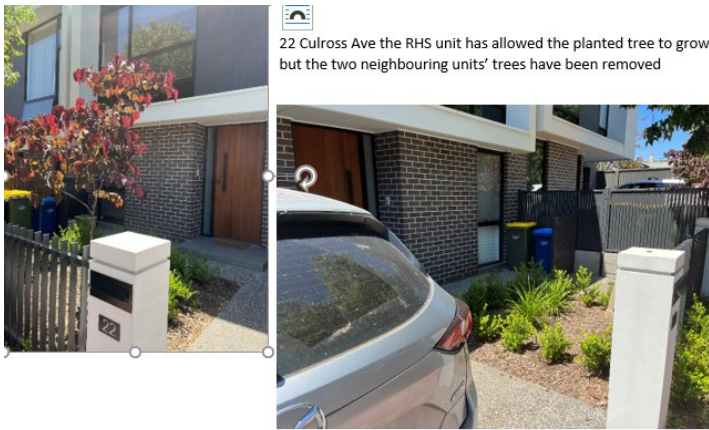
The Code

It is noted that the new Planning and Design Code for South Australia includes a requirement for development applications to provide an area of soft soil to allow space for landscaping and to plant trees^{iv}. However, this requirement is not strategic, does not go far enough to ensure the intended outcome is achieved, and will be ineffective in increasing tree canopy due to an evident lack of enforcement after the tree is planted.

As it stands, the Code is only adequate to deliver outcomes if incentives are enforceable by Council without costly legal challenges². Without an adequate offset fund, the Code is incomplete and insufficient to successfully increase tree canopy on private properties. While the soft soil requirement is helpful, there appears to be no obligation by Council to monitor or regulate once the developer has met the requirement. Our proposal would assist the Code to be effective in ensuring landscaping and trees planted are retained and cared for. Without an ongoing offset fund, the trees can be simply planted to avail the Code and then concreted over. This cannot be achieved without the relevant legal powers being conferred to the City of Unley.

² <https://www.normans.com.au/news/important-news-for-prosecuting-tree-damaging-activity>

I have taken photos of recent developments to demonstrate that the current rules are no guarantee that the required tree is planted and grown. I have attached examples from across Unley.^v

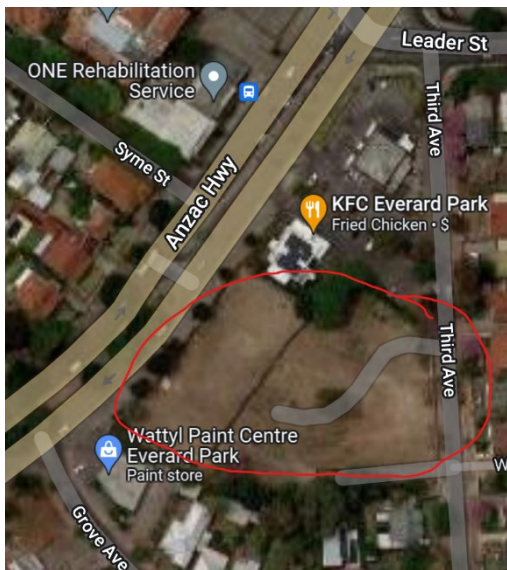


Figures 4,5,6,7. The lack of trees on new developments under the existing rules is occurring across Unley.



Why Incentive Schemes Work

It can be observed that approximately half of new developments that increase the built form on the land are already planting new trees, such as the new development of townhouses on Third Avenue



in Everard Park^{vi} (Figures 8,9). This proves that it is possible to include trees in development applications even when built form is increased. However, we need more new developments than the approximate 50% (Figure 2 above) to plant more trees if the target tree canopy cover is to be achieved.



Figures 8,9. An example of a new development with a gum tree retained and others planted. (Everard Park)

The Code deals with this in part, by requiring both soil and the planting of trees on the development application. However, as previously indicated there is no incentive for the owners to allow the tree to grow. We fear owners will simply plant trees to ‘tick the box’, and then remove them or allow them to die. This is the same fear that was expressed by Brisbane City Council Opposition Leader in response to the new requirement for developments in Brisbane to include 15% of land for deep planting, as previously mentioned.

The advantage of an ongoing payment of a property valued at (for example) \$2 million, paying 10% higher rates over ten years, is that the payment would only be approximately \$400 per annum. The rates notice can record each year the percentage of tree canopy cover on the new development and the \$400 annual recurring fee becomes an incentive to look after the tree as required according to the Code.

Should the property reach the target 15% tree canopy cover within the likely 5 -7 years, the annual payment would be removed indefinitely even if the tree is cut down or dies. The Council would then hopefully continue to monitor properties that have achieved their canopy target and any variation to the scheme would be a consideration by Council for the following 10 -20 years. From experience, we expect that further monitoring will prove unnecessary.

The need for the scheme to be ongoing rather than one off, is to avoid developers simply paying the fine, and then removing or allowing the trees to perish. There is no incentive for future owners to

plant trees or for the developer to keep deep soil available in a location where a tree can be planted and allowed to grow. This makes the requirements in the code useless to achieving any canopy target.

Key points and FAQ:

- No existing property owner in Unley will ever pay higher rates due to a lack of trees.
- On ongoing offset fund which provides both incentive and guaranteed outcome has not been trialled anywhere else in the world.
- Includes automatic inbuilt low-cost enforcement.
- Significant trees in Unley such as Addison Rd, Black Forest SA 5035 were costed at around \$500,000 each to save because we had to buy the land.
- We must increase our tree canopy on private from 22% to 27% to achieve our overall goal of 31% set by the State Government.
- Currently the rules are failing to deliver trees even though they are required to be planted.
- An ongoing scheme is preferable to a one-off payment due to ability to incentivise and provide automatic financial encouragement to comply.

Conclusion


The City of Unley's desire to implement a Tree Offset Scheme involving an ongoing payment system in order to ensure the increase of tree canopy cover across Unley is reiterated.


Although it can be acknowledged the Planning Code assists in part by requiring the inclusion of soft soil for landscaping, and the planting of a tree in new developments, it does not by itself achieve the objective of ensuring canopy will be increased and retained.

A tree offset scheme with ongoing payments is the only mechanism that would encourage the growing of the trees planted by the developer or subsequent owners.

The hope is that these properties and the wider community in Unley will benefit from the cooling effect of the trees and will encourage future owners to value and look after their trees without the need for incentives to increase the tree canopy in the long term.

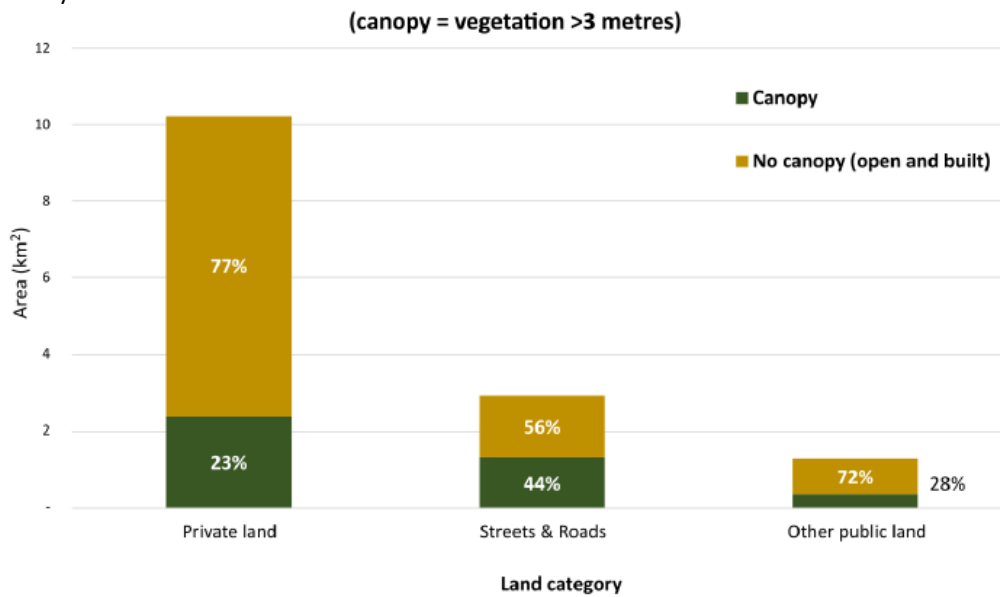
We look forward to receiving the Minister's full support on the proposal in the foreseeable future.

 **Average Private Property Coverage 2021**
22.34%

 **Average Private Property Coverage 2018**
21.26%

i

ii Unley Council Land



iii or else require amendments to S 154 of the Local Government Act 1999 (SA).

iv PO 1.2

Development incorporates deep soil zones for the retention or provision of large trees to contribute to a well landscaped setting

DTS/DPF 1.2

At least 15% of a site incorporates deep soil zone areas



Culross Ave Myrtle Bank Google Maps 5/12/2022

^ <https://mycanopy.unley.sa.gov.au/#explore> 2018 and below 2021 LiDar pictures of trees above 3M



22 Culross Ave the RHS unit has allowed the planted tree to grow but the two neighbouring units' trees have been removed



My Canopy result for
22 Culross Avenue Myrtle Bank SA 5064

2018



2021



2018 Canopy Coverage

6.86%
14.10m²

2021 Canopy Coverage

1.22%
2.52m²

Change

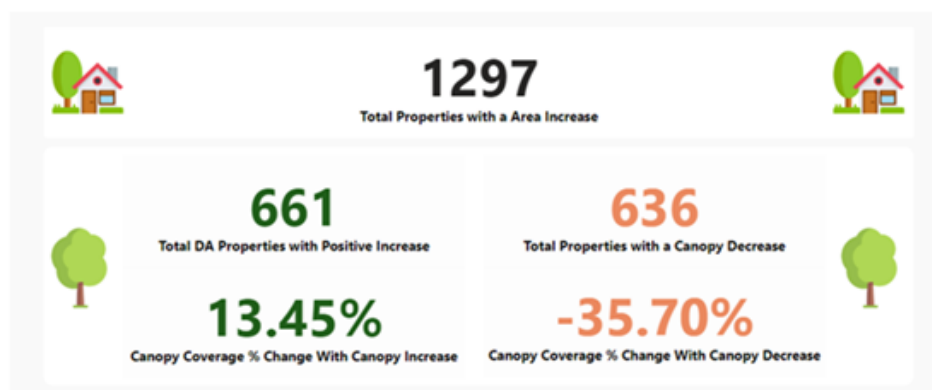
-5.63% ↓
-11.58m²

Opey Ave Hyde Park

December
2022

In 2017
Opey Avenue had
a 30% tree cano-
py cover.

Development Applications (Building Foot Increase) June 2018 – June 2021 Summary



These pictures highlight why the annual loss of four Ha of trees from private property will eventually lead to Unley having a tree canopy below 13% relying solely on Council trees.

We lose two Unley Ovals each year, every year from less than 400 Ha across the entire City.

Half of new developments with a built form increase, increase their canopy cover and the other half lose their cover with no incentive for the subsequent owner to plant or grow trees. A 10% ongoing removable rate offset payment is an incentive to plant and grow a tree.

A one off offset payment buys the right to not plant or grow trees!

My Canopy result for
52 Opey Avenue Hyde Park SA 5061



My Canopy result for
50 Opey Avenue Hyde Park SA 5061



Street trees and neighbouring trees provide cover.

Residents often want “their” street trees pruned so that they do not overhang. This 2021 treeless property had an increase in canopy cover due to the growth of street trees and the neighbours tree despite the loss of canopy on the 2018 property.

My Canopy result for
53 Opey Avenue Hyde Park SA 5061

2018



2021



2018 Canopy Coverage
13.59%
63.60m²

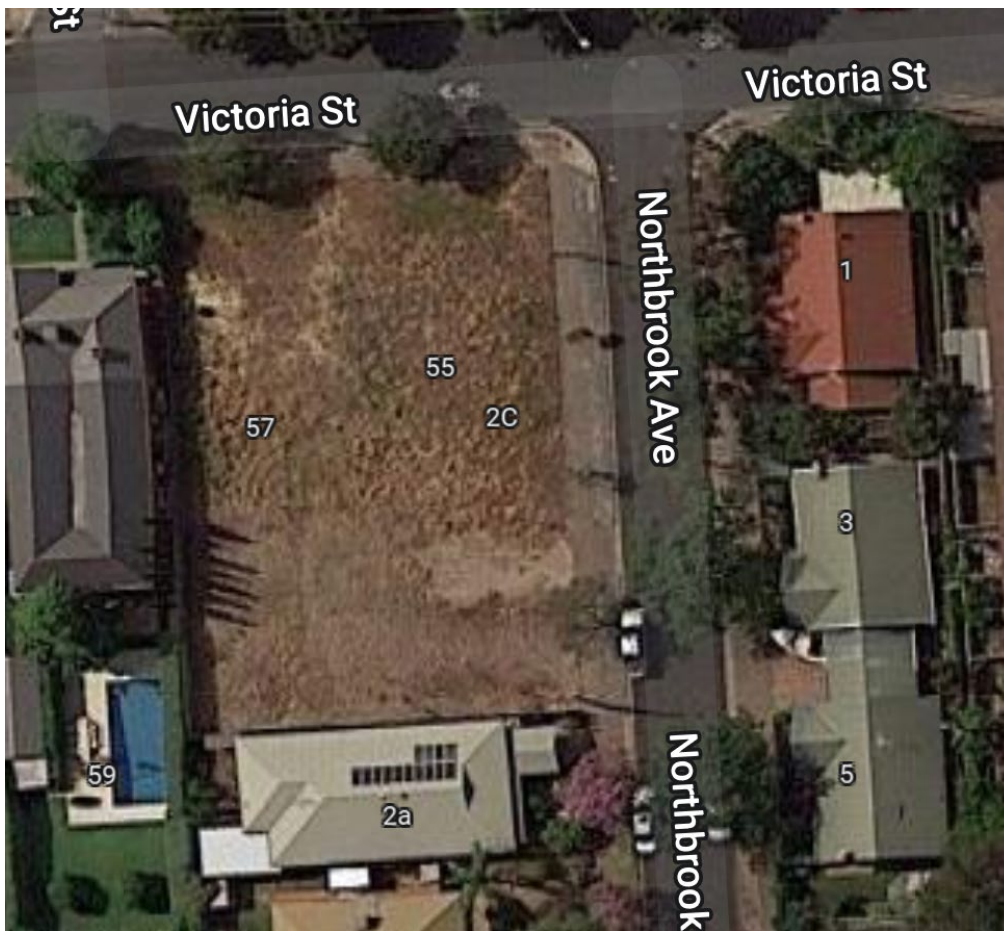
2021 Canopy Coverage
15.19%
71.07m²

Change
1.60% ↑
7.47m²



The back yard is almost entirely gone but will the weeping tree be allowed to grow above 3 Meters in Height?

The Front Yard has a number of trees planted which may be allowed to grow.



Google Maps 5/12/2022



5/12/2022 Photo Mayor Michael Hewitson Showing 2B and 2C Northbrook St



2021

<https://mycanopy.unley.sa.gov.au/#explore>



2B Northbrook St 5/12/2022

Plants in pots. No Tree planted



2018 <https://mycanopy.unley.sa.gov.au/#explore>

2C Northbrook St 5/12/2022 flowers and shrubs but no tree planted



vi Third Ave

Third Ave Everard Park

Will a loss become a gain?

My Canopy result for 14 Third Avenue Everard Park SA 5035



The development of the area between Anzac Highway and Third Ave pictured shows a very large loss of trees. When campaigning I was by a new resident of Unley asked, "I suppose where I live this is an example of what you are against." Having doorknocked along Cross Road in Malvern and Highgate and elsewhere across Unley, I visited medium density developments which were wall to wall concrete paths and paving. Over the next four years this development is worth watching. I suspect it will achieve an overall 30% canopy cover. See the difference between March 2021 in green to the pictures I took in December 2022. There are so many small trees planted that will grow and provide cover. This seeming disaster for increasing our ambient temperatures on a blistering Summers day may yet become a haven.



