

## Inner Suburban Tree Canopy – Let's Get Real!

A short-written summary, loosely based on the presentation.  
Asia Pacific Cities Summit October 2023: Mayor Michael Hewitson AM

Around the world local governments rely on planning rules to provide for the retention and planting of trees in new developments. However, the rules with respect to the planting of trees often prove to be ineffective and enforcement costs money and risks expensive litigation. Why not change the way we manage the problem?

Rather than just relying on planning rules about input, we could measure the outcome of new developments year after year.

Why not simply measure the outcomes of new developments and the changes to the built environment, and then apply automatic financial incentives for both present and future owners in order to achieve the required tree canopy?

We cannot sit idle or be complacent when making rules to protect trees, rules requiring that trees must be planted, as we fail to produce the desired outcome. Our rules appear to act as a disincentive and encourage the removal of trees, as many owners do not wish to be left with or burdened with the financial cost of caring for and managing trees on their private land.

Why not instead have a simple and automatic way of measuring the outcome for new developments that increase the built form.



In South Australia the target is an overall tree canopy of greater than 30%.

Over the last few years, the City of Unley has measured the percentage of tree canopy cover on individual properties using an annual light detection and ranging system (LiDAR). We have been able to monitor changes to canopy cover, with the results sent to all ratepayers via their rates notices.



The canopy cover is calculated and measured from 3m because the State Government target for City of Unley is 31.2% tree canopy above 3m by 2045.

### Background Problems

1. Cities around the world are losing or have lost their tree canopy.
2. Planning rules are complied with on paper, but few trees are planted and are allowed to grow.
3. Compliance enforcement is both expensive and ineffective.

The City of Unley had 574 hectares (ha) of tree canopy cover in 2000. We lost 8 ha per year on average in the ten years to 2018. Canopy cover dropped from 34% to 26.6%.

The 2018-22 Council responded by accelerating tree planting on Council land, planting 2 ha per year. Our National prize-winning IT work has now enabled the City of Unley to involve and inform our citizens and property owners of the tree canopy cover on their property. Together with traditional giveaways, educational programs, and the provision of financial assistance to the owners of very large trees, the annual loss of trees on private property has been reduced to 4Ha per annum. Today Council has less than 400Ha remaining (28%).

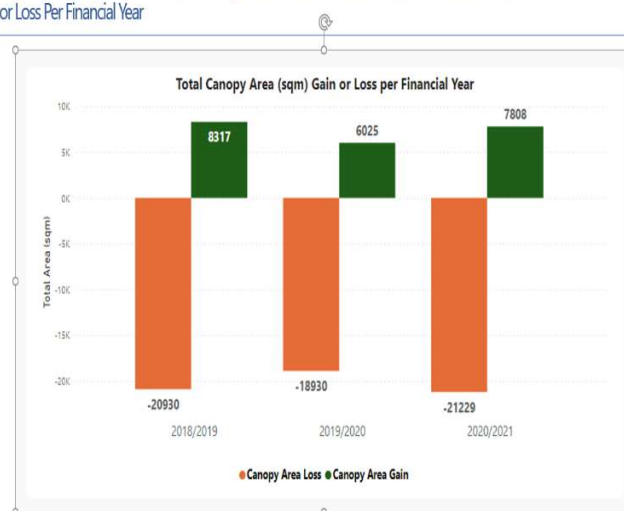
<b>Total area of the City of Unley</b>	<b>1,429 ha</b>
<b>Total tree canopy 2021</b>	400 ha (28%)
<b>Previous decade annual loss</b>	8 ha
<b>Current annual loss</b>	4 ha
<b>Annual loss from new developments (200+)</b>	2 ha (50% of all current loss)

The information derived from Council's LiDAR data has pinpointed the problem and enabled new solutions. The 2022-26 Council, working with the Government of South Australia's Minister for Planning, has the information required to enable the City of Unley to achieve the State Government's 31% target. This will enable the City of Unley to remain liveable in a time of rising temperatures. Without action, the 50°C temperatures experienced in Western Sydney suburbs with less than 10% tree canopy cover will be ours.

We have two groups that are removing and reducing the number of trees.

- About 220 new developments that increase the built form in our City resulting in the removal of 2Ha each year.
- The other 25,000 private property owners remove another 2Ha.

Development Applications (Building Foot Increase) June 2018 – June 2021  
Gain or Loss Per Financial Year



## Can rules save trees?

### Planning rules are complied with on paper and no trees are planted

The Planning and Design Code for South Australia includes a requirement for development applications to provide an area of soft soil, an area for landscaping and tree planting.

*Artificial lawn never needs mowing*

The boxes can be “ticked” with no trees growing.

*Tree in a pot!*



The developer of the group of two storey townhouses complied with the rules, planted trees, and provided soft soil. Everyone in this block of townhouses had a tree. Many of the trees have already been removed.

The only trees above 3m are the street trees.



### **This is not just a City of Unley Problem.**

In December 2022, Brisbane City Council recognised that the key to canopy cover is land provision, specifically, private land. Brisbane Council resolved to implement a 15% mandatory provision of land for all new developments, meaning that development applications will not be approved without the mandatory 15%. The Council seeks the growing of large Queensland native trees. [Brisbane 15% land mandatory for trees.](#)

Concerns were shared by some Brisbane City Councillors... “the amendment would not be enforced sufficiently” due to the “apparent lack of penalty<sup>1</sup>.”

Even if there was a penalty, how could it be enforced?

### **Enforcing compliance is both expensive and ineffective**

The City of Unley is not alone in entering expensive litigation. Even if a council wins the case and the costs, only about 60% is recovered. However, a loss is common.

A \$552,857.07 example can be found in the case of *The Corporation of the City of Unley v Crichton & Anor 2021*. Council was prevented from protecting two significant and regulated trees.

*In October 2015 residents of Hyde Park Mr Crichton and Mr Bendyk employed Tempest Trees and Gardens Pty Ltd to prune two significant and regulated trees on their neighbour's property but which were overhanging their properties. The trees then became the subject of a court case in which the City of Unley sued both parties based on unapproved development and damage to both trees.*

*Their neighbour, Ms Simons, was away at the time the pruning occurred and reported the apparent damage to council when she returned. Council then made contact with Mr Crichton regarding the issue of tree-damaging activity, and in due course charges were laid on that basis.*

*The finding of the Judge was that no more than 20 per cent of the crown of each tree had been removed, therefore no damage to the trees had occurred. Unley disputed this verdict claiming that the Judge misinterpreted what is considered tree damaging activity. However, it was decided that the crown of the tree was defined as “living branches and foliage of the tree” and what was pruned was found to be mistletoe and therefore parasitic to the host.*

*The trees were both identified as ‘Eucalyptus Camaldulensis’, or River Red Gums, and were deemed ‘regulated trees’ as per the meaning of section 4(1) of the Development Act 1993 (SA) and regulation 6A of the Development Regulations 2008 (SA). Despite this, Council was unable to recover costs associated with the damage to the trees.*

*This case cost the City of Unley over \$552,857.07 in legal fees to try and recoup the costs, and to reiterate the vital importance of protecting significant and regulated trees.*

Costly legal battles and penalties are not the solution. We need incentives based on outcomes to achieve a solution.

### **Is planting trees on Council land a solution?**

Not in Unley, an inner-City Council. We are almost fully planted.

- Council has accelerated our tree planting and at the end of this year we HAVE ONLY 1,937 locations available for future planting.
- With only 16% of the total Council area being Council land, roads, playgrounds, sports fields, and Council depots etc... you cannot achieve 30% tree canopy cover across the whole city!
- Council planting can only achieve 7% of the 30% tree cover across the whole City. In 2021 Council Land has a remarkable 43.24% tree canopy cover and our roads 49.56% cover in April 2021.

### **Solution Proposed**

#### **Automatic financial incentives based on outcomes, and other methods to deliver the outcomes are proposed.**

The City of Unley has been working towards trialling a tree canopy retention scheme that would be a world-first. The scheme involves all new development applications (that increase the built form), being subject to a minimum tree canopy requirement.

The result of not meeting the required canopy percentage (of the land) would be an automatic increase to Council rates. This creates an incentive to retain and grow trees on the property.

The funds would then enable Council to buy land on which to plant trees to achieve the State Government target of 31% tree canopy.

Specifically, Council seeks to trial over a period of 10 years, and to measure the outcomes of the following thoughtfully chosen measures which we believe will succeed.

#### **New developments that increase the built form will either have:**

- **15% tree canopy; or**
- **Pay an incentive/charge equal 10% of their rates until they do.**

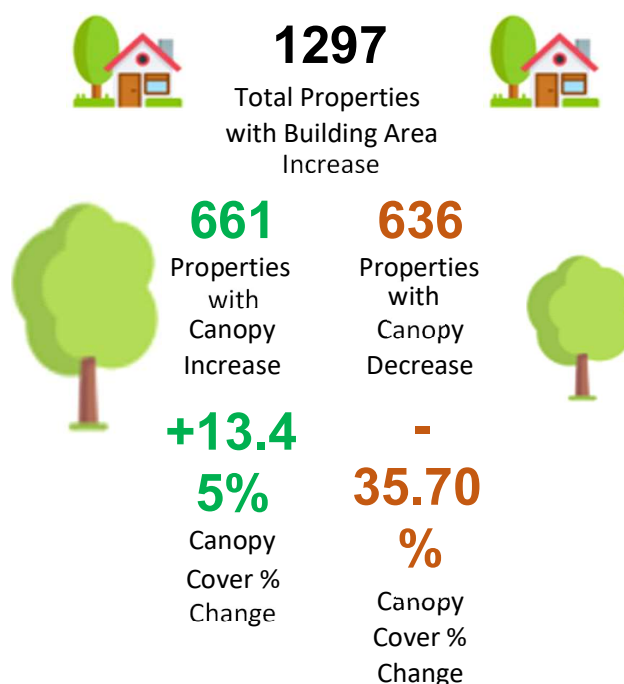
The additional incentive/charge will contribute to a tree offset fund which Council will utilise to purchase more land on which to plant trees.

To implement a trial, Council needs the approval of the Minister for Planning. We believe that this creative scheme would enable the current planning laws in South Australia to be effective in incentivising property owners to increase their tree canopy.

This is an incentive scheme because an incentive/charge equal to just 10% of their rate, it would take 400 years for Council to have the funds to purchase the area of land to plant the trees. A true offset fund would be an 80% rate increase to purchase the land needed over 50 years.

We believe that the 10% financial incentive will change behaviour because:

- Of the existing properties with increased building area half increase the canopy cover by 13.45% and half lose 35.70% of canopy cover;
- Properties that have some trees sell better;
- The new owners will have the rate with the additional 10% levy applied until the 15% required coverage is achieved;
- We won't know if the 10% levy works until we trial it; and
- **No existing property owner will ever pay higher rates for lack of trees.**



*Over three years 2018 -2021*

## Shaping Unley

We need to engage with the owners of 25,000 private properties across Unley.

The paper presented identifies how our permanent tree loss from new developments that increase the built form can be addressed. The presentation to the conference included the extraordinary recent success, how we have now developed to engage with most of our community.

In September 2023, 17,500 have joined Unley Connect, with 1,204 contributions to the ideas board received and 129 people volunteering to participate and be part of the community shaping panel.

The panel will be selected to represent a diversity of age, location, and background and propose permanent solutions for tree loss on private property. Our total population is around 40,000 residents. Connect via <https://yoursay.unley.sa.gov.au/shaping-unley>



We recently used the Shaping Unley process and method to develop a city-wide parking strategy because this is an issue that affects the whole City, and the process attracted responses in the 100's. However, with the interest in the tree strategy and our improvements to the shaping Unley methodology, we now engage 1,000's.

Our long-term aim is to enable our Citizens to be able to vote on the final strategy adopted. For the process to work, Council must ensure the quality of what is being proposed and voted on.

## **Conclusion**

We are losing trees, and we need to take a new and innovative approach to ensure effective outcomes. We must get this right for the well-being of future inner-city generations globally. Let's measure the outcomes and match these with automatic financial incentives.