

36% Loss on Private land

The Problem

The Annual Loss on private land is accelerating

1997-2007 $(31-27)/31\% =$

per annum 1.3%

2007 -2017 $(27-22)/27 =$

Each Year 1.9%

NOW 2%
annual Loss

Canopy Cover Change across Land Tenure,
City of Unley 1979, 1997, 2007 and 2017

The graph illustrates the percentage of canopy cover for Private Land, Public Land, and the Whole Area in the City of Unley across four time points: 1979, 1997, 2007, and 2017. The Y-axis represents the percentage of canopy cover, ranging from 15% to 50%. The X-axis represents the years. The data points are as follows:

Year	Private Land (%)	Public Land (%)	Whole Area (%)
1979	34	34	34
1997	31	38	34
2007	27	39	31
2017	22	36	28

The graph shows a significant decline in canopy cover for Private Land, while Public Land and the Whole Area show a slight increase or stabilization over the period.

Unley is Unique.... Closest to City

- Unley Council holds 16% of all land and less than 3% is parks and ovals.
- If Unley plants trees across all streets, buildings & ovals to give 40% coverage. This is **ONLY 6.4% we need 31%**
- Private property is 80% of Unley

The diagram shows a tree where different parts represent different land ownership categories:

- Green canopy: 55.74% (Council Land)
- Brown canopy: 24.26% (Private Property)
- Yellow canopy: 16.00% (Parks and Ovals)
- Blue canopy: 4.00% (State Schools)

At the bottom, it states: 6% is Commonwealth land and State Schools

The Tree Strategy states:

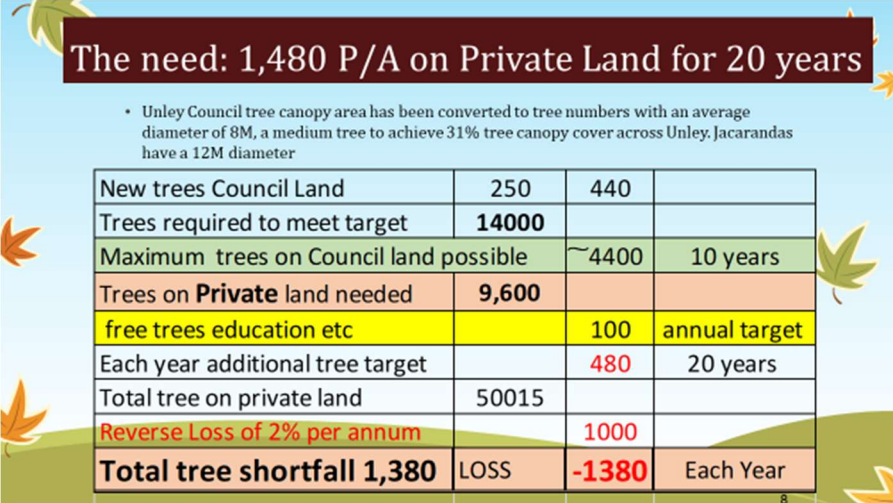
“Council will explore a range of financial measures and incentives to encourage the retention and expansion of tree canopy on private land.

Council will investigate policy options that consider minimum requirements for canopy cover on private land. These investigations may also consider financial or other incentives for existing properties to achieve a target canopy cover level and establishing partnerships with commercial property owners to increase tree canopy.”

The strategy highlights the necessity for Unley to both reverse the net loss of trees on private property of over 1,000 trees per annum, and to increase the % of private canopy cover from the current rate of about 22% to 27% across all privately held properties in Unley.

In short, an extra 480 trees each year must be planted on private property and nurtured. We must also stop the removal of a 1,059 trees annually. We have had a tree strategy for the past two years. We have a free tree giveaway for new arrivals, and we hope this will result in 100 trees growing to maturity. We have been extending our planting of trees on Council land by 450 in 2020-1. In five years at this rate we will have no more public land to plant a tree on.

However, with all our existing strategies and actions we have a total annual shortfall in our strategy of 1,380 trees per annum



The need: 1,480 P/A on Private Land for 20 years

- Unley Council tree canopy area has been converted to tree numbers with an average diameter of 8M, a medium tree to achieve 31% tree canopy cover across Unley. Jacarandas have a 12M diameter

New trees Council Land	250	440	
Trees required to meet target	14000		
Maximum trees on Council land possible	~4400	10 years	
Trees on Private land needed	9,600		
free trees education etc		100	annual target
Each year additional tree target		480	20 years
Total tree on private land	50015		
Reverse Loss of 2% per annum		1000	
Total tree shortfall 1,380	LOSS	-1380	Each Year

As a result of this continued failure, at the Council Meeting on 27 July 2020, Council passed a motion seeking to develop new strategies to address this (Resolution No. C0296/20). Council resolved to explore financial incentives to encourage residents to maintain and to plant trees on their private property. The motion was carried 8 in favour 3 against.

The report was made to the 28 September 2020 Council meeting. It was unanimously resolved (Resolution No. C0337/20).

Tree strategy:

The report was made to the 28 September 2020 Council meeting. It was unanimously resolved to approach the Minister *to enable Council to introduce a scheme to support the retention of trees on private property, an element of which is triggered by the lodgement of a development application and a subsequent assessment of canopy cover on the property.* The motion also resolved to hold a workshop to discuss other *options that may be implemented to encourage the increase of tree canopy cover on private land.* (Resolution No. C0337/20).

APPENDIX 3

The workshop held on 19 October 2020 was excellent as various ideas were proposed by individuals and were explored. Ultimately, we found that many were either beyond the power of Council to implement or simply would not deliver the desired outcome.

Conclusion:

Four options were explored and only option 4 is feasible right now.

Option 4 Council has the power to introduce this option

Option 4 INCENTIVES ONLY could be introduced into the 2021-22 budget for public consultation as a result staff prepared a project that would deliver to be found in appendix iv.

Budget

Budget Request

Mayor Michael Hewitson

An education program to create a culture that values trees on private property via incentives.

Aim: To trial over two years an incentive program which collects data and information to inform a long-term strategy that will successfully enable the city of Unley achieve its 31% SA State Government and Unley Council tree canopy target.

That the budget per year be for two years and that the project be audited and reviewed in 2022.

- a. Providing arboreal advice and incentive to plant trees. Already doing including free tree giveaways are offered to new residents.
- b. All properties have their existing tree canopy cover as measured by LiDAR aerial mapping of trees of 3 meters or more reported with their rate notice.

- c. Properties with less than 20% canopy cover may apply for a “free” tree via a voucher on application.
- d. Incentive to retain trees with properties with over 30% canopy are offered a small 2 % rate rebate. (Average rebate \$40.00)
- e. Conservation grant money to assist owners with irregular maintenance of very large trees. Owners of protected trees can already apply for a heritage grant to help maintain these trees on their land. Already doing

At the budget workshop 15/03/2021 it is likely that the program part d providing financial incentives will be cut and the LiDar data and the providing of each properties canopy cover will be provided with the December rate notice.

- d. Incentive to retain trees with properties with over 30% canopy are offered a small 2 % rate rebate. (Average rebate \$40.00) (The cost was \$200,000.00 per annum)

Reasons given at a public workshop were

1. The lack of evidence that providing a rate rebate for properties will work as no one else in the world has tried this approach. (Many other Local Governments have the power to require trees in their planning rules. In SA this power has been taken over by the State Government and our approach to the Minister to be able to have a minimum tree canopy for new developments in Unley of 15% has not been accepted to date.)
2. The cost of the 2% rebate was estimated to be \$200,000 and this would be better to increase the surplus to closer to 5% to ensure we pay down debts faster. The budget had a 4.5% surplus

A response to these concerns:

1. There is no other proposal on the table that provides incentives for people to retain their trees. Without trialling a new approach, we will continue to lose 2% of our tree canopy on private land each year.
2. Until someone in the world tries the financial incentive model there can be no data to test the idea.
3. Incentives on private property may well provide tree canopy at a fraction of the cost of planting on public land, even if we had enough land to plant trees on. Private property makes up 80% of the land in Unley. We must increase planting on private property to achieve our 31% canopy target.
 - a. \$200,000.00 of incentives will return a \$50 Million benefit or more.
 - b. Hypothesis: That providing just a small financial incentive to contribute to the cost of owning trees on private land will decrease the rate of loss of trees and increase the planting of new trees. The benefit to those who do not have 30% tree canopy cover is that \$1.00 spent on the incentive provides an outcome

\$250x greater than spending \$1 planting on council land. I.e. \$200,000 incentive as proposed will provide an outcome at least equal to spending \$200,000 to plant trees on Council, viz 500 trees planted or saved each year. As Council will run out of land we have to buy land to match this expenditure. The cost of the land to buy to plant 500 trees on is \$2,000 per square metre. 500 trees @ 50M² per tree = \$2,000 x 500x 50 = \$50Million.

- c. Even if the change in behaviour was less than 500 trees, i.e. only 200 trees retained or planted each year, \$1 spent on a financial incentive will achieve the same outcome as \$100 planting on Council land.
4. Now significant tree owners are face with financial penalties for owning trees. It is not surprising that many new residents remove trees rather than bearing the cost of maintaining them.
5. If the surplus is sacrosanct then in these limited number Covid times, we could reduce the 150th events and concentrate on the 2022 TDU as a finale 150th event in the hope that vaccinations will have enabled full participation. However as we transition from the loss in our Covid budget a 4.5% surplus with our debt well below 50% is excellent cover enabling the payback of debt to be well within 10 years.

Record of Discussion of all options

Concept 1 – new developments only

Summary of concept 1 shared with the minister of Local government and others.

“New developments applying to council for development approval that expand the built form footprint or remove existing regulated trees do not receive a 15% rate rebate until they have at least 15% tree canopy cover.”

APPENDIX 4

At the Council meeting on 22 February, Council voted 5/7 against asking staff to carrying out further work on this proposal.

APPENDIX 5

Concept 2 – all properties

Concept 2 proposed that Council apply a discretionary rebate of rates for any property that achieves the minimum desired target canopy coverage (i.e. 15% or 20%).

APPENDIX 6

Concept 3 – to provide a financial incentive to maintain existing canopy cover

To prepare a tree canopy baseline for every property in Unley in Feb March 2021. Rates increase to which a rebate can apply, to provide an incentive to maintain the existing canopy cover. All properties that are above 15% canopy or do not reduce their existing canopy cover if the base is between 0–14.9% receive the full rebate.

APPENDIX 7

Concept 4 - incentives only

Building an education program to create a culture that values trees.

APPENDIX 8

Other options

APPENDIX 9

Conclusion

Option 4 is the only proposal being considered by Council. Option 4 INCENTIVES ONLY to be introduced into next year's budget for public consultation

Some side issues raised that do also will not deliver in South Australia.

1. Trees should be valued and people removing them should bear the cost and pay Council for the value of the tree.
 - a. **"I am in favour of putting a value on trees but doing so does nothing to either assist with the retention or planting of trees on private property."**
 - b. This could work on public land, such as resident that wants a tree removed from a verge near them.
 - i. Problem
 1. The state government sets the valuation rate, and these are far too low.
 2. It is beyond the powers of Unley Council to change State government valuations.
 - c. This cannot be applied to private property
 - i. The net loss of over 1,000 trees each year is despite many large trees being regulated.

- ii. Trees have a finite life and even regulated and protected trees are sometimes approved for removal.
- iii. For non-regulated trees the owner has the power to remove these without notification and advice.
- iv. The costs of documenting every tree and policing every tree on private land would be enormous.
- v. Council does not have the power to fine people for removing trees on their land.
- vi. The owners of regulated trees bear all the costs despite community benefit.
- vii. Such rules, even if they were possible, they would ensure that private owners have a large financial incentive not to plant trees.

This debate showed that putting a value on trees on private property is not in the power of Council. If it were it would in effect be retrospective penalties for current owners.

2. Social Justice

- a. The argument is that those who are less financial in our community live in flats and apartments and cannot plant trees and yet are being rated to cover the cost of doing so.
 - i. 2,865 flats and apartments pay the minimum rate of \$865.00 per annum.
 - ii. This rate is the lowest rate across the whole of the greater Adelaide metro area.
 - iii. Any small rate increase to provide incentives is carried by the remaining 14,207 residential properties.
 - iv. Already all ratepayers are covering the total cost of existing Council programs to plant, to maintain with water, pruning. \$2,270,000 per annum to be exact.
 - v. At best this huge cost can only achieve 6.4% canopy cover across Unley on Council land.
 - vi. If the current annual net loss of over a 1,000 trees per annum continues, temperatures will rise, and the poor will either suffer health costs or electricity costs to run their air conditioners.
 - vii. My analysis is that \$1.00 spent as an incentive for the owner of a private property to plant, grow and maintain trees would cost rate

payers \$24.00 to achieve the same outcome on private property.
(Rate payers receive rates on private land with trees and save the costs of paying staff to plant, water and maintain, etc....)

- b. Concept 4 as outlined enables all rate payers to benefit.
 - i. Those above 25% canopy cover who are financially struggling, on average would receive \$40 to help clean the leaves out of their gutters, a small contribution recognising their efforts to cool the city of Unley.
 - ii. Those below 25% canopy cover receive the benefit of arboreal advice and a suitable small tree to plant.
 - iii. Those on fully built out land for example high rise buildings can plant a tree in a pot or barrel.

APPENDIX 1

¹ Sent: Wednesday, 21 October 2020 5:17 PM

To: Michael Hewitson <mhewitson@unley.sa.gov.au>

Cc: Peter Tsokas <ptsokas@unley.sa.gov.au>

Subject: Tree data requested

Michael

Here are the answers to the questions you posed this afternoon. I do not have an answer for the last one but will get to you by Friday 4pm as agreed.

City of Unley minimum rate	\$855 pa, this is the lowest minimum rate of all metro councils
Properties on the minimum rate	2,865
Total assessable properties	18,900
Total residential properties	17,020
Total non-residential properties	1,880
General Rate Revenue (does not include NRM and Main Street Levy)	\$40.475M
1% of General Rate Revenue (does not include NRM and Main Street Levy)	\$404,750
Value of 2% rate rebate on properties with >25% tree canopy cover	\$238,000
Number of properties with >25% tree canopy cover	5,601 residential 237 non-residential
Canopy Action Plan- Private Trees (Operating Project)	\$25,000 Provides for approx. 2,400 discount vouchers Includes funds for education and promotion
Total annual cost of planting and maintaining trees on Council property	\$2.27M Includes employee costs, plant and equipment, materials, external contractor costs and waste management costs incurred specifically for the management trees waste

Regards

Nicola

APPENDIX 2 - (Resolution No. C0296/20)

ITEM 4.8

FINANCIAL MEASURES TO MEET TREE CANOPY TARGET

MOVED Councillor P. Hughes

SECONDED Councillor J. Boisvert

That:

1. *The report be received.*
2. *The feasibility of implementing Concept 1 and Concept 2 as outlined in this report be investigated, using the following parameters:*
 - 2.1 *a target tree canopy cover of 15-20%*
 - 2.2 *increased rates of 10-15%**with results to be reported to Council in September.*
1. *The creation of a 'Tree Fund' be investigated for the purpose of funding the acquisition of land by Council to be used to increase tree canopy across the city with results of the investigation to be reported to Council in September.*

CARRIED

Resolution No. C0001/20

DIVISION

A Division was called by Councillor P. Hughes and the previous decision was set aside.

Members responding to the Presiding Members call for a vote in the affirmative:

Councillors P. Hughes, K. Anastassiadis, J. Boisvert, M. Broniecki, J. Dodd, D. Palmer, M. Rabbitt and N. Sheehan

Members responding to the Presiding Members call for a vote in the negative:

Councillors S. Dewing, J. Russo and E. Wright

*The MOTION was declared **CARRIED***

E4.4 "Council will explore a range of financial measures and incentives to encourage the retention and expansion of tree canopy on private land.

Council will investigate policy options that consider minimum requirements for canopy cover on private land. These investigations may also consider financial or other incentives for existing properties to achieve a target canopy cover level and establishing partnerships with commercial property owners to increase tree canopy."

APPENDIX 3- (Resolution No. C0337/20)

ITEM 4.7

FINANCIAL MEASURES TO ACHIEVE TREE CANOPY TARGET

MOVED Councillor M. Rabbitt

SECONDED Councillor J. Boisvert

That:

1. *The report be received.*
2. *A letter be sent to the Minister for Local Government seeking amendments to the Local Government Act 1999 that would enable Council to introduce a scheme to support the retention of trees on private property, an element of which is triggered by the lodgement of a development application and a subsequent assessment of canopy cover on the property (Concept 1 – New Developments).*
3. *No further action be taken with regards to ‘Concept 2 – All Properties’ (application of a discretionary rate rebate) as a mechanism for retention of trees on private property.*
4. *An Elected Member workshop be held to discuss the issues of implementing ‘Concept 3 – All Properties’ as a mechanism to support the retention of trees on private property, whereby a universal increase in the general rate would apply and a canopy cover audit would be used to determine a baseline and subsequent eligibility for rebates. The workshop should also discuss other simpler options that may be implemented to encourage the increase of tree canopy cover on private land.*

CARRIED UNANIMOUSLY

Resolution No. C0002/20

APPENDIX 4 – Concept 1

Action: Correspondence has been sent to the Attorney General and the Minister for Local Government and was the basis for our meeting with the Deputy Premier, Vickie Chapman.

Advantages

- a) This is a simple low-cost scheme that has no retrospectivity.
- b) It would address approximately 70% of our tree shortfall on private land over a period of two decades.

Disadvantages

- a) Legal advice provided suggests that we must seek State government support to implement this scheme via a change to the Act to allow provision for such a rate \
- b) If it changes to an offset fund scheme it would require the signature of the minister.

Update

We discussed a tree offset scheme requiring just the approval of the Minister.

- a) This Concept could develop into a “Refundable tree canopy incentive offset fund” whereby new owners who within 10 years achieve a 15% minimum canopy cover receive an incentive payment of up to 10 years of contributions paid into the scheme.
- b) This makes the scheme an incentive scheme whereby all funds paid in can be refunded.

APPENDIX 5 – (Resolution No. C0451/21)

ITEM 5.1.1

NOTICE OF MOTION FROM COUNCILLOR P. HUGHES RE: REFUNDABLE TREE OFFSET INCENTIVE SCHEME

MOVED Councillor P. Hughes

SECONDED Councillor J. Dodd

That:

1. *A report be prepared to enable further development of Concept 1-New Developments (as described in item 4.1, Council Meeting 28/09/2020) into a refundable incentive offset scheme whereby owners paying the offset charge who achieve the target within 10 years, receive a refund for up to 10 years of offset charge.*

Councillor P. Hughes, with the leave of the meeting and consent of the Seconder, VARIED the motion as follows:

That:

2. *A report be prepared prior to the end of 2021 to enable further development of Concept 1-New Developments (as described in item 4.1, Council Meeting 28/09/2020) into a refundable incentive offset scheme as provided by the PDI Act.*

The VOTE was TIED and the Mayor exercised his CASTING VOTE and voted IN FAVOUR of the MOTION.

CARRIED

DIVISION

A DIVISION was requested by Cr P Hughes and the previous decision was set aside. The following members responded to the Mayor's call as having voted IN FAVOUR of the MOTION:

Councillors P. Hughes, J. Dodd, J. Boisvert, N. Sheehan and K. Anastassiadis

The following members responded to the Mayor's call as having voted AGAINST the MOTION:

Councillors M. Broniecki, M. Rabbitt, J. Russo, S. Dewing, D. Palmer, E. Wright and J. Bonham

*The MOTION was declared **LOST**
Resolution No. C0003/21*

APPENDIX 6 – Concept 2

Report went to Council with a unanimous decision to take no further action. Council is opposed to any retrospective taxation proposal.

Council could increase rates across the City and then offer a rebate to properties that meet the minimum canopy cover, or it could choose not to increase rates but still offer a rebate to properties that meet the canopy cover.

Legal advice indicated that there are no legal impediments to Council introducing this concept, as the awarding of a rebate to properties that achieve the minimum canopy coverage is sufficiently linked to the purpose of securing the proper development of the Council area and would fall within Section 166(1) of the Act.

This concept is therefore relatively straightforward in terms of implementation. However, if Council applies a general rate increase to all properties and then a rate rebate to those that meet the criteria, it will be in effect a retrospective tax. In other words, some ratepayers will be paying an additional rate based on their retrospective actions.

The Council has previously indicated that it is not in favour of introducing any retrospective tax.

APPENDIX 7 – Concept 3

The workshop discussed the proposal proposed however, it is untried, complex, and as presented is costly, and so a simpler option was favoured

Advantages

- a) Legally supported within the current rules.
- b) By design this concept is not retrospective as all existing properties have a tree canopy baseline and all would receive the rebate in year 1. However, in future years those properties that both fall below their baseline canopy cover and where this is less than 15% cover would be affected.
- c) Any policy could include the capacity of Council to allow the rebate to continue for up to five years where an application is made when canopy loss occurs with the property owner not at fault e.g. a tree is toppled following a storm (force majeure).
- d) Lowest possible running costs, as LiDar technology identifies tree canopy cover on properties greater than 3m with $\pm 5\%$ tolerance.
 - i. To avoid the cost of inspection, ratepayers are provided with $\pm 10\%$ tolerance before a rate charge is triggered.
 - ii. Properties that share a common title or are subdivided from an existing title carry the average % canopy cover base for the whole or original title.

Disadvantages

- a) The Concept is so novel that it requires very careful explanation and wide public support.
- b) This Concept, as presented by staff at the workshop, was considered expensive to implement.

APPENDIX 8 – Concept 4

- Providing arboreal advice and incentive to plant.
- Properties with less than 20% canopy cover may apply for a “free” tree.
- Incentive to retain trees with properties with over 30% canopy being offered a small (2 %) rate rebate or the opportunity to donate to land fund on which trees would be planted.
- Conservation grant money to assist owners with irregular maintenance of very large trees.

Advantages

- a) Likely to be very popular with our ratepayers as it is all carrots and it does make a start on the problem with a new solution which can be evaluated over time.
- b) the small incentive would enable the LiDar reading alone to determine automatic eligibility
- c) Can be implemented with a low cost to administer.
- d) Would provide a small incentive for people to keep trees as they will have savings to cover the cost of maintenance
- e) Powerful educative tool that will enable the tree giveaways to be looked after to maturity. If existing LiDar tree canopy is on rate notices this encourages planting.
- f) Likely to have a 20% impact on our private land tree shortfall.
- g) Owners of very large trees are encouraged to maintain them.
- h) Cost neutral on the budget and rates can be kept within CPI $\pm 1\%$ for all and those properties with more than 25% tree canopy cover receive a small rate rebate.

Disadvantages

- a) It would be a small series of steps towards achieving our goal.
- b) About 60% of our loss occurs with new developments and council has unanimously approved approaching the State minister to seek a legislative or other change needed to enable Council to introduce option 1. This may never happen because members of parliament will also have excuses as to the problems it would cause.

APPENDIX 9 – Other Options Considered

- a) Place a value on trees like Melbourne
 - i. We do not have the power to do so, it is the State Government's.
 - ii. On private property putting a value on trees and fining people for removing them is yet another disincentive to plant and grow new trees.
 - iii. Lack of ability to enforce and the policing costs would be extreme. LiDar does not locate where the tree is planted.
 - iv. People on their own property can replace, chop down trees unless they are significant.
- b) Include the tree canopy cover % on the rates notice
 - i. Can be done.
 - ii. How is this an incentive to keep or plant trees.
 - iii. It may seem like a threat and encourage the removal of existing trees.