

## 8.2. MM02: Trees should not die for a view - destruction of trees – correspondence from Lane Cove Council

The North Sydney Local Government Area is no stranger to the wholesale destruction of trees – whether it is the thousands that were removed by the previous State Government for major road projects like the Western Harbour Tunnel/Warringah Freeway Upgrade works, the B-Line bus route, or more recent destruction in bushland reserves designed to improve views.

North Sydney Council has a decades-long commitment to protecting, measuring, and increasing tree canopy and habitat. North Sydney Council pioneered Tree Preservation Orders in the early 1970s, bushcare regeneration, and the planting of street trees. Since then, North Sydney Council was amongst a handful of councils leading the way with an Urban Forest Strategy and careful mapping of urban canopy as well as adopting ambitious targets to increase urban canopy and reduce carbon emissions.

In the late 1970s the *Environmental Planning and Assessment Act 1979* introduced environmental offences and fines for unauthorised tree removal. Tree vandalism is an offence and, if proven, substantial fines (up to \$1.1M) and a criminal conviction may be imposed.

Protection of trees is just good policy. It recognises the environmental, health, social, and economic benefits of a vigorous, extensive urban tree canopy. The benefits are fairly well documented<sup>1</sup> and include:

- mitigation of urban heat island effect – urban heat island effect has been found to increase energy use and anti-social behaviour, reduce thermal comfort and labour productivity. Increased tree canopy can reduce urban heat between 3 and 5 degrees Celsius;
- shading and temperature reduction – increased canopy has been found to reduced air conditioning use and increase energy savings of between 12 kWh and 919 kWh per tree per year;
- improved air quality – increasing the absorption and filtration of particulate matter, oxides and sulphides of nitrogen and other pollutants;
- biodiversity – tree canopy provides habitat;
- stormwater management – increased canopy reduces the volume of water entering into stormwater management infrastructure;
- carbon sequestration; and
- aesthetic/amenity value – studies have found that a 10% increase in tree canopy cover on adjacent public space increased property values by around 1.8% of the median property price.

And yet... trees continue to be destroyed to gain views.

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<sup>1</sup> For example, “Putting a dollar value on urban forest benefits”, Gobbett, Daryl, Johnson, Tim and Rowe, Kirralie, <https://treenet.org/resource/putting-a-dollar-value-on-urban-forest-benefits/>

On average, there are four or five tree vandalism incidents per year in our Local Government Area, of low to medium-high severities, including on private property. Over the last 10 years, there have been at least 15 reported instances of tree vandalism in public spaces. Council's investigations have found that the primary reason this happens is for views, particularly when properties change hands.

For example, in late July 2023 there was a serious incident of tree vandalism in the bushland at Forsyth Park which destroyed the last rainforest *Acacia maidenii* (Maidens Wattle) growing in the park.

The felled tree was more than 25 metres tall and the felling decimated a significant area of regenerated bushland, crushing establishing native plants and setting site progress back by at least ten years. The loss of such a significant part of the reserve's remnant canopy will result in further weed intrusion (resulting from increased light levels) and prevents the planned removal of nearby exotic canopy trees.

In response to the incident, Council undertook an investigation documenting the vandalism, writing to, and doorknocking surrounding residents. A \$10,000 reward has been offered for information leading to a successful prosecution. Council also installed a large banner as close to the site of the canopy loss as possible. The sign read: "Trees shouldn't die for a view". The investigation is on-going.

Councils across Sydney struggle to successfully prosecute tree vandals. Our neighbouring councils at Willoughby and Lane Cove have recently suffered significant vandalism.

In August 2023, at Willowie Road, Castle Cove (Willoughby Council) 265 trees were poisoned and 3,600m<sup>2</sup> of bushland cleared and poisoned.

Mosman Council reports numerous incidents of tree vandalism including the 'topping' of Banksia trees on the beachfront at Rosherville Reserve, north of Balmoral Beach with views to Cobblers Bay.

In late November 2023, bushland including 300 trees and endangered ecological communities were illegally destroyed and removed from Woodford Bay, Longueville in the Lane Cove Council area.

On 9 January 2024, Lane Cove Council wrote to us seeking support to collectively lobby the State Government for increased penalties for these types of environmental crimes. A copy of that correspondence is attached.

As recently as early January 2024, residents in Kirribilli identified tree vandals in the act of illegally cutting down a tree on private property and called both the Police and Council to attend the site. The residents acted quickly and collected evidence of the perpetrators including photographs identifying car licence plates. The investigation is on-going.

It is very difficult, if not impossible, to prosecute tree vandals.

**I therefore recommend:**

- 1. THAT** Council restate its strong commitment to protecting, measuring, and increasing urban tree canopy.
- 2. THAT** Council recognise the impediments to successful prosecution including the difficulty in identifying vandals.
- 3. THAT** Council support Lane Cove and Willoughby City Council's lobbying of the State Government in relation to tree vandalism and increased penalties.
- 4. THAT** Council write to the Premier, Ministers for Environment and Planning, the Leader of the Opposition, Shadow Ministers for Environment and Planning, and the minor parties to call on the State Government to undertake an urgent review of the tree protection regime including increasing fines, the role of NSW Police in investigation and prosecution of large-scale environmental vandalism, and an education campaign on the value of urban tree canopy to communities.
- 5. THAT** Council call on the State Government to model best practice in all public works projects and design projects to preserve and increase urban tree canopy which is in line with State policy on climate change mitigation and reduction of carbon emissions.

**COUNCILLOR ZOË BAKER  
MAYOR**



Date: 9 January 2024  
Reference: MB:ap 00738/24

Ms Zoe Baker  
Mayor North Sydney  
200 Miller Street  
NORTH SYDNEY NSW 2060  
mayor@northsydney.nsw.gov.au

Dear Ms Baker

**Re - Destruction of Trees, Bushland and Endangered Ecological Communities**

You may be aware of a recent incident of the illegal destruction of bushland, 300 trees and endangered ecological communities at Woodford Bay, Longueville.

The matter is of major concern to the Lane Cove Community. Council is actively progressing legal action against the perpetrators and hopes to pursue the matter in the Land & Environment Court.

At its Ordinary Meeting 7 December 2023 Council resolved the following;

- The General Manager engage with our local member, the Hon Anthony Roberts, neighbouring Mayors, State Members of Parliament, and LGNSW to collectively lobby the State Government for increased penalties for these types of environmental crimes.***

Council is seeking your support for increased penalties for serious environmental damage such as has occurred in Woodford Bay Longueville.

If you wish to discuss the matter or require anything further please contact Mark Brisby, Director of Planning and Sustainability, on 9911-3610.

Yours sincerely

Craig Wrightson  
**GENERAL MANAGER**

A handwritten signature in blue ink, appearing to read "Craig Wrightson", is written over the printed name and title.

48 Longueville Road, Lane Cove NSW 2066  
 PO Box 20 Lane Cove NSW 1595  
 02 9911 3555

[www.lanecove.nsw.gov.au](http://www.lanecove.nsw.gov.au)  
 [service@lanecove.nsw.gov.au](mailto:service@lanecove.nsw.gov.au)  
 ABN 42 062 211 626