

Representation on DA 202240293
CURTIN section 62 block 6 (Statesman Hotel, 14 Theodore St, Curtin)

Curtin Residents Association 19 July 2022

The DA proposal includes a plan to remove 8 trees along Theodore St (identified as trees 3A, 3B, 3C, 4A, 4B, 5A, 5B, 6 in the accompanying Tree Survey document) and 12 trees along Strangways St (identified as 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17A, 17B). The removals and a statement of the reasons are indicated on the Tree Assessment Schedule of the document TREESURVEY-202240293-02.pdf

We submit that

A. The proposed development must not be allowed to remove the trees along Theodore St. The tree removals are in violation of the Curtin Precinct Code rule R14, and inconsistent with the reasons explaining that Code in its introduction and as stated in the Curtin Group Centre Master Plan. The removal of these trees would also violate the Draft Loss of Urban Tree Action Plan. (see A1,2,3 below)

B. The proposed removal of 12 trees on Strangways St (on public land – street trees) should be permitted only if replaced by trees that will make a substantial contribution to urban forest canopy cover. (see B4 below)

C. the tree protection zones shown in the plans are inadequate (see C5 below)

A1. The Theodore St proposal violates Rule 14 of the Curtin Precinct Code. The nominated Theodore St trees are within the setback defined in the precinct Code Rule R14. The development cannot be allowed to frustrate the clear provision of the Precinct Code to preserve these trees. The removal of these trees would be unreasonable.

These trees are located less than 6 metres from Theodore St boundary of the property, which is within the 6 metres setback for any new building development on the site required by the Rule. The reason for this setback is explained by the Master Plan and in Section 1.2 of the Code that it “nominates minimum setbacks for development along Theodore St to protect the existing street trees.” The identified trees are clearly those intended by the phrase “existing street trees”. This DA is not for a new building, but even without new development there are no grounds to remove the trees within this zone.

Rule 14 of the Curtin Precinct code is stated to apply to area C in figure 3 of the code, and in particular Rule 14(a) to area C1 and R14(b) to area C2. The proposal erroneously claims that the site is not in area C with respect to Rule 14. But Rule 14 clearly states “this rule applies to area C in figure 3” and then refines that area to areas C1, C1, C3 in its parts R14(1), R14(b), R14(c). Area C clearly means the combination of areas C1, C2 and C3. There can be no other interpretation of the meaning of “area C in figure 3” of area C. Rule R14 therefore does apply to this site.

R14(a I) and R14(b II) define a setback of 6 metres along Theodore St. The stated intention of the Precinct Code is to protect these trees. The trees along the street within the site are a very significant part of the Theodore St streetscape.

A2. The nominated Theodore St trees are regulated and no case has been made for their removal.

The trees along Theodore St numbered 3(A & B), 4(A,B), 5(A,B), and 6 are identified as regulated (hence protected) trees being more than 12 metres high and more than 1.5 metres circumference. The proposal states that these should be removed “due to damage to services”. No further reasons are given for this request in the documentation: there is no further explanation or argument given in the proposal and its attachments, and no documents supporting any Referral to the relevant Entity.

Protected trees cannot be removed without permission from the registrar.

If the guidelines for trees on public land were to be followed, trees might be removed when “they are interfering with above or below-ground services such as power lines or water

pipes and the problem is likely to require repeated remedial action" [emphasis added]. The site shows visible signs that water drainage pipes have recently been re-laid along the edge of the building near these trees. This is not unexpected as normal maintenance, given it is 50 years since the building was first developed, but it does not suggest that *repeated remedial action* will be required, and so cannot justify removal of these trees. Now that these services have been re-laid, and assuming reasonable mitigation of anticipated risks has been done, no remedial action should be expected to be required within decades. Within this time the buildings themselves are likely to be completely replaced, with the 6 metre setbacks required in the Precinct Code, and this can include rerouting of services if necessary rather than destruction of mature trees. The DA contains nothing to support a case that any interference by these trees in the past is likely to be repeated in the foreseeable future, and we should reasonably expect that modern PVC pipes have been used which are very much less prone to tree root penetration than the terracotta pipes of 50 years ago.

A3. Along Theodore St the removal of mature trees with substantial canopy cover violates the policy stated in the ACT Government Loss of Mature Trees (Draft) Action Plan.

B4. Facing Strangways St the DA proposes to remove 12 existing trees and plant 9. The trees are in the public domain ('street trees'). This set of trees is a major contributor to the streetscape and public realm of the Curtin Group centre.

A detailed plan with identified positive effect must be given before any consent is given for removal and replacement.

Most of the current trees are small but contribute screening and greenery to the streetscape, and the set includes a larger *Eucalyptus mannifera* of size that would give it protection if it were on leased land.

The larger trees on Strangways St should not be removed. There are no reasons given to remove them.

The smaller trees must not be removed unless their replacements are designed to make significant contribution to the urban forest canopy for environmental cooling effects and for their positive contribution to enhance the visual streetscape. These trees are positioned sufficiently far from buildings to give an opportunity to choose species with medium to large size. The Curtin Group Centre Master Plan envisages mature trees of 15 metres or more along Strangways St, and if they must be replaced, this development provides an opportunity for an outcome to implement that vision in line with Urban Forest and canopy policies.

C5. The Tree Protection plan in the DA proposal shows protection from construction traffic for the street zone of the Strangways street trees (trees 9-17). It does not include any protection for the zone of the mature trees along Theodore St apart from trees 1 and 2 at the north-eastern end, nor trees 7 and 8 on Strangways St.

The Theodore St side of the buildings must either be excluded from the construction zone by stating No Construction Access or must specify protective fencing to avoid any compaction of the ground whether for the existing or new trees.

Curtin Residents Association 20 July 2022