



planning consultants

21 February 2023
Our Ref: 19621A.BMcD_Section 4.56.2

Selwyn Segall
Team Leader Development Assessments South
Ku ring gai Council
818 Pacific Highway
Gordon NSW 2072

By Email: ssegall@krg.nsw.gov.au

Dear Selwyn

**RE: SECTION 4.56 APPLICATION
REMOVAL OF DEAD AND DYING TREES
DEVELOPMENT CONSENT NO. DA 0418/15
RESIDENTIAL CARE FACILITY
25 BUSHLANDS AVENUE GORDON.**

1.0 Introduction

DFP has been commissioned by Australian Nursing Home Foundation to prepare an application under section 4.56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) to modify development consent No DA 0418/15 (as modified) for the construction of an Aged Care Facility at 25 -27 Bushlands Avenue Gordon.

The section 4.56 application seeks to modify Condition 1C as amended by MOD 151/20, MOD010/21 and MOD0017/22 relating to removal of four dead or dying trees from the subject site. The trees sought to be removed are T11, T27, T101.2 and T124.

This letter has been prepared in support of the section 4.56 application and includes the information necessary for Council to assess and determine the application including a report from Footprint Green Pty Ltd dated 10 February 2023 and a letter from Australian Nursing Home Foundation authorising submission of this application:

We have concluded that the proposed modification will not substantially alter the approved development and accordingly are considered to satisfy the requirements to enable these modifications to be approved by Council pursuant to section 4.56 of the EP&A Act.

The proposed modifications are unlikely to result in any adverse environmental impact and accordingly, we are of the view that the proposed modifications are acceptable in this particular instance.

The project arborist, Mark Couston, of Footprint Green, has provided advice that trees 124, 27, 11 and 101.2 on the site are dead or dying.

The attached report by Footprint Green provides information on the present condition of these trees and recommendations for managing their removal. A table detailing the condition of the trees has been extracted below.

The health & condition of 3 trees (Tree No's 11, 27 & 124 and 5 plants in a hedgerow (Tree No. 101.2) are listed in the table below.

Condition of Trees to be Retained as of January 2023									
Tree No	Scientific Name	Common Name	Height (m)	Canopy Spread (m)	DBH (mm)	Condition	Foliage Condition	% Canopy Dead Wood	Overall comments
11	<i>Acer palmatum</i>	Japanese Maple	3	4	1*160, 1*100, 2*60	The tree displays some signs of instability and its branch attachment appears poor. The tree is considered to be dead with no signs of any vigour.	None	100%	The tree is dead.
27	<i>Angophora costata</i>	Sydney Red Gum	15	10	330	The tree appears stable and its branch attachment appears fair. The tree is considered to be in poor health with no signs of any vigour.	Very sparse browning foliage	95%	The tree exhibits bark cracking on the trunk and is considered to be in terminal decline and unlikely to recover.
101.2	<i>Photinia sp.</i> (Hedge 13m in length comprising of 6 plants)	-	2	2	6*30-60	Five of the trees in the hedgerow display signs of instability and their branch attachment appears poor. Five of the trees are considered to be dead with no signs of any vigour.	None	100%	Five of the trees in the hedgerow are dead
124	<i>Eucalyptus pilularis</i>	Blackbutt	30	24	1400	The tree appears stable and its branch attachment appears fair. The tree is considered to be in poor health with no signs of any vigour.	Very sparse browning foliage	95%	The tree exhibits bark cracking on the trunk and is considered to be in terminal decline and unlikely to recover.

If you have any queries, please do not hesitate to contact Brian McDonald from our office.



Brian McDonald
Principal Urban Designer and Heritage Consultant
DFP Planning.