

**APPLICATION TO MODIFY A CONSENT  
(SECTION 96)**

**4 Notting Lane Cottage Point 2084**

10<sup>th</sup> June 2015

Mr David Auster

Warringah Council

Re Application to Modify Consent - Section 96

Dear David,

Please find enclosed a Section 96 request to modify the design of a "fence" located inside the northern boundary of our property. Construction has already commenced as we were unaware that changes made to the construction material required a submission to Council.

Our intention is to replace the open "Pool Fence" sections with a solid Merbau faced screen.

As Council would be aware, approval has now been given for the erection of a dwelling on the adjoining property that overlooks and overshadows our land. The reason for this change in materials is to provide visual privacy, particularly in the area between our upper cottage and lower main house, (as this is the play area of our grand children) and to the area directly outside the lounge room window of our main house.

We do accept that the timber construction is not without its issues, however we would ask council to approve our request for variation on considering the following:

- i) The Fence is built entirely within our property line and is not a "Boundary Fence" per se. This was intentional as we did not wish to involve the neighbours to our north with the design or seek their contribution to its cost.
- ii) Timber was selected, as our original enquiries for a slatted metal fence found that the steep slope of the land made it impossible to accurately manufacture the slats to the correct length.
- iii) As Merbau was approved for our decking (and indeed used to construct the entire dwelling to our South), we assumed that there would be no issue with its use as a screen.
- iv) On the advice of our Bushfire Consultant, the screen will be backed by Magnesium Oxide board so as to achieve a satisfactory fire rating.
- v) As our land borders an existing "wildlife corridor" we understand that Council prefers a construction that facilitates the movement of these animals. We feel the Merbau/MgO board satisfies this guideline.
- vi) Aesthetically we feel the Merbau is more in keeping with the other constructions on our property and gives a "softer" look to the structure.
- vii) The steep slope of the land and horizontal slatting design necessitates the height exceeding the 1.8 m guideline at certain points along its length. Given that council has approved a dwelling to our north that clearly exceeds the height/silhouette requirements of the DCP, we hope that the same consideration will be shown to us in order to give us the privacy we are entitled to enjoy.

1 We have included a report from Sydney Bushfire Consultants that supports our request for a timber/MgO Screen along with a brochure on the fire protection qualities of the chosen MgO product "Modak Board"

In closing, we do apologise for proceeding with the construction without submitting a Section 96 request. This was an omission caused by a lack of knowledge of the regulations and we trust Council will understand that we are very keen to see a favourable resolution to the matter.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Garry Sexton".

Garry & Dawn Sexton  
4 Notting Lane  
Cottage Point 2084