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**Sent:** 3/02/2020 3:25:07 PM  
**Subject:** Objection to Proposed Development Lot 100 DP 615225 - Property 11-13  
Cook Street, Forestville - Application No. DA2019/0108  
**Attachments:** Letter to Northern Beaches Council.pdf;

Dear Sirs,

Please refer to **attached** letter from Tai Samuel Lyall Irwin & Metter Irwin, the owners of properties 5 & 7 Cook Street, Forestville.

**Regards**

**Stephen Hedges**  
**Walker Hedges & Co Forestville**  
Solicitors  
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Forestville NSW 2087  
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Mr & Mrs T Irwin  
5 Cook Street  
FORESTVILLE NSW 2087

3 February 2020

The Development Assessment Team  
Northern Beaches Council  
**Via email: [council@northernbeaches.nsw.gov.au](mailto:council@northernbeaches.nsw.gov.au)**

Dear Sirs

**Objection to Proposed Modification of Development on Lot 100 DP 615225**  
**Property: 11-13 Cook Street, Forestville – Modification No: 2019/0646-DA2019/0108**

We, Tai Samuel Lyall Irwin and Mette Irwin are the owners of properties 5 & 7 Cook Street, Forestville. These properties adjoin and abut part of the boundaries of properties 11 & 13 Cook Street, Forestville.

As adjoining property owners, we wish to object to the above Modification Application on the grounds as set out below:

1. The proposed development provides for ventilation/exhaust recesses to be constructed into the external walls of the proposed building, which walls are shown as being constructed up to and upon the boundary of our properties being 5 and 7 Cook Street, Forestville.

As such, these ventilation/exhaust recesses will extract and expel air onto and across the boundary of our properties. This will have a deleterious effect on the amenity of our properties, in that what will be stale and polluted air, not to mention heated air, will of necessity be expelled out over the boundary line and into our property. This will thus have a significant adverse impact upon the amenity and usage of our properties and accordingly, we object to their proposed modification plans on this ground.

2. In addition to the adverse impact on our property as specified in objection ground 1 herein, our future intentions for our properties are to redevelop same by constructing new buildings thereon, and in doing so, to build up to the boundary of adjoining properties as permitted pursuant to current Council and government building regulations. If we were therefore to maximise the usage of our properties by building boundary walls of any future buildings, up to the boundary line of the property, this would of necessity block the ability of the proposed ventilation/exhaust stacks to expel air from the applicant's property, out through those stacks into our property. This could therefore inhibit and restrict our rights to in the future maximise the development of our properties. The Applicant's proposed modification proposes changes to the ventilation/exhaust recesses. This should not be allowed as it will impede or restrict our ability to develop our property and, as such, affects our property rights. On this ground, we therefore object to the applicant's proposed modification plans.
3. The applicant's modification plan should provide for ability to extract and exhaust stale, heated and perhaps polluted air from within their property through a system that does not detract from or impede the amenity of adjoining properties including ours, does not create any potential adverse health effects by expelling air onto adjoining property and does not act in such a way as to potentially interfere with, inhibit or

restrict future development potential of adjoining properties such as ours. The applicant should therefore provide alternative methods of extraction of its stale heated and potentially polluted air from its building in such a manner as to not cause the adverse effects to which we object in this Notice.

On the basis of the matters set out in objections numbered 1,2 and 3 herein, we register a strong objection to the applicant's proposed modification plans and believe Counsel should not approve same.

Yours sincerely,

 Solicitors for

Tai Samuel Lyall Irwin & Mette Irwin