

Mr Matthew Monk's Submission to Council has been published on Council's website and is available for anyone to read and we think it's only fair that our Response should also be published on Council's website as it is our firm belief there is too much in Mr Matthew Monk's Submission that is untrue and unfair that we cannot allow it to go uncorrected and unchallenged. We believe Mr Matthew Monk has made allegations designed to cast aspersions on our entire family as well as degrade our property and I am here to tell you we are not the people Mr Matthew Monk has tried to make us out to be and our property isn't anything like what he has tried to make it out to be. We further believe Mr Matthew Monk has tried to nullify our genuine complaints against him by producing and exaggerating similar but false complaints of his own in a tit for tat, 'he said she said' scenario. He has had his 'he said' and now it's time for my 'she said' and the Police, Council and/or Courts can decide.

SOME FACTS:

- We have lived at #13 since August 2009, ie nearly 11 years
- Our eldest daughter and her children returned home to live in September 2014, ie nearly 6 years ago
- Mr Monk and his partner have only lived at #11 since he moved his parents out and into his other property at #837 Pittwater Rd at the beginning of 2019
- When they first moved back from overseas Mr Matthew Monk and his partner stayed with his parents at #11 which I believe was also his childhood home
- Prior to going overseas Mr Matthew Monk and his partner lived at #837 Pittwater Rd
- #837 was rented out while they were overseas and while they lived with his parents
- The internet shows Mr Matthew Monk purchased #837 Pittwater Rd in May 1993 and #11 in January 2001
- Neither Mr Matthew Monk nor his partner had any problem with us, our family or our visitors until after his return from overseas.

Mr Matthew Monk stated in his Submission that many of the issues we have reported to the Police, the RSPCA and Council were unfounded or bogus ie never happened and I am here to say they did.

SOME HISTORY:

In January 2018, Mr Matthew Monk's mother, a resident of #11 at the time, walked towards us and in a loud voice said her son was due home very shortly and she was going to get our Right of Carriageway (ROW) taken off us and all hell is going to break loose. She then stared at my husband, danced around like a petulant child and started laughing. And here we are several years later with Mr Matthew Monk threatening to severely amend our rights to the ROW.

The next evening, another resident of #11 came to our front door verbally abusing us because the Ranger had spoken to them about keeping their dogs off our property. The resident walked away only to come back to demand I speak with them now and I said I would talk to them when they are settled down. The resident then went around the back and started yelling and laughing loudly and the children who had gone out to see what was happening were frightened and we called everyone inside and shut the door.

On Mr Matthew Monk's return I tried to speak to him about some property issues that had come to light while he was away and also about his mother's dogs and that as we had only recently found out he was the registered owner, we had decided to wait for his return. He said he would leave his mobile number in our letterbox so we could make a time to do this but he didn't leave his number.

On 10/03/18 I was taking my empty red bin around the back and it smelt terrible and I found 5 bags of dog poo in it that hadn't been there when I took the bin off the road and put it on my property.

I again tried to speak to Mr Matthew Monk and invited him to a meeting so we could talk about the issues we had with his mother's dogs and the property issues and he said he didn't need to go to a meeting, wasn't going to discuss anything and he wasn't going to pay for anything. He got argumentative and said the same things his parents did about the fence being fully on their property and I told him I had given his parents copies of the relevant legislations and suggested he read them so they can all understand and that hopefully we can come to an agreement. He said he wasn't going to read anything. His standard answer to the property issues was "I don't have a problem with it". I then told him that if we can't come to an agreement between ourselves then he is leaving us no choice but to follow the legislation and get matters adjudicated on by a Court. He then accused me of threatening him. I asked him if he knew where the boundary line was and he said he didn't know and in the end he conceded verbally to pay half of a survey.

On 12/03/18, we received a note from Mr Matthew Monk saying he now agreed to meet with us to discuss issues and he included his phone number. He asked if his partner could attend and we had no problem with his partner attending.

On 17/03/18 at 4pm, we had a meeting in our Courtyard and Mr Matthew Monk started by apologising for his previous behaviour and said it wasn't like him. He said he is working on his parents and that things will change slowly. He also told us we could fix the illegal plumbing ourselves because my husband is a plumber. Other than that, he didn't say very much and his partner interrupted frequently and the meeting closed with nothing much being agreed to. He had a pen and pad with him but wrote nothing down.

Mr Matthew Monk again changed his mind **and the next day he emailed and said he had left some 'consent notes' in our letter box however the wording in these notes was very limiting** and did not cover the required areas and therefore had no relevance on which we could base any action plus he signed himself as a 'resident' and not the owner!

In April 2018, I organized for a joint survey to be done with each of us paying half however they also got their own survey done a few days before ours for their own reference (?) but their survey didn't go inside our garage. Both surveys showed the dividing fence straddling the boundary line although most of the fence was on their side but it wasn't entirely on their property by even the 30mm they had all been claiming for so long. They even claimed the fence was on their property by 30cm. Relationships which had deteriorating, just got worse after this.

On 15/10/18 we initiated Mediation through the Community Justice Centre however they received no response from either Mr Matthew Monk or his mother despite numerous attempts. We recently offered Mediation again and received no response. We have tried to resolve issues at a neighbour level.

On 22/10/18 we received an emailed letter from a Construction Lawyer acting on Mr Matthew Monk's behalf and over a 4 month period from Oct 2018 to Jan 2019 (long story), I exchanged correspondence with this Construction Lawyer in an attempt to try and resolve property issues but got hit with lawyer speak and a barrage of false allegations some similar to ones in his Submission but in this one our grandkids were kicking balls at garage doors from 6am (untrue) and we were hosing uphill to leave debris on their property (untrue) and we were letting our dogs out to defecate all over their property (also untrue) along with a threat of **'injunctive relief and/or damages'** if we didn't stop the behaviour we were accused of doing but as we weren't doing anything they accused us of doing we ignored the threat and once again nothing was achieved or resolved.

On 31/03/19 we got a bag of dog doings left on our tree with a Christmas Decoration and note.

On 28/04/19 I received a call from Const Alex Smith of Dee Why Police telling me he had received a complaint from Mr Matthew Monk saying I had called him a derogatory name. I told the constable we had walked passed Mr Matthew Monk earlier that day when he was painting the dividing fence in the driveway and we took a wide berth around him and did not speak at all while we were on the driveway and there is no way I said anything to him or would call him or anyone such a name. I told the Constable we were coming up to lodge our response and he said we couldn't because Mr Matthew Monk was not lodging a formal complaint. **We give our permission to Council to contact the Constable and get his report on the matter because our understanding when we had finished talking to the constable (my husband also spoke to him), was that the complaint against me was unfounded.**

In July 2019 our joint neighbour used the same Construction Lawyer to handle an issue we had with their big tree damaging our garages. Another long story but we did have a result when the tree was finally removed on 30/04/20 without notice and nearly 10 months after we first notified the neighbour but further damage occurred during that time and the damage may need addressing in the future.

On 26/03/20 we received an emailed Letter of Demand from a new solicitor working for the company I believe Mr Matthew Monk works at or has worked for acting on his behalf which we felt did not warrant a response and should Mr Matthew Monk decide to take his allegations to Court, we would welcome discovery of his evidence and the opportunity to present the true facts.

On 12/05/20, yet another new solicitor acting for Mr Matthew Monk lodged a late Submission against our DA however we were not advised of this late Submission and found it accidentally when I went online on 14/05/20 to check if anything was happening with our DA because we had been expecting to hear back from Council for weeks. I also learnt that Mr

Matthew Monk had lodged a preliminary Submission on 27/03/20 which I have not seen and that he was granted a written extension to 12/05/20, ie an extension of nearly 7 weeks, in which to make a formal Submission. NB: He received Council's Determination for his DA for a granny flat on #837 on 16/04/20, well before he lodged his Submission.

On 05/06/20, I went on Council's website again and found Mr Matthew Monk's current solicitor had lodged yet another letter, this one dated 22/05/20 stating we had withdrawn our DA on 15/05/20 which is untrue and that because it has been withdrawn (which it hasn't), they will now be seeking the assistance of the Compliance Dept! This letter then went on to state "our client's major concerns in particular are" and stated only 5 points 4 of which he has previously alleged and the 5th one I now quote: "The complete removal of our client and his husband's right to enjoy the property in peace and without interference". We strongly disagree with this statement and believe Mr Matthew Monk has been working to an orchestrated plan of attack against us for quite some time to lead up to comments like this to build a legal case against us. Mr Matthew Monk's exaggerations, stories and behaviours are on him and have nothing to do with us except that we are his unwilling targets. We truly believe he has been trying to force us out of our home as we can see no other possible explanation for the nature, extent and escalation of his behaviour and allegations.

I would like to add that Mr Monk and his partner have done substantial work mainly on weekends to and around their properties over the last 12-18 months including the partial demolition (ongoing) of a large shed on the rear of #837 which has included the use of an industrial angle grinder and large steel beams being dropped on the concrete. They removed about 1/3 of a tree with a large chainsaw and had the rest of it removed later by tree loppers so more chainsaws. They have tried to remove the stump of this tree themselves over numerous weekends with a large chainsaw which was very loud and we had to close our door to hear the TV but we didn't complain and I only note it here to show the huge double standards we are being subjected to.

Also on 05/06/20 we received a letter from Council dated 02/06/20 advising they had received an enquiry relating to the "alleged unlawful land use" ie 'Unauthorised gym operating from the home garage' which I have responded to separately and will detail later in this report.

Mr Matthew Monk appears to have a long list of allegations against us with perhaps more to come and we look forward to Council going through their processes to establish if they have any validity.

We believe there was/is a connection between our house being marketed for sale in 2016 (withdrawn shortly after), an offer of a development opportunity through an agent engaged by Mr Matthew Monk with his 2 properties, our property and one other in September 2018 and his behaviour towards us over the last 2 or so years.

We have never acted in an aggressive and/or intimidating manner towards Mr Matthew Monk or any of his family or visitors even though we have been subjected to some very bizarre and confronting behaviour from him and his family including his partner. We have repeatedly ignored them and on numerous occasions have deliberately avoided them and on numerous other occasions have simply walked away and on one occasion, a resident stuck a foot in our front door and refused to leave.

Every time after say the Ranger spoke to his mother about her dogs, we got a period of increased negative behaviour from her for days and sometimes weeks afterwards.

Individual residents have been seen standing in the driveway when we are in the pool or in our rear grassed area which is on the other side of the dividing fence and some have also been seen on the driveway at night and our dog would bark and knew exactly where they were standing and we often saw them walk off back to their place shortly after. We have seen various residents at different times running off or away from the front of our property and back to their property late at night after they triggered the sensor light or our dog heard them and barked and very recently I saw a resident standing (trespassing) on our property up against our tree looking into our front door and that person ran off when we pulled up outside but was very clearly seen. And there have been too many uncanny occurrences where a resident/s just happened to arrive on their back verandah within 2-3 seconds of me stepping outside my back door even before they got the CCTV camera and often if I or we went out the back, one of them and sometimes both of them would come outside and fiddle with something often a plant or walk somewhere close to us but on their property only to turn back ie made their presence known, and it got to the point where I/we felt we were being surveilled 24/7 and that we couldn't have a conversation outside on our own property. And very recently, someone has been coming up from #837 and into #11's

l/h garage which is next to the gym area while people are hanging/working out in there. All this ongoing close proximity by residents from next door feels intrusive and contrived and I believe constitutes harassment.

Mr Mathew Monk would like everyone to believe he had to install 3 CCTV cameras to protect himself, his family and visitors from us but that is pure sensationalism. We are of no threat and have never been of any threat to him or his family and the truth will come out. We have not done to them what they have done to us and we have had to live our lives under constant surveillance and scrutiny ever since Mr Matthew Monk returned home from overseas and even more so now they have CCTV cameras which have often been seen to be pointing more into our property than their own which is harassment. Their cameras can pretty much see everyone who comes to our house and nearly everything we do around our house and they can see into the end of the pool area where the shower/toilet is which is an invasion of our privacy and also into the lower floor of our house.

We believe Mr Matthew Monk does not have evidence of pretty much everything he has accused us off and has had to resort to gross exaggeration, fabricating stories and staging incidents to try and make out we have done something to him/them when we haven't.

We ask Council to contact the Police regarding the following Event Numbers which Mr Matthew Monk published in his Submission to review the nature/validity of the complaints and establish what action, if any, was taken.

1. #E72416581 May 2018
2. #E72521625 - 7 December 2019
3. #E72521625 - 14 December 2019
4. #E72762632 - Constable Ckzechnik - Dee Why police station

Point 1 – No date so I can't check my records but I look forward to having the opportunity to respond.

Point 2 – I do not know the nature of this complaint but 7/12/19 was the day their CCTV was installed. Once again we were not given any prior warning that the driveway would be blocked and a ladder was left unattended on the driveway for several hours and when our son drove in he had to drive extremely slow to navigate around the ladder. No one was on the ladder at the time and no attempt was made by anyone to facilitate our son's safe passage and the ladder was only removed when their technicians packed up some time later. We purposely stayed away from the area the technicians were working on. NB: The technicians drove (trespassed) on our property as they were leaving so they could drive out forwards and Mr Monk did nothing to stop them.

Point 3: No idea what was supposed to have happened on this day but I did use my mobile to video pigeons flying around our property as the pigeon numbers seemed to have increased (doubled) again and were resting on our roof, garage, lights, garden and 2 were wanting to get into our end garage to nest like they have done previously.

Point 4: no date so I can't check my records and I look forward to finding out more so I can respond.

They did make several complaints about our daughter and her daughter riding a peewee motor bike but doubt if that was noteworthy enough. I will state very clearly here that no one here has ever verbally abused anyone to do with #11, not them and not their tradies and we would welcome the opportunity to present the facts.

Mr Matthew Monk has feigned sincerity and concern for the welfare of our grandchildren in complaints to the Police and we find this particularly offensive given that he, his mother and his partner have used harassment, intimidation and stalking towards the grandchildren over a long period of time.

Mr Matthew Monk declared in his Submission that the following 2 incidents were unfounded and we invite Council to request a copy of the Police Records so they can see for themselves and we present a brief account here for the record:

09/02/19 – POLICE EVENT #

Matthew Monk verbally abused, intimidated and manhandled/assaulted our daughter at his gate on the ROW and chased after her young son filming and threatening him. This incident was very distressing for both the boy and his mother. NB: We returned home just as this incident was happening.

The Police attended our property and spoke to us then visited Mr Matthew Monk and viewed the footage he took on his mobile phone and then came back and told us that Mr Matthew Monk had been warned that what he was doing illegal and was intimidation, harassment and stalking.

Because of what Mr Matthew Monk said to our daughter, we refused to shut the driveway gate after that incident and it was removed shortly after. NB: No gate was on the driveway when we purchased the property and the gate just 'appeared' one afternoon several years later without our knowledge and Mr Matthew Monk is wrong to say we had agreed for it to be installed and that it was used to slow vehicles down. It was a nuisance and we copped flak for leaving it open when I had seen one of them leave it open and next door have often staged something so they could blame us and after a while the penny drops and you knew you were being set up.

The police also told us that Mr Matthew Monk said I had called him a derogatory name but that is untrue. We don't talk to or engage them and we stay away from and I certainly would not call anyone what I was accused of.

18/05/19 – 1.45pm – POLICE EVENT #E73236751: *This time it was Mr Matthew Monk's partner Max (Massimiliano Castellini), who picked on the same boy.*

The partner was mowing the grass strip on the driveway when the boy walked passed him. The partner moved the mower which was still on, off the grass and onto the concrete behind the boy and got closer and closer causing the boy to walk faster and then run as he feared being run over by the mower. We had left our house a few minutes before this incident and turned around immediately our daughter rung and I saw evidence supporting our daughter and her son's account and I saw bizarre behaviour from the partner for sometime afterwards.

Once again the Police were called and came down and spoke to us, then went and spoke to next door, then came back and spoke to us again. According to the Police the partner didn't deny what he had done but told them he had no intention to frighten the boy and to our mind, no one would do something like that unless they intended to frighten the person, in this case a child.

Once again when the Police returned they said everyone here including the grandkids had been accused of calling them derogatory names and reeled off a long list. As stated previously, we don't speak/engage with next door and no grown up here has called them names and at the time the kids had never heard of most of the names the Police reeled off.

And we further invite Council to review the RSPCA report on the following incident which Mr Matthew Monk claims is bogus:

RSPCA - 09/01/19 – 9pm:

Loud banging was coming from outside and I looked out my kitchen window and saw the partner chasing a pigeon around their shed with a big stick trying to hit it, striking walls and shelves until he struck the pigeon and it fell to the floor. He then raised the stick and continued to beat the pigeon until it was dead. He then held the pigeon up by a wing and stared up at me for a few seconds making eye contact before dropping it in a bin. I was shocked and sickened by what I saw and given what had been happening around this time and the very loud and public nature of this incident, I believe it was staged and meant as a personal threat towards myself.

A few months later as we were coming to a stop in our vehicle outside our property a resident who was walking dogs on the nature strip, quickened their step and veered over towards us and started verbally abusing and threatening us for reporting the pigeon incident to the RSPCA. They kept yelling abuse at us as we walked off and over our front lawn and only stopped once we got to our front door. We thought that perhaps the outburst meant the RSPCA had taken some action. The RSPCA could only tell us the matter was handled according to their policies.

Before they went overseas, we had always gotten on well with the partner and he was very good with the grandkids which is why we found this incident particularly disturbing as it did not seem to fit with the person we thought we knew.

NB: This was the same day I received a call from Ryan Thomas from Council saying he had received a complaint questioning the compliance/height of our front fence, the number of people who lived here and the painted lines on the road. Those lines were subsequently painted over by Council and Mr Monk did not complain about other similar lines in

the street. At this time there was no mention of any illegal building works which we were only advised of some months later although it appears to be part of the original complaint.

And we further invite Council to review our complaint to Ausgrid which Mr Matthew Monk says was a 'baseless allegation':

AUSGRID:

At no time have we ever stated anywhere to anyone that our electricity box is on #11's property and Mr Matthew Monk's statement is absurd and completely false. Nor have we stated to anyone that they are using our electricity. It seems things are confused on purpose and there is a lot in his Submission that simply isn't correct. Our house/garage have their own meters which Mr Matthew Monk should be aware of given his so called familiarity with our property.

We had however taken exception to a water pipe plumbed off our supply that ran down the same space as his illegally installed electrical conduit and into their garage – see C. below.

I lodged a very valid complaint with Ausgrid after I saw electrical conduit exposed just mm under the surface of a cement patch on the driveway which we drive and walk on every day after the partner pulled out a very large weed that had been left to grow unchecked in a crack in the patch near the boundary. Other weeds had been allowed to grow along or near the boundary as well which made the area near our place look untidy but as we had been told we weren't allowed to touch anything I didn't dare pull them out. The partner had taken over a lot of the maintenance in the driveway and while this area had previously been maintained, it was deliberately left unattended for a while so I guess you could say this was a karma moment. The roots were quite deep and dirt and cement came out when the weed was pulled out. Mr Matthew Monk quickly patched over the hole with a skim of cement but not before I took a photo of it. Even I know that things like that need to be buried a certain distance under the surface and our complaint was taken seriously by the Ausgrid Inspector who told me that electrical conduit has been known to arc when run over by steel belted tyres and that he had heard of people being killed in this way and he said he did not want a death on his hands. We took his comments as being validation for our complaint.

This complaint was further validated when Mr Matthew Monk was told to remove the electrical wires in that conduit and employed an electrician to do the work. That electrician had to submit a special form/report to Ausgrid outlining what work was done which was then followed up by another Ausgrid Inspector who came out to ensure it had been done correctly. That inspector could not gain entry to Mr Monk's garages to ascertain that end of it but he said he was satisfied with what the electrician had written in his report and seeing that the conduit and switches had now been removed from the concrete pillar at the end of the dividing fence and he signed off on the complaint.

We had an Ausgrid Inspector come around and do a full check of our meter board a short time later!

Before I go into our response to some of the statements/allegations Mr Matthew Monk has made in his Submission, it should be noted that over the years we have been told things by Mr Matthew Monk's parents that we later found were not true ie we were told:

- A. **They 'owned' the dividing fence and claimed it was entirely on their property by 30mm or 30cm with 30cm becoming the norm** as time went on. The joint survey showed this to be incorrect as did all previous surveys the Monks had. The mother had previously complained that their property was smaller than ours by a few meters which she seemed particularly unhappy about and she expected us to build our internal fence 30cm away from the dividing fence because that was how far she had been telling us the fence was on their land. She also told us she wanted a bigger garden down the driveway. On his return Mr Matthew Monk also claimed the dividing fence was entirely on his property however he later tried to retract his statement by denying he ever said it. We believe they have known all along where the boundary line was and it was just a ruse to try and get what they wanted or make things more difficult for us than what they needed to be. Mr Matthew Monk initially said he didn't need to have the property surveyed then changed his mind and agreed to pay half which he did however they also engaged their own surveyor on 20/04/18. When I saw a surveyor starting to set up out the front I went and spoke to him as I thought ours had come early but the mother came out and laughed and said they got their own so I emailed Mr Matthew Monk and he confirmed the joint survey was still going ahead.

- B. **They 'owned' the compressor at the other end of our garage and the Fire Hose** even though they were included in our Contract of Sale and I had to produce the front page of the Contract before they let the matters go. NB: they only made these claims many years after we had bought the property and only when things started going pear shaped.
- C. **The patches of cement near the boundary line on the ROW/our property at the rear were where Mr Monk snr said he had to dig up to find a water leak** but in actual fact he had tapped into our water pipe to run a line down into his garage. Sure it came through the adjoining wall to feed the fire hose on our side of the wall but did it go further? At the meeting on 17/03/18 Mr Matthew Monk said the pipe did go down into #837 to feed his shower and toilet and that as my husband was a plumber he could fix the illegal plumbing. He later tried to retract his words said it only went to the Fire Hose. A short time later Mr Matthew Monk's brother who is also a plumber came down with what looked to be plumbing fittings.
- a) After being asked why our water pipe went over his property into his garage Mr Monk snr told us he cut up his concrete because his concrete was older than ours!
 - b) A resident from #11 used our fire hose to wash their vehicle and water their plants when we weren't home which led us to investigate whose water was being used – it was ours (long story)
 - c) When we bought the property there was a hose hanging on the driveway side of the dividing wall which was connected to a tap at the front of our property and once again we would come home after being out to find the same resident using our water to water their front lawn when their own property is well serviced with taps and hoses. As I helped maintain the driveway at that time I would use my water to hose the grass strip etc but I would never have expected someone to use our water to water their own front lawn.

I get that our property was previously owned by the family but that was a long time ago and we had been very tolerant towards the parents because their age and this.

We feel things have been very one sided and the rules they apply to us don't apply to them. Problems started escalating in 2016 when we needed to alter the dividing fence along the pool area to make it compliant with the regulations which meant removing the ivy from our side and increasing the height by 100mm in one place and 200mm in another place and lining the inside to make it unclimbable but at the last minute when it came time to do the work, Mr Monk snr told us we could not 'touch his fence' even though he had initially given us his permission to make the height alterations and told us we could do whatever we liked on our side but as we later found out he wasn't the owner even though he/they led us to believe he/they were. Our property consequently went to market with a non-compliant pool fence which required extra wording in the Contract and we had 3 months in which to make it compliant hence our internal fence.

Things went a little downhill after that with a resident stepping up the staring/intimidation of everyone living here including the grandchildren. Everything we did to the property was not good enough and their sentiments were often vocalised at us and we would walk away rather than be subjected to more verbal abuse.

We had always gotten on well with Mr Monk snr, even after the hiccup over the pool fence and he still treated us with respect and we remained on speaking terms with him right up until he was moved out of his home shortly before his passing.

The dates of Mr Matthew Monk's return kept changing so it doesn't sound like he was rushing home to 'protect' his family and I believe they went via Italy before returning to Australia. We were told he was only coming back for about a year.

Almost immediately on his return, Mr Matthew Monk started clearing out his father's vehicles and spare parts which seemed to be a high priority task for him. His father's health was failing and we don't believe he came back for the reason he's now trying to make out he did and is just using the timing as part of his story against us.

According to both of his parents they always had a plan to build a compound of similar looking houses by altering #837 and building a house inbetween their 2 properties of the same style as ours and #11. Good story except they were no longer the owners and the ROW's had greatly reduced the buildable space on #11. We were told Mr Matthew Monk's potential proposal for the development of the 4 properties was townhouses (he has townhouses on the other side of #11) so there is already a precedence in the street.

ENCROACHMENT: I believe both houses were built by Mr Matthew Monk's family. Their garages were built I think in the 1940's from memory and our garages were built approx 47 years ago and were added on to #11's garages and use their front pillar for support and an Easement of Support was proposed at the time and noted on the Surveyor's letter etc but was never formalised. Council have a copy of this letter and survey on file so this is not something that is new but it does reinforces our belief that the Monk's knew about the dividing fence straddling the boundary line from Day Dot. The boundary line runs through our garage door and after I organised for the joint survey, Mr Matthew Monk thought he would use all of his land as he frequently likes to do and placed a rubbish bin right next to the boundary line which meant we couldn't open our garage door unless we moved his bin first. Around the same time they also trained/trailed a vine over the garage roof and over the parapet so it would trail down the boundary line and over our garage door but they must have thought better of it and removed it before it got to the top of the garage door however we found these behaviours to be provocative and intimidating which is why we never said anything to them and fortunately both incidents disappeared after a while.

In April 2018 Matthew Monk called the wall in the garage the 'common garage wall' which it has been used as ever since it was built. While it would be ideal to have a dividing fencing straddle the boundary 50/50, that doesn't always happen and it is still called a dividing or common wall/fence even if it is entirely on their land. The Courts don't even bother unless the encroachment is over a certain distance and even then a lot of factors come into play and we are talking of something that happened a long time ago.

Mr Matthew Monk's solicitor stated on page 12 that the boundary line is 7-8 inches (why use inches?) in favour of their client when this is incorrect. On 10/05/18 after the joint survey, I emailed Mr Matthew Monk and gave him the measurements from the boundary line to the inside of the garage wall which are approx 110mm (4.43 inch) at the front and 83mm (2.27 inch) at the rear and I also invited him to see the marks for himself but he chose not but he is well aware of the extent of the encroachment that only occurred because someone in his family added #13's garages onto #11's.

NB: We weren't allowed to paint to the end of our front wall as Mr Matthew Monk said we could only paint to the boundary line so there is about a 100mm white line at the end of the wall and we think it would have looked better if we had been allowed to paint to the corner but he made his decision and we weren't going to argue with him.

We wanted to extend the existing dividing fence, put gates up and add another small fence to connect to the wall dividing the garages but were not allowed to as it would go across their land and we haven't as yet proceeded with getting a legal ruling but know there are several options open to us.

There was never any stud and marine ply wall built to professional standards and we find the 'no care' comment particularly offensive as we are not like that and would never do anything like that.

The ROW we use is 38m long by 3m wide = 114sqm and I don't know how much the other ROW takes up but it would pretty much mean nothing else could be built on #11. #11 is 694sqm and we are 697sqm, a difference of the 3sqm that the resident was unhappy about..

AND NOW TO THE SUBMISSION WHICH WE BELIEVE A LOT OF IS PURE NONSENSE AND PUT IN FOR DISTRACTION:

Too much space has been wasted about us claiming 'ownership' of the land covered by DP635859 and DP1010026 when this is categorically incorrect and they have deliberately gone off on this tangent to try and show us in a bad light and make us look ignorant. We know his land is 'burdened' or is the 'servient' property and that ours is 'benefitted' or the 'dominant' property by the ROW we have over his driveway and we have never said we own the land covered by either ROW and we have no expectation or desire to use DP1010026 and we strongly object to Mr Matthew Monk/his solicitor distorting the facts.

And too much space has been wasted about our claiming exclusive rights to DP635859. I emailed Mr Matthew Monk twice in December 2018 asking about vehicles coming up from #837 and asking him to let us know why they had suddenly started coming up and received no response which we now know is normal for him. Until I purchased his Title docs I did not know he had split this ROW and added on DP1010026. He could so easily have told us this but chose not to.

And because of what has happened over the years and the restrictions that they have tried to impose on us and our use of the ROW, we have simply told visitors and our children and our grandchildren what 'our rights' are with using the ROW

and have asked them to let us know if next door try to tell them otherwise and we have never said we control the ROW, that is just another absurd statement though it is clearly obvious from all the goings on that Mr Matthew Monk thinks he controls our use of the ROW.

DP635859: was originally issued as #13's (ie our property's) ROW (no ownership of land is inferred) and for a long time we did not know of the existence of DP1010026 which we only became aware of after we looked into why vehicles were coming up from #837 on a daily basis which had not happened before. Our Title docs show DP635859 as giving access to our property only. We now know Mr Matthew Monk split DP635859 for want of a better word as I don't know the legal term and DP1010026 was added on allowing #837 (not us) access over Mr Matthew's Monk's property from front to back. All we have ever tried to do is have our full and free use of DP635859 as originally granted, restored because our use of this ROW has been blocked on several occasions and severely restricted daily on many others for varying lengths of time during the nearly 11 years we have lived here plus they never give any notice of when a tradie or a car buyer etc are going to block the driveway for an extended period of time and the only time we got told of a blockage was when their tree lopper came over and spoke to us asking if it would be OK and they gave us the date and time and I simply told the other residents to get their cars out the front early if they needed them that day and while the lopper spoke to me Mr Monk was watching from the other side of his property. Mr Matthew Monk's earlier solicitor has told us we are not allowed to use the ROW for certain uses however I am aware that we can apply to the Court for a decision.

Some examples are the ROW being blocked are:

Years and years of a truck and/or a van being parked outside their left garage but far enough back to make it difficult for our vehicles to get passed the end of theirs and we often had to drive up and over a garden with a raised concrete edge to get out. We asked them several times to park further forward and they would for a short time but quickly reverted to parking further back causing us problems. My car at the time was low to the ground and would scrape every time I had to go up and over the garden. They would often leave their passenger doors wide open so we couldn't park directly in front of our r/h garage and on one occasion when I did, my rear passenger door was gouged from what appeared to be their passenger side door being rubbed very firmly back and forth against my car taking layers of paint off.

Visitors also parked outside their l/h garage and have even parked in the middle of our property at the rear on occasion and in the end we had to ask the residents not to park at the end of the ROW and they stopped. Before they started parking there they used to park their vehicles on the street. Visitors still parked on the ROW for a long time and it is only very recently that Mr Matthew Monk has started actively informing people they can't park there and that they can't turn around on our property though we do not know what goes on when we aren't home.

However he himself parked at the end of the ROW just a few weeks ago, I think to see if he got a reaction. He didn't but he should not take that as acceptance he can impede vehicles going to and from our property.

A resident's truck was left in the driveway on several occasions for hours on end which meant we couldn't get our vehicle/s out at all. We rang Mr Matthew Monk on one occasion as we had no other car out the front which we could use as we had been lucky enough on previous occasions and he gave us permission to get into the truck and free wheel it down out of our way which we did.

A resident went through a stage quite recently where they would drive in and leave their vehicle in the middle of the ROW where it starts opening up, blocking access to both properties. It seemed designed to try and provoke a reaction but we avoid confrontation with those people and just left them to it as we usually have a vehicle parked on the street so they weren't going to get a rise out of us to on that occasion which they could then have tried to make into something bigger.

On another occasion a while back a visitor's vehicle parked at the end of the ROW and Mr Matthew Monk got in the car and drove it around onto his frontage however the person who I believe was a family member, went up and got his car and parked it back in behind the gate, blocking the driveway altogether.

Mr Matthew Monk says we blocked the driveway and he had to park on the street – date please because I recall being out the front and seeing Mr Matthew Monk drive up and park on the street without even looking like or attempting to drive in and as this was unusual, I made a note of it.

Mr Matthew Monk took to parking outside the fence near his balcony which inhibited vehicles driving to and from our rear yard once again forcing us to drive up and over the rear garden. Mr Matthew Monk appeared to have measured 3m from the recently surveyed boundary line which runs through the little garden and parked his ute exactly 3m away meaning we had less than the usable space granted to us by the above DP and as we have to turn out of our back yard on an angle, when Mr Matthew Monk's vehicle was parked there, we either had to make additional turns and/or go up and over the little garden/concrete edging to get out.

Mr Matthew Monk painted a black line on his driveway to use as a guide/marker for parking 3m away from the boundary line. Before they had this marker, we often saw Mr Matthew Monk or his partner get in and out of their vehicle several times checking to see if they were lined up in their desired position which made access difficult for us. They would often reposition their vehicle late at night by the light of the torch on their mobile phone and my husband would go to drive out early in the morning and have to contend with restricted space rather than just be able to drive out normally.

And on several occasions quite recently, when we have been going to our vehicle to drive out from the rear of our property and their vehicle was parked say in front of their garage next the entrance to #837, Mr Matthew Monk would rush over to his vehicle, get in and reverse it back against his fence and/or near the black mark so we had to be extra careful driving out. Quite provocative behaviour but that's on him, not us.

Earlier this year a car trailer and vehicle blocked the ROW for nearly 2 hours while they loaded a vehicle onto the trailer. A resident of one of his properties also trespassed on our property several times that day seemingly enjoying the experience each time. Once again we were not given the courtesy of any notice that the driveway would be blocked for such a long period of time.

His mother also had to drive manoeuvre around his vehicle several times a day and she would have to go extremely slow because of how little space she had but it must have been worth it if we were also inconvenienced which we were.

Exasperated by all their goings on with the driveway, I emailed Mr Matthew Monk asking him to allow us our full 3m width entitlement and suggesting that if he wanted to park next to his black line, then could he please remove the bushes that intrude into the ROW by 60-80cm as well as the part of the garden and concrete edging that are on his side of the boundary line which we had to drive over frequently so we could have our 3m and be able to get out without all the extra manoeuvring. We didn't get any response but he then parked his vehicle further down for a few days but it was just a moment of looking like he was co-operating because he then went back to parking it near the painted line and we had had enough. We thought he might have gotten tired of moving his vehicle so often but obviously not.

So on 19/12/19, we spoke to the Police and S/Const Clements from Dee Why Police Station and another officer came to our house and viewed the issue and the painted mark. We were talking on our balcony when Mr Matthew Monk's mother drove up in her van from #837. She got out of her van and stared up at us for a prolonged period of time and the Police witnessed firsthand the extent of her behaviour and staring that has been going on for a long time and is still ongoing. Please feel free to contact S/Const Clements from Dee Why Police for her record of the event.

After the Police finally got hold of Mr Matthew Monk, he parked his vehicle further down which did not impede our entry/access to our property so we again had our full 3m wide entitlement of unencumbered space to use as is our right. Our daughter has a bike trailer that would not have been able to get out when Mr Matthew Monk parked next to his painted black line on the driveway.

For several days after the Police spoke to Mr Matthew Monk, I received death stares from him and his mother plus sarcastic comments from the mother who would dance around animatedly telling me I was on camera etc and I would just walk away and leave her to it.

Very recently Mr Matthew Monk parked nearly all the way back towards his painted line perhaps as a test to see if he got a response.

Also very recently Mr Matthew Monk's vehicle was parked on the ROW in front of their left garage for several hours even though the rest of his property was available for parking, once again possibly a test to see if we would respond but we didn't however Mr Matthew Monk should not take this as acceptance that he/others can park there and impede vehicles from entering or exiting our property.

Their vehicle is now mainly parked slightly further down than the painted mark on a daily basis and I guess he has measured correctly this time as he is not impeding us at the moment. They used to park their vehicle in a garage before he started doing this so this is a recent departure from their normal habits. The mother has been seen to park her vehicle in the l/h garage recently. They do have another garage which is empty but they keep the trailer in front of it. We would be happy for Mr Matthew Monk to paint a line (by agreement on measurements) on his driveway showing the edge of the ROW if he feels we are encroaching even by the smallest amount as that would give us something to work to instead of an invisible line as we tend to get a lot of disapproving looks when we drive out if they are around.

We did however dispute the legality of DP1010026 after we found out about its existence as it appears their property was not surveyed at the time the DP was lodged as is required under the Act/Regulations and the surveyor stated to us that he worked off measurements given to him and that surveyor also threatened some very strong legal action if I took the matter further!

We were surprised when vehicles started coming up from #837 Pittwater Road on a daily basis shortly after Mr Matthew Monk returned home from overseas. Not knowing there was a DP in place, I naively emailed asking him to stop however I didn't receive any reply so I decided to look into it myself and purchased a copy of his Title docs and saw that there was another easement so I purchased a copy of that easement (ROW) which explained all the extra traffic and I also found what I thought were anomalies in the DP and the space looks to be narrower than what is stated on the DP etc and the mother's recent accident in the ramp area leading down to #837 would tend to strongly suggest there is not enough room for a vehicle and a person on that part of the ROW at the same time.

Hyder c McGrath Sales – why is that in there? There would be more suitable court cases they could have produced. The one I initially thought looked interesting was a well-known case where AMP wanted to use the ROW of another building they owned in the CBD to access another building they had just purchased but they weren't allowed! DP1010026 was done shortly before Mr Matthew Monk purchased #11 so it's not the same as the properties were owned by different people at the time and apparently that makes a big difference.

Not being familiar with the surveying industry, I found it very difficult to get answers. I contacted Council who were unable to help and anyone to do with the Industry wanted large amounts of money to do a desktop review of the DP which would then have required a site inspection and that was never going to be allowed to happen so I didn't pursue this avenue. The complaints system on the various associations was not very responsive and responses were very slow or non-existent and they seemed to be very protective of their members. Fair Trading seem to have taken an interest in the surveying industry recently which hopefully makes it more transparent.

Our main concern was a safety issue as at the time Mr Monk Snr's truck was parked in front of the garage next to the entrance to the ramp blocking off all visibility of any vehicles coming up from #837 until they were on the ROW we use as they reversed out and their driver had no visibility until they were passed the end of the truck. We thought this was dangerous for them and anyone else using the ROW.

Drivers reversing from #837 or indeed reversing off #11 often had to make one or more corrections to miss the wire fence and even residents who used it daily sometimes had problems getting out in one go or made contact with the fence, which made me think something is not right about the design/measurements but it explained why their visitors and even family members from time to time used our property to turn around on so they could drive out forwards. We believe this is one of the reasons why they have objected to us fencing/gating off our property from theirs as it would close their property in and give them/their visitors less room to manoeuvre.

Shortly after my email to the surveyor, steps in the ramp area were removed and changes were made in #837 so vehicles could turn around and drive out forwards which I believe confirms our belief that the rules/regulations were not being followed.

It is my layman's understanding that turning areas and/or double width passing areas should be incorporated into ROW's that service multiple properties to allow for passing which was another reason I didn't think it was correct.

TRESPASS AND REASONABLE FORCE: In Mr Matthew Monk's submission his solicitor makes a point that his client has not yet used reasonable force to remove people trespassing on his property as if he threatens to use reasonable force in the near future and that there has been numerous occasions on which he could have used reasonable force but he doesn't

nominate any incidents and instead uses inference to make it sound like there is some validity and frequency to his statement which we strongly disagree with. I imagine you would have to ask a person to leave first and no one here is even remotely interested in putting a toe onto his property outside of our ROW access and no one here can be bothered playing games.

He did tell a 2yo off once at a birthday party for wandering over the invisible line past the ROW when his mother was only steps behind ready to grab her.

He's also told off a young girl helping at a child's birthday party when adults were around and were better suited to have a conversation with.

And they keep all the balls that end up on their property though the police got one back for us because it does constitute theft. I get that the balls could be a nuisance to them but they could just as easily give it a quick tap back and be done with it but won't. I have seen an errant ball repositioned several times on their property over a period of days until it disappeared sort of like a taunt. The boys are older and have more control now and less balls to play with so it doesn't happen as often. They used to be able to go over and get them back but are too scared to now.

Mr Matthew Monk's claim that he has not used force is a lie. He used intimidation and force to separate a mother (our daughter) from her child (son) on his driveway – refer page 4 - 09/02/19

Our grandkids are petrified of Mr Matthew Monk and his mother such has been their constant and ongoing intimidation towards them. We feel the attack on our grandchildren is another tool they are using to try and force us out. Grown adults picking on little kids that are still in primary school, where is the achievement in that? We have asked Mr Matthew Monk that if he has a problem he can ring, text or email us yet he won't. So much could be sorted quickly if there is a genuine desire to reach a resolution. We have tried and get no responses.

PIGEONS: The feeding of pigeons on the driveway was a huge issue for us as their faeces fouled our roof, balconies, pool area/blanket, steps and washing and left seed everywhere and we will have weeds for years. Plus we had them getting into our garage and fouling things stored in there and Council were well aware of these issues and assisted for some time before the problem started going away. The resident fed the pigeons seed and bread on the shared driveway even after she was asked by a Council Inspector to stop and the driveway often stunk and was covered in faeces and when it rained, it became slippery as did our steps and you regretted not wearing shoes some days. I had to do a lot of cleaning off of pigeons poos for a long time. Over the last month or so pigeon numbers seem to be increasing again.

NB: We don't use our pool blanket for the simple reason that pigeons bathe in the water that collects on top and when we remove the blanket, the water goes into the pool and leaves a filthy film on the surface plus they poop on it which isn't hygienic..

09/06/20 – 10 mature pigeons were in a group in the middle of my back yard and some younger pigeons have been seen hovering around as well. Groups of pigeons have been seen flying into #837 recently. For a long time we have hardly had any pigeons on our property.

KILLING OF PIGEONS: – refer RSPCA - page 4 - re one pigeon. There is also the fact that a large number of a flock of nearly 50 pigeons seemed to disappear almost overnight which was of concern to me. We didn't like what the pigeons were doing to our property but if pigeons aren't fed, gradually over time, they will go somewhere else.

Before he bought a portable compressor, Mr Monk snr used ours and had an electrical cord strung along the back of our garages and through a small hole at the top/back of the dividing garage wall so he could turn it off and on from his property. The hole in the wall was only big enough to get the plug of the cord through and I know because I helped my husband remove the cord so he could return it to Mr Monk snr. My husband put mesh over the hole to stop anything coming through into our garage however towards the end of 2018, I noticed all the residents of #11 were leaving their left garage door open throughout the day which was not normal and I often saw the mother going in and out and I also saw pigeons flying in and out and we were still having pigeons roosting in our garage even though we were being super diligent with closing our own garage doors so I decided to check the mesh to find it was no longer there and the hole was a lot bigger and standing in the hole was a pigeon pecking at something at its feet. I replaced the mesh and told my husband and he put a board across the hole on our side which was still there last time I checked.

PHYSICAL INTIMIDATION:

With a lawnmower – it happened.

One resident has threatened the grandkids will get run over several times and another resident has driven at one of grandkids twice which was witnessed by others.

I myself have been driven at twice by a person on my front lawn/frontage who I believe is a family member.

The mother still stares at and pull faces and shakes her head at the children.

The grandsons have all reported being stared at and made to feel uncomfortable by Mr Matthew Monk. One mentioned recently that he thought Mr Matthew Monk had taken a picture of him and his brother playing in our back yard as they both saw a flash and his mobile phone was held up and pointing towards them and this is not the first time they believe they have been photographed by him.

Earlier this year the grandkids scooted back from the beach and as they went to go down the driveway to put their scooters away, Mr Monk who was on the driveway didn't move and because they are frightened of him, they didn't know what to do and in the end they decided to go around him but they were genuinely concerned he might do or say something to them as that is the fear they now have in their heads of him. The kids often scoot to and from the beach while we drive and we usually arrive home before them but this time they beat us home.

PLANTING AND MAINTENANCE OF DRIVEWAY:

For 7 plus years we helped maintain the driveway and mowed #11's front lawn until Mr Mathew Monk's mother accused me of scalping the grass strip on the driveway and told us she didn't want us touching the driveway anymore and took over maintenance of that area allowing plants to encroach over the driveway causing a nuisance (long story).

When the resident told me I had scalped their lawn, I knew something was going to be made out of it and when I spoke to Mr Matthew Monk on his return I asked him if his mother had told him if I had scalped the grass and he seemed surprised by my question and raised an eyebrow but didn't answer and I said if she did it's untrue and that his mother was responsible and he nodded as if he knew.

One of the first things Mr Matthew Monk did on his return from overseas was cut the offending bushes back hard.

DP635859 – MAINTAINING THE DRIVEWAY: When I thought about this accusation, the realisation came to me that because his other property, ie #837, also uses the same ROW as we do, they should have been contributing to the maintenance the whole time however they did no maintenance on the driveway when they lived at #837 before they went overseas and only started doing maintenance when they returned from overseas so accusing us now and only us, seems very hypercritical. They do mention however on their page 4 and I quote **"the dominant tenements do not maintain the ROW in a way that is visually appealing and complimentary of the local surrounds"** – tenements is plural so in essence they have put themselves in.

Since his return, we have offered several times to help with maintenance as we have done in the past however we have not received any response so it is very lame of him now to accuse us of not doing any maintenance of that area. No one had any complaints when we were doing a lot of the maintenance of the driveway with some help from Mr Monk snr and we always dropped what we were doing and offered assistance when we saw Mr Monk Snr struggling with something and I strongly object to Mr Matthew Monk's comments that we "do not maintain the ROW in a way that is visually appealing and complimentary of the local surroundings" which is utter rubbish as we haven't maintained that area for over 3 years and when we did help maintain it, we did so as it had previously been maintained and as his parents wanted it maintained and then the mother took over for a few years and let everything grow wild – not our fault but once again trying to make us look bad.

When we purchased our property, the driveway was overgrown with ivy as was their house and our house. We removed the ivy from our property shortly after moving in and repainted and we later had to remove the ivy from the inside of the dividing fence along the pool area as it was deemed climable however we had wanted to remove the ivy from our side of the fence earlier because it was labour intensive to maintain and my husband was allergic to it but the parents made such an issue out of it, we didn't. When we needed to remove the ivy from the inside of the pool area, we once again

copped a lot of flak from the parents and showed them the legislation we were bound by and we took a lot of time and carefully removed the ivy (the trunks were on the driveway side) only to have someone pull at it from their side a short time later even though it was both tied to the fence with bailing twine and stabilised by steel rods coming out of the top and side of the fence. Mr Monk snr then asked us to remove the rest of the ivy on their side which we did and we also took their vegetation to Kimbriki Tip. It would have been so much quicker and easier to remove the whole lot in one go.

From what we saw prior to Mr Matthew Monk and his partner going overseas, the parents didn't receive any help from them with maintaining #11 which is why we cut their lawns and did a lot of pruning especially when we saw the father struggling to do things on his own.

When Mr Matthew Monk's brothers visited their parents, they often told us how good the house was looking and how removing the ivy from our property improved the look/value of our property and they commented positively on other improvements as well. One of them thanked us for helping the father and we had always gotten on well with the brothers before Mr Matthew Monk came home. I enclose a photo from the internet showing #11 and the driveway plus some of our house covered in ivy.

During the current lockdown, Mr Mathew Monk and his partner have been manicuring the plants on the driveway area more regularly and the other week **it took them approx 2 hours to sweep/tidy from the top of the grass strip to the bottom of the grass strip**. I know because I was home alone and getting ready to drive out when I saw Mr Matthew Monk poke his head around the corner of the fence, disappear only to reappear a few seconds later with a half full white sack of what looked to be leaf litter! The partner also had a partially full white sack and they went back and forth bringing more bags down and putting in their trailer so I thought I would hold off driving out until they were finished then I heard someone sweeping so I went and looked up the driveway and saw Mr Matthew Monk meticulously sweeping the driveway in tiny increments so I thought I wouldn't go anywhere after the recent accusation about people from our property deliberately trying to run his partner over and because of what happened on **09/05/20 (see page 18)**, I didn't want to put myself in a situation where I had no witnesses so I rang my husband to see when he would be home and decided to wait for him. However nearly 2 hours later they still weren't finished in the driveway area and now the partner was sweeping the bottom end of the concrete strips so we decided to use my husband's vehicle as he was parked on the street. **Ask to see all of the footage of them sweeping the driveway!**

DELIBERATE PROPERTY DAMAGE: no details again and we have no idea of what it could be but I offer the following:

I was taking 2 green vegetation bins around the back when the one closest to the hedge wobbled after hitting something on the ground and it collided briefly and with a branch sticking out from the newly pruned hedge that had been cut back hard. Both Mr Matthew Monk and his partner ran over to the end of their balcony leaning right over in an exaggerated and animated way, staring hard at the bush making faces/sounds as if I had done something wrong. I continued on and went back later with my camera to check if there was any damage knowing that there wasn't because it was a solid stick and the bin only just caught the end of it and nothing was broken but I took a photo just in case they tried to use it against me so is this one of their exaggerated claims?

After we asked Mr Matthew Monk to give us more room on the ROW or consider parking somewhere else, his mother planted hedging plants on or close to the boundary line in the small garden that sticks out into the ROW. Every now and then I would see one of the new plants bent over and I also saw a resident on several occasions walk over to the plant, pat around it but not straighten it which I thought was odd and immediately thought another accusation was being made. Someone did straighten the plant but it wasn't us however with Mr Matthew Monk continuing to park close to his fence inhibiting the usable space we had on the ROW, these new plants were now in the way if we had to drive up and over the garden edge which seems to be the purpose for putting them there and which was essentially an area connected to our property which I had previously maintained. I never saw any plants flattened as if they had been actually driven over however I did notice what looked similar to a tyre mark in the soil just before the end plant which was not damaged but the angle was wrong for it to have been one of us.

Before the gate was removed at the end of March 2019, it didn't look to be damaged so where is the evidence and why is it still an issue?

We have had plants removed from the small garden, branches twisted/mangled on 2 large plants in the pool area which sometimes grow over the fence but they are quite tall and they are pruned regularly and we have never been told they

are an issue and to find them mutilated so viciously which would have taken a lot of strength, determination and time to do, was distressing.

CONSTANT VERBAL ABUSE: once again no info – give us some details so we can properly respond. We have never verbally abused anyone living next door and have not engaged with the neighbours for a very long time and the Police have previously asked them not to engage with us and this accusation is untrue and they have had to think up ways to make it look on camera like we have, eg:

Walking up the driveway with my husband recently, the partner who was sitting on the balcony most probably out of view of their cameras, appeared to call out to us in a loud voice and we both naturally stopped and turned and my husband took a step back and I followed curiously because it felt unnatural that he would be talking so loud for one and for two, talking to us all of a sudden. My husband spoke nicely to him and said he didn't hear what he said and the partner opened his mouth like he was talking but no sound came out and my husband didn't understand what was going on though I clicked straight away and dragged him away telling him you are being set up, it was a set up and I pulled him up the driveway a bit until I could tell him what just happened. **Ask to see the footage and you will see my husband was not yelling and did not look angry and that I pulled him away and kept pulling him up the driveway until I felt we were safe!**

The day before this happened, my husband and I were working in our rear garden and we were talking when the partner walked passed to go to their l/h garage and on the way back he looked at us and said something to us but neither of us heard because we were working and weren't expecting him to talk to us and my husband was going to ask him to repeat it but I told him not to. It would be interesting to see if their rear camera was pointed towards our property and caught this.

Mr Matthew Monk also called after our son on the driveway recently but my son ignored him. He has also tried to speak to others using the driveway to try and get them speaking on camera as well.

After our own experience and hearing Mr Matthew Monk has tried it on others all in a very short space of time, we attended Dee Why Police Station on 21/05/20 and spoke to Const Philippa Shipway and asked if the Police could speak to Mr Matthew Monk and his other residents again to ask them not to engage with us as the Police have previously requested of them on several occasions. Council have our permission to speak to the Constable over this visit.

Mr Matthew Monk is using a select single frame from his CCTV and making up a story saying something happened when the video footage would show a completely different story.

HOME BUSINESSES: A lot has been made about supposed home businesses operating out of our property which has allowed Mr Matthew Monk/his solicitor to introduce another platform of rules which they have used to widen and intensify their attack against us. We also believe Mr Matthew Monk is trying to use exaggeration and distortion about the gym as a tool to repress us and our visitors just as he has tried to repress our and the grandkids activities and we believe that what he is doing amounts to harassment.

They highlighted (b) **emission of noise**, and (c) the exposure to view, from any adjacent premises or from any public place, **of any unsightly matter**, which only applies for a Home Business so is irrelevant.

THE GYM:

Is for personal use only by residents and a very few select close friends and is used for brief periods only before and after work and on days off/weekends.

Many families have gyms set up in garages/sheds and Mr Monk used to have one in his shed at #837. People around the corner have a boxing ring set up in their garage!

The space the gym takes up is less than the size of one single garage as it has storage at one end and a car is parked in the garage next to it which is visible from Mr Matthew Monk's property. Their comment that it could be up to 50sqm was only put in there in the absence of the known/true facts to make it sound more than it is. It is pure fiction and irrelevant.

No renovations or alterations have been made to the garage to house gym equipment and we invite Council to come and see for themselves.

The photo of people on the driveway is a contrived photo opportunity and I have been told the van was stopped and pulled right over only partially blocking the driveway and Mr Matthew Monk and his mother were speaking to each other out of view of the camera and people were forced to go around the van not the other way around – **watch the full footage for the real story.**

The nonsense about gym noise is a gross exaggeration. Specialised thick gym mats deaden the sound and protect the equipment. The garage door to the gym is kept closed and music is from a small blue tooth speaker which we can only hear faintly on our back verandah and we cannot hear it at all in our house and we are closer and more direct than what #11 are. I have made several recordings from different areas outside of the garage of the gym music and it is hardly discernible. There is no blaring stereo any time and definitely not between 10pm and 8am. Weights are not dropped onto the concrete and no one would damage equipment like that.

While not agreeing with Mr Monk's complaint and while awaiting Council's decision and to appease Mr Matthew Monk I have asked the fitness fanatics to:

- Use earbuds after 10pm and before 8am but I have never seen anyone exercising after 10pm
- refrain from using the driveway for training

However I wish to state here that we see this as just another way Mr Matthew Monk is trying to curtail our activities. No one here is being rude or inconsiderate and everyone is trying to go about their daily lives free from interference and intimidation but we keep getting stared at and bombarded with false or trivial complaints. The amount of staring has gone down a lot since their CCTV cameras have been installed.

Mr Matthew Monk generally chooses to walk up/down the side of the driveway closest to our property and often veers left at the bottom of the little garden to continue on down the invisible boundary line ie using all of his property, before rounding back over to his house. It is his land but it could also be seen as unnecessary and provocative **especially when the other week I got a big fright** when I was walking up towards the driveway and Mr Matthew Monk came walking quite fast passed the end of our internal fence. He looked to have been running hard as he was sweating and was trying hard to control his breathing. I saw him put something in his pocket possibly a mobile phone and another step or 2 and I may have collided with him. Uncanny or perfect timing? Mr Matthew Monk has walked very close to me on many other well timed moments when I am near the boundary line out the front ie when I have been mowing the lawns and once again his timing is impeccable and once again I have gotten a start to see him so close to me. He is on his land and would have an excuse for being there but I believe there are too many incidences for them to be pure coincidence.

MANDY'S MOBILE SWIM SCHOOL: – look at the URL, it is a review page from one of those websites that picks up new business registrations and these pages are so obscure, most business owners don't know they are there. This site does not belong to Mandy and it did not come up with BING or GOOGLE and I had to put the whole URL address in to get it to come up. **The 'MOBILE' in the business name means that 'Mandy is mobile' and came to you and gave lessons in your own pool** which a lot of people prefer especially if they have several children as it can be both cost effective and time saving plus the kids learn quicker than they would at a normal swim school. Our address was used for registration and Mandy hasn't lived here for over 5 years. She used to travel all over Sydney to teach people in their own pools but has worked for a large sporting centre out west for the last nearly 3 years and hasn't had time for her own business which has not been registered for the last 2-3 years. It would have been prudent for the solicitor to check the ASIC Register.

COVID 19: We had the COVID Police Task Squad visit our property recently after receiving a complaint saying we had a 'PT' (personal trainer) here training groups of people". The Police had to ring the station to get more info because they saw us oldies and couldn't work things out. Once again the complaint was creative, exaggerated and false.

NOISE AND LOUD MUSIC: No dates or times again so difficult to respond but he tries to make out we are blaring music and making noise all day every day and every night when this simply is not the case and it is time he started putting some details to these spurious complaints. We find it difficult to understand how Mr Matthew Monk can hear music from the gym over road noise from Pittwater Road in a habitable room in his house.

Mr Matthew Monk knows who drives which vehicle so why doesn't he spell it out? Our bedroom faces our back yard and we don't hear any music from the gym in our bedroom or anywhere else in the house and we are closer than what they are. I've never seen a truck out there at 11pm blaring music either. Does he mean my daughter and her ute and is he really sure about the time?

Mr Matthew Monk has alluded that other property owners have complained about noise coming from our property but he hasn't elaborated. I would suggest Mr Matthew Monk has solicited these other neighbours to use in his complaint. Do these other neighbours know he has included them in his complaint?

Family life is not silent especially when you have 3 boys so close together in age as we do and for the record not everybody is here all the time and I will wait until Mr Matthew Monk supports his accusations with evidence before I respond further.

Mr Matthew Monk wants to curtail our grandkids experiences and enjoyment of their childhood and he wants to stop birthday parties in our back yard with his ever growing list of restrictions and by the sound of it, we are not even allowed to play music while we work around our house – where are our rights?

We sincerely believe Mr Matthew Monk needs to leave us alone and focus less on us and more on himself. We are not stopping him going about his daily life like he is trying to do to us. We are a multi-generational family and Mr Matthew Monk is violating our rights by trying to dictate what we can and can't do on our property etc.

I would like to point out that they had up to 7 people living in a smaller house than ours and that Mr Matthew Monk had of brothers and I doubt if his childhood was 100% quiet or uneventful.

16/12/18: The police received a complaint about a soccer ball hitting the garage door early one Sunday morning. Next door were up (and waiting for the slightest transgression so it seems) as they knew we had a birthday party on that day as we had told them. The time changes depending on which letter you are reading and it wasn't as early as what they have said it was and it didn't wake them and it only happened the once as our daughter shut the game down straight away. There is absolutely no generosity of spirit from next door. The Police said they had to come and check it out because they had received a complaint but gave the impression their time could have been better spent elsewhere. In his Construction Lawyer's letter, he has the time from 6am and multiple balls.

13/09/19: I received a letter from Council regarding noise pollution – this time it was 'equipment noise' from a 'drier'. The drier had been on our back verandah for about 4-5 years. It was a belt driven tumble drier which are pretty quiet and it wasn't the loud clunking piece of machinery Mr Monk tried to make out it was. That complaint was so creative it was absurd. I responded with some facts and never heard anything more.

16/04/20: Council wrote to us regarding Water Pollution and this complaint confirmed what we have always believed and that is Mr Matthew Monk's CCTV camera which should be looking at his driveway, can look into our pool area particularly the area where the pool shower/toilet is and we find this to be invasive and a violation of our privacy and we would like the camera lowered or moved further forward so it cannot peer into our pool/shower area. We believe their side camera can also look into the downstairs lounge and possibly a bedroom. It is bad enough that we can be surveilled in our back and front yards by Mr Monk's CCTV cameras but we have an expectation of privacy around the pool shower/toilet area. We believe the range of all their cameras particularly their side camera need checking.

05/05/20: I received another noise pollution letter from Council this time it was 'offensive loud Heavy Metal music being played from a stereo'. Conjures up pictures of a mini concert going on, vibrating the walls but no, when we are working around the property we play music from an old portable radio and others use a portable blue tooth speaker and their mobile phones when they are working out in the gym or back yard. **Mr Matthew Monk claims he finds 'heavy metal music' offensive** but it is only one sub-genre of rock when there are many sub-genres of rock and not all songs from heavy metal bands are heavy metal so how are we supposed to know what he finds offensive. Council have since said they are not pursuing the offensive music part of his claim at this time and that he has been asked to provide evidence that he can hear music in a habitable room between the hours of 10pm and 8am.

We sincerely believe Mr Matthew Monk finds a law/regulation then builds a complaint to fit it and we believe his frequent and petty complaints constitute harassment.

THE DIVIDING WALL PHOTO BETWEEN #11 AND #13'S GARAGES:

There was never any timber stud and marine ply wall installed to professional standards by Mr Monk Snr and to say we removed it is downright slanderous. Who would remove a professional standard wall to replace it with a couple of old bits of ply? It doesn't make sense. We didn't fill in the gap because of the pending sale of our property either. That is another one of Mr Matthew Monk's false assumptions and he was overseas at the time and knows nothing of how our boards came about.

Importantly we asked Mr Matthew Monk during the meeting to reinstate the wall back to code/fire rating. Before the survey he was very quick and offered to pay 50/50 but never properly responded (consent note) and I emailed asking again and received no response. It is our understanding that if you are responsible for damaging a dividing wall/fence then it is up to you to fix it and we believe that onus now rests with him.

That wall is entirely on his property and Mr Matthew Monk has claimed his few cm of land outside the garage to the point where he parked a rubbish bin in front of our garage door which the boundary line runs through so we could not open the garage door without moving his bin. The encroachment happened approx 47 years ago when his family added what are now our garages onto theirs and our garage uses their support at the front and an 'Easement of Support' was proposed at the time but never formalised and Council have documents on file regarding this. Like several other property issues we have with #11, none of this is our or Mr Matthew Monk's doing but Mr Matthew Monk won't discuss the issues with us and is forcing us to take court action to get resolutions.

DRIVEWAY PARKING, SPEED AND NEARLY BEING RUN OVER:

09/05/20 – I was driving extremely slow down the driveway around dusk with the headlights on when we saw Mr Matthew Monk wearing all black, standing back from the driveway, completely still in the bush next to his verandah as if he was hiding/waiting ie he had not just walked up the driveway. He did not step out or make contact with the car while I was passing and after we had passed he walked off up the driveway. Mr Matthew Monk was on his own property so I guess he can stand where ever he likes but given the intensity and nature of other recent accusations, we felt Mr Matthew Monk may have had other intentions that evening but I was driving so slow and we saw him well before he turned and looked at us.

We have never parked on either ROW however a visitor may have stopped half on our property and half on the ROW once but that would not have blocked them and I don't know of any other occurrences and Mr Matthew Monk is not forthcoming with any details on most of his accusations which makes it difficult for us to respond.

Mr Matthew Monk doesn't communicate on anything so how are we to know if he has an issue? He has never asked us to turn the music down or do this or do that, rather he saves everything up and gets his solicitor to do the talking which comes served up with a threat as well. We have invited him to contact us by text, phone, email but he won't.

Mr Matthew Monk would arrive home from work around the same time as our daughter came back from picking her daughter up from childcare or returning from soccer practice and for several weeks or more nearly every night he walked from across the road on an angle and directly in front of her car as she was reversing into position outside our property and she would see him as she went to drive forward and there was a lot of it.

I can't see how anyone could drive at 27kms/hr down the driveway and I would like to know how Mr Matthew Monk arrived at this speed! Interestingly though I saw both Mr Matthew Monk and the partner driving into the driveway at speed over several days and I thought they may have been trying to replicate the speed they accused our son of.

The other week I saw a resident take off out of the driveway at an excessive speed causing them to oversteer needing a quick correction before driving off up the road. I have never seen her drive like this before and perhaps her foot got stuck or something but it seems odd that all 3 of them were driving fast all of a sudden.

10km is still quite fast in such a tight space and I think signs also come in 8kph and 5kph and no one here would have a problem with such a sign being erected or sticking to the agreed or designated speed limit.

No David lives here and I have asked everyone and **no one almost ran over Mr Matthew Monk's spouse and where is the evidence/photo?** We believe they were after another photo opportunity to use as 'evidence' but it didn't work out

for them. **Check the CCTV footage and you will see the partner step into a gap in the bushes and wave the driver on who had stopped some distance back.**

13/04/20 – Excessive use of the ROW - 67 times. I couldn't find out where this is an offence and we doubt that number anyway and would like to see the evidence. I think we need to establish what Mr Matthew Monk says constitutes a pass ie if 4 people are in a car is that 1 pass or 4 passes, if 2 people walk up together is that 1 pass or 2 passes etc. Mr Matthew Monk alludes that 60 passes a day is common and we say it isn't and we would like him to provide the evidence or allow Council to view the footage of the 67 and 60 days and then allow them to select some random days to see what is normal. I believe my husband and I were working at the front of our property that day and were up and down a fair bit but that would not be normal and we didn't see anyone wanting to drive out so we didn't hold anyone up or obstruct anyone. No one can recall the kids being around/outside much that day either so not sure about all the bikes/scooters/skateboards that were supposed to be going up and down the driveway and none of us can recall why the bike trailer was out on that particular day either. A claim like excessive use if there is any such thing and I haven't found anything on it so far, should have to be backed up with evidence but he hasn't done this. I guess our use has only become a problem now that they have CCTV cameras that record movement which triggers a notification on their mobiles!

Mr Matthew Monk used to have a gym near the shower and toilet in the big shed at the rear of #837 so I don't know why he has a beef against people working out on our property. Our back area is very sunny all year around and lends itself to being used for exercise and play and having breakfast/lunch/coffee outside.

SOME EXAMPLES OF MR MATTHEW MONK'S CLAIMS OF US BLOCKING HIS DRIVEWAY:

I was having a conversation with another person on the side of the driveway frontage ie near the road ie I was not on or near Mr Matthew Monk's land, when Mr Monk steamed across the road and walked up to us and rather than stopping, he barged through the middle of us causing both of us to take a step back accusing both of us of 'blocking his driveway'. The other person thought he was joking and made a comment and Mr Matthew Monk turned and spoke to him and then turned and spoke to me but with vehemence, virtually spitting his words in my face yelling 'you are blocking my driveway'. The other person was shocked and didn't know what to make of what had just happened. Mr Matthew Monk could easily have walked either side of us but he chose to head straight for us and barge inbetween us so to me this was a very deliberate act of intimidation. Mr Monk is taller than me and was so close his clothes were nearly touching mine and spit landed on my face and clothes. It was frightening and intimidating as it came out of nowhere and was completely unnecessary.

He has taken photos of our daughter dropping off a child and picking up another one in a well-timed exchange ie the children were ready and waiting and he wasn't using the driveway so there was no blocking.

He has photographed other people if they stand still on the driveway frontage even though he wasn't using it so once again no blocking.

A lady who lives down the street, stopped her vehicle outside Mr Monk's driveway to take a call. Her baby was asleep in the back. I was walking up the drive just as she finished her call and she waved and I went over to tell her she should move and she asked me why so I told her that Mr Matthew Monk doesn't like people parking across his driveway and then we both saw the partner poke his head around the corner of their house and I said something like 'you've been seen' and she asked if she should go and apologise and I said it might just make things worse and she asked if what she was doing was illegal because she still had her engine running and I said I didn't think so and they aren't using the driveway at the moment anyway. We said goodbye and she drove off. I don't know how long she had been there before I saw her but I certainly wasn't there for more than a few minutes myself as I conscious of being under surveillance but somehow this has been reported as all my fault. I didn't stop the lady or ask her to park there. I saw them drive out quite some time later so once again no blocking.

DOGS TRESPASSING:

Up until the parents were moved into #837 by Mr Matthew Monk, all of the mother's 5 dogs trespassed on our property front and back numerous times day, all day every day, and night as well, trespassing on our property and antagonising our dogs behind our gate and leaving their calling cards. The mother used to pick up most of their doings but when things

started going pear-shaped, she stopped picking up their doings altogether but still allowed her dogs to roam on our property and naturally we objected and asked Council for their help with the matter.

Our dogs have not and are not allowed to roam around their properties and to say they do is wrong and there is absolutely no comparison to what their dogs have done. On the very odd occasion our little dog may have run off when she was younger but I doubt if it was more than 2-3 times over a very long period of time and not all day everyday like theirs did.

Our daughter did unfortunately run over one of the mother's dogs but it occurred well and truly on our property as she was coming to a stop outside the door to our downstairs area where she lived. She did not see the dog and had no idea where it had come from but it was trespassing as did it and the other 4 dogs numerous times a day on a daily basis ie they were let out unsupervised for long periods of time. Not all 5 dogs always got put behind the gate all the time and from time to time one was left out so perhaps that's what happened on that occasion as no other dogs were around. We have had dog doings up the other side of our house so it may have come from that area. Once again Mr Matthew Monk has made something sound very different to what actually happened and we take exception to his misrepresentation of the facts which we believe were designed to show us, as a family, in a poor light once again.

We are not heartless people no matter what Mr Monk says and our daughter was upset for ages after that as were we.

After he moved his parents into #837, some fencing was removed from #11's rear courtyard which meant the area could no longer be used to secure their dogs and most of the problems we had with next door's dogs disappeared almost overnight except for doings on our front lawn and frontage. I think that fence was also too tall to be classed as an internal fence and by removing the bottom part, it could be classed as garden furniture or something like that. There was a reason they removed the bottom part of the fence and it had nothing to do with us.

We've had dog faeces in our gardens, on top of plants and herbs where little dogs couldn't possibly reach themselves and in front of our back gate and on the mat outside the downstairs door exactly where we would step and we don't think it got there naturally. The resident has been known to pick up dog poo with bare hands and throw it in our garden and also been seen to hold a dog up over our property while it defecates.

Council have a record of most of the issues we have had with the dogs and it took a long time to resolve. We still get the odd dog poo usually in the same spots, the last one being noticed on 15/06/20. It will go quiet for a while but then it flares up again.

ANOTHER DOG INCIDENT AND DELIBERATE NUISANCE WITH DOGS:

With a view to being transparent, I wish to detail another incident.

Before he went overseas, Mr Matthew Monk had dogs of his own and one of them was very old and should perhaps have been put down a long time before this incident as it needed to be carried everywhere, had lost most of its fur and stunk, could hardly walk and I believe it had lost most of its teeth and was pretty much blind.

On occasion, rather than take their dogs for a walk, Mr Matthew Monk's sister would let our previous dog out to play with their 5 dogs without our permission or knowledge. On this occasion she let our dog out to play with their 5 dogs when the old dog slowly wandered up from #837 and our dog who had been playing well with the other dogs, played roughly with the old dog and it got hurt. As soon as we became aware of what was going on we went out and called our dog inside and called Mr Matthew Monk who took his dog to the vet.

It sounds like he made the vet do exhaustive tests on the dog before it succumbed to its injuries several hours later.

Mr Matthew Monk then demanded our dog had to be off our premises by the end of the next day and told us he will be giving us the vet bill to pay and later presents us with a bill for about \$2,000 which he demanded we pay to him as we weren't allowed to pay the account ourselves! Yes it seemed strange at the time but we had only been living here a few years and did not want to ruin neighbourly relations so paid him however I noticed that the vet's details were missing from the account and I also noticed that most of the work carried out by the vet seemed excessive given the age and existing condition of the dog and putting it straight to sleep would have been much kinder than putting it through a barrage of tests over a long period of time. As we had nowhere for our dog to go on such short notice, we had her put down which was upsetting to us as well.

In hindsight I wish I had of called Council or the police and got their ruling on the incident before getting our dog destroyed. All the dogs were on our property as well as on the ROW and we did not let our dog out and Mr Matthew Monk's sister had control. How that old dog even got up to our property from #837 defies me as it could hardly walk. Prior to this incident, Mr Matthew Monk had told us that he had been going to get it euthanised 2-3 times before but didn't do it. Having had an old dog before, we know how hard it is to let go but given the condition of that dog, my husband and I both believed it was cruel to keep it alive in the condition it was in.

I should have queried a few things and would have liked to have spoken to the vet to see why so much work was done on such a sick old dog. I could not identify the vet used and at the time things did not feel right and they still don't feel right all these later.

Council are aware that Mr Matthew Monk taunted our son's current dog for a photo opportunity and antagonised it by getting its attention by walking close to our gate to set it off. Mr Monk was trespassing when he did this and stepped back onto his property when he noticed that I had come out to investigate why the dog was going off so much. Mr Matthew Monk then proceeded to dance around in an insulting manner while staring up at me. I stayed and watched his performance as I wanted to see how far he would take it and he did three rounds with each round becoming more exaggerated before he stopped and broke out into fits of hysterical laughter making him double over.

Council is also aware that both the mother and the sister used to walk over towards our property with their 5 dogs in tow and when the dogs got close they would walk away and the dogs would continue on and attack our back gate while our dogs were on the inside. This then became a learned behaviour for their dogs and every time they came home with the dogs, they were let them out and they would run at our gate and they would only get called away after we had come outside to investigate what all the commotion was about. I counted their dogs attacking our gate 9 times one day when I was home. It caused our dogs a lot of stress and us a lot of frustration as despite being asked to control her dogs by us and Council. The resident refused and seemed to get some enjoyment out of it.

In the past, grandchildren and adults alike have all been chased and nipped by their dogs with one visitor receiving teeth marks and bruising to the calf of her leg. You could be walking innocently on your own property or up the driveway and one dog in particular used to sneak up behind you and try and nip you around the back of the leg.

When Mr Matthew Monk first came back from overseas he and his partner would often run over and take the dogs away from our back gate so he was aware of the habit they were into and I guess when the lease was up on his other property, he moved his parents down into the Pittwater Rd property and he removed part of the fence to the back area of #11 so it could not be used to keep the dogs in.

THE PROPOSED SECONDARY DWELLING: Mr Matthew Monk is rubbishing the house his family built. Mr Monk Snr was particularly proud of our house and told us it was a much improved version on their previous build. Council records show there was confusion over who actually owned this property when it was being built. Mr Matthew Monk has stated the original owner is still alive and will sign a stat dec stating there was no kitchen in the downstairs area when they owned it but he has chosen not to provide it with his submission.

A lot of the statements about our house in the Submission are fundamentally wrong, argumentative, others are impossible and others were included to cast aspersions on the integrity of the building and I am here to set the record straight. The house received a Certificate of Compliance in 1984.

We have not experienced any of the problems Mr Matthew Monk has said they had 'when we owned it', meaning his family not him per se. I doubt if Mr Matthew Monk has even spent a night in our house. According to both parents, they moved the grandfather in before it was properly finished and he passed away a very short time afterwards and the house sat empty for several years and the mother believes his ghost still roams around the downstairs area!

The downstairs area stays an even temperature and is cool in summer and warm in winter. It is well ventilated by windows on both sides and by its two doors. It gets a lot of sunshine all year round especially in the afternoons as the pool is on that side and the sun is not blocked by another building and Council would know this.

This house is extremely well built, solid, sound, comfortable and quiet and we enjoy living in it. The drains are well equipped to take care of even the most torrential rain and have never looked like backing up and the pool takes a lot of

the rain that would normally fall on the ground. The pool area and house is well serviced by drains and any other water is effectively and efficiently taken care of by blue metal and Ag pipes and despite what Mr Matthew Monk has said, it has never flooded or looked like flooding in our time. The grass areas are also well drained and a lot of time and thought went into preparing this property prior to its build.

Mr Matthew Monk/solicitors are thoroughly wrong to state that water flows directly into the basement as we don't have a basement and the large drain outside the downstairs area takes care of all the water which flows in to it and that water flows freely into the storm water pit on our property which then flows freely down to the storm water pit on the front boundary of #839.

At water level – what is meant by that statement? Sea Level?

We have had plenty of King Tides which are higher than a high tide together with torrential rain particularly over the last few years and the drain has never looked like flooding and this is just another absurd statement. I have seen the global warming projected water inundation map for this area and Council would be aware of any potential flood risks and given that new houses and granny flats are allowed to be built along this section of Pittwater Road, would confirm there is no flood risk.

When the 'drains' on Pittwater Road get blocked between South Creek Road and Dee Why Park some of the road will temporarily flood but will clear immediately the drains are cleared so there is no water inundation issue around our immediate area. The level of Dee Why Lagoon is several meters lower than the road level.

Mr Matthew Monk/solicitor's statement that water could flow in through the downstairs windows is irrational as the windows are above ground level and ground level in that area is higher than the floor of both his and our garages.

Mr Matthew Monk's and his parent's plans were to increase the number of dwellings on their/our properties and he has just contradicted himself again.

Not sure why Mr Matthew Monk's solicitors questioned whether the downstairs area has separate meters and why he could not answer that himself given his supposed familiarity with our house.

We would like to keep the property as it is as we are a multi-generational family however Mr Matthew Monk has singled us out when we are but one of many houses on the northern beaches area which have a second kitchen and some even have a third. A property around the corner which is currently for sale appears to have 2 kitchens and I believe the owner is known to the family. It certainly is not uncommon and Mr Matthew Monk could have complained about this when the previous owner had the property or years earlier but he didn't and has saved all his complaints up until just recently – why?

The sewerage, plumbing and electrical were all done when the house was built approx 40 years ago and a copy of the signed Sewerage Diagram is attached to our Contract of Sale. The plan shows connection for bathroom plumbing and a kitchen sink in the downstairs area and no other plumbing work has been added so Mr Matthew Monk is wrong to say that things have not been inspected. He has never lived in/owned the property yet he seems to think he knows everything about it.

Next door have had car carriers and trucks and fully laden tradies utes going up and down frequently and shortly will have a lot more when their granny flat build starts.

Power outlets in the downstairs area are at normal wall heights and are not elevated above the outside ground height which you would think they would be going by Mr Matthew Monk's statement.

Mr Matthew Monk's is incorrect to say our balconies don't have drains because they do, they have a dish drain that runs along the length of the balcony which runs into a downpipe.

Mr Matthew Monk should concern himself about the water runoff coming from his property onto our property. The drain on his property in front of his garages is small and appears to get blocked frequently and it is inside the boundary line and the concrete slabs that are mainly on our property start sloping towards our property from his side of the boundary line and we used to get a lot of their water and debris coming around the corner of the little garden when they hosed their driveway. They were aware of this nuisance and left a lot of debris near the small garden/boundary which

would then make its way onto our property. We went through a period where the amount of hose water and debris coming onto our property when they hosed the ROW was massive and fortunately they stopped doing this when I responded in writing to a letter from their first solicitor then water restrictions hit.

Both #839 and #11 have cut down large trees recently that used to cause a lot of leaf litter on our property and with those trees gone, the amount of leaf litter we are getting has been hugely reduced and the reduction in leaf litter will mean a lot less maintenance to keep our yard and drain cleared of leaves and hopefully it also translates into less maintenance of our stormwater pit at the front of #839.

A resident used to sweep the concrete in front of their garages regularly and I would often come home to a neatly swept line of leaves about a metre long, 40-50cm on our side of the boundary line which I guess I could have pushed back but never did as they would only blow back over so I just picked them up when I did the rest of their leaves which had found their way onto our property.

The swimming pool outlet is connected to an existing sewerage line which Mr Monk should have been aware of.

We have previously maintained the stormwater pipe and pit on #839's property and recently offered to look at it again however Ms Steel never responded and when we asked again she told us her mother had already got a plumber to check it which surprised us because it is not her property and she did so without our knowledge or consent. In the past Mr Monk Snr told us he paid half of the Plumber's bill as #11's drain comes across our property and goes into our big pit before it goes onto #839's property. He organised the previous plumber and we gave him half of the bill so we assume he paid the other half like he told us he did but we cannot confirm it as once again we did as we were told and gave them the money. In future we will insist of paying accounts ourselves.

There has been no change to the outside of the building for 40 years so there has been no change to the environmental effects and there is no additional impact or adverse effect on the ecological, social and aesthetic values of the land.

We have ring and white tailed possums traversing our fence and nibbling our plants, we also have an owl that visits and when the feral pigeon population is kept low we have heaps of native birds flying around and visiting the property. We grow plants that attract bees and nectar eating birds.

The solicitor should be aware of Govt changes to developments in low density areas which means more granny flats, townhouses and new houses built with dedicated secondary dwellings and even more boarding houses to name a few. Mr Matthew Monk has townhouses on the other side of his property and his development proposal was to build townhouses on our joint properties yet he opposes our proposal for a granny flat but is building one of his own.

We know a tenant of his has a problem with some people they think are a blight on society and who are a drain on their taxes and that person has previously claimed they are the govt.

REAL ESTATE ADS: are just that and are not material to our DA but once again they are grasping at anything they think they can use as a negative. Perhaps the ads should have said STCA which a lot of ads do and agents will always try and sell a potential. Honestly because everything was so old down there and the original kitchen fitted precisely under the clay wine pipes in the wall and everything was plumbed and wired including the oven during the build, we had no reason to believe it wasn't original and legal. Our conveyancer did not do her due diligence and alert us of a potential issue and at the time we didn't know.

They've highlighted 'driveway parking' for boats, trailers or caravans and this shows the extent they will go to misrepresent the facts. The previous owner had his boat parked outside the downstairs area which Mr Matthew Monk is well aware of plus he sees where we park our vehicles on our own property (as has Council) around the back and that is the area referred to, not his driveway. Once again a very immature example of them taking something out of context and running with it regardless of whether there is any truth.

The previous owner housed international students but I believe they are not considered a home business but hey they had 6-8 people adult people living here with no complaints and a kitchen was in place then.

There is no larger meal preparation area and I think that was incorrectly stated. The replacement kitchen is actually smaller and definitely better configured than the original kitchen and the island bench is movable and could be removed altogether to make way for a table and chairs.

We disagree with Mr Mathew Monk's statement that 'the secondary dwelling has been in use for a minimum of 7 years for the purpose of providing income'. It is not a secondary dwelling and is just the lower part of our house and the internal stairs have not been blocked off and are in use daily. Our other daughter lived downstairs with her young son for about 5 years when we first moved in and her now husband also lived there for a while and when they left, our son who used to live upstairs with us moved downstairs. We support and have supported all of our children by allowing them to live at home.

Mr Mathew Monk stated on his DA that his granny flat is for the owners use only which makes it sound like he and his partner are going to live in there but are they?

Mr Matthew Monk wants people living downstairs to use the internal stairs only! Here he is trying to tell us how to live in our own property again and I can't understand why he isn't being shut down on some of these things. Council want us to block the internal stairs off but we want them left open because we are family.

Their statements about the downstairs area are conflicting and time wasting. The wall that partitioned off the so called storage area was a second hand wall used for commercial refrigerated rooms with a small door that didn't shut properly. Mr Matthew Monk didn't complain about that wall even though it was not fit for the purpose of providing safety and security nor did it have a DA and it wasn't on the original plans. I don't know who was responsible for putting that wall in but it didn't appear to have been installed to a professional standard. Then he talks about the storage area making the rest of that area 75sqm which is allowed in the Development Controls but even if the original kitchen and the refrigerated wall were still there (which personally we couldn't have lived with because of the state of them), we feel he would still have made an objection because it's not so much about the kitchen it's more about us.

There is mention that the previous proprietor (not the owner before us) 'primarily' used the room as a games room and is prepared to sign a stat dec etc. What was its secondary use? Cars? The father told us they had meetings and cars in there – why else would there be garage doors on it and eye bolts in the ceiling to lift car engines out with if wasn't used for cars? We left a couple of eye bolts as a nod to the history of the building.

ILLEGAL PARKING ON THE ROW: Give us some info as we have absolutely no idea. People may stop out the front and drop someone off or pick someone up and it is our understanding and theirs that if you stay in your car with the engine running you can do this as long as it no longer than for a few minutes. Mr Monk's snr's brother used to park over the driveway all the time and he would walk down and collect his brother and bring him back to the car and we would just wait and never had any problem with it.

A resident stood behind our visitor's car and wouldn't let her reverse out despite being asked to move and stood there for several minutes before moving off and letting the young girl go who by this time was extremely upset. Unfortunately I only got to learn of a lot of events like this after they happened.

UNSIGHTLY MATTER' is irrelevant because it doesn't apply to us because the gym is not a business but that's a classic case of the pot calling the kettle black and I doubt if Mr Matthew Monk would really want us to mention what we have had to look at when the parents lived at #11

THE ATTIC: has only been used for storage during our ownership and Council have already viewed this area and can confirm that.

GARAGING: 5 garages were already built on the property before the house was built and the house plan shows another garage at the front ground level plus 2 x garage doors accesses to the underneath area which could accommodate up to 6 cars. Go figure.

POOL FENCE COMPLIANCE: We were unaware this had expired and had expected to get a reminder but didn't and as soon as I found this out, I booked an inspection and have since received a new Certificate which Council can check on the register.

RESIDENTIAL FLAT BUILDING: Mr Matthew Monk's solicitor's opinion that they consider a secondary dwelling to be similar to a residential flat building is irrelevant and is only there to fluff out the pages and give another line of attack as is a lot of other irrelevant stuff.

THREAT TO MODIFY DP635859 SHOULD COUNCIL APPROVE OUR SECONDARY DWELLING:

That says it all. **Why make it contingent on what Council does or doesn't do?**

- No pedestrian access?
- Vehicular access only for the chosen few?
- No access for any guests or visitors?

We are aware of our Statutory Rights.

BLD2020/00749 ???

What else is in this complaint? Why can't we have it all at once and get it over and done with?

RECENT DELIBERATE TRESPASS: and we are not talking about dipping a toe over the imaginary line but it appears the rules don't apply to them if they think they can get away with it.

Matthew Monk returned a towel used which was used when our son and his partner rendered assistance to his mother when she had an accident with her van in the ramp area leading to #837. He has been asked not to trespass on our property several times yet he decided to return the towel when he knew no one was home and we believe he took the opportunity to have a good look around our property at the same time as it was shortly before he lodged his submission.

A resident came onto our property and took a brick to put behind a tyre of a car trailer which was stopped/blocking the ROW despite having their own bricks to use. Several hours later, the resident came back onto our property to put the brick back seemingly enjoying the experience of trespass.

A figure dressed all in black standing on our property next to our tree at night time.

Ever since Mr Matthew Monk returned home from overseas, he has acted aggressively towards us with his negative behaviour escalating after his offer through a real estate agent to go into a development with his properties and one other property was rejected. Mr Matthew Monk must have changed his mind on the size of development he wanted to do as he has recently been granted a DA to build a much smaller development, ie a granny flat on the rear of his other property #837 Pittwater Rd and we had no objection to the granny flat but we did want further information on how the equipment/trades were going to affect us and our property as we never get told when the driveway is going to be blocked and on previous occasions we haven't been able to get our car/s out so I emailed Mr Matthew Monk asking the question but got no reply so I looked at his plans online and lodged a submission against using the ROW we use over his property, for access to #837 citing safety/security/trespass reasons and I also pointed out what I thought were anomalies in his DA.

Time will tell how much trespass and inconvenience we are subjected to during the build of their granny flat but Council put an extra clause in which hopefully should help keep the area clear.

We are not unreasonable people and have put up with a lot in the nearly 11 years we have lived here. We love our house and we love the area and we love having our family around but we feel we are being persecuted by Mr Matthew Monk who we think still has other ideas for our property.

Residents of #11 have been on the receiving end of our generosity and tolerance many times over the past nearly 11 years but things became seriously imbalanced and we had to stand up for ourselves as we were being taken advantage of.

We look forward to the truth coming out and having the opportunity to respond to the numerous false allegations and exaggerations and clear our name.

11 Cumberland Ave, Collaroy – Ivy on driveway and houses



Boundary Mark near our r/h garage. Also show cut lines to allow water to escape but rain wasn't the cause



Truck blocking ROW. Wall painted to boundary line



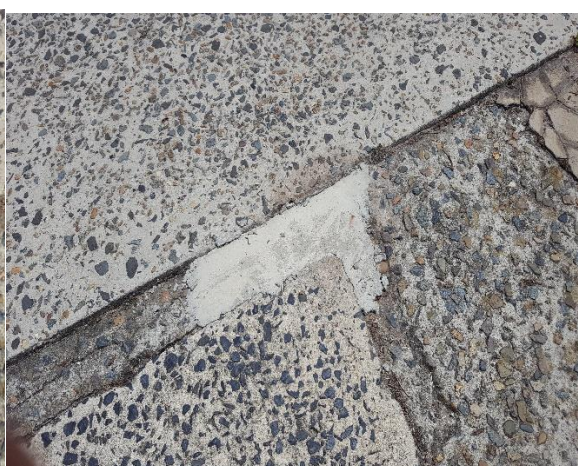
Mesh covering pigeon hole in garage dividing wall



Exposed Electrical Conduit on ROW



After it was patched



**The offensive yellow lines which Council painted over.
NB: The mother's van parked over the middle line.**



**Yours sincerely
Stephanie and Murray Graham
13 Cumberland Avenue
Collaroy NSW 2097**