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RE: DA2019/0699 - 19 Joseph Street AVALON BEACH NSW 2107

In addition to the submission made on my behalf by Fran Dargaville, and along with previous correspondence with Council on this matter, I make the following points in relations to the report prepared by Turnbull Planning on behalf David Djuric and Marina De Marchi.

3.2.2. The unauthorised addition to the dwelling is only properly screened by vegetation as we engaged a professional gardener who advised the best way to quickly screen out the new dwelling was to plant bamboo. This cost more than \$1000. There was no attempt by Mr Djuric to screen out his new unauthorised structure, nor did he ever ask about its impact on us. Prior to the vegetation screen planted and paid for by us, the new unauthorised structure was clearly visible from our property, specifically from our outdoor entertaining area.

3.2.3. they make the claim of "complexity of demolition work". The footings for the unauthorised carport were poured in such a way that the support beams for the structure could have been set back 1000mm from the boundary. It is my understanding that Mr Djuric specifically overruled objections by the builder to set the beams back from the boundary, instead demanding that the beams be bolted to the footings within 150mm of the boundary. Therefore the ability for the unauthorised structure to be set back from the boundary is available by making use of the newly poured existing footings.

For all the reasons we set out here and in the submission on our behalf from Ms Dargaville, including photographic evidence, I'm unsure how the author can arrive at a professional opinion that the "[unauthorised] building work carried out has little or no amenity impacts on the adjoining properties, specifically No. 17 Joseph st".

Further, we contest the claim "it is more than probable than not that consent would have been granted" on the basis that, had the proper channels been followed, we would have been able to submit a petition prior to approval being granted that the carport be set back from the boundary. Had council agreed to this request, the existing screen would not have been damaged, and the potential new carport would have been set back, and not have impacted our property at all.

3.2.8 "views and vistas will be preserved from neighbouring properties" This is just evidently false.

4.4. "retention of the unapproved building work will cause no appreciable loss of amenity for the owners of the adjoining properties, in particular No17 Jospeh st." This statement is highly contested. The choice to build the unauthorised carport on the boundary has meant that it is clearly visible from our lounge room, kitchen, family room and outdoor entertaining area. It shades the vegetation screen to such an extent that in the 4 months since the unauthorised

carport works were first commenced, and the screen destroyed, it has been unable to regrow, despite professional gardeners fertilising and aiding it.

The claim the "owners of the property carried out the building work in an honest but quite mistaken belief that the work did not require any approval or consent" is also contested. When I first asked Mr Djuric about the newly constructed unauthorised carport, he told me it was compliant, before becoming abusive at which point I terminated the conversation and referred the matter to council.

It is also my understanding that Mr Djuric has interests in another property in a different location where he has sought injunctions on building works being carried out by neighbours, such that he must be well aware of required approvals and how council laws and regulations operate.

It seems with regards to Number 19 Joseph St, Mr Djuric is a recidivist offender when it comes to these matters and has engaged builders for "cash in hand" unauthorised works over a period of a number of years.

In the interests of keeping good neighbourly relations we tolerated, and didn't object to the first unauthorised works which saw the addition to the existing dwelling some years ago. However, the addition of the unauthorised carport built on the boundary, which was constructed while we were overseas, was intolerable due to the direct and ongoing effect on our property's amenity.

The unfortunate and regrettable fact of this matter is that had the proper planning laws been followed, we would have had an opportunity to request the carport be setback 1000mm from the boundary, so that it did not impact on our property at all, and the existing vegetation, if left unaltered, would have provided total screening to any new structure. This would have allowed Mr Djuric a carport in excess of 3 metres wide, and for us to suffer no, or negligible impact.