

Man's \$40,000 shed must go, says judge

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A man's home is his castle - but even then he needs to get permission from the council before he builds a really big shed in the backyard.

Sydney man Vasilios Perdikaris has been ordered by a court to raze a garage he built on a concrete slab at his Sutherland Shire property without planning consent from council.

The construction sparked a long-running dispute between Mr Perdikaris and Sutherland Shire Council, a criminal charge, and a hearing in the NSW Land and Environment Court this month.

The council launched action against Mr Perdikaris and his wife Irene after he erected a "sizeable garage" on the couple's suburban block at Menai without permission in December 2017.

A few months earlier Mr Perdikaris lodged a development application to construct a driveway at the property. Those plans did not make any reference to the large garage council officers observed in the home's backyard in January 2018 following a complaint from a neighbour.

The council officers found the shed had been built without approval and should be demolished. But repeated attempts to get Mr Perdikaris to tear down the shed were unsuccessful.

The council refused to meet Mr Perdikaris in person from early 2019 due to his "abusive language when dealing with council officers" and had requested all communication in writing.

"It is fair to say that on occasion the interactions between the council and Mr Perdikaris were fractious," Justice Rachel Pepper said in a judgment published last week.

The feud also triggered a criminal case, with Mr Perdikaris pleading guilty earlier this year to using a carriage service to menace or harass Sutherland Shire mayor Carmelo Pesce. He was fined \$2500 and handed a two-year good behaviour bond at Sutherland Local Court in May.

Mr Perdikaris was also banned from approaching or contacting Cr Pesce for two years.



The 12m x 6m shed (right) was built without permission. Photo: Google Maps

In court documents for the civil case, Mr Perdikaris said he had decided to build the garage because an existing shed at the property had been "too small for my needs".

"I told various companies that I did not have council approval and I was told that many people build their sheds without council approval and that it really only mattered if someone complained," he said.

Mr Perdikaris hired a contractor to build the bigger shed - which stored his cars and a hoist - measuring about 12 metres long, six metres wide and 4.4 metres high. He said he had spent about \$44,000 on the garage and was willing to reduce its size to save it from demolition.

A town planner enlisted by the council described the garage as "a dominant element in the streetscape" and a "highly visible structure" that had

been "the subject of a number of complaints". Justice Pepper said the shed breached development standards due to its "enclosed nature, its dimensions, and the fact that there was already a garage and carport on the premises".

"Mr Perdikaris knew that he needed development consent but proceeded to undertake the development without obtaining it." Justice Pepper referred to

the maxim that "a person's home is their castle" but said the law "places restraints on the number of towers, keeps, and barbicans that are permitted to comprise that castle".

"Once complete, if new stables, turrets, or even a moat is sought to be added to the existing structure, these will generally require some form of planning approval ... so it was with the new, very large garage (or shed) constructed by the respondents".

Justice Pepper ordered the structure demolished within 28 days. She awarded the council costs.

'I was told it only mattered if someone complained.'

Vasilios Perdikaris