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Collingwood Vic. 3066

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10th January 2019

Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council
PO Box 168
Richmond VIC 3121

Dear Ms Vaidyanath,

**RE: Proposed Road Discontinuance rear 88-90 Johnston Street Collingwood
Yarra City Council Reference D18/217699**

As the owner and occupier of 78 Johnston Street Collingwood we hereby object to the proposed discontinuance and sale of the "road" at the rear of 88-90 Johnston Street as per the above reference. We would at this point wish to clarify that the 'road' being referred to actually spans 80-82 Johnston Street and the proposal is therefore inherently misleading.

We object to the proposed discontinuance of the 'road' or Right of Way (ROW) being the west section area spanning 4.47 metres across its northern border (see attached diagram area "A") which is at the rear of 80 Johnston Street. We object to the 'road' being discontinued for the following reasons:

1. As owners and tenants of 78 Johnston Street we require the ROW situated behind 80 Johnston to enable our clients to use the car parking spaces at the rear of our property. Without this ROW it would render the car parking virtually useless due to the difficulty in exiting / reversing following the discontinuation of the 'road' behind 80 Johnston Street.
2. If the proposal were to proceed the owner of 80 Johnston Street could extend or build in what is now the ROW behind 80 Johnston Street, ultimately removing that area completely and preventing users of our company car park from exiting the designated parking spaces as there will be no turning area to reverse into. The accompanying photos clearly demonstrate this.
3. In discussions with our neighbours at 76 Johnston Street proceeding with the proposal would have a similar effect on them also as they also require that area to reverse from their car parking spaces and use the ROW behind 80 Johnston Street.
4. Accordingly objection is made to the sale of **the External ROW – "A"** area at the rear of 80 Johnston Street as it adversely impacts the car parking area behind 78 and 76 Johnston Street and indirectly the car parking areas of 72-74 Johnston Street Collingwood.
5. We already believe that the proposed building encompassing 80-90 Johnston Street will **adversely impact our ability to access existing parking once built. If the development is allowed to include the ROW behind 80 Johnston Street then this will be a further inhibitor to our use of the rear of our property and business operation.**

We wish to note that we do not have any objection to the sale of the internal 'road' spanning 5.39m on its northern border (see attached diagram area "B") which is located inside the existing warehouse at 82 Johnston Street as this area is not required for function of the rear car parking 72-78 Johnston Street. It is specifically the ROW behind 80 Johnston Street that is the subject of our objection.

We wish to be notified of the date of the council hearing concerning Yarra City Council proposal contained in reference D18/217699. We would also suggest a council representative visit the site and evaluate the impact of the proposed discontinuance and sale on the adjoining neighbours.

Please contact me if you wish to discuss the matters contained in this letter.

Regards



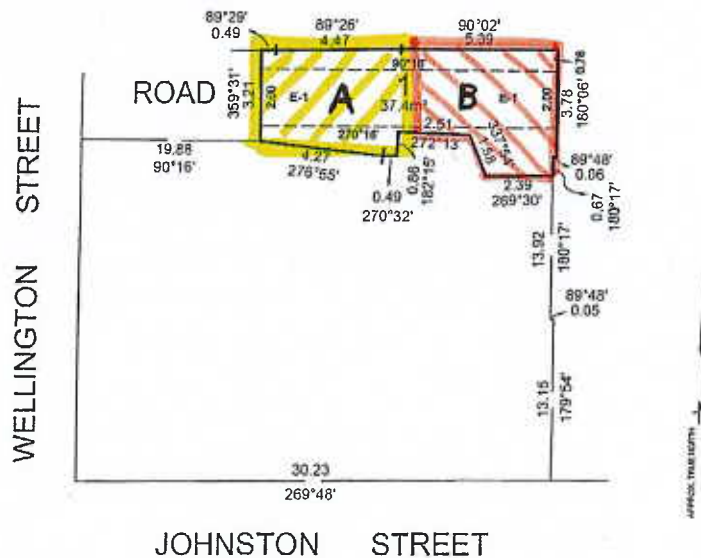
Fraser & Co (Aust) Pty Ltd

**YARRA CITY COUNCIL
PROPOSED ROAD DISCONTINUANCE
PUBLIC NOTICE INVITING SUBMISSIONS UNDER SECTION 223**



Yarra City Council (**Council**), acting under clause 3 of schedule 10 to the *Local Government Act 1989 (Act)*, proposes to discontinue the road at the rear of 88-90 Johnston Street, Collingwood, shown as Lot 1 on the plan below (**Road**), comprising the whole of the land contained in certificate of title volume 11849 folio 976 and part of the land in contained in Memorial Book O No. 870.

The proposal is that Council discontinue the Road and sell the Road at market value, to the adjoining owner of 88-90 Johnston Street, Collingwood.



Any person may make a submission on the proposal.

Any person wishing to make a submission under section 223 of the Act must do so in writing by 16 January 2019.

All submissions will be considered in accordance with section 223 of the Act. Submissions should be addressed to the Chief Executive Officer, and can be hand delivered to Council's Municipal Office at 333 Bridge Road, Richmond or posted to the following address:

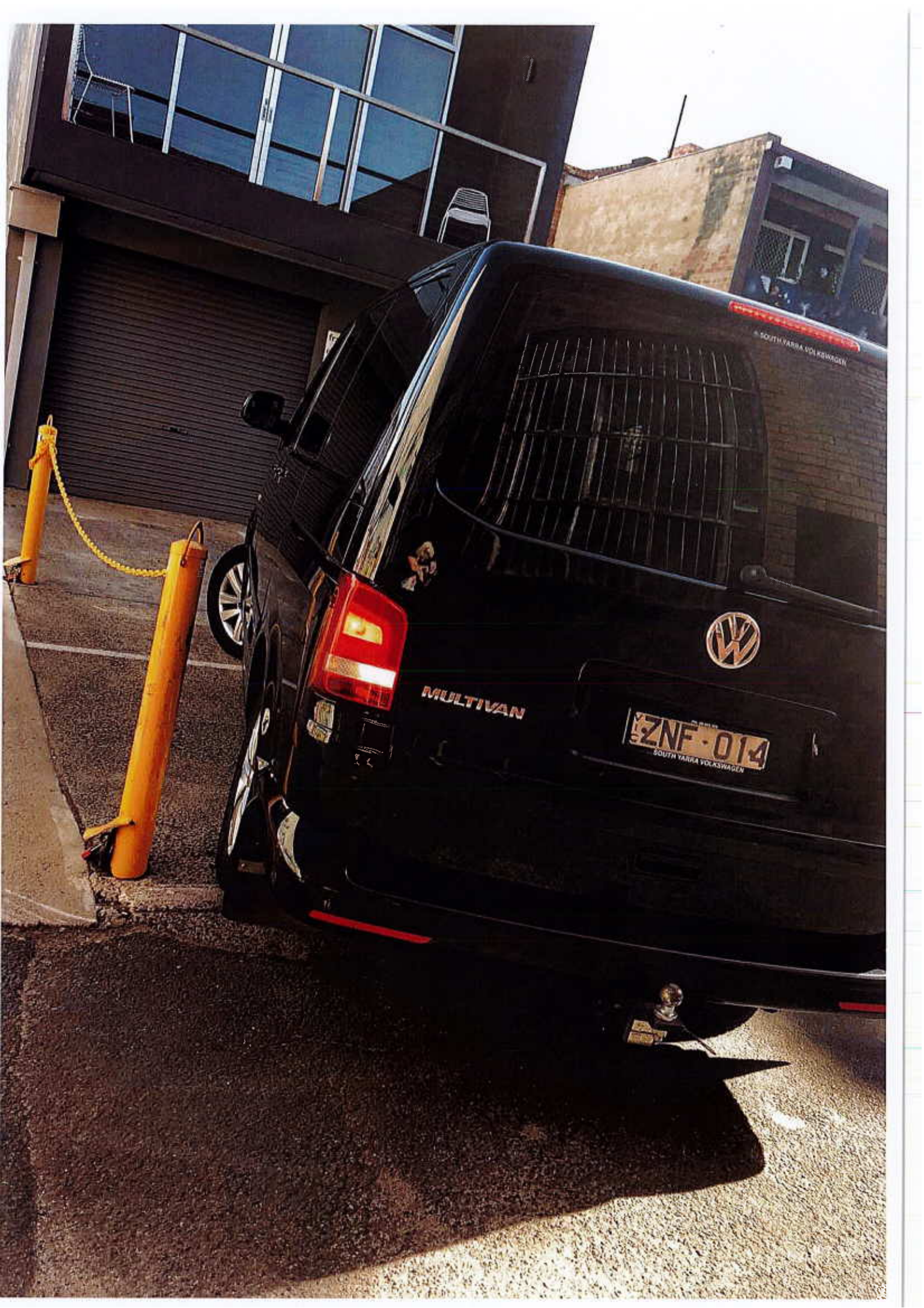
Vijaya Vaidyanath, Chief Executive Officer
Yarra City Council - PO Box 168 , RICHMOND VIC 3121

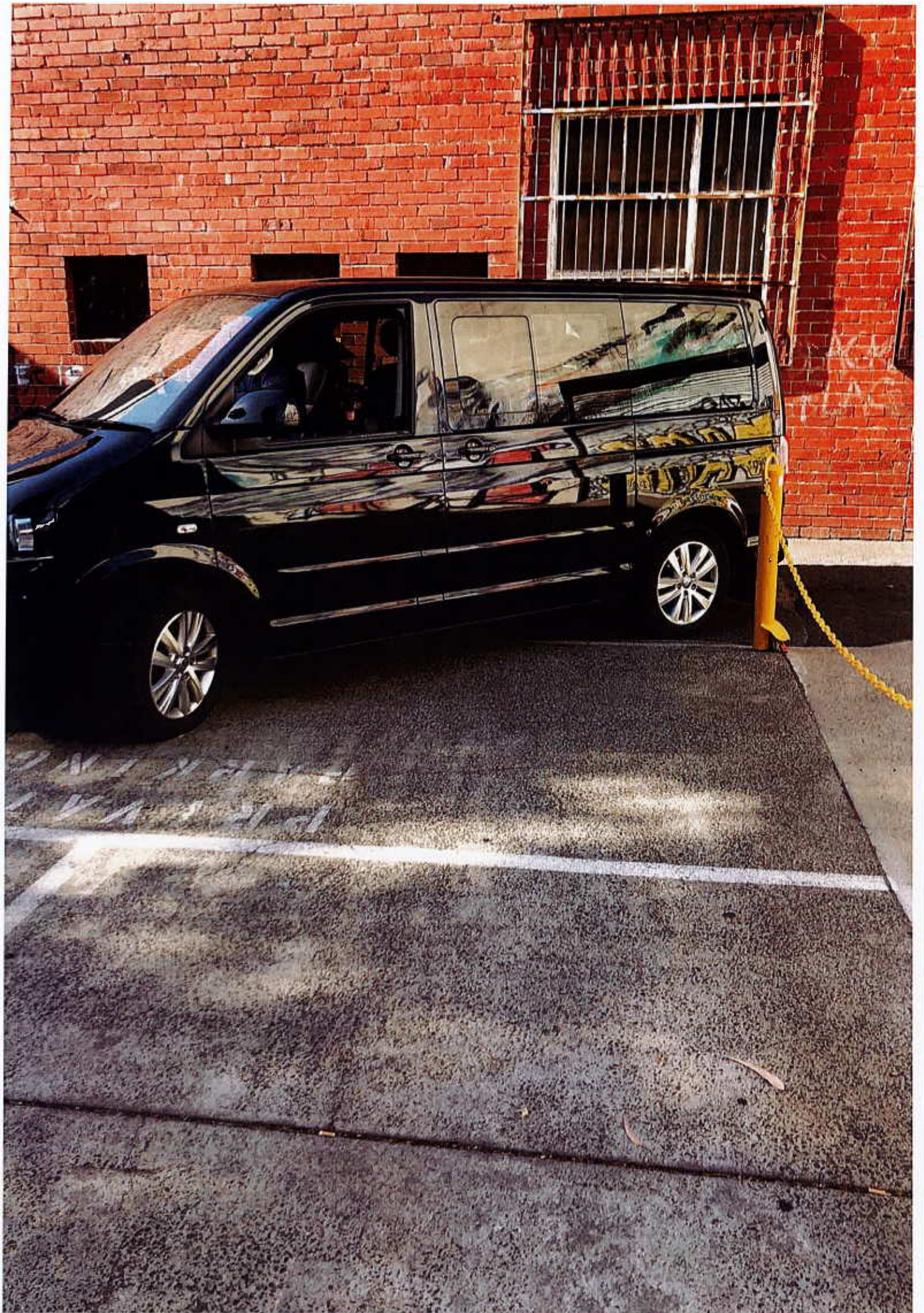
Any person requesting to be heard in support of his or her submission is entitled to be heard before Council (or its committee established by Council for this purpose) or be represented by a person acting on his or her behalf, and will be notified of the time and date of the hearing.

Following consideration of submissions Council may resolve not to discontinue the Road or to discontinue the Road and then either sell the land from the Road to the adjoining owner or transfer the Road to itself.

For more information on the proposal, please contact Bill Graham on 03 9205 5270 or bill.graham@yarracity.vic.gov.au

Vijaya Vaidyanath - Chief Executive Officer, Yarra City Council









Spirano HOLDINGS PTY LTD.

(A.C.N. 055 457 362)

76 JOHNSTON STREET
COLLINGWOOD
VICTORIA 3066

21 December 2018

Ms. Vijaya Vaidyanath
Chief Executive Officer
Yarra City Council
P.O. Box 168
RICHMOND VIC 3121

BY EXPRESS POST

And By Email – info@yarracity.vic.gov.au

Dear Ms Vaidyanath

Yarra City Council (Council)– Proposed Road Discontinuance rear 88-90 Johnston Street Collingwood

I refer to the Council Notice posted on 19/12/2018 (the Notice) and hereby make a submission to council on the proposal.

As the owner and occupier of 76 Johnston Street Collingwood we hereby object to the proposed discontinuance and sale of the "Road" as per the Notice.

We object to the proposed discontinuance of the Road (Easement / Right of Way – ROW) being **the external 4.47m x 2m x 4.27m west section area marked "A" in the attached diagram plan – (External ROW – "A")** should not be discontinued and sold off to the owners of 80-90 Johnston Street for the following reasons:

1. This external ROW – "A" area located at the rear of 80 Johnston St is the turning area used by 78 Johnston Street to turn into and out of their car parking spaces.
2. If the approved plans are amended by the owner of 80-90 Johnston Street, extending the proposed building line along 78-80 Johnston is across the width of the ROW (western border), this structural element would not allow and prevent 78 from exiting from its car parking area as there will be no turning area to turn into to exit from the car parking spaces behind 78 Johnston street.

3. Similarly we, (our clients and visitors) also reverse out of our car parking spaces, and if the developer were to build across the western border of the **external ROW – “A” area**, this would make exiting from our car parking spaces turning movements unsatisfactory and awkward.
4. Accordingly objection is made to the sale of **the External ROW – “A” area** at the rear of 80 Johnston Street as it adversely impacts the car parking area behind 78 and 76 Johnston Street and indirectly the car parking areas of 72-74 Johnston Street Collingwood.
5. The property owners at 78 and 76 Johnston Street should continue to have the benefit of **the External ROW – “A” area** easement to get in and out of our car parking areas without any structural impediment and / or without the need to enter upon an adjoining owners private property in order to exit our car parking areas.
6. In addition should the proposed building be extended along the 78-80 title boundary across the ROW, (western border) this would further adversely impact the amenity of the owners at 72, 74, 76 and 78 Johnston Street (subdivision RP 17568), e.g. delivery vehicles parking in the ROW behind 78 & 76 Johnston Street car parking areas while making deliveries to the commercial occupants on the ground floor premises of 80-90 Johnston Street once built.
7. **the External ROW – “A” area** at the rear of 80 Johnston St is used daily by 78 to enter & exit from their car parking area .
8. **External ROW – “A” area** at the rear of 80 Johnston St has not been fenced off or acquired by adverse possession by the owners of 80-90 Johnston Street and accordingly should not be discontinued and sold off to the owners of 80-90 Johnston Street as they have no right of acquisition of the public ROW / laneway that is being used by neighbours on a daily basis.
9. Any impact on the ability of 78 Johnston Street to enter & exit their car parking area will affect the amenity all other adjoining owners and their ability to enter & exit their car parking areas as stated above.
10. We do not have any objection to the sale of **the internal 5.39m x 2m x 2.51+2.39m east section area marked “B” in the attached diagram plan – (Internal ROW – “B”)** as it is located inside the existing warehouse building line at 82 Johnston Street and has been used continuously by the occupant of 82-90 Johnston Street. The acquisition of this **internal ROW “B” area** is appropriate to clean up the title of 82 -90 Johnston Street.

In relation to the public Notice posted on 19 December 2018 I note:

1. It refers to the ROW as a public Road when it is marked as an **E-1 Easement** which benefits the adjoining properties including 72 – 78 and 80 Johnston Street. The easement appears to have been marked as a road. I would be interested to see if it has been gazetted as a road. Could a council officer provide any clarification on this.

2. The diagram as contained in the posted notice is not to scale and does not fairly or accurately represent the area affected and the adjoining properties and existing buildings.
3. The Notice is not correct as it refers to the Discontinuance of the Road at **“the rear of 88-90”** when the road is actually at the rear of 80 and within 82-90 Johnston Street.
4. Council has not provided any reason for the sale.
5. **We wish to be notified of the date of the council hearing so we can voice our Concerns and hear councils reasons for the proposal and recommendations.**

We would also suggest a council representative visit the site and evaluate the impact of the proposed discontinuance and sale on the adjoining neighbours.

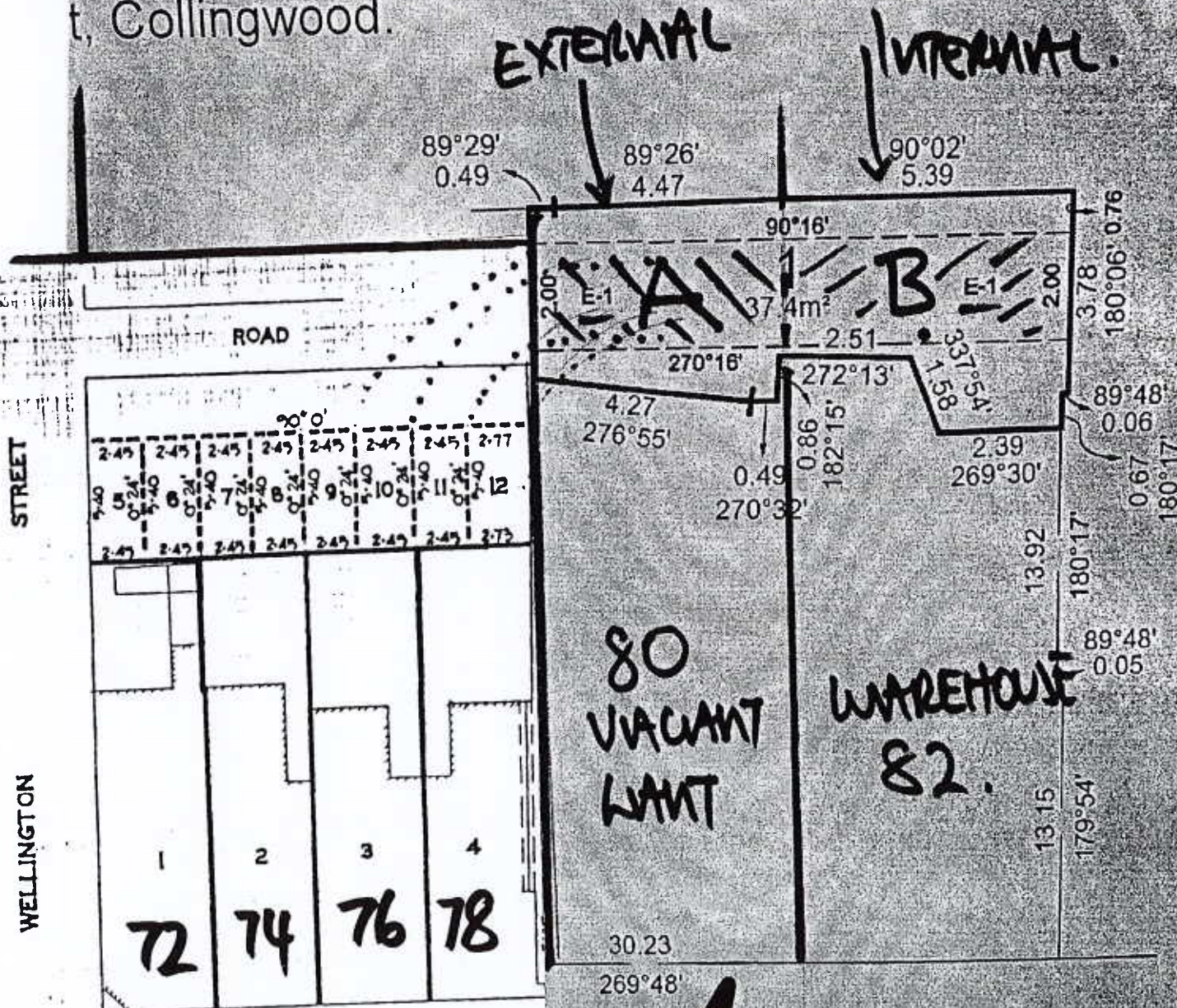
Please call if you have any queries or wish to discuss.

Yours faithfully,


For & On Behalf of
Spirano Holdings Pty Ltd
Encl. Plan, Photos

ouncil), acting under clause 3 of schedule 10 to the Local Government Act 1974, to discontinue the road at the rear of 88-90 Johnston Street, Collingwood, comprising the whole of the land contained in certificate of title No. 100/1000, and to sell the land contained in certificate of title No. 100/1000 to the Council, acting under clause 3 of schedule 10 to the Local Government Act 1974.

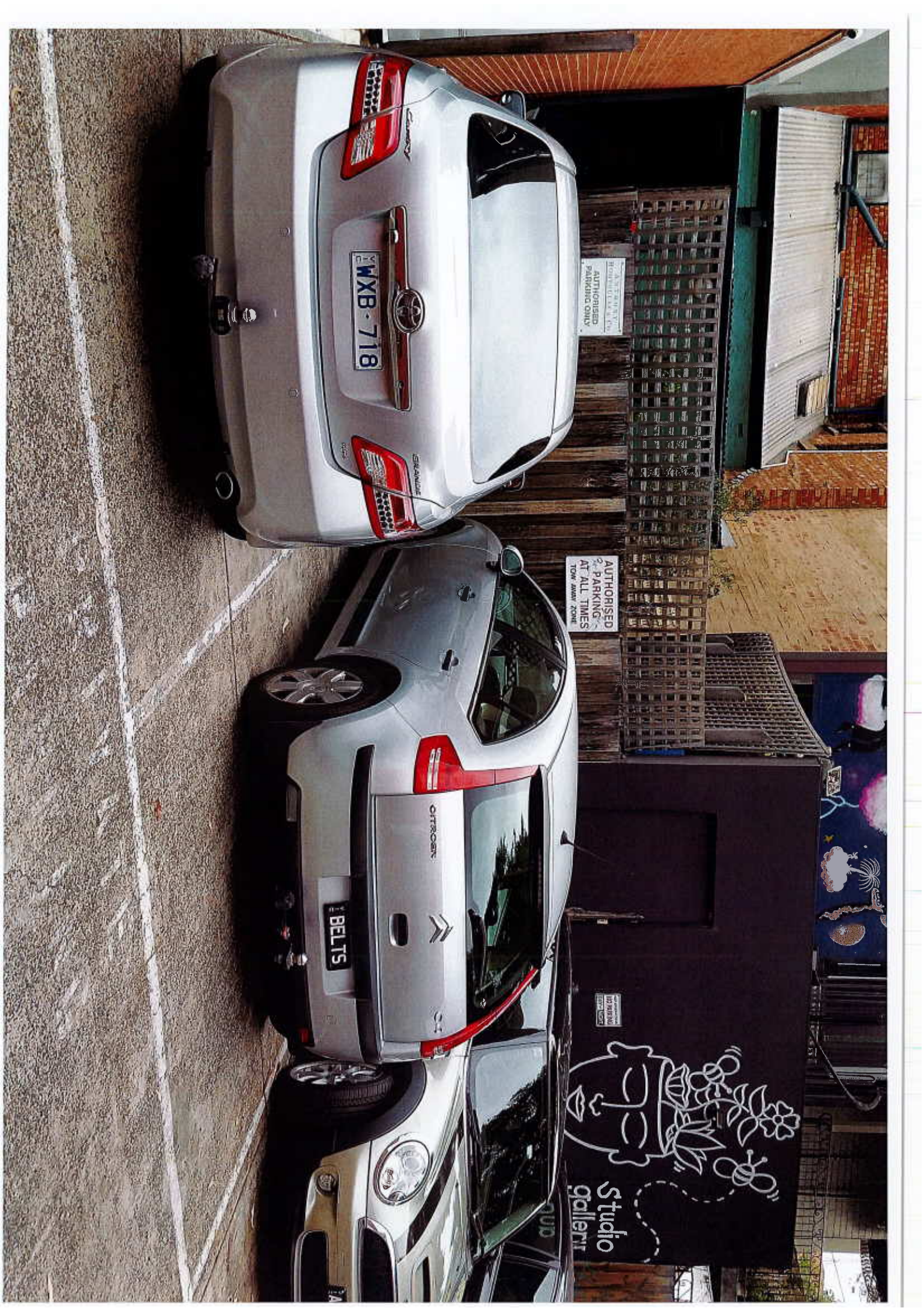
Council discontinue the Road and sell the Road at market value to the Council, acting under clause 3 of schedule 10 to the Local Government Act 1974, to the Council, Collingwood.



NOT TO SCALE

ing to make a submission on the proposal.

ing to make a submission under section 223 of the Act must do

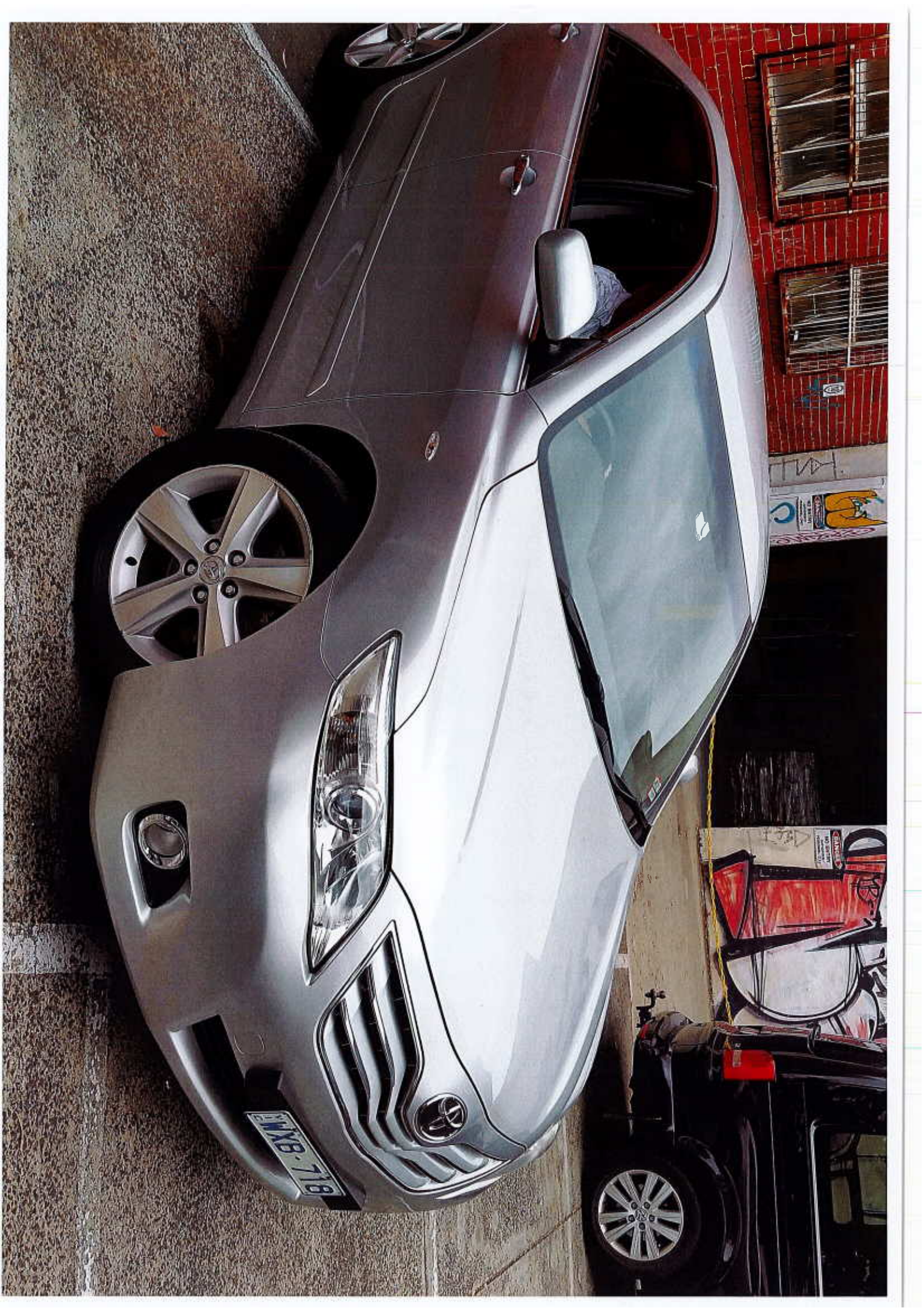


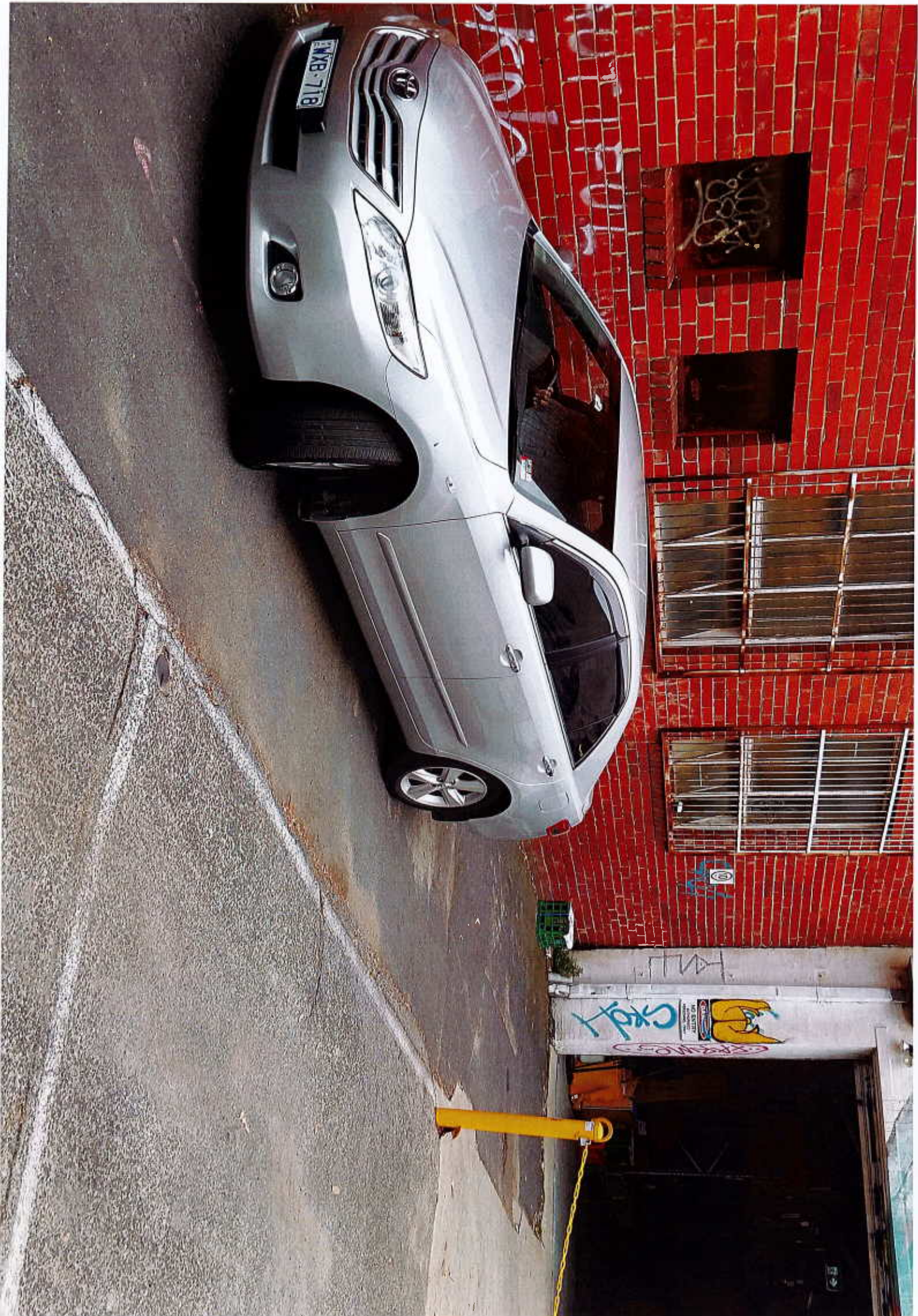
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Studio
gallery





Presumably this is to assist the development of the site into another big multi storey eyesore?

Like · Reply · Message · 4d



You are probably right: "The proposal is that Council discontinue the Road and sell the Road at market value, to the adjoining owner of 88-90 Johnston Street, Collingwood."

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<https://www.urban.com.au/.../80-90-johnston-street...>



URBAN.COM.AU
**80-90 Johnston Street,
Collingwood - Project Details**

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Write a reply...



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How about a homeless shelter or upgrade the police station?

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I have to say, as a resident of Gold St I'm really disappointed with the number of proposed developments right now in the immediate area. Just having a research and there are at least 10 proposals right now around a small radius including Gold St, Dight St, Keele St and of course Johnston St (which I kind of understand as it's a main road.) I'm all for building upwards to cater for our increase in population but not when it's all located in one small area. There has to be another way or something that can be done about this. I hope each complex comes with parking because I'm definately not giving up my space. Absolutely crazy and driven by greed.

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