

20 October 2008

City of Port Phillip
Private Bag No 3
ST KILDA VIC 3182

Attention: Mr. D. Graffen
Property Co-Coordinator

Dear Sir

**Proposed Road Discontinuation
Right of Way 208 Albert Road, South Melbourne**

We confirm from previous correspondence our client [REDACTED] is the owner of 218 – 220 Albert Road, South Melbourne.

We understand Council is considering selling the laneway to another owner of adjoining land, however as of today's date we have not received any detailed information in relation to this matter.

Our client objects to the sale of the proposed land, however will consider so if a covenant is placed on any title which includes the following:

1. No construction of any type be allowed on the subject site or the airspace above.
2. Permit our client and their associated parties of the owners of 218 – 220 Albert Road, South Melbourne a permanent right of way over the subject land and the airspace to provide free access to the subject land at all times.

Our clients building has air vents on each floor and a pipe from the ground floor to the top of the Building that requires tradesmen access for their service and maintenance obligation to the building. Their access is required at all times.

Should you require any further assistance or information, please do not hesitate to contact our office.

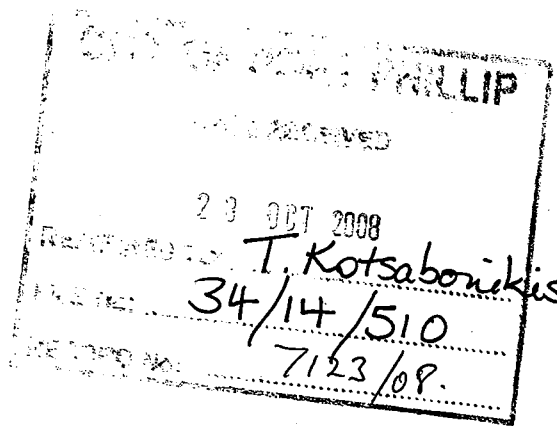
We await your confirmation of the above.

Yours faithfully

ALLARD & SHELTON PTD LTD

**PETER LANE CEA (REIV) AAPI
DIRECTOR**

SJB Planning



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Ms Toula Kotsabouikis
Property Advisor
Property & Valuations
City of Port Phillip
Private Bag No. 3
ST KILDA VIC 3182

Sydney
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Surry Hills NSW
2010 Australia
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Re: **ROW No. 510 – rear of 208 Albert Road, South Melbourne**

24 October 2008

sjb.com.au

Dear Ms Kotsabouikis

We act on behalf of [REDACTED] the proposed purchaser of ROW No. 510, located at the rear of 208 Albert Road, South Melbourne.

We understand that two objections to our client's request for discontinuance and sale of the ROW have been received by the Council. The objections are on behalf of owner / occupiers at 5 Thompson Street and 218 Albert Road.

In regard to the issues raised, we respond as follows:

- The objector's properties do not benefit from access to the ROW or currently use it for any lawful or other purpose. The objectors will not suffer restricted access as a result of the proposed land sale.
- Our client proposes to use the ROW for car parking and does not at present propose to undertake works in the area.
- In any event, a building and / or planning permit would be required to carry out structural works in the ROW, in which case the impact on existing windows and building services would be considered.
- We consider that the five windows which overlook the ROW are sufficiently raised above ground level (4.0 metres) to protect them from activity in the ROW.
- We appreciate that any future development would also be constrained by the existence of services projecting from abutting buildings. We expect easements would be established subsequent to a land sale to protect these services. Further, our client is agreeable to entering into a Section 173 Agreement, to the affect that existing services be retained and / or protected.

If you require clarification in regard to any of the above, please contact either myself or Phil Borelli on 8648 3500.

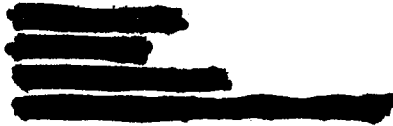
Yours sincerely



Edwina Laidlaw
Senior Planner
elaidlaw@sjbplanning.com.au

encl

cc:



RAYMOND ROCKMAN

ANTHONY ROCKMAN

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21 OCT 2008
RECORDED TO: T. Kotsabouikis
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YOUR REF:
OUR REF:AR

20 October 2008

City of Port Phillip
Private Bag 3
ST KILDA 3182

For the attention of Toula Kotsabouikis -Technical Services Officer

Dear Madam ,

Re: Proposed Road Discontinuation - Right of Way, Rear 208 Albert Road, South Melbourne ("the Laneway")

As you are aware we act on behalf of [REDACTED] who are respectively the owners of Apartments 1, 2 and 3, 5 Thomson Street, South Melbourne.

Whilst our clients have not been provided with any substantive details in relation to the proposed discontinuance of the Laneway which is situated at the rear of their property we understand that the Council is considering selling the Laneway to an owner of another building which abuts the Laneway.

Our clients object to the proposed sale unless a covenant is placed on any Title to the Laneway which would, inter alia:

1. Prevent the construction of anything (including, but not limited to a carpark stacker) on the Laneway &/or the airspace above the Laneway.
2. Permit our clients, their successors in title and any member, representative, agent, employee &/or contractor of the Owners Corporation for the property situate and known as 5 Thomson Street, South Melbourne a permanent right of way over the Laneway and the airspace above it which is designed to provide free and unfettered access to the Laneway at all times.

The above preconditions are critical to our clients as notwithstanding previous suggestions made by representatives of the Council the Laneway is of considerable utility to our clients. In this regard we enclose a number of photos of the Laneway from which you will note the following:

1. There are 5 large windows on our clients' property which open onto the airspace above the Laneway.

2. There are numerous vents on the side of our clients' property which are on the northern boundary of the Laneway.
3. Part of the glass balcony of [REDACTED] property abuts the airspace above the Laneway.
4. The building situate at 218-220 Albert Road South Melbourne has several vents and a large pipe which abut the Laneway on its western boundary and part of its southern boundary.
5. The Laneway provides access to the rear side of our clients' property and the side and part of the rear of buildings at 208 and 218-220 Albert Road.

As you will appreciate our clients require an ability to access the Laneway at all times as, amongst other things, maintenance and cleaning of the vents and windows is required on an ongoing basis. More fundamentally, without this protection our clients may not in future even be able to open their windows.

All of these matters were known to Council at the time that permission was granted to construct the property and it is now incumbent upon the Council to ensure that our clients are given the ability to continue to enjoy all benefits of the properties which they purchased.

Our clients as residents have instructed that, in their view, the most appropriate use for the land would be as additional residents parking. Alternatively, the Laneway should be used for Council metered parking.

Yours faithfully,

ROCKMAN & ROCKMAN

per: 

Enc.