

# LEX LOCI'S TRAVELS

26 SEPTEMBER 2016

*An ad-hoc one-pager from The Public Land Consultancy*



Well, there's a Soho in London, and a SoHo in Manhattan – so why shouldn't there be a Soho in Geelong?

It's aptly named. You find this twenty-apartment development up a dead-end lane off a narrow street, reminiscent of the urban fusions that characterise its Northern hemisphere counterparts. Maybe there's a jazz club in the basement but Lex isn't sure about that.

The denizens of Soho (Geelong) may not appreciate the block's difficult gestation. At one stage it found itself in VCAT – not because of a planning matter as such, but because of a 'preliminary legal point.' Was the lane in question actually a lane? And who actually owned it?

On title, McLarty Place was owned by Alesios Fishing Pty Ltd, which had purchased it and other nearby land from the National Australia Bank in 1998.

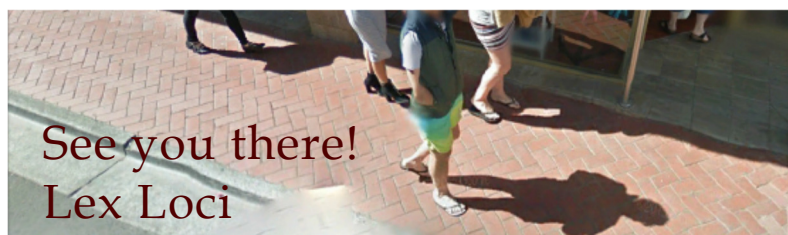
Alesios claimed that the development had no access rights to the lane, and the projecting balconies would be trespass.

City of Greater Geelong saw the situation differently. They argued that the lane had become a 'public highway' under the common law of dedication and acceptance – even though the dedication had been implied rather than express. VCAT agreed\*.

Therefore the lane did not belong to Alesios Fishing P/L, but to Council – courtesy of amendments made to the *Local Government Act 1989* in 1993.

So Alesios had been sold a pup. NAB had been dispossessed of the lane by Parliament five years before the purported sale. Nobody had told them.

**Lex says – Surely we shouldn't have to go into court to figure out who owns laneways!**



\* *Greater Geelong v Alesios Fishing, VCAT (30 Sept 2000)*

*Photos from Google Streetview*