

Management report to Council

Agenda item 6.6

Proposed public highway declaration of CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne

Council

Presenter: Angela Meinke, Manager Planning and Building

28 February 2017

Purpose and background

1. The purpose of this report is to recommend that the roads shown shaded on the plan in Attachment 2 be declared as public highways. These roads adjoin the Munro re-development site.
2. The Roads have the following status and ownership:
 - 2.1. CL1184 is a Council Lane on Council's Road Register, which is maintained and cared for by Council, the proposed declaration will put the status beyond doubt and update the ownership.
 - 2.2. PL5266 is shown as a private lane on Council's Road Register and is an easement of way. The last known owner is Charles Palmer from 1859.
 - 2.3. Blender Lane (PL5133) is shown as a private lane on Council's Road Register and is identified as 'Road' on the plan of subdivision LP19605. The last known owners are Charles Perrin from 1946 and Ruby Beatrice Reid and Harry Leonard Reid from 1972.
3. The declaration is being made in conjunction with the discontinuance of the balance of PL5266 shown hatched on the plan in Attachment 2. A separate report is being presented to address submissions received to the discontinuance.

Key issues

4. Public consultation in respect to the proposed declaration was undertaken (see Attachment 1). Three submissions (see Attachment 3) were lodged as follows:
 - 4.1. Peter Papageorgiou representing Tramere Pty Ltd and others, the owners of the abutting property at 446-450 Queen Street, Melbourne, who are objecting to the declaration of CL1184 and part of PL5266 unless the easement rights for the abutting properties are preserved.
 - 4.2. Blender Lane Artists Market, who are objecting to the declaration of Blender Lane, as it would possibly contribute to the loss of Blender Lane and the market, due to permit applications that would be required for the market and events that are currently held.
 - 4.3. The Blender Studios, who are objecting to the declaration of Blender Lane, as it would impact the operations of the studio and artists using the studio.
5. The declaration of PL5266 will maintain easement rights to the Queen Street beneficiaries and ensure that PL5266 is maintained and illegal dumping of rubbish is managed by Council.
6. The declaration of Blender Lane does not alter Council permit or approval requirements for a market and/or event.
7. The recommendation reflects the recommendation from Council's Submissions (Section 223) Committee held on 8 December 2016.
8. The issues raised in relation to these lanes are not an isolated incident. Land Survey is in the process of reviewing each suburb within the municipality and listing any anomalies in ownership of roads and lanes. Once the anomalies are identified, Public Highway declarations are recommended to put the status beyond doubt.

Recommendation from management

9. That Council:
 - 9.1. Declares CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne as shown on the public notice dated 27 October 2016 as public highways, for the reasons that:
 - 9.1.1. CL1184 has been maintained by the Council and its predecessors at law for many decades and the declaration is simply to put the issue beyond doubt and provide certainty of ownership
 - 9.1.2. the declaration of Blender Lane (PL5133) and part of PL5266, and the Council assuming care and management of those roads will allow the active management of the use of roads, improving the amenity, safety and access benefits for all users

- 9.1.3. in respect to the objections to the declaration of Blender Lane (PL5133) as a public highway on the basis this will mean the activities on the road will require a permit, the requirement to have a permit is not affected by whether a road is public or private.
- 9.2. Notices in writing every person who has lodged a separate submission of the decision and reasons for the decision.

Attachments:

1. Supporting Attachment (page 3 of 52)
2. Public Notice (page 4 of 52)
3. Site Plan (page 5 of 52)
4. Submissions (page 6 of 52)

Supporting Attachment

Legal

1. Where a Council proposes to declare a road as a public highway under section 204(1) of the *Local Government Act 1989* (Act), sections 207A(c) and 223 of the Act require it give public notice of the proposal and consider all submissions received prior to making its decision.

Finance

2. If the application is successful, the Road will be declared as a public highway and the subject land will vest in Council. The land surveying, plan of subdivision preparation and lodging costs at Land Victoria which will be in the order of \$15,000 and will be undertaken using existing budgets.
3. Council responsibility for maintaining and cleaning of the Roads will be met from existing general and future budgets. Council may receive monies from parking infringements within the Roads.

Conflict of interest

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

Stakeholder consultation

5. Public consultation in respect to the proposed declaration was undertaken in accordance with the Act. Overall the consultation involved:
 - 5.1. advertising in *The Age* on 27 October 2016
 - 5.2. a letter being sent to the owners and occupiers of abutting properties
 - 5.3. all of the Service Authorities being notified by e-mail of the proposal.
6. Submissions were received and reported at the Submissions (Section 223) Committee meeting held on 8 December 2016.

Relation to Council policy

7. There is no Council policy for the declaration of roads as public highways, however the actions taken and the recommendations in this report are all legislatively compliant and accord with well established practice.

Environmental sustainability

8. This proposal has no significant impact on environmental sustainability.

Public Notice published in the Age on 27 October 2016

Melbourne City Council

Proposed Public Highway Declaration CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne

Notice is given pursuant to sections 204(1) and 223 of the *Local Government Act* 1989 ('Act') that the Melbourne City Council ('Council') proposes to declare CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne, shaded on the plan below as public highways ('Proposal').

CL1184 is considered to be a public highway at common law having been maintained by the Council for many decades and is on the Council's Road Register under the *Road Management Act 2004*. The Proposal is to put this public highway status beyond doubt.

Blender Lane (PL5133) and part of PL5266 are proposed to be declared public highway's to enable them to be added to Council's Road Register and maintained by Council.

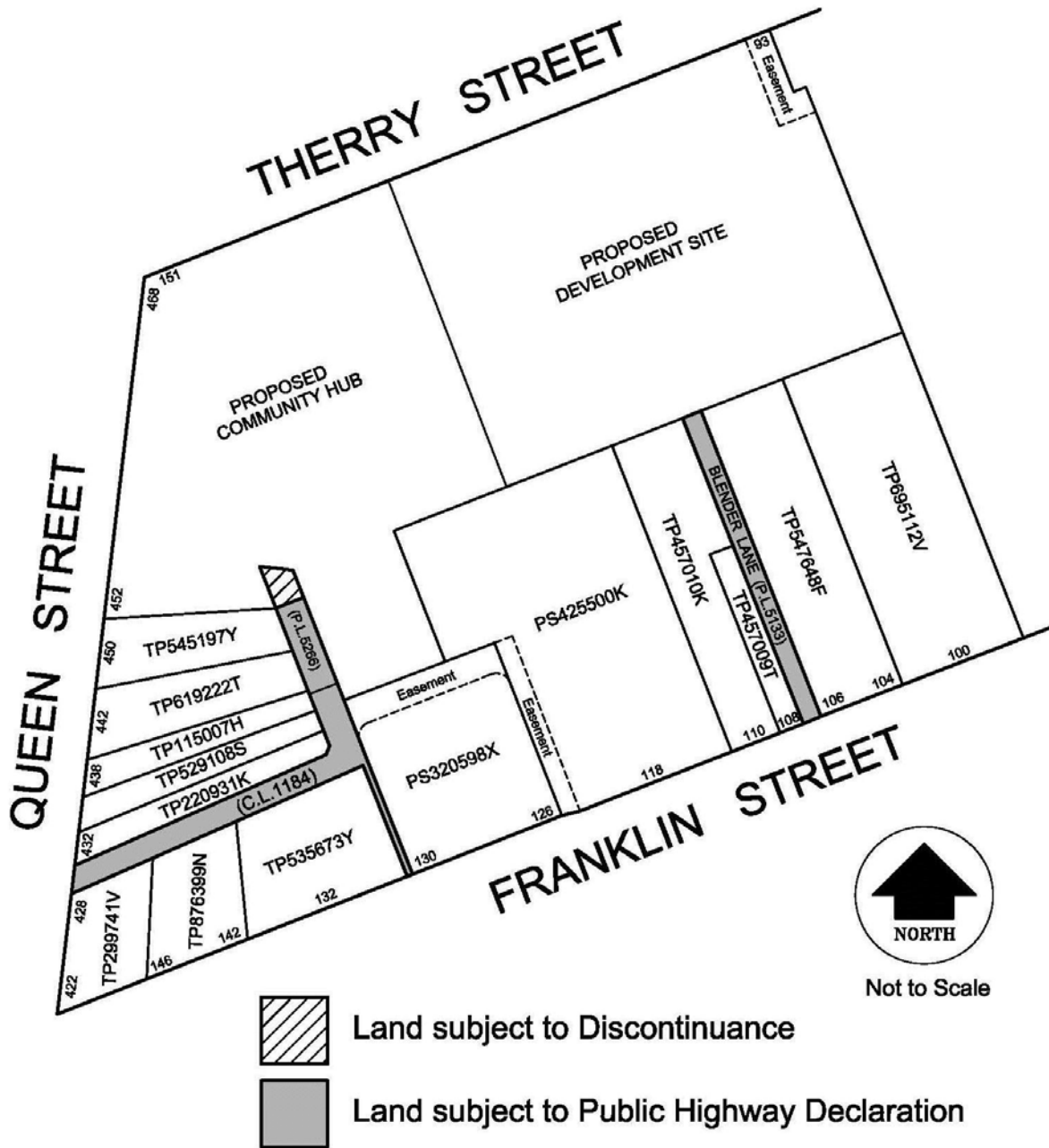
Any person may make a submission on the Proposal to the Council. All submissions received by the Council on or before 25 November 2016 will be considered in accordance with Section 223(1) of the Act, by the Council's Submissions (Section 223) Committee ('Committee').

If a person wishes to be heard in support of their submission they must include the request to be heard in the written submission and this will entitle them to appear in person, or by a person acting on their behalf, before a meeting of the Committee, scheduled to be held on Thursday 8 December 2016, commencing at 3pm, in the Melbourne Town Hall, Administration Building, Swanston Street, Melbourne.

Written submissions should be marked 'Proposed Public Highway Declaration of CL1184 Blender Lane (PL5133) and part of PL5266, Melbourne' and addressed to the Manager Governance and Legal, Melbourne City Council, Town Hall, 90 Swanston Street, Melbourne, 3000 or GPO Box 1603, Melbourne, 3001.

Submissions form part of the public record of the meeting (including any personal information you provide) and will be appended to the Council report which is published on Council's website (accessible worldwide) for an indefinite period. A hard copy will also be made available for inspection by members of the public at Council offices, in accordance with the requirements of the Act.

If you have any concerns about how Council will use and disclose your personal information, please contact the Council Business team via email at privacy@melbourne.vic.gov.au





446-450 Queen Street, Melbourne ,3000

Submission to City of Melbourne

Section 223 Local Government Act.

Submission Due before 25 November 2016

Manger Governance and Legal Services.

Melbourne City Council,

Town Hall,

90 Swanston Street

Melbourne 3000.

Owner

TRAMERE PTY LTD

Property

446-450 QUEEN STREET, MELBOURNE,3000

Title ref 8981/812

Land Lot 1 Title Plan 545197 Y

Submission Prepared by

Peter Papageorgiou

Director

Tramere Pty Ltd



446-450 Queen Street, Melbourne ,3000

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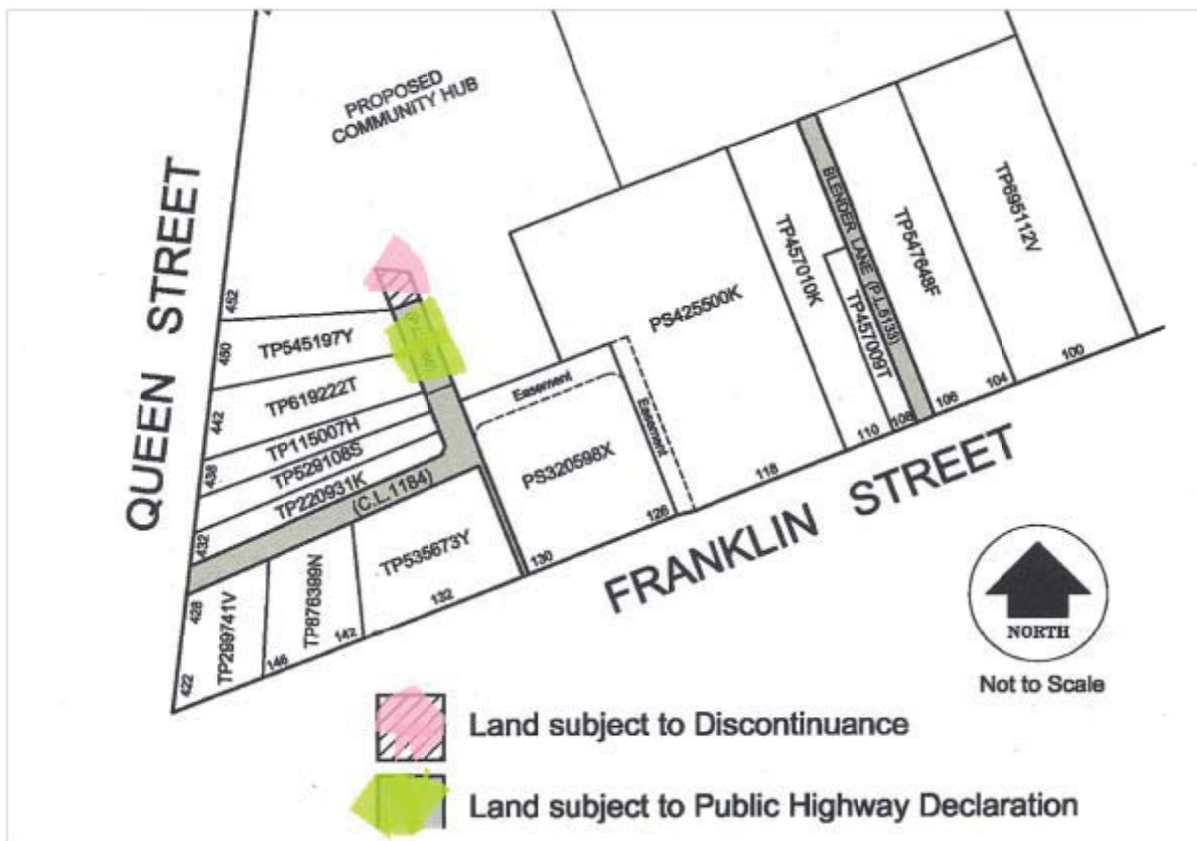
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1.0 THE PROPOSAL

Proposed discontinuance of part of PL 5266, Melbourne.

Notice is given pursuant to sections 206(1) and 223 and clause 3 of schedule 10 of the *Local Government Act 1989* ('Act') that the Melbourne City Council ('Council'), proposes to discontinue part of PL5266 as shown hatched on the plan below ('Proposal').

The Proposal is to enable the discontinued area, to be consolidated with the adjoining Council owned land for the proposed new Community Hub.





446-450 Queen Street, Melbourne ,3000

Proposed Public highway Declaration,CL1184,Blender Lane (PL5133) and part of PL5266,Melbourne.

Notice is given pursuant to sections 204(1) and 223 of the *Local Government Act 1989* ('Act') that the Melbourne City Council ('Council') proposes to declare CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne, shaded on the plan above as public highways ('Proposal').

CL1184 is considered to be a public highway at common law having been maintained by the Council for many decades and is on the Council's Road Register under the *Road Management Act 2004*. The Proposal is to put this public highway status beyond doubt.

Blender Lane (PL5133) and part of PL5266 are proposed to be declared public highway's to enable them to be added to Council's Road Register and maintained by Council.



446-450 Queen Street, Melbourne ,3000

2.0 Response to Council Proposals

Proposed Public highway Declaration,CL1184,Blender Lane (PL5133) and part of PL5266,Melbourne.

Laneway	Proposal	Our Response
CL 1184	Declare as a Public Highway	Objection
Blender lane(PL5133)	Declare as a Public Highway	No Objection
Part of PL5266	Declare as a Public Highway	OBJECTION

Proposed discontinuance of part of PL 5266,Melbourne

Laneway	Proposal	Our Response
Part of PL 5266 Land subject to Discontinuance	Discontinue as a Road	OBJECTION



446-450 Queen Street, Melbourne ,3000

3.0 Background

3.1 Zone and overlays

Capital City Zone 1

Design and Development Overlay Schedules 1 and 14

Heritage Overlay Schedule 7

3.2 Photo rear 446-450 Queen street



3.3 Map rear 446-450 Queen street





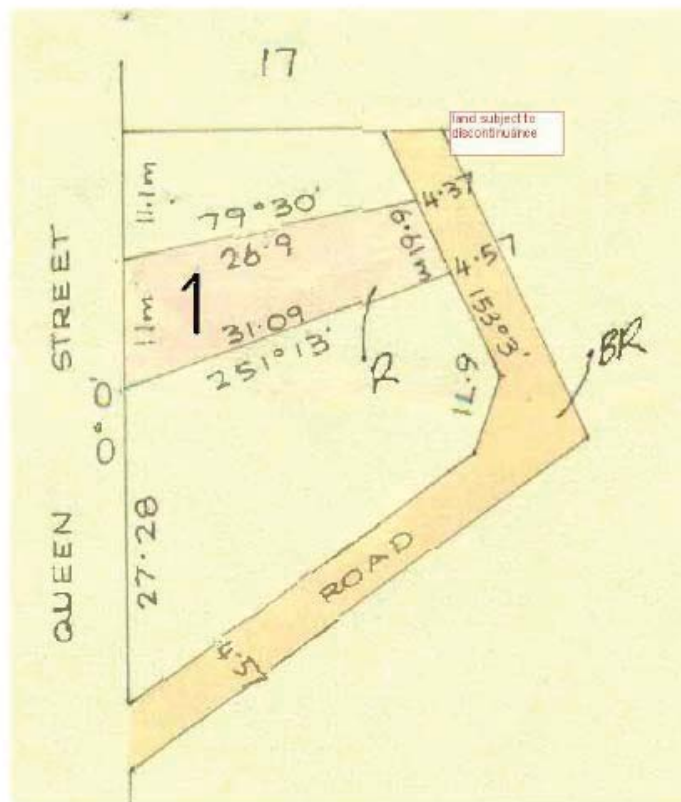
446-450 Queen Street, Melbourne ,3000

3.4 Our Title/ Carriageway Easement

Title Ref 8981/ 812

Land Lot 1 Title Plan 545197Y

Plan



Carriageway Easement

Description of Land / Easement Information

ALL THAT piece of land delineated and coloured red - on the map hereon being part of Crown Allotment One Section 42 City of - Melbourne Parish of Melbourne North County of Bourke Together with a -- right of carriageway over the road coloured brown on the said map - - - --



446-450 Queen Street, Melbourne ,3000

4.0

24 November 2016

Proposed Discontinuance of Part of PL5266.

Manger Governance and Legal Services.

Melbourne City Council,

Town Hall,

90 Swanston Street

Melbourne 3000.

Dear Sir/ Madam,

Submission in relation the Notice received from the City of Melbourne, dated 25 October 2016.

Proposed Discontinuance of Part of PL5266.

1. We refer to the notice received on the 25 October 2016.

2. We are the owners of TP545197Y, 446-450 Queen St, Melbourne, 3000 ("The Title Holders"). Tramere Pty Ltd.

3. The Land 446-450 Queen Street Melbourne ("Our Land") has the benefit of an easement, constituted by a right of carriageway, which runs from the end of CL1184 (A Bluestone ROW extends in an L-shape between Queen Street and beyond the rear of the subject site).("the Easement")

(a) The land formally known as Crown Allotment 1 Section 42, was purchased from the Crown by Charles Palmer on 20th July 1859. This Purchase was registered under the Real Property Act in the Register Book

(b) Charles Palmer sub-divided Allotment 1 and 2 into 19 lots. **see attached appendix 1.1-1.3**

(c) The easement constituted by right of way is described in the Memorandum of Transfer on the sale of title .

Lots 16 & 17(Our Land) were sold by Charles Palmer to James Lynch on 29th September 1864-Charles Palmer was the Original Crown Grantee and as per the Deed in Registry Book 143 Vol 390



446-450 Queen Street, Melbourne ,3000

Palmer expressly granted a right of carriageway over the 15 foot road to "Our Land." This Right Of Carriageway was **granted and Registered** on the 29th September 1864 and has run with the land ever since. **(See appendix 3.1-3.2 and Original Legal Examiners Notes Attached appendix 2.1-2.2)**

This "easement" was created by registration of a transfer of the dominant land. Section 45(2) of the Transfer of Land Act provides that, on registration of a transfer, the transferee becomes the registered proprietor of the estate or interest set out in the transfer, 'with all rights powers and privileges thereto appertaining'. This indicates that the title vested by section 45 includes the benefit of any easement attached to the land. Section 42(1) confers upon the registered proprietor of 'land' indefeasible title to the land described in the relevant folio of the register. 'Land' is defined in section 4(1) to include 'any interest or estate in land' and is therefore broad enough to include an easement.

(d) The title holders have enjoyed continued privileges and rights of this easement to pass and repass and to load and unload deliveries from the rear of our land.

The history of the easement makes it clear that the purported exercise of power by the Council is misconceived.

As seen below *Transfer of Land Act provides.....*

Registered easements

3.1. *Easements can be created by registration of a transfer of the dominant land. Section 45(2) of the Transfer of Land Act provides that, on registration of a transfer, the transferee becomes the registered proprietor of the estate or interest set out in the transfer, 'with all rights powers and privileges thereto appertaining'. This indicates that the registered proprietor's title includes the benefit of any easement attached to the land.*

3.2 *Section 42(1) of the Transfer of Land Act confers upon the registered proprietor title to the land described in the relevant folio of the register. 'Land' is defined in section 4(1) to include 'any interest or estate in land' and is therefore broad enough to include an easement.*

3.3 *Registered easements can also be created by 'a transfer of that interest under section 45 of the Transfer of Land Act'.*

3.4 *Registered interests are statutory interests conferred by operation of the Transfer of Land Act on registration of the transfer. A registered interest cannot be annulled or set aside unless it was obtained through fraud. Even a forged instrument of transfer confers a valid title upon an innocent purchaser who registers it.*

3.5 *An easement can also be recorded on the folio of the servient or dominant land. Under section 72 of the Transfer of Land Act, the Registrar may record an easement on the folio of the dominant and servient land if satisfied of its existence by a transfer, instrument, deed or written document, court order or award of an arbitrator or a legal practitioner's certificate. In Riley v Penttila, Justice Gillard held that the recording of an easement on the folio to the dominant land under section 72 is conclusive evidence of the dominant owner's right to the easement.*

4. The "Council" Notice concerns the easement. The "Council" Notice incorrectly describes the easement as a "Private Lane".



446-450 Queen Street, Melbourne ,3000

Can the easement be extinguished as a result of abandonment?

5. The easement has not been extinguished as the Council does not have the power to close or discontinue the easement . Even if Council proceed to discontinue the private lane (road), it would not extinguish the easement.

Abandonment cannot be established by the council as a reason for Discountenance of PL5266. The gates on the North end of PL5266 **have not** been erected for 30 years, they were illegally erected by the Munro family post 1996. Many requests have been made for the removal of these gates, the situation still has not been remedied. Recently, we contacted The Land Survey Department of the City of Melbourne to request the removal of the gates by their tenant. We were informed that a Letter had been sent.

As shown in Case Law below.....

COMMON LAW ABANDONMENT

5.1 At common law, the servient owner has the burden of proving that the easement has been abandoned To determine whether an easement has been abandoned, the court will look at the intention of the dominant owner. For intention to abandon to be established, the dominant owner must have 'demonstrated a fixed intention never at any time thereafter to assert the right himself [sic] or to attempt to transmit it to anyone else'. This has been taken to require knowledge of the easement by the dominant owner.

It has been consistently acknowledged that intention to abandon is therefore very difficult to establish. In Shelmerdine v Ringen Pty Ltd, Brooking J stated that: The cases – one only has to consider Treweek's Case – show how hard it is to establish abandonment notwithstanding what might appear to the layman to be a strong case for abandonment.

Obstruction of access to an easement does not necessarily establish that the dominant owner intended to abandon it. In Treweek v Thirty Six Wolsely Road Pty Ltd¹ the High Court held that a right of way had not been abandoned despite being obstructed by a vertical rock face, bamboo and other impassable vegetation, a pool that was constructed over parts of it, and being fenced off by both a wire and an iron fence.

A recent Victorian decision held that an easement of carriageway had not been abandoned, despite the erection of a garage wall obstructing it. The application failed partly because it would have been possible for the dominant owner to insert a door into that wall at some future time. In making the ruling, Kaye J distinguished between cases such as Treweek, where a servient owner had obstructed an easement with the dominant owner's acquiescence, and the case at hand, where the dominant owner had created the obstruction.

At common law, non-use alone will not be sufficient to prove abandonment. Even though section 73(3) of the Transfer of Land Act states that 30 years of non-use or non-enjoyment of an easement 'shall constitute sufficient evidence that such easement has been abandoned', it does not alter the common law meaning of abandonment. In Wolfe v Freijah's Holdings Pty Ltd, Tadgell J held: any non-user for a period of time is relevant, but not necessarily decisive. S 73(3), a purely evidentiary provision, enables the servient proprietor making the application to rely on 30 years' non-user or non-enjoyment in order to make out a prima facie case of abandonment, but no more.

6. "The Easement" functions as an open stormwater drain, that benefits the Dominant Title holders.

There is no underground storm water sewer on this easement. Stormwater from all the dominant titled properties simply drains directly on this bluestone open drain.

Below ground there is a sewer that also is there for the benefit if the dominant title holders.



446-450 Queen Street, Melbourne ,3000

5.1

Has the City of Melbourne adhered to its own" Policy Document on Road Discontinuance and Sale" for this proposal?

7. The City of Melbourne has failed to adhere to its own" Policy Document on Road Discontinuance and Sale" for this proposal to Discontinue PL5266

We refer to this Policy as the Melbourne city Council has not properly adhered to its requirements. **attached appendix 4**

(7.1)

(a) A development proposal for the site, which proposes to incorporate the road or lane, **has not** been submitted and approved.

(b) Planning Amendment C245 is still with the Minister and has **yet to be approved**.

(c) Any plans for the redevelopment of the Munro Site remain private . The only correspondence was the issuance of a notice dated 25 October 2016, **vaguely presents ideas incorporating a community hub** in PL5266. **See Proposal 1.0**

If plans have been submitted to "Council QVM Project Team" by their joint venture partners PDG they should be exhibited to the title holders to alleviate any concerns.

Referring to the City of Melbourne's 'Road Discontinuance and Sale' Policy

In reference to Section 2 it declares that

*".....2. **Before consideration is given to a road discontinuance, a development proposal for the site, which proposes to incorporate the road or lane, must be submitted and approved.** This is not however required for roads outside of the CBD Laneway Study area, if the Group Manager Development and Statutory Services deems the proposal is of a minor nature and would achieve a public benefit in improving security, safety, health or amenity issues."*

"The easement" Labelled PL 5266 by the council lies inside the CBD Laneway Study area.

MELBOURNE PLANNING SCHEME
LOCAL PLANNING POLICIES - CLAUSE 22.20 PAGE 1 OF 11
22.20 CBD

This policy applies to all existing and proposed laneways and all land with a boundary to a laneway in the Central Business District bounded by Flinders Street, Spring Street, Victoria Street, Peel Street, LaTrobe Street and Spencer Street, excluding the RMIT University.



446-450 Queen Street, Melbourne ,3000

5.2

Have the Applicants(QVM Project Team) discussed their proposals with all potentially affected persons before lodging the application with Council?

(7.2) The Applicant who owns the adjacent land (the "Council" QVM Project Team) have failed to discuss their proposals **with all** potentially affected persons before lodging the application to discontinue the easement PL 5266 with" Council."

The "Council" QVM Project Team is proposing to enter *into an entrepreneurial enterprise in developing the Munro Site* that involve contracts and agreements with a Private Development Company PDG.

As a result of this association Transparency it is vital that any process that the" Council " engages in, it must act with caution in exercising its power and follow due process as per its own policy document 'Road Discontinuance and Sale' Policy.

5.3

Beyond the Power of the Melbourne City Council?

(7.3) The council is the Responsible Authority and also the Entrepreneurial Developer in this proposal (Applicant)and it has failed in its obligation to investigate and understand the impacts of the discontinuance on others' legal and user rights.

(7.4) The proposal to Discontinue PL5266, if successful, is intended to extinguish the rights of carriageway and all other implied easement rights for the "title holders".

(7.5) We submit that the attempt to extinguish the existing easement right of way is in contravention of our legal rights and beyond the power of the Council.

The statement in the certificate of title that appurtenant to the land owned by the registered proprietor is an easement is conclusive evidence that the registered proprietor, is entitled to the easement rights.

Below is the Statute that supports our position...

APPURTENANT TO LAND

Easements are not merely contractual rights, even if they are created by an agreement. Once created, they are property rights attached to the dominant land. The legal term for this is that they are 'appurtenant' to the land. The right to use the easement can be exercised by anyone who derives title from the dominant owner. This means that when the dominant land is sold, the new owner acquires the easement along with the land. The new dominant owner can exercise the rights enjoyed by the previous owner without needing to enter into a new agreement with the servient owner.



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Easements implied by statute

Section 62 of the Property Law Act

At common law, it was customary to include in conveyances of land certain 'general words' to ensure that interests and rights enjoyed by the vendor passed to the purchaser, including all of the easements that benefited the land prior to the sale. In order to shorten the length of conveyances, legislation was enacted to deem the general words to be included in all conveyances. 'Conveyance' is widely defined, and includes an instrument of transfer'

Section 62 of the Property Law Act 1958 (Vic) (Property Law Act) deems conveyances of land to include 'all ... privileges, easements, rights and advantages whatsoever, appertaining or reputed to appertain to the land, or any part thereof'.

This provision applies to transfers of land under the operation of the Transfer of Land Act 1958 (Vic) (Transfer of Land Act) as well as to transfers of land under the previous deeds-based system of title.

The effect of section 62 of the Property Law Act is that any easements or covenants or other interests attached to the land pass with it, regardless of whether they are specified in the instrument of transfer. In addition, section 62 may also operate to convert revocable licences into easements.

5.4

Does the proposal fall in line with Melbourne's Planning Scheme's Clause 22.20 of CBD lanes and Heritage Overlay 7?

The Council has not disclosed what it intends to do with the parcel of land it intends to discontinue part PL 5266 and consolidate; we don't really know if the proposal follows the guidelines in The Melbourne Planning Scheme's Clause 22.20 CBD Lanes?

Clause 22.20 General Objectives are...

- ...'To ensure that the unique and valued characteristics of Melbourne's laneways are maintained and enhanced through appropriate built form outcomes of future
- To ensure that the unique and valued characteristics of Melbourne's laneways are maintained and enhanced through appropriate built form outcomes of future development.
- To maintain and improve the city's lane way network and encourage the creation of new lanes and connections.
- To encourage activity, vitality and interaction between public laneways and adjacent private uses.
- To protect and where possible create views along lanes that provide a visual link to other streets and lanes in the pedestrian network, or which terminate at notable buildings or landmarks.
- To recognise lanes that provide for essential servicing and vehicular access and to ensure that new development does not adversely effect or impede the operation of these functions'

Council intends to reduce this easement (laneway) and claim the land ,which may ,in future be sold off to a developer.

Under its stewardship of CL 1184 and management The "Council" has failed to protect the valued Heritage characteristics of the CL 1184.



446-450 Queen Street, Melbourne ,3000

Given that these buildings are in Heritage Overlay 07 area of the Queen Victoria Market, have the appropriate planning permits been issued by the City of Melbourne?

As Per H07 43.01-1a permit is required when "*Externally paint a building if the schedule to this overlay identifies the heritage place as one where external paint controls apply*"

As per "*Schedule to the Heritage Overlay*"..... **External Paint Controls do apply in H07.**

The graffiti has created a 'shady' environment and there are real safety concerns with lots of drug users, vandals, drug deals etc. Prior to these works it was not the case.

My tenants in Franklin St and Queen street tell me they now no longer feel safe in these laneways.

The lanes are over 150 years old and paved with Bluestone, whose heritage aesthetic has been absolutely decimated by the overwhelming nature of these conflicting street 'works'.

see Attachment Grafitti infograph.

5.5

Resolution

We have made several requests for the gates to be removed ,this was done to enable the Title Holders to exercise their lawful use of the Right of Way.

10.0 We advise Council that should Council:

- (a) take any further step in contravention of our rights;
- (b) fail; within 28 days to remove the gates blocking our right of way;

We propose to commence legal proceedings against Council seek an injunction and damages.



446-450 Queen Street, Melbourne ,3000

6.0 In summary

In summary, our submission demonstrates that the Charles Palmers clear intent was that our property would have right of carriageway over this easement in perpetuity. The attempt by the City of Melbourne Council to extinguish our right of way over the easement PL5266 and CL 1184, is in contravention of our legal rights and beyond the Councils power. Unless the matter can be resolved, we intend to issue court proceedings.

We would rather avoid the costs and expense of litigation and are prepared to settle the dispute between us on the following basis;

- 1) At this stage the Councils proposal is **premature** and should be deferred to a later date when;
 - (a) The plans for the Munro site have been submitted and approved.
 - (b) When Planning Amendment C245 is finally Gazetted by the Planning Minister.
- 2) Discussions can resume when we know how the Councils re-development will impact our property.
- 3) We would have no objection to declaring CL1184 as a public highway, so long as; our easement rights of carriageway are preserved.
- 4) We would have no objection to declaring PL5266 as a public highway, so long as; our granted and implied easement rights are preserved.

This submission is made on behalf of the Title Holders.

We would be happy to discuss this matter further when the timing is right.

Yours Faithfully,

PETER PAPAGEORGIU

On behalf of the Title Holders

Tramere Pty Ltd

The Partnership V.S & P.H Papageorgiou

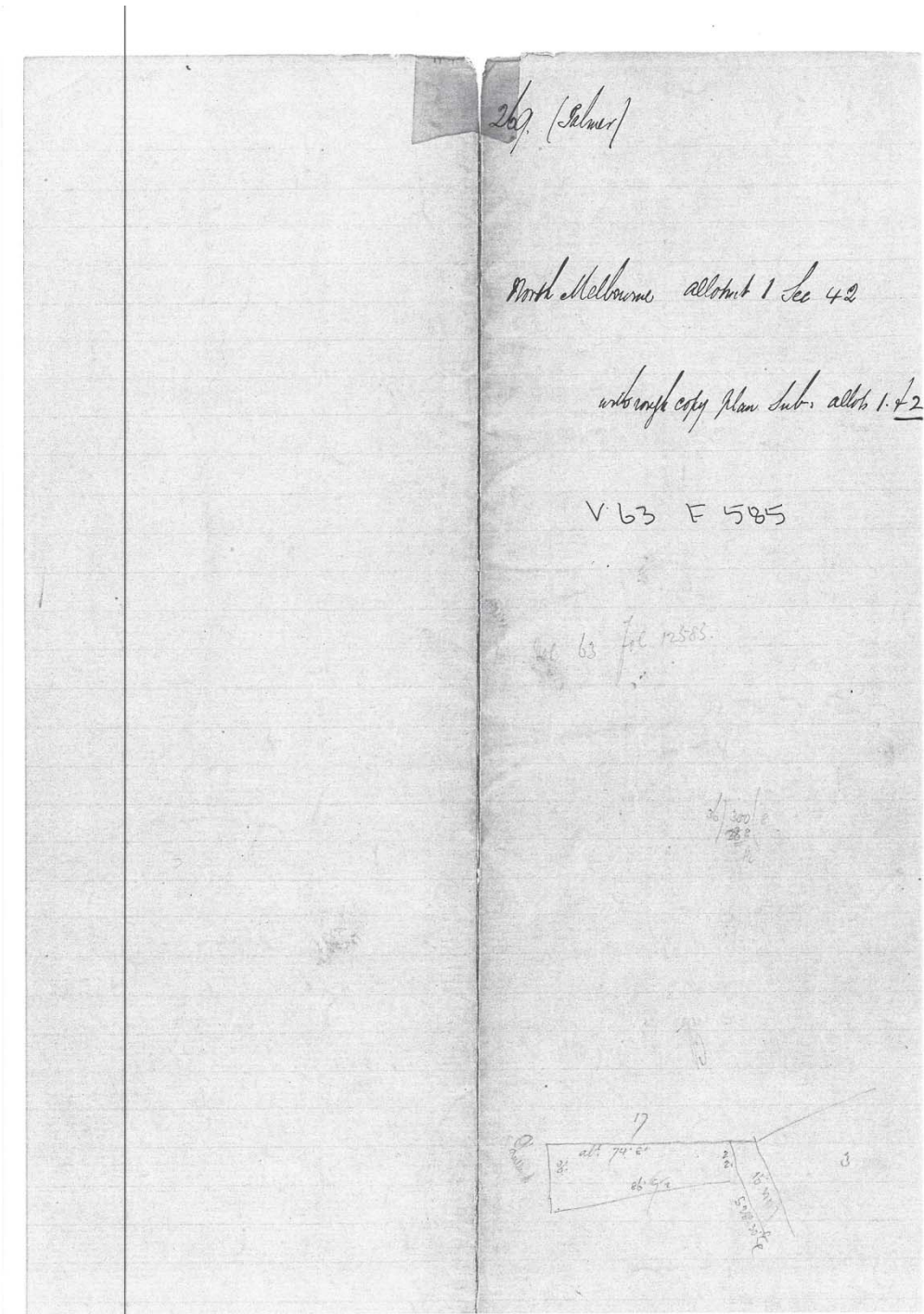
Marrig Pty Ltd



446-450 Queen Street, Melbourne ,3000

9.0 APPENDIXES

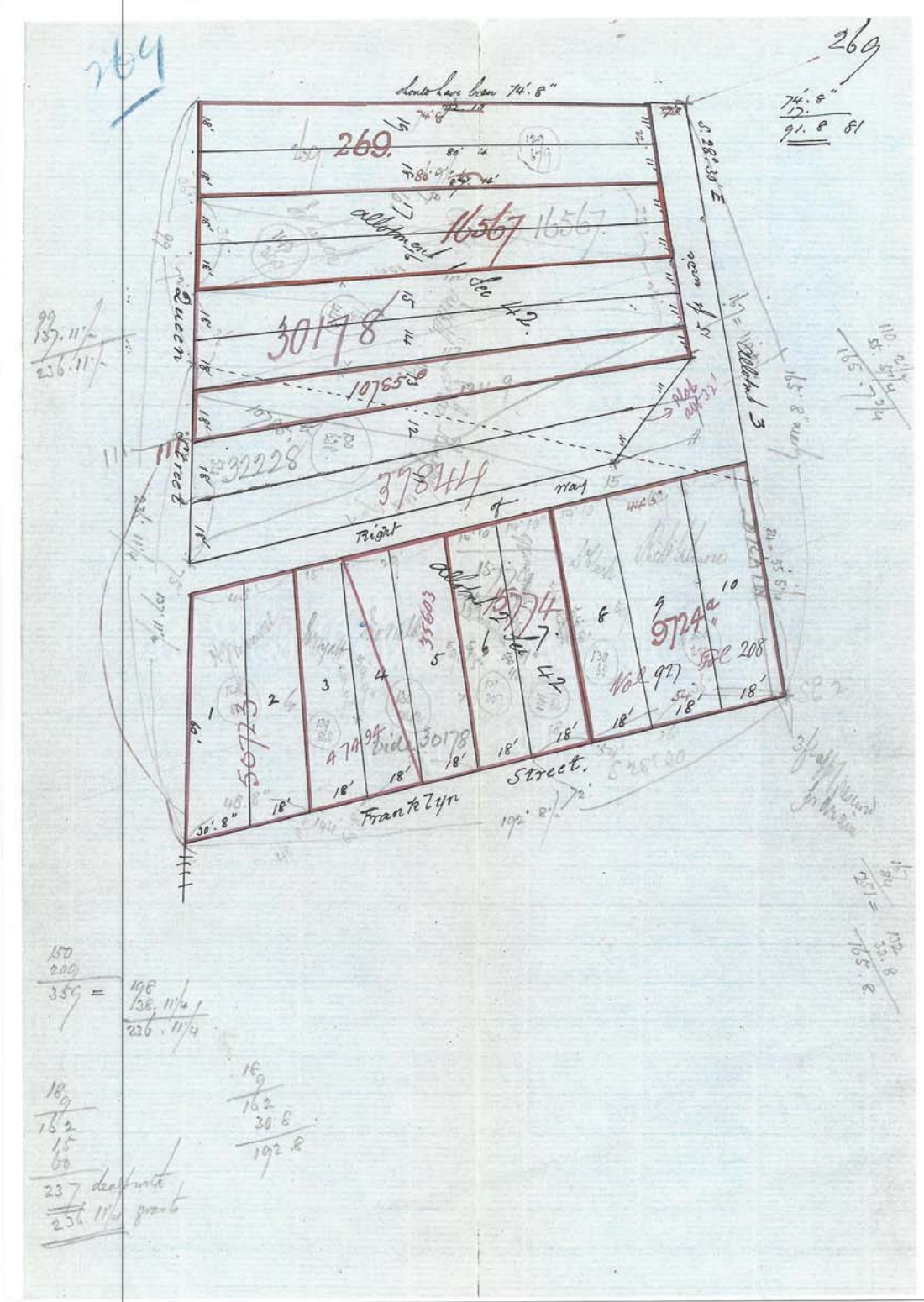
Appendix 1.1- Subdivision of Crown Allotment 1+2 Section 42 By Charles Palmer PAGE 1





446-450 Queen Street, Melbourne ,3000

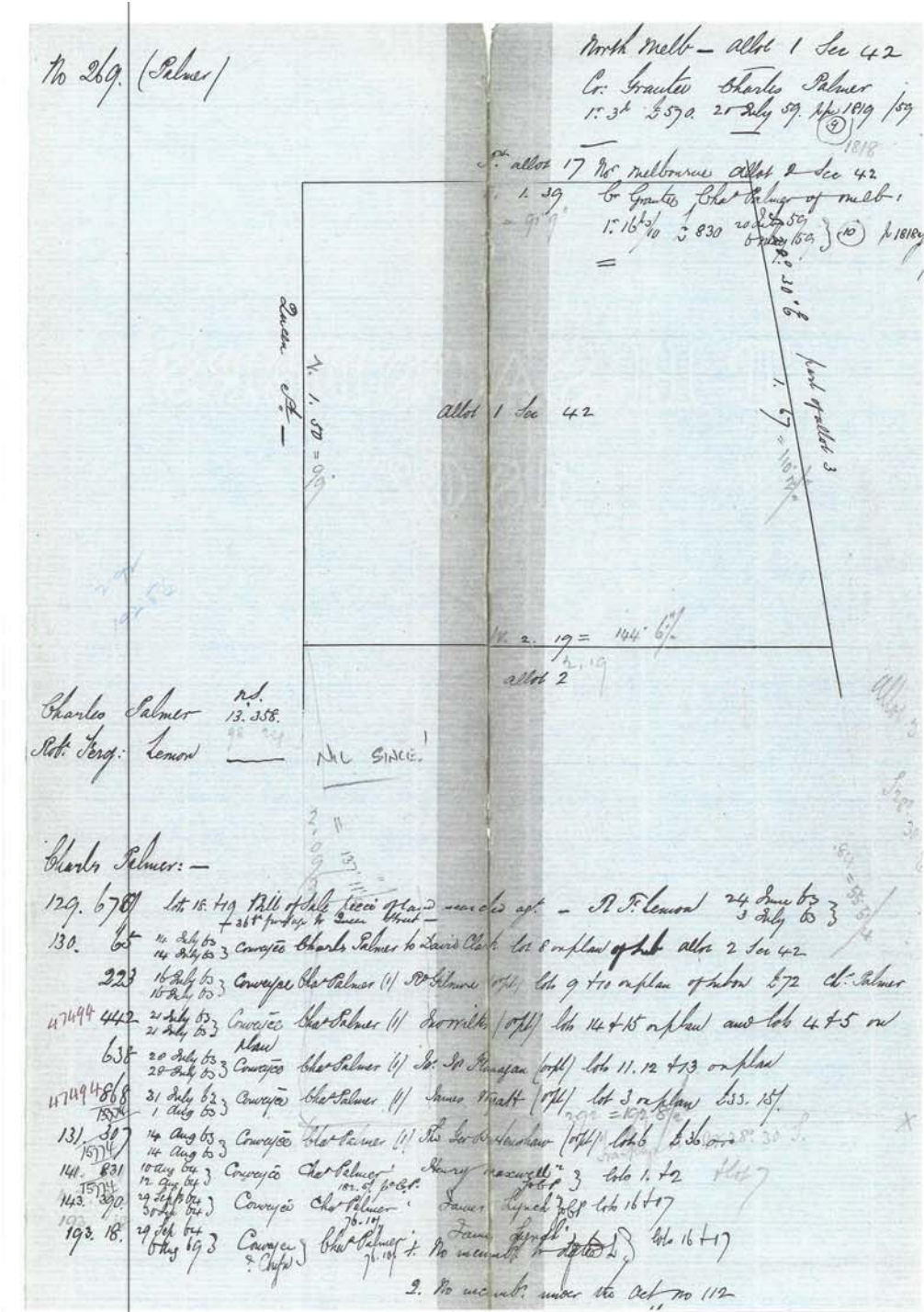
Appendix 1.2- Subdivision of Crown Allotment 1+2 Section 42 By Charles Palmer PAGE 2





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Appendix 1.3- Subdivision of Crown Allotment 1+2 Section 42 By Charles Palmer PAGE 3





446-450 Queen Street, Melbourne ,3000

Appendix 2.1 - Original Legal Examiners Notes PAGE 1

1000
 For Cr Grant see 269 no d

29th Apr 1864, Chas. Palmer Conveyance
 30. . real
 sent
 143. 380
 6 Apr 69
 193. 18

to
James Lynch in fee
 & wd
 real
 mer

The land on
 lease certificate

To gr with right
 of way in the
 road at the rear - &
 all or roads reserved
 out of Cr allot.

being lot 16817 in plan of
 subdivision of Cr allot 182

~~The road running
 between the
 Cr allot 2. It will be
 made - the plan referred to
 is hereby~~

5th Aug 1869 Lynch Mortgage
 6. Madame Ma £600
 193. 19

to
 Margt. Mc Donnell
 of
 Crawford
 170

Same land

11th Nov 1874 Mc Donnell Reconveyance
 16. in fee, w/d
 244. 179

to
 Lynch

Same land



446-450 Queen Street, Melbourne ,3000

Appendix 2.2 - Original Legal Examiners Notes PAGE 2

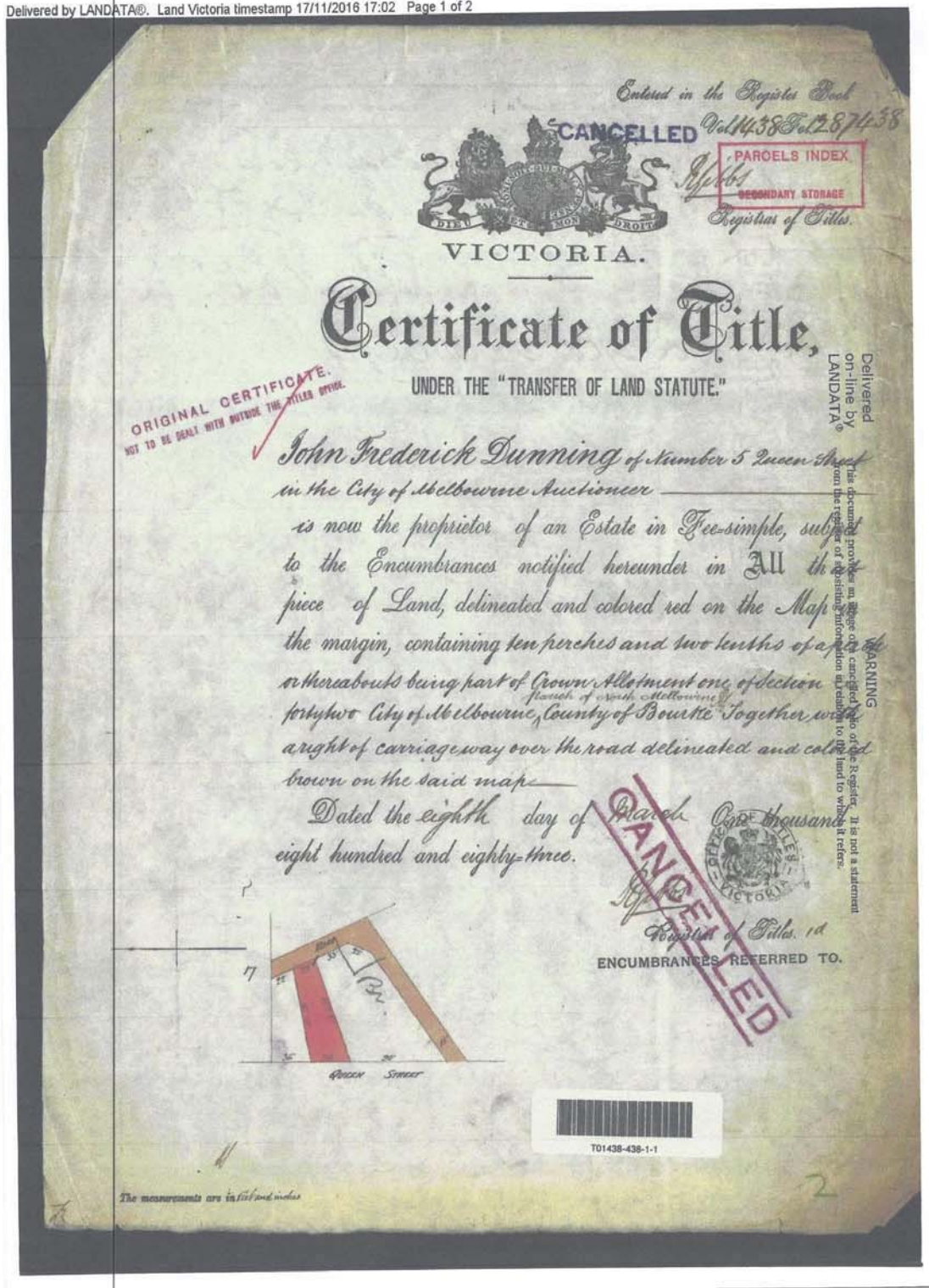
11 th Nov 1844	Lynch	Montgomerie	Save & require consents
16 th 244. 480	to	£200 paid off	
Same land	James Black Lawrence & Mrs Geo Dougherty met etc.		Require proof of the Sett ^l of 17 th Dec 1844 set out in Secret Certif. with proof that all m ^o Melb ^o have been got in & got rid of.
1 st Sept 1845	James Lynch of Hotham potato dealer became insolvent & John Halpey was appointed trustee		
1 st Sept 1845	Matthew Glassford was appointed trustee in Halpey's estate divested from Halpey.		
30 th Nov 1847	Glassford	Conveyance of his estate by deed a sale for £60	
270. 691	to		
Same land	Mrs Geo Greave nick Ship Chandler	at wife	24 th Dec Demand on Comm ^o Lists
12 th Sept 1842	Greave	Contract for sale for £685.	Require Banked Receipts
Same land	to John J. Summing		
		He applies for the land in Secret Certif. with right of way over the roads.	See Mr. Wiseman's for dimensions of the roads & drafts Certif ^o for certificate to himself & bank.



446-450 Queen Street, Melbourne ,3000

Appendix 3.1 - First Original Torrens Title PAGE 1

Delivered by LANDATA®. Land Victoria timestamp 17/11/2016 17:02 Page 1 of 2





446-450 Queen Street, Melbourne ,3000

Appendix 3.2 - First Original Torrens Title PAGE 2

Delivered by LANDATA®. Land Victoria timestamp 17/11/2016 17:02 Page 2 of 2

Vol.	Fol.	Transfer	Application 16567
NATURE OF INSTRUMENT.	DAY AND HOUR OF ITS PRODUCTION.	NAMES OF THE PARTIES TO IT.	NUMBER OR SYMBOL THEREON.
<u>Transfer</u>	The 12 th June 1865 at 3 pm	John Frederick Lanning to Henry William Blackett <i>John Lanning</i> <i>As the agent of J. L.</i>	D149504
Voe 1704 70e 3/4 0 679 ✓			

Delivered on-line by LANDATA®

WARNING
This document provides an image of a cancelled folio of the Register. It is not a statement from the register of subsisting information in relation to the land to which it refers.



446-450 Queen Street, Melbourne ,3000

Appendix 4 - Melbourne City Council Policy Document on Road Discontinuance and Sale

<https://www.melbourne.vic.gov.au/SiteCollectionDocuments/road-discontinuance-policy-explanatory-notes.pdf>

Appendix 5-

Graffiti Info Graph Attached to Email.

POLICY

ROAD DISCONTINUANCE AND SALE

1. Council only favours the discontinuance and sale of roads when this leads to a public benefit and/or supports appropriate development.
2. Before consideration is given to a road discontinuance, a development proposal for the site, which proposes to incorporate the road or lane, must be submitted and approved. This is not however required for roads outside of the CBD Laneway Study area, if the Group Manager Development and Statutory Services deems the proposal is of a minor nature and would achieve a public benefit in improving security, safety, health or amenity issues.
3. Central city roads that are graded A in Council's CBD Laneway Study cannot be discontinued and sold.
4. Lands subjected to a road discontinuance shall be purchased at a price not less than that determined by a registered Valuer. Council will not however require payment (other than reimbursement of Council's associated reasonable costs) for clearly privately controlled roads currently in the same ownership as other significant abutting lands. In such a case the application would need to be by, or on behalf of, the actual title owner of the road.
5. No road shall be discontinued and sold without first assessing:
 - 5.1. the quality and overriding public benefit of an applicable overall development;
 - 5.2. the requirements of the emergency service providers and the statutory service authorities;
 - 5.3. the effects on Council infrastructure and services including garbage collection and cleansing services;
 - 5.4. the effects on abutting and relevant properties and buildings and on the rights of owners and occupiers of those properties, together with the rights of the public (where applicable);
 - 5.5. the historic significance of the road, its paving and its pattern and the road's present and potential contribution to the pedestrian and vehicle networks. Reference shall be made (where appropriate) to the Council's CBD Laneway Study as set out in the Melbourne Planning Scheme and City Plan;
 - 5.6. the appropriateness of any proposed replacement pedestrian, vehicle or servicing arrangements and their consistency with Council policy;
 - 5.7. strategic planning implications and heritage issues; and
 - 5.8. any other matter relevant to the proposal under consideration.
6. No road shall be discontinued and sold without first receiving:
 - 6.1. an unconditional bank guarantee for a sum sufficient to more than cover an estimate by Council of all associated costs likely to be incurred by Council, regardless of whether the application is successful or not, or is withdrawn;

6.2. a written undertaking from the owner of land abutting the road to indemnify Council against all claims in respect of the discontinuance and sale of the road, including all legal and other costs; and

6.3. ten (10) copies of an A4 plan, prepared by a licensed surveyor, showing the extent of the road to be discontinued.

7. No road shall be discontinued and sold, unless clearly privately controlled and currently in the same ownership as abutting significant lands, without first receiving a written undertaking from the owner of land abutting the road, to purchase the road at the market price not less than that determined by a registered Valuer, should Council resolve to discontinue and sell the road.

8. The consultation requirements of the Local Government or the Planning and Environment Acts must be met, including the advertising of a proposal in at least two newspapers and written notice being forwarded to the owners and occupiers of all properties abutting the subject portion of road and to any other persons likely to be affected by the proposal. A notice of the proposal is also to be placed at the entrance to the road. All objectors will be considered by a Special Council Committee and a report presented to Council by the Committee together with recommendations.

9. The owner of the land abutting the road giving Council a bank guarantee, to an amount relative to the nature of the road discontinuance and the abutting properties, buildings and development, to ensure site consolidation and/or compliance with other conditions for approval of the proposal.

10. The owner of the land abutting the road must enter into an agreement pursuant to Section 173 of the Planning and Environment Act 1987 with Council, to ensure compliance with conditions for approval of the proposal. Council will incur no related costs and the agreement should be registered on the title to the abutting land.

11. In the case of a related development, the approved road closure shall not occur until bone fide contracts have been entered into to erect the approved development.

ROAD DISCONTINUANCE AND SALE APPLICATIONS

EXPLANATORY NOTES (JANUARY 2010)

These notes must be read in conjunction with Council's Road Discontinuance and Sale Policy (approved on 25 May 1999) ("the Policy") pursuant to Clause 3 of Schedule 10 of the Local Government Act 1989 ("the Act"). (See [DM3919394](#)).

The above provisions apply to the removal of legal rights and encumbrances from roads as defined in the Act. They do not relate to the closure of roads to traffic under Schedule 11 of the Act.

The discontinuance provisions of the Act can be used to close both private roads and roads under Council's care and management, including public highways on Crown land. The subject lands, excepting the Crown lands, vest in Council on notice of the discontinuance in the Government Gazette. Council is then able to dispose of the land or retain the land for municipal purposes.

Council's powers to discontinue roads are discretionary, meaning Council can decide to not progress an application. An applicant has no formal rights of appeal to such a decision.

Management of a road discontinuance application

Council's powers to discontinue roads have been delegated to Manager Planning and Building ("Discontinuance Delegate") and powers of associated administrative functions have also been delegated to other Council officers.

Council's Land Survey Team manages the discontinuance aspects of a proposal and should be the first contact point for all enquiries.

Terms of sale of land affected by a road discontinuance

Council's powers to sell the land subjected to a road discontinuance have been delegated to Manager Property Services.

Council's Property Services Branch manages the sale of the land and associated issues including valuation and public consultancy.

The Policy requires a full market value sale for almost all discontinued roads not on Crown land. An exception is for a clearly privately maintained road in the same ownership of significant abutting lands. There should be no potential public claims over the road, effectively meaning the road should not be readily able to be accessed by the general public. In such a case the application needs to be made by or on behalf of that registered proprietor.

Reporting to Councillors

All officers when exercising delegated powers must comply with the Policy and meet the requirements of Council's General Delegations Policy (See DM3295160). Otherwise a report to Council via the appropriate standing committee must occur.

A Councillor Briefing Paper should be considered for any discontinuance application beyond a minor nature.

General

The discontinuance of a road removes all private and public encumbrances from the subject land, save for certain public authority rights. This can have significant impacts on the access, servicing, building regulation compliance and development potential of other lands and buildings.

Applicants should investigate and understand the impacts of discontinuance on others' legal and user rights.

Applicants should discuss their proposals with all potentially affected persons before lodging an application with Council.

Council only favours a discontinuance and sale of a road when this leads to a public benefit and/or supports appropriate development. These standards are set out in Clauses 1 and 2 of the Policy. Therefore in many cases a planning permit must be first issued for an associated development, before the discontinuance can be formally considered by Council or delegate. The need for a permit is determined by the Policy or by the Discontinuance Delegate. Any relevant planning permit would not be able to be acted on until the relevant portion of road was formally discontinued and sold.

The issuing of a relevant planning permit does not automatically guarantee that Council will ultimately approve the discontinuance application, as its approval will be dependent on many non-planning matters. These include assessment of submissions received when the formal application is advertised to potentially affected persons and the public.

Application

An application must be in writing and forwarded to Council's Team Leader Land Survey. The application should include the following:

- Evidence that the proposal satisfies the necessary public benefit or development requirements of Clauses 1 and 2 of the Policy.
- A copy of a plan clearly showing the extents of the road proposed to be discontinued.
- Photos of the subject land and abutting buildings and fencing etc.
- Full, legible and current copies of titles and deeds (from Land Victoria/Registrar General's Office) of all lands abutting the road and of the road itself, including any other land which may have a benefit to the road.
- Detailed advice on the consultancy that has been carried out with potentially affected parties and the opinions/stances of those persons.

Applicant's responsibilities after an initial Council approval.

Council's consent, if given, will be subject to appropriate conditions, including those of the public service authorities and the assessment of submissions.

Before an application can continue, the owner of abutting land must give Council:

- An unconditional bank guarantee for a sum sufficient to reimburse all of Council's reasonable advertising, valuation, gazetting and legal costs, regardless of whether the application is successful or not, or is withdrawn. This will typically be in the order of \$10,000 to \$20,000.
- A written undertaking to purchase the road, if Council determines to discontinue same, for a price not less than that determined by a registered valuer.
- A written indemnification of Council against all claims in respect of the discontinuance and sale of the road proposed to be discontinued, including all legal and other costs.
- A plan for road discontinuance purposes prepared by a licensed surveyor to the satisfaction of Team Leader land Survey. (Note on occasions this can be deferred to the outcome of the necessary public consultancy).
- Any other information deemed necessary by Council.

Advertising/public consultancy

The Act and the City of Melbourne's consultancy requirements demand that a proposal must be advertised by Council to all potentially affected persons and to the public by newspaper advertising. This must occur after Council's initial approval of a proposal and satisfactory receipt of the above information from the applicant.

Currently the public advertising is limited to the Age Newspaper but can be extended to also include a more locally distributed newspaper.

The proposal continues to be managed under delegated powers if no written submissions are received. Any written submissions, even if positive, are assessed by Council's "Submissions (223) Committee" that meets monthly. That Committee must then report with recommendations to Council, via a Standing Committee (currently the Planning Committee). Applicants and objectors are able to attend and present at both the Submissions Committee and Standing Committee meetings. They are also able to provide a written statement to the Council meeting.

After advertising

All of Council's initial approval conditions must be met before the road discontinuance is gazetted and the land subsequently sold by Council. Some of these conditions may however not be able to be satisfied until after the road is sold and other actions undertaken. For instance a typical requirement is the consolidation of the discontinued road with the applicant's abutting land and consolidation cannot occur until the applicant owns both lands

It is then necessary for a future owner to give Council a related substantial bank guarantee, to ensure that outstanding matters, such as site consolidation, are eventually performed to Council's satisfaction. On occasions the future owner may also be required to enter into an agreement pursuant to Section 173 of the Planning and Environment Act with Council. This ensures compliance with conditions which may include a particular development proceeding.

Public Authorities

Section 207C of the Act saves the rights powers and interests held by a public authority in a discontinued road.

Land Survey Team will refer any application to those authorities and provide copies of their responses to the applicant. The initial approval conditions will include those requirements and the Contract of Sale likewise

It is important that an applicant pursues those matters privately with the authorities to understand and meet their requirements

Enquiries

Enquiries on land valuation, application advertising, the hearing of submissions, sale contract conditions, the gazetting of the road discontinuance and sale of the road, should be referred to Council's Property Services Branch which can be contacted on telephone 9658 9312.

All other enquiries should be referred to Council's Land Survey Team which can be contacted as shown below.

Telephone	9658 8688	Address	Land Survey Team Melbourne City Council GPO Box 1603 MELBOURNE VIC. 3001
Email	Survey@melbourne.vic.gov.au		

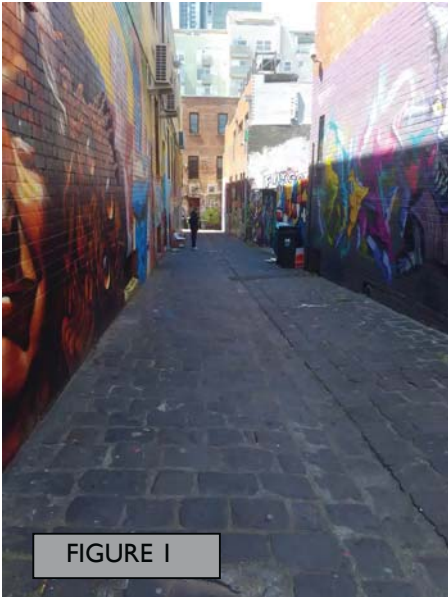


FIGURE 1



FIGURE 2

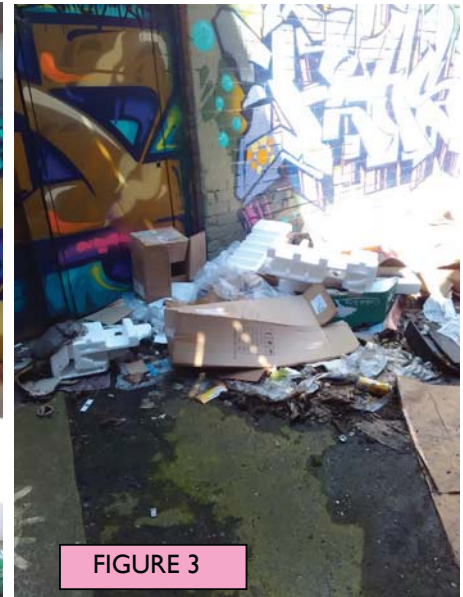


FIGURE 3

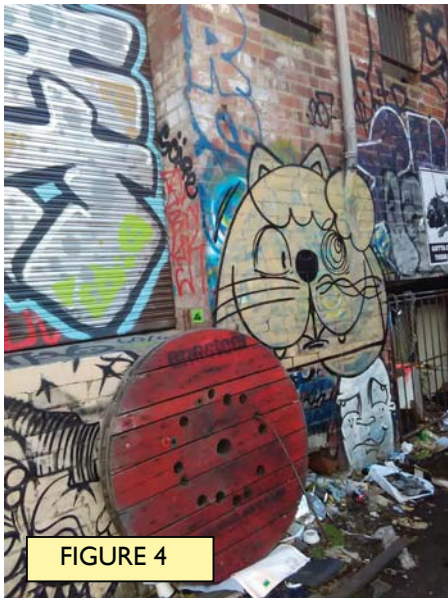
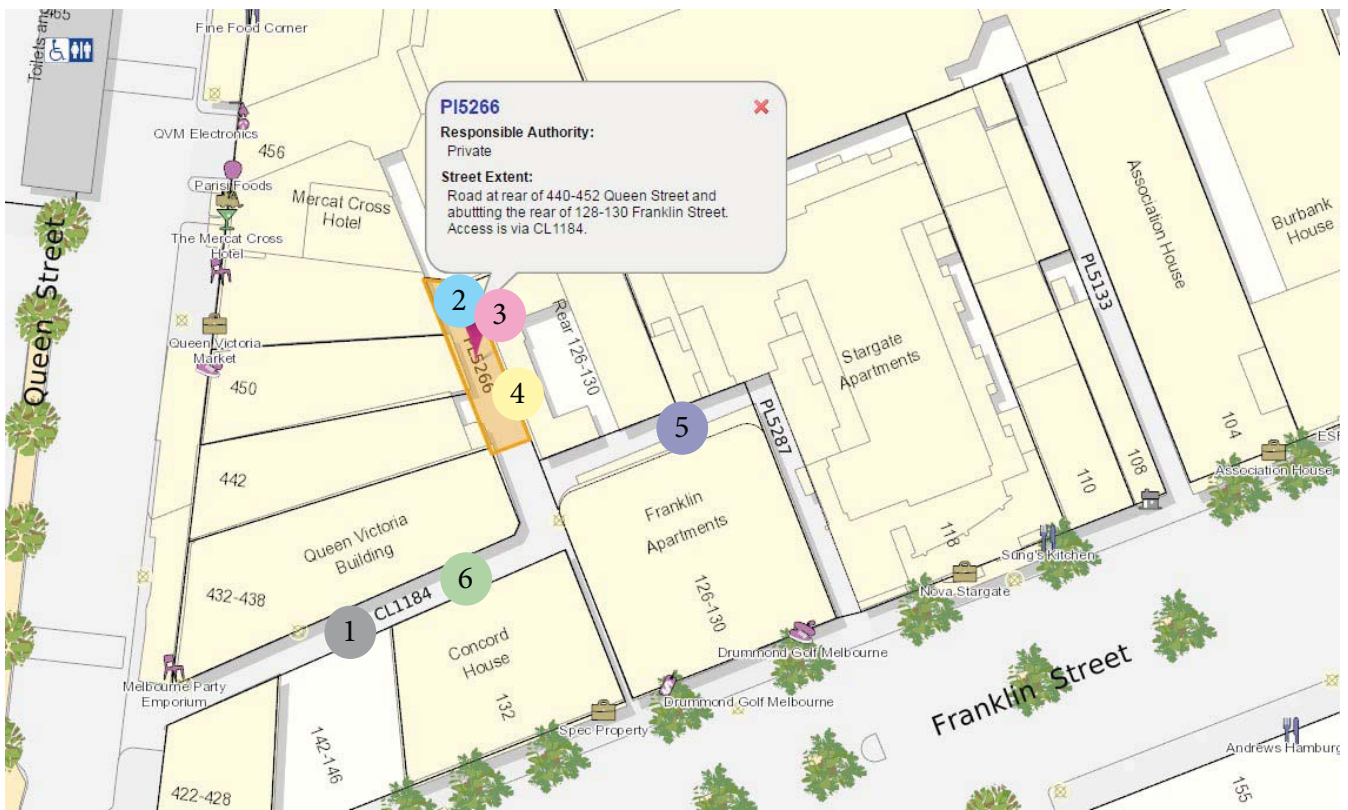


FIGURE 4

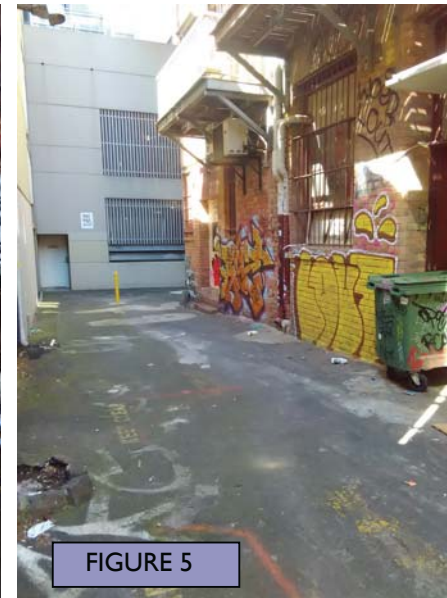


FIGURE 5

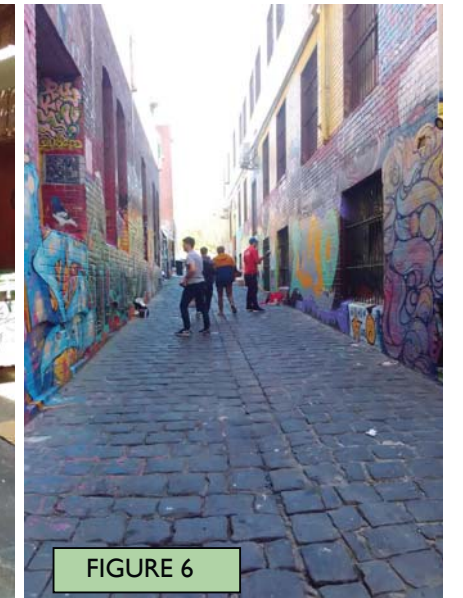


FIGURE 6



110 Franklin Street,
Melbourne, VIC, 3000
Phone: +61 431 447 490
nspnorthside@gmail.com
www.theblendermarket.com

Manager
Governance and Legal
Melbourne City Council
Town Hall
90 Swanston Street, Melbourne

25th November 2016

RE: Proposed Public Highway Declaration of CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne

Dear Sir or Madam,

We are writing this letter to contest the proposed public highway declaration of Blender Lane (PL5133). Please note, we wish to be heard in support of this submission and appear in person before the Committee on Thursday 8th December.

This private laneway, which has been named “Blender Lane” has been the home and creative hub of artistic networks of the Blender Studios since its establishment in 2001. In conjunction with Blender Studios, The Blender Lane Artist Market has long been running within the space and also down the laneway since 2011. This laneway is of great significance to the arts community of Melbourne, showcasing some of the world's most acclaimed street artists and as such is now regarded as an artistic icon and tourist attraction for the City of Melbourne.

The Blender Lane Artist Market is a non-funded artist run initiative that supports local artisans, designers and performing arts of broad spectrums to gather each week and celebrate their artistic creations, crafts and performances. Every Wednesday during the summer season, the markets come to life as an arts

culture and vibrant collaborative spectacle that the city of Melbourne thrives on and is well known for nationally and globally.

The Blender Lane Artist Markets showcase local hand-made goods and feature up to 50 stalls each week from November through to March each year. The market also hosts local entertainers and musicians and by doing this, support the local music scene by offering an accessible platform to perform on . One of the main important aspects of the market is that it allows the public to view the inner workings of an active art studio, as the space is open explore.

This laneway provides a very unique experience for locals and visitors that come to Melbourne. It's an integral part of the market and we rely on access to the lane to continue to operate. Over the last five seasons the Blender Lane Artist Market has featured in a variety of event guides and websites.

Below is an example of community support and reviews..

[Markets and Community](#)

[Timeout](#)

[Weekend Notes](#)

[INVURT](#)

[Concrete Playground](#)

[Klaus and Fritz](#)

[Melbourne Arts Club](#)

[The Art and the Curious](#)

[Tea Takuhatsu](#)

And most recently the market has been featured in City of Melbourne Christmas Festival Gift and Event Guide 2016, highlighting its importance as a public event for the city. If the laneway was to be declared a public highway then it would mark the end of this important weekly event.

https://issuu.com/cityofmelbourne/docs/christmas_2015_guide

Below are a few links outlining some of the aspects of Blender Lane Artist Market over the past 5 seasons:

<https://vimeo.com/114636419>

<https://www.youtube.com/watch?v=M5jPQjnJA70&t=6s>

<https://www.youtube.com/watch?v=87rQfL1iJNI&t=3s>

<https://www.youtube.com/watch?v=HgJbBeJ9vTQ>
<https://www.youtube.com/watch?v=TNcyNREWUCs>
<https://www.youtube.com/watch?v=7auGxB4-nj8>
https://www.youtube.com/watch?v=uaXvnKS4_2M
<https://www.youtube.com/watch?v=6PNR0IBVPaY>
<https://www.youtube.com/watch?v=-o3TAXwrNec>

If Blender Lane was to be declared a public highway, the permit application that we would have to go through to hold such events and regular activities would severely limit the potential of the studios and market spaces and ultimately severely impact the accessibility of art and culture to the City of Melbourne.

In summary of the proposal, we conclude that to declare Blender Lane a public highway would possibly contribute to the loss of Blender Lane, which would mean that the existence of the Blender Lane Artist Market would be in direct jeopardy. It would affect and bestow a great impact on the communities of the city of Melbourne and surrounding area and the artists involved. It would be taking away many opportunities for young people to obtain a platform for their creative pathways and future artistic projects and creative endeavours.

We would be very happy to offer those interested and involved in the decision making process that you come and visit the Blender Lane Artist Markets as this will give you first hand insight into the use of this laneway.

Please feel free to contact us for any questions or enquiries:

Sincerely Yours,
Matthew Domenic Salvo, George Manioudakis, Nicole Federici.



 NORTHSIDE PROJECTS PRESENTS

BLENDER LN

ARTISTS MARKET



5 PM TO 10 PM
5 PM TO 10 PM

16 NOVEMBER TO 1 MARCH 2017
[EXCLUDING 28 DECEMBER & 4 JANUARY]
WWW.THEBLENDERMARKET.COM

- EVERY WEDNESDAY NIGHT, 110 FRANKLIN ST. CBD -

The Blender Studios

WWW.THEBLENDERSTUDIOS.COM



110 Franklin Street,
Melbourne, VIC, 3000
Phone: 03 9328 5556

blendercreatives@gmail.com
www.theblenderstudios.com

Manager
Governance and Legal
Melbourne City Council
Town Hall
90 Swanston Street, Melbourne

15th November 2016

RE: Proposed Public Highway Declaration of CL1184, Blender Lane (PL5133) and part of PL5266, Melbourne

Dear Sir or Madam,

I am writing to contest the proposed public highway declaration of Blender Lane (PL5133). Please note, I wish to be heard in support of this submission and appear in person before the Committee on Thursday 8th December.

As the name suggests this private laneway has long been known to the the community as Blender Lane due to it's an importance as a landmark in the City's creative network. Adjoining the Blender Studios, this laneway provides the life and soul of Blender Studios, the CBD's largest remaining warehouse art space.

Importance of Blender Studios

Established in 2001, the Blender Studios has played an important role in the emergence of Melbourne's now world famous street art scene. In its early years, the studios quickly became the intellectual heart of the then very underground, Melbourne street art movement. Research artists became highly influenced by this new movement and many adopted it as part of their common practice.

A number of the early Blender studio artists, James Dodd, HAHA and Danism set up Australia's first street art gallery which ran through the experience and network they had established with the Blender Studios. This set the scene for the commercial side of street art to take off. This was cemented in 2004 when Andy Mac (Citylights) assisted the National

Gallery of Australia in the acquisition of a large collection of stencils and street art works, featuring work from a number of Blender Studio artists.

In 2004 the Everfresh Studio was started by a group of artists that had started out from the Blender Studios. Everfresh has also gone on to be one of the most influential street art studios in Australia.

Over the years, the Blender Studios have provided the fertile grounds for numerous projects, businesses and developments within Melbourne's now world famous art scene. Many of the individual artists themselves have gone on to receive international acclaim both in fine art and street art, including: Roh Singh, Emma Van Leest, Louise Jenkinson, Tim Sterling, Cameron Hayes and Anthony Lister to name a few.

The importance of the studios on the culture of Melbourne is hard to argue against. To this day, the establishment continues to maintain the CBD's creative soul through a variety of projects. Dark Horse Experiment is an art gallery within the studios which is open to the public (free entry) providing cultural experiences and accessible art within the CBD. We also run the Melbourne Projection Space, one of the CBD's most important video projection galleries, viewable from the street every night from dusk till midnight. The studios also have a busy event schedule for creative pursuits year round, as well as the Blender Lane Artist Markets each summer. The markets are a great, independent artist run initiative that draws visitors into the CBD each week seeking local made artisan products.

The Melbourne Street Tours also operate out of the studios, one of the city's leading tour companies that highlights the street art scene for visitors and locals alike. Street Art is one of the major touristic attractions in Melbourne, and without the Blender Studios this art movement may never have developed as it did. Hundreds of thousands of visitor's flock to the Melbourne laneways every year to see the world's best outdoor galleries, a feat that was unfathomable twenty years ago. Street Art is the largest and most wide spread art movement in history, it is important to recognise now the influence that these artists and the work will have on the future of art world wide. The Melbourne Street Tours also offer stencil workshops to school groups and public groups regular (more on this below), offering hands on workshop experiences in Melbourne; further adding to the rich presence of art and culture in our city.

Laneway Use

Below I have summarised a list of ways that our laneway is utilised and necessary to continue the full operations of this important cultural institution in Melbourne CBD.

1. The laneway is the main point of entrance to the studios for 19 studio artists. The artists also require access to the laneway entrance for delivery of items to their work space. As stated above, many major influential artists have developed their practice within this studio. Continuing to offer full access and facilities to artists is integral to its continuance.
2. The laneway is home to the Blender Lane Artist Markets, an artist run initiative that supports local artisans, designers and artists. With between 300 and 500 guests every Wednesday during the summer season, the markets add to the rich culture of Melbourne. The laneway markets showcase hand made goods and feature up to 40 stalls each week from November through to March each year. The market also hosts

local musicians and food stalls and offers guests an inside look at the studio which we open up to the public for the market night. This is a very uniquely Melbourne experience for visitors and use of our laneway is integral to its continuance. The markets are set up over the entire laneway with full decorations added to the outdoor space to achieve maximum space activation. The market has also been featured in City of Melbourne Christmas Festival Gift and Event Guide 2016, highlighting its importance as a public event for the city. If the laneway was owned by mark the end of this important weekly event.

3. The laneway walls offer a canvas for world class street artists to paint their works in Melbourne. The laneway is highly curated with only invited artists painting on the walls to maintain the highest quality of work in any Melbourne Laneway. Visiting international artists are invited to paint here to celebrate the world-class street art culture of our city. If the laneway was out of our control, the high quality works may be subject to tagging and the significance of the artwork here would be destroyed.
4. The Blender Studios artists often use the laneway for project work that is too large or messy for inside the studios. Sometimes an outdoor space with natural ventilation is also required, and in these instances the artists use our laneway for such purposes. We maintain the laneway ourselves, ensuring it is tidy after use by the artists. Not having access to this area would restrict the potential of our artists and Melbourne's creative climate on a larger scale.
5. We also run stencil workshops in the laneway for a variety of groups. Most often, we teach urban art stencilling classes to high school students anywhere from 3-6 times a week. Over the past year more than 4000 high school students have participated in our laneway stencil workshop where use of the laneway is critical to the delivery of these workshops. We are an affiliated partner with the Arts Centre through their special program called ArtsConnect9 (<https://www.artscentremelbourne.com.au/discover/for-schools/artsconnect9>), an Arts Victoria subsidised program aiming to offer creative and cultural city experiences to regional Victorian students in Year 9. We also partner with the City of Melbourne to offer street art mentoring programs through the Signal youth program, where use of the laneway is also required for various parts of the program. Not having full use of control of this laneway would make the delivery of these programs very difficult if not impossible. These programs are also an important way to prevent illegal tagging across the Melbourne region as we are educating those interested in street art, offering mentoring to create their artworks in a legal and respectful manner and channelling their talents towards positive pathways. We are involved in many regional council anti-graffiti programs working with young people to achieve this and the results through such workshops and programs are proven.
6. The Melbourne Street Tours route goes through the laneway to the entrance of the studios. Over 10,000 visitors and students each year come on our tours to learn about Melbourne's rich street art culture. If there were cars using the laneway as a thoroughfare this would pose a safety risk to the guests on the tour as the Blender Lane is one of the most important laneway locations on the route. The tours are also partnered with ArtsConnect9, as well as other important organisations such as Tourism Victoria, Tourism Australia, Melbourne Convention Bureau and more.
7. We use the laneway for events hosted by the studios. Our events support a variety of local causes and artists from book launches, product launches, art exhibitions, campaign launches etc. We are also one of the main venues used for Melbourne City Council Annual Arts Grant applications. The grant specifies that the proposal must include a public event offering within the CBD. As one of the last remaining affordable creative spaces within the CBD district, we help support these grant

applications as the host venue. Our pop up event space where such events take place opens up directly onto the laneway. The laneway further offers a unique venue location for these creative events

I have included images in my submission of the space in use for various occasions. If Blender Lane was to be declared a public highway, the permit application that we would have to go through to hold such events and regular activities would severely limit the potential of the studios and impact on the delivery and accessibility of art and culture to the City of Melbourne. The lost opportunity of events and the Blender Lane markets would impact both the community and the artists involved, taking away important cultural offerings. Limiting the facilities of the studios for the artists will restrict the freedom for artistic progression and place a handicap on the potential for local artists to break into larger national and international art scenes. Taking away the opportunity for young people to learn from professional artists in the laneway workshops would be a step backwards for the creative scenes in the next generation. We do not have the time, staff or funds to apply for a permit every time we need to use the laneway for an event, workshop or other activity as would be required if this were a public highway, which means the future of this important cultural institution is in jeopardy; the impacts of which would be highly apparent in the City's art and cultural offerings.

In summary the proposal to declare Blender Lane a public highway would impact the operations of our studio, our artists and the wider Melbourne community on a very large and irreparable scale. With so much development happening within the CBD, we believe it is integral that city planning considers the preservation of such creative spaces a priority so as to secure the creative future of Melbourne and to maintain our standing as Australia's capital for culture.

I would be happy to offer those interested and involved in the decision making process and full tour of the site, and warmly suggest that you come and visit our Blender Lane Artist Markets as this will give you first hand insight into the use of this laneway.

Please feel free to contact me should you have any questions or enquiries on 03 9328 5556.

Sincerely Yours,
Adrian Doyle

IMAGES OF LANEWAY IN USE

These are just a few examples of the hundreds of events and workshops we host as well as the laneway in use for other activities.



Signal Youth Workshop (City of Melbourne Funding)



Melbourne Convention Bureau Famil Workshop (Aiming to bring large convention groups to Melbourne to increase tourism)



School Tours in the laneway (one of the 500+ schools that visit us each year)



Tourism Victoria Famil Workshop for American NBA Players to experience Melbourne's world class street art. Just one of the high profile groups Tourism Vic bring through our doors to promote the City of Melbourne.



Image that shows how the studios open out directly onto the laneway. This is also where the artists access the studios.



Image of the same space during an event.



One of our studio artists working outside in the laneway on a spray painted commission (that requires outdoor ventilation due to the paint). This piece was actually commissioned by Visit Victoria to present to Manchester City Football Club on their visit to Melbourne.



Artists working in the laneway for Meeting of Styles 2016. MOS is an internationally acclaimed painting event which ran in Melbourne for the first time this year. The logistics were partly managed by the Blender Studios and the public interest in the event was overwhelming.



The laneway in use for a fashion parade event (Nhoj Repsog / Body Hair) for Virgin Australia Melbourne Fashion Festival 2016



The laneway during the Blender Lane Artist Markets. On every Wednesday night in summer, the market gets approximately 1000 visitors every week.



Another example of an event in the studio/laneway with many guests.



Young Gun of Wine Awards event, celebrating emerging, young wine producers across Australia.



Signal Youth Workshop in the laneway (City of Melbourne funding)



School stencil workshop group in the laneway



An invited street artist working on one of the walls in the curated Blender Lane.



Another image of the Blender Lane artist Markets showing the full space activation.



Greens Party Campaign Launch in the studio space and laneway.