



'Safer Place' for Red Hill thrown into doubt

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March-April 2011

Red Hill is in danger of not getting a bushfire Safer Place after all.

This is despite an assurance from shire Sustainable Infrastructure Director Alex Atkins on November 8 last year that "Red Hill is one of those areas where a Neighbourhood Safer Place will be designated – not necessarily at the sports reserve, but could well be".

RHCA is seeking talks with the shire and emergency services to try to overcome their opposition to residents using the reserve in a bushfire emergency.

This initiative follows a letter from shire Fire Prevention Officer Damien Taylor stating that designating the recreation reserve "has been an issue ... There has been strong opposition from Emergency Services [against the reserve being named a Safer Place] due to it being an ideal location [for use as] a staging area in the event of an emergency.

"Having residents using [it] could bring with it obvious operational and traffic problems..."

Mr Taylor's letter stated he would raise the matter at the May 20 meeting of the Municipal Emergency Management Planning Committee.

RHCA replied that it hoped the committee would "conclude the

site is big enough to cater for the community in such an emergency – which you know can arise without warning via, say, a deliberately lit fire (more than 40% of all bushfires: CFA) or a lightning strike, or sparks from a tractor or angle grinder – events beyond people's capacity to plan an early departure".

RHCA's letter stated that it was

the shire's rejection of its latest bid to expand, this time from 60 patrons to 190 at its property on Mornington-Flinders Road.

Councillors supported a planning officer's recommendation that the application be rejected.

Reason 4 of the recommendation to reject read:

"The operation of the uses over a



Work is proceeding at a cracking pace at Centrepoin in preparation for the opening later this year of the Epicurean Centre's restaurant, bakery, cheesery and wine tasting bar. Above, brickwork heads skywards at the rear of the coolstore. Huge volumes

of soil were recently trucked out in preparation for the internal structural work now under way. Opening date: possibly October. Talk is that the car park behind the shops is soon to be expanded towards the railway line walk.

confident "consultation can result in a plan to minimise such confusion and create a workable Safer Place strategy".

T'Gallant goes to VCAT

The Foster's Group-owned T'Gallant restaurant in Main Ridge has appealed to VCAT against

number of years continues to raise concerns with Council about the likelihood that proposed permit conditions will be complied with, and patron caps will be observed. The fact that the 'demonstration' of demand has been based on breaches of the existing

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permit conditions puts in some doubt the commitment to the proposed permit conditions.”

Reason 7 for rejection states:

“The detachment of the restaurant from being in association with wine tasting and cellar door sales is opposed as this association is essential to the nature and purpose of the existing restaurant. Its whole reason for existing in the Green Wedge, and previously gaining planning approval, is that association.”

Reason 8 states: “The proposed changes will significantly impact upon the Green Wedge amenity which is a valuable characteristic of the area. The increased night time activity in particular is not supported and is contrary to the Local Planning Policy identified in the report.”

As can be imagined, Foster’s Group was decidedly unimpressed by this, and

by the draft permit conditions the shire had drawn up.

These included:

“The wine range offered for sale at the cellar door must comprise wines made from grapes sourced predominantly from the subject land or land on the Mornington Peninsula under the ownership of the owner of the subject land; and

“The majority of the wine range offered for sale at the restaurant must comprise wines made from grapes sourced predominantly from the subject land or land on the Mornington Peninsula under

the ownership of the owner of the subject land.”

This meant most of the T’Gallant wine range – produced from South Australia to the Riverina – would be banned from sale at T’Gallant.

Further, “The restaurant and cellar door must immediately cease operating if the requirements of [these and other conditions] are not fulfilled to the satisfaction of the Responsible Authority”.

Before councillors cast their votes, Foster’s spokesman Ross Morcombe told them numerous meetings had been held with council on the T’Gallant plan throughout 2010, so he was “a little bit surprised” at the officer’s recommendation.

Character study

A start to Red Hill’s long-awaited Character Study is moving closer, according to shire Strategic Planning

“At this stage a brief for the preparation of the Design Framework is being prepared with a separate but related project for Red Hill also to be included.”

RHCA will be contacted to discuss the brief, “and I expect to complete the draft brief within the next three weeks”. The letter was dated 16/3.

No power to enforce

Mornington Peninsula Shire has stated it has no power to enforce permit breaches beyond taking permit condition offenders to VCAT or a magistrates court.

“The answer is none,” new planning supremo Stephen Chapple told RHCA in a letter.

“More accurately, until action is taken in a competent jurisdiction ... there are no breaches; rather there is an opinion or allegation of breaches.”

Mr Chapple continued: “By way of explanation it is important to note that under our system of justice all persons are innocent until proven guilty.

“When an infringement notice is issued to an alleged offender it provides that person with the opportunity to ‘expiate’ the matter if they *choose* to do so.

“Usually an infringement notice can be expiated merely by payment of a penalty ...”

Mr Chapple dropped something of a bombshell in a related letter: the \$1145 fine imposed on T’Gallant in 2008 – the subject of repeated questions by RHCA at council – was allowed to lapse.

It may well be that the shire simply forgot it had to pursue the fine within 12 months, or it may have decided just to let the matter fade away. Lucky old T’Gallant!

Oh, by the way, council officers monitoring an alleged illegal activity (such as having 300 patrons on a premises permitted to have 60) “can not give binding directions to take (or cease)” action to comply.

There ought to be a law ...

“The wine range offered for sale at the cellar door must comprise wines made from grapes sourced predominantly from the subject land or land on the Mornington Peninsula under the ownership of the owner of the subject land”

Manager Allan Cowley.

In a letter to RHCA he stated that Red Hill is part of a plan to “ensure a strong and consistent approach” to studies of Red Hill, Balnarring and Western Port coastal towns.

Involved in establishing guidelines for these places are the shire’s Design Advisory Panel, a group of architects and urban designers.

“These guidelines are intended to form part of the package of provisions which will assist in ensuring appropriate forms of development in the future,” Mr Cowley stated.

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