

Centrepoint - Redhill

WILL THE REAL APPLICANT PLEASE STAND UP?

There was a great mystery, only partly resolved, when prospective Centrepoint tenant Steele Hotels took our beloved shire to the Victorian Civil and Administrative Tribunal yesterday (January 27, 2009).

First, a little background. Before the Great Centrepoint Case went to VCAT mid-last year, Steele Hotels Pty Ltd had applied to build a 40-seat bistro/bottle shop in four shops at the contentious Red Hill shopping centre. The shire said no, because of lack of parking and the then dodgy wastewater treatment system.

The Centrepoint case last year was told Steele Hotels had withdrawn, by Centrepoint owner and developer Joseph Alesci himself. Bryan Steele told Red Hill Community Action Inc. he was not going ahead. He told the shire the same thing.

So we were all surprised when Steele Hotels appealed to VCAT against the shire's knockback.

And even more surprised by subsequent events.

First, the VCAT letter to protesters said the appellant was "Steele Homes Pty Ltd" (author's emphasis). Then a letter to protesters from planning consultants Ratio last July said "We act for Steele Hotels Pty Ltd", but by January 13 this year they were acting "on behalf of Alesci Lawyers".

At VCAT yesterday, waiting for the case to start, Mornington Peninsula Coordinator Integrated Planning Sotirios Katakouzinis was just as mystified as RHCA.

To add to the general chaos and confusion, we had noted the Long Table restaurant's application to relocate to the very shops Steele Hotels had its dibs on.

So we asked the tribunal right at the start: precisely who is the applicant? VCAT thought it was Steele Hotels. Lawyer Peter O'Farrell, for whoever the applicant was, remained inscrutable.

We said we'd been told, and Mr Katakouzinis said the shire had been told, that Steele was not taking the matter to VCAT.

So we rang Bryan Steele to let him know "his" appeal was under way. He said he'd ring Joseph Alesci, to find out what was going on.

Mr O'Farrell was getting testy. It didn't matter who the applicant was, he said (it does), and applied to change the name of the applicant to Ratio. This was refused. But Member Sam Cimino told us there was a legitimate case, with legitimate VCAT paperwork (apart from the "Homes" blunder), and no one had withdrawn. Mr Steele could, however, still withdraw if he wished.

So RHCA rang Mr Steele back and left a message on his answering service, giving him the VCAT fax number to contact if he was not proceeding with the case.

In the meantime, the case went ahead, in the incredibly undramatic fashion of VCAT cases.

Then, at 11.40, in strode Mr Alesci himself, and went into deep confab with Mr O'Farrell. Had he spoken to Bryan Steele? Was the case being withdrawn? He did not say. So the case continued.

Much, much later in the day, Bryan Steele told RHCA by phone the case was going ahead under his company name.

So many questions. What will The Long Table think? Will the bistro go ahead? Did RHCA spend the day battling their tongues against the wind for nought? Will Centrepont end up with one or two more liquor licences? (That topic took up an almost unendurable part of the day, to what end we do not know.)

There were some highlights, apart from the theatrical entrance of Mr Alesci and the dramatic phone call from Mr Steele. There was, for example, John Lawrey, poo poobah supreme, giving evidence about how a waste treatment plant works. (Sensitive souls should skip the next paragraph.)

It had a lot to do with the flow of organic material, which was devoured in the, ahem, bowels of the treatment plant, he said. And the flow needed to be balanced. Think of it, he explained, like a big room into which only a few sandwiches were brought to feed a lot of hungry workers. Some of the workers would starve.

Our sympathies went out to the micro-organisms, and indeed to Mr Lawrey.

Mr Lawrey had to retreat on his interesting statement that the difference between Class A and Class C treated effluent was the frequency of monitoring. Questioned, he agreed that Class A water was more extensively treated than Class C, which cannot be disposed of on land to which the

public has access.

And the tribunal appeared to take more interest than Members Liston and Potts showed in the Great Centrepont Case in the way Mr Lawrey calculated his water use figures. He conceded under pressure that it was possible a restaurant could fill its seats more than once in a trading day, so his use of water use "per seat" possibly understated water use. And he conceded that the EPA table he used for his calculations did talk of water "per person", not "per seat".

All, possibly, to no avail.

Another little highlight. As objectors' names were read out, Mr O'Farrell interjected. The dialogue ran thus: Tribunal -- "The objectors are Mr and Mrs X" (O'Farrell: "1.3 kilometres from Centrepont"); "Mr and Mrs Y" (O'Farrell: "1.7 kilometres from Centrepont") ... Someone's been playing with their odometer.

And the result of it all? VCAT has reserved its judgement. Expect a result in a month or two. Our bet is that Steele Hotels will get the permit with a few alterations, and that the Long Table might consider its own appeal, to try to get its new restaurant location back.

Could be an interesting battle, that one. But consider: if the bistro does go ahead, we will have some five liquor licences at Centrepont, probably two of them allowing the sale of packaged alcohol. With the supermarket bottle shop, that's quite a concentration of neck oil outlets. Cheers!