

Illegal sign, unfinished tavern, expose set of double standards



A 5m corporate sign on the side of Lyndoch Swinton Wing was installed without a permit and is still awaiting approval.

Carol Altmann – The Terrier

What does an illegal sign, a half-built tavern and being woken by trucks at 6.30am on a weekend all have in common?

They are shining examples of the failings of planning laws that are supposed to help protect the rights of Warrnambool

residents.

I am sure you have examples of your own, but let me pick out three, including two I know well, because they stem from my own neighbourhood.

The first is a textbook case of “just do it, and ask later”.

It’s the 5m-long, illuminated sign that was installed on the side of Lyndoch Living last November without a permit.

You know the one – Lyndoch didn’t bother to apply for a permit, perhaps thinking nobody would notice, even when it was switched on at night.

Such an illuminated sign is illegal in a residential area, so after complaints to the Warrnambool City Council, it was switched off.

The sign, however, is still there.

It’s still awaiting a decision on a permit lodged belatedly in December.

That was nine months ago*.

“The non-compliant sign remains an open enforcement matter which Council continues to work on,” is how the WCC spokesman put it.

Why hasn’t it been taken down in the meantime? Nobody from the council staff can tell me.

And what have been the consequences for Lyndoch acting without a permit in the first place? Zero.

Just as the penalty for Lyndoch digging a road through a public reserve was zero.

And just as the penalty for Lyndoch failing to apply the parking and traffic plan for its medical hub was zero.

Laws, schmaws. Who cares? Move aside.

All of this has unfolded at Lyndoch while WCC director Andrew Paton sits on its board and former councillor Sue Cassidy is chair. Have they not noticed?

The latest battle for residents around Lyndoch is construction noise from the new medical clinic.

At least five times in the past seven weeks, nearby residents – including a 90 year old widow and a frontline shift worker – have been woken by noise before 7am weekdays and 9am on Saturday.

This is against the noise laws.

The council, which enforces these laws, has been alerted and has in turn alerted the construction company, Nicholson, but still the breaches go on, including this morning.

Consequences so far? Nothing.

A spokesman for Nicholson said this afternoon that it “places the utmost importance in complying with all regulations including EPA and local Government.”

“We would like to re-assure all residents on Hopkins Road that (we) take any and all complaints very seriously and would encourage any residents with concerns to engage in direct dialogue with us.

“Nicholson Construction will be contacting neighbouring residents in the coming days....”.

Date of amendment	Brief description of amendment
30 April 2008	Two year extension of time.
4 November 2009	Condition 1 amended.
7 July 2010	Two year extension of time.
17 June 2011	Amendment to endorsed plans.
26 June 2012	Two year extension of time.
8 September 2014	Two year extension of time.
8 October 2014	Condition 1 amended.
1 December 2014	Various conditions amended.
4 May 2016	One year extension of time.
29 August 2017	Two year extension of time.
17 July 2019	Two year extension of time.

The timeline for the Northpoint tavern and its string of extensions and amendments.

Let's shimmy across to north Warrnambool and the running sore of the Northpoint tavern/hotel on Hayley Drive which has been unfinished for 15 years.

Fifteen years – is this a record?

This half-built project has been through four councils and is about to ask for yet another extension from a fifth.

Any consequences or penalties after 15 years?

Zero.

What a complete failure of planning laws and what a complete failure to protect residents from a half-built eyesore.

Meanwhile, the average Warrnamboolian is cut no such slack for breaking the rules.

Imagine any of us trying the same arguments as above to avoid, say, an \$80 parking fine:

You: "Sorry, I forgot I need to pay for parking."

Local laws: "Okay. No problem."

You: "Oops! I need a bit more time. Just another hour and I am on to it, promise".

Local laws: "No stress. Chill!"

You: "Actually, something has come up, do you mind if I park my car here all day and sort it out tomorrow?"

Local laws: "Great idea. See you then!"

In your dreams.

* I was co-signatory to an objection to this sign in January. In the interests of full disclosure, you [can read the objection here](#).