

City of Belmont
Local Planning Scheme No. 15
**SCHEME REPORT SUPPORTING
DOCUMENT**

NON-CONFORMING USE REGISTER

Updated 25/11/2008
LPS15 Gazetted 01/12/2011



Table of Contents

1. INTRODUCTION 1

2. SCHEME PROVISIONS UNDER CITY OF BELMONT TOWN PLANNING SCHEME
NO. 14 1

3. REGISTER OF NON-CONFORMING USES 2

1. INTRODUCTION

The existing non-conforming use provisions of Town Planning Scheme No. 14 are generally based on the Western Australian Planning Commission's Model Scheme Text.

Section 6 of the Scheme addresses non-conforming uses.

2. SCHEME PROVISIONS UNDER CITY OF BELMONT TOWN PLANNING SCHEME NO. 14

The Scheme provisions state:

PART 6 - NON-CONFORMING USES

6.1 Existing, or Lawful Non-Conforming Use Rights

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or*
- (b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or*
- (c) subject to clause 8.7, the continued display of advertisements which were lawfully erected, placed or displayed prior to the approval of this Scheme.*

6.2 Extension of Non-Conforming Use

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the Planning Approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for Planning Approval under this clause will be subject to notice under clause 5.7 and Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.

6.3 Change of Non-Conforming Use

Notwithstanding anything contained in the Zoning Table, the Council may grant its Planning Approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.

6.4 Discontinuance of Non-Conforming Use

When a non-conforming use of any land or buildings has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

6.5 Termination of A Non-Conforming Use

The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

6.6 Destruction of Non-Conforming Use Buildings

When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the Planning Approval of the Council.

6.7 Register of Non-Conforming Uses

6.7.1 The Council shall keep a Register of non-conforming uses at the offices of the Council which shall be made available for public inspection during office hours.

6.7.2 A person who wishes the Council to record that a non-conforming use exists may submit to the Council in writing full details of the nature, location and extent of the non-conforming use claimed.

6.7.3 Where the Council is satisfied that a non-conforming use exists, it shall record details of the non-conforming use on the Register.

6.7.4 A non-conforming use does not cease to exist if it is not registered on the Register.

3. REGISTER OF NON-CONFORMING USES

The following list is the Register of Non-Conforming Uses.

DRAFT NON CONFORMING USE LIST

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
112 Acton Avenue	RES. R20	OFFICE / CLUB PREMISES	<p>Historic files indicate that this site was originally used for small goods manufacturing.</p> <p>In 1983, a change of non conforming use was approved by Council for an 'office and meeting place' for the Avicultural Society of WA.</p>	Property is still used as a meeting place for the Avicultural Society.	Valid non-conforming use right established.
392 Acton Avenue	RES. R20	HATCHERY	<p>An application was lodged on the 5 April 1973 for 'extensions to hatchery'. On the 9 May 1973 approval for extensions was issued.</p> <p>A zoning sheet dated 15 June 1984 states that the property has a non conforming use right as a poultry hatchery.</p> <p>A Council report from December 1986 also states that the site has a non conforming use.</p>	Property is still occupied by a hatchery and the business continues to operate under a non conforming use right.	Valid non-conforming use right established.
48 Barker Street	RES. R20-40	PLACE OF PUBLIC WORSHIP	<p>A building licence was originally issued for a church/hall for the Jehovah's Witnesses on the 29 August 1956 (Belmont Road Board).</p> <p>A building licence was issued on the 1 August 1975 for alterations to the building to provide a library and literature room.</p> <p>On the 6 July 1995, planning approval was issued for additions to the existing church. A building licence was issued on the 14 August 1995 for additions to the existing church.</p> <p>On the 25 May 1999, a facsimile was sent advising that the church will operate under non conforming use rights once Scheme 14 is finalised.</p>	Self Realisation fellowship meeting place	Valid non-conforming use right established.
74 Belgravia Street	RES. R20-40	CONSULTING ROOMS	<p>A development application for a medical centre was lodged on the 8 June 1979. Approval for the use was granted in 1979.</p> <p>A zoning letter issued on the 19 March 1993 confirmed that the medical centre is approved.</p>	Belgravia Medical Centre	Valid non-conforming use right established.
83 Belmont Avenue	MIXED USE	MOTOR VEHICLE HIRE	<p>A development application was lodged in June 1994 proposing to hire four wheel drive cars and campervans from the site. The application also included the assembly of kit form trailers on site which would also be for hire. Planning approval was granted on the 28 June 1994 (serial: 15/3338).</p>	Budget 4WD rentals and trailer building at rear	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
100-106 Belmont Avenue	MIXED USE	INDUSTRY - GENERAL	<p>An application was lodged on the 5 November 1992 for undercover carparking. Planning approval was issued on the 13 November 1992.</p> <p>An outgoing letter dated 19 October 1994 details all planning approvals for the site.</p> <p>In 1995, an application was lodged for a sign for 'Freiberg'. Sign approval was issued on the 4 January 1996.</p> <p>An application was also lodged in 1995 for a change of land use to 'system furniture manufacturer'. Planning approval was issued on the 4 January 1996.</p> <p>In a facsimile dated 8 November 2000, it indicates that the property has a non conforming use.</p>	Freiberg	Valid non-conforming use right established.
171 Belmont Avenue	RES. R20-40	CONSULTING ROOM (DENTIST)	<p>No archive information available on this property.</p> <p>Facsimile dated 26 September 2000 confirms that the use has non conforming use rights (d/w223736). Council supported extensions to the existing dental surgery (PDC Item 8.6.1 - 18.6.2001).</p> <p>Planning approval for extensions to the existing dental surgery was issued on the 17 July 2001 (d/w 259125).</p>	Dentist's rooms	Valid non-conforming use right established.
304 Belmont Avenue	RES. R20	VETERINARY HOSPITAL	<p>A planning application was lodged on the 9 November 1994 for a staff carpark. The plans show the existing veterinary hospital. Planning approval for a carpark was issued on the 9 December 1994.</p> <p>An application was lodged on the 27 May 1998 for 'modernization of the existing hospital'. Planning approval was issued for additions to the hospital on the 9 June 1998. A Building licence was issued for the extensions (Permit 4546/1999/Bld).</p> <p>A change of required car parking numbers was granted (by facsimile) on the 27 July 2000.</p> <p>An outgoing letter dated 19 November 2002 confirmed that the use is non-conforming (d/w 325528).</p>	Veterinary surgery	Valid non-conforming use right established.
24-36 Central Avenue	RES. R20	CARAVAN PARK	<p>Property was zoned 'Caravan Park' under TPS 11 and re-zoned to 'Residential R20' under TPS 14. Council recognises that the site has a non conforming use (refer PDC Item 9.6.3 - 14.4.2003) and has approved developments for the site relating to caravan park uses. Planning approval for a camper's kitchen and BBQ amenities was issued on 1 May 2003 (d/w 667950).</p>	"Central" Caravan Park	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
67 Central Avenue	RES. R20	OFFICE	<p>A letter dated the 29 January 1992 indicates that under Scheme 6, Council approved professional offices for this site.</p> <p>Amendment 42 to the City of Belmont Town Planning No 11 was initiated to allow offices as an additional landuse for this property.</p> <p>On the 8 September 1993, the owners applied to change the landuse for the existing house to offices. The application was referred to Council in October 1993. Planning approval was granted on the 13 October 1993.</p>	"Westpork" offices	Valid non-conforming use right established.
69 Central Avenue	RES. R20	OFFICE	<p>Under TPS 11 the property had an additional office use. The property was re-zoned to 'Residential R20' under TPS 14. Planning approval for a change of non conforming use to office was issued on the 25 February 2003 (d/w 338760).</p> <p>Council recognizes that this site has a non conforming use (refer PDC Item 8.6.3 - 17.2.2003).</p>	Single house advertised for sale or lease as an office	Valid non-conforming use right established.
36-38 Epsom Avenue	RES.& STABLES R10	MOTOR VEHICLE SMASH REPAIRS	<p>The archive file includes information regarding the original factory/motor vehicle body repair landuse.</p> <p>A letter was submitted to Council dated 31 May 1951 advising an intention to build a factory for 'Viz Motor Body Building'.</p> <p>The City issued a letter dated 20 June 1951 advising that the Board has no objections to erection of a factory. A second letter dated 7 July 1952 also indicates approval for a factory.</p> <p>An incoming letter dated 15 April 1955 advises of an intention to build an extension of the workshop over the dividing boundary of the blocks. The files indicate that prosecution was commenced in 1952 for unauthorized works. A Board report dated 11 May 1953 states that plans for a factory were approved by the Board and a building licence issued on the 16th July 1952.</p> <p>In a letter to a resident dated 5 September 1996, the City has confirmed that the property enjoys a non conforming use right as a panel beater / spray shop.</p>	"Ascot" smash repairs	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
126 Grandstand Road	MIXED USE	MOTOR VEHICLE HIRE	<p>An application dated 1 May 1985 was lodged for an 'Office and Motor Vehicle Repair Workshop primarily to carry out the business of hiring cars'. Planning approval was issued (serial 15/1597).</p> <p>A new proposal for a revised parking and landscaping layout was submitted (dated 1 September 1987). Planning approval for a revised car parking and landscaping layout was issued on the 21 September 1987.</p> <p>A new application was lodged on the 20 January 1994 for an 'extension to the existing building for cleaning and parking cars'. Planning approval was issued on the 28 January 1994 (serial 15/3222).</p> <p>An application for a change of use to motel was lodged 12 August 2005 and conditionally approved 2 March 2006. No Building License has been issued so planning approval has not yet been acted upon. Review required in September 2006.</p>	"Letz" rent-a-car	<p>Is valid non-conforming use</p> <p>Review required in September 2006.</p>
98 Great Eastern Highway	PARKS & RECREATION	RESIDENCE	<p>A building licence for a house was issued on the 11 May 1962.</p> <p>The use of the site for residential is inconsistent with the Parks and Recreation zoning.</p>	Single House	Valid non-conforming use right established.
100 Great Eastern Highway	PARKS & RECREATION	RESIDENCE	<p>A building licence for a house was issued on the 7 August 1972.</p> <p>The use of the site for residential is inconsistent with the Parks and Recreation zoning.</p>	Single house	Valid non-conforming use right established.
155 Great Eastern Highway	MIXED USE	SHOP	<p>A letter from the Board Secretary dated 19 July 1955 shows refusal of a lock up shop. The applicant appealed to the Minister for Local Government.</p> <p>A letter to the Department of Local Government dated the 14 October 1955 indicates that an application for a shop and residence was originally approved by the Belmont Board in January 1954. An application for a lock up shop attached to the existing premises was refused. The Minister for Local Government upheld an appeal and approved the lock up shop on the 21 November 1955.</p> <p>A building licence for a residence and shop was issued on the 22 December 1958.</p> <p>A letter was lodged dated 3 September 1979 seeking to use the premises for a fish and chip shop. A handwritten 'Agenda Report Sheet' dated 13 September 1979 states that <i>'the premises referred to is a shop with a non conforming use and situated opposite the Sandringham Hotel'</i>. In a letter dated 25 September 1979, the applicant was advised that a fish shop was approved.</p>	Locksmith shop	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
210 Great Eastern Highway	MIXED USE	SERVICE STATION	<p>An application for a petrol filling station, showroom and restaurant was lodged on the 22 April 1998. Approval was granted on the 25 May 1998. The showroom and restaurant were not built, however, the service station has been constructed.</p> <p>The service station includes a convenience store. Under Scheme 11, the property was listed under Schedule II – Additional uses. It had an additional use for ‘convenience store’.</p>	BP Service Station	Valid non-conforming use right established.
215-219 Great Eastern Highway	MIXED USE	MARINE SALES	<p>A Form 1 dated 31 August 1976 was lodged for a ‘showroom and display area’ with security fencing. The stated land use was for boat and boating equipment sales outlet. Approval was granted (serial 15/568).</p> <p>An application for a garage was lodged on the 1 September 1978 and was approved (serial – 15/568).</p>	Hayway Marine boat sales and display	Valid non-conforming use right established.
223 Great Eastern Highway	MIXED USE	MARINE SALES	<p>There are two buildings on this property. The building located on the corner of Hargreaves Street and Great Eastern highway is a restaurant (Casa Mia). The non conforming use only relates to the marine sales use operating from a separate building, not connected to the restaurant.</p> <p>An application for marine sales was lodged on the 18 September 1992. Planning approval for Marine Sales was issued on the 14 October 1992.</p> <p>An application for a revised carpark layout was lodged on the 13 April 2005. Approval was granted on the 21 June 2005 (serial 155/2005/DA).</p>	Hayway Marine Boat Sales	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
225 Great Eastern Highway	MIXED USE	MOTOR VEHICLE SALES	<p>A letter dated 26 February 1971 was lodged by Attwood Motors advising that they would like to use the property for a Used truck Division.</p> <p>A Form 1 dated 29 January 1971 was lodged for 'Alterations and Additions to existing factory for a truck sales centre and service facility'.</p> <p>On the 4 March 1971 the City advised Attwood Motors that the proposal was approved. On the 17 March 1971 the City also advised Attwood Motors that the operation of used vehicles from the site was also supported.</p> <p>A building licence was issued for alterations to the existing premises on the 1 July 1971 and Attwood Motors was listed as the owner.</p> <p>A Form 1 application for the Bedford New Truck Division and Used truck Division including the storage of parts and servicing of trucks was lodged (undated). Approval was granted (serial 15./611).</p> <p>A Form 1 was lodged for a new spare parts office inside the existing building. The Form 1 does not have a date. The file does not contain an approval letter but there is a handwritten note on the Form 1 stating 'Previous Planning Consent Given'.</p> <p>A building licence was issued on the 21 September 1971 for a new spare parts division (offices) inside the services building (permit 8276).</p> <p>A Form 1 application was lodged on the 22 November 1996 for a sales office under the existing roof area. Planning consent was granted on the 28 November 1996.</p>	Major Motors vehicle (Isuzu trucks) sales	Valid non-conforming use right established.
247 Great Eastern Highway	MIXED USE	MOTOR VEHICLE HIRE	<p>Historic records and old building licences indicate that there was a paint factory operating on the site in the late sixties.</p> <p>There is an incoming letter dated the 1 February 1973 requesting to use the premises for general equipment hire including furniture, party ware, motor cars, trucks, trailers etc. In response, the City sent a letter dated 14 February 1963 advising that the hire premises was approved but they needed to submit more information.</p> <p>The applicant sent additional information in a letter dated 26 February 1973. Formal approval was subsequently granted on the 6 March 1973.</p> <p>On the 31 January 1994 the city sent an outgoing letter to a settlement agent confirming that the property had been approved for car hire premises and carpet warehousing / showroom.</p> <p>On the 16 March 1995 an application was lodged for 10 carports and a new building/shed. Approval was granted on the 30 March 1995 (serial 15/3594).</p>	City Car Rentals	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
258-260 Great Eastern Highway	MIXED USE	MOTOR VEHICLE SALES	<p>An application was originally lodged dated the 7 May 1974 for a 'motor vehicle sales area and showroom, offices'. Approval was granted (serial 15/894).</p> <p>On the 11 June 1988 the City sent an outgoing letter confirming that the site could be used for motor vehicle sales.</p> <p>An application for a change of non conforming use was lodged on the 11 January 2001 proposing a combination of motor vehicle sales and motor vehicle hire. The application was approved on the 25 January 2001.</p>	Campervans sales and rentals	Valid non-conforming use right established.
264 Great Eastern Highway	MIXED USE	MOTOR VEHICLE SALES (approved) MOTOR VEHICLE HIRE (operating)	<p>An application was lodged for a car sales premises on the 10 December 1985. A report was considered by Council on the 30 January 1986 to recommend to the State Planning Commission. The City recommended refusal of the application on the 14 February 1986. State Planning approved the application on the 3 April 1996 under the Metropolitan Region Scheme.</p> <p>The City issued a formal refusal of the application under its Town Planning Scheme on the 16 April 1986. The Minister for Planning approved the application on appeal (received 9 May 1986).</p>	Europcar Rentals	No evidence that change of non-conforming use has received approval.
266 Great Eastern Highway	MIXED USE	MOTOR VEHICLE HIRE	<p>An application was initially lodged dated 7 November 1988 to use the premises as an office and car rental business. The application was considered by Council in December 1988. Planning approval was granted on the 20 December 1988 (serial 15/1514).</p> <p>In 1991 an application was lodged to use the building as a showroom for hobby ceramics, and approval was granted on the 6 May 1991.</p> <p>A new application was lodged on the 21 October 1994 to use the premises for vehicle car hire. Planning approval was issued on the 18 November 1994 (serial 15/3456).</p>	Europcar Rentals	Valid non-conforming use right established.
268-282 Great Eastern Highway	MIXED USE	MOTOR VEHICLE SALES	<p>An application for an office and workshop for International Harvester was lodged in 1978. Approval was granted (serial 15/1103).</p> <p>The City sent a letter to the Motor Vehicle Dealers Licensing Board on the 7 October 1983 expressing no objection to the premises being used as a vehicle sales outlet.</p> <p>In April 1984, an application was lodged for alterations to the existing Harvester Building for Skipper Trucks. Planning approval was issued by the Metropolitan Region Planning Authority on the 22 May 1984 (serial 15-1103-1).</p> <p>In 2003, the City processed an application for new offices on the site (PDC 9.6.3 – 21 July 2003). The report stated that the site has a non-conforming use right.</p>	Skipper Truck sales	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
292 Great Eastern Highway	MIXED USE	MOTOR VEHICLE SALES & MOTOR VEHICLE HIRE	<p>There is no record of the original planning application and planning approval for Motor vehicle Sales on this site. Notwithstanding the above, the City sent a letter to the Motor Vehicle Licensing Board on the 8 May 1983 advising that approval for car sales was previously issued subject to conditions.</p> <p>In an outgoing letter dated 26 September 1986 the City advised that the premises was approved as a used car sales yard on the 25 October 1982, and may continue to be used for that purpose.</p> <p>In November 1986 the City received a letter advising of an intention to use the site for a used car yard. On the 5 December 1986 the City advised of no objection to the sale of motor vehicles from the property.</p> <p>On the 6 May 1992, an application was lodged to use the premises for motor vehicle hire in addition to motor vehicle sales. Approval was granted on the 11 May 1992.</p> <p>A report was referred to Council in June 1997 relating to unauthorized car wrecking on site (Item 12.5 – OCM 9 July 1997). Council resolved to allow car parts /accessories to be retained on site for servicing of cars to be sold from the site. Permission was not granted for the servicing of hire vehicles on site.</p> <p>The occupier (Sporty Auto Wholesale) was advised of the Council resolution on the 11 June 1997.</p>	"Cheapy Car Rentals"	Valid non-conforming use right established.
302-306 Great Eastern Highway	MIXED USE	MOTOR VEHICLE HIRE	<p>There is no copy of the original planning application on record however a report referred to Council states that an application was lodged for conversion of an existing residence to an office and conversion of adjacent vacant land as a truck rental depot. The application was refused (Item 4.2 - 2 November 1987).</p> <p>In a second report the refusal decision was rescinded, and Council approved the truck rental depot (Item 4.2 3 February 1988).</p> <p>On the 18 December 1996 an application was lodged for a car park. Planning approval was issued on the 19 December 1996 (serial 15/4339). On the 15 March 1999 the applicant was advised that the car park could be used for the outdoor storage of motor vehicles.</p>	"Budget" vehicle hire	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
303 Great Eastern Highway	MIXED USE	SERVICE STATION	<p>A Form 1 application dated 12 March 1965 was lodged to demolish the existing service station and replace it with a 3 bay service station. Approval was granted (serial 15/111) however it does not appear that application proceeded.</p> <p>A letter dated 9 June 1965 indicated that a building licence had been lodged but could not be issued until the lot was re-zoned.</p> <p>Caltex Australia wrote to the City in September 1966 requesting a 12 month extension for the building licence.</p> <p>A new Form 1 application was lodged dated 11 September 1970. Approval was granted.</p> <p>A Form 1 was lodged on the 10 May 2000 for refurbishment of the existing service station. Planning approval was granted on the 8 June 2000.</p> <p>A Service Station is not permitted in the Mixed Use zone and is therefore a non conforming use.</p>	"Caltex" service station	Valid non-conforming use right established.
345 Great Eastern Highway	MIXED USE	MOTOR VEHICLE HIRE & ANCILLARY VEHICLE SALES	<p>Archive files indicate that this property was originally used as shops. The property was known as 343-345 Great Eastern Highway until the two lots were amalgamated in August 1998.</p> <p>A letter was lodged in November 1994 advising an intention to purchase the site for motor vehicle hire. A report was referred to Council on the 7 November 1994 and motor vehicle hire was supported in principle. The City invited Ace Rent A Car to lodge a formal application in an outgoing letter dated 16 November 1994.</p> <p>A Form 1 application was lodged on the 23 November 1994 for a building refurbishment, landscaping and parking upgrading. The application was referred to Council in December 1994 (Item 7.5 PDC 5.12.1994). Planning approval for motor vehicle hire was issued on the 30 January 1995 (serial 15/3498).</p> <p>An application for a car rental office was lodged in May 1995. Planning approval was issued on the 12 May 1995 (serial 15/3622). There are photographs of the hire premises from May 1995.</p> <p>A Form 1 application was lodged dated 9 July 1999 for the premises to be granted approval for car sales. A report was referred to Council (Item 8.6.5 – PDC 3 August 1999). Planning approval was granted for ancillary sale of surplus hire cars on the 10 August 1999.</p>	"Action" & "Advantage" car hire	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
409 Great Eastern Highway	RESIDENTIAL	SHOP	There is an incoming letter dated 15.5.1976 indicating that there was a butcher shop previously on the site, and they wanted to operate a florist. There is a pink agenda face sheet which states that the use approved is a florist shop. A shop is not permitted in the Residential zone and therefore the use is non-conforming.	"Makit" hardware store	Valid non-conforming use right established.
411 Great Eastern Highway	MIXED USE	SHOP	There is a memorandum dated 18 December 1987 about crossovers (shows the address as 411 GEH) and it includes a plan. The plan shows the building being occupied by Sephco, a deli and a hardware store).	"Inflite Convenience Deli"	Valid non-conforming use right established.
490 Great Eastern Highway	MIXED USE	INDUSTRY OPEN AIR DISPLAY	An application for removal of a showroom for a new pool display area was lodged on the 16 May 1991. Planning approval was issued on the 5 June 1991 (serial 15/2476).	"Guardian Pools" offices, workshop & open air display	Valid non-conforming use right established.
492 Great Eastern Highway		INDUSTRY	The file records indicate that the original building on 492 Great Eastern Highway was burnt down. Planning approval for a new factory was issued on the 19 December 1988 (serial 15/1894). Department of Environmental Protection Registration recorded for Fibre Glass Reinforced Plastic Manufacturing. Considered General Industry.	"Guardian Pools" offices, workshop	Valid non-conforming use right established.
494-496 Great Eastern Highway	MIXED USE	INDUSTRY	25/11/1986 application for: Brick and Steel Factory Motor Repair Station – truck mechanical repairs, truck rebuilding and new truck assembly, fuel injection service. Truck Sales Showroom – truck display sales Approval issued 5/2/1987. Inspected on the 2 September 2005 and truck sales occur from the property.	"Paganelli" parts and service for Mack trucks & truck sales offices, showroom, open air display and workshop	Valid non-conforming use right established.
510 Great Eastern	MIXED USE	MOTOR VEHICLE	An application for offices, showroom and workshops was lodged dated	"Emeco" earthmoving	Valid non-conforming use right

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
Highway		AND MARINE SALES	<p>26 August 1968. Planning approval was granted (serial 15/439).</p> <p>An application for a commercial sales showroom dated 28 May 1970 was lodged. Approval was granted to Swan Truck sales (serial 15/272).</p> <p>On the 13 February 1975 the City sent an outgoing letter to a company (EMCO) advising that the site can be used for motor vehicle sales.</p> <p>A handwritten agenda face sheet dated 25 February 1976 indicates that the building surveyor extended approval for motor vehicle sales to continue on the property.</p> <p>On the 12 August 1980 the City wrote to the Motor Vehicle Licensing Board and advised that approval had been granted for motor vehicle sales.</p> <p>An application was lodged on the 5 May 1990 for a new crossover and carport. Approval was granted on the 10 July 1990 (serial 15/2297).</p> <p>The City sent a letter to the Motor vehicle Licensing Board on the 25 August 1993 advising that EMCO Australia can use the premises as a vehicle sales outlet.</p> <p>In a letter dated 21 January 1999 to the Shire of Swan, the City confirmed that EMCO can continue to operate vehicle sales under their non-conforming use right.</p> <p>The City wrote a letter dated 18 May 2005 advising that the site has a non conforming use right for Motor vehicle and Marine Sales.</p>	equipment sales office, showroom, open air display	established.
314 Kew Street	PARKS & RECREATION	RESIDENCE & STABLES	<p>Mr and Mrs Clem Hay commenced building their home in 1951 and the building was completed in 1956. (<i>Source : Mrs Stella Hay , 1995</i>)</p> <p>There is also stabling for horses and a current stables licence.</p>	Single house and stables at rear	Valid non-conforming use right established.
2 Kooyong Road	COMMERCIAL	MOTOR VEHICLE	On the 8 November 1978, the City advised of no objection to the	"McGoo Motors" office &	Valid non-conforming use right

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
		SALES	<p>premises being used for vehicle sales.</p> <p>On the 18 March 1991 an application for a shed/garage was lodged. On the 3 April 1991 the City wrote a letter which included advice that the existing car sales operation is a non conforming use. Planning approval for a garage was issued on the 22 April 1991.</p> <p>On the 4 September 2000, the City advised Mr Magoo motors that car sales can continue to operate from the property under non conforming use rights.</p> <p>On the 12 October 2000 an application was lodged for additions. The application was referred to Council in November 2000 and the report noted that the car sales use operated under non conforming use rights. Planning approval for additions was issued on the 20 November 2000.</p>	car sales	established.
90 Kooyong Road	RES. R20-40	CONSULTING ROOMS	<p>There is a letter on the City's archive files dated 17 June 1965 advising that an extension to the front of the surgery cannot be approved.</p> <p>An application to extend the surgery waiting room was lodged on the 12 June 1990. Approval was granted on the 26 June 1990 (serial 15/2311).</p>	Doctors' surgery	Valid non-conforming use right established.
134 Kooyong Road	RES. R20-40	SHOP	<p>In a zoning information dated 20 August 1992, the City confirmed that the property has a non conforming use as a news agency/deli.</p> <p>In 1995 an application to change the non conforming use from deli to antique shop was lodged. The application was considered by the Planning Committee on the 10 July 1995 (Item 11.4). Planning approval was issued on the 18 July 1995 (serial 15/3721).</p> <p>A site inspection was conducted on the 2 September 2005. The premises is being used as a shop (sale of children's clothes), and is open every Saturday.</p>	"Le Rens" antiques, collectibles, stained glass windows made to order	Valid non-conforming use right established.
16 Lyall Street	MIXED USE	STABLES	There is a current registration to keep stables on the premises. Stables are an 'x' use in the Mixed Use zone.	Stables, single house and paddock	Valid non-conforming use right established.
144 Robinson Avenue	RES. R20-40	PRIVATE RECREATION(SQUASH COURTS)	<p>An application for squash courts was lodged on the 21 November 1972. Approval was granted (serial 15/743).</p> <p>The property contains a squash court complex. The landuse of 'private recreation' is not permitted in the residential zone.</p>	Belmont Squash & Sports Centre	Valid non-conforming use right established.
33 The Esplanade	RES. R20	STABLES	There are no records of the original stables due to their age. However, the lot has a current stables registration license issued by the Health	Single house, stables	Valid non-conforming use right established.

ADDRESS	ZONE	USE	NOTES ON LANDUSES AND PLANNING APPROVALS	OCCUPIER / BUSINESS	RECOMMENDATION
			Department.		
10 Wheeler Street	MIXED USE	GENERAL INDUSTRY	There is correspondence and other documentation on the record which refers to an approval to commence development for the change of use of 10 Wheeler Street issued on 30th August 1993 to permit the relocation of Plummer Industries from 20 Hubert Street. Site inspection confirmed that Plummer Industries continue to operate from the subject lot. Operation consists of a range of manufacturing including welding etc.	Plumbers Industries	Valid non-conforming use right established.