

5 Ordinary Business

5.1 T200813 PA - 6/3 Purton Road, Pakenham - Use of land for an indoor recreation facility (dance studio)

Responsible GM: Peter Benazic
Author: Sam Andrews

Recommendation(s)

That Council issue a Notice of Decision to Grant Planning Permit T200813 for the Use of the land for an indoor recreation facility (dance studio) at 6/3 Purton Road, Pakenham VIC 3810 subject to the conditions attached to this report.

Attachments

1. T 200813 PA - Locality Plan [5.1.1 - 1 page]
2. T 200813 PA - Documents Assessed [5.1.2 - 22 pages]
3. CONFIDENTIAL - T 200813 PA - Complied Objection Letters [5.1.3 - 6 pages]

Executive Summary

APPLICATION NO.:	T200813
APPLICANT:	Miss Danielle Griscti Dance Legacy
LAND:	LG6 PS629565 V11936 F139, FY 6/3 Purton Road, Pakenham VIC 3810
PROPOSAL:	Use of the land for an indoor recreation facility (Dance Studio)
PLANNING CONTROLS:	Clause 33.01, Industrial 1 Zone
NOTIFICATION & OBJECTIONS:	Public notification via the advertising process commenced 2 March 2021 and was completed 17 March 2021. Council has received five (5) objections to date.
KEY PLANNING CONSIDERATIONS:	Neighbourhood character Amenity Carparking
RECOMMENDATION:	That a Notice of Decision to Grant a permit be issued.

Background

The subject property is one (1) of eight (8) units in a grouping of industrial buildings, located on the west side of Purton Road, approximately 32 metres north of the intersection with Princes Highway, in Pakenham. The site that is the subject of the application is rectangular with an area of approximately 180 square metres.

One of the 7 car spaces to the west of the industrial building is allocated on the title to the subject unit. Fourteen car spaces within the common property to the east of the building are for the joint use of the 8 industrial units.

The site is rectangular shaped with a road setback of 16.86m, with the existing property measuring 7.8-metres in width.

Businesses occupying the units in the other building at 3 Purton Road are characterised by 'light industrial uses' and include a self-defence studio (martial arts), a dog grooming studio, a laundromat service, yoga studio, and an auto mechanic business. The proposed dance studio will be located between the yoga studio and an industrial business.

The nearby surrounding area is within an Industrial 1 Zone. The site is approximately 130-metres from a Public Park and Recreation Zone, 200-metres from Mixed Use Zone area, 440-metres from a Comprehensive Development Zone, and 400-metres from an Urban Growth Zone - Schedule 1.

The property has previously been occupied as a dance studio and a law firm.

The application was advertised with the permit preamble 'Use of the land for an indoor recreation facility (dance studio) and waiver of car parking spaces.' The inclusion of the car parking waiver was an error as the application is only required to supply car parking spaces pursuant to Clause 52.06-6, requiring spaces to be provided to the satisfaction of the Responsible Authority. There is no specific number of spaces that must be provided and therefore a waiver is not required.

Permit/Site History

The Planning Permit history for the site includes:

- Planning Permit T170142 for an Eight (8) lot subdivision issued June 17, 2017.

There is no planning compliance history for this address.

Subject Site



The subject property is located to the west of Purton Road, near the corner of Princes Highway.

Five (5) vehicle crossings from Purton Road provide vehicle access to the car parking area.

The topography of the land is relatively flat.

The allotment for the industrial building is burdened by 2 sewerage easements in favour of South East Water located parallel to the northern and southern boundaries.

The site is not subject to Aboriginal Cultural Sensitivity.

The main characteristics of the surrounding area are:

- **North:** Directly north of the site is a vacant 0.08-hectare property at 7 Purton Road. Further north of the site are more light industrial uses with the Councils Depot building located further up on the eastern side of Purton Road.
- **South:** Directly south of the site is a 0.13-hectare property at 917 Princes Highway, Pakenham currently used as a Dulux paint facility. Further south, across Princes Highway (RDZ1) is the Toomuc Recreation Reserve.
- **East:** Directly east are light industrial building 6 and 8 Purton Road, approximately 0.18 and 0.17-hectares in size. Slightly south east of the site at 2-4 Purton Road, fronting onto Princes Highway, are 5-6 commercial building comprising of a Godfreys, Workwear and Safety Superstore, a Battery World, and a Repco Auto Repairs Business. Located further east is the Toomuc Creek Linear Reserve and residential houses.
- **West:** Directly west of the site is a 0.41-hectare property at 915 Princes Highway, Pakenham used as a shop that sells agricultural tools.

Relevance to Council Plan

3.5 Our Environment - Balanced needs of development, the community and the environment

3.5.3 Provide for the sustainable development of rural townships while taking into account their existing character and community needs

Proposal

Approval is sought for a planning permit for the Use of the land for an indoor recreation facility (Dance Studio).

Whilst parking needs to be provided for the use, it is not a requirement of the Planning and Environment Act 1987 for the Council to facilitate an appropriate provision of car parking spaces in an area as no planning permit has been triggered under the Parking Overlay. This means that there is no requirement, or specific number of spaces that need to be provide for the site and the Responsible Authority needs to be satisfied with the spaces available for the proposal as stated in Clause 52.06-6.

The use is proposed to operate as followed:

Use

- Use of the existing building as an indoor recreation facility (Dance Studio) for a maximum of 12 clients and 1 staff at a given time. Only 10 Clients will be permitted in the studio before 5pm.
- The proposed operating hours are:
- Monday to Friday 4:00pm-9:30pm, two (2) days to have classes between 9:30am and 12pm.
- Saturday 9:00am – 2pm.

Buildings and works (no permit required)

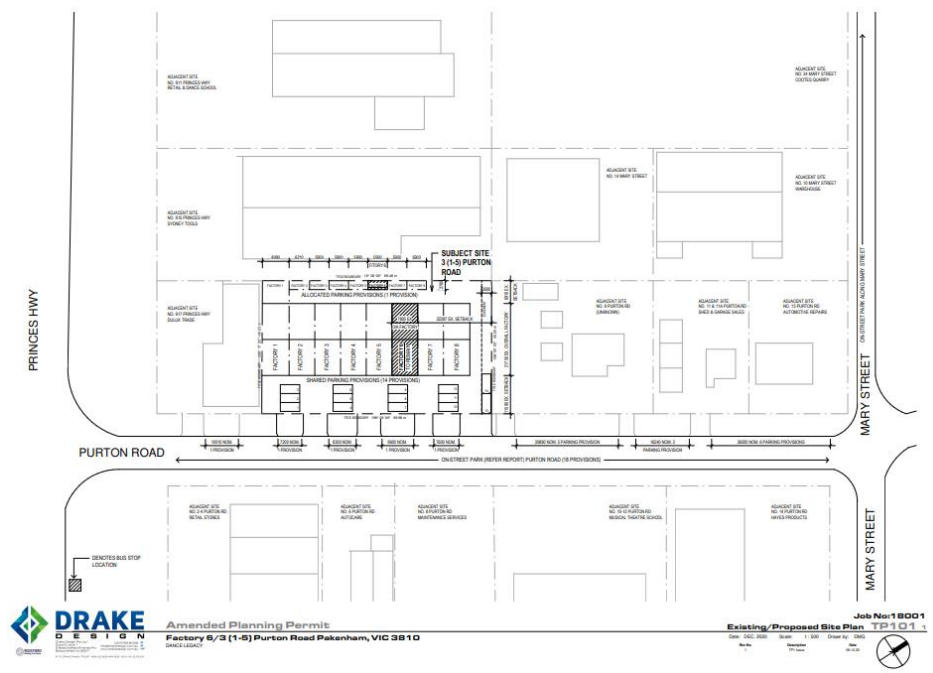
- There will be no alteration to the external appearance of the building.
- The internal layout, including the floor space and outside façade is proposed to remain unaltered.

Advertising sign (no permit required)

- The applicant is proposing to erect a sign on the front façade of the building, like-for-like with the existing solicitor sign. The sign will measure 600mm in height by 2.4-metres in length, measuring 1.44-metres in total. Business identification signs that measure less than 8 square metres and are like-for-like do not require a planning permit under Clause 52.05, Signs.

Consent for car parking

- There are 21 parking spaces for the 8-unit industrial building, with 7 of those dedicated and 14 communal spaces to be shared among the 8 industrial units.
- There is no specified car parking rate for an indoor recreation facility, including minor sports and recreation facility in the Table at Clause 52.06-5 of the Scheme, as such car parking must be provided to the satisfaction of the responsible authority as outlined in Clause 52.06-6.



Proposed Site Layout



Existing Signage



Proposed Signage (like-for-like)

Planning Scheme Provisions

Zone

The land is subject to the Industrial 1 Zone.

Overlays

The land is not subject to any overlays.

Planning Policy Framework (PPF)

The relevant clauses of the PPF are:

- Clause 13.05-1S – Noise abatement

- Clause 13.07-1S – Land use compatibility
- Clause 15.01-5S – Neighbourhood Character
- Clause 17.01-1S – Diversified economy
- Clause 17.03-1S – Industrial land supply
- Clause 18.02-2S – Public Transport
- Clause 18.02-4S – Car parking

Local Planning Policy Framework (LPPF)

The relevant clauses of the LPPF are:

- Clause 21.04-1 - Employment
- Clause 21.04-4 – Industry

Relevant Particular/ General Provisions and relevant incorporated or reference documents

The relevant provisions/ documents are:

- Clause 52.06 – Car parking
- Clause 52.34 – Bicycle Facilities
- Clause 65 – Decision Guidelines

Planning Permit Triggers

The proposal requires a planning permit under the following clauses of the Cardinia Planning Scheme:

- Clause 33.01-1 – Under the Industrial 1 Zone (IN1Z), a permit is required to use the land for an indoor recreation facility (Dance Studio) which is nested under minor sports and recreation facility.

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Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land.
- Placing (a) sign(s) on site.

The notification has been carried out and the statutory declaration has been submitted to Council on 18/03/2021.

Council has received five (5) objections to date.

The key issues that were raised in the objection are regarding:

- Availability of Car Parking Spaces;
- Car Parking Waiver (Added to the Advertising Preamble in Error);
- Non-Industrial Use in an Industrial Zone;
- Access to Properties;
- Safety;
- Business Hours.

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Referrals

External Referrals/Notices:

Referrals/ Notice	Referral Authority	Brief summary of response
Section 55 Referrals	Nil	N/A
Section 52 Notices	Nil	N/A

Internal Referrals:

Internal Council Referral	Advice/ Response/ Conditions
Traffic	<p>No objection.</p> <ul style="list-style-type: none"> Satisfied that car parking requirement can be accommodated with a combination of off-street and on-street parking.

Discussion

The application has been assessed against the decision guidelines of all relevant clauses of the Cardinia Planning Scheme and the proposed development is determined to be consistent with these requirements.

The primary considerations for this application are as follows:

- Planning Policy Frameworks (PPF) and Municipal Planning Strategy (MPS)
- Use
 - Purpose and decision guidelines of the Industrial 1 Zone
- Car parking

Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS)

A number of state and local policies are relevant to this application that aim to ensure that the inclusion of a non-industrial use within an industrial zone does not detract from the intensions of the local neighbourhood character, achieves an adequate supply of carparking, and meets the needs of the future and existing residents.

Clause 13.05-1S (Noise Abatement) seeks to ensure that community amenity is not reduced by noise, assisting in the control of noise effects on sensitive land uses.

Clause 13.07-1S (Land Use Compatibility) seeks to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Clause 15.01-5S (Neighbourhood Character) seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Clause 17.01-1S (Diversified Economy) seeks to strengthen and diversify local economies by improving access to jobs and employment closer to where people live.

Clause 17.03-1S (Industrial Land Supply) seeks to ensure that there is an availability for industrial land by avoiding approving non-industrial land uses that will prejudice the availability of land in identified industrial area for future industrial use.

Clause 18.02-2S (Public Transport) looks at facilitating a greater use of public transport and promoting increased developments and uses close to high-quality public transport routes.

Clause 18.02-4S (Car Parking) seeks to ensure that an adequate supply of car parking that is appropriately designed and located.

Clause 21.04-1 (Employment) seeks to develop diverse local employment opportunities to meet the needs of a growing residential population.

Clause 21.04-4 (Industry) seeks to develop and ensure that there are manufacturing and service industries that provide services to local residents and businesses, support local employment and reflect a high standard of urban design.

The proposed use of the site for an indoor recreation facility is consistent with the relevant policies in the PPF and LPPF highlighted earlier in the report because the proposed indoor recreation facility, whilst located within an industrial zone, will be located within an area predominantly established as a commercial area characterised by light industrial and other commercial uses and will provide a required service for the benefit of the community. The proposed use will also complement the diverse land use in the area, providing an important service for the benefit of the community. It will seek to compliment the surrounding yoga, martial art and dog grooming facilities by providing a use that will benefit from each other's business types providing an appropriate response to the neighbourhood character.

Although the proposal is non-industrial, it will not prejudice the availability of land for future industrial development or their viability (Clause 17.03-1S – Industrial land supply).

The large availability of on street carparking helps to deal with a limited supply on onsite spaces, further supporting that the proposal is not expected to have any negative impacts on the surrounding residences, businesses and land uses through a lack of available spaces (Clause 18.02-4S – Car parking).

The proposed indoor recreation facility will not be detrimental to the supply of industrial land in the area because there will be no alteration to the building. It can easily revert to industrial use when the proposed use ceases (Clause 21.04-4 – Industry). All that the applicant is seeking to do is erect a like-for-like business identification signage that will not affect the buildings' ability to be used for an alternative purpose in the future and propose a use similar to what has been at the site in the past.

In addition, it is also considered that the use of the land as an indoor recreation facility will not prejudice the viability of the existing and future industrial development in the area as the space to be used is very small in relation to the overall size of the existing industrial developments in the area and the common sizes of industrial buildings seen in surrounding area of the municipality (e.g., Southeast Business Park). Although the primary purpose of the Zone is to facilitate industrial development, the approval of non-industrial uses that will not be prejudicial to the existing and future industrial development and is considered to be good and orderly planning.

It is considered that the proposal adequately responds to the above and compliments the existing and emerging development pattern of this street and the surrounding area. Therefore, it is considered that the proposal is consistent with the PPF and MPS as it is located nearby similar uses and public transport services.

Industrial 1 Zone

Use

The discussion of the appropriateness of the proposed use will be guided by the assessment of the proposal against the purpose and decision guidelines of the Industrial 1 Zone and the details of the proposed use obtained from the applicant. An indoor recreation facility (dance studio) is nested under indoor recreation facility at Clause 73.04-6 of the Scheme and is a Section 2 use in an Industrial 1 Zone. In this regard, the responsible authority has the discretion to grant a permit based on the planning merit of the proposal.

The proposal is consistent with the purpose of Industrial 1 Zone which is *to*

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Whilst it is acknowledged that an indoor recreation facility is not an industrial activity that will involve manufacturing, research or storage activities, it is recognised that there may be need for non-industrial uses within a purpose-built industrial area and this will be appropriate and acceptable as long as the non-industrial use does not jeopardise future industrial development in the area.

It is further considered that the proposed use will be consistent with planning policy as it will provide an essential community service that will not be detrimental to the industrial area. The property at 6/3 Purton Road is situated within the middle of a yoga studio and martial arts, two (2) non-industrial uses. Whilst there is the argument for the new use bring about another non-industrial use, the application benefits from its location within an area already consisting of differing uses, surrounded by properties that will not pose a detrimental impact to the new use and nor will the dance studio impact the surrounding industrial properties.

- *The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects.*

Most of the surrounding sites are zoned Industrial, where residential use is prohibited. Whilst some of the sites in the surrounding area are used for non-industrial uses, such uses are not sensitive uses and are unlikely to be impacted by the proposed indoor recreation use. The nearest residential area is approximately 230 metres from the subject site.

In addition to the nearby residential zone, the property is also located around an area of varying zones. The site is approximately 130-metres from a Public Park and Recreation Zone, 200-metres from Mixed Use Zone area, 440-metres from a Comprehensive Development Zone, and 400-metres from an Urban Growth Zone – Schedule 1. Again, whilst the use is not in line with the primary purpose of the zone, the local character of the nearby Pakenham area is made up by multiple different uses, adding support to the location of the non-industrial use. If the proposal was to be within the centre of an industrial precinct and not on the outskirts of the zone like 6/3 Purton Road is, greater weight could be given to the use posing a negative impact on the industrial values and the large scale industrial land uses and businesses. Seeing as the proposal is located within the outer edges of the zone instead of the centre, further support is given to the proposal based on the siting and location of the use.



The proposal will also not be detrimental impact to the amenity and safety of the adjoining and surrounding uses. It will provide an opportunity for an indoor recreation facility to be located in an established industrial area, characterised by commercial businesses, so that people in the immediate surrounding residential area will be able to utilise the dancing services made available by the facility.

A condition of any approval will be added to ensure that the noise level from the proposed use will not be of a detriment to the amenity of the adjoining sites.

The proposal will not have any impact on the existing built form as there will be no change to the external appearance of the building.

- *The effect that nearby industries may have on the proposed use*

There are currently some buildings used for non-industrial uses in the surrounding area. The subject site is surrounded by land within an Industrial 1 Zone used mainly for commercial purposes. The existing or future uses of the surrounding sites will not be detrimental to the use of the subject site for an indoor recreation facility. The proposed Dance Studio is not a type of use that would be detrimentally impacted by the industrial uses in the vicinity of the site. Whilst there will be an increase in parking, the time of operation, after normal work and school hours and availability of on unrestricted on street parking after 5pm, will help in limiting impacts to surrounding sites.

- *The drainage of the land.*

The proposal will not have any detrimental impact on the drainage of the land.

- *The availability of and connection to service*

The building is already connected to the required services which will be adequate for the proposed use.

- *The effect of traffic to be generated on roads*

The proposal will not have any detrimental impact on traffic on the adjoining roads based on the intensity of the proposed use. Also, the peak period of the use will be in the early mornings and in the late evenings when the surrounding businesses are not likely to be open for business. Through various visits to Purton Road and the information gained from our Council Traffic Engineers it has been identified that Purton Road does not often result in traffic issues and is often quiet. Therefore, the proposal is not likely to significantly impact traffic.

- *The interim use of those parts of the land not required for the proposed use*

The entire unit will be required for the proposed use.

1 Car Parking

Clause 18.02-4 (Car parking) and clause 52.06 (Car parking) of the Scheme will be used to frame this car parking assessment.

Clause 52.06 applies to a new use and the purpose of the provision is as follows:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Clause 52.06-2 requires that a new use must not commence until the required car spaces under clause Table 1 of clause 52.06-5 have been provided on the land. Where a use is not specified in Table 1, in another provision of this scheme or in a Parking Overlay, car parking spaces must be provided to the satisfaction of the responsible authority.

There is no specified car parking rate for an indoor recreation facility or minor sports and recreation facility at Table 1 of clause 52.06-5 of the Scheme or in any other provision of the Scheme. In this regard, car parking provision for the use must be provided to the satisfaction of the responsible authority as stated within clause 52.06-6.

One of the 7 car spaces to the west of the industrial building is allocated on the title to the subject unit. In addition, 14 car spaces within the common property to the east of the building are for the joint use of the 8 units in the industrial building.

The car parking provision associated with the proposed indoor recreation facility (Dance Studio) is considered acceptable for the following reasons:

- There is ample on-street car-parking available in the surrounding streets for patrons.
 - A carparking assessment survey was undertaken by the applicant and the result was submitted as part of the application. The survey indicated that there is adequate carparking opportunities within 100 metres of the subject site at various times of the day that can be used by the patrons to the proposed use and will not result in any adverse impact on car parking in the area or amenity of the area. Whilst the Council acknowledges that there is a limited supply of on-site spaces for eight (8) businesses, the availability of on-street spaces ensures that this will not be an issue.
- Council's Traffic Engineering Unit consents to the car parking provision associated with the proposed use.
 - They advised that the 14 on-site spaces are shared between the 8 premises – hence there are effectively 1 – 2 spaces 'allocated' to the site, plus one (1) for staff (up to 3 available in total). For a high-level indication of parking demand, whilst it is estimated that there will be demand of 1-2 spaces for staff, it is also estimated that there will be a further demand of up to 6 spaces for students (assuming 12 students maximum, allowing for some level of carpooling and allowing for multi-trip use of

each space for pick-up / drop-off). (i.e., total of 7-8 spaces). Given that the site effectively has 2 - 3 spaces, this will rely on up to 6 spaces to be provided on street (or shared with the other premises), depending on the demand for the premise. Council's Traffic Engineering Team believes that based on the proposed hours of operation that Purton Road will have enough on-street spaces for patrons to park.

With regards to the car parking assessment and the survey conducted last year as part of Planning Permit T200077, at 7/3 Purton Road, as well as the comments received from Council's Traffic Engineer, the proposed indoor recreation facility (Dance Studio) with a maximum of 12 clients and 1 instructor on the site at a given time will not unreasonably impact the traffic conditions of the surrounding area. Consent for car parking associated with the use is appropriate and should be supported.

Considering the availability of on-street parking, and to assist in the likelihood of employees of the surrounding industrial buildings working overtime or to 5:00pm, a condition will be placed on the permit prohibiting the facility from having more than 10 students prior to 5:00pm, to ensure that there are enough parking spaces available. It will also help in mitigating the overlap of business working in the area at the one time. In addition to this a traffic management plan will also be placed on the permit as a condition as well as a condition that requires the applicant to implement staggered class times at intervals of 15-20 minute gaps to reduce the impact that the overlapping of classes will have on traffic and carparking.

Based on the operation times of the businesses in the area and the time that the Dance Studio is proposed to be open, the level of traffic and congestion will not be high and should not impact against approval being given.

Public Transport

The Dance Studio is to operate for students at ages between 2-18 years. Nearby public transport options, including a bus stop at Purton Road/Princes Highway (approximately 100-metres or a 1-minute walk) and the Cardinia Shire Station (4km walk), with a connecting bus to the Princes Highway stop will allow older age students to reach the studio via public transportation. Being located near public transport options does not mean that car parking and traffic congestion will be reduced, yet does provide the students with alternative transport options that may potentially aid in a reduction in the congestion caused via the new facility.

Advertising signs

Advertising sign requirements applicable to the site are at clause 52.05 of the Scheme; this zone is in Category 2. As stated under 'the proposal' section of this report, due to the business identification sign being less than 8sqm (1.44sqm proposed) and it being like-for-like, a permit is not required for the sign under the requirements of the Industrial 1 zone.

Clause 52.34 – Bicycle Facilities

The purpose of the clause is to encourage cycling as a mode of transport and to provide secure, accessible, and convenient bicycle parking spaces and associated shower and change facilities. A new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land.

Pursuant to Table 1 of clause 52.34 of the Scheme, the requirement for sports and recreation facility which includes an indoor recreation facility is: 1 per 4 employees and 1 to 200sqm of net floor area for clients. As the maximum number of employees associated with the proposed use will be 1 at a given time and the floor area of the unit is approximately 170sqm, there is no set requirement for bicycle provision for the proposed use.

Amenity Impact

The adjoining and nearby sites are occupied predominantly by non-industrial and commercial uses with industrial uses being located either across from the site or further north along Purton Road. Based on the nature of the proposed use, it is considered that there will not be any detrimental impact on the amenity of the adjoining and surrounding sites in terms of noise, traffic or any other impact. The maximum number of people in the indoor recreation facility at a given time will be 13 (12 patrons and 1 staff, with 10 students permitted for one (1) hour before 5:00pm). The peak of the activities will also likely be after-hours when the surrounding industrial/commercial establishments will be closed for business. In this regard, it is considered that the proposed use of the site as an indoor recreation facility will not have any amenity impact on the adjoining sites. There will not be any noise impact on the adjoining sites. Whilst traffic may slightly increase, the operation hours of the business, at different times compared to surrounding industries will aid in limiting the detrimental impact that the use will have on congestion.

Based on the nature of the proposed use, it is considered that there should be adequate provision within the site to accommodate waste storage.

Clause 65 Decision Guidelines

The Application has been assessed against the Clause 65 Decision Guidelines, which requires Council to consider additional factors such as:

- The effect the proposal may have on the orderly planning of the area;
- The amenity of the area, proximity to public land;
- Factors likely to contribute to land degradation;
- The quality of stormwater within and exiting the site;
- Effects on native vegetation;
- Potential hazards;
- The suitability of the land for subdivision; and
- The existing use and possible future development of the land.

The application has been assessed against the Clause 65 – Decision Guidelines. It is considered that the application, as discussed above complies with the relevant state and local policies and the purpose of the zone that apply to the site. As such it is considered that the application has appropriate regard to the decision guidelines and should be supported

Response to Objections

In response objectors' concerns, the Cardinia Shire Council and applicant have since sort to implement the following changes conditions to the permit:

- Consent for only one (1) staff member being permitted on the site at any one time.
- Consent to allowing only 10 students into the facility for the first hour of operation (4pm-5pm).
- A traffic management plan condition added as a condition 1, which will help deal with parking and traffic issues. Once received it will be included in the set of endorsed plans.
- The implementation of a condition that staggers class times (15-20 minute intervals).

The following addresses the specific concerns raised by the objections received:

Car parking, Traffic & Access:

A number of objections raised concerns about increased traffic and potential car parking issues that may be caused by this use on Purton Road.

The property is not covered by a Parking Overlay, meaning that whilst parking needs to be provided for the use, it is not a requirement of the Responsible Authority (Council) to facilitate an appropriate provision of car parking spaces in the area as no planning permit has been triggered under the Parking Overlay. Whilst a required assessment against the decision guidelines of the scheme are not required, an assessment against Clause 52.06 (Car Parking) is required.

No specific car parking requirements apply to the proposed use as stated within Clause 52.06-5, which therefore means that pursuant to Clause 52.06-6, spaces need to be provided to the satisfaction of the Responsible Authority (Council).

Councils Traffic Engineering department have outlined that based on the use and patron numbers that approximately seven (7) to eight (8) spaces will need to be provided. With the availability of 2-3 on-site spaces, the traffic department through their assessment have outlined that there are more than enough on-street spaces to deal with the overflow of spaces.

The report conducted by the applicant and the assessment by Councils Traffic Engineers, indicates that there is ample parking available on-street along Purton Road during the proposed operating hours – particularly during the evening and on Saturdays. Councils traffic department has outlined that they are satisfied with the amount of available spaces provided both on and off site.

The operation times of the dance studio further assist in reducing the potential traffic and parking issues. With the studio proposing to be in operation predominately within hours outside of business and school times there will be a greater volume of car parking spaces available both on and off site, there will be no restrictions placed upon people who choose to park along Purton Road, and little impact to surrounding businesses as most are operational during the day. Furthermore, the inclusion of a limit for the number of staff and students allowed on site at particular times of the day, the implementation of staggered class times at 15-20 minute intervals, and inclusion of a traffic management plan within the endorsed plans seeks to further reduce the impact the proposal will have on the surrounding businesses and amount of available car parking spaces. The implementation of these conditions and changes seeks to ensure that all measures have been taken to limit the impact on the surrounding businesses.

The traffic management plan will include information for new and existing customers, briefing them on such aspects as:

- The car parking and access restrictions outlined by this permit;
- The location of any car parking areas allocated to Dance Legacy which are to be used by customers and staff;
- Safe and appropriate pedestrian access to the premises, by avoiding walking in common driveway areas, to increase safety and reduce the impact to surrounding properties;
- Signage directing customers on where to park and what areas to avoid;
- Methods to be employed to avoid customers parking in the other businesses spaces or over access areas to their property;
- Any information packs or brochures must include car parking and access information; and
- A potential idea of how customers and staff members should enter and exit the facility along Purton Road to help in reducing traffic congestion.

Car Parking Waiver

Contrary to the preamble of the advertising signs and letters, the application does not require a waiver of car parking spaces. This was added to the advertising documents in error. Whilst there

are not enough on-street parking spaces for the proposal this does not constitute the need for a waiver of car parking spaces.

Since the application was advertised, it was reviewed and concluded that there are specific car parking requirements set within Clause 52.06-5 (Car Parking). Therefore, this means that there is no specific number of spaces that is required to be provided for the use and a waiver of car parking spaces is not required. Pursuant to Clause 52.06-6, where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, car parking spaces must be provided to the satisfaction of the Responsible Authority.

Through the assessment of the available spaces both onsite and offsite, Council are satisfied that there are enough spaces available along Purton Road to accommodate for the proposed use.

Neighbourhood Character & Inclusion of a Non-Industrial Use

A number of objections raised concerns about the proposal not aligning with the existing neighbourhood character and inclusion of non-industrial uses within an Industrial 1 Zone.

Whilst the proposed use is not an industrial use the planning scheme allows for the consideration of secondary uses that are not industrial as long as the non-industrial use does not jeopardise future industrial development in the area.

The proposed non-industrial use gains added support based on its location within the outer edges of the Industrial 1 Zone, within an area situated around a high volume of non-industrial uses (dog wash, martial arts, and yoga studio), within an area predominantly established as a commercial area and characterised by light industrial uses. As seen by these surrounding non-industrial uses, the inclusion of a dance studio should not be refused as it is not uncommon for the area to support commercial and non-industrial uses.

With the site previously used as both an office/solicitor firm and dance studio, two (2) non-industrial uses, the proposed use is seeking to keep in line with what it has been used for in the past. The applicant is not proposing any buildings and works, with the only change being the installation of a like-for-like business identification sign. This ensure that the use does not inhibit the building from being used for an industrial purpose in the future. Furthermore, the building itself is in line with the design of the surrounding properties at 3 Purton Road. The lack of changes to the building ensures that the buildings design is consisting other in the area and supports the local neighbourhood character.

Impacts to Surrounding Properties

Most of the objections raised concerns about how the inclusion of the dance studio would further impact their businesses.

To aid in limiting the impact to the surrounding business, the applicant has sort to operate outside of usual business and school hours, agreed to limit staff numbers to one (1) and reduce the amount of students permitted before 5pm (10 students), supported the implementation of staggered class times, and encouraged the inclusion of a traffic management plan.

Whilst it is acknowledged that business can often operate outside of usual hours and work overtime, the above points, will be added as permit conditions, and will seek to limit, as best as possible, issues surrounding customers parking in the front of business, children blocking driveway and creating safety issues. To be detailed within the traffic management plan, children will be required to enter with parents and walk within areas that do impact the surrounding businesses, and also notified of areas that are of restricted access and told where it is most suitable to park (along Purton Road).

Unfortunately, Council can not ensure that the proposed use will pose no impact to the surrounding businesses, yet through the above points and implementation of conditions, it can be minimised as much as possible.

Conclusion

It is recommended that a Planning Permit be issued for the use of the land for an indoor recreation facility (Dance Studio) generally in accordance with the submitted plans.

The proposal is consistent with the purposes and objectives of the relevant provisions of the Cardinia Planning Scheme. The proposed use and associated car parking provision will not cause material detriment to any person or the character of the area and as such should be supported subject to conditions. Any new business will cause an increase in traffic and a reduction in the volume of available car parking spaces, yet the operation hours and permit conditions for the new use, seeks to limit the overall burden that the Dance Studio will have on the surrounding property owners.

Conditions

That Council having caused notice of Planning Application No. T200813 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to Grant a Permit in respect of the land known and described as LG7 PS629565 V11936 F140, FY 6/3 Purton Road Pakenham, for the Use of the land for indoor recreation facility (Dance Studio), generally in accordance with the endorsed plans, subject to the following conditions:

Conditions:

1. Before the use begins, a car parking management plan must be submitted to the Responsible Authority. Once submitted, this plan will be endorsed and form part of this permit. This plan should include information for new and existing customers, briefing them on:
 - The car parking and access restrictions outlined by this permit;
 - The location of the car parking area allocated to JUMP! Swim School which is to be used by customers and staff;
 - Safe and appropriate pedestrian access to the premises, by avoiding walking in common driveway areas;
 - Signage directing customers on where to park;
 - Methods to be employed to avoid customers parking in the other businesses spaces; and
 - Any information packs or brochures must include car parking and access information.

In accordance with the conditions of this planning permit and as shown on the endorsed plans.

2. The use and layout of the buildings and works, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The use may only have the following number of patrons and staff members on the premises at any one time, unless with the further consent of the Responsible Authority:
 - a maximum of 10 students and 1 staff member, prior to 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member, after 5.00 pm, Monday - Friday
 - a maximum number of 12 students and 1 staff member on Saturday
4. The use may only operate during the following hours, unless with further consent of the Responsible Authority:

- Monday to Friday: 9:30am – 12pm, 4:30pm - 9:30pm.
 - Saturday: 9:00am – 2:00pm.
5. The start and finish times between different classes must be offset by at least 15 minutes, and must not be altered without the written consent of the Responsible Authority.
 6. A maximum of one (1) class may run at any one time, without the express written consent of the Responsible Authority.
 7. Vehicles under the control of the operator of the building, including staff and customer vehicles, must be parked using the allocated space to the rear of the building.
 8. All bins and receptacles used for the collection and storage of garbage, bottles and other solid wastes shall be kept in a storage area screened from view to the satisfaction of the Responsible Authority.
 9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcements, broadcasts, playing of music or similar purposes.
 10. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1.
 11. The use permitted by this permit, including the use of the car parking areas, must not adversely affect the amenity of the surrounding area to the satisfaction of the Responsible Authority.
 12. All wastewater must be discharged into the reticulated sewerage system to the satisfaction of the Responsible Authority.
 13. The amenity of the area must not be detrimentally affected by the use through:
 - (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
 - (d) The presence of vermin.

Expiry:

This permit for the use of land expires if—

- a) the use does not start within two (2) years after the issue of the permit; or
- b) the use is discontinued for a period of two (2) years.

In accordance with [Section 69](#) of the [Planning and Environment Act 1987](#), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- Council recommends that prior to activating this permit, a registered building surveyor be contacted to ensure the development complies with the Building Act and Building Regulations.

- Please ensure that any future signage complies with the requirements of Clause 52.05, Signs, and that a planning permit is sort from the Responsible Authority if it is required.

T200813 PA - Locality Plan

TOWN PLANNING COMMITTEE MEETING 3 MAY 2021



Legend	
	Metro Bus Stops
	Regional Bus Stops
	Region Coach Stop
	Night Bus Stop
	Railway Stations
	Railway
	Bunyip Horse Trail
Rivers:	
	Flow
	Creek
	Drain

Notes



14-Apr-2021

1:5,000 Town Planning Committee Meeting 3 May 2021
 Data Source: State & Local Government. © CARDINIA SHIRE COUNCIL





ePlanning

Application Summary

Portal Reference	A42054VU
------------------	----------

Basic Information

Proposed Use	Application required for Restricted Recreation Facility (Dance Studio)
Current Use	Vacant Single-Storey Factory (Previously Dance Studio then office space)
Site Address	FY 6 3 Purton Road Pakenham 3810

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	No such encumbrances are breached
Note: During the application process you may be required to provide more information in relation to any encumbrances.	

Contacts

Type	Name	Address	Contact Details
Applicant	Danielle Griscti Dance Legacy	20 Darwin Way, Pakenham VIC 3810	W: 0400-915-422 M: 0418-530-202 E: admin@dancelegacy.com.au
Owner	Colin Crane	31 Bronson Circuit, Cranbourne North VIC 3977	W: 0438-837-084 M: 0438-837-084 E: serdar.o@neilsonpartners.com.au
Preferred Contact	Danielle Griscti Dance Legacy	20 Darwin Way, Pakenham VIC 3810	W: 0400-915-422 M: 0418-530-202 E: admin@dancelegacy.com.au

Fees

Regulation Fee Condition	Amount	Modifier	Payable
9 - Class 1 Change of use only	\$1,318.10	100%	\$1,318.10
Total			\$1,318.10



Civic Centre
20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria



Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VIC, 3810

Email: mail@cardinia.vic.gov.au



Monday to Friday 8.30am-5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784



ePlanning

Documents Uploaded

Date	Type	Filename
09-12-2020	A Copy of Title	Copy of Title.pdf
09-12-2020	Site plans	FACTORY 6 3 (1-5) PURTON ROAD PAKENHAM 20201209 - TP101 - Existing & Proposed Site Plan.pdf
09-12-2020	Written Explanation	Town-Planning Report Factory 6 3 (1-5) Purton Road Pakenham 20201209.pdf
09-12-2020	Additional Document	Copy of plan.pdf

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

Lodged By

Site User	Danielle Griscti Dance Legacy	20 Darwin Way, Pakenham VIC 3810	W: 0400-915-422 M: 0418-530-202 E: admin@dancelegacy.com.au
Submission Date	09 December 2020 - 09:09:PM		

Declaration

By ticking this checkbox, I, Danielle Griscti, declare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.



Civic Centre
20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot)
Purton Road, Pakenham, Victoria



Postal Address
Cardinia Shire Council
P.O. Box 7, Pakenham VIC, 3810

Email: mail@cardinia.vic.gov.au



Monday to Friday 8.30am-5pm
Phone: 1300 787 624
After Hours: 1300 787 624
Fax: 03 5941 3784



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 11936 FOLIO 139

Security no : 124086941097L
Produced 03/12/2020 03:15 PM**LAND DESCRIPTION**

Lot G6 on Plan of Subdivision 629565S.
PARENT TITLES :
Volume 11232 Folio 327 to Volume 11232 Folio 328
Created by instrument PS629565S/D1 30/11/2017

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
COLIN ANDREW CRANE
FIONA JOY ARNOTT both of 31 BRONSON CIRCUIT CRANBOURNE NORTH VIC 3977
AR923924F 13/02/2019

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS629565S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS629565S
OWNERS CORPORATION 2 PLAN NO. PS629565S

DOCUMENT END



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Victorian Land Registry Services.

Document Type	Plan
Document Identification	PS629565S
Number of Pages (excluding this cover sheet)	4
Document Assembled	03/12/2020 15:32

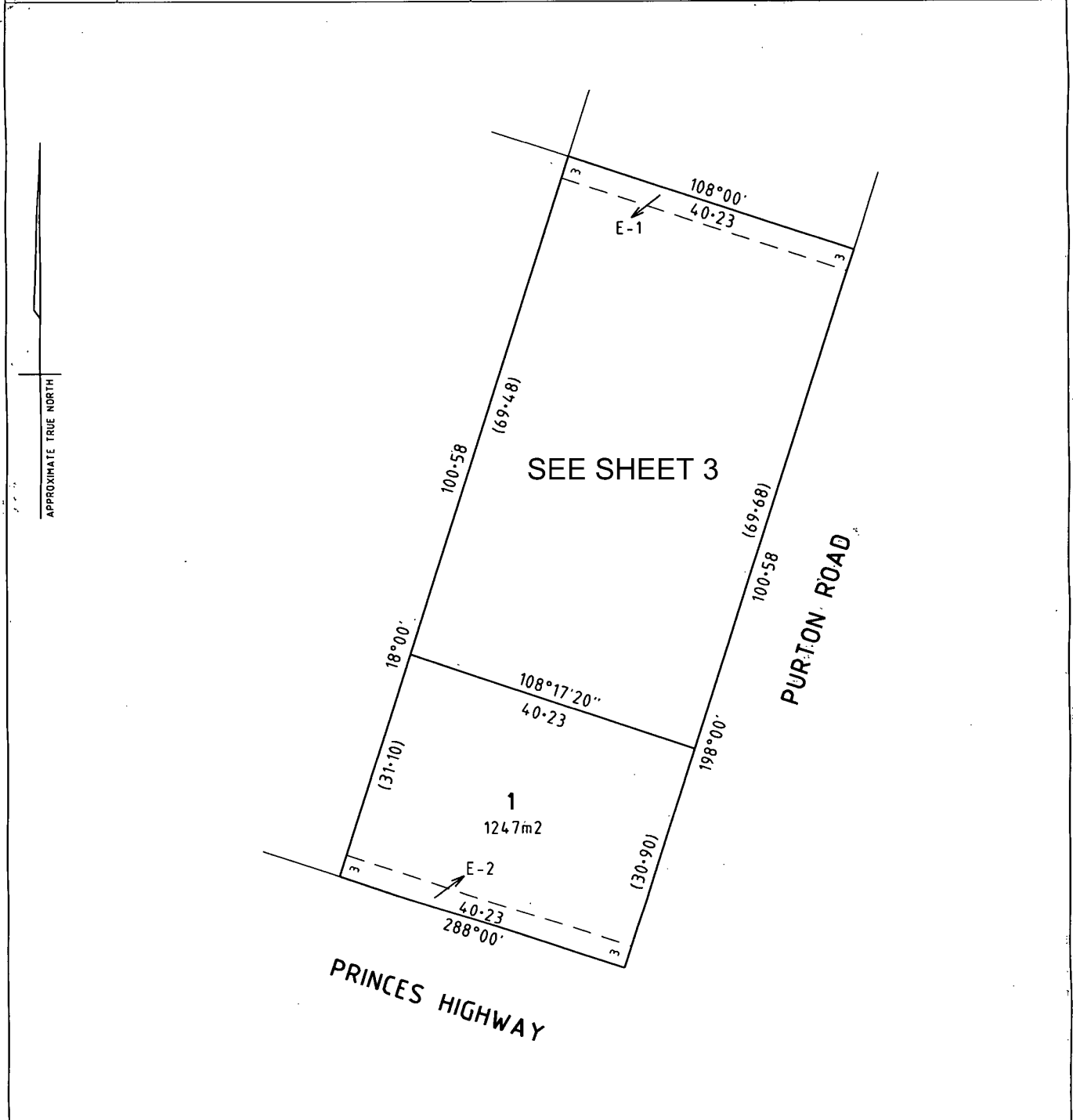
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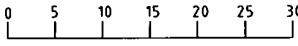
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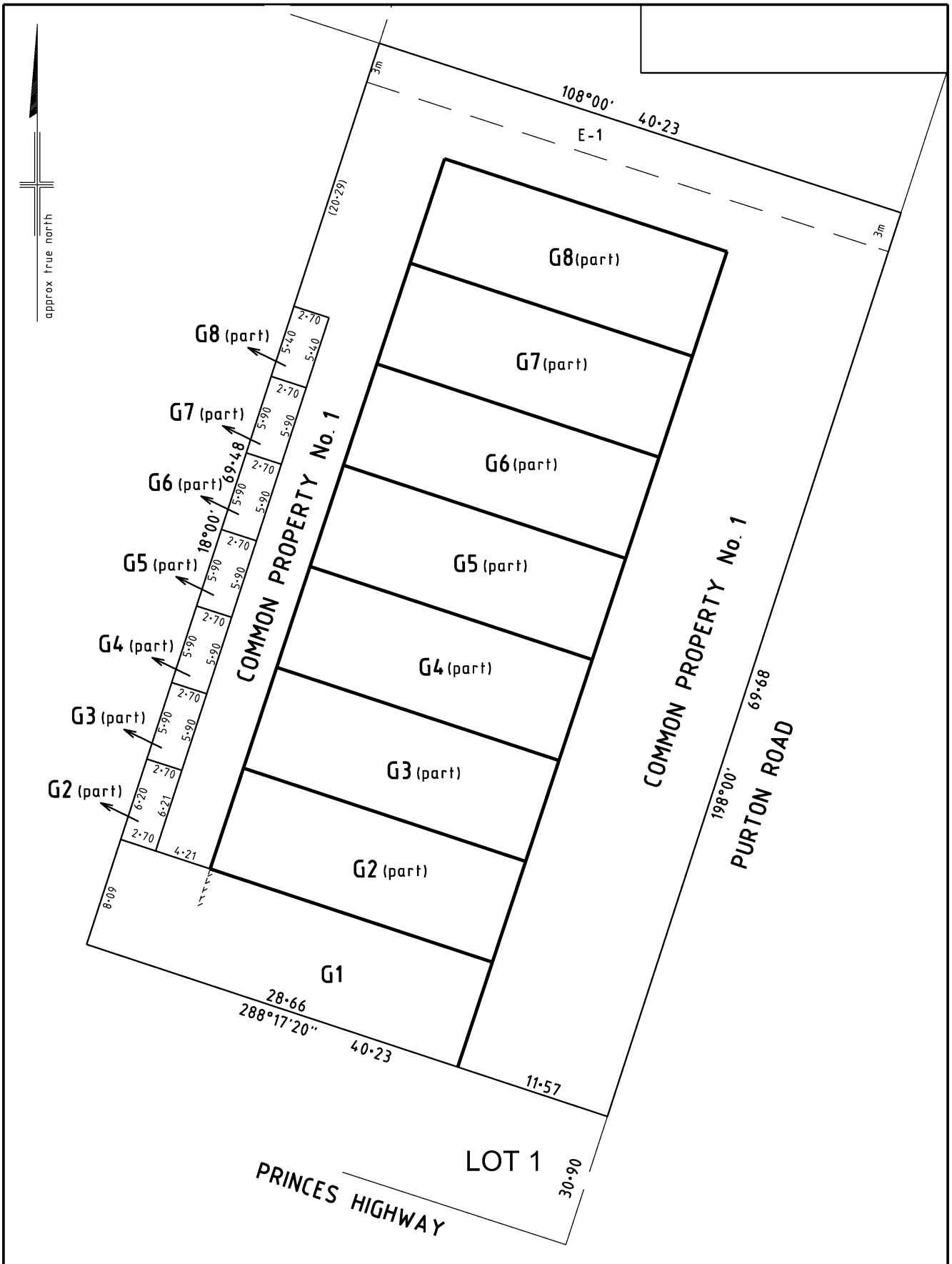
PLAN OF SUBDIVISION			STAGE NO. /	LRS use only EDITION 2	<div style="text-align: center; margin-bottom: 5px;">PS629565S</div> <div style="font-size: small; display: flex; justify-content: space-between;">14/10/2010\$889.20PS</div>	
<p>Location of Land</p> <p>Parish: PAKENHAM Township: PAKENHAM Crown Section: 2 Crown Allotments: 1 AND 2 Crown Portion:</p> <p>LRS Base Record: DCMB Title Reference: VOL 9120 FOL 907</p> <p>Last Plan Reference: CP104568</p> <p>Postal Address: 1-5 PURTON ROAD, PAKENHAM 3810 (at time of subdivision)</p> <p>MGA Co-ordinates E 365122 ZONE: 55 (of approx. centre of land) N 5786102</p>	<p style="text-align: center;">Council Certificate and Endorsement</p> <p>Council Name: CARDINIA SHIRE COUNCIL Ref: 509/052</p> <p>1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</p> <p style="text-align: center;">OPEN SPACE</p> <p>(i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage</p> <p>Council Delegate <u><i>cmurphy</i></u> Council Seal _____ Date 15/9/2009</p> <p>Re-certified under section 11(7) of the Subdivision Act 1988.</p> <p>Council Delegate _____ Council Seal _____ Date _____ / _____ / _____</p>					
Vesting of Roads and / or Reserves						
Identifier	Council/Body/Person					
Nil	Nil					
Notations						
Depth Limitation Nil	Staging This is/is not a staged subdivision Planning Permit No. _____					
<table border="1" style="width: 100%; font-size: x-small; border-collapse: collapse;"> <tr> <td style="text-align: center;"> LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES </td> </tr> </table>			LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES	Survey This plan is/is-not based on survey. This survey has been connected to permanent marks no(s) in Proclaimed Survey Area No. _____		
LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES						
Easement Information					LRS-use only	
Legend: E - Encumbering Easement, Condition in Crown Grant in the Nature of an Easement or Other Encumbrance A - Appurtenant Easement R - Encumbering Easement (Road)					Statement of Compliance/ Exemption Statement	
EASEMENTS AND RIGHTS IMPLIED UNDER SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO THE WHOLE OF THE LAND IN THIS PLAN					Received <input checked="" type="checkbox"/>	
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	Date 14/ 10 / 2010	
E-1	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER LIMITED	LRS use only PLAN REGISTERED Time 6:31pm Date 19 / 10 / 2010 Jason Matthews Assistant Registrar of Titles <hr/> Sheet 1 of 3 Sheets	
E-2	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER LIMITED		
 MAC SURVEYING + MAPPING PO BOX 2481 FTZROY VIC 3065 • M 0422 372 054 • T 03 9419 2561 F 03 9419 8424				LICENSED SURVEYOR (PRINT) Murray Alan Clayton SIGNATURE <u><i>MAC</i></u> DATE 11/09/09 REF. 08-039 VERSION B	<u><i>cmurphy</i></u> DATE 15/9/2009 COUNCIL DELEGATE SIGNATURE Original sheet size A3	


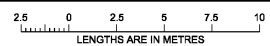
PLAN OF SUBDIVISION	Plan Number PS629565S
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MAC SURVEYING + MAPPING
 PO BOX 2481 FITZROY VIC 3065 • M 0422 372 054 • T 03 9419 2561
 F 03 9419 8424

ORIGINAL	SCALE	Murray Alan Clayton LICENSED SURVEYOR (PRINT)	Sheet 2
SCALE 1:500	 LENGTHS ARE IN METRES	SIGNATURE <i>MA Clayton</i> DATE 11 / 09 / 09	DATE <i>15/9/2009</i> COUNCIL DELEGATE SIGNATURE Original sheet size A3
		REF. 08-039 VERSION B	



 MAC SURVEYING + MAPPING PO BOX 2481 FITZROY VIC 3065 • M 0422 372 054 • T 03 9419 2561 F 03 9419 8424	SCALE 1:250	 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 3
	Digitally signed by: Murray Clayton (MAC Surveying & Mapping), Surveyor's Plan Version (A), 25/07/2017, SPEAR Ref: S100094C		Digitally signed by: Cardinia Shire Council, 02/08/2017, SPEAR Ref: S100094C	

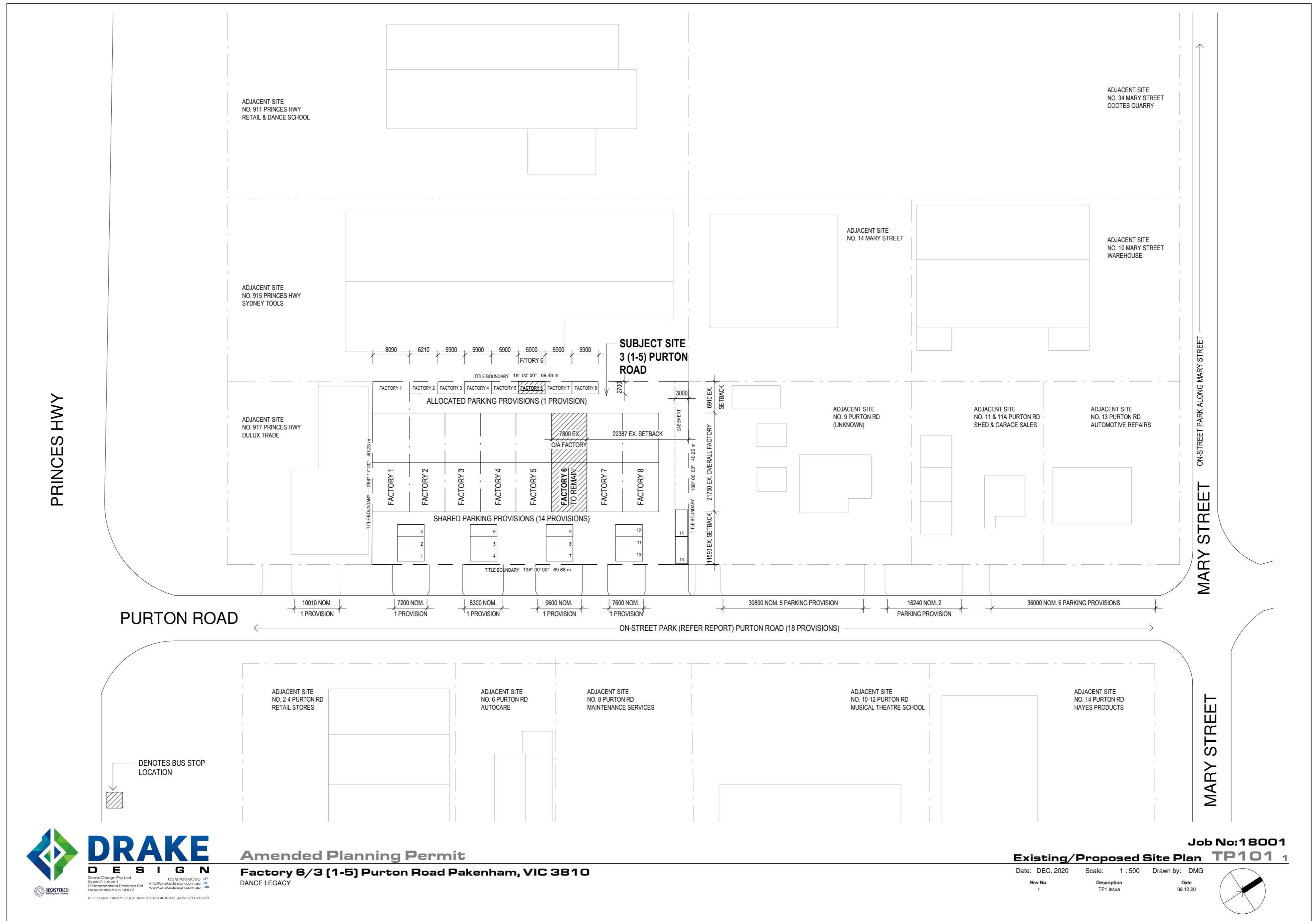
Amended by: Murray Clayton, 23/11/2017.

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER
PS629565S

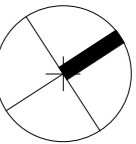
WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT 2	LOTS G1-G8 AND CP1	AMENDMENT SECTION 32	PS629565S/D1	30/11/17	2	TM



Amended Planning Permit
Factory 6/3 (1-5) Purton Road Pakenham, VIC 3810
 DANCE LEGACY

Job No: 18001
Existing/Proposed Site Plan TP101 1
 Date: DEC. 2020 Scale: 1 : 500 Drawn by: DMG
 Rev No. 1 Description TP1 Issue Date 09.12.20



DANCE LEGACY

16th February 2021

Cardinia Shire Council
Planning Department
20 Siding Ave Officer, 3809

Attention: Planning Department – Cardinia Shire Council

RE: Factory 6, 3 (1-5) Purton road, Pakenham
Planning Permit Application – Restricted Recreation Facility (Dance Studio)

Please find enclosed our Planning Permit Application for the aforementioned address. This application has been made due to the change in use of the proposed factory.

As part of the application we will attach supporting documentation including;

- A completed application form
- Copy of Title
- Copy of Plan
- Report Describing application
- Scaled and dimensioned site plan

Please do not hesitate to contact us on the below details should you require any clarification or further information.

Kind regards,
Danielle Griscti & Loren Thomas
Owners of Dance Legacy

(m) 0418 530 202 – Danielle Griscti;

(m) 0400 915 422 – Loren Thomas

(e) admin@dancelegacy.com.au

DANCE LEGACY

Contents

- 1 INTRODUCTION
 - 1.1 Proposal Details

- 2 SITE & CONTEXT
 - 2.1 Site
 - 2.2 Surrounding Context

- 3 PROPOSAL
 - 3.1 Change of Use

- 4 BUSINESS DETAILS
 - 4.1 Opening Hours
 - 4.2 Class Types & Capacity

- 5 PARKING AMENITIES & PUBLIC TRANSPORT
 - 5.1 On-site Parking
 - 5.2 Public Transport
 - 5.3 Current Parking Usage

- 6 SIGNAGE
 - 6.1 Current Façade
 - 6.2 Proposed Signage

- 7 PLANNING POLICY AND ASSESSMENT
 - 7.1 Zone
 - 7.2 Application Requirements

- 8 CONCLUSION

DANCE LEGACY

1. INTRODUCTION

1.1 Proposal Details

This application deals with an Industrial parcel of land at Factory 6/3 (1-5) Purton Road Pakenham, which is currently developed by a single-storey industrial factory.

This proposal seeks to retain the property and factory as it currently stands and to change the use of the building from an office space to a Dance Studio Facility. The internal layout including floor space and outside/façade is proposed to remain unaltered from the existing aside from modifying the current signage to reflect that of the Dance Studio. For further context, Factory 6/ 3 (1-5) Purton Road Pakenham has previously been tenanted by a dance school up until the end of 2017 and run successfully out of this establishment before moving on to a larger venue to accommodate the growing school.

Previous to finding this location, we had made contact with many council & privately run; halls; community centres; primary & secondary schools; and other similar locations, many of which don't have suitable facilities in which we need to operate and have been dejectedly unsuccessful in finding an appropriate space. Further to this, due to the nature of the operating hours of a dance studio (Late Afternoon/nights), this further hindered the suitability of these spaces. For additional context, Factory 6/3 (1-5) Purton Road Pakenham has been up for lease since July 2020 and has not had any interest in industrial-type businesses. The owners are keen to have us tenant the space providing a successful town-planning application process and we can offer a minimum 3 years of lease. Additionally, we have had phone correspondence with Dean (5943 4485) in planning at Cardinia Council and had preliminary communication with him regarding this application.

This proposal has been assessed against State and local Policy Frameworks, the Industrial 1 Zone and the relevant provisions and is accord with the same.

Application	Proposed Change of use
Proposal	Dance Studio Facility
Location of subject site	Factory 6/3 Purton Road Pakenham 3810
Restrictions	None
Parcel Details	Lot: Lot G6 PS629565 SPI: G6\PS629565
Land size	1550sq (total of all lots)
Zoning	Industrial 1 Zone (IN1Z)
Overlays	None

DANCE LEGACY

2. SITE & CONTEXT

2.1 Site

The subject site is located at Factory 6/3 (1-5) Purton Road Pakenham. It is situated in amongst a strip of 8 factories, which are utilised for a variety of uses within the commercial/industrial type. The below Property Information illustrates the extent and location of the factories with factory 6 the proposed location being highlighted by the Blue Hatch.

Site Dimensions

All dimensions and areas are approximate. They may not agree with the values shown on a title or plan.



DANCE LEGACY

The below photograph of Factories 1 -8 of 3 (1-5) Purton Road Pakenham illustrates the immediate surrounding dwellings and the façade of each with Factory 6 (Proposed) denoted by the Blue Square.



To the current knowledge, the current types of use for the adjacent factories are as follows;

Factory 1	Unknown
Factory 2	Laundry Service
Factory 3	Dog Wash
Factory 4	Martial Arts
Factory 5	Unknown
Factory 6	<u>PROPOSED FACTORY (Dance Studio)</u>
Factory 7	Yoga Studio
Factory 8	Automotive Mechanic

2.2 Surrounding context

The surrounding area is characterised by varying sizes and uses of industrial types factories, services and businesses. There are no residential type dwellings within this surrounding area.

DANCE LEGACY

3. PROPOSAL

3.1 Change of use

This proposal seeks to retain the property and building as it currently resides but to change the use of the building from an office space to a Dance Studio Facility. The internal Layout and spaces of the building will remain unchanged, including internal walls, toilet facilities, doors and windows. The façade and view from the street will also remain unchanged, with the only modification to the current signage which will be amended to reflect that of the dance studio (further details within report).

4. BUSINESS DETAILS

4.1 Opening Hours

The opening hours of the proposed Dance School will be mainly exclusive of standard business hours and will be typically inclusive of the Victorian State School term (40 weeks). Therefore, Monday – Friday classes will be between 4:00pm to 9:30pm with two of these days also having day classes between 9:30am and 12pm. Some Saturday classes will run between the hours of 9am and 2pm.

4.2 Class Types & Capacity

The Dance studio will offer dance tuition for 2-18 year old's. Class capacity at maximum (providing enrolment numbers) will be 12 students for school aged children and 10 for pre-school classes. Therefore, at complete maximum capacity there will be 12 students within the premise plus 1-2 staff. Generally, school aged children will be dropped off and left at the studio for classes and then picked up at the conclusion of their night and clients of age-appropriate children will be encouraged to do so to avoid any street congestion. Therefore, there will be a slight increase of volume of traffic for drop off and pick-up times, however minimal effect during the duration of classes which is the majority of the afternoon/night.

5. PARKING AMENITIES & PUBLIC TRANSPORT

5.1 On-Site Parking

There is currently 1 allocated parking provision for Factory 6 and is located at the rear of the property (as seen in property info previously). There are 14 other parking provisions within the common property at the front of factory 6. There is also on-street parking as further indicated by the attached site plan on the properties side of Purton road that allows for another 18 parking provisions for clients and then further provisions along Mary Street.

DANCE LEGACY

5.2 Public Transport

Factory 6/3 (1-5) Purton Road Pakenham can be easily accessed via Public Transport for clients and teenage students. These options include;

- Via the bus; the closest bus stop is located at Purton Road/Princes Hwy which is a short 20 meters walk (1 Min) (see below);



- Via the train; Cardinia Station is the closest station (4km away) and has connecting bus services to the Purton Road Stop.

DANCE LEGACY

5.3 Current Parking Usage

Below are photographs of the subject site at times in which the proposed dance studio would be in use and offering tuition.

Weekdays

10am (taken 07/12/2020)

1 car 2 cars



14 total onsite parking provisions, at 10am there were 11 parking provisions occupied and all on-street parking is available

4pm (photo taken 01/12/2020)



14 total onsite parking provisions, at 4pm there were 6 parking provisions occupied by cars and all on-street parking is available.

DANCE LEGACY

8pm (taken 04/12/2020)



14 total onsite parking provisions, at 8pm there were 10 parking provisions occupied by cars and all on-street parking is available.

Saturday

9am (taken 05/12/2020)



View of on-street parking – 4 cars utilising on-street parking at 9am on a Saturday Morning.

DANCE LEGACY

As illustrated, in any instance there are remaining parking provision within the common property and further to this there is plentiful parking (shown by above image) from the on-street parking both on Purton Road and also Mary Street.

6. SIGNAGE

6.1 Current façade

Below is a photograph of the current signage of Factory 6/3 (1-5) Purton Road Pakenham.



DANCE LEGACY

6.2 Proposed Signage – (same dimensions of 600mm H x 2400mm W)

The proposed signage aims to retain the same location & dimensions of the existing sign and reflect that of the new studio as indicated below;



DANCE LEGACY

7. PLANNING POLICY AND ASSESSMENT

7.1 Zone

The subject site is situated within the Industrial 1 Zone (IN1Z). The purpose of the Industrial 1 Zone under the Victorian Planning Provisions and Cardinia Shire Council is;

- To implement The Municipal Planning Strategy and the Planning Policy Framework
- To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities,

7.2 Application requirements

As per the Industrial 1 Zone, the proposed Dance Studio will have the likely effects, if any, on the neighbourhood, including;

- Noise Levels
Music will be required intermittently for classes, but will be always kept at an appropriate volume for not only the children within the class but to ensure no disruption to the neighbours and businesses.
- Air-born emission
No effect on the present – N/A
- Emissions to land or water
No effect on the present – N/A
- Traffic including hours of delivery and despatch
Increase volumes for drop off and pick-up times, however minimal effect during the duration of classes as previously discussed.
- Light spill or glare
No effect on the present – N/A

DANCE LEGACY

8. CONCLUSION.

In summary, the proposal will retain and respect the existing neighbourhood character by preserving the internal layout and façade and just modifying the signage. We (the proposed owners of the dance school) have 30 plus years collectively working in a dance school environment in a different location (Narre Warren), that was within an industrial zoning and recognise and respect that of surrounding businesses and will work to retain a positive working relationship with such.

As previously mentioned, Factory 6/3 (1-5) Purton Road Pakenham has been up for lease since July 2020 and has not had any interest in industrial-type businesses. The owners are keen to have us tenant the space providing a successful town-planning application process and we can offer a minimum 3 years of lease. The Dance Studio and will also work to bring revenue to adjacent businesses due to the diverse clientele it attracts.

Furthermore, Factory 6/3 (1-5) Purton Road Pakenham has previously been tenanted by a dance school up until the end of 2017 and run successfully out of this establishment before moving on to a larger venue to accommodate the growing school therefore, council can be assured that this location is appropriate for this type of use.

It is therefore recommended that after consideration of the following supporting information, that council support this application via the granting of a permit for the change of use against relevant provisions and guidelines. We encourage you to get in contact with us should you require any additional information or have any questions or queries in regards to this application.

As the factory owners are keen to get us in the space as soon as possible, even more so after the effects of COVID-19, we appreciate having this reviewed and will happily work with council to achieve a positive outcome for all.