



Application to **AMEND a Planning Permit**


If you need help to complete this form, read **MORE INFORMATION** at the end of this form.


Planning Enquiries
Phone: (03) 9688 0200
Web: www.maribyrnong.vic.gov.au

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

 This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

 **Questions marked with an asterisk (*) must be completed.**

 Click for further information.

Clear Form

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 3	St. Name: Harris St
Suburb/Locality: Yarraville		Postcode: 3013

Formal Land Description *

Complete either A or B.

 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lodged Plan Title Plan Plan of Subdivision

OR

B

Planning Permit Details

What permit is being amended?*

Planning Permit No.: TP649/2009

The Amended Proposal

 You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

What is the amendment being applied for?*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.


If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:

<input checked="" type="checkbox"/> What the permit allows	<input checked="" type="checkbox"/> Plans endorsed under the permit
<input type="checkbox"/> Current conditions of the permit	<input type="checkbox"/> Other documents endorsed under the permit

Details:

Amendment to planning permit to include outdoor structure (with current parklet permit).
Amendment to planning permit to extend the red line area to include the parklet, to sell & consume liquor.

 Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.



CITY OF MARIBYRNONG
Development Cost
ADVERTISED PLAN
Estimate cost of development

If the permit allows *development*, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:

\$ NA

Cost of the permitted development:

\$ NA

Cost difference (+ or -):

\$ NA

Insert 'NA' if no development is proposed by the permit.

You may be required to verify this estimate.

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application? Yes No

If yes, please provide details of the existing conditions.

The land is used as a tertiary institution (music, dance, art and theatre performance and/or music, dance, art and theatre production studies), rehearsal and artists studios, place of assembly (Function Centre), a food and drink premises, office, indoor recreation facility, the sale and consumption of liquor.

The land currently has a parklet structure erected & is used for cafe & function center patrons, tenants & visitors as an external seated area for working, dining or socialising. The outdoor area is also used for musical performances.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name: Title: Ms First Name: Cherire Surname: Warwick

Organisation (if applicable): Kindred Studios

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: St. No.: 3 St. Name: Harris St

Suburb/Locality: Footscray State: VIC Postcode: 3011

Contact information for applicant OR contact person below

Business phone: 0396899859 Email: cherie@kindredstudios.com.au

Mobile phone: 0405230279 Fax:

Contact person's details* Same as applicant

Name: Title: First Name: Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:

Owner * Same as applicant

Name: Title: First Name: Surname:

Organisation (if applicable): Wing Cheong Trading Company

Postal Address: If it is a P.O. Box, enter the details here:


Unit No.: St. No.: 214 St. Name: Whitehall St

Suburb/Locality: Footscray State: VIC Postcode: 3011

Owner's Signature (Optional): Date:
day / month / year

Declaration **i**

This form must be signed by the applicant*

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

I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not myself) has been notified of the permit application.

Signature: *C. Warwick* Date: 14/10/24
day / month / year

Need help with the Application? **i**

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No Yes If 'Yes', with whom?: Martine Rolley

Date: Oct 24 day / month / year



Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration above?



Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Lodgement

Lodge the completed and signed form and all documents with:

Maribyrnong City Council
PO Box 58
Footscray VIC 3011
Cnr Napier & Hyde Streets
Footscray VIC 3011

Contact information:

Phone: (03) 9688 0200
Email: email@maribyrnong.vic.gov.au
DX: 81112

Deliver application in person, by post or by electronic lodgement.



The Land

It is important that your application to amend a planning permit includes details of the land, consistent with the Planning Permit. Refer to a copy of your Planning Permit, when completing the street address section of the form.

Also ensure you provide up-to-date details for the formal land description, using the current copy of the title.

Planning Permit Details

You must identify the permit being amended by specifying the permit number. This can be found at the beginning of the permit.

The Amended Proposal

First select the type of amendment being applied for. This may include an amendment to:

- the use and/or development allowed by the permit
• conditions of the permit.
• plans approved by the permit.
• any other document approved by the permit.

Then describe the changes proposed to the permit, including any changes to the plans or other documents included in the permit.

Development Cost

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development to be allowed by the amended permit and the difference between the development allowed by the permit.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee.

Fees are exempt from GST.

The cost difference is calculated as follows:

Development cost related to the Application to Amend a Planning Permit - Development cost related to the Application for Planning Permit = Cost Difference

If the estimated cost of the proposed amended development is less than the estimated cost of the development allowed by the permit, show it as a negative number.

Example 1

Where the cost of the development to be allowed by the amended permit is lower than the cost of the development allowed by the permit:

\$180,000 - \$195,000 = -\$15,000

Example 2

Where the cost of the development to be allowed by the amended permit is higher than the cost of the development allowed by the permit:

\$250,000 - \$195,000 = \$55,000

Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Existing Conditions

How should land be described?

If the conditions of the land have changed since the time of the original permit application, you need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (for example, single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant land).

Please attach to your application a plan of the existing conditions of the land, if the conditions have changed since the time of the original permit application. Check with the local Council for the quantity, scale and level of detail required.

It is also helpful to include photographs of the existing conditions.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- Restrictive Covenants: A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others...
• Section 173 Agreements: A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
• Easements: An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
• Building Envelopes: A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the Planning and Environment Act 1987 for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.





CITY OF MARIBYRNONG

Why is title information required?

ADVERTISED PLAN

Title information describes the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title. In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between Council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example**.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged. This will help speed up the processing of your application.

Checklist

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form.

▲ The more complete the information you provide with your application, the sooner Council will be able to make a decision.

Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

▲ **Approval from other authorities:** In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

*Please provide at least one contact phone number **

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title: MR	First Name: LEN	Surname: BROWNING
Organisation (if applicable): RESPONSIBLE DEVELOPERS PTY LTD		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.: 4	St. No.: 12	St. Name: ARDOUR LANE
Suburb/Locality: WYCHEPROOF	State: VIC	Postcode: 3527

Contact information for applicant OR contact person below	
Business phone: 9123 4567	Email: tcpl@bigpond.net.au
Mobile phone: 0412 345 678	Fax: 9123 4567

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title: MR	First Name: ANDREW	Surname: HODGE
Organisation (if applicable): TOWN PLANNING CONSULTANTS		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name: PO BOX 111
Suburb/Locality: PARKDALE	State: VIC	Postcode: 3194

Owner *		Same as applicant <input checked="" type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):	Date: day / month / year	

8.11.24

Dear Jacob,

Kindred Studios would like to apply for an amendment to existing permit TP649/2009(2) to include an outdoor structure (with current parklet, local laws permit). As part of this amendment, Kindred Studios would like to extend the red line area to include the parklet, to sell & consume liquor.

The outdoor structure was built under the planning permit exemptions for emergency recovery, Clause 52.07. Council advised Kindred Studios to apply to register the structure with them at the end of the State of Emergency. Throughout this process, Kindred Studios advised that they would like to licence the structure. Advice from Council was that it was to be registered as a parklet, which contained a licensing section of the application form provided.

After applying to VCGLR for a liquor licence, council has now advised that the current parklet permit is not sufficient and Kindred Studios needs to apply for a planning permit.

The outdoor structure has been used for the past 4 years for cafe & function centre patrons, tenants & visitors, as an external seated area for working, dining or socialising. The area has also be used on the occasion in summer for musical performances.

Kindred Studios receives very positive feedback from the community regarding the area & it is an extremely valuable part of our organisation.

Hours of use: 9am -11pm Mon to Sat & 1pm – 6pm Sun (These hours are for all events including Private Functions).

Capacity: 80 ppl (inclusive of approved permit of 250 patrons) Kindred does not wish to extend the pre-approved capacity as part of this permit application.

Staff: 2-6 staff plus security

Food Service: 9am - 11pm Mon to Sat, plus ad hoc private function bookings.

As mentioned in previous correspondence with Martine Rolley;

Kindred Studios is predominantly a music venue & intends to continue to operate the outdoor area with live music as an important part of it's operations & connection to the local community. Kindred has always been very careful to not disrupt any of our distant neighbours. Our live music programming is generally during the day, not night. In previous years, our Sound Engineer & staff have been instructed to walk a block



away from the building in the direction of neighbouring properties to check that the noise isn't carrying due to wind conditions. We are certain we are always well below EPA levels.



Kindred has however, in order to mitigate any question of compliance, and in consultation with the council representative investigating, purchased a decibel reader & will record the readings throughout any music event operated outside, to justify that we monitor our noise levels to well below the acceptable volume. Kindred has also consulted with a production engineer who has come up with a solution to heavily reduce sound carrying by means of placing extra speakers in a position to cancel out noise.

Culminative Impact

Seating ratios:

50% of the capacity is seated (40) seats.

Meals:

Café on site & snacks available at all times including heated food. Ad-hoc food vendors at busier times.

Patron Management:

Please refer to attached Patron Management Plan.

Music:

Music is generally played at background music levels.

Amplified live music will be played in the area, generally during daylight hours only.

No fixed speakers are installed on the structure.

Capacity and hours:

Kindred has no previous issues of patrons leaving the venue safely & no complaints about patrons disturbing residents (18 years operation)

Transport and car parking:

Please see attached Green Travel Plan

Please note that all information relating to section 22.08 & 52.27 is contained in the recent Kindred Studios expansion planning permit TP649/2009(2).

**CITY OF MARIBYRNONG
ADVERTISED PLAN**



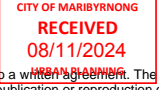
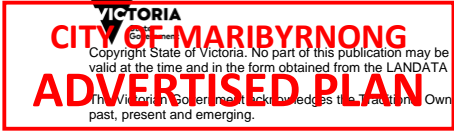
KINDRED
STUDIOS · CAFE · BAR

Regards,

Cherie Warwick

GENERAL MANAGER

CITY OF MARIBYRNONG
RECEIVED
08/11/2024
URBAN PLANNING



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

VOLUME 04267 FOLIO 233

Security no : 124119624713R
Produced 06/11/2024 03:43 PM

LAND DESCRIPTION

Crown Allotment 1 Section 14 and Crown Allotment 18 Section 14 City of
Footscray Parish of Cut-Paw-Paw.
PARENT TITLE Volume 01809 Folio 656
Created by instrument C429438 24/02/1966

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
WING-CHEONG TRADING CO PTY LTD of 206 WHITEHALL STREET FOOTSCRAY VIC 3011
AB840732Q 30/01/2003

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AJ615715D 20/04/2012
NATIONAL AUSTRALIA BANK LTD

For details of any other encumbrances see the plan or imaged folio set out
under DIAGRAM LOCATION below.

AGREEMENT Section 173 Planning and Environment Act 1987
U351972M 09/08/1996

DIAGRAM LOCATION

SEE TP754431C 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)

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD
Effective from 23/10/2016

DOCUMENT END

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Plan
Document Identification	TP754431C
Number of Pages (excluding this cover sheet)	1
Document Assembled	06/11/2024 15:43

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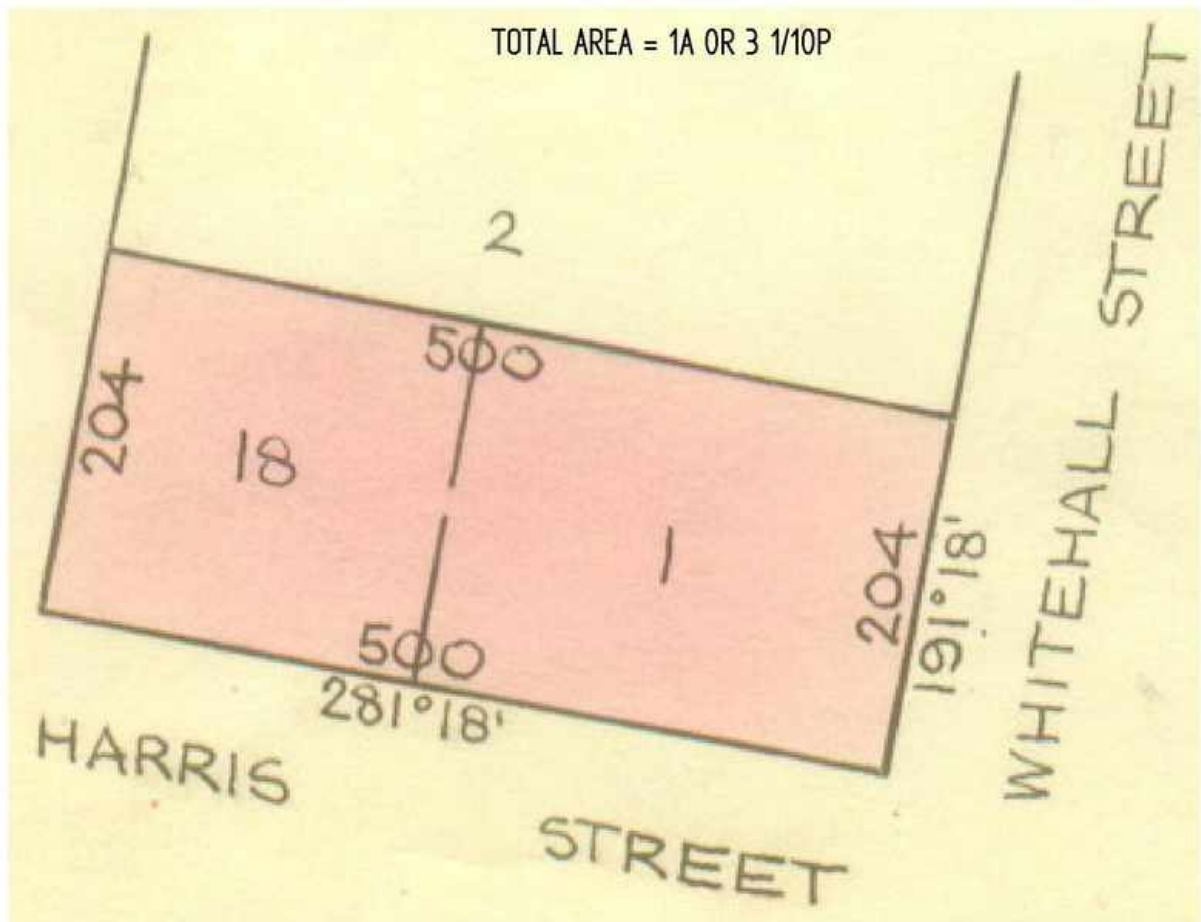
The document is invalid if this cover sheet is removed or altered.

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

TITLE PLAN	EDITION 1	TP 754431C
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<p>Location of Land</p> <p>Parish: CITY OF FOOTSCRAY PARISH OF CUT-PAW-PAW Township: Section: 14 Crown Allotment: 1, 18 Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 4267 FOL 233 Depth Limitation: NIL</p>	<p>Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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Description of Land / Easement Information	<div style="border: 1px solid red; padding: 2px; color: red; font-weight: bold;"> CITY OF MARIBYRNONG RECEIVED 08/11/2024 URBAN PLANNING </div>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 07/11/2002 VERIFIED: BP</p>
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Imaged Document Cover Sheet

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

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Document Type	Instrument
Document Identification	U351972M
Number of Pages (excluding this cover sheet)	4
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**CITY OF MARIBYRNONG
ADVERTISED PLAN**

Secombs
3213P
95.01.1594



APPLICATION UNDER SECTION 181 PLANNING AND ENVIRONMENT ACT

Lodged By: **SECOMBS Lawlink VICTORIA**
Code: **3213P**
Ref: **Mr Batrouney 95.0117.1594**

Form 9.1

**APPLICATION BY A RESPONSIBLE AUTHORITY under Section 181
Planning and Environment Act 1987 for ENTRY OF A
MEMORANDUM OF AGREEMENT under Section 173 of the Act.**

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificate of Title to the land referred to.

LAND

Certificate of Title Volume 4267 and Folio 233

ADDRESS OF THE LAND

212 Whitehall Street, Footscray

RESPONSIBLE AUTHORITY

MARIBYRNONG CITY COUNCIL
of Town Hall, Napier Street, Footscray 3011

PLANNING SCHEME

Maribyrnong Planning Scheme

AGREEMENT DATE 29th July 1996

AGREEMENT WITH CALANDRA INTERNATIONAL PTY LTD
ACN 004 426 715
186 Queens Parade
Clifton Hills 3068

A copy of the Agreement is attached to this Application.

..... **CLAUDE BAXTER**
Chief Executive Officer
GROUP CORPORATE SERVICES

..... 29/7/96
Date

Handwritten signature and date: 29/7/96

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

THIS AGREEMENT is made this 29th day of August 1996

B E T W E E N :

STAMP DUTY
8 AUG 1996
STATE REVENUE OFFICE
23 Hall, VICTORIA

MARIBYRNONG CITY COUNCIL of the Town of Footscray in the State of Victoria ("the Council")

A N D

CALANDRA INTERNATIONAL PTY LTD of 186 Queens Parade, Clifton Hills in the said State ("the Owner")

WHEREAS:

- A. THE Owner is registered or is entitled to be registered at the Office of Titles as the proprietor of an estate in the fee simple in the land described in Certificate of Title Volume 4267 and Folio 233 ("the subject land").
- B. THE Council is the Responsible Authority under the Maribyrnong Planning Scheme ("the Planning Scheme")
- C. THE subject land is known as 212 Whitehall Street, Footscray.
- D. BY Application No. TPM 95/25, the Owner sought a permit under the Planning Scheme for the development of the subject land.
- E. THE Council granted the permit sought by a Planning Permit dated 22 March 1995 ("the Planning Permit") subject to certain conditions.
- F. THE Planning Permit was subject to the following conditions:
 - 1. If damage occurs to the Harris Street footpath by vehicles accessing or egressing the site the owner of the land will bear all costs associated with any maintenance or repair required.
 - 2. Trucks shall not drive over the kerb and channel or road reserve on the south side of Harris Street. In the event of this occurring safety barriers shall be installed to the satisfaction of the Responsible Authority - costs shall be borne by the owner/s of the subject land.

**CITY OF MARIBYRNONG
ADVERTISED PLAN**

NOW THIS DEED WITNESSES as follows:

1. THE Owner makes each of the covenants to be performed by it on its own behalf and on behalf of the Owner from time to time of the subject land and the burden of the Owner's covenants runs with the subject land. This Agreement and covenants bind the assigns, transferees and beneficiaries of the Owner.
2. THE Council and the Owner have agreed that this Agreement shall be treated as being an Agreement pursuant to Section 173 of the Planning and Environment Act 1987.
3. THIS Agreement shall come into force immediately upon execution by both parties hereto.
4. THE Owner agrees and covenants as follows:
 - 4.1 If damage occurs to the Harris Street footpath by vehicles accessing or egressing the site the owner of the land will bear all costs associated with any maintenance or repair required.
 - 4.2 Vehicles accessing or egressing the site shall not drive over the kerb and channel or road reserve on the south side of Harris Street. In the event of this occurring safety barriers shall be installed to the satisfaction of the Responsible Authority - costs shall be borne by the owner/s of the subject land.
5. ANY notice required to be given to the Owner hereunder may be given by delivering the same to it at the address of the owner set out in this Agreement or the subject land or by posting the same in a prepaid envelope addressed to the Owner and any notice so posted shall be conclusively deemed to have been served at the expiration of 48 hours from the time of posting.
6. THE Applicant shall pay all proper costs and expenses of and incidental to the preparation of this Agreement and the registration thereof at the Office of Titles pursuant to Section 181 of the Planning and Environment Act 1987. This agreement to pay costs and expenses also extends to any variation or termination of this Agreement and registration.

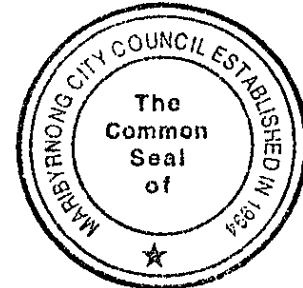
**CITY OF MARIBYRNONG
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7. THIS Agreement shall lapse in the event that the subject land ceases to be used for any other purpose except that shown of the endorsed plan.

8. EACH of the parties hereto shall execute all documents and do all acts and things as the other party shall reasonably require to complete and implement this Agreement and all of its terms.

IN WITNESS WHEREOF the parties hereto have executed these presents the day and year first hereinbefore mentioned.

THE COMMON SEAL of the MARIBYRNONG)
CITY COUNCIL was hereunto affixed)
in the presence of:)



Claude Baxter
.....
CLAUDE BAXTER
.....
CORPORATE MANAGER CORPORATE SERVICES
.....
Chief Executive Officer

THE COMMON SEAL of CALANDRA)
INTERNATIONAL PTY LTD ACN 004 426 715)
was hereunto affixed in accordance)
with its Articles of Association in)
the presence of:)



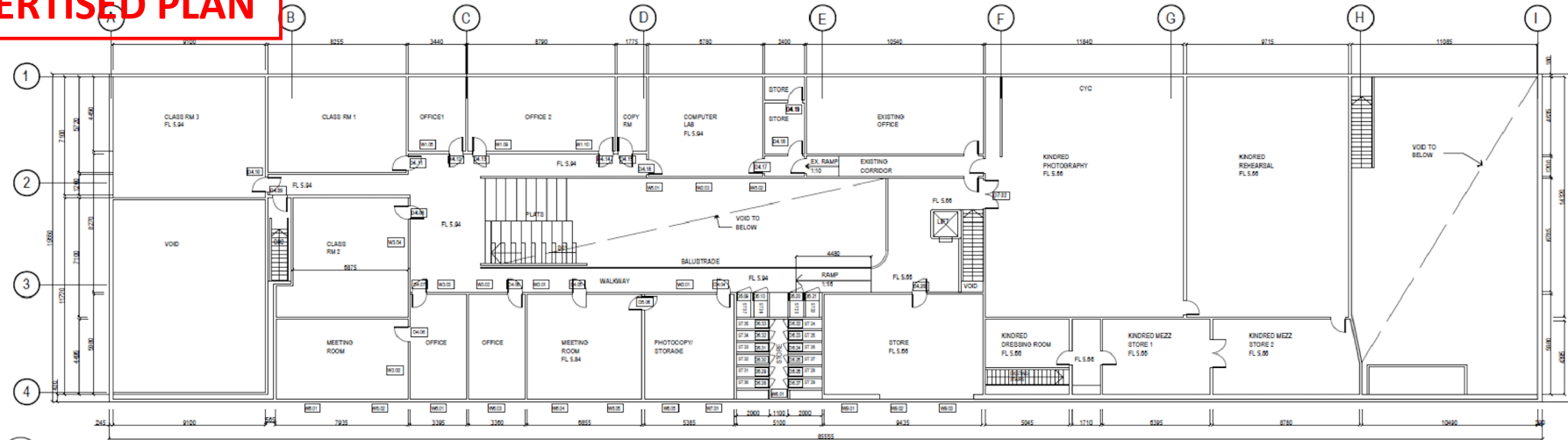
Maria Calandra
.....
Director

Flavio Calandra
.....
Secretary

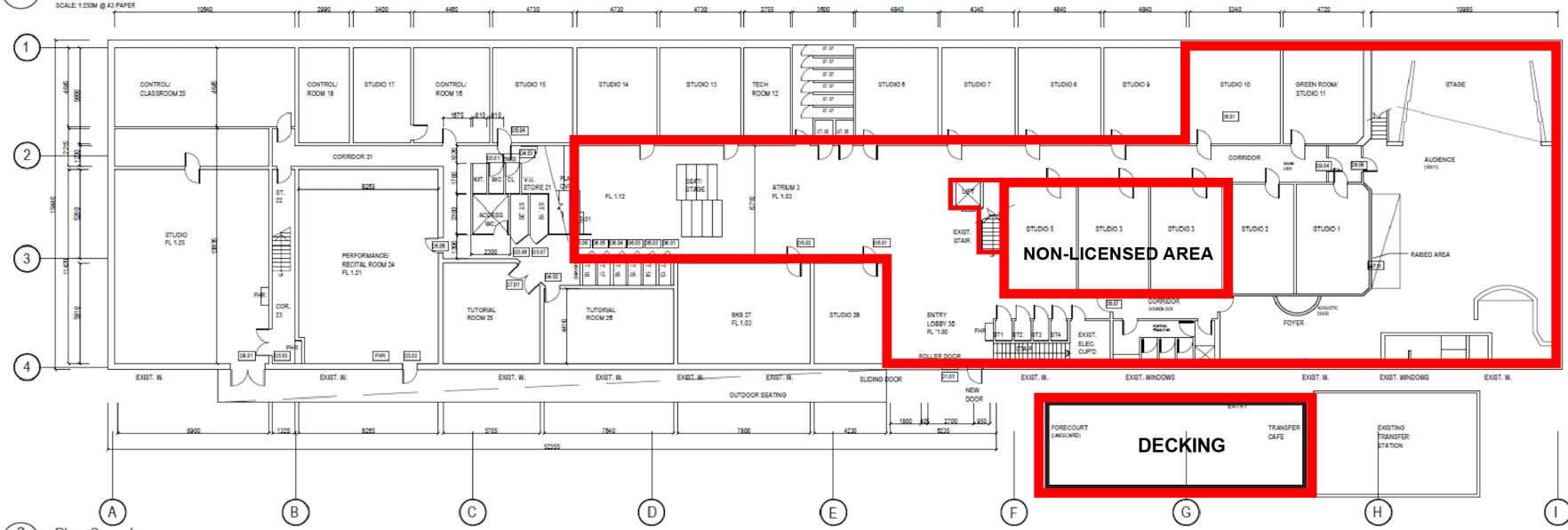
MARIA CALANDRA.....
Name of Director (Print)

FLAVIO CALANDRA.....
Name of Secretary (Print)

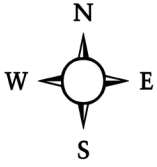
**CITY OF MARIBYRNONG
ADVERTISED PLAN**



1 Plan-Level 1
Proposed
SCALE: 1:250M @ A3 PAPER



2 Plan-Ground
Proposed
SCALE: 1:250M @ A3 PAPER



Cowper Street

Whitehall Street

Footpath

Harris Street

ETHOS PRODUCTIONS T/A KINDRED STUDIOS, 212A WHITEHALL STREET, YARRAVILLE 3013

FINISHES/FIXTURES	
CODE	ITEM
LB	Selected Letterbox
MB	Water Box
UB	Utility Box (Power Points and Switchboard)

**CITY OF MARIBYRNONG
 ADVERTISED PLAN**

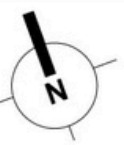
COWPER STREET

WHITEHALL STREET



A-GROUND FLOOR LEVEL

1
 1 : 300



LEGEND

- | | | | | |
|------------------|--------------------------------|-----------------|------------------------------|-------------------|
| ADMIN | DANCE / YOGA / REHEARSAL SPACE | ENTRY (AIRLOCK) | PERFORMANCE / ARTS REHEARSAL | Studio |
| Airlock | Deluxe Rehearsal Studio | ENTRY FOYER | Performance Space | TV & SOUND STUDIO |
| Co-Working Space | DRESS | LR | Rehearsal Studio | |
| COMMON AREA | EDUCATIONAL SPACES | Office | STORE | |
- LICENSED AREA

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KINDRED STUDIOS
 3 HARRIS ST, YARRAVILLE
 E: design@kindredstudios.com.au

REV	DATE	DESCRIPTION	PROJECT:	ADDRESS:	DATE:	JOB NO:
B	13.20	EXPANSION	KINDRED EXPANSION PROJECT	212 WHITEHALL ST, FOOTSCRAY VIC 3011	19/05/21	KS001 (2223004)
C	5.6.20	FIT-OUT				
D	17.6.20	FORECOURT				
E	16.9.22	PLANNING CONDITIONS				
			SHEET: GROUND FLOOR PLAN	CHECKED: -	DRAWN: MG	SHEET NO: A03
			CLIENT: KINDRED STUDIOS	SCALE: 1 : 300	@A3	REV: E