

5 June 2023

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	145 Rosherville Road SWAN REACH Lot 3 PS 311458
The application is for a permit to:	Change of Use of Domestic Outbuilding to Vehicular Mechanics Workshop Associated with the Adjacent Dwelling
The applicant for the permit is:	TM Diesels and Automotive
The application reference number is:	145/2023/P
You may look at the application and any documents that support the application on the website of the responsible authority.	(Intentionally blank)

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ♦ be sent to the Responsible Authority in writing,
- ♦ include the reasons for the objection, and
- ♦ state how the objector would be affected.

The Responsible Authority will not decide on the application before:	Subject to applicant carrying out notice
--	---

If you object, the Responsible Authority will tell you its decision.

Please note submissions received will be made available for inspection and may be made available to other parties in accordance with the Planning & Environment Act 1987. If you have concerns about this, please contact the East Gippsland Shire Council's Planning Office.

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

Page 1 of 1

VOLUME 10376 FOLIO 065

Security no : 124105282870C

Produced 11/04/2023 01:20 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 311458R.
PARENT TITLE Volume 06316 Folio 105
Created by instrument PS311458R 03/04/1998

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
BROOKE DANIELLE MCKENNA
TOM ALLEN MCKENNA
AR761715Q 14/12/2018

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.

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
R413695X 02/07/1991

DIAGRAM LOCATION

SEE PS311458R FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AW442788X (E)	DISCHARGE OF MORTGAGE	Registered	11/01/2023
AW442789V (E)	MORTGAGE	Registered	11/01/2023

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

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

Street Address: 145 ROSHERVILLE ROAD SWAN REACH VIC 3903

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

Imaged Document Cover Sheet

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LODGED BY Warren, Graham & Murphy

CODE...1716W.....

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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 Crown Grant Volume 6316 Folio 105

ADDRESS OF LAND Rosherville Road, Metung

RESPONSIBLE AUTHORITY Shire of Tambo

PLANNING SCHEME Tambo Shire Planning Scheme.

AGREEMENT DATE

18th JUNE 1991. 1989

AGREEMENT WITH

DOUGLAS NEIL McTAGGART and
BEVERLEY DAWN McTAGGART as
owners

A copy of the Agreement is attached to this Application

Signature for the Responsible Authority

Name of Officer

Date

[Signature]
Graham Hill
21/6/91

Prepared by Warren, Graham & Murphy of 119 Main Street, Bairnsdale (IRC)

2456w

A memorandum of the within instrument
has been entered in the Register Book.



THIS AGREEMENT is made the 18th
B E T W E E N:

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THE PRESIDENT COUNCILLORS AND RATEPAYERS

OF THE SHIRE OF TAMBO of Lakes Entrance

(the Council)

of the first part

- and -

DOUGLAS NEIL McTAGGART and BEVERLEY DAWN McTAGGART

of Swan`Reach (the Owners)

of the second part

W H E R E A S:

- A. The Owners are the registered proprietors of the land described in the Schedule hereto (the subject land) and have made Application to the Council as the Responsible Authority under the Tambo Shire Planning Scheme (the Scheme) for a subdivision into 4 Lots.
- B. The Council has granted Planning Permit No. 4859 dated 10th July 1989 (the Permit) for the subdivision of the subject land subject to conditions including a condition as follows:-
 - "8. The Applicants shall enter into an Agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987 where it is undertaken that no further subdivision of Lot 4 will occur as long as the subject land is zoned Rural A. If in the future Lot 4 is zoned Rural B then the Agreement is to be cancelled. The Agreement will bind the Applicants as Owners and shall run with the land so that all successors in title are also bound by the Agreement. This Agreement will be prepared at the Applicants' cost, and to the satisfaction of the Responsible Authority and shall be executed prior to the sealing of the Plan of Subdivision."
- C. The Council and the Owners have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be treated this Agreement shall be treated as being an Agreement under Section 173 of the Planning and Environment Act 1987.

NOW THIS AGREEMENT WITNESSETH as follows:-


1. In this Agreement unless inconsistent with the context or subject matter -
"Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the subject land.
2. The Owners with the intent that they covenant hereunder shall run with the land hereby covenant and agree that they (which term shall include the owner or owners of the subject land or any part thereof from time to time) will -
 - .1 comply with the conditions of the permit;
 - .2 not cause to allow or permit Lot 4 on the proposed Subdivision attached hereto being part of the subject land to be further subdivided whether under the provisions of the Local Government Act 1958, the Cluster Titles Act 1974, the Strata Titles Act 1967 or any amendment or consolidation thereof or otherwise.
3. The Owners agree to do all things necessary to enable the Council to enter a memorandum of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Act including signing any further Agreement acknowledgement or document to enable the said memorandum to be registered under that Section.
4. The Owners covenant and agree to pay the Council's costs of and incidental to the preparation and execution of this Agreement and the registration of the memorandum of the Agreement at the Office of Titles pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the memorandum at the Office of Titles.
6. This Agreement will end pursuant to Section 177 of the Act in the event of the subject land being rezoned to Rural B.

IN WITNESS whereof the parties hereto have hereunto set their hands and seal the day and year first hereinbefore written.

THE COMMON SEAL of THE PRESIDENT)
COUNCILLORS AND RATEPAYERS OF THE)
SHIRE OF TAMBO was hereunto affixed)
In the presence of:)

..........Councillor

..........Councillor

..........Shire Secretary

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SIGNED SEALED AND DELIVERED by the
said DOUGLAS NEIL McTAGGART in the
presence of:

) B.D. McTaggart
)
) ... William Stephen

SIGNED SEALED AND DELIVERED by the
said BEVERLEY DAWN McTAGGART in the
presence of:

) B.D. McTaggart
)
) ... William Stephen

SCHEDULE

Crown Allotments 112A and 112C Parish of Bumberrah being the
land described in Crown Grant Volume 6316 Folio 105.

AUSTRALIA & NEW ZEALAND BANKING
GROUP LIMITED hereby consents to
the within as Mortgagee in the
presence of:

Ken

)
)
) [Signature]
)



WATER

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ENDORSED PLAN
PLANNING AND ENVIRONMENT ACT
TAMBO PLANNING SCHEME

PERMIT NO. 4551
SIGNED: [Signature]
DATE: 10th July 1989
SHIRE OF TAMBO

NORTH

NOTATIONS

PORTION A IS TO BE TRANSFERRED TO THE ADJOINING NEIGHBOUR TO THE SOUTH

FINAL DIMENSIONS ARE SUBJECT TO SURVEY

AREAS ARE APPROXIMATE ONLY

CONTOUR INTERVAL 10 m

PROPOSED BUILDING ENVELOPES SHOWN DOTTED

PROPOSED SUBDIVISION

COUNTY	TAMBO
PARISH	BUMBERRAH
CROWN ALLOTMENTS	112A & 112C

Scale 1:12,500

SCALE AS SHOWN
LENGTHS ARE IN METRES

ENLARGEMENT
SCALE 1:5000

REFERENCE NO.
6086

CROWTHER & SADLER P/L
PO BOX 722
MACLEOD STREET, WYNDHAM, VIC 3085

20192620

20192620

APPROVED DOCUMENT

Complying with the provisions of the Building Act 1993.

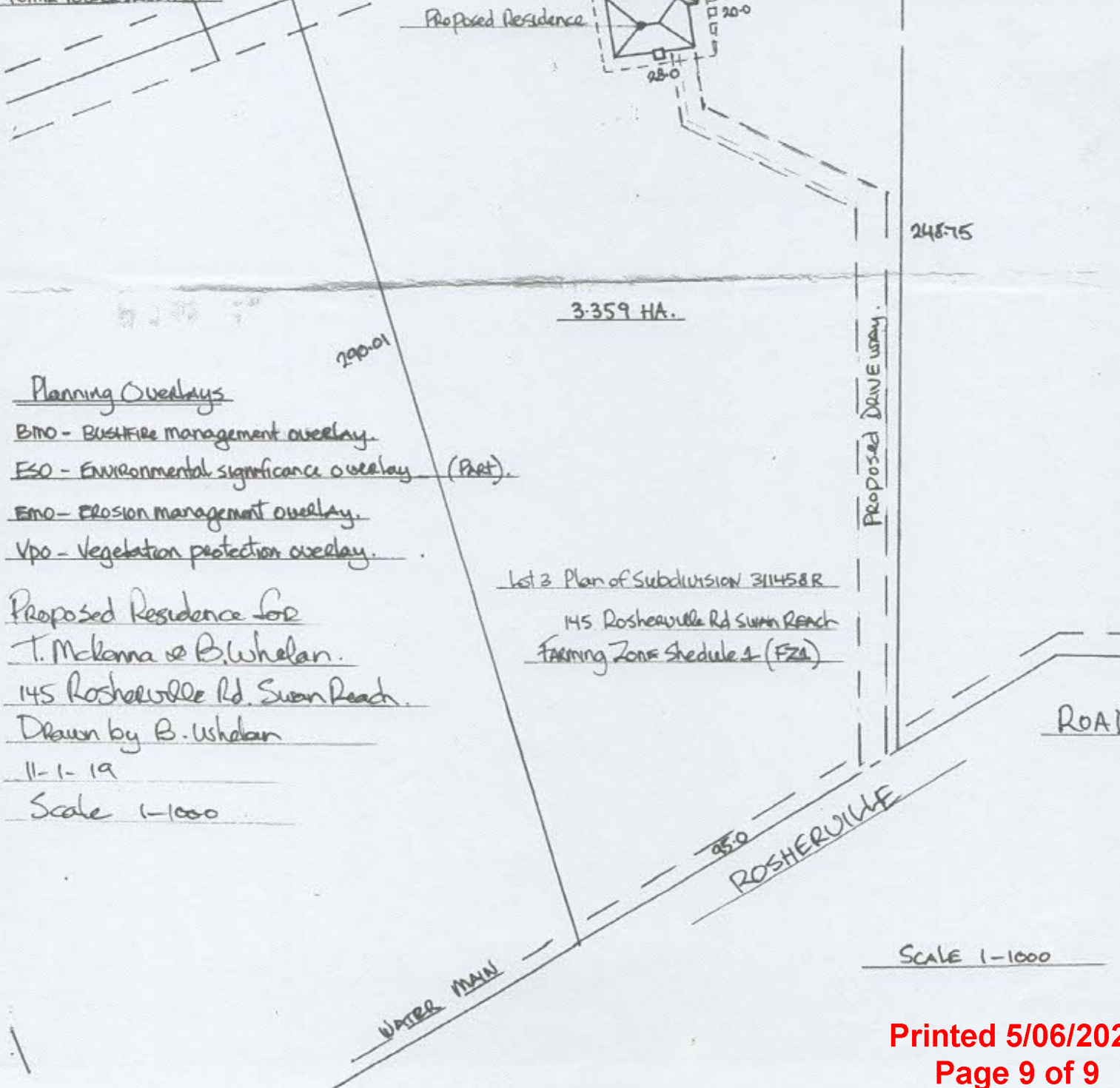
CBS-L 57086

Permit No.

Date Issued 03 MAY 2019

Per EAST GIPPSLAND BUILDING SURVEYORS

16m² Power Easement



Planning Overlays

BMO - Bushfire management overlay.

ESO - Environmental significance overlay (Part).

EMO - Erosion management overlay.

VPO - Vegetation protection overlay.

Proposed Residence for

T. McKenna & B. Whelan.

145 Rosherville Rd. Swan Reach.

Drawn by B. Whelan

11-1-19

Scale 1:1000

Lot 3 Plan of Subdivision 311458R

145 Rosherville Rd Swan Reach

Farming Zone Schedule 4 (FZ4)

3.359 HA.

Scale 1:1000