

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	215 Tambo Upper Road SWAN REACH VIC 3903 Lot: 1 PS: 734366
The application is for a permit to:	Use of the land for a Home Business (Distillery)
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
35.03-1 (RLZ)	Use of the land for a Home Based Business (Distillery).
52.11-2	A home based business which has a floor area not exceeding 200 square metres or one-third of the net floor area of the dwelling, whichever is the lesser.
The applicant for the permit is:	N C Bennett
The application reference number is:	5.2025.271.1

You may look at the application and any documents that support the application free of charge at:
<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

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

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

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

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

Planning Permit Application

s47 Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

ADVERTISED

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Applicant Details:

Applicant name: Nastassia Bennett	
Business trading name (if applicable):	
Email address:	
Postal address:	
Swan Reach	Postcode:
Preferred Phone number:	Secondary number:

Owners Details: (if not the applicant)

Owner name:	
Business trading name (if applicable):	
Postal address:	
	Postcode:

Description of the Land:

Street number: 215	Street name: Tambo Upper Road
Town: Swan Reach	Postcode 3903

AND/OR

Lot Number: Lot 1	Plan Number: PS734366M
Other Legal Description: VOLUME 11658 FOLIO 708	

Other legal description may be a Crown Allotment reference, Volume/Folio, or other title descriptor. If the proposal relates to multiple addresses/parcels, please attach a document with a list of the owner and land description details for each additional property.

Declaration in relation to Title Restrictions:

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Existing conditions:

Describe how the land is currently used and developed:

Principal place of residence and home based business.

Planning Permit Application

s47 Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

ADVERTISED

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Description of proposal:

Provide a brief description of your proposal:

Requesting a Planning Permit to expand the floor area of our existing home-based business from 100m² to 200m².

Estimated cost of development:

\$0

Note: You may be required to verify this estimate

Has there been a pre-application meeting: ☐ Yes ☒ No

Officer name:

Your application reference number:

Application requirements and supporting documents

Required:

- Title to each property subject to the application (must have been generated within the past 30 days)
- Full copy of Covenants or Section 173 agreements if applicable, and details of beneficiaries if there is a proposal which would contravene, alter, or end a covenant or restriction.
- Supporting documents which are mandatory requirements of the Planning Scheme (e.g. – Native Vegetation Removal Report, Bushfire Management Statement, Geotechnical report/waiver)
- Plans as relevant to the proposal

Suggested, or subject to requirements of the scheme

- A report responding to the relevant application requirements and the policies and objectives of the East Gippsland Planning Scheme
- Supporting information/reports which are commonly considered with similar applications (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

If you need more space or have more information, please attach with this form.

Payment of Application Fees

This application has an associated cost to be confirmed by a senior planning officer in accordance with the *Planning and Environment (Fees) Regulations 2016*. An invoice will be generated once the application has been assessed to confirm it is complete.

Invoice Recipient (Payer): Nastassia Bennett

Address

Postcode:

Email Address:

Phone Number: () - - - - -

Planning Permit Application

s47 Planning and Environment Act 1987; r13 Planning and Environment Regulations 2015

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.



Privacy Statement

The East Gippsland Shire Council asks for details about you to make decisions on planning permit applications. The information you give to us on this form is used for your application and is required for Council to make its decision under the *Planning and Environment Act 1987*. Sometimes we may provide a copy of this application form to another person, but only if it is for a legitimate purpose that is related to the planning process, or we are allowed by law, or to protect people or property. If your information is put onto Council's website or provided to another person, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. For instance, if requested by another person, after deciding that it is requested for a legitimate purpose, Council will obtain an undertaking from the recipient confirming how they will use your personal information and that they will destroy it once used.

You may ask for more information about Council's Privacy Policy by contacting our Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au. You can gain access to information you provided to us through the *Freedom of Information Act 1982*, more information about FOI is available on Council's website.

Declarations:

I declare that I am the applicant and that all the information in this application is true and correct and the owner(s) (if not myself) has (have) been notified of the permit application. I confirm that I have authority to use the relevant documents. In the event that the giving of notice is required pursuant to Section 52 of the *Planning and Environment Act 1987*, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website. In the event that the giving of notice is required pursuant to Section 52 of the *Planning and Environment Act 1987*, and I receive instructions to give notice to potentially affected parties, I confirm that I will destroy the instructions and personal information once the information is no longer necessary. I accept the East Gippsland Shire Council Privacy Statement.

Applicant signature	
Name: Nastassia Benmet	Date: 11 / 08 / 2025

Contact Council



03 5153 9500



feedback@egipps.vic.gov.au



eastgippsland.vic.gov.au



PO Box 1618, Bairnsdale 3875

Customer Service Centres:

- **Bairnsdale:** 273 Main Street
- **Lakes Entrance:** 18 Mechanics Street
- **Mallacoota:** 70 Maurice Avenue
- **Omeo:** 179 Day Avenue
- **Orbost:** 1 Ruskin Street
- **Paynesville:** 55 Esplanade



Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

Page 1 of 3

VOLUME 11658 FOLIO 708

Security no : 124127025505B
Produced 11/08/2025 03:37 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 734366M.

PARENT TITLES :

Volume 10791 Folio 103 to Volume 10791 Folio 104

Created by instrument PS734366M 27/05/2016

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

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
AB253839T 02/05/2002

DIAGRAM LOCATION

SEE PS734366M 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)

Street Address: 215 TAMBO UPPER ROAD SWAN REACH VIC 3903

See MI310772G for WATER FRONTAGE LICENCE details

ADMINISTRATIVE NOTICES

NIL

eCT Control
Effective from

DOCUMENT END

Title 11658/708

Imaged Document Cover Sheet

ADVERTISED
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

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

Document Type	Plan
Document Identification	PS734366M
Number of Pages (excluding this cover sheet)	4
Document Assembled	11/08/2025 15:37

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

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

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

PLAN OF SUBDIVISION

LY USE ONLY
EDITION 2

PS 734366M

LOCATION OF LAND

PARISH : BUMBERRAH

TOWNSHIP : _____

SECTION : _____

CROWN ALLOTMENT : 59B (PART)

CROWN PORTION : _____

TITLE REFERENCE : VOL 10791 FOL 103
VOL 10791 FOL 104

LAST PLAN REFERENCE : LOTS 1 & 2 - PS521908P

POSTAL ADDRESS : 201 TAMBO UPPER ROAD,
(At time of subdivision) SWAN REACH, 3903

MGA94 Co-ordinates
(of approx centre of land
in plan) E 575 280 ZONE: 55
N 5815 460 GDA 94

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL

NOTATIONS

DEPTH LIMITATION DOES NOT APPLY

Survey: This plan is/is not based on survey.
To be completed where applicable.
This survey has been connected to permanent marks no(s)
In Proclaimed Survey Area No.

STAGING This is/is not a staged subdivision.
Planning Permit No. 295/2014/P

WATERWAY NOTATION:
LOT 1 IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE
SUBJECT TO A CROWN LICENCE TO USE
DIMENSIONS SHOWN UNDERLINED ARE NOT THE RESULT OF THIS SURVEY
THE AREA OF LOT 1 IS BY DEDUCTION FROM TITLE

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
TELEPHONE (03) 5182 6011

LICENSED SURVEYOR MICHAEL JOSEPH SADLER

DIGITALLY SIGNED BY LICENSED SURVEYOR: DATE / /

REF 14759

VERSION 2

SHEET 1 OF 3 SHEETS

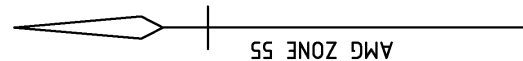
ORIGINAL SHEET SIZE A3

PLAN REGISTERED

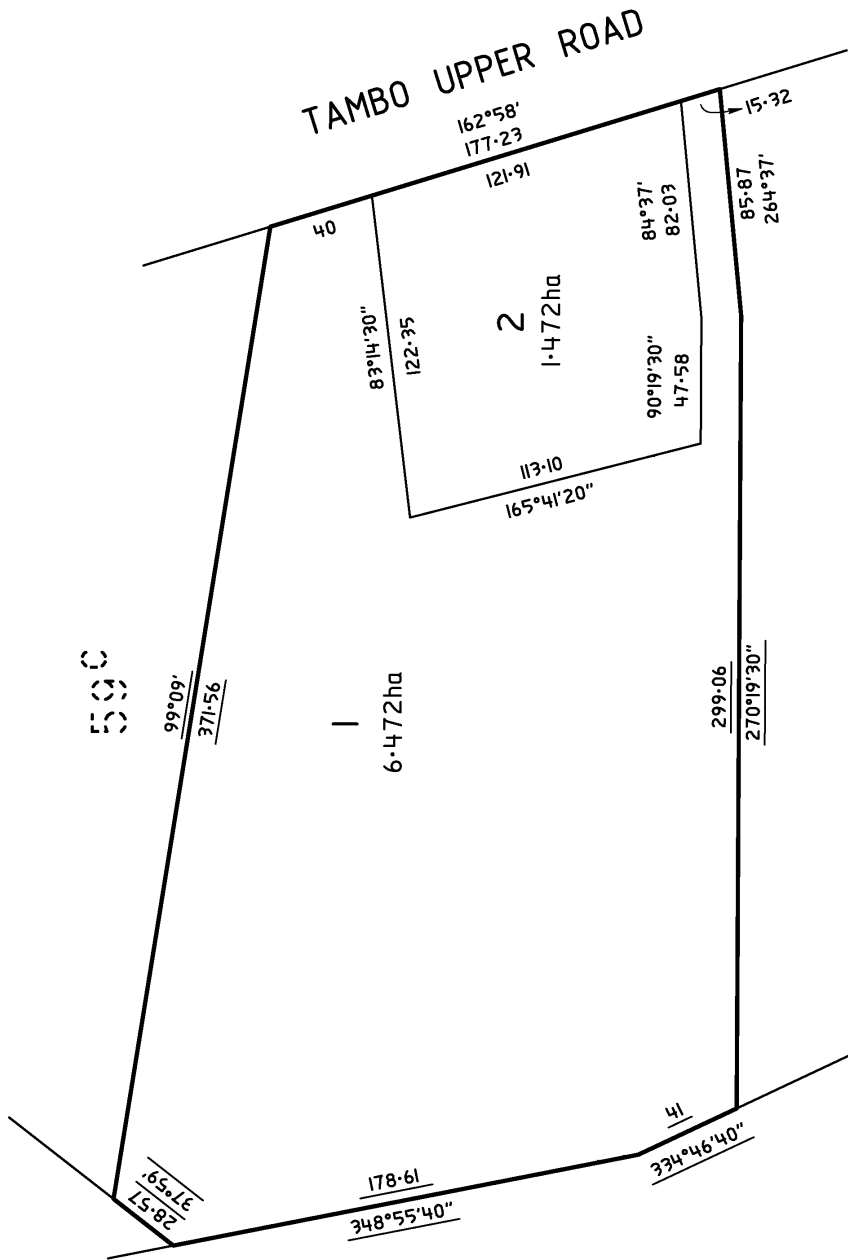
TIME: 1:00PM

DATE: 27/5/2016

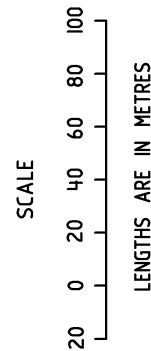
C. MEADEN
REGISTERED STRAIGHT LINE



PS 734366M



Crowther & Sadler Pty Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
TELEPHONE (03) 5162 5011



ORIGINAL SCALE 1:2000

LICENSED SURVEYOR MICHAEL JOSEPH SADLER
DATE / /
DIGITALLY SIGNED BY LICENSED SURVEYOR:

REF 14759 VERSION 2

SHEET 2 OF 3 SHEETS
ORIGINAL SHEET SIZE A9

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

ADVERTISED

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER
PS734366M

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.

[illegible]

Printed 19/09/2025

Page 9 of 20



Plan of Subdivision PS734366M
Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S061768P
Plan Number: PS734366M
Responsible Authority Name: East Gippsland Shire Council
Responsible Authority Permit Ref. No.: 295/2014/P
Responsible Authority Certification Ref. No.: PS734366M
Surveyor's Plan Version: 2

Certification

☒ This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

☐ Has not been made at Certification

Digitally signed by Council Delegate: Sarah McLaughlin
Organisation: East Gippsland Shire Council
Date: 19/06/2015

Imaged Document Cover Sheet

ADVERTISED
This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

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

Document Type	Instrument
Document Identification	AB253839T
Number of Pages (excluding this cover sheet)	5
Document Assembled	08/06/2023 16:37

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

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

LODGED BY Warren, Graham & Murphy,
CODE 1716W VICTORIA



Titles Office Use Only



**APPLICATION BY A RESPONSIBLE AUTHORITY under Section 181
Planning and Environment Act 1987 for ENTRY OF A
MEMORANDUM OF AGREEMENT under Section 173 of that 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 Agreement be entered on the Certificate of Title to the land referred to.

LAND Certificate of Title Volume 8294 Folio 669

ADDRESS OF LAND Tambo Upper Road, Swan Reach

RESPONSIBLE AUTHORITY East Gippsland Shire Council

PLANNING SCHEME East Gippsland Planning Scheme

AGREEMENT DATE

AGREEMENT WITH Robert Alfred Cunningham



DAB253839T-1-4

A copy of the Agreement is attached to this Application

Signature of the Responsible Authority

Name of Officer

JOHN TRAA (PLANNING OFFICER)

Date

26/4/02

5-6
2.5.02

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

THIS AGREEMENT is made the 21st day of March 2002

BETWEEN:

EAST GIPPSLAND SHIRE COUNCIL of 273 Main Street, Bairnsdale ("the Responsible Authority") of the first part

and



ROBERT ALFRED CUNNINGHAM of Tambo Upper Road, Swan Reach ("the Owner") of the second part

WHEREAS

A. The Owner is the registered proprietor of the land described in the First Schedule hereto ("the subject land") and have made Application to the Responsible Authority under the East Gippsland Planning Scheme ("the Scheme") for a Permit to subdivide the subject land into 2 Lots.

B. The Responsible Authority has granted Planning Permit No. 01/00267/DS dated the 20th October, 2001 ("the Permit") for a two Lot subdivision of the subject land subject (inter alia) to a condition as follows:-

"The owner of the land must enter into an Agreement with the responsible authority in accordance with Section 173 of the Planning and Environment Act 1987 which will provide and covenant that:-

- (a) The Lot 1 may not be further subdivided so as to increase the number of Lots.
- (b) The Lot 2 may not be further subdivided so as to increase the number of Lots beyond five.

C. The Responsible Authority and the Owner have agreed that without restricting or limiting their respective powers to enter into this agreement and insofar as it can be so treated this Agreement shall be treated as being an Agreement under Section 173(1) of the Planning and Environment Act 1987.

AB253839T



Printed 19/09/2025

Page 13 of 20

NOW THIS AGREEMENT WITNESSETH as follows:-

DAB253839T-3-1

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 simply of the subject land or any part thereof.
2. The Owner with the intent that its covenant hereunder shall run with the land hereby covenant and agree that:-
 - (i) It will comply with the conditions of the Permit;
 - (ii) Lot 1 may not be further subdivided so as to increase the number of Lots.
 - (iii) Lot 2 may not be further subdivided so as to increase the number of Lots beyond five.
 - (iv) This Agreement will being the Owner as the owner and shall run with the land so that all successors in title are bound by the Agreement. This Agreement will be prepared at the Owner's cost and to the satisfaction of the responsible authority, and shall be registered on title in accordance with Section 181 of the Planning and Environment Act 1987.

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

THE COMMON SEAL of the
EAST GIPPSLAND SHIRE COUNCIL

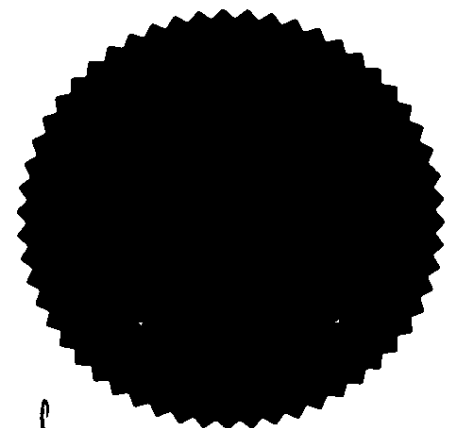
was affixed on the 21ST day
of MARCH 2002

..... Chief Executive Officer

..... M. Bennett Witness

SIGNED by the said ROBERT ALFRED
CUNNINGHAM in the presence of:-

..... Witness



.....

AB253839T

02/05/2002 \$59 173

ADVERTISED

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

SCHEDULE

Certificate of Title Volume 8294 Folio 669



DAB253839T-4-9

AB253839T

02/05/2002 \$59 173



Printed 19/09/2025

Page 15 of 20

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright.

EAST GIPPSLAND SHIRE COUNCIL

and

ROBERT ALFRED CUNNINGHAM



DAB253839T-5-7

SECTION 173 AGREEMENT

Nastassia Bennett

11th August 2025

Planning Department
East Gippsland Shire Council
273 Main Street
Bairnsdale VIC 3875

Dear Planning Officer

Re: Planning Permit Application – Home-Based Business Floor Area Expansion

I am writing to formally request a Planning Permit to expand the floor area of our existing home-based business from 100m² to 200m².

We understand that, in accordance with Clause 52.11-1 of the East Gippsland Planning Scheme, the following elements of our business do **not** require planning approval:

- The business does not impose a load on any utility greater than normally required for domestic use. Utility demands remain within domestic limits (as confirmed by the EPA during our previous application.)
- The business continues to operate from our principal place of residence.
- No more than two persons not residing at the property are employed.

To ensure compliance with amenity-related conditions, we have proactively undertaken the following measures:

1. **Parking:** We have off-street parking on-site, not visible to neighbouring properties.
2. **Amenity Protection:** Privacy screening and internal acoustic panelling have been installed to mitigate visual and noise impacts.
3. **Visitor Management:** Our Distillery Door will be open by appointment only.

Expanding our business floor area will allow us to operate more efficiently and sustainably. It will enable us to purchase larger quantities of raw materials, including botanicals, bottles, and other consumables. This not only reduces costs and improves supply chain reliability, but also supports our ability to offer more competitive pricing and grow our contribution to the local economy.

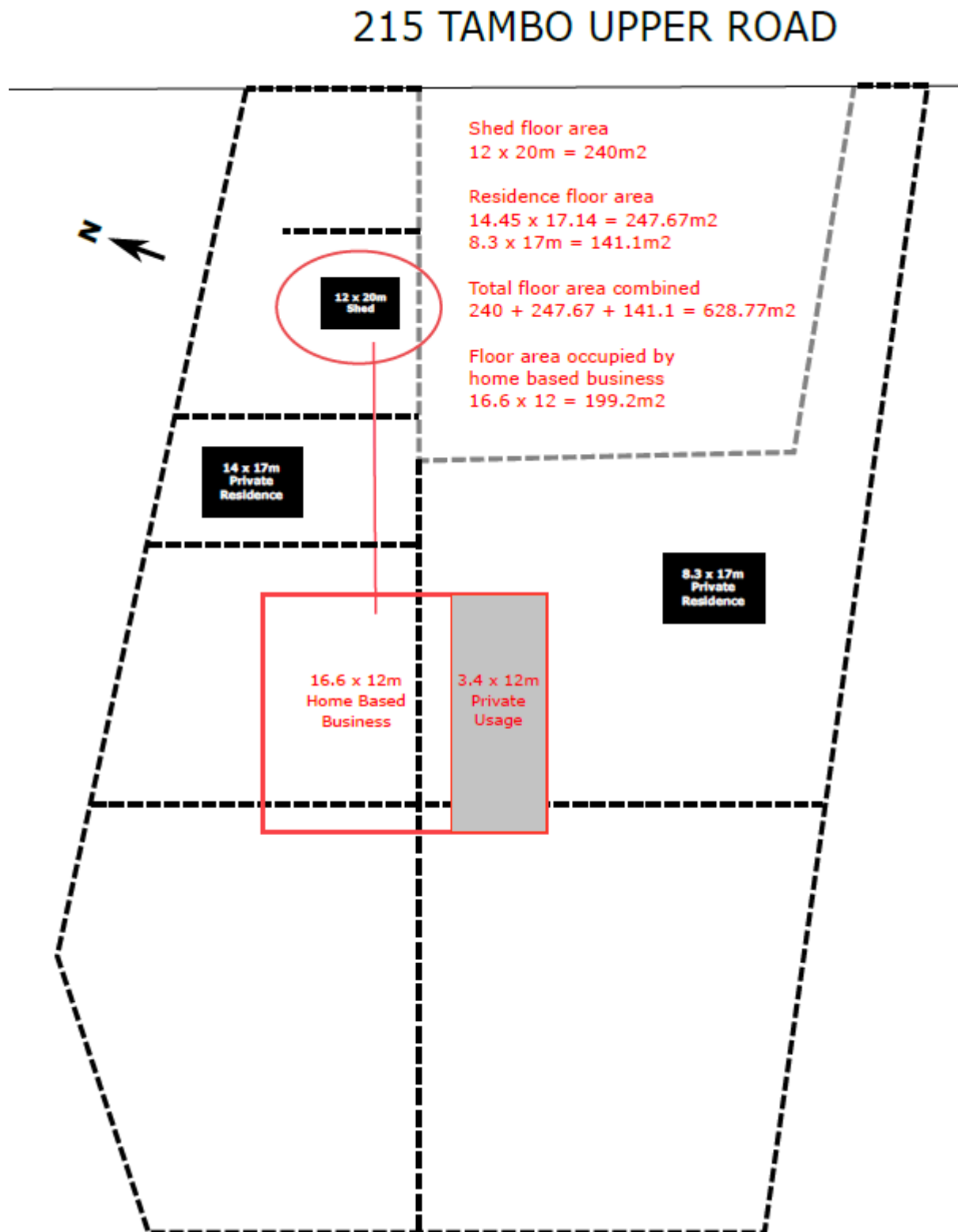
The only trigger for this Planning Permit is our request to expand the business floor area. We are confident this modest expansion will have no adverse impact on the surrounding neighbourhood and will continue to align with the expectations and conditions of a home-based business.

We appreciate your consideration of this application and welcome any opportunity to provide further information or clarification.

Kind regards

Nastassia Bennett

215 Tambo Upper Road Home Based Business Site Plan



215 Tambo Upper Road Internal Floorplan

