

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 Based Business (Distillery) and Signage
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 Business as a 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.
52.05-13	Signage
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.

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Wednesday, 29 October 2025 4:02 PM
To: Planning Unit Administration
Subject: Amend a Planning Permit Application
Attachments: Cover Letter 28-10-25.pdf; APPENDIX A Section 173 Agreement.PDF; 00777240730012025081105370001 Title.pdf; Amend_a_Planning_Permit_Application_2025-10-29T16-01-38_28622726_0.pdf

Amend a Planning Permit Application

A request to "Amend a planning permit application" has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Applicant name: Nastassia Bennett

Email address:

Postal address :

Preferred phone number:

Secondary phone number:

Street number: 215

Street name: Tambo Upper Road

Town: Swan Reach

Post code: 3903

Lot number: Lot 1

Plan number: PS734366M

Other Legal Description: VOLUME 11658 FOLIO 708

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?: Yes

Will the proposal result in a breach of a registered covenant restriction or agreement?: No

Description of proposal : Amended Planning Permit Application – Home-Based Business Floor Area Expansion and Display of Signage

Under which section of the Act is the amendment to the application made?: s57A Amendment by applicant after notice is given

Revised estimated cost of development: \$0

Existing conditions : Principal place of residence and home based business.

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

Plans: [Cover Letter 28-10-25.pdf](#)

Covenants agreements: [APPENDIX A Section 173 Agreement.PDF](#)

Full copy of Title: [00777240730012025081105370001 Title.pdf](#)

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

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

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PLAN OF SUBDIVISION

EDITION 2

PS 734366M

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL

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

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

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

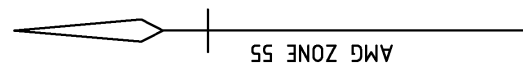
ORIGINAL SHEET SIZE A3

PLAN REGISTERED

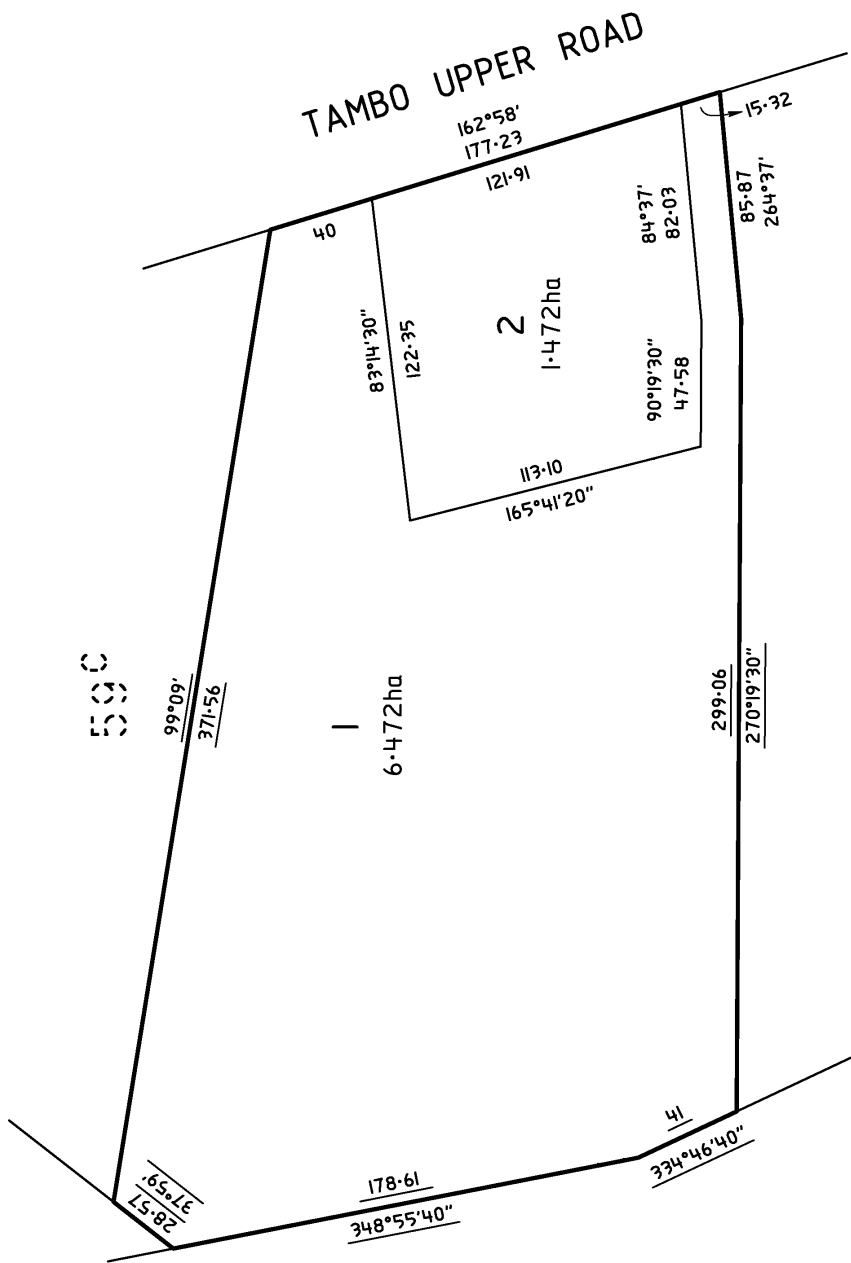
TIME: 1:00PM

DATE: 27/5/2016

C. MEADEN
Assistant Registrar of Titles

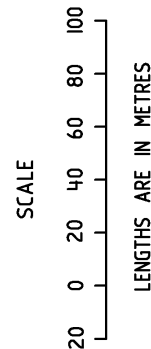


PS 734366M



TAMBO UPPER ROAD

Crowther & Sadler Pty Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3876
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

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MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLANNING 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 25/11/2025

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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

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




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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 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 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

02/05/2002 \$59 173



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DAB253839T-3-1

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 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.

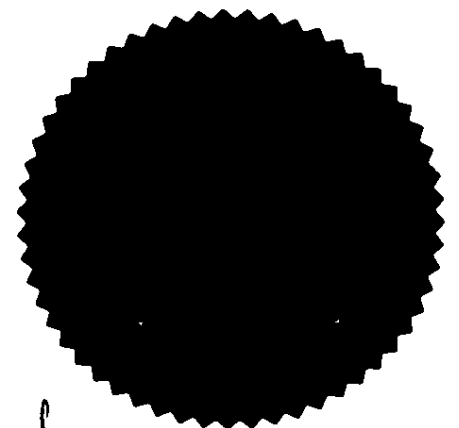
IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of the
EAST GIPPSLAND SHIRE COUNCIL

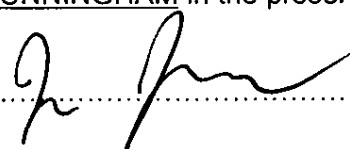
was affixed on the 21ST day
of MARCH 2002

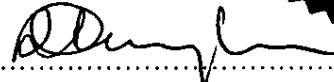
.....  Chief Executive Officer

..... M. Bennett Witness



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

 Witness



AB253839T



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SCHEDULE

Certificate of Title Volume 8294 Folio 669



DAB253839T-4-9

AB253839T

02/05/2002 \$59 173



Printed 25/11/2025

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EAST GIPPSLAND SHIRE COUNCIL

and

ROBERT ALFRED CUNNINGHAM



DAB253839T-5-7

SECTION 173 AGREEMENT

Nastassia Bennett
215 Tambo Upper Road
Swan Reach VIC 3903

29th October 2025

Planning Department
Neha Sharma/Chris Wightman
East Gippsland Shire Council
273 Main Street
Bairnsdale VIC 3875

Dear Neha/Chris

Re: Amended Planning Permit Application – Home-Based Business Floor Area Expansion and Display of Signage

As discussed with yourself, I am writing to amend our Planning Permit Application No. 5.2025.271.1.

I formally request a Planning Permit to expand the floor area of our existing home-based business from 100m² to 162m², and Display Signage.

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 and display signage greater than 10 x 20cm. 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 amendment and welcome any opportunity to provide further information or clarification.

In response to concerns raised in regards to our original application, please see the below further information.

Of the 17 advertising notices distributed, we note that only 4 recipients from addresses who were directly notified raised concerns. Further objections appear to have come from individuals who do not reside in the immediate area and are therefore unlikely to be directly affected by our application. Nevertheless, we have reviewed and included all feedback received. The primary concerns raised relate to the following areas:

Road Traffic

Our compliance with Home-Based Business Clause 52.11

Noise

Parking

Visitor Hours/Numbers

Privacy

We'd like to address these concerns separately:

1. Road Traffic

According to the East Gippsland Road Management Plan, Tambo Upper Road is classified as a Rural Link Road. As outlined in Figure 3.1.2A (Road Hierarchy), roads of this classification "*primarily provide a direct linkage between significant population centres and major traffic generators such as residential, industrial, commercial, agricultural, and tourist areas and declared roads.*"

Tambo Upper Road functions as an important tourist route, connecting nearby towns and key visitor destinations including scenic, agricultural, and cultural attractions throughout the region. As our home-based business is tourism-focused and designed to attract passing visitors, we believe our operations are consistent with the intended use and purpose of this road classification and have no concerns that it will affect the functionality of the road of which it is designed for.

We would also like to note that it is not within our capacity to monitor or enforce how individual drivers including our customers and neighbours use the road. Under Section 17A of the Road Safety Act 1986, each driver has a legal responsibility to operate their vehicle safely, taking into account factors such as:

Physical characteristics of the road.
 Prevailing weather conditions.
 Level of visibility.
 Condition of the motor vehicle.
 Prevailing traffic conditions.
 Relevant road laws and advisory signs.
 Physical and mental condition of the driver.

Nonetheless, we acknowledge the concerns raised and are fully prepared to work with Council to explore reasonable mitigation measures, particularly as there are several other businesses and home-based businesses operating along Tambo Upper Road, each of which naturally experience similar traffic conditions associated with the area.

2. Our compliance with Clause 52.11 as a Home-Based Business.

We are fully aware of, and compliant with, the requirements outlined in Clause 52.11 – Home-Based Business. Our operations remain within the allowable thresholds regarding floor area, employee numbers, signage, and visitor activity.

Our business model is intentionally small-scale and low-impact, designed to operate within a rural residential environment. We maintain transparency with Council and are committed to ongoing compliance through regular self-assessment and open communication with the relevant authorities.

3. Noise

We are mindful of maintaining a quiet and respectful environment in keeping with our rural surroundings. Our production processes and visitor activities are limited in both duration and intensity, with no machinery or equipment producing excessive or prolonged noise. We have installed acoustic panelling to ensure this. We will continue to monitor sound levels with a decibel reader to ensure compliance with relevant EPA Guidelines.

4. Parking

As our current application mentions, there is ample off-street parking within our property completely out of view of neighboring homes. This can be confirmed by Robert's recent photos. Visitor traffic is typically staggered throughout the day, reducing the likelihood of congestion or overflow.

In regards to the concerns raised about on-street parking, the nature strip along our frontage does not provide a practical or safe area for vehicle parking.

5. Visitor Hours/Numbers

Our visitor numbers are modest and consistent with those expected of a small-scale home-based operation. Activities are limited to reasonable daytime hours, ensuring minimal disruption to surrounding properties. For the sake of transparency, we are more than happy to work with Council and share our intended hours of opening our business to the public, and patron capacity.

We propose to implement a booking system of 1 hour blocks for tastings on Mon, Fri & Sat 12 to 5, with the option to open Tues, Wed & Thurs 12 to 5 for seasonal hours. Eg. Christmas/New Years week, Easter week etc, with seating for no more than 12 customers unless approved by Council. We trust that this will be ample time for patrons to sample our products, purchase, and leave without a crossover of vehicles arriving/departing at the same time.

Bottle sales by appointment between 9am - 6pm Mon - Friday.

6. Privacy

We understand and respect the importance of privacy within a rural community setting. Our facilities and visitor areas have been designed to minimise visual intrusion on neighbouring properties.

We note that as the shed containing our home-based business is located significantly lower on the natural hillside to neighbouring houses, all entrances face directly away from these dwellings, with access to the building being from the West, facing the river.

Our home-based business is situated so that our customers have an unobstructed view of the magnificent Tambo River and farmland. At no point is any of our business conducted within view of neighboring homes, as there is no direct line of sight between neighbouring homes and business activities, with the exception of entering and exiting the property. This only directly affects 201 Tambo Upper Road, with mitigation steps taken as to privacy mentioned below. Although we note that this same area can be seen by any member of the public by simply driving or walking past their property on Tambo Upper Road.

We would also like to note that the privacy concerns raised by 201 Tambo Upper Road appear to stem primarily from their recent significant structural works, including a substantial building extension and large elevated deck overlooking our property and performed after the construction of our shed. Therefore we have gone above and beyond to mitigate this issue for ourselves and our customers as shown in the photos taken by Robert, by:

Investing \$10k plus ongoing costs installing a privacy hedge professionally recommended to us for its wind, visual, and noise screening capabilities, which is well on the way to providing full privacy as desired.

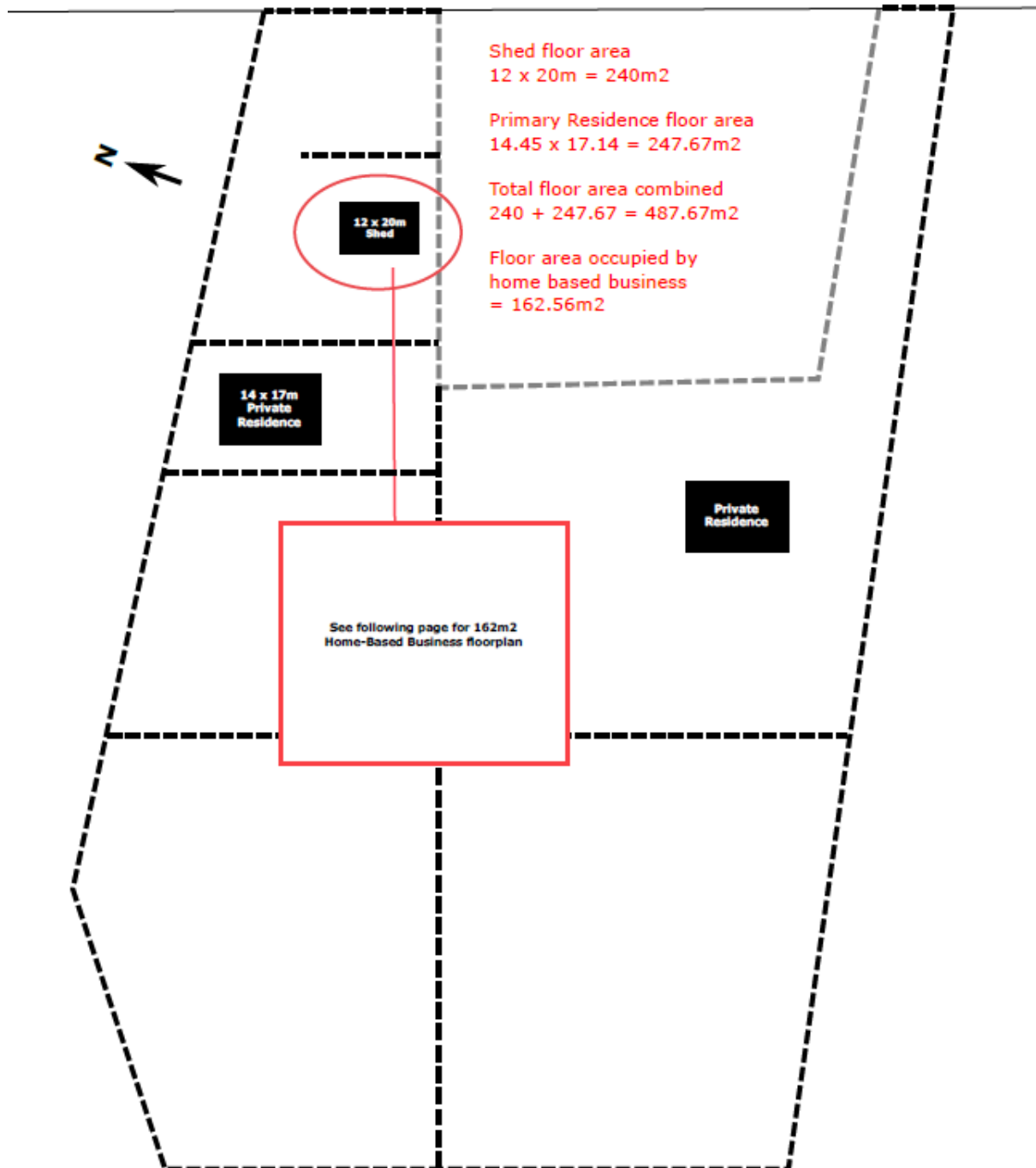
Installing a 6m screening wall to ensure that direct view to 201 Tambo Upper Road is obstructed, with further screening planned for our own peace of mind.

Ensuring that all parking bays are out of direct view of all neighbouring houses.

We are more than happy to work alongside Council with any further suggestions of mitigating privacy concerns.

215 Tambo Upper Road Home Based Business Site Plan

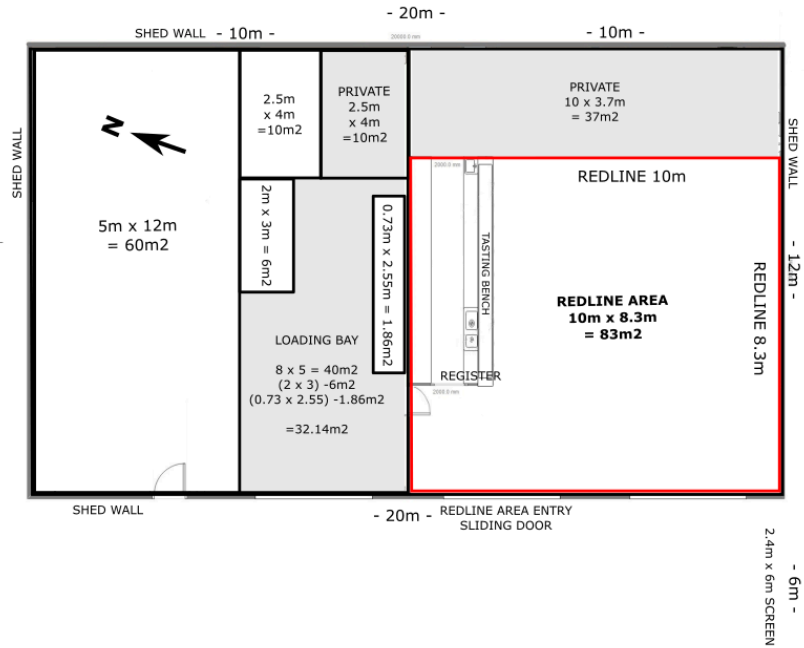
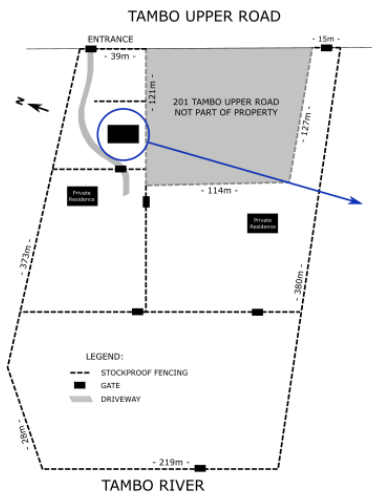
215 TAMBO UPPER ROAD



215 Tambo Upper Road Internal Floorplan

PREMISES ADDRESS:
215 TAMBO UPPER ROAD
SWAN REACH VIC 3903

REDLINE AREA 83sqm



Signage

We propose to install the following appropriate business signage on our property to clearly identify our entrance.

All signs will be made of a corflute/plastic material, situated centre height on our existing post and rail fencing.

1200mm wide x approx. 300mm high

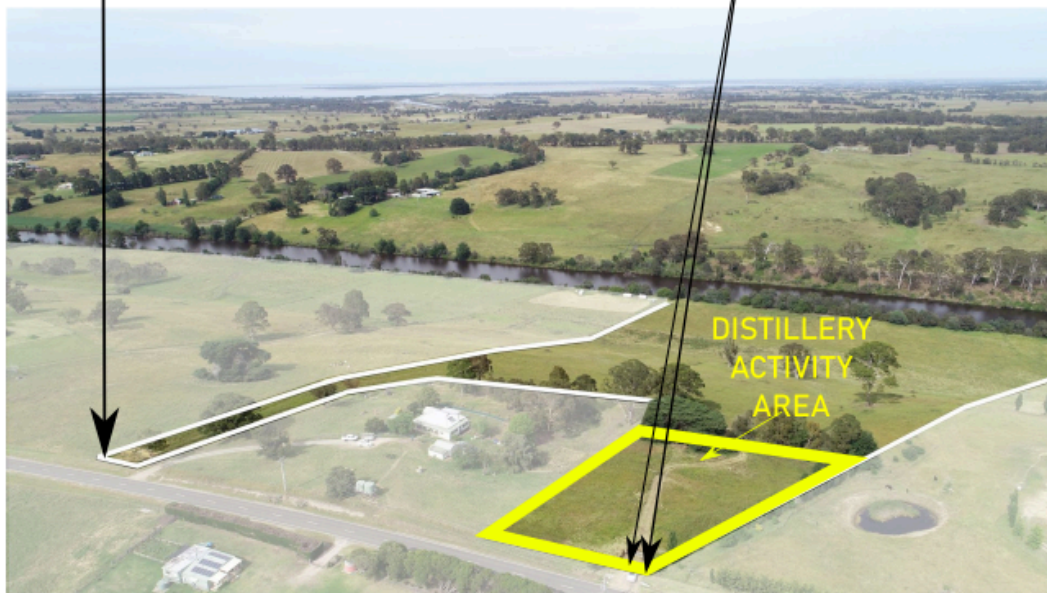
**EAST GIPPSLAND DISTILLERY
ENTRANCE 150m**

900mm wide x approx. 900mm high

DISTILLERY ENTRANCE



**OPEN BY APPOINTMENT
CALL 03 5280 8006**



215 Tambo Upper Road, Swan Reach VIC 3903. Property entrance on right.