



New South Wales

Cessnock Local Environmental Plan 1989 (Amendment No 72)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the
Environmental Planning and Assessment Act 1979. (N00/00309/S69)

ANDREW REFSHAUGE, M.P.,

Minister for Planning

2002 No 38

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 72)

Cessnock Local Environmental Plan 1989 (Amendment No 72)

1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 72)*.

2 Aims of plan

This plan aims:

- (a) to amend certain definitions, and
- (b) to require development consent for the purpose of expanding an existing commercial vineyard within Zone No 1 (v) under *Cessnock Local Environmental Plan 1989*, and
- (c) to prohibit wineries within Zones Nos 1 (c) and 1 (c2) under that plan.

3 Land to which plan applies

This plan applies to all land to which *Cessnock Local Environmental Plan 1989* applies and, in particular, to the land known as the “Vineyards District”, which is within Zone No 1 (v), the Rural (Vineyards) Zone, under that plan.

4 Amendment of Cessnock Local Environmental Plan 1989

Cessnock Local Environmental Plan 1989 is amended as set out in Schedule 1.

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Definitions

Omit “vineyard” from the definition of *integrated tourist development* in clause 5 (1).

[2] Clause 5 (1)

Insert in alphabetical order:

tourist accommodation building means a building or part of a building containing one or more tourist accommodation units.

tourist accommodation unit means premises used for the temporary accommodation of up to 4 tourists in a maximum of 2 bedrooms for up to 42 consecutive days or, in aggregate, 150 days in any 12-month period, but does not include bed and breakfast accommodation.

[3] Clause 5 (1), definition of “tourist recreation facilities”

Insert “; tourist accommodation buildings, tourist accommodation units” after “activities”.

[4] Clause 5 (1), definitions of “vineyard tourist accommodation building” and “vineyard tourist accommodation unit”

Omit the definitions.

[5] Clause 5 (1), definition of “winery”

Omit the definition. Insert instead:

winery means a building used for the purposes of manufacturing and storing wine.

[6] Clause 9 Zone objectives and development control table

Insert “; wineries” in alphabetical order in item 4 of the matter relating to Zones Nos 1 (c) and 1 (c2) in the Table to the clause.

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Schedule 1 Amendments

[7] Clause 9, Table

Omit “vineyard tourist accommodation buildings;” wherever occurring from item 4 of the matter relating to Zones Nos 1 (c), 1 (c2) and 2 (a).
Insert in alphabetical order “tourist accommodation buildings;”.

[8] Clause 9, Table

Omit “vineyard tourist accommodation buildings” where firstly occurring from item 3 of the matter relating to Zone No 1 (v).
Insert instead “tourist accommodation buildings”.

[9] Clause 9, Table

Omit “; vineyard tourist accommodation buildings” where secondly occurring from item 3 of the matter relating to Zone No 1 (v).
Insert in alphabetical order “tourist accommodation buildings;”.

[10] Clause 9, Table

Omit “vineyard tourist accommodation buildings” from item 4 of the matter relating to Zone No 2 (b).
Insert instead “tourist accommodation buildings”.

[11] Clause 9, Table

Insert “tourist accommodation buildings;” in alphabetical order in item 4 of the matter relating to Zones Nos 4 (a) and 4 (b).

[12] Clause 9, Table

Omit “vineyard tourist accommodation buildings” wherever occurring from item 4 of the matter relating to Zones Nos 4 (a) and 4 (b).

[13] Clause 16 Dwelling-houses—Zone No 1 (v)

Omit “vineyard” where secondly occurring from clause 16 (2).

[14] Clause 52 Tourist development densities within Zone No 1 (v)

Omit “vineyard” and “VINEYARD” wherever occurring in the clause and the Table to the clause.

[15] Clause 53 Commercial vineyards within Zone No 1 (v)

Insert before clause 53 (1):

- (1A) Despite clause 9, a person must not carry out development on land within Zone No 1 (v) for the purpose of expanding an existing commercial vineyard without the consent of the Council.