



New South Wales

## **Cessnock Local Environmental Plan 1989 (Amendment No 96)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N03/00232/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure  
and Planning (Planning Administration)

## 2004 No 300

Clause 1 Cessnock Local Environmental Plan 1989 (Amendment No 96)

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## Cessnock Local Environmental Plan 1989 (Amendment No 96)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This plan is *Cessnock Local Environmental Plan 1989 (Amendment No 96)*.

### 2 Aims of plan

The aims of this plan are:

- (a) to define *cellar door facility* and *wine storage facility* for the purposes of *Cessnock Local Environmental Plan 1989*, and
- (b) to allow development for the purposes of cellar door facilities and wine storage facilities in appropriate zones under that plan with the consent of the Council of the City of Cessnock, and
- (c) to amend the definition of *integrated tourist development* in that plan.

### 3 Land to which plan applies

This plan applies to land within the City of Cessnock.

### 4 Amendment of Cessnock Local Environmental Plan 1989

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

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## Schedule 1 Amendments

(Clause 4)

### [1] Clause 5 Definitions

Insert in alphabetical order in clause 5 (1):

***cellar door facility*** means a building or part of a building used for offering wine for sale by retail that is erected on an allotment of land on which is situated a commercial vineyard of at least 2 hectares that produces at least 10 tonnes of grapes annually, but only if:

- (a) at least 85 percent (by volume) of the wine offered for sale is made from grapes grown in the Hunter Valley, or
- (b) all of the wine offered for sale is produced in a winery situated on the land.

***the Hunter Valley*** means the land within the catchment area of the Hunter River.

***wine storage facility*** means a building or part of a building (not forming part of a winery) that is:

- (a) erected on an allotment of land on which is situated a commercial vineyard, and
- (b) used for the purpose of storing wine made by the owner of the land, 85 percent (by volume) of which is made from grapes grown in the Hunter Valley.

### [2] Clause 5 (1)

Omit the definition of ***integrated tourist development***. Insert instead:

***integrated tourist development*** means the use of land for the purposes of 10 or more tourist accommodation units (the units being the predominant part of the development) in association with one or more tourist associated land uses such as refreshment rooms, conference facilities, wineries and the like.

### [3] Clause 9 Zone objectives and development control table

Insert “cellar door facilities;” in alphabetical order in item 3 of the matter relating to Zone No 1 (v) and in item 4 of the matter relating to Zones Nos 1 (c), 1 (c2), 2 (a), 2 (b), 3 (a), 3 (c), 4 (a), 4 (b) and 4 (h).

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Schedule 1 Amendments

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### **[4] Clause 9, Table**

Insert “; wine storage facilities” in alphabetical order in item 3 of the matter relating to Zone No 1 (v) and in item 4 of the matter relating to Zones Nos 1 (c), 2 (a), 2 (b), 3 (a), 3 (c), 4 (a), 4 (b) and 4 (h).

### **[5] Clause 9, Table**

Omit “tourist-associated premises specified in any licence granted under the *Liquor Act 1982*,” from item 3 of the matter relating to Zone No 1 (v).

BY AUTHORITY

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