



Liverpool Local Environmental Plan 1997 (Amendment No 28)

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*. (P99/00515/S69)

ANDREW REFSHAUGE, M.P.,
Minister for Planning

2003 No 123

Clause 1 Liverpool Local Environmental Plan 1997 (Amendment No 28)

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1 Name of plan

This plan is *Liverpool Local Environmental Plan 1997 (Amendment No 28)*.

2 Aims of plan

This plan aims to provide heritage conservation incentives, including provision for non-conforming uses, for development involving buildings that are heritage items listed in Schedule 2 to *Liverpool Local Environmental Plan 1997* or within heritage conservation areas established by that plan.

3 Land to which plan applies

This plan applies to land that is the site of a heritage item or within a heritage conservation area under Schedule 2 to *Liverpool Local Environmental Plan 1997*.

4 Amendment of Liverpool Local Environmental Plan 1997

Liverpool Local Environmental Plan 1997 is amended by omitting clause 75 (1) and by inserting instead:

- (1) The Council may grant consent to the use, for any purpose, of a building that is a heritage item or is within a heritage conservation area, or is on the site of a heritage item, even though that use would be otherwise prohibited by this plan, but only if it is satisfied that:
 - (a) the condition of the building is such that the use of the building for any purpose that is permissible would be impractical or undesirable, and
 - (b) the building requires a substantial amount of capital expenditure (other than for maintenance work) in order to conserve the heritage significance of the building, and

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- (c) the proposed use of the building is in accordance with a conservation management plan that has been endorsed by the Council, and
 - (d) the cost of the conservation work identified in the conservation management plan is such that there is no reasonable possibility that any of the uses of the building that are permissible would be economically viable for the current or any future owner, and
 - (e) the granting of consent to the proposed use of the building would ensure that all necessary conservation work identified in the conservation management plan is carried out, and
 - (f) the proposed use of the building, if approved, would not affect the heritage significance of the building or its setting, and
 - (g) the proposed use of the building would not adversely affect the amenity of the surrounding area, and
 - (h) the conservation of the building or its site depends on the Council granting that consent.