

Sydney Regional Environmental Plan No 14—Eastern Beaches (1988 EPI 113)

[1988-113]



Status Information

Currency of version

Repealed version for 6 December 1996 to 25 June 2009 (accessed 18 July 2024 at 10:29)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The plan was repealed by Sch 1 [1] to *State Environmental Planning Policy (Repeal of REP Provisions) 2009* (285) (LW 26.6.2009) with effect from 26.6.2009.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 26 June 2009

Sydney Regional Environmental Plan No 14—Eastern Beaches (1988 EPI 113)



New South Wales

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Sydney Regional Environmental Plan No 14—Eastern Beaches (1988 EPI 113)



New South Wales

1 Name of plan

This plan may be cited as *Sydney Regional Environmental Plan No 14—Eastern Beaches*.

2 Definitions

In this plan:

council, in relation to land to which this plan applies, means the council of the area in which the land is situated.

Design and Management Guidelines means guidelines prepared by the Director in relation to land to which this plan applies as amended by the Director from time to time and available for public inspection during ordinary office hours, without charge, at the office of the Department or of the council of an area in which land to which this plan applies is situated.

the Act means the *Environmental Planning and Assessment Act 1979*.

3 Aims, objectives etc

This plan aims:

- (a) to recognise the significance of the eastern beaches coastline of Sydney:
 - (i) by promoting the upgrading and development of facilities for recreation, leisure and tourism in beach and other coastal locations to serve the needs of the local community, visitors and tourists, and
 - (ii) by protecting the natural and man-made coastal environment and encouraging its enhancement,
- (b) to develop and manage a regional coastal open space system:
 - (i) by protecting and enhancing significant natural elements such as beaches, cliffs, cliff-top areas, headlands and areas of natural vegetation, including wetlands,

- (ii) by encouraging the development of a range of coast-oriented recreational, leisure and tourism facilities which satisfy the needs of various user groups and allow maximum year-round use of the coastline by the general public,
 - (iii) by ensuring that development will complement and enhance its setting and the coastal environment generally, and
 - (iv) by complementing the existing functions and responsibilities of the National Parks and Wildlife Service and other bodies responsible for the maintenance, management and development of coastal open space areas,
- (c) to provide improved facilities and amenities in the commercial areas adjacent to the eastern beaches to serve the needs of local residents, shoppers, beach users and visitors, particularly tourists, by:
- (i) guiding and controlling the form and character of private development,
 - (ii) providing incentives for the development of tourist accommodation and other commercial development,
 - (iii) encouraging the upgrading and redevelopment of public areas,
 - (iv) encouraging the visual and functional integration of such areas with adjacent beaches and beach-front areas, and
 - (v) encouraging the year-round use of those areas,
- (d) to safeguard existing residential accommodation, particularly low cost rental accommodation, in commercial centres,
- (e) to improve access to and between coastal destinations,
- (f) to protect the environment of land visible from coastal open space areas, particularly areas adjoining the coast, and land along the approaches to significant coastal destinations, and
- (g) to protect items and areas of environmental heritage significance.

4 Land to which plan applies

This plan applies to land within the Municipalities of Randwick, and Woollahra, as shown edged heavy black on the several sheets comprising the map marked “*Sydney Regional Environmental Plan No 14—Eastern Beaches*” deposited in the office of the Department other than land to which *Randwick Local Environmental Plan No 71 (Coogee Precinct)* applies.

5 Relationship to other environmental planning instruments

- (1) Subject to section 74 (1) of the Act, in the event of an inconsistency between this plan

and any other environmental planning instrument applying to land to which this plan applies, whether made before or after the date on which this plan takes effect, this plan shall, to the extent of the inconsistency, prevail.

- (2) Subclause (1) does not apply to an inconsistency between this plan and:
 - (a) a State Environmental Planning Policy, or
 - (b) *Randwick Local Environmental Plan No 57*.
- (3) Nothing in this plan requires development consent to be obtained from the council for development on land to which this plan applies if the development may be carried out without development consent under a local environmental plan applying to the same land.

6 Amendment of certain environmental planning instruments

This plan amends:

- (a) the *Randwick Planning Scheme Ordinance* in the manner set out in Schedule 1, and
- (b) (Repealed)

7 Development control code—coastal open space

- (1) Where the council considers it necessary or desirable to provide more detailed provisions than are contained in this plan in respect of land specified in Schedule 3, it may prepare or adopt a development control code in relation to that land.
- (2) Subject to subclauses (3), (4) and (5), the format, structure, subject-matter and procedures for the preparation, public exhibition, approval, amendment and repeal of a development control code shall be as determined by the council.
- (3) In preparing a development control code, the council shall have regard to the Design and Management Guidelines.
- (4) The council shall not make, amend or repeal a development control code unless it has first consulted with:
 - (a) in the case of a development control code applying to Crown land—the Secretary of the Crown Lands Office and the Director of Public Works, or
 - (b) in any other case—the Director of Public Works.
- (5) A development control code shall generally conform to the provisions of this plan.
- (6) A development control code shall be available for public inspection, without charge, at the office of the Department or the council during ordinary office hours.
- (7) The council shall not grant consent to an application to carry out development on land

to which a development control code applies unless it is satisfied that the proposed development will be carried out in accordance with the provisions of the development control code.

- (8) In this clause, a reference to the provisions of or contained in this plan includes a reference to provisions inserted in an environmental planning instrument by this plan.

8 Preparation of local environmental plans

In preparing a draft local environmental plan applying to the whole or a part of the land to which this plan applies, the council shall:

- (a) ensure that the draft plan conforms with the aims of this plan, and
- (b) take into consideration the Design and Management Guidelines.

9 Development applications

The council shall not grant consent to an application to carry out development on land to which this plan applies unless:

- (a) it has taken into consideration the Design and Management Guidelines, and
- (b) it is satisfied that the purpose for which the development is proposed to be carried out is consistent with the aims of this plan.

Schedule 1 Amendment of the Randwick Planning Scheme Ordinance

(Clause 6 (a))

The *Randwick Planning Scheme Ordinance* is amended:

- (a) by inserting in clause 4 (1):

- (i) after the definition of ***dwelling house***, the following definitions:

Eastern Beaches map means the several sheets comprising the map marked “*Sydney Regional Environmental Plan No 14—Eastern Beaches*” deposited in the office of the Department, a copy of which is deposited in the office of the council.

- (ii) at the end of the definition of ***scheme map*** the following words:

Sheets 5 and 6 of the Eastern Beaches map.

- (b) by inserting at the end of the Table to clause 24 in Columns I, II, III, IV and V, respectively, the following matter:

(e) Recreation Tourism. Light green with dark red bushfire hazard edging and lettered "6 (e)".	Works for the purposes of gardening, landscaping or bushfire hazard reduction (not involving the erection of a building).	... Car parking; caretakers' areas; recreation areas; tourist facilities; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV.
8. National Parks/ Nature Reserves. Uncoloured with dark green edging and lettered 8.	Works for the purposes of gardening, landscaping or bushfire hazard reduction (not involving the erection of a building).	... Any purpose authorised by the <i>National Parks and Wildlife Act 1974</i> other than a purpose referred to in Column II; utility installations (other than gas holders or generating works).	Any purpose other than those referred to in Column II or IV.

(c) by inserting after clause 51 the following clause:

51A Demolition of buildings—Coogee and Maroubra Beaches

- (1) This clause applies to land shown edged heavy black on Sheets 1 and 2 of the Eastern Beaches map.
- (2) A person shall not demolish a building situated on land to which this clause applies without the consent of the council.

(d) by omitting clause 59 (1A) and by inserting instead the following subclause:

- (1A) This clause does not apply to land to which clause 60 applies or land shown edged heavy black on Sheet 1 or 2 of the Eastern Beaches map.

(e) by inserting after clause 59 the following clause:

59A Floor space ratios—Coogee and Maroubra Beaches

- (1) This clause applies to land shown edged heavy black on Sheet 1 or 2 of the Eastern Beaches map.
- (2) In this clause:

floor space ratio, in relation to a building, means the ratio of the floor space of the building to the area of the site on which the building is or is proposed to be erected.

residential floor space, in relation to a building, means floor space used or intended to be used for the purposes of a dwelling and either a hotel, a motel or serviced apartments.

serviced apartments means 2 or more dwellings not intended to be used for permanent residential accommodation which are cleaned or otherwise serviced or maintained by the owner or manager of the apartments or the owner's or manager's agent.

- (3) Except as provided by subclauses (4) and (5), the responsible authority shall not grant consent to an application to erect or alter a building on land to which this clause applies if the floor space ratio of the building when erected or altered will exceed:
 - (a) in the case of land shown edged heavy black on Sheet 1 of the Eastern Beaches map—1:1, or
 - (b) in the case of land shown edged heavy black on Sheet 2 of the Eastern Beaches map 0.8:1.
 - (4) The responsible authority may grant consent to an application to erect or alter a building on land referred to in subclause (3) (a):
 - (a) having a floor space ratio greater than 1:1 (but not greater than 3:1) if it is satisfied that the additional floor space is residential floor space, or
 - (b) having a floor space ratio greater than 1:1 (but not greater than 1.5:1) if it is satisfied that the additional floor space will be used exclusively for the purpose of a dwelling.
 - (5) The responsible authority may grant consent to an application to erect or alter a building on land referred to in subclause (3) (b) (having a floor space ratio greater than 0.8:1 but not greater than 1.5:1) if it is satisfied that the additional floor space will be used for the purpose of a hotel or a motel.
- (f) by omitting clause 62 and by inserting instead the following clauses:

62 Building heights—Coogee and Maroubra

- (1) Except as provided by subclause (2), this clause applies to land within the area bounded by Bream Street, Carrington Road, Dudley Street and Beach Street, Coogee, and the area bounded by Marine Parade, Maroubra Road, Duncan Street and Mons Avenue, Maroubra.
- (2) This clause does not apply to land shown edged heavy black on Sheet 1 or 2 of the Eastern Beaches map.

- (3) A person shall not erect or alter a building on land to which this clause applies if the building, when erected or altered, will exceed 3 storeys in height above natural ground level (as defined in clause 62A).

62A Building heights—Coogee and Maroubra Beaches

- (1) This clause applies to land shown edged heavy black on Sheet 1 or 2 of the Eastern Beaches map.
- (2) In this clause:

height, in relation to a building, means the greatest distance measured vertically from any point on the building (not being a vent or chimney or any plant or machinery servicing the building) to the natural ground level immediately below that point.

natural ground level, in relation to a site, means the level of the site as if the land comprising the site were undeveloped.

- (3) Except as provided by subclause (4), the responsible authority shall not grant consent to an application to erect or alter a building on land to which this clause applies if the building, when erected or altered, will have a height greater than 12 metres.
- (4) The responsible authority may grant consent to an application to erect or alter a building on land edged heavy black on Sheet 1 of the Eastern Beaches map having a height greater than 12 metres (but not greater than 15 metres) but only with the concurrence of the Director.
- (5) In deciding whether to grant concurrence under subclause (4), the Director shall take into consideration the following matters:
 - (a) whether the proposed building has high architectural merit,
 - (b) the height, scale, bulk and density of the proposed building,
 - (c) the external appearance of the proposed building and the materials that will be used on the exterior of it,
 - (d) the relationship between the proposed building and the surrounding landscape, streetscape or to surrounding buildings,
 - (e) whether the proposed building or any part of it will be used for tourism or recreation,
 - (f) the relationship between the matters specified in paragraph (b) and any existing structure on the land,
 - (g) whether the proposed building complements surrounding buildings,

- (h) the effect that the proposed building will have on public amenity including pedestrian amenity,
 - (i) the likely effect that the proposed building will have on wind patterns and wind velocity in public places,
 - (j) whether the proposed building will overshadow a public place, particularly beachfront areas during periods of high usage,
 - (k) the effect that the proposed building will have on views from public places,
 - (l) the effect that the proposed building will have on any nearby item of the environmental heritage,
 - (m) whether the exterior of the proposed building will cause reflections which will significantly interfere with the use of roads, public places or other nearby buildings.
- (6) Nothing in this clause prevents the responsible authority from granting consent to an application to erect a building on land to which this clause applies having a height not greater than the height of any building situated on the land at the time the application is made.

(g) by inserting after clause 65 the following clause:

65A Designated street frontage—Coogee and Maroubra beaches

- (1) This clause applies to land having a frontage (a **designated street frontage**) to a street shown by a broken band on Sheet 1 or 2 of the Eastern Beaches map.
- (2) The responsible authority shall not grant consent to an application to erect or alter a building on land to which this clause applies unless it is satisfied that:
 - (a) the building, when erected or altered, will have a facade along the whole of the designated street frontage,
 - (b) no vehicular access will be provided to the building across the designated street frontage, and
 - (c) in the case of a building proposed to be erected or altered have a frontage to Coogee Bay Road—the ground floor of the building is or will be used for retail or commercial purposes.

(h) by inserting after clause 73 the following clause:

73A Site area—Coogee and Maroubra beaches

- (1) Notwithstanding any other provision of this Ordinance, the responsible authority shall not grant consent to an application to erect principal or alter a principal building on land shown edged heavy black on Sheet 1 or 2 of the Eastern Beaches map having a site area greater than 2 000 square metres without the concurrence of the Director.
- (2) In deciding whether to grant concurrence under subclause (1), the Director shall take into consideration the matters specified in clause 62A (5).
- (3) In subclause (1):

alter, in relation to a building, does not include the making of alterations which, in the opinion of the responsible authority, are of a minor character.

principal building means a building which, in the opinion of the responsible authority, is or will be the principal building on the site of land to which the development application relates.

- (i) by inserting in the Table to clause 88B, in Columns I and II, respectively, the following matter:

Land within Zone No 6 (e) shown on Sheet 5 of the Eastern Beaches map.	One but not more than one hotel or motel used in conjunction with another use for which the consent of the responsible authority is required under this Ordinance.
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Schedule 2 (Repealed)

Schedule 3 Coastal open space

(Clause 7)

The Gap Park, Watsons Bay.
Signal Hill Recreation Reserve, Watsons Bay.
Lighthouse Reserve, Watsons Bay.
Christison Park, Vaucluse.
Craig Avenue Reserve, Diamond Bay.
Burrows Park, Clovelly.
Clovelly Park, Clovelly.
Gordons Bay Reserve, Clovelly.
Dunningham Reserve, Coogee.
Goldstein Memorial Reserve, Coogee.
Coogee Oval, Coogee.
Grant Reserve, Coogee.
Neptune Park, Coogee.
Trenerry Reserve, Coogee.
Lurline Bay Reserve, Maroubra.
Mahon Reserve, Maroubra.
Maroubra Bay Park, Maroubra.

Broad Arrow Reserve, Maroubra.
Reserve adjacent to Mons and Fenton Avenues, Maroubra.
Arthur Byrne Reserve, Maroubra.
Pioneers Park, Malabar.
Cromwell Park, Malabar.
Bay Parade Reserve, Malabar.
Little Bay Sportsfield, Little Bay.
Crown land east of St Michael's Golf Course, Little Bay.
Frenchmans Bay Recreation Reserve, La Perouse.
Yarra Recreation Reserve, Phillip Bay.
Yarra Bay Recreation Reserve, Phillip Bay.

Editorial note—

Schedule 3 was amended by Sch 1 (d) to the *Waverley Local Environmental Plan 1996*. The text of the amendment reads in part as follows:

“(d) by omitting from Schedule 3 the following matter:

Craig Avenue Reserve, Dover Heights.”