



New South Wales

Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ANTHONY ROBERTS, MP
Minister for Planning

Explanatory note

The objects of this Regulation are—

- (a) to update a definition of *council-related development application* to exclude development applications in relation to public roads, and
- (b) to permit certain conflict of interest guidelines to be updated from time to time, and
- (c) to correct a cross-reference, and
- (d) to provide that the proposed amendments do not apply to existing development applications.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 4.16(11), 10.13, the general regulation-making power and 10.15 and Schedule 1, clause 21.

Section 3 of this Regulation is made under a Henry VIII provision.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023*.

2 Commencement

This Regulation commences on 3 April 2023.

3 Amendment of Environmental Planning and Assessment Act 1979 No 203

Schedule 1 Community participation requirements

Insert “, other than a public road within the meaning of the *Local Government Act 1993*” after “development on land” in clause 9B(2), definition of *council-related development application*, paragraph (b).

4 Amendment of Environmental Planning and Assessment Regulation 2021

(1) **Section 66A, heading**

Omit “ss 4.16(11)”. Insert instead “s 4.16(11)”.

(2) **Section 66A(2), definition of “conflict of interest policy”**

Insert “, as in force from time to time” after “NSW planning portal” in paragraph (b).

(3) **Schedule 6 Savings, transitional and other provisions**

Insert at the end of the Schedule, with appropriate Part and section numbering—

Part Provisions consequent on Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023

Amendments do not apply to existing development applications

An amendment made by the *Environmental Planning and Assessment Amendment (Conflict of Interest) Regulation 2023* does not apply to a development application made but not finally determined before the commencement of the amendment.