

Political Donations and Gifts Disclosure Statement

Section 10.4(4) and (5) of the Environmental Planning Assessment Act 1979

APPLICATION/REFERENCE NUMBER:

DATE:

ABOUT THIS FORM

This form may be used to make a political donations and gifts disclosure under section 10.4(4) and (5) of the Environmental Planning Assessment Act 1979 for applications or public submissions to a council.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf.

Once completed, attach the completed declaration to your planning application or submission.

EXPLANATORY INFORMATION

Making a planning application to a council

Under section 10.4(4) of the Environmental Planning and Assessment Act 1979 ('the Act') a person who makes a *relevant planning application* to a council is required to disclose the following *reportable political donations* and *gifts* (if any) made by any *person with a financial interest* in the application within the period commencing 2 years before the application is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council.

Making a public submission to a council

Under section 10.4(5) of the Act a person who makes a *relevant public submission* to a council in relation to a relevant planning application made to the council is required to disclose the following reportable political donations and gifts (if any) made by the person making the submission or any *associate of that person* within the period commencing 2 years before the submission is made and ending when the application is determined:

- (a) all reportable political donations made to any local councillor of that council
- (b) all gifts made to any local councillor or employee of that council.

A reference in sections 10.4(4) and 10.4(5) of the Act to a reportable political donation made to a 'local councillor' includes a reference to a donation made at the time the person was a candidate for election to the council.

How and when do you make a disclosure?

The disclosure of a reportable political donation or gift under section 10.4 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made, or
- (b) if the donation or gift is made afterwards, in a statement to the person to whom the relevant planning application or submission was made within 7 days after the donation or gift is made.

What information needs to be in a disclosure?

The information requirements of the disclosure are outlined in the Act under section 10.4(9) for political donations and section 10.4(10) for gifts. Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the relevant information requirements for disclosures to a council.

GET IN CONTACT

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WARNING

A person is guilty of an offence under the Environmental Planning and Assessment Act 1979 in connection with the obligations under section 10.4 only if the person fails to make a disclosure of a political donation or gift in accordance with section 10.4 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 10.4. The maximum penalty for any such offence is the maximum penalty under Part 6 of the Election Funding and Disclosures Act 1981 for making a false statement in a declaration of disclosures lodged under that Part.

GLOSSARY OF TERMS (under section 10.4 of the Environmental Planning and Assessment Act 1979)

gift means a gift within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 84(1) of the *Election Funding and Disclosures Act 1981* gift is defined as follows:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.

local councillor means a councillor (including the mayor) of the council of a local government area.

relevant planning application means:

- a) a formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- b) a formal request to the Minister or the Director-General for development on a particular site to be made State significant development or declared a project to which Part 3A applies, or
- c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Part 4 (or for the modification of a development consent), or
- e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application,

but does not include:

- f) an application for (or for the modification of) a complying development certificate, or
- g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- h) any other application or request that is excluded from this definition by the regulations.

relevant period is the period commencing 2 years before the application or submission is made and ending when the application is determined.

relevant public submission means a written submission made by a person objecting to or supporting a relevant planning application or any development that would be authorised by the granting of the application.

reportable political donation means a reportable political donation within the meaning of Part 6 of the *Election Funding and Disclosures Act 1981* that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.

a person has a financial interest in a relevant planning application if:

- a) the person is the applicant or the person on whose behalf the application is made, or
- b) the person is an owner of the site to which the application relates or has entered into an agreement to acquire the site or any part of it, or
- c) the person is associated with a person referred to in paragraph (a) or (b) and is likely to obtain a financial gain if development that would be authorised by the application is authorised or carried out (other than a gain merely as a shareholder in a company listed on a stock exchange), or
- d) the person has any other interest relating to the application, the site or the owner of the site that is prescribed by the regulations.

persons are associated with each other if:

- a) they carry on a business together in connection with the relevant planning application (in the case of the making of any such application) or they carry on a business together that may be affected by the granting of the application (in the case of a relevant planning submission), or
- b) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- c) they are directors of the same body corporate, or they are directors of different bodies corporate that are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- d) one is a director of a body corporate and the other is the body corporate or a related body corporate under the *Corporations Act 2001* of the Commonwealth, or
- e) they have any other relationship prescribed by the regulations.

POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT TO COUNCIL

If you are required under section 10.4(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts, please fill in this form and sign below.

Disclosure Statement Details					
Name of person making this disclosure statement:			Planning application reference: (e.g. DA number, planning application title or reference, property address or other description)		
Person's interest in the application (circle relevant option below)					
You are the APPLICANT		YES / NO	OR	You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION	
		YES / NO		YES / NO	
Reportable political donations or gifts made by person making this declaration or by other relevant persons					
* State below any reportable political donations or gifts you have made over the 'relevant period' (see glossary on page 2). If the donation or gift was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).					
* If you are the applicant of a planning application state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR					
* If you are a person making a submission in relation to an application, state below any reportable political donations or gifts that you know, or ought reasonably to know, were made by an associate.					
Donation or gift?	Name of donor (and ABN if an entity); OR name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; OR address of person who the made the gift or entity's address	Name of party or person for whose benefit the donation was made; OR person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift
<i>Please list all reportable political donations and gifts—additional space is provided overleaf if required.</i>					
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.					
Signature(s)				Date:	
Name(s)					

POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT TO COUNCIL

Donation or gift?	Name of donor (and ABN if an entity); or name of person who made the gift	Donor's residential address or entity's registered address or other official office of the donor; address of person who the made the gift or entity's address	Name of party or person for whose benefit the donation was made; or person to whom the gift was made	Date donation or gift was made	Amount/ value of donation or gift