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Office use only

Date Received:

Planning Application No:

## POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT

### ABOUT THIS FORM

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

Please read the following information before filling out the Disclosure Statement which is to accompany your planning application or submission. Once completed, you can submit this form by email, mail or in person.

Under section 10.4(11) a person is guilty of an offence against this section if the person fails to make a disclosure of a political donation or gift in accordance with this section that the person knows, or ought reasonably to know, was made and is required to be disclosed under this section. The maximum penalty for any such offence is the maximum penalty under the *Electorate Funding Act 2018* for making a false statement in a declaration of disclosures lodged under that Part.

### EXPLANATORY INFORMATION

#### Making a planning application to 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 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?

Under section 10.4(6) the disclosure of a reportable political donation or gift under section 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 of 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.

#### Glossary of Terms

Please refer to Schedule 1 for a Glossary of Terms as defined under Section 10.4 of the *Environmental Planning Assessment Act 1979*.

### PUBLICATION OF PERSONAL INFORMATION

The purpose of this form is to record and publish reportable political donations and their possible bearing on specific applications or submissions before Council. This information is required to be supplied under section 10.4(4) and (5) of the *Environmental Planning Assessment Act 1979*. Disclosures of reportable political donations and gifts under this section 10.4 of the Act are to be made available to the public.



## SCHEDULE 1 – GLOSSARY OF TERMS

A full glossary of terms is contained in the Act, the most relevant terms are defined below (under section 10.4 of the *Environmental Planning and Assessment Act 1979*)

**gift** means a gift within the meaning of the *Electoral Funding Act 2018*. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or 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 Planning Secretary 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 Planning Secretary for development on a particular site to be made State significant development or State significant infrastructure or declared a project to which Part 3A applies, or
- (b1) an application for approval of State significant infrastructure (or for the modification of the approval for any such infrastructure), 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 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 the *Electoral Funding Act 2018* 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.