



# Donations and Gifts Disclosure

Under Section 10.4 of the *Environmental Planning and Assessment Act 1979*

DA no:

## About this form

Use this form to make a political donations and gifts disclosure for applications or public submissions to a council. Once completed, please attach the completed declaration to your planning application or submission.

## Contact details

Title:

Full name

Company contact:

ABN/ACN

Postal address:

Phone:

Email:

## Development details

DA no:

Property address:

## Person's interest

Are you the applicant for the application?

Yes

No

Are you a person making a submission in relation to the application?

Yes

No



## Explanatory information

### Making a planning application to a council

Under section 10.4 of the Environmental Planning and Assessment Act 1979 ('the Act'), a person who makes a relevant 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 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 section 10.4 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 a statement accompanying, the relevant planning application or submission if the donation or gift is made before the application or submission is made,
- (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 requirements of the disclosure are outlined in the Act under section 10.4 for political donations and for gifts.

## Glossary

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|--------------------------------------|---|
| <b>Gift</b>                          | means a gift within the meaning of Part 6 of the <i>Election Funding and Disclosures Act 1981</i> .<br>Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.<br>Note: Under section 84(1) of the <i>Election Funding and Disclosures Act 1981</i> gift is defined as '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.  |
| <b>Local councillor</b>              | means a councillor (including the mayor) of the council of a local government area.   |
| <b>Relevant planning application</b> | <ol style="list-style-type: none"><li>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</li><li>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</li><li>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</li><li>d) An application for development consent under Part 4 (or for the modification of a development consent), or</li><li>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,</li></ol> but does not include: <ol style="list-style-type: none"><li>f) An application for (or for the modification of) a complying development certificate, or</li><li>g) An application or request made by a public authority on its own behalf or made on behalf of a public authority, or</li></ol> Any other application or request that is excluded from this definition by the regulations |
| <b>Relevant period</b>               | is the period commencing 2 years before the application or submission is made and ending when the application is determined.  |
| <b>Relevant public submission</b>    | 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   |
| <b>Reportable political donation</b> | means a reportable political donation within the meaning of Part 6 of the <i>Election Funding and Disclosures Act 1981</i> that is required to be disclosed under that Part. Note. Reportable political donations include those of or above \$1,000.  |

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Note: Under section 86 of *the Election Funding and Disclosures Act 1981* reportable political donation is defined as follows:

**86 Meaning of “reportable political donation”**

- (1) For the purposes of this Act, a reportable political donation is:
- (a) In the case of disclosures under this Part by a party, elected member, group or candidate—a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group or candidate, or
  - (b) In the case of disclosures under this Part by a major political donor—a political donation of or exceeding \$1,000:
    - (i) Made by the major political donor to or for the benefit of a party, elected member, group or candidate, or
    - (ii) Made to the major political donor.
- (2) A political donation of less than an amount specified in subsection (1) made by an entity or other person is to be treated as a reportable political donation if that and other separate political donations made by that entity or other person to the same party, elected member, group, candidate or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).
- (3) A political donation of less than an amount specified in subsection (1) made by an entity or other person to a party is to be treated as a reportable political donation if that and other separate political donations made by that entity or person to an associated party within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1). This subsection does not apply in connection with disclosures of political donations by parties.
- (4) For the purposes of subsection (3), parties are associated parties if endorsed candidates of both parties were included in the same group in the last periodic Council election or are to be included in the same group in the next periodic Council election.

**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) One is a director of a corporation and the other is any such related corporation or a director of any such related corporation, or
- They have any other relationship prescribed by the regulations.
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