

DA No. \_\_\_\_\_

Date received: \_\_\_\_\_

Officer: \_\_\_\_\_



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## POLITICAL DONATIONS AND GIFTS DISCLOSURE STATEMENT

You may use this form 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 a council.

**Warning:** A person is guilty of an offence under section 9.50 of 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. Note: The maximum penalty is currently 200 penalty units (currently \$22,000) or imprisonment for 12 months, or both.

### SECTION A: 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 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 Part 7 for a Glossary of Terms as defined under Section 10.4 of the *Environmental Planning and Assessment Act 1979*.

**SECTION B: PERSON MAKING THIS DISCLOSURE STATEMENT**

Full Name:

Organisation / Company Name (if applicable):

Position (if applicable):

Postal Address:

Daytime Contact Number(s):

Email:

**SECTION C: DECLARATION OF INTEREST****What is your interest in the application or submission to which this disclosure statement is attached?**

- I am the applicant  
 I am the owner  
 I am making a submission in relation to an application

DA No. \_\_\_\_\_ Property address: \_\_\_\_\_  
\_\_\_\_\_Development description: \_\_\_\_\_  
\_\_\_\_\_**SECTION D: DETAILS OF REPORTABLE POLITICAL DONATIONS OR GIFTS**

1. State below any reportable political donations or gifts you have made over the relevant period. If the donation or gift was made by an entity (and not by you as an individual) include the Australian Business Number of that entity (ABN).
2. **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
3. **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 yourself or an associate.

Donation or gift? (D/G)	Name of donor (also include ABN for an entity)	Residential / registered address	Party / person to whom the gift / donation was made	Date donation / gift was made	Amount / value of donation or gift

If you require more space, please attach a separate sheet listing all details shown above for each donation / gift.  
**Tick here if you have attached a separate sheet or sheets**



## SECTION E: DECLARATION

By signing below, I hereby declare that all information contained within this statement is accurate at the time of signing, and if I become aware of any other donations or gifts that must be declared, I will immediately notify the Council.

**Name:**

**Signature:**

**Date:**

## SECTION F: PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE

- Purpose of collection:** To record reportable political donations and their possible bearing on specific applications or submissions before Council.
- Intended recipients:** Council staff and approved contractors of Walcha Council
- Supply:** This information is required to be supplied under Section 147(4) and (5) of the *Environmental Planning and Assessment Act 1979*.
- Access / Correction:** Council staff or Government Information (Public Access) Act requests.
- Storage:** Councils record management systems and Archives.

## SECTION G: GLOSSARY OF TERMS (under Section 10.4 of the *Environmental Planning and Assessment Act 1979*)

**A full glossary of terms is contained in the Act – the most relevant terms are defined below.**

**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

**relevant planning application 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**

Is defined under section 86 of *the Election Funding and Disclosures Act 1981*

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.

**gift**

Is defined under Section 84(1) of *the Election Funding and Disclosures Act 1981*, for the purposes of this Act, a gift is:

- a. 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.

**financial interest**

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.

**associated persons**

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
- d. they have any other relationship prescribed by the regulations.