



NSW GOVERNMENT
Department of Planning

Disclosure of political donations and gifts

October 2008 | Guideline

Authorised by

**Sam Haddad
Director-General
NSW Department of Planning**

Important note

This Guideline does not constitute legal advice. The information is provided as a basic summary only. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this guideline.

Disclosure of political donations and gifts

© State of New South Wales through the Department of Planning

www.planning.nsw.gov.au

October 2008

Publication number DOP 08_035

ISBN 978-0-7347-0484-4

Disclaimer: While every reasonable effort has been made to ensure that this document is correct at the time of printing, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

About this guideline

This guideline provides advice about amendments made to the *Environmental Planning and Assessment Act 1979* and the *Local Government Act 1993* by the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008* in relation to the disclosure of political donations and gifts.

It outlines disclosure obligations on applicants, those making submissions and decision makers in regard to development proposals in NSW.

This Guideline does not constitute legal advice. The information is provided as a basic summary only. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this guideline.

Contents

1.	Introduction	2
2.	Requirement to Disclose political donations or gifts	2
3.	What are political donations and gifts?	3
4.	Other definitions	4
5.	When must an applicant/proponent make a disclosure?	5
6.	When must a person making a submission make a disclosure?	6
7.	Disclosures made after an application or submission is made	7
8.	What information needs to be in a disclosure?	7
9.	When must a councillor make a disclosure?	8
10.	What records of councillor decisions are required?	8
11.	Consideration of political donations or gifts in determinations	9
12.	Disclosures to be made available to the public	9
13.	Harsh penalties	10
14.	Actions to be taken by councils to comply with requirements	10
15.	Clarification of requirements	11

Appendices

1. Form: political donations disclosure statement to the Minister of Director-General
2. Example of form: political donations disclosure statement to the local council

1. Introduction

The *Local Government and Planning Legislation Amendment (Political Donations) Act 2008* (Political Donations Act) was passed by both houses of the NSW Parliament on 30 June 2008 and came into effect on 1 October 2008. This act inserted provisions into the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Local Government Act 1993*.

The object of the amendments to the *Environmental Planning and Assessment Act 1979* (EP&A Act) is to require the disclosure of reportable political donations or gifts when planning applications are made to minimise any perception of undue influence by:

- (a) requiring public disclosure of the political donations or gifts at the time planning applications (or public submissions relating to them) are made, and
- (b) providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the planning applications.

Political donations or gifts are not relevant to the determination of any planning application, and the making of political donations or gifts does not provide grounds for challenging the determination of any such planning application.

2. Requirement to disclose political donations or gifts

The EP&A Act imposes disclosure obligations on applicants who make a relevant planning application to the Minister for Planning or the Director-General of Department of Planning to disclose all reportable political donations (if any) made, within the period commencing 2 years before the application is made and ending when the application is determined, to anyone by any person with a financial interest in the application.

The legislation also imposes disclosure obligations on a person who makes a relevant planning application to a council (see Section 4). The person who makes the application 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.

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.

The legislation also imposes similar disclosure obligations on persons who make written submissions objecting to or supporting a relevant planning application (or any development that would be authorised by the granting of the application) if the person making the submission or an associate of that person has made a reportable political donation within the period commencing 2 years before the submission is made and ending when the application is made.

In addition, if the submission is made to a council, the person making the submission should also disclose any gifts they (or an associate of that person) have made to a local councillor or employee of the council.

The requirements for disclosure of political donations or gifts do not apply to applications for a complying development certificate (or modification of such application) or applications or requests made by a public authority on its own behalf or applications or requests that are excluded by regulations.

The amendments to the EP&A Act and Local Government Act complement amendments to the *Election Funding and Disclosures Act 1981*. The amendments to the Election Funding and Disclosures Act commenced on 11 July 2008. The amendments to the EP&A Act and Local Government Act commence on 1 October 2008.

A circular setting out the implications of the amendments to the Local Government Act is available on the Department of Local Government website www.dlg.nsw.gov.au.

3. What are political donations and gifts?

Political donations and gifts have the same meaning as in Part 6 the *Election Funding and Disclosure Act 1981*.

A 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.

A reportable political donation is:

- (a) in the case of disclosures 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 by a major political party – 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.

A political donation of less than \$1,000 made by an entity or other person is to be treated as a reportable donation if that and other separate political donations made by the 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.

A political donation of less than \$1,000 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. However, this requirement does not apply in connection with disclosures of political donations by parties.

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 next periodic Council election.

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.

4. Other definitions

Relevant planning application

A *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 of the EP&A Act 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 of EP&A Act (or for the modification of a development consent); or
- (e) any other application or request 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 the definitions in the EP&A Act by the regulations.

Note: At this stage there are no relevant regulations.

A financial interest in a relevant planning application

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.

Note: At this stage there are no relevant regulations.

Persons associated with each other

Persons are *associated* with each other if:

- (i) 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
- (ii) they are related bodies corporate under the *Corporations Act 2001* of the Commonwealth, or
- (iii) one is a director of a corporation and the other is any related corporation or a director of any such related corporation, or
- (iv) they have any other relationship prescribed by the regulations.

Note: At this stage there are no relevant regulations.

Local councillor

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

Definition of 'Owner'

The term 'owner' as referred to in section 147, is defined in the *Environmental Planning and Assessment Act 1979*, in Section 4. The definition adopts the same definition as that used in the *Local Government Act 1993*.

The Local Government Act 1993 defines owner as follows:

- (a) in relation to Crown land, means the Crown and includes:
 - (i) a lessee of land from the Crown, and
 - (ii) a person to whom the Crown has lawfully contracted to sell the land but in respect of which the purchase price or other consideration for the sale has not been received by the Crown, and
- (b) in relation to land other than Crown land, includes:
 - (i) every person who jointly or severally, whether at law or in equity, is entitled to the land for any estate of freehold in possession, and
 - (ii) every such person who is entitled to receive, or is in receipt of, or if the land were let to a tenant would be entitled to receive, the rents and profits of the land, whether as beneficial owner, trustee, mortgagee in possession, or otherwise, and
 - (iii) in the case of land that is the subject of a strata scheme under the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, the owners corporation for that scheme constituted under the *Strata Schemes Management Act 1996*, and
 - (iv) in the case of land that is a community, precinct or neighbourhood parcel within the meaning of the *Community Land Development Act 1989*, the association for the parcel, and
 - (v) every person who by this Act is taken to be the owner, and
- (c) in relation to land subject to a mining lease under the *Mining Act 1992*, includes the holder of the lease, and
- (d) in Part 2 of Chapter 7, in relation to a building, means the owner of the building or the owner of the land on which the building is erected.

5. When must an applicant/proponent make a disclosure?**Disclosure when relevant planning application made to Minister or Director General**

A person who makes a relevant planning application to the Minister or the Director-General is required to disclose all reportable political donations (if any) made within the relevant period to anyone by any person with a financial interest in the application. A disclosure form is provided at Appendix 1 and can also be downloaded from the Department's website at www.planning.nsw.gov.au/donations for this purpose.

Disclosures when relevant planning application made to a council

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:

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

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.

Note: An example of a disclosure form to the local council is provided at Appendix 2. You should contact the local council for their appropriate disclosure statement form.

6. When must a person making a submission make a disclosure?

For public submissions made to the Minister or Director General

A person who makes a *public submission* in relation to a planning application made to the Minister or the Director General must disclose all reportable political donations (if any) made in the previous 2 years (and up to the time the matter is determined) to anyone by the person making the submission or any associate of that person. A disclosure form is provided at Appendix 1 and can also be downloaded from the Department's website at www.planning.nsw.gov.au/donations for this purpose.

For public submissions made to a council

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:

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

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.

A *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.

Note: An example of a disclosure form to the local council is provided at Appendix 2. You should contact the local council for their appropriate disclosure statement form.

7. Disclosures made after an application or submission is made

Disclosure of reportable political donations and gifts are required at the same time you lodge a relevant planning application or make a submission in respect to such an application.

If a person makes a reportable political donations (or give gifts to councillors or council staff) **after** they have make an application or submission (but before the application is determined), that person will also be required to provide a disclosure.

The new legislation requires that the disclosure of a reportable political donation or gift 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.

8. What information needs to be in a disclosure?

Details of each reportable political donation made

The disclosure of reportable political donations is to include disclosure of the following details of each such donation made during the relevant disclosure period:

- (a) the name of the party or person for whose benefit the donation was made,
- (b) the date on which the donation was made,
- (c) the name of the donor,
- (d) the residential address of the donor (in the case of an individual) or the address of the registered or other official office of the donor (in the case of an entity),
- (e) the amount (or value) of the donation,
- (f) In the case of a donor that is an entity and not an individual—the Australian Business Number (ABN) of the entity.

Details of each gift made

The disclosure of gifts is to include disclosure of the following details of each such gift made during the relevant disclosure period:

- (a) the name of the person to whom the gift was made,
- (b) the date on which the gift was made,
- (c) the name of the person who made the gift,
- (d) the residential address of the person who made the gift (in the case of an individual) or the address of the registered or other official office of the person who made the gift (in the case of an entity),
- (e) the amount (or value) of the gift.

Disclosure statement forms

The Department of Planning has prepared standard forms for people to make disclosures. These forms are on the web at www.planning.nsw.gov.au/planning_reforms/donations.asp. It is recommended that people who wish to make a disclosure about political donations or gifts use the standard form template to ensure that they have provided all the information listed above that is required to be disclosed.

9. When must a councillor make a disclosure?

The amendments to the Local Government Act require a council's general manager to keep a register of copies of current declarations of disclosures of political donations lodged with the Election Funding Authority by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors). Note that the disclosure requirements under the Local Government Act are different to those under section 147 of the EP&A Act.

Current declarations of disclosures of political donations are declarations lodged under Part 6 of the *Election Funding and Disclosures Act 1981* in respect of the relevant disclosure period that includes the date of the last election (other than a by-election)) and all subsequent relevant disclosure periods.

Part 6 of the *Election Funding and Disclosures Act* makes provisions for disclosure by councillors and candidates for civic office (and parties registered in connection with local government elections) of political donations and electoral expenditure. A public register is to list all current declarations of disclosures of political donations and expenditure declarations lodged by or on behalf of councillors with the Election Funding Authority.

Additionally, if a general manager reasonably suspects that a councillor has not complied with the provisions of the code of conduct under section 440 of the *Local Government Act 1993* relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, the general manager is to refer the matter to the Director-General of the Department of Local Government. The matter may be referred by the Director-General to the Pecuniary Interest and Disciplinary Tribunal and any such matter is taken (for the purposes of the Local Government Act) to be referred to the Tribunal under section 440N (but a referral under this section may be made without the councillor concerned having previously been suspended for misbehaviour).

The Electoral Commission of NSW has established a dedicated enquiry line. Any enquiries regarding disclosure of political donations returns and electoral legislation generally, should be made to Elections Enquiries on 1300 135 736.

10. What records of councillor decisions are required?

The general manager is required (under the amendments inserting Part 8A Political donations to the *Local Government Act 1993*) to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.

A planning decision means a decision made in the exercise of a function of a council under the *Environmental Planning and Assessment Act 1979*:

- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
- (b) not including the making of an order under Division 2A of Part 6 of that Act.

To maintain the register of planning decisions, a division is required to be called (in accordance with the council's meeting regulations) whenever a motion for a planning

decision is put at a meeting of the council or a council committee including a meeting that is closed to the public.

Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include information required by the regulations.

11. Consideration of political donations or gifts in determinations

Political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination of any such planning application.

A circular setting out the implications of the amendments to the Local Government Act is available on the Department of Local Government website www.dlg.nsw.gov.au.

Section 124A of the *Environmental Planning and Assessment Act 1979* (Special provision where development consent tainted by corruption) deals with a decision of a consent authority to grant or modify development consent where the decision is tainted by corrupt conduct. In these circumstances, in brief, the Minister or the Court may suspend the decision pending the institution and determination of proceedings in respect of the decision. The Minister is to give the consent authority and the applicant for the grant or modification of the development consent written notice of the suspension as soon as practicable after it is imposed.

12. Disclosures to be made available to the public

Under the *Environmental Planning and Assessment Act 1979*, disclosures of reportable political donations and gifts are to be made available to the public on, or in accordance with arrangements notified on:

- (a) a website maintained by the Department (in the case of planning applications or submissions made to the Minister or the Director-General), or
- (b) a website maintained by the council (in the case of planning applications or submissions made to that council).

The disclosures are to be made available within 14 days after the disclosures are made.

The disclosure legislation applies to relevant planning applications or submissions made after the commencement of the amendments to the Act and extends to political donations or gifts made before that commencement.

13. Harsh penalties

A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 (Disclosure of political donations and gifts) if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147 of the Act.

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 under that Part. Currently the maximum penalty is 200 penalty points (\$22,000) or imprisonment for 12 months, or both.

14. Actions to be taken by councils to comply with requirements

To address the requirements of the EP&A Act, councils will need to consider:

Forms

- Appropriate disclosure forms required for use:
 - by applicants to accompany planning applications, or
 - by applicants where a political donation and/or gift is made after the lodgement of the planning application and any required declaration at the time of lodgement
 - by persons making written submissions to planning applications, or
 - by persons who have made a written submission in circumstances where a political donation and/or gift is made after the lodgement of a written submission and any required declaration at the time of lodgement

Forms should ideally capture political donations under \$1,000 in order that it can be determined whether a reportable political donation has been made upon aggregation.

Note: An example of a disclosure form to be used by local councils is provided at Appendix 2.

Website

- A general notification message required for inclusion on council's website to inform the public of the requirements of the EP&A Act.
- Processes required that will ensure that disclosures of political donations and/or gifts are made public as required by the Act (i.e. within 14 days after the disclosure is made in accordance with the Act). This can be done by
 - making the disclosure statement available on the council's website; or
 - making the information available in accordance with arrangements notified on council's website (such as a Register available at the information desk).

Communication/Notification

- Appropriate wording required for inclusion in advertisements and notifications (including notifications/letters to the public, residents and neighbours) about planning applications that are to be considered by the council, such wording to ensure awareness by the public of the requirements of the Act.

Records

- Councillors, and councillors that chair council meetings or committee meetings that deal with development, to be made aware of the requirements of the Act for a division to be called whenever a motion for a planning decision is put at a council meeting or a council committee meeting (including meetings that are closed to the public) and the requirement to record the names of councillors who supported the decision and the names of councillors who opposed the decision.
- Committee clerks to have systems that can accurately record such divisions and voting by councillors and for inclusion in the minutes of council and committee meetings.
- The general manager to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of the councillors who opposed (or are taken to have opposed) the decision. (Note: Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations (if any))
- The general manager to keep a register of copies of current declarations of disclosures of political donations lodged with the Election Funding Authority by or on behalf of councillors of the council concerned (including in their capacity as candidates for election as councillors).

Education and Training

- Education and training required for planning staff, front counter and enquiry staff and relevant staff that may have input into councils planning processes or systems.
- Education and familiarisation is also required for elected members.

15. Clarification of requirements

The Department has received a number of enquiries in relation to the interpretation of various sections of the *Local Government and Planning Legislation Amendment (Political Donations) Act 2008*. This section of the Guideline addresses the main enquiries that have been received:

What is the meaning of persons associated?

Section 147(8) says persons are associated with each other if:

- 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*
- they are related bodies corporate under the Corporations Act 2001 of the Commonwealth, or*
- 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.*

This definition relates to persons that make a relevant public submission as follows:

Section 147(3)(b) – Relevant public submission to the Minister or the Director-General

A person who makes a relevant public submission to the Minister or the Director-General in relation to the application is required to disclose all reportable political donations (if any) made within the relevant period to anyone by the person making the submission or any associate of that person.

Section 147(5) – Relevant public submission to a council

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 or 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 this section 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.

Interpretation of associate (sections 147(3)(b) and 147(5))

For a person to be regarded as an associate for the purposes of the above sections, they must 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 they are related bodies corporate under the *Corporations Act 2001* or 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.

What is the meaning of financial interest?

Section 147(7) says

‘for the purpose of this section, 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 the 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.’*

Interpretation of financial interest (section 147(7))

Subsections (a) and (b) are clear. For the purpose of the definition of financial interest, for a person to be regarded as ‘associated’, that person must be associated with either the applicant (or the person on whose behalf the application is made) or the owner (or a person who has entered into an agreement to acquire the site or any part of it) and that person is likely to

obtain a financial gain if the development is authorised or carried out (other than a gain as a shareholder in a company listed on the stock exchange).

Under section 147(8), persons are associated if they carry on a business together in connection with the planning application or they are related bodies corporate under the *Corporations Act 2001* or one is a director of a corporation and the other is any such related corporation or a director of any such related corporation.

What is the meaning of 'carry on business together'?

The words '*carry on a business together*' can be found in section 147(8).

It is the Department of Planning's view that these words are narrow in scope and will only apply to relationships such as joint ventures and partnerships and will not apply to contractors and sub-contractors.

For example, it is not enough for two entities (e.g. a company and a contractor) to have their own separate businesses each with an interest in an application. Rather, there must be a single business which they carry on together in connection with an application.

Is an applicant required to disclose a reportable political donation made by a contractor/builder under section 147(3)(a)?

This question depends on the particular facts and circumstances in each instance.

In most instances, it could not be said that an applicant would be 'carrying on a business together' with a contractor/builder. Rather, in the usual instance, they would each have their own business in relation to the application. There may be a contractual arrangement between them but they are not carrying on a business together'.

However, if the circumstances are that the applicant and a contractor/builder do carry on a business together then, depending on the business arrangement, it is possible that the contractor is likely to obtain a financial gain if the development is authorised or carried out. Additionally, where the contractor has an existing contract to also perform work for the development then this may establish financial gain.

Is an application valid if a disclosure statement is not made or is incorrect?

Section 147(1) provides:

'Political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination of any such planning application.'

Failure to make the requisite disclosure when lodging an application will not, in the Department's opinion, invalidate the application.

However, a person who knows, or ought reasonably to know that a political donation or gift has been made and fails to disclose that donation or gift, as required, when either making the relevant planning application or making a submission may be found guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* and may be prosecuted.

Is a project 'at risk' if the Government or a local council fails to maintain its public register?

Section 147(1) (as above) indicates that political donations or gifts are not relevant to the determination of a planning application.

If an error is made by the government or a local council in the maintenance of its public register, and the error leads to a failure to disclose by an applicant, this would be a matter for consideration when determining whether to commence a prosecution and, if a prosecution were to proceed, it would be a matter for the Court to take into consideration at a trial. It would not however, in the Department's opinion, invalidate any approval granted to the subject application under the EP&A Act.

What is the meaning of 'ought reasonably to know'?

The legislation provides (section 147(11)) that

'a person is guilty of an offence under section 125 in connection with the obligations under this section only 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 Part 6 of the *Election Funding and Disclosures Act 1981* for making a false statement in a declaration of disclosures lodged under that Part.'

This section only makes a person guilty of an offence under section 125 in connection with the obligations of disclosure under section 147 if that person fails to disclose a political donation or gift the person 'knows, or ought reasonably to know' was made and is required to be disclosed under section 147. The Department is of the opinion that sections 147(11) will therefore apply only if there is either actual knowledge by the person, or the person 'ought reasonably to know' that the political donation or gift was made and is required to be disclosed.

What are the disclosure requirements for planning applications and submissions to statutory authorities?

The majority of statutory authorities do not act as a consent authority unless this function has been delegated to them by either the Minister for Planning or a local council. For example, the Minister has delegated the consent role to authorities such as Redfern Waterloo Authority, Sydney Harbour Foreshore Authority and Sydney Olympic Park Authority for certain development applications in their areas of responsibility.

The disclosure requirements of the legislation will apply to persons making such applications or submissions to these authorities which have delegated authority from the Minister for Planning. These authorities will have the same obligations as the Department of Planning.

Do disclosures have to go on the web?

Disclosures made regarding relevant planning applications or relevant public submissions made to the Minister or the Director-General are required to be made available to the public within 14 days after they are made on a website maintained by the Department of Planning – or in accordance with arrangements notified on the website.

Similarly, disclosures made regarding relevant planning applications or relevant public submissions made to a local council are required to be made available to the public within 14 days after they are made on a website maintained by the council – or in accordance with arrangements notified on the website.

Thus the disclosures are required to be publicly available either by placing them on the website or by making arrangements for their access available on the web. The decision as to which method to adopt is a matter for each individual authority to make in respect of relevant planning applications or relevant public submissions made to that authority.

Do disclosures have to be attached to assessment reports submitted to a council meeting or a council committee meeting?

The legislation has no requirements regarding the inclusion in reports to councils of disclosure information. Section 147 provides that ‘political donations or gifts are not relevant to the determination of any such planning application etc’. However, the ‘objects’ of the legislation (section 147(1)):

‘is to require the disclosure of relevant political donations or gifts when planning applications are made to minimise any perception of undue influence by:

- (a) requiring public disclosure of the political donations or gifts at the time planning applications (or public submissions relating to them) are made, and*
- (b) providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the planning applications*

Political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination of any such planning application.’

Also, there are provisions in the *Local Government Act 1993* (section 328B(1)) requiring that a general manager who reasonably suspects that a councillor has not complied with the provision of the code of conduct under section 440 relating to the disclosure of political donations or the manner of dealing with any perceived conflict of interest in relation to political donations, is to refer the matter to the Director-General of the Department of Local Government. The matter may subsequently be referred to the Pecuniary Interest and Disciplinary Tribunal.

Other provisions of the *Local Government Act 1993* (section 439(1)) require that councillors and staff act honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Local Government Act.

While it is ultimately a matter for the council to determine whether or not it includes with the relevant planning application assessment information, reportable political donation disclosures that are made by applicants or persons making a public submission in relation to a relevant planning application, it would be good practice for council reports on such planning matters to always identify whether or not any reportable political donation disclosures have been made in relation to that application and if so to whom the donation was made.

It is suggested that such information should be included in a separate section of the report to that containing the merits assessment. This would allow councillors to make

any appropriate disclosures of their own in accordance with the council's code of conduct and as required under the Local Government Act. It would also address section 147(1)(b) of the *Local Government and Planning Legislation Amendment Act 2008* about 'providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the planning application'.

If such assessment reports include a section, where relevant, about any disclosures made, it is suggested that they should also include the following extract from the Act as a reminder that the application should be determined on its merits (section 147(1)).

'political donations or gifts are not relevant to the determination of any such planning application, and the making of political donations or gifts does not provide grounds for challenging the determination of any such planning application'.

Do people need to disclose donations to councillors when they make applications to the Minister?

Applications to the Minister or the Director-General are required to disclose 'all reportable political donations (if any) made within the relevant period to anyone by any person with a financial interest in the application.'

Therefore, if a person making a relevant planning application to the Minister or the Director-General has made a reportable political donation to a councillor within the relevant period (i.e. the previous 2 years and up until the determination of the application), that person would be required to provide a disclosure in accordance with the legislation.

Do people need to disclose donations made to unsuccessful candidates?

If a relevant planning application is made to the Minister or the Director-General, for the reasons as outlined above, the person making the relevant planning application would be required to provide a disclosure in accordance with the legislation.

If a relevant planning application is made to a local council, section 147(4) refers to the 'following reportable political donations' etc and subsection (a) refers to reportable political donations made to any local councillor of that council.

It therefore follows that any required disclosures to a local council should be in respect of reportable political donations made to any local councillor of that council – not unsuccessful candidates.

Do people need to disclose donations made to a councillor in another local government area i.e. not the local government area where the relevant planning application is lodged?

If a relevant planning application is made to the Minister or the Director-General, a disclosure may be required for the reasons as outlined above.

If a relevant planning application is made to a local council, a disclosure is only required if a reportable political donation is made to a local councillor of that council. Donations to councillors of another council area are not required to be disclosed.

Are people required to disclose donations to state or federal parties when they make an application to a local council?

Section 147(4) narrows the disclosure requirements to be in relation to reportable political donations made to any local councillor of that council.

Are people required to disclose donations made to people on the council at the time the application (or submission) is made?

Section 147(4) requires a disclosure to be made if a reportable political donation is made to any local councillor of that council. Therefore the disclosure must be in relation to any reportable political donation made to a person who is a councillor of that council at the time the application is made (and up until the time of determination of the application). Note that the person need not have been on council at the time that the donation was made – they may have been a candidate for election and subsequently elected.

Does the legislation apply to non-complying development such as applications for a swimming pool, bed and breakfast establishments, rural sheds etc?

The definition of a relevant planning application (section 147(2)(a to e)) defines the meaning of a relevant planning application. Section 147(2) indicates that a relevant planning application 'does not include' - (f) 'an application for (or for the modification of) a complying development certificate'. As a result the requirements do not apply to complying development.

It therefore follows that if the developments outlined in the question are not complying developments, then they would be the subject of a relevant planning application and accordingly, the disclosure requirements of the legislation would apply.

When a development application is integrated development, there are other State agency approval authorities. If a disclosure statement is made with the application, should the other approval authorities be supplied with a copy?

The disclosure requirements are in relation to a relevant planning application made to a council (section 147(4)) or to the Minister or Director-General (section 147(3)(a)).

The disclosure requirements are not in relation to any requirements for the approval of a statutory authority issuing an approval under legislation other than the EP&A Act – for example a pollution permit, water licence, bushfire permit or mining permit. Therefore there is no requirement to provide to another statutory authority involved with integrated development, a copy of a disclosure statement that is in relation to a relevant planning application made to a local council or the Minister (or another authority under delegation) under the EP&A Act.

Does the relevant public submission need to be exhibited with a disclosure?

Section 147(12) requires that disclosures are to be made available to the public either on a website or in accordance with arrangements notified on the website.

Section 147(6) provides that disclosures can be provided in a statement accompanying the relevant planning application or submission or disclosures can be made in the relevant planning application or submission.

Therefore, it will depend on the form of the disclosure. If a disclosure is a separate statement accompanying a submission, then the submission would not be required to be either on the website or available in accordance with arrangements notified on the website. However, if the disclosure is in the submission, it may therefore be necessary that the submission is available on the website or available in accordance with arrangements notified on the website.

What are the disclosure requirements in relation to persons that are signatories to a petition that is made as a submission in relation to a relevant planning application?

A *relevant public submission* is defined as 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'.

The fact that a person signs a 'written submission' as one of a number of petitioners means, in the Department's opinion, that the person is making the relevant public submission to the Minister, Director-General or a council as much as any of the persons that also sign the petition.

The EP&A Act therefore, requires that each of the persons signing the public submission about a relevant planning application, will need to consider if they have made a reportable political donation (as prescribed by the Act in relation to a relevant planning application made to the Minister or Director-General or a relevant planning application made to a council), within the period commencing 2 years before the submission is made and ending when the application is determined.

If such a reportable political donation or gift has been made within this time, then the Act requires that the petitioner should provide a disclosure statement with the submission.

Further, the Act requires that a further disclosure statement is required from such person should a reportable political donation or gift be made between the time the submission is lodged with the Minister, Director-General or council and up until the time the application to which the submission refers is determined.

Political donations disclosure statement



NSW GOVERNMENT
Department of Planning

Office use only:

Date received: ____/____/____

Planning application no. _____

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

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 (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

Explanatory information

Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

How and when do you make a disclosure?

The disclosure to the Minister or the Director-General of a *reportable political donation* under section 147 of the Act is to be made:

- (a) in, or in a statement accompanying, the relevant planning application or submission if the donation is made before the application or submission is made, or
- (b) if the donation 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 is made.

What information needs to be included in a disclosure?

The information requirements of a disclosure of reportable political donations are outlined in section 147(9) of the Act.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147.

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.

Glossary of terms (under section 147 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.

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

Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

Disclosure statement details				
Name of person making this disclosure	Planning application reference (e.g. DA number, planning application title or reference, property address or other description)			
Your interest in the planning 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				
Reportable political donations made by person making this declaration or by other relevant persons				
<i>* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).</i>				
<i>* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a financial interest in the planning application, OR</i>				
<i>* If you are a person making a submission in relation to an application, state below any reportable political donations that you know, or ought reasonably to know, were made by an associate.</i>				
Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
<i>Please list all reportable political donations—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) and Date				
Name(s)				

Political donations and gifts disclosure statement

Office use only:

Date received: ____/____/____

Planning application no. _____

This form may be used to make a political donations and gifts disclosure under section 147(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 (for definitions of terms in *italics* below).

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

Explanatory information

Making a planning application to a council

Under section 147(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 147(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 147(4) and 147(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 147 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 147(9) for political donations and section 147(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.

Note: A separate Disclosure Statement Template is available for disclosures to the Minister or the Director-General of the Department of Planning.

Warning: A person is guilty of an offence under section 125 of the *Environmental Planning and Assessment Act 1979* in connection with the obligations under section 147 only if the person fails to make a disclosure of a political donation or gift in accordance with section 147 that the person knows, or ought reasonably to know, was made and is required to be disclosed under section 147. 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.

Glossary of terms (under section 147 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.

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

Political Donations and Gifts Disclosure Statement to Council

If you are required under section 147(4) or (5) of the Environmental Planning and Assessment Act 1979 to disclose any political donations or gifts (see page 1 for details), 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		
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 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 (or 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
<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) and Date					
Name(s)					

Cont...

Political Donations and Gifts Disclosure Statement to Council

Donation or gift?	Name of donor (or 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