

# Political Donations and Gifts Disclosure Statement

## About this form

You may use this form to make a political donations and gifts disclosure under Section 10.4 (4) and (5) of the Environmental Planning Assessment Act 1979 for applications or public submissions to a council.

Warning: A person is guilty of an offence under Section 10.4(11) 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, Expenditures 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.

## How to complete this form

- 1: Ensure that all fields have been filled out correctly.
- 2: Please note that fields on this form marked with an \* are mandatory and must be completed before submitting the application.
- 3: Once completed you can submit this form by mail and in person. Please refer to the Lodgement details section for further information.
- 4: Read the explanatory information below.
- 5: Once completed, please attach the completed declaration to your planning application or submission.

### Part 1: Explanatory information

#### Making a planning application to council.

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

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

#### Making a public submission to council

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

- (a) all reportable political donations made to any local councillor of that council; and
- (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.

### Office Use Only

Receiving Officer

DA / reference number

Date Received

## Part 2: Person making this disclosure statement

Given Name/s \*

Family Name \*

Position

Organisation

Home Number

Business Number

Mobile Number

Email Address

## Part 3: Declaration of Interest

What is your interest in the application or submission to which this disclosure statement is attached?  
(please tick the applicable box below)

I am the applicant

OR

I am making a submission in relation to an application

Planning application reference (e.g. DA number, planning application title or reference; property address or other description)

## Part 4: 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
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					

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

## Part 5: Declaration

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

Organisation (where applicable)

Position within organisation (where applicable)

Name	Signature *	Date
<input type="text"/>	<input type="text"/>	<input type="text"/>

## Part 6: Lodgement Details

You can lodge the completed disclosure statement as part of the supporting documentation for an application or submission. This form should only be lodged as part of an application or submission about a specific matter to be considered by Council.

Applications and submissions can be lodged by:

**EMAIL:** [planninglodgements@cityofsydney.nsw.gov.au](mailto:planninglodgements@cityofsydney.nsw.gov.au)

**MAIL:** City of Sydney DX: 1251  
GPO Box 1591  
Sydney NSW 2001

**IN PERSON:** Town Hall House - Level 2, 456 Kent Street, Sydney  
See our website for details of all customer service centres and opening hours:  
[cityofsydney.nsw.gov.au/customer-service-centres](http://cityofsydney.nsw.gov.au/customer-service-centres)

For further information regarding your application please contact us by visiting [cityofsydney.nsw.gov.au/contact-us](http://cityofsydney.nsw.gov.au/contact-us)

## Part 7: Privacy & Personal Information Protection Notice

- Purpose of collection:** This information is being collected for the purpose of recording and publishing reportable political donations and their possible bearing on specific applications or submissions before council.
- Intended recipients:** City of Sydney employees. Any approved contractors required to provide this service.
- Supply:** The supply of this information is required by law. If you are unwilling to provide this information, the City of Sydney may be unable to provide access to City of Sydney services.
- Access/Correction:** Please contact Customer Service on 02 9265 9333 or at [council@cityofsydney.nsw.gov.au](mailto:council@cityofsydney.nsw.gov.au) to access or correct your personal information.
- Storage:** The City Planning, Development and Transport Unit at the City of Sydney, located at 456 Kent Street, Sydney NSW 2000, is collecting this information and the City of Sydney will store it securely.
- Other uses:** The City of Sydney will use your personal information for the purpose for which it was collected and may use it as is necessary for the exercise of other functions.

For further details on how the City of Sydney manages personal information, please refer to our Privacy Management Plan [cityofsydney.nsw.gov.au/policies/privacy-management-plan](http://cityofsydney.nsw.gov.au/policies/privacy-management-plan).

## Part 8: 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 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
- a formal request to the Minister or the Director-General for development on a particular site to be made State Significant Development or State Significant Infrastructure declared a project to which Part 3A applies; or
- 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
- an application for development consent under Part 4 (or for the modification of a development consent); or
- any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application;

Continued ...

**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, Expenditure and Disclosures Act 1981.

- (1) For the purposes of the Election Funding, Expenditures and Disclosures Act 1981 a reportable political donation is:
  - (a) in the case of disclosures under this Part by a party, elected member, group, candidate or third-party campaigner - a political donation of or exceeding \$1,000 made to or for the benefit of the party, elected member, group, candidate or third-party campaigner; or in the case of disclosures under this Part by a major political donor - a political donation of or exceeding \$1,000 made by the major political donor to or for the benefit of a party, elected member, group, candidate or third-party campaigner.
- (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, third-party campaigner 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.

**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) they are directors of the same body corporate, or they are directors of different bodies corporate that are related bodies corporate under the Corporations Act 2001 of the Commonwealth, or
- d) one is a director of a corporation and the other is any such related corporation or a director of any such related corporation; or
- e) they have any other relationship prescribed by the regulations.