



Political Donations and Gifts Disclosure Statement

Made under Section 10.4(4) and (5) of the Environmental Planning and Assessment Act 1979

About this form

This form must be used to make a political donations and gifts disclosure for applications or related public submissions to Council. Please read the following information before filling out the Disclosure Statement below. Also refer to the 'Glossary of terms' provided for definitions of terms in *italics* below. Once completed in full, please attach the completed declaration to your development application or submission. Please note that disclosures are to be made available to the public/all disclosures are on the public record.

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. A Disclosure Statement Template is provided on this form 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.

Postal address

PO Box 9, Bondi Junction NSW 1355
ABN 12 502 583 608

Waverley Council Service Centres

Bondi Junction Customer Service Centre, 55 Spring St, Bondi Junction NSW 2022
Bondi Pavilion Customer Service, Queen Elizabeth Drive, Bondi Beach NSW 2026

W waverley.nsw.gov.au

E info@waverley.nsw.gov.au
T (02) 9083 8000

You can contact us through the **National Relay Service** if you are deaf or have a hearing or speech impairment.

Translating and Interpreting Service (TIS)
131 450

TTT/Voice Calls
133 677

Speak & Listen
1300 555 727

Subject property description

Lot No(s): Section: DP/SP Number:
Unit No: Street No: Street Name:
Suburb: Post Code:

Details of person or company making the disclosure statement

Title: Mr Mrs Ms Other

First Name: Family Name:

Company Name (if applicable):

ABN/ACN (if applicable):

Mailing Address:

Suburb: State: Post Code:

Note: It is important that we are able to contact you if we need more information. Please give as much detail as possible. Council will deal only with the nominated applicant in the event of any query or communication regarding this application.

Email Address:

Daytime Telephone No. (Home/Work): Mobile No:

Declaration of interest

What is your interest in the application or submission to which this disclosure statement is attached?

I am the applicant of the application **OR**

I am making a submission in relation to the application

- 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.

Full Name: Full Name: Full Name:

Signature: Signature: Signature:

Date: Date: Date:

Position (if applicable): Position (if applicable): Position (if applicable):

ACN/ABN: ACN/ABN: ACN/ABN:

Warning

A person is guilty of an offence under 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 the *Electoral Funding Act 2018* for making a false statement in a declaration of disclosures lodged under that Part.

Privacy notice

Waverley Council (55 Spring Street, Bondi Junction NSW 2022) is collecting and holding your personal information for the purpose of processing your request or application. The intended recipients of your personal information are Council officers and other service providers necessary to process your request or application, if applicable. We will not disclose your personal information to anybody else unless you have given consent, or we are authorised or required to do so by law. This form is classified as open access information under the Government Information (Public Access) Act 2009 and may be disclosed to members of the public on request. If you do not provide your personal information, we may be unable to process your request or application. To access or correct your personal information, please contact info@waverley.nsw.gov.au or call 9083 8000. For further details on how Council manages your personal information, please refer to the Privacy Management Plan on our website: waverley.nsw.gov.au/privacy

Glossary of terms

gift means a gift within the meaning of Electoral Funding Act 2018. Note. A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration.

Note: Under section 4 of the Electoral Funding Act 2018 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 for no consideration or for inadequate consideration, other than—

- (a) the provision of voluntary labour, and
- (b) the provision of voluntary professional services to a party by an officer or an elected member of the party.

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

relevant planning application means:

- (a) a formal request to the Minister, a council or the Planning Secretary to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site, or
- (b) a formal request to the Minister or the Planning Secretary for development on a particular site to be made State significant development or State significant infrastructure or declared a project to which Part 3A applies, or
(b1) an application for approval of State significant infrastructure (or for the modification of the approval for any such infrastructure), or
- (c) an application for approval of a concept plan or project under Part 3A (or for the modification of a concept plan or of the approval for a project), or
- (d) an application for development consent under Part 4 (or for the modification of a development consent), or
- (e) any other application or request under or for the purposes of this Act that is prescribed by the regulations as a relevant planning application, but does not include:
- (f) (an application for (or for the modification of) a complying development certificate, or
- (g) an application or request made by a public authority on its own behalf or made on behalf of a public authority, or
- (h) any other application or request that is excluded from this definition by the regulations.

relevant 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 the Electoral Funding Act 2018 that is required to be disclosed under that Act.

Note. Reportable political donations include those of or above \$1,000.

Note: Under section 6 of the Electoral Funding Act 2018 reportable political donation is defined as follows:

6 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 Act by a party, elected member, group, candidate, associated entity 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, associated entity or third-party campaigner, or
- (b) in the case of disclosures under this Act 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, associated entity 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 earlier, separate political donations made by that entity or other person to the same party, elected member, group, candidate, associated entity, third-party campaigner or person within the same financial year (ending 30 June) would, if aggregated, constitute a reportable political donation under subsection (1).

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.

