

Why has the law changed?

On 1 October 2008, the Environmental Planning and Assessment Act 1979 changed to require the disclosure of donations and gifts, when making planning applications or submissions in respect of planning applications.

These changes are designed to increase the transparency of the planning process.

The new legislation will minimise any perception of undue influence in the planning process by:

- Requiring public disclosure of political donations or gifts at the time development proposals are made; and
- Providing the opportunity for appropriate decisions to be made about the persons who will determine or advise on the determination of the development proposal.

A Disclosure Statement is required if you:

- Make a planning application and you, or a person with a financial interest in the application, have made reportable political donations adding up to or exceeding \$1,000 or more, or given gifts of money, property, services or valuables, to a councillor or council employee, in the two years prior to your application
- Make a submission in respect of a planning application and you or an associate have made reportable political donations adding up to or exceeding \$1,000 or more, or given gifts of money, property, services or valuables, to a councillor or council employee, in the two years prior to your submission.

Disclosure requirements relate to reportable political donations to councillors and gifts to councillors and council employees only, in the case of planning applications and submissions to a local council. The requirements are different in relation to planning applications to the Minister or Director-General.

This Disclosure Statement is a public document and will be made publicly available by council.

Glossary of Terms

Councillor, Council Employee	A councillor (including the Mayor) of the council of a local government area or a person employed by a council.
Development Proposal or Planning Application	A Development Application, Environmental Planning Instrument, Development Control Plan, request for a site to be made State Significant Development or declared a project to which Part 3A applies, a Major Project Application, Concept Plan Application, Modification Application or an Application for Development Consent or Modification under Part 4.
Disclosure Statement	A document outlining a political donation or gift made within the two years prior to the date of the Planning Application submission, or made after the Planning Application submission but before it is determined.
Reportable Political Donations	A donation is any single donation or combination of donations adding up to or exceeding \$1,000, as defined by the Election Funding and Disclosures Act, 1981, made to the benefit of the party, elected member, group or candidate.
Gifts	A gift includes a gift of money or the provision of any other valuable thing or service for no consideration or inadequate consideration as defined by the Election Funding and Disclosures Act 1981.
Financial Interest	A person with a financial interest may include an applicant, or person on whose behalf the application is made, landowner or someone who will obtain a financial gain from the application.
Submission	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.

Development proposals and donations or gifts

Know the rules



If you're making an application or submission

The laws require the disclosure, upon making a planning application, of:

- Political donations of \$1,000 or more (or smaller donations totalling \$1,000 or more); or
- Gifts as defined by the Election Funding and Disclosures Act 1981

made in the two years prior to application date by you or any person who has a financial interest in the application.

The planning applications to which this requirement applies include:

- Development applications or proposals;
- Requests regarding environmental planning instruments or development control plans.

A person with a financial interest may include an applicant, landowner or someone who will obtain a direct financial gain from the application.

New donation and gift disclosure requirements will also apply to people lodging submissions in objection to or support of the above types of proposals.

The new laws do not apply to people seeking a complying development certificate.

What must you disclose?

Your Disclosure Statement requires the following information:

- The name of the person or party benefiting from the donation or gift;
- The date of the donation or gift;
- The amount or value of the donation or the gift;
- The name of the donor who made the donation or gift;
- In the case of a donation or gift from an entity that is not an individual, the Australian Business Number of the entity; and
- The residential address of the person who made the donation or gift (in the case of an individual); or
- The address of the registered or other official office of the entity that made the donation.

Harsh penalties may apply for non-disclosure of donations or gifts.

If you'd like to know more

Further information is available from the web site of the **NSW Department of Planning** at www.planning.nsw.gov.au/donations or from your **local council** offices.

Alternatively you can contact the Department of Planning by email at information@planning.nsw.gov.au

or by ringing the Planning Department Information Line on **1300 305 695**

More details regarding the public disclosure requirements of councils under the legislation are available from the web site of the **Department of Local Government** at www.dlg.nsw.gov.au

State Plan Goal S8:
Increased Customer Satisfaction with Government Services

This pamphlet does not constitute legal advice. 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 pamphlet.

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