

# Bulletin

**Tuesday, 14 October 2008**

## Development proposals and donations or gifts

**On 1 October 2008, amendments to the Environmental Planning and Assessment Act came into effect requiring disclosure of donations and gifts when making planning applications or submissions in relation to planning applications.**

The Act and Regulations require applicants and persons making submissions in relation to development proposals (including development applications with local councils and Part 3A applications to the Minister) to lodge a disclosure statement in respect of political donations or gifts totalling \$1,000 or more made in the two years prior to the application date up to the date of determination of the application.

The disclosure needs to be made by any person who has a financial interest in the application which would not only include an applicant but also the landowner and someone who will obtain a direct financial gain from the application.

The fact that political donations or gifts have been made by applicants or proponents of a planning application should not affect whether the application is approved or refused. Political donations or gifts should not be relevant in making a determination but rather applications should be determined on their merits.

Similarly, the fact that political donations or gifts have been made does not provide grounds for challenging the determination of any applications in itself.

Section 124A of the *Environmental Planning and Assessment Act* contains special provisions to deal with development consent where there is the potential that the decision is tainted by corruption.

Should further information or advice be required, please do not hesitate to contact Mr Bill d'Apice or any other partners or solicitors in our office.

**MAKINSON & d'APICE**  
— L A W Y E R S —

Level 12 135 King Street Sydney NSW 2000 • GPO Box 495 Sydney 2001 • DX 296 Sydney  
**Telephone 02 9233 7788 • Facsimile 02 9233 1550 • Email [mail@makdap.com.au](mailto:mail@makdap.com.au) • [www.makdap.com.au](http://www.makdap.com.au)**