



# Political Donations and Gifts Disclosure Statement

## HOW TO COMPLETE THIS FORM

1. Ensure all fields are completed correctly.
2. Fields marked with an \* are mandatory and must be completed.
3. For assistance in completing this form please contact Council's Public Officer on 9843 0555.
4. Details must be printed in BLOCK LETTERS.
5. Please ensure that you read the following information before filling out the Disclosure Statement. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in italics below).
6. Once completed, please attach the declaration to your planning application or submission.
7. You can submit this form by mail, fax or in person. Refer to Section 5 for details.

**This form may be used to make a political donations disclosure under section 147 (4) and (5) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to Council.**

## SECTION 1 - EXPLANATORY INFORMATION

### Making a planning application to Council

Under section 147 (4) of the *Environmental Planning and Assessment Act 1979* ('the Act') a person who makes a relevant planning application to 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 make 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 an associate of the 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 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 and Section 147 (10) for gifts.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to Council.

**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.*

## SECTION 2 - GLOSSARY OF TERMS (under section 147 of the *Environmental Planning & 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 Division 4.7 applies, or
- c) an application for approval of a concept plan or project under Division 4.4 (or for the modification of a concept plan or of the approval for a project), or
- d) an application for development consent under Section 4.55 (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 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.

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.

### SECTION 3 - DISCLOSURE STATEMENT DETAILS\*

DA No:

Name of person making this disclosure statement **Dean Berry**

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

Person's interest in the application (please tick relevant option below): **Owner**

**You are the APPLICANT/OWNER/PART OWNER**

YES



NO



**You are the 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 donation or gifts that you know, or ought reasonably to know, were made by any persons with an 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 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 made the first 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 of gift

Please list all reportable political donations and gifts - additional space is provided overleaf if required.



#### SECTION 4 - APPLICANT DECLARATION\*

By signing below. I/we hereby declare that all the information contained within this statement is accurate at the time of signing.

Applicant(s) Name and Date\* **Dean Berry**  
**21-12-20**

Applicant(s) Signature\*

**Dean Berry**  
**Secretary**  
**111 Cecil Street**  
**South Melbourne Vic. 3205**

#### SECTION 5 - LODGMENT INFORMATION

**You can lodge this completed application by:**

**FAX:** (02) 9843 0409

**MAIL:** The Hills Shire Council  
PO Box 7064, Norwest BC 2153  
Norwest NSW 2153

#### **IN PERSON AT COUNCIL'S CUSTOMER SERVICE CENTRES:**

Council Administration Building, 3 Columbia Court Norwest NSW 2153

Castle Hill Library, Cnr Castle and Pennant Streets, Castle Hill

Dural Library, Pellitt Lane, Dural

Vinegar Hill Memorial Library, 29 Main Street, Rouse Hill Town Centre

If you require further information regarding this request, please contact Council on 9843 0555.

#### SECTION 6 - PRIVACY NOTIFICATION

The personal information that Council has collected or is collecting from you is personal information for the purposes of the *Privacy and Personal Information Protection Act (PPIPA) 1998*.

The intended recipients of the personal information are:

- Officers within the Council,
- Data service providers engaged by the Council from time to time;
- Any other agent/contractor of the Council; and
- Other Statutory Authorities.

The supply of the information by you is not voluntary. If you cannot provide or do not wish to provide the information sought, the Council may be limited in dealing with your request etc.

Council has collected this personal information from you in order to process your request.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the PPIPA.

Council is to be regarded as the agency that holds the information. If you have any further enquiries concerning this matter contact Council's Public Officer on 9843 0555.

#### OFFICE USE ONLY

Receiving Officer

Date Received

Assessment No.

Receipt No.