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29/8/09

# Political donations disclosure statement



NSW GOVERNMENT  
Department of Planning

MB.

Office use only:

Date received: 13/8/09

Planning application no. MP 09-0160

This form may be used to make a political donations disclosure under section 147(3) of the *Environmental Planning Assessment Act 1979* for applications or public submissions to the Minister or the Director-General.

Please read the following information before filling out the Disclosure Statement on pages 3 and 4 of this form. Also refer to the 'Glossary of terms' provided overleaf (for definitions of terms in *italics* below). Once completed, please attach the completed declaration to your planning application or submission.

## Explanatory information

### Making a planning application or a public submission to the Minister or the Director-General

Under section 147(3) of the Environmental Planning and Assessment Act 1979 ('the Act') a person:

- (a) who makes a *relevant planning application* to the Minister or the Director-General is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by any *person with a financial interest* in the application, or
- (b) who makes a *relevant public submission* to the Minister or the Director-General in relation to the application is required to disclose all *reportable political donations* (if any) made within the *relevant period* to anyone by the person making the submission or any *associate of that person*.

### How and when do you make a disclosure?

The disclosure to the Minister or the Director-General 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.

Pages 3 and 4 of this document include a Disclosure Statement Template which outlines the information requirements for disclosures to the Minister or to the Director-General of the Department of Planning.

Note: A separate Disclosure Statement Template is available for disclosures to councils.

**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.

## **Glossary of terms** (under section 147 of the *Environmental Planning and 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 Part 3A applies, 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 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
- 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.

# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see Page 1 for details), please fill in this form and sign below.

**Disclosure statement details**

Name of person making this disclosure  
 Brian Boyd  
 Planning application reference (e.g. DA number, planning application title or reference, property address or other description)  
 23 Bennelong Rd Homebush Bay

Your interest in the planning application (circle relevant option below)

You are the APPLICANT YES / NO OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO

**Reportable political donations made by person making this declaration or by other relevant persons**

\* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include the Australian Business Number (ABN).  
 \* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a 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 that you know, or ought reasonably to know, were made by an associate.

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
PAYCE PROPERTIES PTY LTD ABN 37 008 644 611	2 BAYWATER DRIVE HOMEBUSH BAY NSW 2127.	A.L.P	27/8/07	\$1,000
PAYCE MANAGEMENT LTD ABN 81 061 578 856	2 BAYWATER DRIVE HOMEBUSH BAY NSW 2127	WENTWORTH FORUM	3-8/07	\$5,000
PAYCE PROPERTIES PTY LTD ABN 37 008 644 611	2 BAYWATER DRIVE HOMEBUSH BAY NSW 2127	NTH SYDNEY ALP FEC	15/11/07	\$1,000
PAYCE PROPERTIES LTD ABN 37 008 644 611	2 BAYWATER DRIVE HOMEBUSH BAY NSW 2127	A.L.P	27/11/07	\$50,000

Please list all reportable political donations—additional space is provided overleaf if required.

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

Signature(s) and Date  
 12.8.09

Name(s)  
 BRIAN BOYD

Cont...

**Political Donations Disclosure Statement to Minister or the Director-General**

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
PAYCE MANAGEMENT LTD ABN 81 601 578 856	8 BAYWATER DRIVE HOMEBUSH BAY NSW 2127	LIBERAL PARTY (MILLENNIUM FORUM)	12/8/08	\$ 20,000
PAYCE MANAGEMENT LTD ABN 81 601 578 856	8 BAYWATER DRIVE HOMEBUSH BAY NSW 2127	WENTWORTH FORUM (LIBERAL)	25/8/08	\$ 5,000
PAYCE PROPERTIES PTY LTD ABN 37 008 644 611	8 BAYWATER DRIVE HOMEBUSH BAY NSW 2127.	WATSON CAMPAIGN (ALP)	7/11/08	\$ 200
PAYCE MANAGEMENT LTD ABN 81 601 578 856	8 BAYWATER DRIVE HOMEBUSH BAY NSW 2127.	LIBERAL PARTY (MILLENNIUM FORUM).	28/7/09	\$ 20,000

**Anthony Witherdin - FW: 23 Bennelong Parkway Homebush Bay Part 3A application**

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**From:** "David Ryan" <DavidR@cityplan.com.au>  
**To:** "Anthony Witherdin" <Anthony.Witherdin@planning.nsw.gov.au>  
**Date:** 24/09/2009 4:57 PM  
**Subject:** FW: 23 Bennelong Parkway Homebush Bay Part 3A application  
**CC:** "Michael Woodland" <Michael.Woodland@planning.nsw.gov.au>  
**Attachments:** Revised PDDS 23 Bennelong Pwy Homebush Bay.pdf; PDDS updated pg 4, 23 Bennelong Rd Homebush Bay.pdf

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Anthony,

Further to my email below, Payce has supplied details of an additional donation requiring declaration for the purposes of the subject application. Please find attached Page 4 of the declaration (together with a further copy of page 3 issued to you with my earlier email, for completeness).

Any update on the likely timing of the Clause 6 response?

Regards,

David Ryan  
Executive Director

CITY PLAN STRATEGY & DEVELOPMENT  
LEVEL 1, 364 KENT ST  
SYDNEY, 2000  
TEL: 02 8270 3505  
FAX: 02 8270 3501  
MOB: 0404 042 044

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**From:** David Ryan  
**Sent:** Tuesday, 15 September 2009 11:34 AM  
**To:** Anthony Witherdin  
**Cc:** 'Michael Woodland'  
**Subject:** 23 Bennelong Parkway Homebush Bay Part 3A application  
**Importance:** High

Anthony,

As discussed over the phone, please find attached a copy of the amended Political Donations Declaration from Payce Properties relevant to the subject application.

As indicated, the Declaration originally submitted with the application contained an error in that it disclosed a donation made to a Queensland Party which has no relevance and application in terms of the Declaration for the subject application. The attached form deletes the reference to that donation.

To avoid creating confusion or misleading the public, we would appreciate if you could replace the earlier

Declaration form with the attached on any files or public records relating to this application.

We also look forward to receipt of the Department's early response to the Clause 6 request for this application lodged on 13 August.

Do not hesitate to contact me should you require any further clarification or information. Thank you for your assistance in this matter.

Regards

David Ryan  
Executive Director

CITY PLAN STRATEGY & DEVELOPMENT  
LEVEL 1, 364 KENT ST  
SYDNEY, 2000  
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FAX: 02 8270 3501  
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Cont...

### Political Donations Disclosure Statement to Minister or the Director-General

Name of donor (or ABN if an entity)	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation was made	Amount/ value of donation
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	ALP NSW	29/6/09	\$1,500

# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see page 1 for details), please fill in this form and sign below.

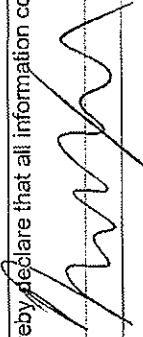
**Disclosure Statement Details**  
 Name of person making this disclosure  
 Brian Boyd  
 Planning application reference (e.g. DA number, planning application title or reference, property address or other description)  
 23 Bennelong Parkway, Homebush Bay NSW, 2127

Your interest in the planning application (circle relevant option below)  
 You are the APPLICANT  YES / NO  OR  YOU ARE A 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 you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include Australian Business Number (ABN).  
 \* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a 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 that you know, or ought reasonably to know, were made by an associate.

Name of donor (or ABN if an entity);	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
Payce Properties Pty Ltd ABN: 34 008 644 611	8 Baywater Drive Homebush Bay NSW 2127	ALP NSW	27/8/2007	\$1,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Wentworth Forum (Liberal Party)	30/8/2007	\$5,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Liberal Party NSW (Millennium Forum)	12/8/2008	\$20,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Wentworth Forum (Liberal Party)	13/8/2008	\$5,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Liberal Party NSW (Millennium Forum)	30/7/2009	\$20,000

Please list all reportable political donations—additional space is provided overleaf if required.

By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.  
 Signature(s) and Date  17/9/09  
 Name(s) BRIAN BOYD

**Anthony Witherdin - 23 Bennelong Parkway Homebush Bay Part 3A application**

---

**From:** "David Ryan" <DavidR@cityplan.com.au>  
**To:** "Anthony Witherdin" <Anthony.Witherdin@planning.nsw.gov.au>  
**Date:** 15/09/2009 11:34 AM  
**Subject:** 23 Bennelong Parkway Homebush Bay Part 3A application  
**CC:** "Michael Woodland" <Michael.Woodland@planning.nsw.gov.au>  
**Attachments:** Revised PDDS 23 Bennelong Pwy Homebush Bay.pdf

---

Anthony,

As discussed over the phone, please find attached a copy of the amended Political Donations Declaration from Payce Properties relevant to the subject application.

As indicated, the Declaration originally submitted with the application contained an error in that it disclosed a donation made to a Queensland Party which has no relevance and application in terms of the Declaration for the subject application. The attached form deletes the reference to that donation.

To avoid creating confusion or misleading the public, we would appreciate if you could replace the earlier Declaration form with the attached on any files or public records relating to this application.

We also look forward to receipt of the Department's early response to the Clause 6 request for this application lodged on 13 August.

Do not hesitate to contact me should you require any further clarification or information. Thank you for your assistance in this matter.

Regards

David Ryan  
Executive Director

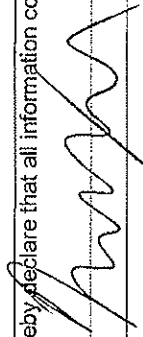
CITY PLAN STRATEGY & DEVELOPMENT  
LEVEL 1, 364 KENT ST  
SYDNEY, 2000  
TEL: 02 8270 3505  
FAX: 02 8270 3501  
MOB: 0404 042 044

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# Political Donations Disclosure Statement to Minister or the Director-General

If you are required under section 147(3) of the Environmental Planning and Assessment Act 1979 to disclose any political donations (see page 1 for details), please fill in this form and sign below.

<b>Disclosure Statement Details</b> Name of person making this disclosure Brian Boyd		Planning application reference (e.g. DA number, planning application title or reference, property address or other description) 23 Bennelong Parkway, Homebush Bay NSW, 2127		
Your interest in the planning application (circle relevant option below)				
You are the APPLICANT <input checked="" type="radio"/> YES / NO		OR You are a PERSON MAKING A SUBMISSION IN RELATION TO AN APPLICATION YES / NO		
<b>Reportable political donations or gifts made by person making this declaration or by other relevant persons</b>				
* State below any reportable political donations you have made over the 'relevant period' (see glossary on page 2). If the donation was made by an entity (and not by you as an individual) include Australian Business Number (ABN).				
* If you are the applicant of a relevant planning application state below any reportable political donations that you know, or ought reasonably to know, were made by any persons with a 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 that you know, or ought reasonably to know, were made by an associate.				
Name of donor (or ABN if an entity);	Donor's residential address or entity's registered address or other official office of the donor	Name of party or person for whose benefit the donation was made	Date donation made	Amount/ value of donation
Payce Properties Pty Ltd ABN: 34 008 644 611	8 Baywater Drive Homebush Bay NSW 2127	ALP NSW	27/8/2007	\$1,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Wentworth Forum (Liberal Party)	30/8/2007	\$5,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Liberal Party NSW (Millennium Forum)	12/8/2008	\$20,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Wentworth Forum (Liberal Party)	13/8/2008	\$5,000
Payce Management Ltd ABN: 81 001 578 856	8 Baywater Drive Homebush Bay NSW 2127	Liberal Party NSW (Millennium Forum)	30/7/2009	\$20,000
Please list all reportable political donations—additional space is provided overleaf if required.				
By signing below, I/we hereby declare that all information contained within this statement is accurate at the time of signing.				
Signature(s) and Date  14/9/09		Name(s) BRIAN BOYD		