



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2018-0050

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	29
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD.FOI](#)
Subject: Freedom of Information request
Date: Friday, 2 March 2018 3:17:34 PM

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:

First Name:

Last Name:

Business/Organisation:

Address:

Suburb:

Postcode:

State/Territory:

Phone/mobile:

Email address:

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

All documents for the period 1 July 2017 to 28 February 2018, including correspondence, emails, legal advice, notes of meetings and discussions, inspection reports, records of telephone conversations and file notes between Access Canberra and the Young Men's Christian Association (YMCA) of Canberra, YMCA Australia and the Environment, Planning and Sustainable Development Directorate relating to: - the [REDACTED] controlled activity complaint [REDACTED] concerning the use of the premises at 35 Alexandrina Drive Yarralumla as the corporate headquarters of the YMCA Canberra contrary to the lease purpose clause: and - the decision by Mr Craig Simmons Acting Chief Operating Officer to grant a further extension to the operation of non-aquatic business activities at the site to 31 December 2018. I seek remission of any processing charges pursuant to section 29 of the FOI Act on the grounds of public interest.

I do not want to access the following documents in relation to my request:

Thank you.
Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2018-0050




via email: 

Dear 

FREEDOM OF INFORMATION REQUEST

I refer to your request submitted under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 2 March 2018, in which you sought access under the *Freedom of Information Act 2016* (the Act) to the following information:

"All documents for the period 1 July 2017 to 28 February 2018, including correspondence, emails, legal advice, notes of meetings and discussions, inspection reports, records of telephone conversations and file notes between Access Canberra and the Young Men's Christian Association (YMCA) of Canberra, YMCA Australia and the Environment, Planning and Sustainable Development Directorate relating to:

- *the ... controlled activity complaint dated  concerning the use of the premises at 35 Alexandrina Drive Yarralumla as the corporate headquarters of the YMCA Canberra contrary to the lease purpose clause, and*
- *the decision by Mr Craig Simmons Acting Chief Operating Officer to grant a further extension to the operation of non-aquatic business activities at the site to 31 December 2018."*

Authority

I am an Information Officer appointed by the Director-General of CMTEDD under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 26 April 2018.

Third Party Consultation

In making this decision, I completed consultation with relevant third party in accordance with section 38 of the Act. The third party did not object to release of the information.

Decision on access

Searches were completed within CMTEDD for relevant documents and 61 documents have been identified that fall within the scope of your request. I note you also requested documents held by documents Environment, Planning and Sustainable Development Directorate (EPSDD) on this matter. CMTEDD consulted with EPSDD as part of the document search. EPSDD advised they do not hold any documents in relation to your request.

I have decided to fully release to you 47 documents and partially release the remaining 14 documents as I consider the redacted information would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. Information not relevant to your request has been redacted as out of scope material.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decision is below.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the Act;
- the content of the documents that fall within the scope of your request;
- the views of relevant third parties; and
- the *Human Rights Act 2004*.

Exemptions claimed

My reasons for deciding not to grant access to part of the identified documents are as follows:

Information Contrary to Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Factors favouring disclosure (Schedule 2 section 2.1)

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors in favour of disclosure are relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *contribute to positive and informed debate on important issues or matters of public interest; and*
 - (viii) *reveal the reason for a government decision and any background or contextual information that informed the decision.*

Having considered the factors identified as relevant in this matter, I consider that release of the information contained in the documents may contribute to positive and informed debate on the use of the premise at Yarralumla as the headquarters of YMCA Canberra by allowing you to have a record of the interactions between Access Canberra and the YMCA.

The documents include a letter from YMCA explaining the reasons why an extension was sought. This letter provides background and contextual information that is directly related to Mr Craig Simmons' decision to grant the extension. I am satisfied that the information identified reveals the consideration of the relevant business unit in response to the YMCA's request for an extension. I consider there is public interest in increasing transparency of the Directorate and promoting positive and informed debate around particular matters of public interest carries significant weight.

Factors favouring non-disclosure (Schedule 2 section 2.2)

As required in the public interest test set out in section 17 of the Act, I have also identified the following public interest factor in favour of non-disclosure that I believe is relevant to determine if release of the information contained within these documents is within the 'public interest':

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
 - (ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004;*

When considering the documents and factors in favour of non-disclosure, I have considered the personal information contained in the documents, including names, signatures and contact information. I am satisfied that the names, signatures, and contact information of employees in their signature blocks should be released as these staff members were acting in their official capacity and the personal information being released is done so in relation to these individuals exercising their delegations in a work related capacity. I do not consider the release of this information is unreasonable or could prejudice their right to privacy.

However, I consider it is unreasonable to release the mobile phone number of Mr Darren Black, CEO of YMCA Canberra and the signature of Ms Melinda Crole, CEO of YMCA Australia, as this is personal information that is not publicly available. I also consider it is unreasonable to release the mobile phone number of government employee Mr Bob Alford as this number was not provided by Mr Alford in his work related capacity. I am of the opinion that release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring non-disclosure should be afforded significant weight as it relates to individuals privacy. Accordingly, I have decided to withhold from disclosure mobile phone numbers of Mr Black and Mr Alford, and the signature of Ms Crole.

Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the personal information that is not in the public interest to release, while releasing the rest of the documents will ensure the intent of the Act is met and will provide you with access to the majority of information held by CMTEDD within the scope of your request.

Additional Information

- Document No. 45 contains an attachment that was released to you under a previous FOI request (FOI-AC: 17-0071). This attachment has not been included in the document pack as it is already available to you.
- Duplicates of emails have been removed from the document pack.
- The following pages have been removed from the document pack as they contain only out of scope information: pages 36-37, 41-42, 54-57, 84, 87, 89, 94, 99, 108-119, 122.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number folio's to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived as I am satisfied that the subject of the request is of benefit to the public in accordance with section 107(2)(b) of the Act.

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 20 April 2018. Your personal contact details will not be published.

The CMTEDD disclosure log is at:

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ombudsman@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au

Yours sincerely,



Daniel Riley
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

17 April 2018



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
[REDACTED]	<p>All documents for the period 1 July 2017 to 28 February 2018, including correspondence, emails, legal advice, notes of meetings and discussions, inspection reports, records of telephone conversations and file notes between Access Canberra and the Young Men's Christian Association (YMCA) of Canberra, YMCA Australia and the Environment, Planning and Sustainable Development Directorate relating to:</p> <ul style="list-style-type: none"> the controlled activity complaint [REDACTED] concerning the use of the premises at 35 Alexandrina Drive Yarralumla as the corporate headquarters of the YMCA Canberra contrary to the lease purpose clause; and the decision by Mr Craig Simmons Acting Chief Operating Officer to grant a further extension to the operation of non-aquatic business activities at the site to 31 December 2018. 	CMTEDDFOI 2018-0050

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-3	Email - RE: YMCA at Yarralumla	10/11/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
2	4-5	Email - Re: YMCA Yarralumla	11/11/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
3	6	Email - Re: YMCA Yarralumla	11/11/2017	Full	n/a	Yes
4	7	Email - Re: YMCA Yarralumla	12/12/2017	Full	n/a	Yes
5	8	Email - Re: YMCA Yarralumla	13/11/2017	Full	n/a	Yes
6	9-10	Email - RE: YMCA at Yarralumla	13/11/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
7	11	Attachment to previous email - Letter to Mr Craig Simmons	13/11/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
8	12-13	Email - FW: YMCA at Yarralumla Attachment 1 to previous email - see Ref No. 7	15/11/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
9	14	Attachment 2 to previous email - YMCA letter of extension - draft	11/2017	Full	n/a	Yes

10	15	Email – RE: YMCA at Yarralumla	16/11/2017	Full	n/a	Yes
11	16	Attachment to previous email - 20171116 YMCA letter of extension - draft	11/2017	Full	n/a	Yes
12	17	Email - FOR CS CLEARANCE: 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA - YMCA Yarralumla Bay	1/12/2017	Full	n/a	Yes
13	18	Attachment 1 to previous email – Attachment A: YMCA letter of extension	12/2017	Full	n/a	Yes
14	19	Attachment 2 to previous email – Attachment B: Chronology	undated	Full	n/a	Yes
15	20	Attachment 3 to previous email – Attachment C: Letter to YRA re YMCA extension	12/2017	Full	n/a	Yes
16	21-25	Attachment 4 to previous email – Briefing document for the Minister Attachment 5 to previous email – see Ref No. 7	4/12/2017	Full	n/a	Yes
17	26-28	Email - Re: Brief re YMCA & letters to YMCA and YRA	5/12/2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
18	29	Email - Re: Minister"s Meeting Agenda	6/12/2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
19	30-32	Email - RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA	8/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
20	33	Email - Minister Ramsay Agenda - 11 December 2017	6/12/2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
21	34-37	Attachment to previous email – Minister Ramsay Agenda 11 December 2017	undated	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
22	38	Email - RE: Meeting papers for Monday Attachment 1-6 – out of scope	11/12/2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
23	39-42	Attachment 7 to previous email – Minister Ramsay Agenda 11 December 2017	undated	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
24	43-44	Email - FW: Brief re YMCA & letters to YMCA and YRA	13/12/2017	Full	n/a	Yes
25	45	Email - RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA	13/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes

26	46	Email - Re: YMCA - Yarralumla Residents	15/12/2017	Full	n/a	Yes
27	47	Email - Re: YMCA / YRA briefing delivered to Minister Gentleman's office	15/12/2017	Full	n/a	Yes
28	48	Email - Fwd: YMCA Breach of Lease Purpose	15/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
29	49	Email - Re: YMCA Breach of Lease Purpose	18/12/2017	Full	n/a	Yes
30	50	Email - Re: Phone message	18/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
31	51-52	Email - Re: Phone messagea	19/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
32	53-57	Email - RE: input to QON No 2 from Annual Reports - re construction litigation	20/12/2017	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
33	58-62	Brief to Minister for Planning and Land Management – signed Attachment A-C – see Ref No. 13-15	20/12/2017	Full	n/a	Yes
34	63-64	Email - Fwd: Complaint on lack of enforcement relating to the YMCA breach of lease	21/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
35	65-66	Attachment 1 to previous email – Complaint lodged with David Snowden 171221	21/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
36	67	Attachment 2 to previous email – Response to Controlled Activity Complaint 2014	21/2/2014	Full	n/a	Yes
37	68-69	Email - CS TO AMEND YRA LETTER : 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA	21/12/2017	Full	n/a	Yes
38	70	Attachment 1 to previous email – Attachment A YMCA letter of extension	12/2017	Full	n/a	Yes
39	71	Attachment 2 to previous email – Attachment C letter of to YRA re YMCA extension	12/2017	Full	n/a	Yes
40	72	YMCA letter of extension - signed	21/12/2017	Full	n/a	Yes
41	73-74	Email - RE: Complaint on lack of enforcement relating to the YMCA breach of lease	21/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
42	75	Email - FW: CS TO AMEND YRA LETTER : 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA	22/12/2017	Full	n/a	Yes

		Attachment 1-2 – see Ref No. 38-39				
43	76	Email - YMCA Aquatic Recreation Centre	22/12/2017	Full	n/a	Yes
44	77	Attachment to previous email – letter to YRA signed	22/12/2017	Full	n/a	Yes
45	78-80	Email - Fwd: YMCA Attachment: documents previously released under FOI-AC: 17-0071	22/12/2017	Partial	Sch 2 s2.2(a)(ii)	Yes
46	81	Email - Minister Ramsay agenda 22 Jan	18/1/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
47	82-84	Attachment to previous email – Minister Ramsay Agenda 22 January 2018	undated	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
48	85	RE: Min Mtg papers	22/1/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
49	86-89	Attachment to previous email – Minister Ramsay Agenda 22 January 2018	undated	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
50	90	Email - AC EXEC MEETING - 29 January 2017 - Agenda	25/1/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
51	91-94	Attachment to previous email – Minister Ramsay Agenda 29 January 2018	undated	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
52	95	Email - FW: AC EXEC MEETING - 29 January 2017 - Agenda	25/1/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
53	96-99	Attachment to previous email – Minister Ramsay Agenda 29 January 2018	undated	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
54	100	Email - FOR ACTION - New Question on Notice - QON 937 - MS LEE - Yarralumla Bay - Due 28 February	16/2/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
55	101-102	Attachment to previous email – QON 937 LEE YMCA occupy Yarralumla	undated	Full	n/a	Yes
56	103	Email - Due COB 27 February 2018: Question on Notice - YMCA building in Yarralumla Bay	19/2/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
57	104-105	Response to QON 937 - draft	19/2/2018	Full	n/a	Yes

58	106	Email - Documents for Assembly Today - Tuesday 20 February 2018 Attachment 1 – out of scope	20/2/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
59	107-122	Attachment 2 to previous email – NP046	20/2/2018	Full	Full release of relevant information. Out of scope information has been redacted.	Yes
60	123-124	Email - FW: FOR CS CLEARANCE: Due 27 Feb : RE-DIRECTION TO AC - Question on Notice - QON 937 - MS LEE - Yarralumla Bay	1/3/2018	Full	n/a	Yes
61	125-126	QON 937 Ms Lee YMCA Yarralumla Bay	undated	Full	n/a	Yes
Total No of Docs						
61						

From: [Keppell, Cassandra](#)
To: [Simmons, Craig](#)
Cc: [Bramwell, Narelle](#)
Subject: RE: YMCA at Yarralumla [SEC=UNCLASSIFIED]
Date: Friday, 10 November 2017 9:54:10 AM
Attachments: [image001.jpg](#)

Sure thing I am on DPMH level 2 all day so let me know

Kass

Kassandra Keppell | Manager | Customer Coordination
Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate
ACT Government | Email www.act.gov.au/accesscbr

cid:image009.jpg@01D31C1B.E0820B30



From: Simmons, Craig
Sent: Friday, 10 November 2017 9:43 AM
To: Keppell, Cassandra <Kassandra.Keppell@act.gov.au>
Cc: Bramwell, Narelle <Narelle.Bramwell@act.gov.au>
Subject: Re: YMCA at Yarralumla [SEC=UNCLASSIFIED]

Hi Kass

Will need to discuss this today, other issues now in play.

Craig

Sent from my iPad

On 10 Nov 2017, at 09:20, Keppell, Cassandra <Kassandra.Keppell@act.gov.au> wrote:

Hi Craig

I negotiated a move on their part last year that gave them 12 months to secure another property I also referred them to ACT property to help them with this process. The yarra residents association was ok with this.

The year is up or close to it and I am pretty sure that Darren Black the CEO for YMCA is trying to obtain an extension with Bob Alford at the moment.

I was of the opinion that would be ok to stay in situ if they altered the business address for some of their Non-Aquatic charitable activities but it went to Rad for a look over and because there was an ACAT decision made the centre would have to move to components of business that did not relate.

Let me know if you need anything further

Kass

Kassandra Keppell | Manager | Customer Coordination

Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate
ACT Government | Email www.act.gov.au/accesscbr

[<image001.jpg>](#)

From: Simmons, Craig
Sent: Thursday, 9 November 2017 11:57 PM
To: Keppell, Cassandra <Cassandra.Keppell@act.gov.au>; Bramwell, Narelle <Narelle.Bramwell@act.gov.au>
Subject: Fwd: YMCA at Yarralumla

Kass / Narelle

Do either of you know what is going on at the YMCA Downton the lake?

Craig

Sent from my iPad

Begin forwarded message:

From: Darren Black <Darren.Black@Ymca.org.au>
Date: 9 November 2017 at 10:11:56 AEDT
To: "craig.simmons@act.gov.au" <craig.simmons@act.gov.au>
Subject: YMCA at Yarralumla

Hi Craig,

Good to talk yesterday regarding our presence at Yarralumla Bay. It is good to know you understand the background to the situation.

My note is just to confirm that I am seeking a prompt response to our request to maintain the office presence in this location for a further 12 months, through December 2018.

For the several reasons I mentioned on the phone, it is not sensible for us to move now, with our National dynamics changing, an existing lease at Mitchell through July 2018 and ongoing discussions with other stakeholders to seek alternative sites which do not commit the YMCA to long-term commercial rent.

We have a matter pending ACAT hearing in December which we would strongly prefer not to have to proceed with. Our response to ACAT is required by Monday 13 Nov so I am seeking your soonest advise please.

Regards and thanks,

Darren

Darren Black | CEO – YMCA Canberra
YMCA Canberra | 35 Alexandrina Dr, Yarralumla, ACT 2600
m **Sch 2** p (02) 6232 4285 |
e **redacted** w Canberra.ymca.org.au
Follow us! [facebook](#) | [twitter](#) | [youtube](#) | [instagram](#)

Y CBR - Email signature 1 - WHY NOT



NOTICE: This communication is confidential. If you are not the intended recipient of this communication please delete and destroy all copies immediately. If you are the intended recipient of this communication, you should not copy, disclose or distribute this communication without the authority of the author. Any views expressed in this communication are those of the individual sender, except where the sender specifically states them to be the views of the YMCA. Except as required by law, the YMCA does not represent, warrant and/or guarantee that the integrity of this communication has been maintained nor that the communication is free of errors, virus, interception or interference. If you have received this mail in error or have any other concerns regarding this transmission, please contact the author.

YMCA Canberra acknowledges Aboriginal people as the traditional custodians of the land on which we operate. We commit to working respectfully to honour their ongoing cultural and spiritual connections to this country.

Please consider the environment before printing this email.

From: [Simmons, Craig](#)
To: [Cubin, Derise](#)
Subject: Re: YMCA Yarralumla
Date: Saturday, 11 November 2017 1:28:20 PM

Thanks

Sent from my iPhone

On 11 Nov 2017, at 12:56, Cubin, Derise <Derise.Cubin@act.gov.au> wrote:

Hi

Sorry I have no recent detail

But Bob's mobile number is Sch 2 s2.2(a)

Cheers Derise

Sent from my iPad

On 11 Nov 2017, at 11:26 am, Simmons, Craig
<Craig.Simmons@act.gov.au> wrote:

Colleagues

Has anyone been involved in the FOI for the YRA regarding the use of the YMCA facilities at the lake?

I was contacted on Wednesday this week seeking our agreement to extend their use of the site for another 12 months.

There were five 12 months to vacate or change their operation this time last year, in the interim they have gotten a new CEO.

The CEO advised me on Thursday that

the national office is now conducting a review of the entire Australian operation with a view to centralising all admin functions (a shared services model) at a location to be determined

by the review.

As this has the potential to fundamentally change the demand and the size of any new office accommodation he is asking that we allow the continued use until such time as the review of national operations is concluded.

The issue of the release of documents under FOI is due to commence on Monday 13 Nov 17 so they are seeking an indication as to our thinking over the weekend if possible.

Mark K had carriage of the matter but I am unaware as to who has it now other than it may be with Bob Alford but I don't have his mobile number to check if he knows where this is at.

Does anyone have any more detail on this issue?

Craig

Sent from my iPhone

From: [Jones, Greg](#)
To: [Simmons, Craig](#)
Cc: [Cubin, Derise](#); [Middlemiss, David](#)
Subject: Re: YMCA Yarralumla
Date: Saturday, 11 November 2017 2:53:54 PM

Hi Craig

I have e-mailed Bob, if I don't get a response today I will ring him later on or in the morning to see if he has further information.

I think Cassandra was also dealing with this historically, but not sure how much recent involvement she has had. I don't have a mobile number for her.

Regards

Greg

Sent from my iPad

> On 11 Nov 2017, at 11:26 am, Simmons, Craig <Craig.Simmons@act.gov.au> wrote:
>
>
> Colleagues
>
> Has anyone been involved in the FOI for the YRA regarding the use of the YMCA facilities at the lake?
>
> I was contacted on Wednesday this week seeking our agreement to extend their use of the site for another 12 months.
>
> There were five 12 months to vacate or change their operation this time last year, in the interim they have gotten a new CEO.
>
> The CEO advised me on Thursday that
> the national office is now conducting a review of the entire Australian operation with a view to centralising all admin functions (a shared services model) at a location to be determined by the review.
>
> As this has the potential to fundamentally change the demand and the size of any new office accommodation he is asking that we allow the continued use until such time as the review of national operations is concluded.
>
> The issue of the release of documents under FOI is due to commence on Monday 13 Nov 17 so they are seeking an indication as to our thinking over the weekend if possible.
>
> Mark K had carriage of the matter but I am unaware as to who has it now other than it may be with Bob Alford but I don't have his mobile number to check if he knows where this is at.
>
> Does anyone have any more detail on this issue?
>
> Craig
>
>
> Sent from my iPhone

From: [Simmons, Craig](#)
To: [Keppell, Cassandra](#)
Subject: RE: YMCA at Yarralumla [SEC=UNCLASSIFIED]
Date: Sunday, 12 November 2017 7:38:00 AM
Attachments: [image001.jpg](#)

Kass

Can you call me on Monday to discuss please

Craig

From: Keppell, Cassandra
Sent: Friday, 10 November 2017 9:20 AM
To: Simmons, Craig <Craig.Simmons@act.gov.au>; Bramwell, Narelle <Narelle.Bramwell@act.gov.au>
Subject: RE: YMCA at Yarralumla [SEC=UNCLASSIFIED]

Hi Craig

I negotiated a move on their part last year that gave them 12 months to secure another property I also referred them to ACT property to help them with this process. The yarra residents association was ok with this.

The year is up or close to it and I am pretty sure that Darren Black the CEO for YMCA is trying to obtain an extension with Bob Alford at the moment.

I was of the opinion that would be ok to stay in situ if they altered the business address for some of their Non-Aquatic charitable activities but it went to Rad for a look over and because there was an ACAT decision made the centre would have to move to components of business that did not relate.

Let me know if you need anything further

Kass

Kassandra Keppell | Manager | Customer Coordination
Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate
ACT Government | Email www.act.gov.au/accesscbr

cid:image009.jpg@01D31C1B.E0820B30



From: Simmons, Craig
Sent: Thursday, 9 November 2017 11:57 PM
To: Keppell, Cassandra <Kassandra.Keppell@act.gov.au>; Bramwell, Narelle <Narelle.Bramwell@act.gov.au>
Subject: Fwd: YMCA at Yarralumla

Kass / Narelle

From: [Keppell, Cassandra](#)
To: [Simmons, Craig](#)
Subject: RE: YMCA at Yarralumla [SEC=UNCLASSIFIED]
Date: Monday, 13 November 2017 9:34:55 AM
Attachments: [image001.jpg](#)

I think it would be with the YRA

Kassandra Keppell | Manager | Customer Coordination
Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate
ACT Government | Email www.act.gov.au/accesscbr

cid:image009.jpg@01D31C1B.E0820B30



From: Simmons, Craig
Sent: Friday, 10 November 2017 7:06 PM
To: Keppell, Cassandra <Cassandra.Keppell@act.gov.au>
Cc: Bramwell, Narelle <Narelle.Bramwell@act.gov.au>
Subject: Re: YMCA at Yarralumla [SEC=UNCLASSIFIED]

They are due in ACAT on Monday, do we know if that is with us or the YRA?

Sent from my iPad

On 10 Nov 2017, at 09:20, Keppell, Cassandra <Cassandra.Keppell@act.gov.au> wrote:

Hi Craig

I negotiated a move on their part last year that gave them 12 months to secure another property I also referred them to ACT property to help them with this process. The yarra residents association was ok with this.

The year is up or close to it and I am pretty sure that Darren Black the CEO for YMCA is trying to obtain an extension with Bob Alford at the moment.

I was of the opinion that would be ok to stay in situ if they altered the business address for some of their Non-Aquatic charitable activities but it went to Rad for a look over and because there was an ACAT decision made the centre would have to move to components of business that did not relate.

Let me know if you need anything further

Kass

Kassandra Keppell | Manager | Customer Coordination
Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate
ACT Government | Email www.act.gov.au/accesscbr

From: Darren Black
To: [Simmons, Craig](#)
Subject: RE: YMCA at Yarralumla
Date: Monday, 13 November 2017 11:18:47 AM
Attachments: [image001.jpg](#)
[image002.png](#)
[LetterACTGovernment20171113.pdf](#)

Hi Craig,

Please find attached letter from YMCA Australia CEO explaining the changing national dynamics of our Federation and reasons why we are seeking an extension of the current arrangements at Yarralumla.

Regards and thanks,

Darren

Darren Black | CEO – YMCA Canberra
YMCA Canberra | 35 Alexandrina Dr, Yarralumla, ACT 2600
m [Sch 2](#) p (02) 6232 4285 |
e [Canberra.ymca.org.au](#)
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Y CBR - Email signature 1 - WHY NOT



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YMCA Canberra acknowledges Aboriginal people as the traditional custodians of the land on which we operate. We commit to working respectfully to honour their ongoing cultural and spiritual connections to this country.

Please consider the environment before printing this email.

From: Simmons, Craig [mailto:Craig.Simmons@act.gov.au]
Sent: Friday, 10 November 2017 6:38 PM
To: Darren Black [REDACTED]
Subject: Re: YMCA at Yarralumla

Darren

I'm trying to get my head around where you are at with the ACAT matter, who is the applicant and

who is the respondent in the matter please.

Craig

Sent from my iPad

On 9 Nov 2017, at 10:12, Darren Black [REDACTED] wrote:

Hi Craig,

Good to talk yesterday regarding our presence at Yarralumla Bay. It is good to know you understand the background to the situation.

My note is just to confirm that I am seeking a prompt response to our request to maintain the office presence in this location for a further 12 months, through December 2018.

For the several reasons I mentioned on the phone, it is not sensible for us to move now, with our National dynamics changing, an existing lease at Mitchell through July 2018 and ongoing discussions with other stakeholders to seek alternative sites which do not commit the YMCA to long-term commercial rent.

We have a matter pending ACAT hearing in December which we would strongly prefer not to have to proceed with. Our response to ACAT is required by Monday 13 Nov so I am seeking your soonest advise please.

Regards and thanks,

Darren

Darren Black | CEO – YMCA Canberra
YMCA Canberra | 35 Alexandrina Dr, Yarralumla, ACT 2600
 mSch 2 [REDACTED] p (02) 6232 4285 |
 e [REDACTED] w Canberra.ymca.org.au
 Follow us! [facebook](#) | [twitter](#) | [youtube](#) | [instagram](#)

[<image001.jpg>](#)

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[<image002.png>](#) *YMCA Canberra acknowledges Aboriginal people as the traditional custodians of the land on which we operate. We commit to working respectfully to honour their ongoing cultural and spiritual connections to this country.*

Please consider the environment before printing this email.

 This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.



13th November 2017

Craig Simmons
Director Compliance & Enforcement
ACT Government

Dear Craig,

I write to confirm that YMCA Australia is in the midst of a fundamental review of its existing structures and governance model. This *Fit for Purpose* review is likely to have far reaching consequences for YMCAs across Australia in terms of how our services are delivered, provision of back office support, local and National governance and a myriad of other potential changes to the existing operating model of the federation.

A key initiative in scope for review and probable implementation in 2018 is the creation of a Shared Services Centre to centralize the functions of IT, Finance, Procurement and HR. This will, of course, also incorporate YMCA Canberra.

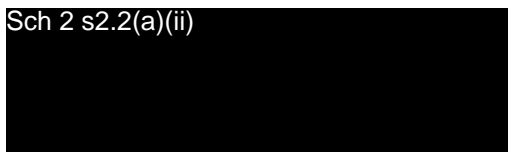
I am aware YMCA Canberra provides some of those head office functions from its Aquatic Recreation Centre (ARC) at Yarralumla Bay and that the maintenance of these functions from that location is subject to some local community opposition.

In light of the impending changes coming from the YMCA National Fit for Purpose review, I am seeking the ACT Government's support to allow YMCA Canberra to maintain its office functions in the current location until such time as this review is completed. This would allow us to maintain continuity in the short term and would avoid unnecessary disruption to the staff and costs to the Organisation that would come from Y Canberra having to seek alternative premises at this time.

Thank you for your consideration in this matter.

Yours sincerely

Sch 2 s2.2(a)(ii)



Melinda Crole
CEO
YMCA Australia



From: [Keppell, Cassandra](#)
To: [Cubin, Derise](#)
Cc: [Bramwell, Narelle](#)
Subject: FW: YMCA at Yarralumla
Date: Wednesday, 15 November 2017 10:51:56 AM
Attachments: [image001.jpg](#)
[ATT00001.htm](#)
[image002.png](#)
[ATT00002.htm](#)
[LetterACTGovernment20171113.pdf](#)
[ATT00003.htm](#)
[YMCA letter of extension - Darren Black.docx](#)
[image001.jpg](#)

Hi Derise

Attached is a draft letter to the YMCA I have added in a paragraph that you may want to remove – please see comment.

We should also look at drafting a letter to the Yarralumla Residents Association at the same time as this goes out as they have been very vocal in regards to this matter.
If you would like me to prepare this letter let me know.

Kass

Kassandra Keppell | Manager | Customer Coordination

Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate

ACT Government | Email www.act.gov.au/accesscbr

cid:image009.jpg@01D31C1B.E0820B30



From: Cubin, Derise

Sent: Tuesday, 14 November 2017 9:37 PM

To: Keppell, Cassandra <Kassandra.Keppell@act.gov.au>; Bramwell, Narelle <Narelle.Bramwell@act.gov.au>

Subject: Fwd: YMCA at Yarralumla

Hi

Please see email below , Craig has asked I flag with you and has also requested that a letter be drafted for him to sign agreeing to extend the current arrangements at Yarralumla based on the representations below.

Kass can you please put some words together for Craig's letter as I think you have more background info on this matter than anyone else in AC. If you can start the draft letter that

would be great.

I know you are all moving tomorrow , but we can discuss more on Thursday .

Cheers Derise

Sent from my iPad

Begin forwarded message:

From: "Simmons, Craig" <Craig.Simmons@act.gov.au>
Date: 14 November 2017 at 9:22:32 am AEDT
To: "Cubin, Derise" <Derise.Cubin@act.gov.au>
Subject: Fwd: YMCA at Yarralumla

Hi Derise

I will call to discuss.

Craig

Sent from my iPad

Begin forwarded message:

From: Darren Black [REDACTED]
Date: 13 November 2017 at 10:18:37 AEST
To: "Simmons, Craig" <Craig.Simmons@act.gov.au>
Subject: RE: YMCA at Yarralumla

Hi Craig,

Please find attached letter from YMCA Australia CEO explaining the changing national dynamics of our Federation and reasons why we are seeking an extension of the current arrangements at Yarralumla.

Regards and thanks,

Darren

Darren Black | CEO – YMCA Canberra
YMCA Canberra | 35 Alexandrina Dr, Yarralumla, ACT 2600
m **Sch 2** [REDACTED] p (02) 6232 4285 |
e [REDACTED] w Canberra.ymca.org.au
Follow us! [facebook](#) | [twitter](#) | [youtube](#) | [instagram](#)



Mr. Darren Black CEO
YMCA Canberra
35 Alexandrina Drive
Yarralumla ACT 2600

Dear Mr Black

I am writing to confirm acceptance of a further extension to the operation of non-aquatic business activities at the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

Access Canberra has agreed to grant this extension to **31 December 2018**. This decision is was made in light of the community functions that the YMCA Canberra offers and to support your business during the impending changes coming from the YMCA National Fit for Purpose review.

Access Canberra will again put you in contact with ACT Property Group to assist you in securing suitable premises to conduct YMCA business activities if required.

Please be aware that no further extension will granted in relation to this matter, all non-aquatic activities will need to cease at 35 Alexandrina drive, Yarralumla by **31 December 2018**.

Commented [KK1]: Not sure if you want to put the hard line in here or not but it is there just in case

If you would like to discuss this matter further please call **STAFF NAME** on 620X XXXX

Yours sincerely

Craig Simmons
Construction Occupations Registrar
Access Canberra
XX November 2017

From: [Cubin, Derise](#)
To: [Simmons, Craig](#)
Subject: RE: YMCA at Yarralumla
Date: Thursday, 16 November 2017 7:18:21 PM
Attachments: [20171116 YMCA letter of extension - M.Crole and D.Black.docx](#)
[image001.jpg](#)

Hi

Draft letter for you - do you want me to be the contact or Dave M (as this will end in his space)

If you are ok , I can sign on your behalf and send this back ...

Also do you want us to draft a letter to resident assoc? I am thinking we should but not sure of what their expectations are ?

D

From: Keppell, Cassandra
Sent: Wednesday, 15 November 2017 10:52 AM
To: Cubin, Derise <Derise.Cubin@act.gov.au>
Cc: Bramwell, Narelle <Narelle.Bramwell@act.gov.au>
Subject: FW: YMCA at Yarralumla

Hi Derise

Attached is a draft letter to the YMCA I have added in a paragraph that you may want to remove – please see comment.

We should also look at drafting a letter to the Yarralumla Residents Association at the same time as this goes out as they have been very vocal in regards to this matter.
If you would like me to prepare this letter let me know.

Kass

Kassandra Keppell | Manager | Customer Coordination
Phone 02 6205 9876 | Email kassandra.keppell@act.gov.au
Access Canberra | Chief Minister Treasury and Economic Development Directorate
ACT Government | Email www.act.gov.au/accesscbr

cid:image009.jpg@01D31C1B.E0820B30



From: Cubin, Derise



Ms Melinda Crole
CEO YMCA Australia

C/o Mr. Darren Black CEO
YMCA Canberra
35 Alexandrina Drive
Yarralumla ACT 2600

Dear Ms Crole

Thank you for your letter dated 13 November in which you outlined the current '*Fit for Purpose*' review currently being undertaken by YMCA Australia.

I have given consideration to the points outlined in your letter and am writing to confirm acceptance of a further extension to the operation of non-aquatic business activities at the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

I have agreed to grant this extension to **31 December 2018**. This decision is was made in light of the community functions that the YMCA Canberra offers and to support your business during the impending changes coming from the YMCA *National Fit for Purpose* review.

Access Canberra is also happy to again put you in contact with ACT Property Group to assist you in securing suitable premises to conduct YMCA business activities if required.

Please be aware that no further extension will granted in relation to this matter, all non-aquatic activities will need to cease at 35 Alexandrina drive, Yarralumla by **31 December 2018**.

If you would like to discuss this matter further please contact XXX on 620 xxxx .

Yours sincerely

Craig Simmons
Construction Occupations Registrar
Access Canberra
XX November 2017

Commented [KK1]: Not sure if you want to put the hard line in here or not but it is there just in case

From: [Poels, Rachel](#)
To: [Simmons, Craig](#)
Cc: [Cubin, Derise](#); [Corrigan, Margarete](#); [Muir, Richard](#)
Subject: FOR CS CLEARANCE: 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA - YMCA Yarralumla Bay [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Friday, 1 December 2017 3:16:58 PM
Attachments: [Attachment A YMCA letter of extension - M Crole and D Black.docx](#)
[ATTACHMENT B Chronology.docx](#)
[Attachment C Letter of to YRA re YMCA extension.docx](#)
[YMCA - Briefing Document for the Minister -.docx](#)
[LetterACTGovernment20171113.pdf](#)
[image001.jpg](#)
[17_33577 - AC - Ministerial Brief Gentleman Ramsay - \(MIN_2017_003961\)obr](#)

Hi Craig

For your clearance.

I have placed these documents into Objective and TRIM as per Derise's request below.

Let me know if you are happy with the letters and I will print them and have them on my desk ready for your signature on Monday.

Thanks

Rachel Poels | 02 620 54547

Executive Assistant to Greg Jones, Director, Construction, Environment & Workplace Protection
 Executive Assistant to Craig Simmons, Director, Community, Business & Transport Regulation
Access Canberra | www.accesscanberra.act.gov.au | GPO Box 158 Canberra ACT 2601

From: Cubin, Derise
Sent: Friday, 1 December 2017 11:49 AM
To: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>
Cc: Poels, Rachel <Rachel.Poels@act.gov.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Muir, Richard <Richard.Muir@act.gov.au>
Subject: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi Margarete and Rachel

Can this please be placed on Objective /Trim for Craig to review , approve and then sign the letters next week.

The briefing material will need to go to the Minister

Thanks

Cheers Derise

Derise Cubin | Deputy Director | Compliance and Enforcement
 Community Business Transport Regulation Division
Phone: 02 6205 3732 | **m:** 0408413719 | **e:** derise.cubin@act.gov.au
Access Canberra | **ACT Government**
<http://www.act.gov.au>

Ms Melinda Crole
CEO YMCA Australia

C/o Mr. Darren Black CEO
YMCA Canberra
35 Alexandrina Drive
Yarralumla ACT 2600

Dear Ms Crole

Thank you for your letter dated 13 November in which you outlined the current '*Fit for Purpose*' review currently being undertaken by YMCA Australia.

I have given consideration to the points outlined in your letter and am writing to confirm acceptance of a further extension to the operation of non-aquatic business activities at the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

I have agreed to grant this extension to **31 December 2018**. This decision is was made in light of the community functions that the YMCA Canberra offers and to support your business during the impending changes coming from the *YMCA National Fit for Purpose* review.

Access Canberra is also happy to again put you in contact with ACT Property Group to assist you in securing suitable premises to conduct YMCA business activities if required.

Please be aware that no further extension will granted in relation to this matter, all non-aquatic activities will need to cease at 35 Alexandrina drive, Yarralumla by **31 December 2018**.

If you would like to discuss this matter further please contact me on 6207 6322.

Yours sincerely

Craig Simmons
Construction Occupations Registrar
Access Canberra
December 2017

ATTACHMENT B

CHRONOLOGY

YMCA YARRALUMLA Blk 1 Sec 18

- 19 August 2013 controlled activity complaint lodged by [REDACTED] on behalf of the Yarralumla Residents Association.
- 4 October 2014 update letter issued to the complainant informing them of the investigation.
- 10 January 2014 Inspection conducted of the property.
- 21 February 2014 letter issued to complainant regarding the investigation.
- 21 February 2014 letter issued to the lessee informing them they are in breach of their lease.
- 22 May 2014 response received from lessee regarding the allegations they are in breach.
- 1 August 2015 YRA requests an update into their complaint.
- 2 September 2015 a reply is given to the YRA in response to their letter of 1 August
- 4 November 2016 Mike Lewis now representing the YRA requests an update to their complaint lodged 19 August 2013
- 7 November 2016 a response was given to Mike Lewis on where the investigation is up to and that the YMCA is now compliant to the terms and condition of their lease.
- 8 November 2016 Mike Lewis responds with information that they are not compliant to the use of the premises stating that other businesses within the YMCA are operating from the premises not reflective to aquatic recreation activity.
- 22 November 2016 response given to Mike Lewis that further information and communications from other government entities (ESD & ACAT) will be required along with the YMCA will be reviewed regarding this matter.
- 13 December 2016 information request sent to the CEO of the YMCA Darren Black
- 14 December 2016 response from Darren Black to information request
- 16 December 2016 acknowledgement of Darren Black's information and other options put to him regarding relocation of other businesses.
- 16 December 2016 Darren Black is thankful for the assistance in having the other businesses relocated.
- 20 December 2016 Darren Black responds that he has spoken with ACT Property group in regards to relocating some administrative staff from the other business to new premises by the end of 2017.



ACT
Government

Chief Minister, Treasury and
Economic Development

Mr Mike Lewis
Yarralumla Residents Association
PO Box 7123
Yarralumla ACT 2600
info@yarralumlaresidents.org.au

Dear M Lewis

Block 1 Section 18 Yarralumla – YMCA Aquatic Recreation Centre.

I am writing to provide an update in reference to the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

Access Canberra has agreed to grant a further extension to the operation of non-aquatic business activities conducted at the site to **31 December 2018**. This decision was carefully considered and assessed based on new information submitted by the YMCA.

If you would like to discuss this matter further please contact me on phone 6207 6322

Yours sincerely

Craig Simmons
Construction Occupations Registrar
Access Canberra
December 2017

**Chief Minister, Treasury and
 Economic Development Directorate**

UNCLASSIFIED

To:	Minister for Planning and Land Management	AC File No: TRIM No.
CC	Minister for Regulatory Services	
From:	Craig Simmons - ACT Construction Occupation Registrar	
Date	4 December 2017	
Subject:	Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA YMCA – Yarralumla Bay	
Critical Date:	Routine	
Critical Reason:	Not applicable	

Purpose

To brief you on:

- The YMCA’s current use of its facility at Yarralumla Bay in breach of lease purpose;
- the Yarralumla Residents’ Association’s Controlled Activity Complaint; and
- the proposed granting of a one year extension for the YMCA to relocate its head office functions from the site.

Recommendations

That you:

- a) note the YMCA’s current use of its facility and the nature of the Residents’ Association’s complaint;

Noted / Please Discuss

- b) note the proposed granting of a one year extension to the YMCA to relocate its head office functions in line with Access Canberra’s risk-based approach.

Noted / Please Discuss

MLA/...../.....

Minister’s Office Feedback

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Summary of Complaint and Matter

1. The Yarralumla Residents' Association (YRA) has made numerous complaints dating back to 2013 (with other action having been taken as early as 2010) concerning the YMCA's use of their facility in Yarralumla Bay.
2. The YRA's complaint relates to the apparent and substantiated use of the office space by the YMCA for activities other than recreational aquatic activities.
3. The Crown lease does not permit the property to be used as an office.
4. After consultation with the YMCA, in December of 2016, it was agreed that they would relocate their office staff by 31 December 2017. Advice to that effect was sent to YRA.
5. In November 2017, a letter was received from the CEO of YMCA Australia advising that the organisation is in the midst of a fundamental review of its existing structures and governance model which was likely to have far-reaching consequences for its operations.
6. A key initiative was for a Shared Services Centre to be established which would centralise various operational functions of the YMCA organisations also incorporating YMCA Canberra.
7. In light of the impending changes a request was made to the Construction Occupations Registrar (COR) to allow the YMCA to maintain its office functions in the current location until such time as the review is completed.
8. It is proposed that an extension be granted by the COR for the relocation of YMCA Canberra's office functions at Yarralumla until 31 December 2018. A copy of the letter is available at Attachment A.
9. A chronology of interactions with various parties by Access Canberra is available at Attachment B.

Background

10. Block 1 Section 18 Yarralumla is designated land. In mid 2010, the Canberra YMCA carried out building work at the sailing club which included the construction of offices on the first floor to be used as their Canberra Headquarters.
11. The Crown lease does not permit the property to be used as an office. On 9 March 2011, a controlled activity order was made under the *Planning and Development Act 2007* directing the Canberra YMCA to comply with the terms of the lease. In substance, the order prevented the Canberra YMCA from using the sailing club for managing the YMCA as a whole.
12. Subsequently, the Canberra YMCA lodged an application for a review of the order with ACT Civil and Administrative Appeals Tribunal (ACAT). The Tribunal agreed with the regulator and upheld the order. The YRA was a party to those proceedings and have strongly advocated with the ACT Government and the Commonwealth Government that the leasehold should only be used for sailing purposes and not under any circumstances be able to be used as a headquarters for the Canberra YMCA.

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13. On 19 August 2013, a Controlled Activity Complaint was lodged by [REDACTED] on behalf of the Yarralumla Residents' Association claiming the YMCA was operating illegally per their lease purpose clause.
14. During 2014 the Government officer managing the YRA complaints investigated the YMCA Yarralumla property. The investigation revealed the YMCA was exceeding their allowable gross floor area for the alternative use of space under the BCA.
15. The space allowable for alternative use is restricted to 10%. The floor space being used as office had been calculated at 12%.
16. Under a Crown Lease variation process, which the YMCA applied for through the relevant channels, the decision maker of the then Environment Planning Directorate (EPD) Ben Ponton, allowed the YMCA to have a maximum of ten (10) staff.
17. The ten (10) staff were only to be engaged in the "provision of associated administration" relating to the aquatic recreation facility. "Aquatic recreation facility means a building or place used for a sporting, exercise, pastime or leisure activity... on or adjacent to a water feature". It is unclear from the lease whether this 10 staff refers to a daily maximum allowed on site or an overall maximum, irrespective of when they work.
18. An inspection undertaken on 21 September 2015 revealed there were three (3) people working in the office space. The CEO of the YMCA advised this is generally the number of people on any given day.
19. Previous staff interviews and other documents supplied by YMCA, show that approximately two (2) staff, operate in overseeing positions. i.e. They work on risk and financial management to support the work undertaken by the various other business units of the YMCA Organisation Canberra.
20. On the basis of this information and no apparent contravention of the Crown Lease provision. Access Canberra closed the YRA complaint in October 2015.
21. In November 2016, a letter was received from Mr Lewis of the YRA requesting an update on the status of the matter.
22. A letter from Mr Greg Jones (Director, CEWP) was sent to Mr Lewis advising that officers had continued to monitor the site.
23. The letter also advised that the conduct does not constitute a controlled activity as identified in Schedule 2 of the *Planning and Development Act 2007* (the Act) given the nature of the work being undertaken on site aligned with the YMCA's aquatic recreation activity.
24. Access Canberra was of the view that no further action was required in relation to the complaint as the lessee was complying with the terms of their Crown Lease, and therefore no grounds existed for enforcement action under the Act.
25. Mr Lewis responded and provided additional information which indicated that the YMCA was in fact not compliant and that other operations, outside of the aquatic recreation, were being delivered from the site.
26. These allegations were put to Mr Darren Black, then CEO of YMCA ACT who confirmed that due to financial and operational reasons, the site was being used as the registered

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UNCLASSIFIED

Head Office of the YMCA in the ACT, the CEO's office was also located on site while further staff also worked on site.

27. Access Canberra was advised that if the YMCA were they to relocate the office it would come at a significant cost and risk to the YMCA while also impinging upon the organisation's ability to deliver community-focussed services.
28. Through various negotiations, and the provision of assistance from ACT Property Group (who amongst other things have a community-based organisation waitlist) it was agreed that the administrative staff and office functions would be relocated to other premises by 31 December 2017.
29. In November 2017, a letter was received from the CEO of YMCA Australia advising that the organisation is now in the midst of a fundamental review of its existing structures and governance model which was likely to have far-reaching consequences for its operations.
30. A key initiative was for a Shared Services Centre to be established which would centralise various operational functions of the organisations also incorporating YMCA Canberra.
31. In light of the impending changes a request was made to allow YMCA to maintain its office functions in the current location until such time as the review is completed.
32. The YRA has also contacted Access Canberra concerning the progress of the matter given the date for operations to be relocated from the site had been flagged as 31 December 2017.

Issues

33. The YRA has been and is particularly vocal in its objections to the YMCA's operations and considers that given a breach of the relevant legislation has been substantiated that formal legal action (to be read as compliance or enforcement action) be taken by Access Canberra.
34. The YMCA provides community services and is in the midst of a fundamental review of its operations and national structure. Further, the associated costs with relocation are reported to be significant.
35. A further extension of time will likely be met with some resistance and criticism from the YRA, who have been vocal in their objections to the YMCA's use of their facility.

Financial Implications

36. Nil.

Consultation

37. This brief has been prepared by CEWP.
38. Further consultation will be required with the YRA, namely through the communication of a decision, particularly given an extension for the relocation of its office operations is likely to be granted to the YMCA. A copy of the letter is available at [Attachment C](#).

UNCLASSIFIED

UNCLASSIFIED

Benefits/Sensitivities

39. Given the circumstances surrounding the YMCA's community-focussed operations, it is considered important that the request for an extension by the organisation and the interests of the YRA be balanced appropriately.
40. Any decision for an extension should have strong parameters and milestones built around it, with these to be communicated to the YMCA.
41. Further, periodic updates on developments concerning the YMCA's review should be provided to Access Canberra. These will in turn (within reason) be communicated to the YRA in order to assure them that the matter is being monitored and progressed by Access Canberra.

Media Implications

42. There is an increased level of sensitivity from the YRA given the ongoing nature of their complaint as well as a perceived failure to address their substantive complaint.
43. It is considered that there is potential for the YRA to contact the media, however, given the nature of the operations of the YMCA (community-focussed) it seems as though Access Canberra has a strong basis for its decision, particularly as it aligns with the Accountability Framework and risk-based approach to regulatory decision-making.

Signatory Name: Craig Simmons

Phone: 76322

Action Officer: Richard Muir

Phone: 54303

Derise Cubin

Phone : 53732

Attachments

Attachment	Title
Attachment A	Letter to YMCA
Attachment B	Chronology of Complaint
Attachment C	Letter to YRA

UNCLASSIFIED

From: [Cubin, Derise](#)
To: [Simmons, Craig](#)
Subject: Re: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Tuesday, 5 December 2017 7:29:18 AM

Hi

Ok so is this one for you or one for Ben ? Or will you discuss with him ?

Out of Scope



D

Sent from my iPad

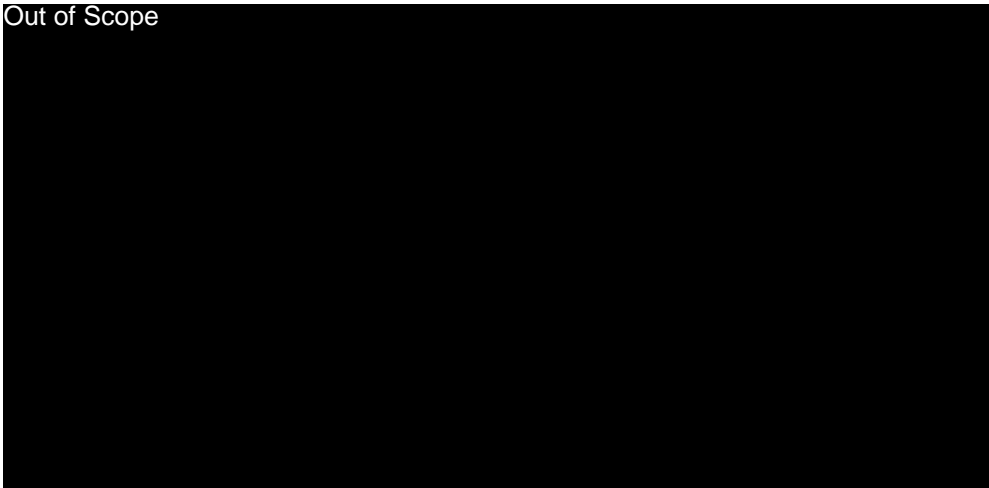
On 4 Dec 2017, at 10:02 pm, Simmons, Craig <Craig.Simmons@act.gov.au> wrote:

Hi Derise

I would be a delegate of the P&LA, Ben Ponton is the actual statutory office holder.

Craig

Out of Scope



Sent from my iPad

On 4 Dec 2017, at 21:54, Cubin, Derise <Derise.Cubin@act.gov.au> wrote:

Good Question

I thought it was from you as the COR , but maybe that it not correct ...
??

Are you the PL&A ? or does someone else have that delegation ?

From: Simmons, Craig
Sent: Monday, 4 December 2017 9:42 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>
Cc: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>; Poels, Rachel <Rachel.Poels@act.gov.au>; Muir, Richard <Richard.Muir@act.gov.au>
Subject: Re: Brief re YMCA & letters to YMCA and YRA
[SEC=UNCLASSIFIED, DLM=Sensitive]

Colleagues

Is this a decision of the COR or of the P&LA to gran the extension?

Craig

Sent from my iPad

On 1 Dec 2017, at 11:49, Cubin, Derise <Derise.Cubin@act.gov.au> wrote:

Hi Margarete and Rachel

Can this please be placed on Objective /Trim for Craig to review , approve and then sign the letters next week.

The briefing material will need to go to the Minister

Thanks

Cheers Derise

Derise Cubin | Deputy Director | Compliance and Enforcement
Community Business Transport Regulation Division
Phone: 02 6205 3732 |**m:** 0408413719 |**e:**
derise.cubin@act.gov.au
Access Canberra | **ACT Government**
<http://www.act.gov.au>

<[image001.jpg](#)>

<Attachment A YMCA letter of extension - M Crole and D Black.docx>

<ATTACHMENT B Chronology.docx>

<Attachment C Letter of to YRA re YMCA extension.docx>

<YMCA - Briefing Document for the Minister

-.docx>

<LetterACTGovernment20171113.pdf>

From: [Simmons, Craig](#)
To: [Muscat, Linda](#)
Cc: [Snowden, David](#); [Jones, Greg](#); [Rynehart, Josh](#); [Phillips, Amy](#); [Cubin, Derise](#); [ACDLO](#)
Subject: Re: Minister's Meeting Agendas [SEC=UNCLASSIFIED]
Date: Wednesday, 6 December 2017 1:08:24 PM

Hi Linda

YMCA and the Yarralumla Residents Association

Out of Scope

Craig

Sent from my iPhone

On 6 Dec 2017, at 12:21, Muscat, Linda <Linda.Muscat@act.gov.au> wrote:

Hi all,

It's that time of week where I need to get our items so agendas can be settled.

Can you please let me know if you have items. So far, I have

Out of Scope

There is both a Minister Ramsay and a Minister Stephen-Smith meeting, so I'll take nominations for both.

Thanks

Linda Muscat
Executive Officer
Access Canberra | Chief Minister, Treasury and Economic Development Directorate
(02) 6207 5014 | 0413 710 272

From: [Cubin, Derise](#)
To: [Simmons, Craig](#)
Subject: RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]
Date: Friday, 8 December 2017 3:38:03 PM

Yep all good

From: Simmons, Craig
Sent: Friday, 8 December 2017 3:33 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: Re: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]

Hi Derise

We will respond on Monday after we have briefed the MInister

Sent from my iPad

On 8 Dec 2017, at 11:24, Cubin, Derise <Derise.Cubin@act.gov.au> wrote:

Hi Craig

Would you like to respond to Mike ? – he has generally been corresponding with Dave P

From: Mike Lewis [REDACTED]
Sent: Friday, 8 December 2017 11:13 AM
To: Cubin, Derise <Derise.Cubin@act.gov.au>; Peffer, Dave <Dave.Peffer@act.gov.au>
Cc: David Harvey <[Sch 2 s2.2\(a\)\(ii\) \[REDACTED\]](mailto:Sch 2 s2.2(a)(ii) [REDACTED])>; Yarralumla Residents Assoc. <info@yarralumlaresidents.org.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Snowden, David <David.Snowden@act.gov.au>
Subject: Re: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]

Derise

Just following up how the update is going. I haven't heard anything and the end of December is fast approaching.

Regards

Mike

From: Cubin, Derise
Sent: Friday, December 1, 2017 9:42 AM
To: Mike Lewis ; Peffer, Dave
Cc: David Harvey ; Yarralumla Residents Assoc. ; Simmons, Craig ; Snowden, David
Subject: RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]

Dear Mike

Thank you for your email.

We will be back in contact with you early next week. The Construction Occupations Registrar Craig Simmons has been away for the last couple of weeks and this matter sits within his responsibilities. Craig is back next week so I will make sure that an update on this matter is provided to you.

Kind regards

Derise

Derise Cubin | Deputy Director | Compliance and Enforcement
Community Business Transport Regulation Division
Phone: 02 6205 3732 | **m:** 0408413719 | **e:** derise.cubin@act.gov.au
Access Canberra | ACT Government
<http://www.act.gov.au>

[<image002.jpg>](#)

From: Mike Lewis [REDACTED]
Sent: Friday, 1 December 2017 6:07 AM
To: Peffer, Dave <Dave.Peffer@act.gov.au>
Cc: David Harvey [Sch 2 s2.2(a)(ii) [REDACTED]]; Yarralumla Residents Assoc. <info@yarralumlaresidents.org.au>; Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: Re: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]

Dear Dave

I was wondering whether you had heard back from the team?

Mike

From: Peffer, Dave
Sent: Tuesday, November 21, 2017 4:22 PM
To: Mike Lewis
Cc: David Harvey ; Yarralumla Residents Assoc. ; Cubin, Derise
Subject: RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]

Hi there Mike

Thanks for your email.

I certainly haven't heard anything to the contrary – about delays or a change in plans, but I'll check with the responsible team.

Thanks

Dave

DAVE PEFFER

0433 962 829 | dave.peffer@act.gov.au
GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

<image001.png>

From: Mike Lewis [REDACTED]
Sent: Friday, 17 November 2017 2:11 PM
To: Peffer, Dave <Dave.Peffer@act.gov.au>
Cc: David Harvey [REDACTED]; Yarralumla Residents Assoc. <info@yarralumlaresidents.org.au>
Subject: Yarralumla Residents Association Controlled Activity Complaint - YMCA

Dear Dave

You will recall our exchange of emails last year regarding the YRA's controlled activity complaint, lodged in August 2013, concerning the breach of lease conditions by the YMCA at Yarralumla Bay.

In April 2017 we were advised that the YMCA had been advised that all business activities not relating to aquatic activities would have to cease by 31 December 2017. A copy of that advice is attached.

Given that 31 December is fast approaching I would be grateful for your advice as to whether you are confident that the deadline will be met and what action is proposed in the event that the deadline is not met.

Thank you for your assistance

Michael Lewis
Vice President
Yarralumla Residents Association

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: [Snowden, David](#)
To: [Simmons, Craig](#)
Subject: Minister Ramsay Agenda - 11 December 2017.DOCX
Date: Wednesday, 6 December 2017 8:32:00 PM
Attachments: [Minister Ramsay Agenda - 11 December 2017.DOCX](#)
[ATT00001.txt](#)

Craig,
Is this **Out of Scope** issue you mentioned to me yesterday or another?



Minister Ramsay and Access Canberra meeting

AGENDA

Monday, 11 December 2017

10:30 – 11:00am

Minister Ramsay's Office

Out of Scope

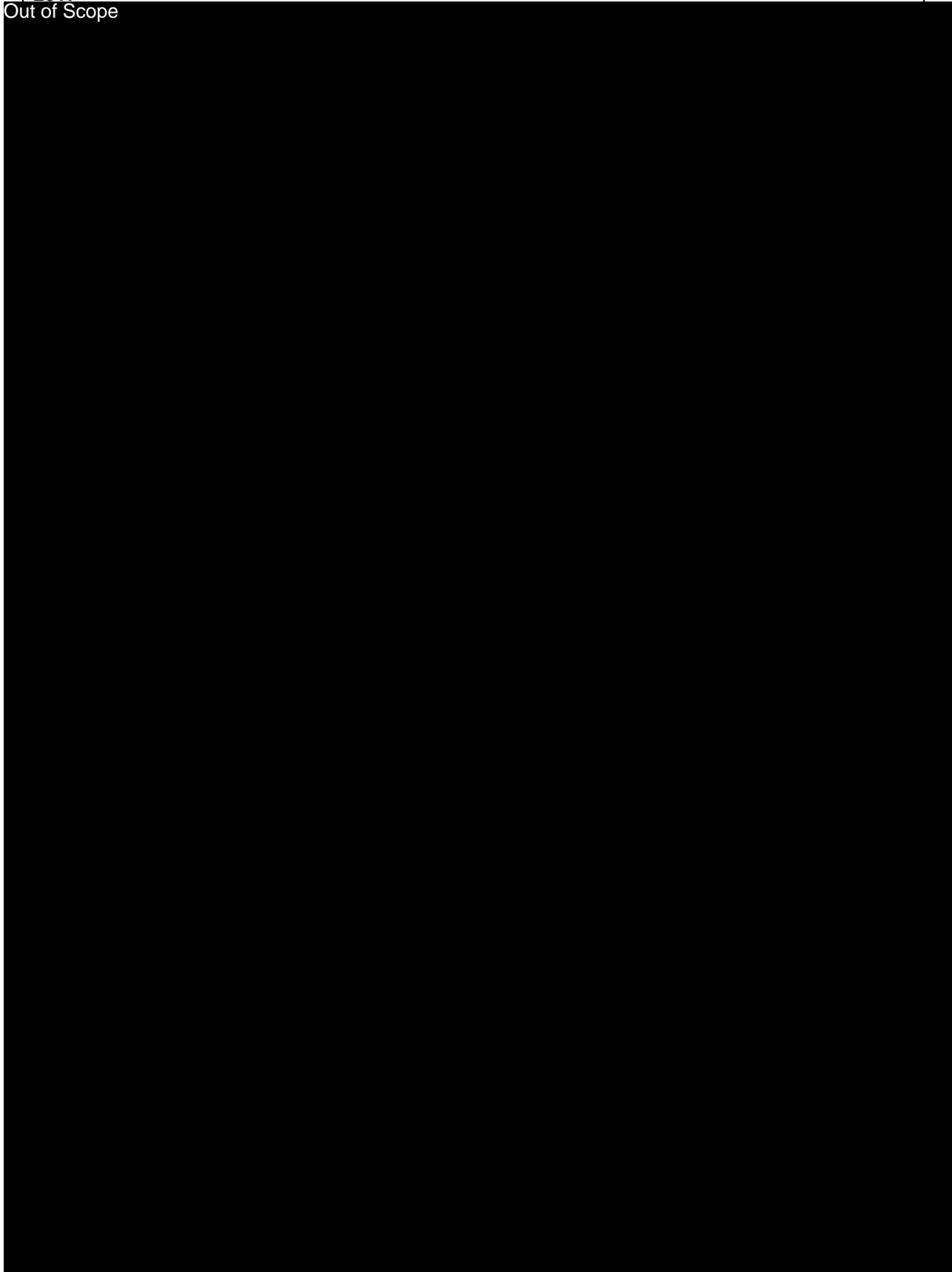
2. YMCA and the Yarralumla Residents Association (AC)

Out of Scope

Outcomes as at 4 December 2017

Date	Action	Access Canberra response
2017		

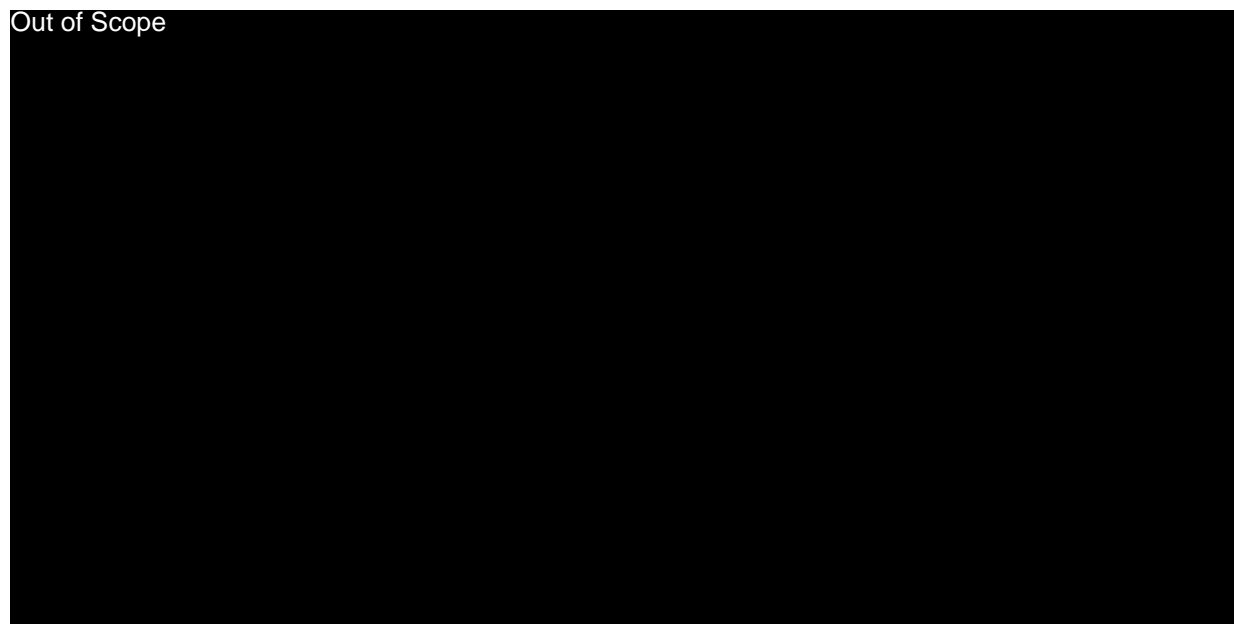
Out of Scope



From: [Muscat, Linda](#)
To: [Simmons, Craig](#)
Subject: RE: Meeting papers for Monday [SEC=UNCLASSIFIED]
Date: Monday, 11 December 2017 9:26:59 AM
Attachments: Out of Scope



[Minister Ramsay Agenda - 11 December 2017.DOCX](#)



On 10 Dec 2017, at 22:47, Muscat, Linda <Linda.Muscat@act.gov.au> wrote:

Hi gents,

Your papers for Monday morning are saved in your meeting folder.



Cheers

Linda Muscat
Executive Officer
Access Canberra | Chief Minister, Treasury and Economic Development Directorate
(02) 6207 5014 | 0413 710 272

Minister Ramsay and Access Canberra meeting

AGENDA

Monday, 11 December 2017

10:30 – 11:00am

Minister Ramsay's Office

1. YMCA and the Yarralumla Residents Association (AC)

In response to past complaints from the YRA regarding the YMCA's use of its sailing headquarters for conducting its corporate functions, in breach of the lease conditions, it agreed to find new premises by 31 December 2017.

Access Canberra understands that this may now not be the case.

There was an FOI from YRA on this issue, with a decision made 24 November.

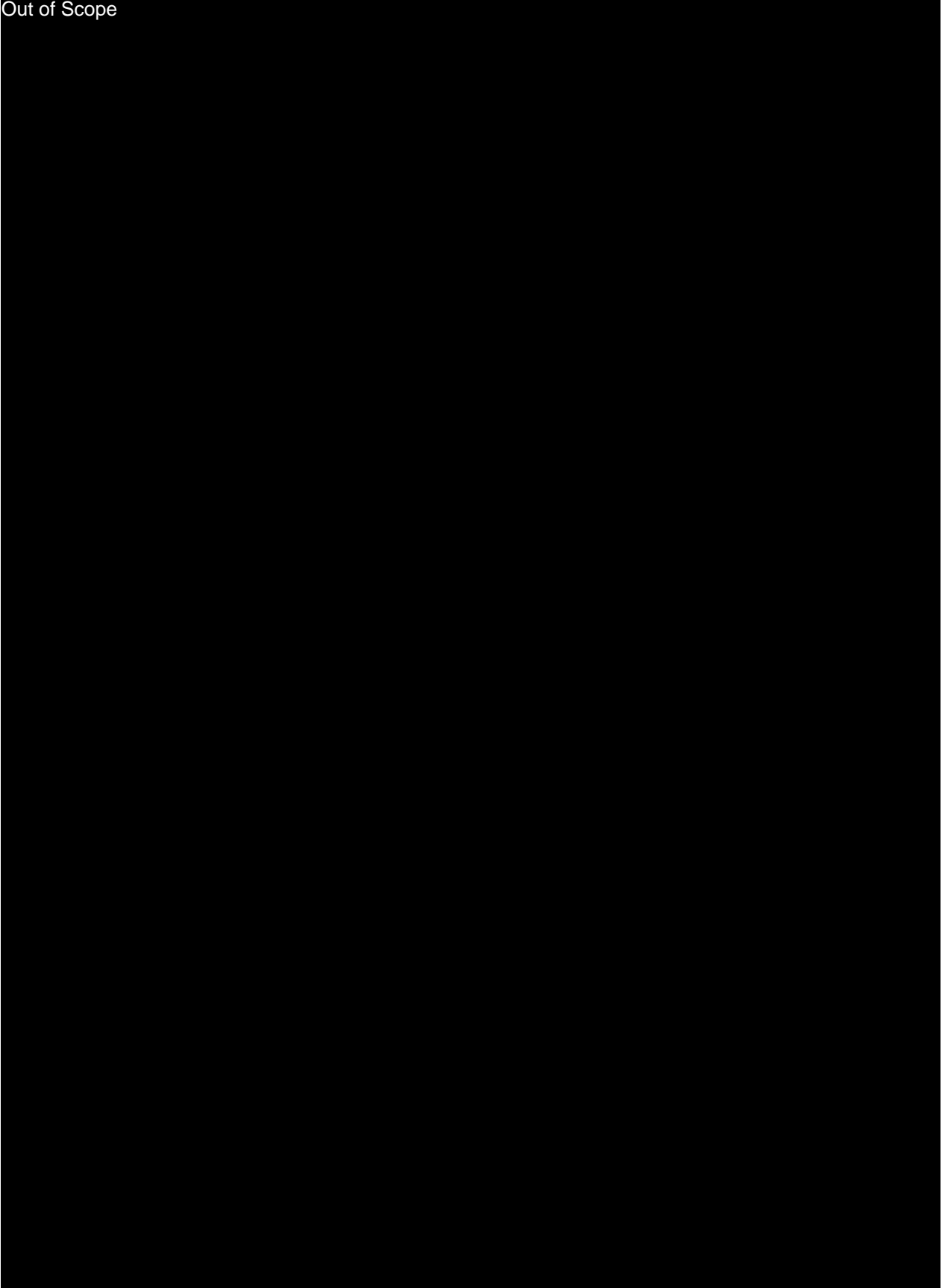
Out of Scope



Outcomes as at 4 December 2017

Date	Action	Access Canberra response
2017		

Out of Scope



From: [Corrigan, Margarete](#)
To: [Cubin, Derise](#); [Simmons, Craig](#)
Cc: [Poels, Rachel](#)
Subject: FW: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Wednesday, 13 December 2017 10:56:00 AM
Attachments: [17_33577 - AC - Ministerial Brief Gentleman Ramsay - \(MIN_2017_003961\)obr](#)

Hi Craig and Derise

The brief is already addressed to Gentleman, cc to Ramsay ... is there any other amendment required?

Margarete

From: Simmons, Craig
Sent: Tuesday, 12 December 2017 5:49 PM
To: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>
Subject: RE: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]

After our meeting yesterday it was agreed that the brief needs to amended and sent to Minister Gentleman as well so we cover off the issue with them.

Craig

From: Corrigan, Margarete
Sent: Tuesday, 12 December 2017 2:22 PM
To: Simmons, Craig <Craig.Simmons@act.gov.au>
Cc: Cubin, Derise <Derise.Cubin@act.gov.au>; Poels, Rachel <Rachel.Poels@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>
Subject: FW: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi Craig

Just nagging you about this one

Margarete

From: Simmons, Craig
Sent: Friday, 8 December 2017 2:17 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>
Cc: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>; Poels, Rachel <Rachel.Poels@act.gov.au>
Subject: Re: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi All

We are briefing the Minister on Monday we will send the letters on Monday or Tuesday.

Craig

Sent from my iPhone

On 8 Dec 2017, at 13:48, Cubin, Derise <Derise.Cubin@act.gov.au> wrote:

Hi

Craig is good to clear this one – although I think we need to change his signature block (maybe just to a/g COO) ... unless he wants to have 'delegate of planning and land authority' ?

Craig your call ???

d

From: Corrigan, Margarete
Sent: Friday, 8 December 2017 1:47 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>; Simmons, Craig <Craig.Simmons@act.gov.au>
Cc: Payne, Cassia <Cassia.Payne@act.gov.au>; Poels, Rachel <Rachel.Poels@act.gov.au>
Subject: FW: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi Craig/Derise

Is Craig to clear this or does it go elsewhere?

M

From: Cubin, Derise
Sent: Monday, 4 December 2017 9:54 PM
To: Simmons, Craig <Craig.Simmons@act.gov.au>
Cc: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>; Poels, Rachel <Rachel.Poels@act.gov.au>; Muir, Richard <Richard.Muir@act.gov.au>
Subject: RE: Brief re YMCA & letters to YMCA and YRA [SEC=UNCLASSIFIED, DLM=Sensitive]

Good Question

I thought it was from you as the COR , but maybe that it not correct ... ??

Are you the PL&A ? or does someone else have that delegation ?

From: Simmons, Craig
Sent: Monday, 4 December 2017 9:42 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>

From: [Cubin, Derise](#)
To: [MICHAEL LEWIS](#); [Peffer, Dave](#)
Cc: [David Harvey](#); [Yarralumla Residents Assoc.](#); [Simmons, Craig](#); [Snowden, David](#)
Subject: RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA [SEC=UNCLASSIFIED]
Date: Wednesday, 13 December 2017 6:03:36 PM
Attachments: [image001.jpg](#)

Dear Mike

Thank you for your email, apologies for the delay in getting back to you.

I advise that Access Canberra has recently received new relevant material from the YMCA that is being considered in the context of the current situation. Once this review has been completed we will be in contact with you to provide an update.

Regards

Derise

Derise Cubin | A/g Director | Regulatory Compliance
Community Business Transport Regulation Division
Phone: 02 6205 3732 | **m:** 0408413719 | **e:** derise.cubin@act.gov.au
Access Canberra | ACT Government
<http://www.act.gov.au>

cid:image009.jpg@01D31C1B.E0820B30



From: MICHAEL LEWIS [REDACTED]
Sent: Wednesday, 13 December 2017 12:20 PM
To: Cubin, Derise <Derise.Cubin@act.gov.au>; Mike Lewis [REDACTED]
Peffer, Dave <Dave.Peffer@act.gov.au>
Cc: David Harvey [Sch 2 s2.2\(a\)\(ii\)](#) [REDACTED]; Yarralumla Residents Assoc.
<info@yarralumlaresidents.org.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Snowden,
David <David.Snowden@act.gov.au>
Subject: RE: Yarralumla Residents Association Controlled Activity Complaint - YMCA
[SEC=UNCLASSIFIED]

Dear Derise

Further to my earlier email I wonder if you or Craig are in a position to provide us with an update.

My understanding from the letter sent to YMCA from Access Canberra was that Access Canberra was monitoring progress.

My contact number is [REDACTED] if I can be of any assistance.

Mike

From: [Simmons, Craig](#)
To: [Phillips, Brett](#)
Subject: Re: YMCA - Yarralumla Residents [SEC=UNCLASSIFIED]
Date: Friday, 15 December 2017 4:32:51 PM

Hi Brett

We are just briefing the backbench with our Minister almost finished will call you soon.

I have spoken to the YRA as has David Snowden this week.

Craig

Sent from my iPhone

On 15 Dec 2017, at 16:30, Phillips, Brett <Brett.Phillips@act.gov.au> wrote:

David/Craig

I took a call this afternoon from David Harvey, President of the Yarralumla Residents Association. He rang to speak with our DG.

He suggested that there was an ACAT ruling that requires the YMCA to vacate its office space by 31/12/17. He said that the residents association had lodged a controlled activity complaint, but that it is unclear as to whether the YMCA will, or will be made, to vacate the premises.

The Yarralumla residents are requesting that the ACT Govt enforce what has previously been agreed/decided.

Could one of you contact Mr Harvey on 0431 665 373, or alternatively let me know whether we are doing anything with the YMCA. I undertook that someone would get back to him on Monday.

Cheers
Brett

Brett Phillips

Phone 02 6207 3520

Executive Director

Planning Delivery Division | Environment, Planning and Sustainable Development | ACT Government

Dame Pattie Menzies House, Challis Street, Dickson | GPO Box 158 Canberra ACT 2601 |

www.environment.act.gov.au

From: [Simmons, Craig](#)
To: [ACDLO](#)
Subject: Re: YMCA / YRA briefing delivered to Minister Gentleman"s office :) [SEC=UNCLASSIFIED]
Date: Friday, 15 December 2017 6:35:09 PM
Attachments: [image001.jpg](#)

Thanks

Sent from my iPhone

On 15 Dec 2017, at 17:24, ACDLO <ACDLO@act.gov.au> wrote:

Kylie

Kylie Jenkins | Directorate Liaison Officer – Regulatory Services

Ph: 02 6205 4007 | Mob: 0466 029 193 | Email: ACDLO@act.gov.au

**Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT
Government**

Legislative Assembly | GPO Box 1020 Canberra ACT 2601 | www.accesscanberra.act.gov.au

[<image001.jpg>](#)

From: [Snowden, David](#)
To: [Cubin, Derise](#); [Simmons, Craig](#)
Subject: Fwd: YMCA Breach of Lease Purpose
Date: Friday, 15 December 2017 9:09:34 PM

Sent from my iPhone

Begin forwarded message:

From: MICHAEL LEWIS [REDACTED]
Date: 15 December 2017 at 8:22:20 pm AEDT
To: <David.Snowden@act.gov.au>
Cc: David Harvey [REDACTED] Sch 2 s2.2(a)(ii)
<info@YarralumlaResidents.org.au>
Subject: YMCA Breach of Lease Purpose

David

I tried to ring you yesterday to find out what the problem might be in regard to the YMCA vacating their corporate headquarters at 35 Alexandrina Drive Yarralumla by 31 Dec as required by Access Canberra because they are in contravention of their lease (as well as the National Capital Plan). YMCA had previously appealed to ACAT against an ACTPLA decision not to vary the lease to allow YMCA to use the premises as their corporate headquarters. The Yarralumla Residents Association joined with ACTPLA to oppose the appeal which was rejected by ACAT. Ben Ponton subsequently signed a lease allowing the premises to be used for aquatic recreational activities and administrative support only in relation to aquatic recreational activities.

Dave Peffer had previously indicated he didn't think there was a problem with the YMCA removing their corporate staff by 31 Dec but I understand from Derise Cubin and Craig Simmonds that there now seems to be some sort of issue that requires consideration by Access Canberra in consultation with the ACT Property Group.

Naturally, we would be very disappointed if the deadline set by Access Canberra was not achieved - especially as YMCA agreed to move more than 12 months ago. However, without knowing what the issue is we are somewhat in the dark. Anything you could do to help would be much appreciated.

Regards

Michael Lewis
Vice-President
Yarralumla Residents Association

From: [Snowden, David](#)
To: [MICHAEL LEWIS](#)
Cc: [David Harvey; info@YarralumlaResidents.org.au](#)
Subject: Re: YMCA Breach of Lease Purpose
Date: Monday, 18 December 2017 7:53:35 AM

Thank you for the email Michael. I'll need to get some advice on this matter and I'll then be in touch with you.

Regards
David

Sent from my iPad

On 15 Dec 2017, at 8:22 pm, MICHAEL LEWIS [REDACTED] wrote:

David

I tried to ring you yesterday to find out what the problem might be in regard to the YMCA vacating their corporate headquarters at 35 Alexandrina Drive Yarralumla by 31 Dec as required by Access Canberra because they are in contravention of their lease (as well as the National Capital Plan). YMCA had previously appealed to ACAT against an ACTPLA decision not to vary the lease to allow YMCA to use the premises as their corporate headquarters. The Yarralumla Residents Association joined with ACTPLA to oppose the appeal which was rejected by ACAT. Ben Ponton subsequently signed a lease allowing the premises to be used for aquatic recreational activities and administrative support only in relation to aquatic recreational activities.

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Regards

Michael Lewis
Vice-President
Yarralumla Residents Association

From: [Simmons, Craig](#)
To: [Phillips, Brett](#)
Subject: Re: Phone message [SEC=UNCLASSIFIED]
Date: Monday, 18 December 2017 4:23:36 PM

Yes

Will do

Craig

Sent from my iPad

On 18 Dec 2017, at 16:08, Phillips, Brett <Brett.Phillips@act.gov.au> wrote:

Hi Craig

Grateful if you could handle this one.

Cheers
Brett

From: Croke, Isabella
Sent: Monday, 18 December 2017 4:03 PM
To: Phillips, Brett <Brett.Phillips@act.gov.au>
Subject: Phone message [SEC=UNCLASSIFIED]

Hi Brett,

David Harvey from Yarralumla Residents Association has called again regarding the YMCA. His contact number is **Sch 2**

Thank you

Isabella Croke | Executive Assistant to Brett Phillips
Phone: 02 6205 9636 | Email: isabella.croke@act.gov.au
Planning Delviery | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House, Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au
[<image001.gif><image002.gif>](#)

From: [Simmons, Craig](#)
To: [Phillips, Brett](#)
Cc: [Vest, Petra](#); [Croke, Isabella](#)
Subject: Re: Phone message [SEC=UNCLASSIFIED]
Date: Tuesday, 19 December 2017 3:32:34 PM
Attachments: [image001.gif](#)
[image002.gif](#)

Hi Brett

Minister Gentleman is returning **Out of Scope** today, his office has the brief and we are advised that we will can expect to have a response from him tomorrow.

Craig

Sent from my iPad

On 19 Dec 2017, at 15:23, Phillips, Brett <Brett.Phillips@act.gov.au> wrote:

Over to you

From: Croke, Isabella
Sent: Tuesday, 19 December 2017 3:10 PM
To: Phillips, Brett <Brett.Phillips@act.gov.au>
Subject: FW: Phone message [SEC=UNCLASSIFIED]

Hi Brett,

David Harvey has called for a 3rd time.

Thank you

Isabella Croke | Executive Assistant to Brett Phillips
Phone: 02 6205 9636 | Email: isabella.croke@act.gov.au
Planning Delviery | Environment, Planning and Sustainable Development Directorate | ACT Government
Dame Pattie Menzies House, Challis Street Dickson | GPO Box 158 Canberra ACT 2601 | www.planning.act.gov.au
[<image001.gif><image002.gif>](#)

From: Croke, Isabella
Sent: Monday, 18 December 2017 4:03 PM
To: Phillips, Brett <Brett.Phillips@act.gov.au>
Subject: Phone message [SEC=UNCLASSIFIED]

Hi Brett,

David Harvey from Yarralumla Residents Association has called again regarding the YMCA. His contact number is **Sch 2 s2.2(a)(ii)**

Thank you

Isabella Croke | Executive Assistant to Brett Phillips

Phone: 02 6205 9636 | Email: isabella.croke@act.gov.au

**Planning Delviery | Environment, Planning and Sustainable Development Directorate | ACT
Government**

Dame Pattie Menzies House, Challis Street Dickson | GPO Box 158 Canberra ACT 2601 |
www.planning.act.gov.au

[<image001.gif><image002.gif>](#)

From: [Jenkins, Kylie](#)
To: [Simmons, Craig](#)
Subject: RE: input to QON No 2 from Annual Reports - re construction litigation [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Wednesday, 20 December 2017 12:06:44 PM

Nope, have just followed up again

Kylie

Kylie Jenkins | Regulatory Services DLO
Ph: 02 6205 4007 | Mob: 0466 029 193 | Email: ACDLO@act.gov.au

From: Simmons, Craig
Sent: Wednesday, 20 December 2017 11:58 AM
To: ACDLO <ACDLO@act.gov.au>
Subject: Re: input to QON No 2 from Annual Reports - re construction litigation [SEC=UNCLASSIFIED, DLM=Sensitive]

Hi Kylie

Out of Scope [redacted], have we had any update from Minister Gentlemans office on the YMCA at Yarralumla Bay
Sent from my iPad

Out of Scope [redacted]



MINISTERIAL BRIEF

Chief Minister, Treasury and
Economic Development Directorate

UNCLASSIFIED

To:	Minister for Planning and Land Management	AC File No: 17/33577 TRIM No. 2017/003961
CC	Minister for Regulatory Services	
From:	Craig Simmons - ACT Construction Occupation Registrar	
Date	4 December 2017	
Subject:	Controlled Activity Complaint –Block 1 Section 18 YARRALUMLA YMCA – Yarralumla Bay	
Critical Date:	Routine	
Critical Reason:	Not applicable	

Purpose

To brief you on:

- the YMCA’s current use of its facility at Yarralumla Bay in breach of lease purpose;
- the Yarralumla Residents’ Association’s Controlled Activity Complaint; and
- the proposed granting of a one year extension for the YMCA to relocate its head office functions from the site.

Recommendations

That you note:

1. the YMCA’s current use of its facility and the nature of the Yarralumla Residents’ Association compliant, and

Noted / Please Discuss

2. the proposed granting of a one year extension to the YMCA to relocate its head office functions in line with Access Canberra’s risk-based approach.

Noted / Please Discuss

Mick Gentleman MLA  20/12/17

Minister’s Office Feedback

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Summary of Complaint and Matter

1. The Yarralumla Residents' Association (YRA) has made numerous complaints dating back to 2013 (with other action having been taken as early as 2010) concerning the YMCA's use of their facility in Yarralumla Bay.
2. The YRA complaint relates to the apparent and substantiated use of the office space by the YMCA for activities other than recreational aquatic activities.
3. The Crown lease does not permit the property to be used as an office.
4. After consultation with the YMCA, in December of 2016, it was agreed they would relocate their office staff by 31 December 2017. Advice to that effect was sent to YRA.
5. In November 2017, a letter was received from the CEO of YMCA Australia advising that the organisation is in the midst of a fundamental review of its existing structures and governance model which was likely to have far-reaching consequences for its operations.
6. A key initiative was for a Shared Services Centre to be established which would centralise various operational functions of the YMCA organisations also incorporating YMCA Canberra.
7. In light of the impending changes a request was made to the Construction Occupations Registrar (COR) to allow the YMCA to maintain its office functions in the current location until such time as the review is completed.
8. It is proposed that an extension be granted by the COR for the relocation of YMCA Canberra's office functions at Yarralumla until 31 December 2018. A copy of the letter is at Attachment A.
9. A chronology of interactions with various parties by Access Canberra is at Attachment B.

Background

10. Block 1 Section 18 Yarralumla is designated land. In mid-2010, the Canberra YMCA carried out building work at the sailing club which included the construction of offices on the first floor to be used as their Canberra Headquarters.
11. The Crown lease does not permit the property to be used as an office. On 9 March 2011, a controlled activity order was made under the *Planning and Development Act 2007* directing the Canberra YMCA to comply with the terms of the lease. In substance, the order prevented the Canberra YMCA from using the sailing club for managing the YMCA as a whole.
12. Subsequently, the Canberra YMCA lodged an application for a review of the order with ACT Civil and Administrative Appeals Tribunal (ACAT). The Tribunal agreed with the regulator and upheld the order. The YRA was a party to those proceedings and have strongly advocated with the ACT Government and the Commonwealth Government that the leasehold should only be used for sailing purposes and not under any circumstances be able to be used as a headquarters for the Canberra YMCA.
13. On 19 August 2013, a Controlled Activity Complaint was lodged by Diana Wright on behalf of the Yarralumla Residents' Association claiming the YMCA was operating illegally per their lease purpose clause.

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14. During 2014 the Government officer managing the YRA complaints investigated the YMCA Yarralumla property. The investigation revealed the YMCA was exceeding their allowable gross floor area for the alternative use of space under the BCA.
15. The space allowable for alternative use is restricted to 10%. The floor space being used as office had been calculated at 12%.
16. Under a Crown Lease variation process, which the YMCA applied for through the relevant channels, the decision maker of the then Environment Planning Directorate (EPD) Ben Ponton, allowed the YMCA to have a maximum of ten (10) staff.
17. The ten (10) staff were only to be engaged in the "provision of associated administration" relating to the aquatic recreation facility. *"Aquatic recreation facility means a building or place used for a sporting, exercise, pastime or leisure activity... on or adjacent to a water feature"*. It is unclear from the lease whether this 10 staff refers to a daily maximum allowed on site or an overall maximum, irrespective of when they work.
18. An inspection undertaken on 21 September 2015 revealed there were three (3) people working in the office space. The CEO of the YMCA advised this is generally the number of people on any given day.
19. Previous staff interviews and other documents supplied by YMCA, show that approximately two (2) staff operate in overseeing positions. i.e. they work on risk and financial management to support the work undertaken by other business units of the YMCA Organisation Canberra.
20. On the basis of this information, and no apparent contravention of the Crown Lease provision, Access Canberra closed the YRA complaint in October 2015.
21. In November 2016, a letter was received from Mr Lewis of the YRA requesting an update on the status of the matter.
22. A letter from Mr Greg Jones (Director, Construction, Environment and Workplace Protection, Access Canberra) was sent to Mr Lewis advising that officers had continued to monitor the site.
23. The letter also advised that the YMCA conduct does not constitute a controlled activity as identified in Schedule 2 of the *Planning and Development Act 2007* (the Act) given the nature of the work being undertaken on site aligned with the YMCA's aquatic recreation activity.
24. Access Canberra was of the view that no further action was required in relation to the complaint as the lessee was complying with the terms of their Crown Lease, and therefore no grounds existed for enforcement action under the Act.
25. Mr Lewis responded and provided additional information which indicated that the YMCA was in fact not compliant and that other operations, outside of the aquatic recreation, were being delivered from the site.
26. These allegations were put to Mr Darren Black, then CEO of YMCA ACT who confirmed that due to financial and operational reasons, the site was being used as the registered Head Office of the YMCA in the ACT. The CEO's office was located on site while further staff also worked on site.

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27. Access Canberra was advised that if the YMCA were they to relocate the office it would come at a significant cost and risk to the YMCA while also impinging upon the organisation's ability to deliver community-focussed services.
28. Through various negotiations, and the provision of assistance from ACT Property Group (who have a community-based organisation waitlist) it was agreed that the administrative staff and office functions would be relocated to other premises by 31 December 2017.
29. In November 2017, a letter was received from the CEO of YMCA Australia advising that the organisation is now in the midst of a fundamental review of its existing structures and governance model which was likely to have far-reaching consequences for its operations.
30. A key initiative of the Review was for a Shared Services Centre to be established which would centralise various operational functions of the organisations also incorporating YMCA Canberra.
31. In light of the impending changes a request was made to allow YMCA to maintain its office functions in the current location until such time as the review is completed.
32. The YRA has also contacted Access Canberra concerning the progress of the matter given the date for operations to be relocated from the site had been flagged as 31 December 2017.

Issues

33. The YRA has been, and remains, particularly vocal in its objections to the YMCA's operations and considers that given a breach of the relevant legislation has been substantiated that formal legal action (to be read as compliance or enforcement action) be taken by Access Canberra.
34. The YMCA provides community services and is in the midst of a fundamental review of its operations and national structure. Further, the associated costs with relocation are reported to be significant.
35. A further extension of time will likely be met with some resistance and criticism from the YRA.

Financial Implications

36. Nil.

Consultation

37. Further consultation will be required with the YRA, namely through the communication of a decision, particularly given an extension for the relocation of office operations is likely to be granted to the YMCA. A copy of the letter is at [Attachment C](#).

Benefits/Sensitivities

38. Given the circumstances surrounding the YMCA's community-focussed operations, it is considered important that the request for an extension by the organisation and the interests of the YRA be balanced appropriately.

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39. Any decision for an extension should have strong parameters and milestones built around it, with these to be communicated to the YMCA.
40. Further, periodic updates on developments concerning the YMCA's review should be provided to Access Canberra. These will in turn (within reason) be communicated to the YRA in order to assure them that the matter is being monitored and progressed by Access Canberra.

Media Implications

41. There is an increased level of sensitivity from the YRA given the ongoing nature of their complaint as well as a perceived failure to address their substantive complaint.
42. It is considered there is potential for the YRA to contact the media, however, given the nature of the operations of the YMCA (community-focussed) Access Canberra has a strong basis for its decision, particularly as it aligns with the Accountability Framework and risk-based approach to regulatory decision-making.

Signatory Name:	Craig Simmons	Phone: 76322
Action Officer:	Richard Muir	Phone: 54303
	Derise Cubin	Phone : 53732

Attachments

Attachment	Title
Attachment A	Letter to YMCA
Attachment B	Chronology of Complaint
Attachment C	Letter to YRA

UNCLASSIFIED

From: [Snowden, David](#)
To: [Simmons, Craig](#)
Subject: Fwd: Complaint on lack of enforcement relating to the YMCA breach of lease
Date: Thursday, 21 December 2017 4:05:31 PM
Attachments: [Complaint Lodged with David Snowden 171221.pdf](#)
[ATT00001.htm](#)
[Response to Controlled Activity Complaint 2014.pdf](#)
[ATT00002.htm](#)

To discuss

Sent from my iPhone

Begin forwarded message:

From: Yarralumla Residents Assoc. <info@yarralumlaresidents.org.au>
Date: 21 December 2017 at 3:09:22 pm AEDT
To: "david.snowden@act.gov.au" <david.snowden@act.gov.au>
Cc: David Harvey Sch 2 s2.2(a)(ii), Mike Lewis
Sch 2 s2.2(a)(ii)
Sch 2 s2.2(a)(ii) "Sendaba, Bethel"
<Bethel.Sendaba@act.gov.au>
Subject: Complaint on lack of enforcement relating to the YMCA breach of lease

The YRA hereby lodges a formal complaint about the lack of enforcement by Access Canberra in relation to the YMCA's breach of lease conditions at 35 Alexandrina Drive, Yarralumla.

While we can supply documents to attest that the YMCA has known about its breach of the Yarralumla Bay Recreation Hub Master Plan since 2009, the 2011 ruling by ACAT in favour of the ACT Government, and the numerous controlled activity complaints with subsequent letters from the ACT Government stating that action would be taken have amounted to nothing.

The proposed grace period of yet another 12 months to give the YMCA time to comply with its lease conditions is unacceptable and points to disfunction within Access Canberra's Enforcement Unit. This week's news that the YMCA Canberra administration may cease to exist within 12 months following a national revamp of the YMCA to be undertaken in 2018 is irrelevant.

We believe it is the YMCA's responsibility to find alternative accommodation for its head office function and do not believe they or Access Canberra have acted in good faith in working towards relocating from Yarralumla Bay by

December 31, 2017.

If the YMCA has been unable to find alternative accommodation we would like to draw their attention to another property in Yarralumla that we believe is owned by the YMCA (the YMCA hall on the corner of Loftus Street). This hall has been vacant for more than 2 years and could no doubt be retrofitted as temporary office accommodation until the national YMCA makes a formal decision on the future of YMCA Canberra.

Our formal complaint is attached.

We also attach correspondence in response to a controlled activity complaint undertaken by one of our members on the same issue dated 2014.

Regards

David Harvey

President, Yarralumla Residents Association

info@YarralumlaResidents.org.au

21 December 2017

David Snowden
Acting Deputy Director General
Access Canberra, ACT Government
David.snowden@act.gov.au

Re: YMCA breach of lease at 35 Alexandrina Drive, Yarralumla

Dear David

Further to our telephone conversation, the Yarralumla Residents Association hereby lodges a formal complaint in relation to the enforcement activities of Access Canberra.

We have been informed this morning that the YMCA is to be granted an additional 12 months to move its head office function from Yarralumla Bay. This is apparently to allow the national body of the YMCA to review its administrative arrangements. Locating the head office function of the YMCA Canberra at 35 Alexandrina Drive is in breach of the Yarralumla Recreation Hub Master Plan and in direct contravention of a November 2011 ACAT ruling in favour of the ACT Government that required the YMCA to move its head office function out of Yarralumla Bay.

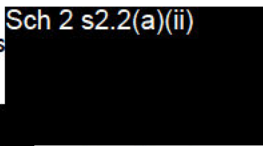
YMCA officials told the YRA in early 2017 that they would abide by the ruling and relocate their head office function by December 31, 2017. In April 2017, we received advice from the ACT Government that it had advised the YMCA that all business not related to aquatic activities would have to cease by December 31, 2017 (copy attached). Since that time, the YRA has repeatedly asked the ACT Government to provide written confirmation that the YMCA would comply and that this would be enforced.

We are shocked that a decision can be made just 10 days before the deadline to overlook the breach of lease conditions for another 12 months. If the decision had gone the other way, the YMCA would still be required to move out by December 31, 2017 and, so we also question how long this delaying tactic has been in play and to what extent the ACT Government has actually monitored the situation.

This gives the community absolutely no confidence in the ACT Government's ability to enforce rulings.

The YRA's main role here has been to ensure that entities operating within Yarralumla do so in compliance with all applicable laws, master plans and rulings. If there is no enforcement of such laws, master plans and rulings, we must ask why they were established in the first place.

We ask that you seek a review of Access Canberra's decision not to undertake enforcement in a timely manner and advise what steps can be taken to ensure the YMCA complies with its lease conditions.

Regards 

David Harvey, President



ACT
Government

Chief Minister, Treasury and
Economic Development

Yarralumla Residents Association
PO Box 7123
Yarralumla ACT 2600
info@yarralumlaresidents.org.au

Dear Sir / Madam

Block 1 Section 18 Yarralumla – Controlled Activity Complaint

I refer to your complaint submitted to Construction, Environment and Workplace Protection, Access Canberra regarding the above block.

I can confirm that a letter has been sent to the YMCA confirming that 31 December 2017 is the final date that all business activities not relating to aquatic activities will have ceased operation at 35 Alexandrina Drive Yarralumla.

This letter was emailed to the CEO on 04 April 2017 and a response has been saved on file.

Construction, Environment and Workplace Protection will continue to monitor this site until a new premise has been secured.

Should you have any questions in relation to this matter please contact the Enforcement Unit on 6207 1923 or email csbinvestigations@act.gov.au

Yours sincerely

Kassandra Keppell
Enforcement Unit
Access Canberra

28 April 2017



ACT

Government

Environment and
Sustainable Development



Dear 

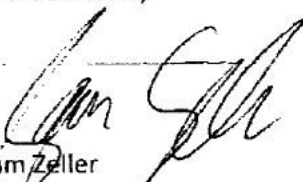
Block 1 Section 18 YARRALUMLA – Controlled Activity Complaint

I refer to your complaint submitted to the Environment and Sustainable Development Directorate (ESDD) regarding the above block. ESDD has investigated your complaint and has determined that unlawful activity is being conducted and that ESDD considers it appropriate to take action under section 77 of the *Building Act 2004*. Specifically, ESDD has issued the lessee with directions requiring them to take steps to rectify the breach.

You will be informed on significant milestones and finalisation of the complaint; however specific details and actions of ESDD's investigation will not be disclosed to you. This is a legal requirement under the *Privacy Act 1988* to protect private information of individuals involved and to avoid prejudice of potential litigation.

I trust that this information is of assistance. Should you have any further questions I can be contacted on telephone 6207 3022 or via email at actplalru@act.gov.au.

Yours sincerely


Sam Zeller
Inspector
Investigation Unit

Z/ February 2014

From: [Corrigan, Margarete](#)
To: [Simmons, Craig](#)
Subject: CS TO AMEND YRA LETTER : 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA [SEC=UNCLASSIFIED]
Date: Thursday, 21 December 2017 5:31:14 PM
Attachments: [image001.jpg](#)
[17_33577 - AC - Ministerial Brief Gentleman Ramsay - \(MIN_2017_003961\)obr](#)
[Attachment A YMCA letter of extension - M.Crole and D.Black.obr](#)
[Attachment C Letter of to YRA re YMCA extension.obr](#)

Hi Craig

Reference above to the letters.

Cheers

M

From: Corrigan, Margarete
Sent: Thursday, 21 December 2017 3:50 PM
To: Simmons, Craig (Craig.Simmons@act.gov.au) <Craig.Simmons@act.gov.au>
Cc: Payne, Cassia <Cassia.Payne@act.gov.au>; Rachel Poels (Rachel.Poels@act.gov.au) <Rachel.Poels@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: CS TO SIGN LETTERS: 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA [SEC=UNCLASSIFIED]

Hi Craig

Letters are printed, and on my desk for your signature.

Cheers

M

From: Cubin, Derise
Sent: Thursday, 21 December 2017 2:16 PM
To: Poels, Rachel <Rachel.Poels@act.gov.au>; Simmons, Craig <Craig.Simmons@act.gov.au>; Muir, Richard <Richard.Muir@act.gov.au>
Cc: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>
Subject: CS TO SIGN LETTERS: 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA [SEC=UNCLASSIFIED]

Thanks Rachel

Craig will just need to sign the letters relevant to this

Cheers Derise

From: Poels, Rachel

Sent: Thursday, 21 December 2017 2:12 PM

To: Simmons, Craig <Craig.Simmons@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>;
Muir, Richard <Richard.Muir@act.gov.au>

Cc: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>

Subject: FOR NOTING: 17/33577 - AC - Ministerial Brief Gentleman/Ramsay -
(MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA
[SEC=UNCLASSIFIED]

Hi all

The brief in the attached Objective link has been signed by the Minister.

It is attached for your information and necessary action.

Thanks

Rachel Poels | 02 620 54547

Executive Assistant to Greg Jones, Director, Construction, Environment & Workplace Protection
Executive Assistant to Craig Simmons, Director, Community, Business & Transport Regulation

Access Canberra | www.accesscanberra.act.gov.au | GPO Box 158 Canberra ACT 2601

cid:image009.jpg@01D31C1B.E0820B30



Ms Melinda Crole
CEO
YMCA Australia

C/o Mr Darren Black CEO
35 Alexandrina Drive
YARRALUMLA ACT 2600

Dear Ms Crole

Thank you for your letter dated 13 November in which you outlined the current '*Fit for Purpose*' review currently being undertaken by YMCA Australia.

I have given consideration to the points outlined in your letter and am writing to confirm acceptance of a further extension to the operation of non-aquatic business activities at the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

I have agreed to grant this extension to **31 December 2018**. This decision is was made in light of the community functions that the YMCA Canberra offers and to support your business during the impending changes coming from the YMCA *National Fit for Purpose* review.

Access Canberra is also happy to again put you in contact with ACT Property Group to assist you in securing suitable premises to conduct YMCA business activities if required.

Please be aware that no further extension will granted in relation to this matter, all non-aquatic activities will need to cease at 35 Alexandrina Drive, Yarralumla by **31 December 2018**.

If you would like to discuss this matter further please contact me on 6207 6322.

Yours sincerely

Craig Simmons
a/g Chief Operating Officer
Access Canberra
December 2017



ACT
Government

Chief Minister, Treasury and
Economic Development

Mr Mike Lewis
Yarralumla Residents Association
PO Box 7123
YARRALUMLA ACT 2600
info@yarralumlaresidents.org.au

Dear Mr Lewis

Block 1 Section 18 Yarralumla – YMCA Aquatic Recreation Centre

I am writing to provide an update in reference to the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

Access Canberra has agreed to grant a further extension to the operation of non-aquatic business activities conducted at the site to **31 December 2018**. This decision was carefully considered and assessed based on new information submitted by the YMCA.

If you would like to discuss this matter further please contact me on phone 6207 6322.

Yours sincerely

Craig Simmons
a/g Chief Operating Officer
Access Canberra
December 2017



ACT
Government

Chief Minister, Treasury and
Economic Development

Ms Melinda Crole
CEO
YMCA Australia

C/o Mr Darren Black CEO
35 Alexandrina Drive
YARRALUMLA ACT 2600

Dear Ms Crole

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Please be aware that no further extension will granted in relation to this matter, all non-aquatic activities will need to cease at 35 Alexandrina Drive, Yarralumla by **31 December 2018**.

If you would like to discuss this matter further please contact me on 6207 6322.

Yours sincerely

Craig Simmons
a/g Chief Operating Officer
Access Canberra
2/ December 2017

From: [Simmons, Craig](#)
To: [Snowden, David](#)
Subject: RE: Complaint on lack of enforcement relating to the YMCA breach of lease [DLM=For-Official-Use-Only]
Date: Thursday, 21 December 2017 7:15:00 PM

Hi David

Draft letter in response to the YRA

Happy to discuss

Craig

Mr Mike Lewis
Yarralumla Residents Association
PO Box 7123
YARRALUMLA ACT 2600
info@yarralumlaresidents.org.au

Dear Mr Lewis

Block 1 Section 18 Yarralumla – YMCA Aquatic Recreation Centre

I am writing to provide an update in reference to the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

On 13 November 2017 I received a letter from the Chief Executive Officer of YMCA Australia Ms Melinda Crole. In her letter Ms Crole advised that YMCA Australia is undertaking a fundamental review of its existing structures and governance model and that the review would have far reaching consequences for the YMCA across Australia including their operations in the ACT.

I have given consideration to the points outlined in Mc Crole's letter and to the services and functions that the YMCA Canberra offers to the ACT Community as well as the cost that a short term move would impose on the YMCA. I have considered these matters against the Access Canberra enforcement and compliance framework and I do not consider that there would be any detriment or harm caused by allowing the operations of the YMCA to continue whilst the above mentioned review is being undertaken.

In consideration of these matters I have agreed to grant a further extension to the operation of non-aquatic business activities conducted at the site to **31 December 2018**.

If you would like to discuss this matter further please contact me on phone 6207 6322.

Yours sincerely

Craig Simmons
a/g Chief Operating Officer
Access Canberra

December 2017

From: Snowden, David
Sent: Thursday, 21 December 2017 4:05 PM
To: Simmons, Craig <Craig.Simmons@act.gov.au>
Subject: Fwd: Complaint on lack of enforcement relating to the YMCA breach of lease

To discuss

Sent from my iPhone

Begin forwarded message:

From: Yarralumla Residents Assoc. <info@yarralumlaresidents.org.au>
Date: 21 December 2017 at 3:09:22 pm AEDT
To: "david.snowden@act.gov.au" <david.snowden@act.gov.au>
Cc: David Harvey Sch 2 s2.2(a)(ii), Mike Lewis
 Sch 2 s2.2(a)(ii)
 "Sendaba, Bethel"
 <Bethel.Sendaba@act.gov.au>
Subject: Complaint on lack of enforcement relating to the YMCA breach of lease

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We believe it is the YMCA's responsibility to find alternative accommodation for its head office function and do not believe they or Access Canberra have acted in good faith in working towards relocating from Yarralumla Bay by

From: [Corrigan, Margarete](#)
To: [Simmons, Craig](#)
Cc: [Poels, Rachel](#)
Subject: FW: CS TO AMEND YRA LETTER : 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA [SEC=UNCLASSIFIED]
Date: Friday, 22 December 2017 10:21:05 AM
Attachments: [image001.jpg](#)
[17_33577 - AC - Ministerial Brief Gentleman Ramsay - \(MIN_2017_003961\)obr](#)
[Attachment A YMCA letter of extension - M Crole and D Black.obr](#)
[Attachment C Letter of to YRA re YMCA extension.obr](#)

Hi Craig

I thought you were going to amend the YRA letter ... I'll keep nagging, but I assume it will not go until the new year ...

M

From: Corrigan, Margarete
Sent: Thursday, 21 December 2017 5:31 PM
To: Simmons, Craig (Craig.Simmons@act.gov.au) <Craig.Simmons@act.gov.au>
Subject: CS TO AMEND YRA LETTER : 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA [SEC=UNCLASSIFIED]

Hi Craig

Reference above to the letters.

Cheers

M

From: Corrigan, Margarete
Sent: Thursday, 21 December 2017 3:50 PM
To: Simmons, Craig (Craig.Simmons@act.gov.au) <Craig.Simmons@act.gov.au>
Cc: Payne, Cassia <Cassia.Payne@act.gov.au>; Rachel Poels (Rachel.Poels@act.gov.au) <Rachel.Poels@act.gov.au>; Cubin, Derise <Derise.Cubin@act.gov.au>
Subject: CS TO SIGN LETTERS: 17/33577 - AC - Ministerial Brief Gentleman/Ramsay - (MIN:2017/003961) - Controlled Activity Complaint = Block 1 Section 18 YARRALUMLA [SEC=UNCLASSIFIED]

Hi Craig

Letters are printed, and on my desk for your signature.

Cheers

M

From: [Corrigan, Margarete](#)
To: ["info@yarralumlaresidents.org.au"](mailto:info@yarralumlaresidents.org.au)
Subject: YMCA Aquatic Recreation Centre [SEC=UNOFFICIAL]
Date: Friday, 22 December 2017 12:36:00 PM
Attachments: [Letter to YRA re YMCA extension from Craig Simmons.pdf](#)
[image001.jpg](#)

Please find attached a letter from Mr Craig Simmons to Mr Mike Lewis, YRA.

Kind regards

Margarete Corrigan | Executive Business Co-ordinator

Phone 02 6205 9873 |

Construction, Environment and Workplace Protection | **Access Canberra** | ACT Government

GPO Box 158 Canberra ACT 2601 | www.accesscanberra.act.gov.au

cid:image009.jpg@01D31C1B.E0820B30



**ACT**
GovernmentChief Minister, Treasury and
Economic Development

Mr Mike Lewis
Yarralumla Residents Association
PO Box 7123
YARRALUMLA ACT 2600
info@yarralumlaresidents.org.au

Dear Mr Lewis

Block 1 Section 18 Yarralumla – YMCA Aquatic Recreation Centre

I am writing to provide an update in reference to the YMCA Aquatic Recreation Centre, 35 Alexandrina Drive in Yarralumla.

On 13 November 2017, I received a letter from the Chief Executive Officer of YMCA Australia, Ms Melinda Crole. In her letter Ms Crole advised that YMCA Australia is undertaking a fundamental review of its existing structures and governance model and that the review would have far reaching consequences for the YMCA across Australia including their operations in the ACT.

I have given consideration to the points outlined in Ms Crole's letter and to the services and functions that the YMCA Canberra offers to the ACT Community as well as the cost that a short term move would impose on the YMCA. I have considered these matters against the Access Canberra enforcement and compliance framework and I do not consider that there would be any detriment or harm caused by allowing the operations of the YMCA to continue whilst the above mentioned review is being undertaken.

In consideration of these matters, I have agreed to grant a further extension to the operation of non-aquatic business activities conducted at the site to **31 December 2018**.

If you would like to discuss this matter further please contact me on phone 6207 6322.

Yours sincerely

Craig Simmons
a/g Chief Operating Officer
Access Canberra
22 December 2017

From: [Snowden, David](#)
To: [Simmons, Craig](#); [Cubin, Derise](#)
Subject: Fwd: YMCA
Date: Friday, 22 December 2017 12:41:32 PM
Attachments: [YMCA-ACT Government Correspondence - Extract.pdf](#)
[ATT00001.htm](#)

FYI

Sent from my iPhone

Begin forwarded message:

From: "Yarralumla Residents Assoc." <info@yarralumlaresidents.org.au>
To: "Snowden, David" <David.Snowden@act.gov.au>
Cc: "Mike Lewis" [REDACTED], "David Harvey"
[REDACTED], "Sendaba, Bethel"
<BetHEL.Sendaba@act.gov.au>, [REDACTED], Sch 2 s2.2(a)(ii)
[REDACTED]
Subject: YMCA

David

Further to recent correspondence about the lack of enforcement in dealing with the YMCA's breach of lease conditions.

As I mentioned, I was shocked by YMCA CEO Darren Black's assertion this morning that he had never promised to move the head office function from 35 Alexandrina Drive by the end of 2017.

Apart from his verbal commitment to three representatives of the YRA at a meeting in early 2017, we are aware of correspondence between the YMCA and the ACT Government confirming the YMCA's appreciation of the "generous time frame" offered by the ACT Government for the YMCA to relocate by December 2017.

I attach copies of 2016 correspondence between Darren Black and the ACT Government that refers to a formal document setting out the agreement between the YMCA and the ACT Government for the YMCA to vacate by December 2017.

Unfortunately, we have not seen a copy of that agreement, but note the final wording was to be discussed at a meeting between the YMCA and the Access Canberra Enforcement Unit on Monday December 19, 2016.

We continue to question how Access Canberra can extend such a "generous time frame" for yet another year, and note there is no provision to prevent further extensions.

Noting that the cited rationale for the delaying the enforcement of the lease conditions is the possible revamp and centralization of the national YMCA administration, we are also concerned that

- (1) this revamp has been under discussion for more than 2 years
- (2) the YMCA appears to have made no effort to find alternative office space during 2017
- (3) the revamp is unlikely to be finalized until late 2018
- (4) the YMCA is unlikely to start looking for alternative office space before the revamp is finalized, meaning any move will likely occur in 2019 at earliest (10 years after this breach was first cited).
- (5) one option in the revamp is to relocate the national headquarters of the YMCA to Canberra
- (6) Access Canberra appears to have the authority to provide a grace period for compliance for any length of time it deems suitable.

Item (6) in particular has broader implications and is likely to be addressed in a formal request by the Inner South Canberra Community Council to the ACT Auditor General to investigate compliance and enforcement of government regulations using the YMCA as just one example.

Regards

David Harvey, President

Yarralumla Residents Association

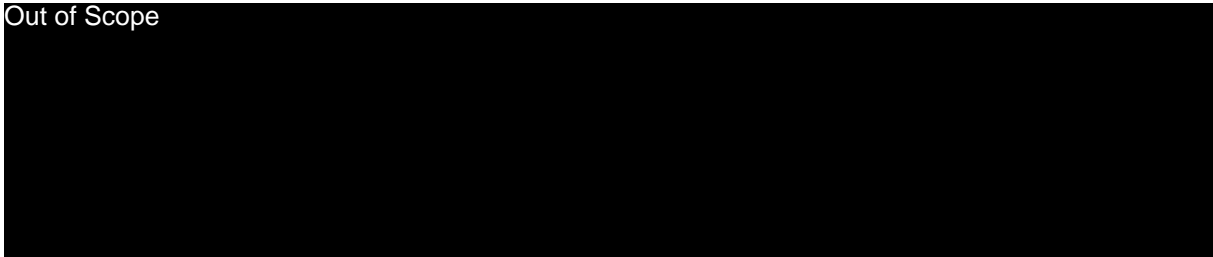
info@YarralumlaResidents.org.au

From: [Muscat, Linda](#)
To: [Jones, Greg](#); [Cubin, Derise](#); [McKay, Margaret](#); [Springett, Emily](#)
Cc: [Snowden, David](#); [Simmons, Craig](#); [Corrigan, Margarete](#); [Middlemiss, David](#)
Subject: Minister Ramsay agenda 22 Jan [SEC=UNCLASSIFIED]
Date: Thursday, 18 January 2018 10:10:26 AM
Attachments: [Minister Ramsay Agenda - 22 January 2018.docx](#)

Hi everyone,

The agenda for Monday's meeting is attached.

Out of Scope



Thanks

Linda Muscat
Executive Officer
Access Canberra | Chief Minister, Treasury and Economic Development Directorate
(02) 6207 5014 | 0413 710 272



Minister Ramsay and Access Canberra meeting

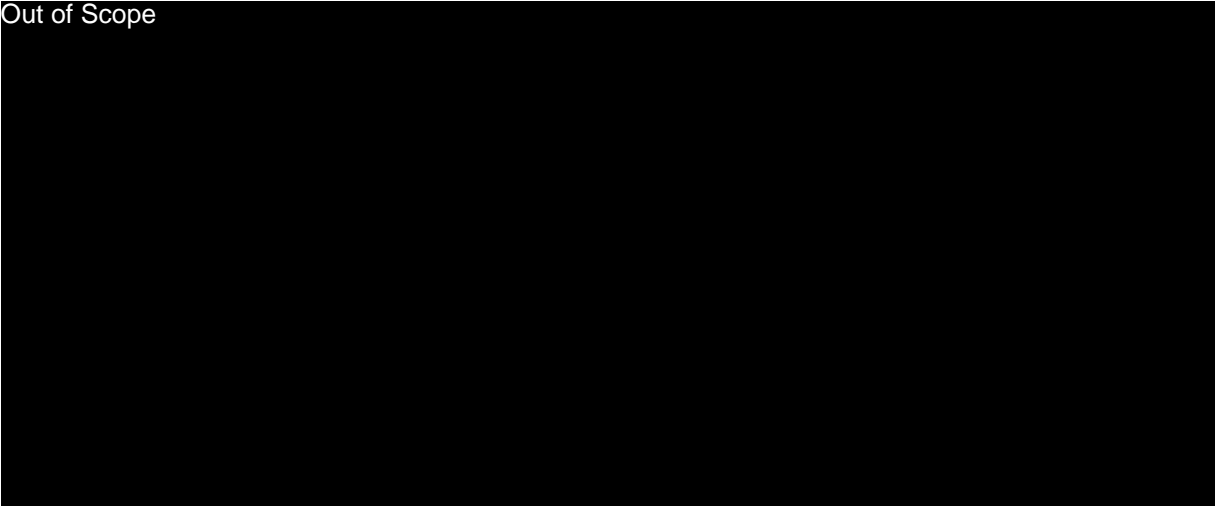
AGENDA

Monday, 22 January 2018

9:00 – 10:00am

Minister Ramsay's Office

Out of Scope

A large black rectangular redaction box covers the majority of the page content below the agenda information. The text "Out of Scope" is visible in the top-left corner of this redacted area.

Outcomes as at 11 December 2017

Date	Action	Access Canberra response
2017		
11 Dec	<p>YMCA / Yarralumla Residents Association</p> <ul style="list-style-type: none"> • YMCA have approached AC asking to remain in location until Australia-wide review of functions is undertaken • Appropriate delegation to make decision is “owned” by EPSD – Craig Simmons engaging with Ben Ponton • Given Minister’s previous association with YMCA, suggest any Ministerial consideration be addressed to Minister Gentleman with cc to Minister Ramsay 	

Out of Scope



From: [Muscat, Linda](#)
To: [Simmons, Craig](#)
Subject: RE: Min Mtg papers [SEC=UNCLASSIFIED]
Date: Monday, 22 January 2018 9:21:01 AM
Attachments: Out of Scope
[Minister Ramsay Agenda - 22 January 2018.DOCX](#)
Out of Scope

Out of Scope

On 21 Jan 2018, at 22:13, Muscat, Linda <Linda.Muscat@act.gov.au> wrote:

Hi Craig,

The annotated agenda and relevant papers are in your meeting folder.

Cheers

Linda Muscat

Executive Officer

Access Canberra | Chief Minister, Treasury and Economic Development Directorate

(02) 6207 5014 | 0413 710 272



Minister Ramsay and Access Canberra meeting

AGENDA

Monday, 22 January 2018

9:00 – 10:00am

Minister Ramsay's Office

Out of Scope

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Date	Action	Access Canberra response
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Out of Scope



From: [Jenkins, Kylie](#)
To: [Snowden, David](#); [Peffer, Dave](#); [Simmons, Craig](#); [Jones, Greg](#); [Bramwell, Narelle](#); [Springett, Emily](#); [Rynehart, Josh](#)
Cc: [Muscat, Linda](#); [Payne, Cassia](#)
Subject: AC EXEC MEETING - 29 January 2017 - Agenda [SEC=UNCLASSIFIED]
Date: Thursday, 25 January 2018 2:45:32 PM
Attachments: [Minister Ramsay Agenda - 29 January 2018.DOCX](#)

Hi all

Please see attached agenda for Monday's AC Executive meeting.

Out of Scope



Any questions / queries, give me a ring.

Thanks

Kylie

Kylie Jenkins | Directorate Liaison Officer – Regulatory Services

Ph: 02 6205 4007 | Mob: 0466 029 193 | Email: ACDLO@act.gov.au

Access Canberra | Chief Minister Treasury and Economic Development Directorate | ACT Government

Legislative Assembly | GPO Box 1020 Canberra ACT 2601 | www.accesscanberra.act.gov.au



Minister Ramsay and Access Canberra meeting

AGENDA

Monday 29 January 2018

9:00 – 10:00am

Minister Ramsay's Office

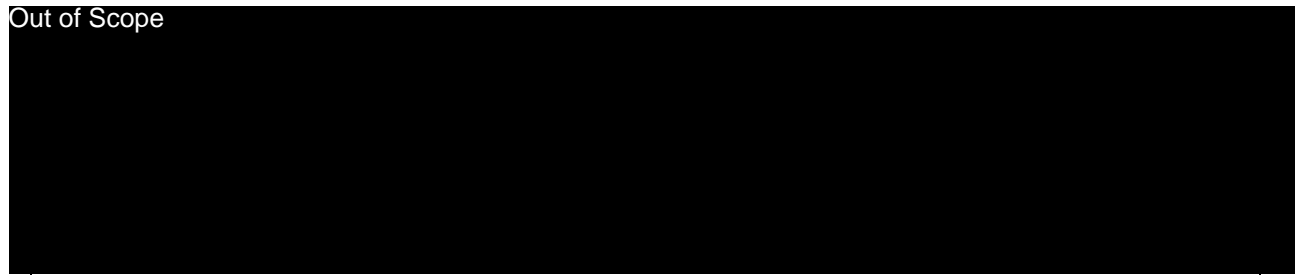
Out of Scope

A large, solid black rectangular box covers the majority of the page content below the "Out of Scope" text, indicating that the information has been redacted.

Outcomes as at 22 January 2018

Date	Action	Access Canberra response
Out of Scope		

Out of Scope



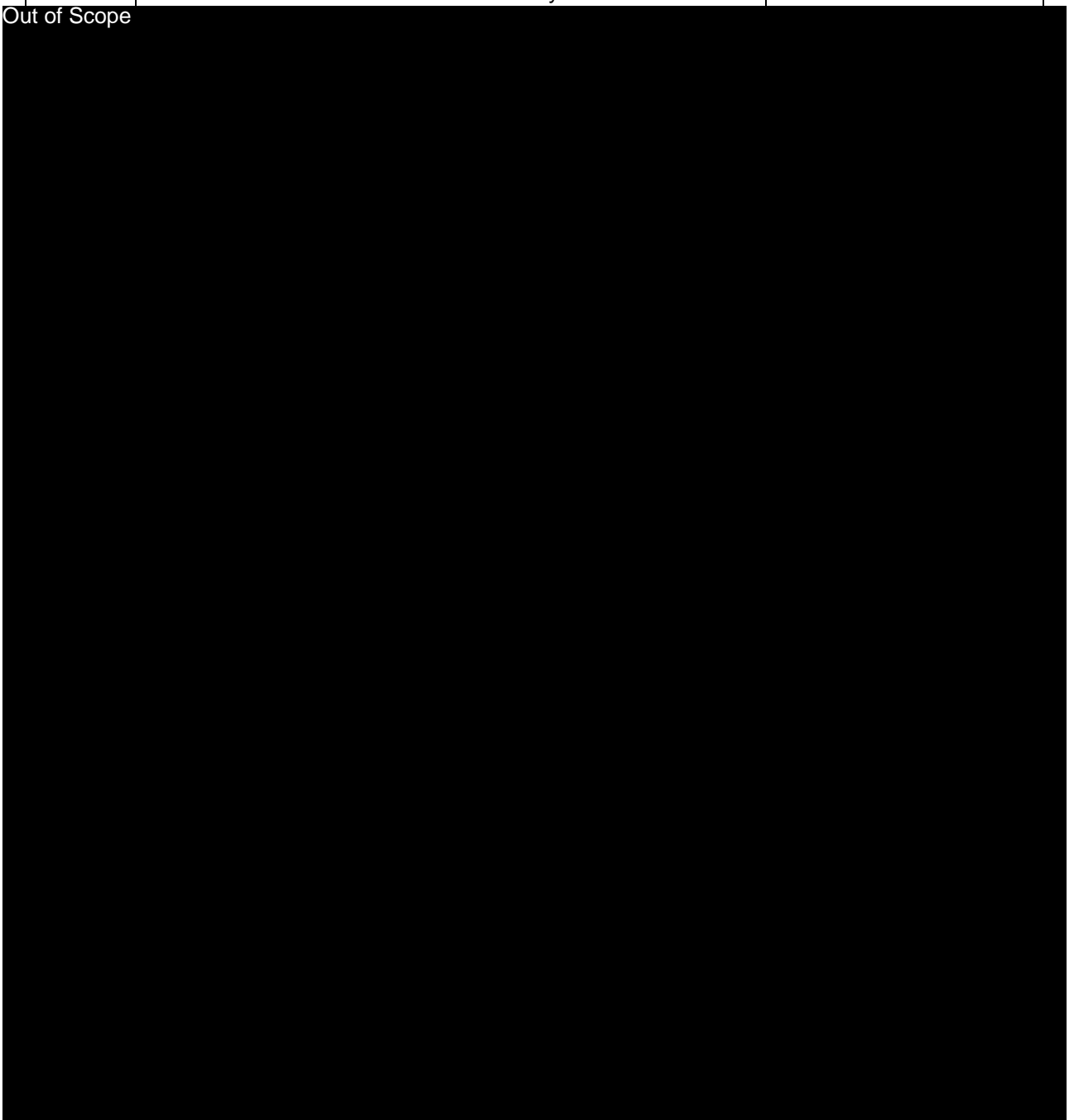
2017

11 Dec

YMCA / Yarralumla Residents Association

- YMCA have approached AC asking to remain in location until Australia-wide review of functions is undertaken
- Appropriate delegation to make decision is “owned” by EPSD – Craig Simmons engaging with Ben Ponton
- Given Minister’s previous association with YMCA, suggest any Ministerial consideration be addressed to Minister Gentleman with cc to Minister Ramsay

Out of Scope



From: [Jenkins, Kylie](#)
To: [Snowden, David](#); [Peffer, Dave](#); [Simmons, Craig](#); [Jones, Greg](#); [Bramwell, Narelle](#); [Springett, Emily](#); [Rynehart, Josh](#)
Cc: [Muscat, Linda](#); [Payne, Cassia](#)
Subject: FW: AC EXEC MEETING - 29 January 2017 - Agenda [SEC=UNCLASSIFIED]
Date: Thursday, 25 January 2018 2:48:00 PM
Attachments: [Minister Ramsay Agenda - 29 January 2018.DOCX](#)

Out of Scope



-----Original Message-----

From: Jenkins, Kylie
Sent: Thursday, 25 January 2018 2:45 PM
To: David Snowden <david.snowden@act.gov.au>; Peffer, Dave <Dave.Peffer@act.gov.au>; Craig Simmons <Craig.Simmons@act.gov.au>; Jones, Greg <Greg.Jones@act.gov.au>; Bramwell, Narelle <Narelle.Bramwell@act.gov.au>; Springett, Emily <Emily.Springett@act.gov.au>; Josh Rynehart <Josh.Rynehart@act.gov.au>
Cc: Linda Muscat <Linda.Muscat@act.gov.au>; Payne, Cassia <Cassia.Payne@act.gov.au>
Subject: AC EXEC MEETING - 29 January 2017 - Agenda [SEC=UNCLASSIFIED]

Hi all

Please see attached agenda for Monday's AC Executive meeting.

Out of Scope



Any questions / queries, give me a ring.

Thanks

Kylie

Kylie Jenkins | Directorate Liaison Officer – Regulatory Services
Ph: 02 6205 4007 | Mob: 0466 029 193 | Email: ACDLO@act.gov.au Access Canberra | Chief Minister
Treasury and Economic Development Directorate | ACT Government Legislative Assembly | GPO Box 1020
Canberra ACT 2601 | www.accesscanberra.act.gov.au



Minister Ramsay and Access Canberra meeting

AGENDA

Monday 29 January 2018

1:00 – 2:00pm

Minister Ramsay's Office

Out of Scope

A large, solid black rectangular redaction box covers the majority of the page content below the meeting details. The text "Out of Scope" is visible in the top-left corner of this redacted area.

Outcomes as at 22 January 2018

Date	Action	Access Canberra response
Out of Scope		

Out of Scope

2017

11 Dec

YMCA / Yarralumla Residents Association

- YMCA have approached AC asking to remain in location until Australia-wide review of functions is undertaken
- Appropriate delegation to make decision is “owned” by EPSD – Craig Simmons engaging with Ben Ponton
- Given Minister’s previous association with YMCA, suggest any Ministerial consideration be addressed to Minister Gentleman with cc to Minister Ramsay

Out of Scope

From: [EPSD Government Services](#)
To: [Saad, Monica](#)
Cc: [Phillips, Brett](#); [Croke, Isabella](#)
Subject: FOR ACTION - New Question on Notice - QON 937 - MS LEE - Yarralumla Bay - Due 28 February 2018 [DLM=For-Official-Use-Only]
Date: Friday, 16 February 2018 12:25:27 PM
Attachments: [QON 937 - LEE - YMCA occupy Yarralumla Bay.obr](#)

Good Afternoon

Questions on Notice Paper No. 15 has a new question from Ms Lee which requires a response.

MS LEE: To ask the Minister for Planning and Land Management—

- (1) Under what arrangements does the YMCA occupy the building in Yarralumla Bay.
- (2) What zoning and lease conditions apply to the building.
- (3) Have there been any breaches of these conditions noted by the directorate.
- (4) What penalties does the breach attract in the event of building owners being in breach of terms of the lease conditions.
- (5) What advice, if any, has been provided to the building owners in respect of any breach.
- (6) What action does the government intend to take should these breaches not be rectified.

Out of Scope



Many Thanks

Tasha Hartwig

☎ 02 6207 0701 | Government Services | Environment, Planning & Sustainable Development | ACT Government
Level 3 South, Dame Pattie Menzies House, 16 Challis Street, Dickson | GPO Box 158 Canberra ACT 2601
(Wednesday to Friday only)

Member for Brindabella

Manager of Government Business
Minister for Police and Emergency Services
Minister for the Environment and Heritage
Minister for Planning and Land Management
Minister for Urban Renewal

Obj 18/01413

ACT LEGISLATIVE ASSEMBLY QUESTION

Questions on Notice Paper No. 15

Question No. 937

MS LEE- Asked the Minister for Planning and Land Management on 16 February 2018:

MS LEE: To ask the Minister for Planning and Land Management—

- (1) Under what arrangements does the YMCA occupy the building in Yarralumla Bay.
- (2) What zoning and lease conditions apply to the building.
- (3) Have there been any breaches of these conditions noted by the directorate.
- (4) What penalties does the breach attract in the event of building owners being in breach of terms of the lease conditions.
- (5) What advice, if any, has been provided to the building owners in respect of any breach.
- (6) What action does the government intend to take should these breaches not be rectified.

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601, Australia
Phone +61 2 6205 0218

GPO Box 1020, Canberra ACT 2601, Australia
Email gentleman@act.gov.au



MR GENTLEMAN: The answer to the Member's question is as follows:

[Answer]

Approved for circulation to the Member and incorporation into Hansard.

Mr Mick Gentleman MLA, Minister for Planning and Land Management Date:.....

From: [Access Canberra Government Business & Coordination](#)
To: [Middlemiss, David](#)
Cc: [Simmons, Craig](#); [Corrigan, Margarete](#)
Subject: Due COB 27 February 2018: Question on Notice - YMCA building in Yarralumla Bay [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Monday, 19 February 2018 12:01:33 PM
Attachments: [image001.jpg](#)
[QON 937 - Ms Lee - YMCA Yarralumla Bay.obr](#)

Hi David

Please see within the attached objective template a Question on Notice asked by Ms Lee about the YMCA building in Yarralumla Bay.

Out of Scope



Thank you
Tina

Tina Gioffre | Government Business and Coordination Officer/GRC Secretariat

Phone: 02 6205 7326 | Email: Tina.Gioffre@act.gov.au

Projects, Governance & Support | Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR

cid:image009.jpg@01D31C1B.E0820B30



**MINISTER FOR REGULATORY SERVICES FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE
Notice Paper of 16 February 2018
Question No. 937**

- *937 **MS LEE:** To ask the Minister for Regulatory Services—
- (1) Under what arrangements does the YMCA occupy the building in Yarralumla Bay.
 - (2) What zoning and lease conditions apply to the building.
 - (3) Have there been any breaches of these conditions noted by the directorate.
 - (4) What penalties does the breach attract in the event of building owners being in breach of terms of the lease conditions.
 - (5) What advice, if any, has been provided to the building owners in respect of any breach.
 - (6) What action does the government intend to take should these breaches not be rectified.

MR RAMSAY MLA - The answer to the Member's question is as follows:

- (1) The land is privately owned by the YMCA under the ACT's leasehold system.
- (2) A Crown lease was granted on 17 August 2004 to the YMCA over Blocks 1, 2 & 3 Section 18 Yarralumla, commencing on 17 August 2004 and terminating on 16 November 2027. The purpose reads as follows:

To use that part of the premises known as Block 1 only for the purpose of a club house for occupation exclusively by the YMCA Sailing club as its base of sailing operations on the adjacent Lake and within these premises affording areas for recreation instruction light refreshment management locker room and toilet facilities storage for ministration to and fabrication of members' club and visitors' craft and for associated light boat handling facilities and vehicular parking;

To use that part of the premises known as Blocks 2 and 3 only for the purpose of a boatshed and associated activities of the Lessee PROVIDED THAT the boatshed shall only be constructed or located on Block 2 and it is FURTHER PROVIDED THAT the Lessee shall permit members of the public to use Block 3 for the purposes of rigging and launching of sailing boats and activities associated therewith.

Blocks 1, 2 & 3 Section 18 Yarralumla is located within Designated Land of the Territory Plan.

- (3) Yes. A brief was sent to the Minister's office on 4 December 2017 outlining that the Directorate is aware of a breach with respect to using the sailing club as a general administrative office for the YMCA.

- (4) A controlled activity order may be issued under the *Planning and Development Act 2007* (PDA). A breach of a controlled activity order is a further 60 penalty unit offence. (\$150 per unit for individuals, \$750 for corporations).

- (5) As per the brief from December 2017, the YMCA Canberra has advised Access Canberra that they are a part of a national review of their corporate structure the outcome of which may fundamentally change the nature of their operation in Yarralumla Bay. In response to their request the YMCA have been advised that they can continue operating as they have been until the outcome of their national review is completed or until 31 December 2018 which ever come first.

The Yarralumla Residents Association was advised of this in a letter from the Construction Occupations Registrar, Mr Craig Simmons on 22 December 2017.

- (6) Access Canberra is currently working with the YMCA to ensure that they will be compliant with their lease conditions after the review is completed.

In order to work with this organisation which has a long standing relationship with the community, Access Canberra is allowing them this period of time while the national review of their organisation is undertaken. Access Canberra is committed to regularly liaising with the YMCA to ensure that they achieve full compliance as soon as is practicable. The Government will consider any other enforcement under the PDA should they not cease the use within the identified timeframe.

Approved for circulation to the Member and incorporation into Hansard.

**Gordon Ramsay MLA
Minister for Regulatory Services**

Date:.....

From: [Access Canberra Government Business & Coordination](#)
To: [Muscat, Linda](#); [Middlemiss, David](#); [Cubin, Derise](#); [Penfold, Tyler](#); [Southwell, Linda](#); [Bell, Kevin](#); [McKay, Margaret](#); [Freestone, Jerome](#); [Springett, Emily](#); [Gray, Jennifer](#); [Sargent, Narelle](#)
Cc: [Peffer, Dave](#); [Snowden, David](#); [Jones, Greg](#); [Simmons, Craig](#); [Rynehart, Josh](#); [Purvis, Alison](#); [Green, Ben \(ACTPLA\)](#); [Sizer, Cheryl](#); [McGee, Dylan](#); [Josey, Belinda](#); [Brasnett, Robert](#); [Matthews, Catherine](#)
Subject: Documents for Assembly Today - Tuesday 20 February 2018 [SEC=UNCLASSIFIED, DLM=Sensitive]
Date: Tuesday, 20 February 2018 12:41:42 PM
Attachments: **Out of Scope**
[NP046.doc](#)
[image001.jpg](#)

Good Afternoon

Please find attached documents relevant to today's sitting.

Out of Scope



Please let me know if you require any additional information.

Kind Regards

Tina

Tina Gioffre | Government Business and Coordination Officer/GRC Secretariat

Phone: 02 6205 7326 | Email: Tina.Gioffre@act.gov.au

Projects, Governance & Support | Access Canberra | ACT Government

GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accessCBR

cid:image009.jpg@01D31C1B.E0820B30





Legislative Assembly for the Australian Capital Territory

2016-2017-2018

Notice Paper

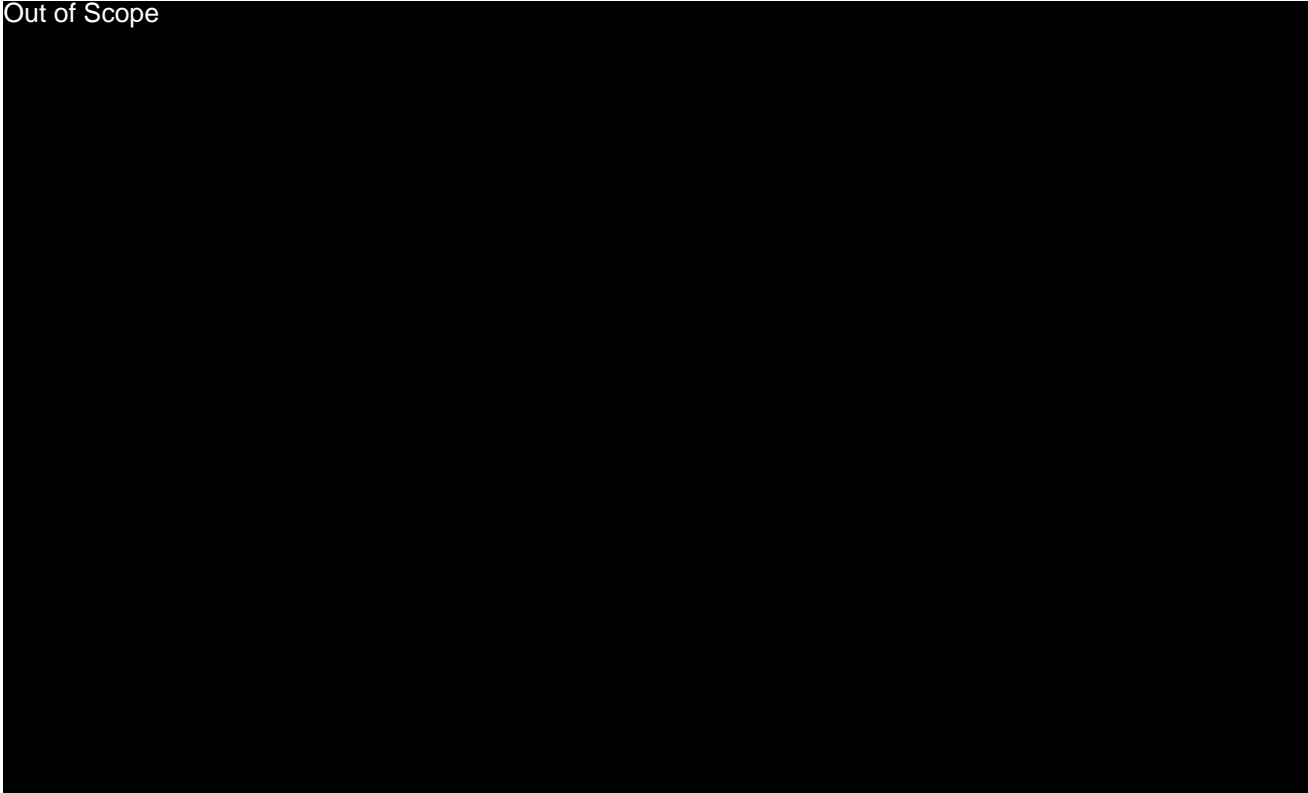
No 46

Tuesday, 20 February 2018

The Assembly meets this day at 10 am

EXECUTIVE BUSINESS

Out of Scope

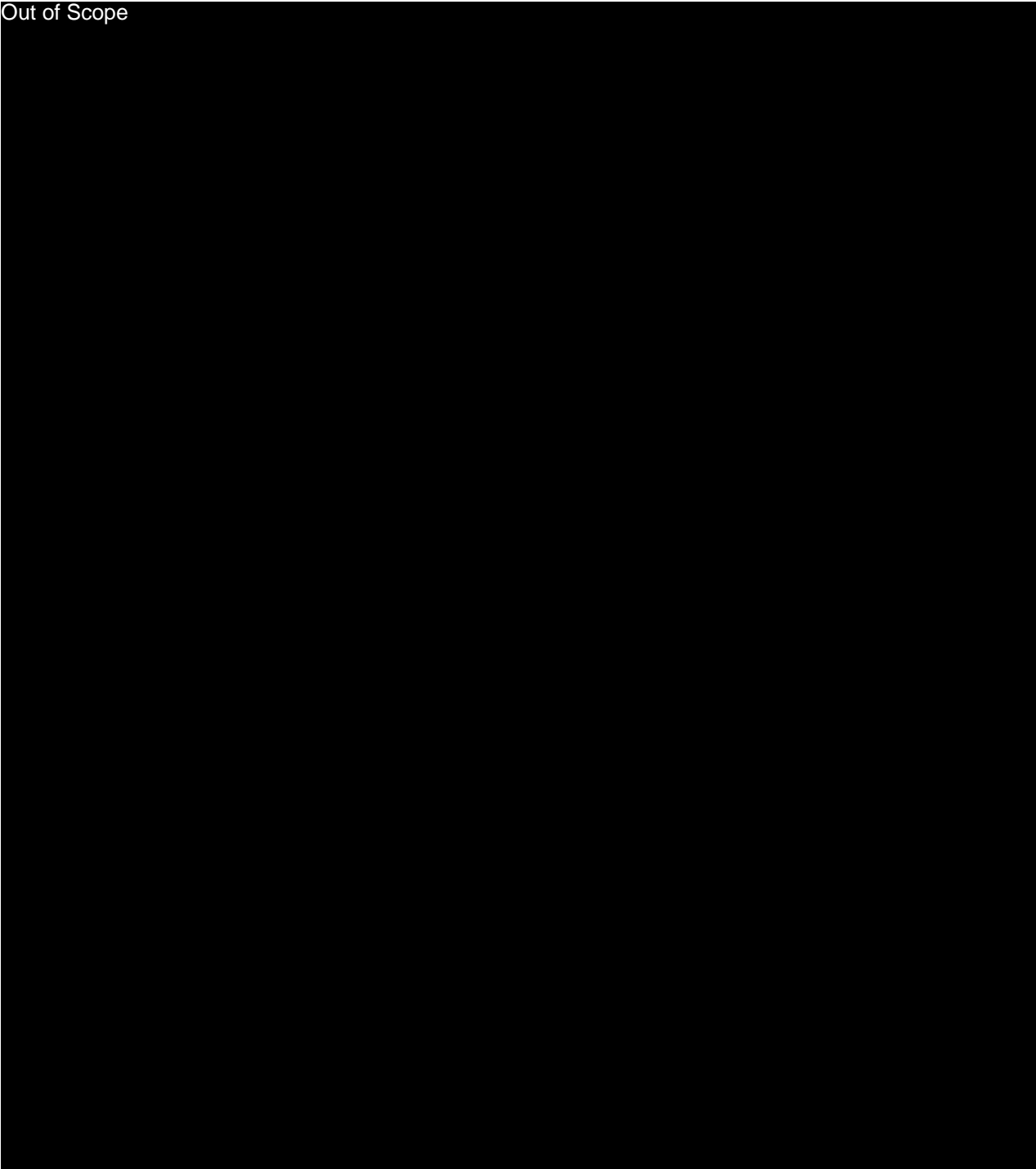


** Notifications to which an asterisk (*) is prefixed appear for the first time*

www.parliament.act.gov.au/assembly/notices.asp



Out of Scope



937 **MS LEE:** To ask the Minister for Regulatory Services—

- (1) Under what arrangements does the YMCA occupy the building in Yarralumla Bay.
- (2) What zoning and lease conditions apply to the building.
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- (5) What advice, if any, has been provided to the building owners in respect of any breach.

- (6) What action does the government intend to take should these breaches not be rectified.

Out of Scope



From: [Poels, Rachel](#)
To: [Gioffre, Tina](#)
Subject: FW: FOR CS CLEARANCE: Due 27 Feb : RE-DIRECTION TO AC - Question on Notice - QON 937 - MS LEE - Yarralumla Bay [DLM=For-Official-Use-Only]
Date: Thursday, 1 March 2018 9:02:00 AM
Attachments: [image002.jpg](#)
[ATT00001.htm](#)
[image001.jpg](#)
[ATT00002.htm](#)
[QON_937 - Ms Lee - YMCA Yarralumla Bay.obr](#)
[ATT00003.htm](#)
[image001.png](#)

Hi Tina

Craig has cleared this one 😊

Thanks

Rachel Poels | Executive Assistant to Greg Jones, Director
Phone: 02 6205 4547 | Email: rachel.poels@act.gov.au
Workplace Protection | Access Canberra | ACT Government
GPO Box 158 ACT 2601 | www.act.gov.au/accessCBR

cid:image006.png@01D3AFF2.FEECBAF0



From: Simmons, Craig
Sent: Wednesday, 28 February 2018 7:03 PM
To: Poels, Rachel <Rachel.Poels@act.gov.au>
Subject: Fwd: FOR CS CLEARANCE: Due 27 Feb : RE-DIRECTION TO AC - Question on Notice - QON 937 - MS LEE - Yarralumla Bay [DLM=For-Official-Use-Only]

Good to go Rachel

Sent from my iPad

Begin forwarded message:

From: "Corrigan, Margarete" <Margarete.Corrigan@act.gov.au>
Date: 28 February 2018 at 13:49:22 AEDT
To: "Simmons, Craig" <Craig.Simmons@act.gov.au>
Cc: "Poels, Rachel" <Rachel.Poels@act.gov.au>, "Gioffre, Tina" <Tina.Gioffre@act.gov.au>
Subject: FOR CS CLEARANCE: Due 27 Feb : RE-DIRECTION TO AC - Question on Notice - QON 937 - MS LEE - Yarralumla Bay [DLM=For-Official-Use-Only]

Hi Craig

For your urgent clearance please.

Cheers

M

From: Middlemiss, David
Sent: Wednesday, 28 February 2018 1:38 PM
To: Corrigan, Margarete <Margarete.Corrigan@act.gov.au>
Subject: FW: Due 27 Feb : RE-DIRECTION TO AC - Question on Notice - QON 937 - MS LEE - Yarralumla Bay [DLM=For-Official-Use-Only]

Radmila has cleared it now, thanks Dave M.

From: Gaze, Reuben
Sent: Tuesday, 27 February 2018 2:44 PM
To: Middlemiss, David <David.Middlemiss@act.gov.au>
Subject: FW: Due 27 Feb : RE-DIRECTION TO AC - Question on Notice - QON 937 - MS LEE - Yarralumla Bay [DLM=For-Official-Use-Only]

Hi Dave

Done. I took out all the high level legal references to parts and sections of acts and kept it in simple terms. I don't think we need to go to more detail than that.

Kind regards

Reuben Gaze | Lead Auditor, Construction Audit Team

Phone: 02 62076282 | Email: reuben.gaze@act.gov.au

Access Canberra | Chief Minister and Economic Development Directorate | ACT Government

Transact House | GPO Box 158 Canberra ACT 2601 | www.act.gov.au/accesscbr

**MINISTER FOR REGULATORY SERVICES FOR THE AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY QUESTION**

**QUESTION ON NOTICE
Notice Paper of 16 February 2018
Question No. 937**

- *937 **MS LEE:** To ask the Minister for Regulatory Services—
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- (1) The land is privately owned by the YMCA under the ACT's leasehold system.
- (2) A Crown lease was granted on 17 August 2004 to the YMCA over Blocks 1, 2 & 3 Section 18 Yarralumla, commencing on 17 August 2004 and terminating on 16 November 2027. The purpose reads as follows:

To use that part of the premises known as Block 1 only for the purpose of a club house for occupation exclusively by the YMCA Sailing club as its base of sailing operations on the adjacent Lake and within these premises affording areas for recreation instruction light refreshment management locker room and toilet facilities storage for ministrations to and fabrication of members' club and visitors' craft and for associated light boat handling facilities and vehicular parking;

To use that part of the premises known as Blocks 2 and 3 only for the purpose of a boatshed and associated activities of the Lessee PROVIDED THAT the boatshed shall only be constructed or located on Block 2 and it is FURTHER PROVIDED THAT the Lessee shall permit members of the public to use Block 3 for the purposes of rigging and launching of sailing boats and activities associated therewith.

Blocks 1, 2 & 3 Section 18 Yarralumla is located within Designated Land of the Territory Plan.

- (3) Yes. A brief was sent to the Minister's office 17/33577 outlining that the Directorate is aware of a breach with respect to using the sailing club as a general administrative office for the YMCA.
- (4) A controlled activity order may be issued under the *Planning and Development Act 2007* (PDA). A breach of a controlled activity order is a further 60 penalty unit offence. (\$150 per unit for individuals, \$750 for corporations).
- (5) As per the brief from December 2017, the YMCA Canberra has advised Access Canberra that they are a part of a national review of their corporate structure the outcome of which may fundamentally change the nature of their operation in Yarralumla Bay. In response to their request the YMCA have been advised that they can continue operating as they have been until the outcome of their national review is completed or until 31/12/2018 which ever come first.

The Yarralumla Residents Association was advised of this in a letter from the Construction Occupations Registrar, Mr Craig Simmons on 22/12/2017.

- (6) Access Canberra is currently working with the YMCA to ensure that they will be compliant with their lease conditions after the review is completed.

In order to work with this organisation which has a long standing relationship with the community, Access Canberra is allowing them this period of time to while this national review of their organisation is undertaken. Access Canberra is committed to regularly liaising with the YMCA to ensure that they achieve full compliance as soon as is practicable. The Government will consider any other enforcement under the PDA should they not cease the use within the identified timeframe.

Approved for circulation to the Member and incorporation into Hansard.

**Gordon Ramsay MLA
Minister for Regulatory Services**

Date:.....