



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

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

Application Details	
Ref. No.	CMTEDDFOI 2026-092
Date of Application	17 April 2026
Date of Decision	24 June 2026
Processing time (in working days)	45
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	Diaries, briefs, note, correspondence (including emails, letters, phone records, and text messages) for the Office of Minister Berry MLA about with Geocon Group on Phillip Swimming [pool] and Ice Skating Centre site, and ACT Electoral Commission or ACT Labor regarding political donations from xxx.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: CMTEDDFOI 2026-092 - Freedom of Information Application – Ministerial Records of Yvette Berry MLA
Date: Friday, 17 April 2026 10:09:40 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Under the Freedom of Information Act 2016, I request access to all ministerial diary entries, calendar entries, briefing notes, meeting notes, correspondence, and records of communication (including emails, letters, phone records, and text messages) for the office of Minister Yvette Berry relating to:

1. Any meetings, communications or contact with [REDACTED], Geocon Group, Geocon Constructors, NG Landholdings, or any representative thereof, between 1 January 2021 and 31 March 2023
2. Any internal briefings or advice to Minister Berry regarding the Phillip Swimming and Ice Skating Centre site (1-5 Irving Street, Phillip) between 1 July 2022 and 31 March 2023.
3. Any communications between Minister Berry's office and the Suburban Land Agency, ACT Planning Authority, or City Renewal Authority regarding the Phillip site between 1 July 2022 and the present day (17 April 2026 or whenever this request is received).
4. Any communications between Minister Berry's office and the ACT Electoral Commission or ACT Labor regarding political donations received from [REDACTED], Geocon Group, or associated entities between 1 January 2018 and present day.

Please acknowledge receipt of this request and advise of the expected decision date.

[REDACTED]



FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 17 April 2026.

Specifically, you have sought access to the following information:

I request access to all ministerial diary entries, calendar entries, briefing notes, meeting notes, correspondence, and records of communication (including emails, letters, phone records, and text messages) for the office of Minister Yvette Berry relating to:

- 1. Any meetings, communications or contact with [REDACTED], Geocon Group, Geocon Constructors, NG Landholdings, or any representative thereof, between 1 January 2021 and 31 March 2023*
- 2. Any internal briefings or advice to Minister Berry regarding the Phillip Swimming and Ice Skating Centre site (1-5 Irving Street, Phillip) between 1 July 2022 and 31 March 2023.*
- 3. Any communications between Minister Berry's office and the Suburban Land Agency, ACT Planning Authority, or City Renewal Authority regarding the Phillip site between 1 July 2022 and the present day (17 April 2026 or whenever this request is received).*
- 4. Any communications between Minister Berry's office and the ACT Electoral Commission or ACT Labor regarding political donations received from [REDACTED] Geocon Group, or associated entities between 1 January 2018 and present day [17 April 2026].*

Authority

I am an Information Officer appointed by the CMTEDD Director-General 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 within 30 days.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **24 June 2026**.

Decision on access

Under section 35(2) of the Act, an access application can be decided in more than one way. I have decided to deal with your request as follows:

- partially release information to you, under section 35 of the Act,
- finding that no information is held under section 35(1)(b) of the Act for part 4 of the requested scope.
- refuse to deal with parts of your request where information is publicly available, under section 35(1)(d) of the Act where it is available to you under section 43(1)(d) where the information is publicly available under section 45(a), and some of the information is available for purchase under section (45)(c) because it part of a public register under section 45(g) of the Act.

Searches of CMTEDD records identified **25** documents within the scope for parts 1, 2 and 3.

For the documents located, I have decided to grant **full access** to nine documents, **partial access** to 12 documents and **no access (nondisclosure)** to four documents.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Release of documents

The information being released to you is provided at **Attachment B**.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- publicly available information, including documents published for CMTEDDFOI 2023-066
- third party consultation
- the *Human Rights Act 2004*.

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

Copies

Duplicate copies of information are not included, in accordance with ACT Ombudsman Freedom of Information Guidelines. Some documents within email chains have been redacted under 'copy' where they could not be excluded.

Transfers

Minister Berry's Office provided information to CMTEDD to decide on the release under sections 58 (2)(c)(i), and 58(3) of the Act.

Searches were undertaken with CMTEDD business units and other Directorates and or Agencies that may hold information under sections 57 and 58 of the Act.

City Renewal Authority (CRA) advised they do not hold information within scope. City Renewal has a defined precinct that is regulated. Phillip is not in CRA's precinct. I have taken this into account in finding that reasonable searches were undertaken to locate information within scope of your request.

Infrastructure Canberra (iCBR), and Housing and Community Services (HCSD) refused partial transfer of this request as they do not hold information within your requested scope.

City and Environment Directorate (CED) accepted a partial transfer of your request. You will receive a separate response to this request from CED.

No Information Found

Elections ACT refused a partial transfer of part 4 of this request, on the basis that any such correspondence would likely be held by Minister Berrys's Office, if it did exist.

In information provided to CMTEDD to process this request from Minister Berry's Office, no government information was located within part 4 of the scope.

Refusing to deal with parts of your request

I have refused to deal with some parts of your request where information is already available to you because it is publicly available. Documents on the ePetition have been published, for PET-021-25 and E-PET-050-24.

<https://epetitions.parliament.act.gov.au/details/e-pet-050-24/attachment/government-response-petition-pet-050-24-and-e-pet-021-25-save-phillip-pool.pdf>

I refuse to deal with parts of your request where information is publicly available, and or available for a fee for a fee. This includes the lease, which is part of a public register that is accessible for a fee. The register book's details are contained on that document. Market value lease information can be found here: [Search the ACT Land Titles Register - Access Canberra](https://www.accesscanberra.act.gov.au/building-and-property/search-the-act-land-titles-register) <https://www.accesscanberra.act.gov.au/building-and-property/search-the-act-land-titles-register>

A decision has already been made on some of the documents within your requested scope, and is already publicly available, have been published on CMTEDD's Disclosure Log here:

https://www.cmtedd.act.gov.au/data/assets/pdf_file/0019/2214550/2023-066.pdf

Exemptions claimed

Schedule 1: Information taken to be contrary to the public interest

My reasons for deciding not to grant access to the information or components of information found within documents are as follows:

- *Section 1.6 - Cabinet Information.*

One of the documents was identified as being entirely composed of information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act as it is Cabinet information. Under section 1.6 of Schedule 1 of the Act, Cabinet information is exempt from release. The purpose of this exemption is to maintain the confidentiality of the cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in *The Commonwealth v Northern Land Council* [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

- ... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made.
- The document that you have requested falls within section 1.6 of the Act as it is information which has been commissioned by the Cabinet to guide it in its decision making and to assist it in its deliberations. It is therefore exempt from release under the Act.

The remainder of that document was outside scope of your request.

Public Interest Test

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

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.

Schedule 2: Factors to be considered when deciding the public interest

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

Factors favouring disclosure (Section 2.1)

- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(iii) - inform the community of the government's operations, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

Information concerning swimming and ice-skating facilities is reasonably expected to be in the public interest and disclosure would or could promote discussion and contribute to

positive and informed debate. Information relating to work relating to Ministers of the ACT Legislative Assembly, and work performed by the ACT Government in supporting its Ministers is also likely to inform the public of government operations and dealings with the community. Release of this information could reasonably be expected to reveal the reasons for government decisions related to your requested scope, and I weigh the factors listed above for disclosure substantially.

While I am satisfied that these factors favouring disclosure carry some weight, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure (Section 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*

Having reviewed the information, I consider that the protection of an individual's right to privacy, is a significant factor. Release of information concerning individuals working within the ACT Public Service is generally not considered to prejudice the protection of an individual's right to privacy. However, where mobile phone numbers may be used for home and work purposes, this information is redacted, as it could or would reasonably be expected to impact on their right to privacy. I have also redacted staff signatures.

Individuals who are not government employees are entitled to expect that their personal will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals captured within the material. I therefore weigh the factor for nondisclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (names, phone numbers, email addresses, signatures) where not publicly available could prejudice their right to privacy under the *Human Rights Act 2004*.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Businesses may expect that any sensitive business information they provide to the Government will be held in confidence. However, businesses that provide information to government do so with the knowledge that government held information may be subject to an access application made under Freedom of Information legislation. Those who do business and communicate with government in relation to matters concerning their business activities must also recognise that governments have to balance the commercial interests of businesses with the principles of openness and transparency. The weight of the public interest in protecting business information will depend on a variety of factors, including how commercially sensitive the information is, its age, its current relevance and the extent to which it has entered the public domain.

I have given the above factors significant weight.

Having applied the test outlined in section 17 of the Act and deciding that release of some information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Additional information

Part 4 of your requested scope concerns political donations. Please note that Elections ACT keeps a register of gifts and donation, etc. You can find more information here:

<https://www.elections.act.gov.au/funding-disclosures-and-registers>

Ministerial diaries disclosure is published as part of open access requirements, here:

<https://www.act.gov.au/open-access/ministers-information/ministerial-diaries-disclosure>

Charges

Processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived.

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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

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 provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@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
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 the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham

Information Officer
Chief Minister, Treasury and Economic Development Directorate

24 June 2026



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference No.

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CMTEDDFOI 2026-092

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Email – Subject: FW: Letter to NG Holdings - RE: Phillip Pool - lease compliance	10/10/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
2	2	Attachment – Email, subject: 20230925 - Correspondence - Letter from Construction Occupations Registrar ... - Phillip Pool	25/09/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
3	3-5	Attachment – Letter	25/09/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
4	6-7	Attachment – Letter	25/09/2023	Partial	Sch 2, s 2.2 (a)(ii)	Yes
5	8-12	Email chain, subject: RE: ... use of Phillip Ice Rink	19/01/2026-23/02/2026	Partial	Sch 2, s 2.2 (a)(ii) Sch 2, s 2.2(a)(xi)	Yes
6	13-21	Attachment – Lease	23/07/2016	Refused	Ss 35(1)(d), 43(1)(d), 45(a), 45(g)	No
7	22-25	Email chain - FW: Correspondence - Letter from Construction Occupations Registrar to ... Phillip Pool	08/03/2023-22/03/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
8	26-28	Attachment – Letter	21/03/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
9	29	Email, subject: Geocon meeting notes 16 Jan	16/01/2023	Partial	Sch 2, s 2.2(a)(ii)	Yes
10	30-31	Email chain, subject: FW: FOI - Correspondence to ...	03/03/2023	Full		Yes

11	32-33	Email chain, subject: RE: FOI - Correspondence to ... [in reference to CMTEDDFOI 2023-066]	03/03/2023	Partial	Copy Sch 2, s 2.2(a)(ii)	Yes
12	34-35	Email chain, subject: RE: Correspondence from Minister Berry	12/01/2023	Refused	Ss 35(1)(d), 43(1)(d), 45(a)	No
13	36	Attachment – Letter	12/01/2023	Refused	Ss 35(1)(d), 43(1)(d), 45(a)	Yes
14	37-39	Question Time Brief (QTB) – CM2022/4822	15/09/2022	Full	Outside scope	Yes
15	40-41	CMTEDD2023/319 – Response to DLO request	undated	Full		Yes
16	42-43	Email chain, subject: RE: Correspondence - Letter from Construction Occupations Registrar ... - Phillip Pool	08/03/2023- 22/03/2023	Partial	copy Sch 2, s 2.2(a)(ii)	Yes
17	44	Email chain, subject: RE: Correspondence - Letter from Construction Occupations Registrar ... - Phillip Pool	08/03/2023- 22/03/2023	Partial	Copy Sch 2, s 2.2(a)(xi)	Yes
18	45	Email - Meeting with NG Holdings/ Phillip Pool	16/01/2026	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
19	46	Letter	-	Full		Yes
20	47	Location map	undated	Full		Yes
21	48-51	Email chain, subject: Subject: RE: Draft Territory Plan	17/10/2022- 18/10/2022	Full		Yes
22	52	Attachment – Extract of a cabinet document	undated	Exempt	Outside scope Sch 1, s 1.6	No
23	53-55	Email chain, subject: RE: Discussion Paper - Planning Subcommittee - Phillip Pool	15/06/2022- 19/07/2022	Full		Yes
24	56	Outlook meeting acceptance email	16/01/2023	Full		Yes
25	57-60	QTB – CM2022/4070	26/07/2022	Full	Outside scope	Yes
Total No of Docs						
25						

From: "Clarke, Jason" <Jason.Clarke@act.gov.au>
Sent: 25/10/2023 8:57 AM
To: "CMTEDD, Economic Development DLO" <EcoDevDLO@act.gov.au>; "BERRY" <BERRY@act.gov.au>
Subject: FW: Letter to NG Holdings - RE: Phillip Pool - lease compliance
Attachments: 20230925 - Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

Jason Clarke

Adviser – Sport and Recreation; Youth Affairs
Adviser – Manager Of Government Business

Sch 2.2(a)(ii)

Office of Yvette Berry MLA

Deputy Chief Minister

Member for Ginninderra

P: (02) 6205 2898

M: Sch 2.2(a)(ii)

[Facebook](#) | [Twitter](#) | [Website](#)



From: Jeffrey, David
Sent: Monday, September 25, 2023 2:56 PM
To: Clarke, Jason ; Arthy, Kareena ; Bailey, Daniel ; Kelley, Rebecca
Subject: FW: Letter to NG Holdings - RE: Phillip Pool - lease compliance

OFFICIAL

FYI

From: AC - Office of CUEP <acofficeofcuep@act.gov.au>
Sent: Monday, 25 September 2023 2:38 PM
To: AC - Office of the DDG <ACOfficeoftheDDG@act.gov.au>; Jeffrey, David <David.Jeffrey@act.gov.au>
Cc: Kelly, Damien <Damien.Kelly@act.gov.au>; Buddhadasa, Ajith <Ajith.Buddhadasa@act.gov.au>; Andric, Radmila <Radmila.Andric@act.gov.au>; AC, Strategic Business Coordination <strategicbusinesscoordination@act.gov.au>
Subject: Letter to NG Holdings - RE: Phillip Pool - lease compliance

OFFICIAL

Hi ODDG and David

Please see attached email of correspondence sent from Nick Lhuede to Nick Georgalis NG Holdings.

Thanks!

Kind regards,

Alexis Kooyman | Executive Assistant to EBM Construction, Utilities and Environment Protection Branch

Phone: 02 6207 7291 | Alexis.Kooyman@act.gov.au

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

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

From: "Kooyman, Alexis" <Alexis.Kooyman@act.gov.au> on behalf of "Lhuede, Nick" <Nick.Lhuede@act.gov.au>
Sent: 25/09/2023 2:37 PM
To: Sch 2.2(a)(ii)
Cc: "AC - Office of CUEP" <acofficeofcuep@act.gov.au>
Subject: 20230925 - Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool
Attachments: Letter from Construction Occupations Registrar to Nick Georgalis - NG Landholdings - Phillip pool - 25 September 2023.pdf, Section 395 PLA information request - Nick Georgalis - 25 September 2023.pdf

OFFICIAL

Good Afternoon Mr Georgalis

Please see attached correspondence from Mr Nick Lhuede to yourself and NG Holdings.

There is a notice attached requiring the provision of information which must be supplied by **9 October 2023**.

Nick Lhuede | Executive Branch Manager | Construction Occupations Registrar

Phone Sch 2.2(a)(ii) | nick.lhuede@act.gov.au

Construction, Utilities and Environment Protection Branch

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

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

We acknowledge the Ngunnawal people as the traditional custodians of the land and recognise any other people or families with connection to the lands of the ACT and region.



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

OBJ Ref: 23/98730

NG Landholdings No.20 Pty Ltd
Level 4, 16-18 Mort Street
CANBERRA ACT 2601
Attn: Mr Nick Georgalis

Dear Mr Georgalis

Phillip Section 22 Block 2 (Phillip swimming pool and ice-skating rink at 1-5 Irving Street Phillip)

I am writing to you as delegate of the ACT Planning and Land Authority (**Authority**) in relation to the Crown Lease (**Lease**) over Block 2 Section 22 Phillip (**Land**), the location of Phillip Swimming and Ice-Skating Centre (**Phillip Pool**). NG Landholdings No. 20 Pty Ltd (**Lessee**) has purchased the Crown lease over the Land. I refer to our exchange of correspondence in March 2023 (my letter to you dated 6 March 2023 and your response dated 21 March 2023), and my further letter dated 26 May 2023.

As I raised with you in my correspondence of 6 March 2023, clause 4(e) of the Lease requires the Lessee to keep Phillip Pool open to the public during the days and hours as agreed by the Territory, except where the Territory has agreed to a closure of the premises for the conduct of repairs.

In your correspondence of 21 March 2023, you confirmed the operating hours of the Phillip Pool as follows (“agreed opening hours”):

*The Phillip Pool will be open from the beginning of November until the end of March, and during this period, it will be open on all public holidays, except for Christmas Day. The opening hours are as follows:
Monday – Friday: 6am – 7pm
Saturday – Sunday: 7am – 6pm*

In my correspondence of 26 May 2023, I indicated the Territory’s agreement to those opening hours.

I bring to your attention clause 4(q) of the Lease. This clause outlines the obligation on the Lessee to maintain repair, and keep in repair, the premises (which relevantly includes the Pool).

I note that, in my correspondence of 26 May 2023, I agreed that the Phillip Pool may remain closed until **the start of November 2023** so as to meet the requirement of clause 4(e) of the Lease.

I note that clause 4(r) of the Lease also provides that, if the Lessee is in breach of the Lessee's obligations to maintain repair and keep in repair the premises, the Authority may by notice in writing to the Lessee ("repair notice") require the Lessee to effect stated repairs and maintenance which are needed to bring the premises into repair ("required work"). If the Authority issues a repair notice and the Lessee does not carry out the required work within the time specified in the repair notice, a person or persons authorised by the Authority may enter the premises and carry out the necessary work and all costs and expenses incurred by the Authority in carrying out the work shall be paid by the Lessee.

I wish to put you on notice that in the event of a failure to comply with a provision of the Lease (such as clause 4(e), to open the Phillip Pool by the start of November, or clause 4(q), to keep the Phillip Pool in repair), I will consider whether such an occurrence is a controlled activity under the *Planning and Development Act 2007* (**the Act**). In the event of such an occurrence, I will consider what regulatory and compliance options are available. This may include the issuing of a repair notice, or the issuing of a Controlled Activity Order, the contravention of which is an offence under 361 of the Act.

I also note Clause 4(s) of the Lease, which, subject to the provisions of the Act, permits any person or persons authorised by the Authority to enter and inspect the premises at all reasonable times and in any reasonable manner.

Under separate cover, you will receive an information requirement pursuant to section 395 of the Act. The Act empowers the Authority to give a person an information requirement where the Authority suspects, on reasonable grounds, that the person has knowledge of information reasonably required for the administration or enforcement of the Act. Given the agreed opening date is fast approaching, I am satisfied that information on the status of repair and maintenance work on the Phillip Pool is reasonably required for my administration of the Act.

I look forward to your advice on the questions above. The Territory continues to expect that the Lessee will operate the Phillip Pool during the agreed operating hours.

I acknowledge your intention and efforts to ensure that the community in Woden Valley have access to the valuable facility of a safe public swimming pool for this coming summer.

Please do not hesitate to contact me at nick.lhuede@act.gov.au if you, or your representative, wish to discuss these matters.

Yours sincerely

Sch 2.2(a)(ii)

Nick Lhuede

Delegate of the Planning and Land Authority

Executive Branch Manager

Construction, Utilities and Environmental Protection Branch

Access Canberra

25 September 2023

OBJ Ref: 23/98730

NG Landholdings No.20 Pty Ltd
Level 4, 16-18 Mort Street
CANBERRA ACT 2601
Attn: Mr Nick Georgalis

Dear Mr Georgalis,

**Information Requirement under Section 395 of the
*Planning and Development Act 2007***

Block 2 Section 22 - Phillip

Section 395 of the *Planning and Development Act 2007* (the **Act**) empowers the ACT Planning Authority (**Authority**) to give a person an information requirement where the ACT Planning and Land Authority suspects, on reasonable grounds, that the person has information reasonably required for the administration or enforcement of the Act or has possession or control of a document containing such information.

As you are aware, on behalf of the Authority, I have been monitoring the Lessee's compliance with the Crown Lease (**Lease**) over of Block 2 Section 22 Phillip (**Land**), the location of Phillip Swimming and Ice-Skating Centre (**Phillip Pool**).

Recipient of the notice

This notice is an information requirement under section 395 of the Act addressed to **NG Landholdings No.20 Pty Ltd (Lessee)**.

Information required

I require you to provide the following information and documents:

1. any reports or information, created between January 2023 and present, in relation to the state of repair of the Phillip Pool, including:
 - a. any report detailing maintenance or repair work required to bring the Phillip Pool into a state of repair sufficient to use and/or open the pool;
 - b. any reports, invoices or other documents detailing maintenance or repair work conducted on the Phillip Pool; and
 - c. any inspection report or certification of the Phillip Pool.

If you consider that the information required would be onerous to produce, please contact me within 7 days with a detailed explanation of how it would be onerous and a list of documents you would intend to produce in satisfaction of this information requirement.

Reason for requiring information

This information is required by the Authority in relation to the administration enforcement of the Act, noting that the Act requires compliance with the terms of Crown Leases and gives the Authority regulatory powers in circumstances where there is a failure to comply with a Crown Lease. I am satisfied that information on the status of repair and maintenance work on the Phillip Pool is reasonably required for the administration of the Act.

The information is required as I suspect, on reasonable grounds, that you, as Lessee, hold such information.

Time for compliance with this notice

The information required must be supplied by **9 October 2023**. This information can be emailed to me at nick.lhuede@act.gov.au.

You should be aware that the Act provides that you will not incur any civil or criminal liability only because you give information or produce a document/s to the Authority in accordance with this information requirement.

Operation of s 397 of the Act

The Act further provides that you commit an offence if you intentionally contravene a requirement of this information requirement. The maximum penalty set out in the legislation currently is 100 penalty units or \$16,000 for individuals and \$81,000 for corporations.

Should you require any further information in relation to this matter please contact me at nick.lhuede@act.gov.au if you, or your representative, wish to discuss these matters.

Yours sincerely

Sch 2.2(a)(ii)

Nick Lhuede
Delegate of the Planning and Land Authority
Executive Branch Manager
Construction, Utilities and Environmental Protection Branch
Access Canberra
25 September 2023

From: "CED, Directorate Liaison Officer" <CEDDLO@act.gov.au>
Sent: 23/02/2026 7:05 PM
To: "CMTEDD, Economic Development DLO" <EcoDevDLO@act.gov.au>
Cc: "CED, Directorate Liaison Officer" <CEDDLO@act.gov.au>; "BERRY" <BERRY@act.gov.au>; "Walthati, Harini" <Harini.Walthati@act.gov.au>
Subject: RE: Canberra Brave use of Phillip Ice Rink
Attachments: Attachment - Crown lease - 2232-9.pdf

OFFICIAL

Hi Elise

Sorry for the delay – please see below CED dot points:

- The Canberra Brave has indicated that their deed of licence to access the Phillip Ice Rink expires on 31 March 2026.
- The subject deed is a private agreement between the lessee (Geocon) and the Canberra Brave club where it has been indicated that the deed would not be extended.
- The Brave is expecting to commence use of the AIS facility on 1 May 2026 and therefore will not have a facility available in April 2026.
- Sch 2.2(a)(xi)
- In summary, the ACT Government has limited options to intervene in relation to the private agreement with a particular club or institution.
- The current Crown lease (Attached) requires the site to be used for the purpose of public heated swimming pools and ice-skating rink.
- The lease also includes an 'Exclusive Use' clause (i.e. section 4 (d) (iii)) which states that the lessee make provision as the Territory requires for the admission to and exclusive use of the premises or any part of by:
 - a group of children and their instructors
 - a group of school children and
 - a club or institution.
- The Territory Planning Authority has considered the Crown lease, in particular in relation to section 4 (d) (iii), and is of the view that the Territory cannot mandate the lessee to make the premises available to a particular club or institution.
- The decision for the use of the premises for a particular club or institution is a commercial decision for the lessee.
- Failing to comply with a provision of a lease is a Controlled Activity under the *Planning Act 2023*. In the event of non-compliance with the lease, action may be undertaken by Access Canberra as delegates for the Territory Planning Authority.

Thank you
Liana

Liana Dimoski | Directorate Liaison Officer
Office of Minister Steel MLA
Minister for Planning and Sustainable Development
Minister for Heritage
Minister for Transport
Phone: (02) 6207 0804 | Email: ceddlo@act.gov.au
City and Environment Directorate | ACT Government | act.gov.au

From: CED, Directorate Liaison Officer
Sent: Thursday, 22 January 2026 1:39 PM

To: CMTEDD, Economic Development DLO ; CED, Directorate Liaison Officer
Subject: RE: Canberra Brave use of Phillip Ice Rink

OFFICIAL

All good, thanks Elise 😊

Regards,
Andrew

Andrew Spain | Directorate Liaison Officer

Office of Minister Suzanne Orr MLA | Minister for Climate Change, Environment, Energy and Water
Phone: 02 6205 3712 | Email: CEDDLO@act.gov.au
City and Environment Directorate | ACT Government
Address: ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

From: Garrity, Elise <Elise.Garrity@act.gov.au> **On Behalf Of** CMTEDD, Economic Development DLO
Sent: Thursday, 22 January 2026 1:36 PM
To: CED, Directorate Liaison Officer <CEDDLO@act.gov.au>
Subject: RE: Canberra Brave use of Phillip Ice Rink

OFFICIAL

Hi Andrew

I didn't receive a date, however my assumption would be to receive the information as soon as possible.

I would suggest checking in with Bec/Harini to confirm they're comfortable with the extension – or if interim advice could be provided and then a more fulsome response in Feb?

Kind regards,
Elise

Elise Garrity | Directorate Liaison Officer – Economic Development

Office of the Chief Minister | Office of Minister Berry | Office of Minister Pettersson
Phone: via MS Teams | Email: EcoDevDLO@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au



From: CED, Directorate Liaison Officer <CEDDLO@act.gov.au>
Sent: Thursday, 22 January 2026 1:23 PM
To: CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>
Cc: CED, Directorate Liaison Officer <CEDDLO@act.gov.au>
Subject: RE: Canberra Brave use of Phillip Ice Rink

OFFICIAL

Hi Elise,

Do you know when the Berry office is expecting to receive this information? I am just trying to figure out a suitable due date for CED as they have requested an extension till the first week of Feb 2026 (which I appreciate might be too late).

Thanks,
Andrew

Andrew Spain | Directorate Liaison Officer

Office of Minister Suzanne Orr MLA | Minister for Climate Change, Environment, Energy and Water
Phone: 02 6205 3712 | Email: CEDDLO@act.gov.au
City and Environment Directorate | ACT Government
Address: ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

From: Garrity, Elise <Elise.Garrity@act.gov.au> **On Behalf Of** CMTEDD, Economic Development DLO
Sent: Tuesday, 20 January 2026 2:14 PM
To: CED, Directorate Liaison Officer <CEDDLO@act.gov.au>
Subject: RE: Canberra Brave use of Phillip Ice Rink

OFFICIAL

Hi Liana

Yep – I spoke with DCMO this morning and happy for you to go back to them directly.

Can you maybe just include me in the reply and also include a dot point to advise Sport and Rec confirmed they didn't have any advice?

Kind regards,
Elise

Elise Garrity | Directorate Liaison Officer – Economic Development

Office of the Chief Minister | Office of Minister Berry | Office of Minister Pettersson
Phone: via MS Teams | Email: EcoDevDLO@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au



From: CED, Directorate Liaison Officer
Sent: Monday, 19 January 2026 2:45 PM
To: CMTEDD, Economic Development DLO
Cc: CED, Directorate Liaison Officer
Subject: RE: Canberra Brave use of Phillip Ice Rink

OFFICIAL

Hi Elise

Thank you – Ill pass this on to the team.

Can you please confirm if you're happy for CED to prepare dot points to share back to the Berry Office?

Thank you
Liana

Liana Dimoski | Directorate Liaison Officer
Office of Minister Steel MLA

Minister for Planning and Sustainable Development
Minister for Heritage
Minister for Transport
Phone: (02) 6207 0804 | Email: ceddlo@act.gov.au
City and Environment Directorate | ACT Government | act.gov.au

From: Garrity, Elise <Elise.Garrity@act.gov.au> **On Behalf Of** CMTEDD, Economic Development DLO
Sent: Monday, 19 January 2026 2:33 PM
To: CED, Directorate Liaison Officer <CEDDLO@act.gov.au>
Subject: FW: Canberra Brave use of Phillip Ice Rink

OFFICIAL

Good afternoon team

Please see below email from Bec.

I have spoken with Sport and Recreation who have advised they don't have any specific advice on this matter and that this would be a matter for CED and/or Access Canberra as any lever (if there is one) would sit in the Crown Lease terms.

Can you please confirm whether this is something you would be able to provide back to DCMO? If so, I will let Bec know Sport and Rec don't have any advice and that this will be coming from CED.

As always, happy to discuss and please let me know if there are any issues.

Kind regards,
Elise

Elise Garrity | Directorate Liaison Officer – Economic Development
Office of the Chief Minister | Office of Minister Berry | Office of Minister Pettersson
Phone: via MS Teams | Email: EcoDevDLO@act.gov.au
Chief Minister, Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au



From: Hobbs, Rebecca <Rebecca.Hobbs@act.gov.au>
Sent: Monday, 19 January 2026 10:44 AM
To: CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>
Cc: Walthati, Harini <Harini.Walthati@act.gov.au>
Subject: Sch 2.2(a)(ii)

Hi Elise

I received a call from Sch 2 s 2.2(a)(ii), owner of the Sch 2.2(a)(xi) on Friday evening.

Sch 2.2(a)(xi)

Sch 2.2(a)(xi)



I understand this is probably a question for CED/Access Canberra. Can EcoDev please coordinate advise to Minister Berry on that question?

Thanks

Bec

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

ss 35 (1)(d) 43(1)(d) 45(g)

From: "Clarke, Jason" <Jason.Clarke@act.gov.au>
Sent: 22/03/2023 12:37 PM
To: "Berry, Yvette" <Yvette.Berry@act.gov.au>
Cc: "Hobbs, Rebecca" <Rebecca.Hobbs@act.gov.au>
Subject: FW: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool
Attachments: Phillip Pool - Letter to Construction Occupations Registrar 21032023.pdf

FYI –

Geocon reckon they've done a lot of work on the pool and it will be open for the whole 23/24 season from November to March.

Jason Clarke

Adviser – Sport and Recreation

Adviser – Manager of Government Business (Acting)

Sch 2.2(a)(ii)

Office of Yvette Berry MLA

Deputy Chief Minister

Member for Ginninderra

P: (02) 6205 2898

M: Sch 2.2(a)(ii)

[Facebook](#) | [Twitter](#) | [Website](#)



From: Jeffrey, David
Sent: Wednesday, 22 March 2023 12:27 PM
To: Clarke, Jason
Cc: Kelley, Rebecca ; Bailey, Daniel
Subject: FW: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

OFFICIAL

Hi Jason,

FYI on this one – relates to a letter sent to NG Holdings by Access Canberra (relating to the pool).

Cheers

David Jeffrey

Senior Director

Sport and Recreation

Economic Development | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Level 3, Canberra Nara Centre, 1 Constitution Avenue, Canberra City ACT 2608

Phone: 02 6207 5815 | Mobile: Sch 2.2(a)(ii)

<http://www.sport.act.gov.au/> #CBR



From: Lhuede, Nick <Nick.Lhuede@act.gov.au>
Sent: Wednesday, 22 March 2023 9:29 AM
To: Bailey, Daniel <Daniel.Bailey@act.gov.au>; Ponton, Ben <Ben.Ponton@act.gov.au>; Pryce, David <David.Pryce@act.gov.au>; Jeffrey, David <David.Jeffrey@act.gov.au>
Cc: Teasdale, Jonathan <Jonathan.Teasdale@act.gov.au>; Kelley, Rebecca <Rebecca.Kelley@act.gov.au>; McKinnon, Margaret <Margaret.McKinnon@act.gov.au>; Cilliers, George <George.Cilliers@act.gov.au>; AC - Office of CUEP <acofficeofcuep@act.gov.au>; Sloan, Sean <Sean.Sloan@act.gov.au>
Subject: FW: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

OFFICIAL

Hi Daniel and Ben,

Please find attached the response from NG holdings in relation to Phillip Pool

I note the revised hours and operation provided, and I believe these are acceptable based on previous advice, noting these operating hours do not have the earlier limitations on access at particular times. Daniel/Jeffrey please let me know if there are any concerns.

Regarding repairs, I note the works undertaken, and the request to extend the closure for repairs until November this year, that being the commencement of the operating period for 2023-24. I am supportive of this request, and will advise the leaseholders, noting any further extension would require significant justification for support. Again, happy to discuss any concerns.

This response supports previous advice of the leaseholder in relation to reinstating the operation of the pool, which is positive. I understand there may be other matters on foot in relation to the operation of the ice skating rink, however I will note the lease provisions in relation to hours of operation and repair relate to the pool only, and is largely silent as to the operation of the ice skating facilities.

I'm happy to discuss, and am comfortable for you to share the information in the attached letter as appropriate with your Directorate and Minister.

Ben, FYI and I will also advise Minister Gentleman's office .

Nick Lhuede | Executive Branch Manager | Construction Occupations Registrar

Phone [Sch 2.2\(a\)\(ii\)](tel:0262013300) | nick.lhuede@act.gov.au

Construction, Utilities and Environment Protection Branch

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

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

We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.



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

From: Sch 2.2(a)(ii) >
Sent: Tuesday, 21 March 2023 5:10 PM
To: Kooyman, Alexis <Alexis.Kooyman@act.gov.au>; Lhuede, Nick <Nick.Lhuede@act.gov.au>
Cc: Sch 2.2(a)(ii) >
Subject: RE: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

You don't often get email from Sch 2.2(a)(ii) [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Good
 Afternoon,
 Please see
 attached

letter in response to your previous correspondence.

Regards,

Sch 2.2(a)(ii)

Level 4, 16-18 Mort Street, Canberra, ACT 2601 |

P: 02 6255 0430 | M: Sch 2.2(a)(ii) | Sch 2.2(a)(ii)

GEOCON.COM.AU     



From: Kooyman, Alexis <Alexis.Kooyman@act.gov.au> **On Behalf Of** Lhuede, Nick
Sent: Wednesday, 8 March 2023 4:06 PM
To: Sch 2.2(a)(ii) >
Cc: Lhuede, Nick <Nick.Lhuede@act.gov.au>
Subject: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

OFFICIAL

Good Afternoon

Please find attached correspondence from Executive Branch Manager and Construction Occupations Registrar, Nick Lhuede to Nick Georgalis.

Kind regards,

Alexis Kooyman | Executive Assistant to the Executive Branch Managers

Construction, Utilities and Environment Protection Branch & Service Delivery and Engagement Branch

Phone: 02 6207 7291 | Alexis.Kooyman@act.gov.au

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

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



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GEOCON Group Pty Ltd.
ACN 165 918 356
GEOCON Constructors (ACT) Pty Ltd.
ACN 163 299 769
Level 4, 16-18 Mort St, Canberra City ACT 2601
PO Box 5425 Kingston ACT 2604
P 02 6255 0430

GEOCON.COM.AU

21/03/2023

Mr Nick Lhuede
Executive Branch Manager
Construction, Utilities and Environmental Protection Branch
Access Canberra

Dear Mr Lhuede

Re: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

I am writing to address the matters raised in the correspondence regarding the letter from Construction Occupations Registrar to NG Holdings - Phillip Pool. Please find response below.

Agreed hours of Operation

Regarding the agreed hours of operation, we would like to confirm the operating hours of the pool will be updated to the specified times as follows:

The Phillip Swimming Pool will be open from the beginning of November to the end of March, and during this period, it will be open on all public holidays, except for Christmas Day. The opening hours are as follows:

Monday - Friday: 6am - 7pm
Saturday - Sunday: 7am - 6pm

We will ensure that our website is updated to reflect these hours, and the pool will operate in accordance with clause 4(e) of the lease once the necessary maintenance works have been completed.

Closure of the pool for repairs

In regards to the closure of the pool for repairs, we would like to inform you that we have undertaken a significant amount of work since acquiring the pool to restore it to a working order. Please refer to Annexure A, which demonstrates the works completed to date.

Works inclusive of but not limited to:

- Rectification of cracking to main pool, replacement of broken tiles and resurfacing to all pools
- Application of new paint finish to all pools
- Rectification of pool hobs and application of new anti-slip finish
- Renovation of male and female change facilities

At present, the pool is in the process of being filled with water for the purpose of initiating water testing and recommissioning of the entire pool plant and balance tank.

Although the aforementioned work is almost complete, it will not be finished before the end of March 2023. In accordance with clause 4(e) of the lease, we are requesting an exemption until the start of November 2023.

We understand the importance of the Phillip Swimming Pool to the community and are committed to ensuring that it is fully operational as soon as possible.

Sch 2.2(a)(ii)

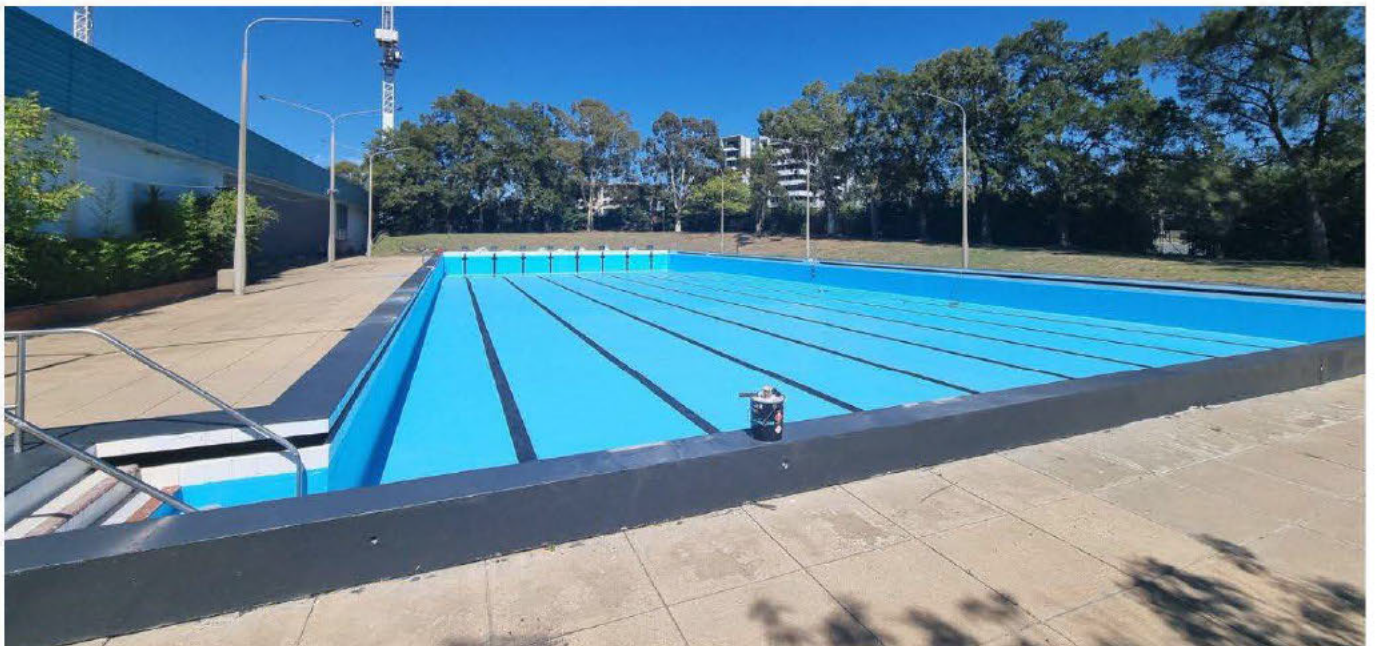
Nick Georgalis
NG Landholdings No.20 Pty Ltd
Level 4, 16-18 Mort Street
Canberra ACT 2601

Annexure A

Image 1 - Extracted from ACTmapi dated July 2022



Image 2 - Dated March 2023



From: "Hobbs, Rebecca" <Rebecca.Hobbs@act.gov.au>
Sent: 17/01/2023 5:43 PM
To: "Hobbs, Rebecca" <Rebecca.Hobbs@act.gov.au>
Subject: Geocon meeting notes 16 Jan

Nick –Geocon
16 January 2023

Obligations to keep it commercial in confidence before

9 years ago we committed to another ice facilities
Ran an EOI process, which open to previous Phillip Pool owners
Cruchan and Palligra have teamed up

Immediate intention is just to keep operating to meet obligations
6-8 weeks repairs to pool
Putting people on at the end of the month rain dependent 6-8 weeks to do waterproof membrane- end of march,
might be able to open shortly before the end of the season,
Certainly up and running for next season
Paint-on membrane

Intention to understand what government wants, don't want to upset the apple cart, don't want to make bold
statements without understanding what the government's intention
Want to collaborate to meet the needs of the community.
Keen to work with government. Acknowledge that the city is growing and ACT Government needs to provide
facilities.
Not doing a sales pitch to anyone, just sitting tight for now.
Not in a rush.

YB: we'll keep telling people you'll continue
Draft TP process will continue
Expected that the previous owners would keep operating ice rink until new one opens to give the community
continuity

Nick- understand that community will have conspiracies, but we'll keep telling people that we'll run the ice and
pool.
Understand that the icesports facility will be a couple of years away with construction timeframes

Belconnen town centre is a great example of how we can renew Woden, Republic

Sch 2.2(a)(ii)

YB would have a good to have photos when you get started on the repairs.

Woden is evolving.

From: "BERRY" <BERRY@act.gov.au>
Sent: 06/03/2023 2:22 PM
To: "Berry, Yvette" <Yvette.Berry@act.gov.au>
Subject: FW: FOI - Correspondence to NG Landholdings
Importance: High

Office Manager
Phone: +61 2 6205 0233

Office of Yvette Berry MLA | Member for Ginninderra

Deputy Chief Minister

Minister for Education and Early Childhood Development

Minister for Housing and Suburban Development

Minister for the Prevention of Domestic and Family Violence

Minister for Women

Minister for Sport and Recreation

Phone: +61 2 6205 0233 | Email: berry@act.gov.au

[Facebook](#) | [Twitter](#) | www.yvetteberry.com.au



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to Elders both past, present and emerging.

Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.

Please note that from 1 January 2018 ACT Government ministerial diaries are subject to publication on the ACT Government's open access website under section 23 of the *Freedom of Information Act 2016*

From: Bradley, Kellie
Sent: Monday, 6 March 2023 10:34 AM
To: Hobbs, Rebecca ; BERRY
Subject: FOI - Correspondence to NG Landholdings
Importance: High

Hi Bec and Amber,

We received an FOI request for the below correspondence. Noting Minister Berry only mentioned two letters on the 8 Feb sitting and not a string of letters (excerpt below).

- **All correspondence between Minister Berry and Geocon regarding the Phillip Pool site in Woden since November 2022. Minister Berry mentioned the string of letters during question time in the Legislative Assembly on Wednesday the 8th of February.**

MS BERRY: What I can provide an update on is on the existing pool within Phillip

PROOF

P215

8 February 2023

Legislative Assembly for the ACT

right now. As Mr Hanson may recall, that pool has been purchased by Geocon. I met with Geocon early this year or late last year—I will confirm that—after I wrote to the former owners of the pool to ask them to clarify when the pool would be open. That letter was responded to by Geocon, and I met with Geocon to ask what their intentions were for the pool. As per the *Canberra Times* article, Geocon have said that it is their intention to have the pool open; however, the wet weather had meant that there were delays in painting the pool. But it is their intention to have their pool open for this summer period—even if it is for a short period. In the meantime, of course the Stromlo pool in Molonglo is available for residents' use.

Kellie Bradley | Directorate Liaison Officer - Economic Development

Office of the Chief Minister | Office of Minister Berry

Office of Minister Steel | Office of Minister Cheyne

Chief Minister, Treasury and Economic Development Directorate | ACT Government

6205 9678 | EcoDevDLO@act.gov.au

ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601

Our response will be nil because the letter we drafted to NG Landholdings from Minister Berry didn't end up going out.

Before we respond, can you please confirm if your office has sent any correspondence to NG Landholdings in relation to Phillip Pool?

Can you please let me know **today** so we can meet the FOI timelines.

Thank you!

From: "BERRY"
Sent: 06/03/2023 2:37 PM
To: "Bradley, Kellie" <Kellie.Bradley@act.gov.au>; "Hobbs, Rebecca" <Rebecca.Hobbs@act.gov.au>
Cc: "CMTEDD, Economic Development DLO" <EcoDevDLO@act.gov.au>
Subject: RE: FOI - Correspondence to NG Landholdings

Hi Kellie

I have spoken to the Minister and have confirmed the following:

- A letter to [Sch 2.2\(a\)\(ii\)](#) (previous owner) and [Sch 2.2\(a\)\(ii\)](#) (Facility manager) was sent via email on Monday 19 December 2022
 - The Minister never received a response
- On Thursday 12 January 2023 [Sch 2.2\(a\)\(ii\)](#) (General Manger Geocon) sent an email to the BERRY@act.gov.au inbox with a letter and also to seek a meeting with the Minister
 - I responded to the email with dates for a meeting, a meeting was arranged for Monday 16 January 2023
- Meeting was held on Monday 16 January with Nick Georgalis. [Sch 2.2\(a\)\(ii\)](#) did not attend the meeting.
 - Daniel Bailey (directorate) also attended the meeting
- There has been no further correspondence between the BERRY office or NG Holdings

Thanks
Amber

Office Manager
Phone: +61 2 6205 0233

Office of Yvette Berry MLA | Member for Ginninderra

Deputy Chief Minister

Minister for Education and Early Childhood Development

Minister for Housing and Suburban Development

Minister for the Prevention of Domestic and Family Violence

Minister for Women

Minister for Sport and Recreation

Phone: +61 2 6205 0233 | Email: berry@act.gov.au

[Facebook](#) | [Twitter](#) | www.yvetteberry.com.au



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copy

Subject: FOI - Correspondence to NG Landholdings
Importance: High

Hi Bec and Amber,

We received an FOI request for the below correspondence. Noting Minister Berry only mentioned two letters on the 8 Feb sitting and not a string of letters (excerpt below).

- **All correspondence between Minister Berry and Geocon regarding the Phillip Pool site in Woden since November 2022. Minister Berry mentioned the string of letters during question time in the Legislative Assembly on Wednesday the 8th of February.**

MS BERRY: What I can provide an update on is on the existing pool within Phillip

PROOF

P215

8 February 2023

Legislative Assembly for the ACT

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Kellie Bradley | Directorate Liaison Officer - Economic Development
Office of the Chief Minister | Office of Minister Berry
Office of Minister Steel | Office of Minister Cheyne
Chief Minister, Treasury and Economic Development Directorate | ACT Government
6205 9678 | EcoDevDLO@act.gov.au
ACT Legislative Assembly, 196 London Circuit Canberra City ACT 2601

Our response will be nil because the letter we drafted to NG Landholdings from Minister Berry didn't end up going out.

Before we respond, can you please confirm if your office has sent any correspondence to NG Landholdings in relation to Phillip Pool?

Can you please let me know **today** so we can meet the FOI timelines.

Thank you!

ss 35 (1)(d) 43(1)(d) 45(a)

ss 35 (1)(d) 43(1)(d) 45(a)

ss 35 (1)(d) 43(1)(d) 45(a)

CM2022/4822

Portfolio/s: Sport and Recreation**Phillip Pool Closure of this Summer****Talking points:**Lease Exemption Request

- Phillip Swimming & Ice Skating Centre is a privately owned and operated facility.
- I understand the lessee sought permission from the independent planning and land authority to enable temporary closure of the swimming pool for the last summer season due to the impact of the pandemic on operating the centre. Following consideration, permission was given as a result of impacts of restrictions associated with the lockdown.
- The authority's permission did not prevent the lessee from opening the swimming pool during lastsummer.
- I am not aware of any requests of government from the owner for assistance to ready the pool for opening for the upcoming summer period.
- Late last year I received public petitions regarding the Phillip Pool and we have responded to those petitions.
- In accordance with existing lease provisions for the Phillip Swimming and Ice Skating Centre site, the ACT Government will expect the pool facilities to reopen and be available for public use for the 2022-23 summer and beyond.

Future of Phillip Swimming and Ice Skating Centre

- The commercial prospects, operation and future of the Phillip facility is a matter for the owner of that property, noting they have had the use, occupation and benefit of the property for over 40 years.
- The Territory Plan provides for the permitted use of the land which currently requires there be a 50m public swimming pool and an ice skating rink suitable for hosting national ice hockey competition.

Access to Other Aquatic Facilities

- While it is unfortunate Phillip pool was not open during the 2021-22 summer season, there are a number of other ACT Government aquatic facilities in the area to cater for the needs of the Woden community including Manuka Pool, Stromlo Leisure Centre, Active Leisure Centre in Wanniasa and Lakeside Leisure Centre in Greenway.
- There are a number of other privately owned and operated aquatic facilities in the nearby area, with a large focus on swim school lessons, including Kingswim Deakin and the Stellar Canberra – Health and Wellness Centre in Phillip.

Cleared as complete and accurate: 15/09/2022
Cleared for public release by: Executive Branch Manager
Contact Officer name: David Jeffrey Ext:75815
Lead Directorate: Chief Minister, Treasury and
Economic Development

TRIM Ref: CM2022/4822

outside scope

Background Information

Lease

- In March 2021 the lessee applied to the planning and land authority for relief from compliance with the lease to pay rent and keep the pool open to the public.
- The Crown lease for the Phillip Swimming and Ice Skating Centre (Block 2, Section 22, Phillip) is granted to Glencora Pty Limited for a term of 99 years, commencing on 6 June 2016.
- The premises are to be used only for the purpose of public heated swimming pools, ice skating rink and for purposes incidental thereto.
- The Crown lease for Phillip Swimming and Ice Skating Centre requires the swimming pool to be open to the public at certain times.
 - The relief provided by the ACTPLA effectively suspends this requirement. In doing this, the lessee won't be in breach of their lease if they don't open. However, the lessee may still choose to open the swimming pool if their business circumstances were to change.
- The lessee shall make provision for the exclusive use of the premises for specified parties as the Territory may require.
- The lessee shall ensure that the swimming pool is open to the public during the hours and on the days as agreed with the Territory.
- The Crown lease was determined to be a market value lease on 17 November 2015.
- The Crown lease is subject to the payment of fair market land rent, as determined from time to time, for the remainder of the lease.
- A premium has not been paid to the Territory to pay out the land rent commitment.

Application for relief from having to open the pool to the public:

- In support of its application to the authority, the lessee provided evidence along the following lines -
 - The pool was 60 years old and an ageing asset that required significant maintenance to be safe and viable for public use.
 - It was not economically viable to run filtration and keep the pool open during lockdown.
 - The ice rink would need to be shut down to reduce the outgoings associated with

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Contact Officer name: David Jeffrey Ext:75815
Lead Directorate: Chief Minister, Treasury and
Economic Development

maintaining the ice.

- The pool was no longer viable to run as a commercial operation and without any ability to subsidise the costs of the pool with revenue from the ice rink, it would not be possible to maintain or operate the pool.
- Based on the evidence provided by the lessee, as well as comments from the Territory Plan unit, Sport and Recreation, and Education, the authority approved the application for relief until 30 March 2022.
- The statutory decision to approve the application was based on the particulars of the application, and to a large extent based on the unique relationship between two key factors – the public emergency and the age and poor condition of the pool.

Application for rent relief

- In support of its application to the authority for rent relief, the lessee provided evidence regarding financial hardship because of lockdown, and more broadly the public health emergency.
- For example, financial statements were provided, together with a letter from a chartered accountant, showing an accumulated decline in turnover from the swimming side of the business.
- Although the lessee applied for rent relief from September 2020 to September 2023, the authority granted relief to 30 March 2022. In this regard, the authority considered that it would be prudent to grant rent relief for a reduced period to account for the possibility that circumstances in relation to the public health emergency could change.

Territory Plan requirements for development applications

- The Phillip Precinct Code in the Territory Plan contains a provision specific to the Phillip Swimming and Ice Skating Centre site.
- The current mandatory requirement for the site is:

Development complies with all of the following:

- a) provides or retains an ice skating rink suitable for national ice hockey competition*
- b) provides or retains a 50-metre public pool with direct public access to Irvine Street*
- c) development for other uses involves redevelopment of the pool as an indoor facility.*

- This requirement is relevant to the assessment of development applications by the authority.

Ice Skating Rink

- According to the Phillip Swimming and Ice Skating Centre website the Ice Skating Centre reopened for business on Monday 8 November 2021.
 - [Ice Skating - Phillip Swimming & Ice Skating Centre \(swimskate.com.au\)](http://swimskate.com.au)

Cleared as complete and accurate: 15/09/2022
Cleared for public release by: Executive Branch Manager
Contact Officer name: David Jeffrey Ext:75815
Lead Directorate: Chief Minister, Treasury and Economic Development



RESPONSE TO DLO REQUEST

*** All information provided should be factual.
Electronic approval at Executive Branch Manager level is required.**

**Subject: Dot points
for Minister Berry's**

office – Phillip Pool

Response:

Dear xxxx

The Phillip Swimming & Ice-Skating Centre (PSISC) was sold in late 2022 to NG Landholdings No. 20 which is part of Geocon.

Despite the change of ownership the ACT Government expects the new owner to comply with the terms of its lease relating to operation of the pool and the ice rink. Following a meeting with Minister Berry on 16 January 2022, Geocon confirmed its intention to continue operating PSISC and remediate the 50-metre pool as soon as possible. I can advise the ACT Government will continue to monitor the situation.

While the pool facilities at PSISC are currently unavailable, the ACT is well catered for when it comes to the provision of public and private aquatic facilities. There are a number of government aquatic facilities located within a 10-kilometre radius of the Woden Town Centre including Stromlo Leisure Centre, Manuka Pool, Canberra Olympic Pool, Lakeside Leisure Centre (Greenway) and Active Leisure Centre (Wanniassa). In addition, there are also several private aquatic facilities located in Woden and the surrounding area that offer a range of services to the community.

Further information regarding Territory Plan Review if required

In relation to the future redevelopment requirements for the site, the draft new Territory Plan that is currently out for public consultation includes the following provisions for the PSISC site:

In recognition of changes to indoor swimming pool community preferences, the requirement for a 50m indoor pool to be provided if the site is redeveloped is proposed to be amended. The draft new Territory Plan instead proposes the requirement for the site to have:

- *indoor 25m x 20m 8-lane public pool – water depth of 1.35m to 2.0m*
- *indoor warm water program pool – minimum dimensions of 20m x 10m*
- *indoor toddlers/leisure pool, learn to swim pool and/or water play splash pad – minimum size of 500m²*
- *associated amenities to support the operation of the pool facilities*



- *a transition from within the centre to the outdoors (including to external gardens, decks and outdoor eating areas to support indoor/outdoor activities).*

Further information regarding the proposed changes can be found at:

- [The draft new Territory Plan | ACT Planning System Review and Reform Project | YourSay ACT](#)
- Page 77 - [New Territory Plan - Supporting Report - CONSULTATION VERSION 09.11.22](#)

From: "Clarke, Jason" <Jason.Clarke@act.gov.au>
Sent: 22/03/2023 1:08 PM
To: "Jeffrey, David" <David.Jeffrey@act.gov.au>
Cc: "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>; "Bailey, Daniel" <Daniel.Bailey@act.gov.au>
Subject: RE: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

Ta!

Jason Clarke

Adviser – Sport and Recreation
Adviser – Manager of Government Business (Acting)

Sch 2.2(a)(ii)

Office of Yvette Berry MLA

Deputy Chief Minister

Member for Ginninderra

P: (02) 6205 2898

Sch 2.2(a)(ii)

[Facebook](#) | [Twitter](#) | [Website](#)



From: Jeffrey, David
Sent: Wednesday, 22 March 2023 12:45 PM
To: Clarke, Jason
Cc: Kelley, Rebecca ; Bailey, Daniel
Subject: RE: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

OFFICIAL

Hi Jason,

Closed for the past two summer seasons – 2022/23 without approval, 2021/22 with approval from EPSDD following COVID.

Cheers

DJ

From: Clarke, Jason <Jason.Clarke@act.gov.au>
Sent: Wednesday, 22 March 2023 12:34 PM
To: Jeffrey, David <David.Jeffrey@act.gov.au>
Cc: Kelley, Rebecca <Rebecca.Kelley@act.gov.au>; Bailey, Daniel <Daniel.Bailey@act.gov.au>
Subject: RE: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool

Fab thanks for that. Can you remind me – when was the pool last open? Was it closed for this entire season? Sorry still taking in and remembering a lot of information!

Jason Clarke

Adviser – Sport and Recreation

Adviser – Manager of Government Business (Acting)

Sch 2.2(a)(ii)

Office of Yvette Berry MLA

Deputy Chief Minister

Member for Ginninderra

P: (02) 6205 2898

M: Sch 2.2(a)(ii)

[Facebook](#) | [Twitter](#) | [Website](#)



copy

From: "Jeffrey, David"
Sent: 22/03/2023 12:27 PM
To: "Clarke, Jason" <Jason.Clarke@act.gov.au>
Cc: "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>; "Bailey, Daniel" <Daniel.Bailey@act.gov.au>
Subject: FW: Correspondence - Letter from Construction Occupations Registrar to NG Holdings - Phillip Pool
Attachments: Phillip Pool - Letter to Construction Occupations Registrar 21032023.pdf

OFFICIAL

copy

From: "Bailey, Daniel" <Daniel.Bailey@act.gov.au>
Sent: 16/01/2023 4:25 PM
To: "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>; "Jeffrey, David" <David.Jeffrey@act.gov.au>
Cc: "Arthy, Kareena" <Kareena.Arthy@act.gov.au>
Subject: Meeting with NG Holdings / Phillip Pool

Afternoon All,

I attended the meeting with Nick Georgalis (GEOCON) and the Minister in relation to Phillip Pool.

Following notes:

- Site settled on 16 December
- GEOCON intend to meet all obligations and adhere to the lease.
- They are aware of the Territory Plan out for comment
- January is hard to get contractors, there 6-8 weeks of works required to open the pool. They expect works finished at the end of March.
- Could be open for the end of this season but more likely open for next season as there is a difficulty with lifeguards
- They will operate the Ice Skating rink up until required
- Made no comments on future plans; they want to take time to consider and are in no rush
- Want to work with Government
- They will send the Ministers office photos of when the works commences on the pool

Daniel Bailey

Executive Group Manager – Operations

Events ACT; National Arboretum & Stromlo Forrest Park; Sport & Recreation; Venues Canberra; Visit Canberra

T: 02 620 75618 | M: [Sch 2.2\(a\)\(ii\)](#)

Economic Development | Chief Minister, Treasury & Economic Development Directorate | ACT Government

Dear Lessee

Notification – Redevelopment Requirements Phillip Swimming and Ice-Skating Centre

The ACT Government is creating a new planning system. The new system will include a new Planning Act, which sets the framework of the planning system, district strategies and a new Territory Plan.

Consultation is currently open for the draft district strategies and draft new Territory Plan. The vision for the new planning system is for a system that is accessible, easy to navigate and encourages participation in planning. Details are available at <https://yoursayconversations.act.gov.au/act-planning-review>.

We are writing to inform you that consultation on the draft Territory Plan includes consultation on proposed changes to a block of land near you.

Redevelopment requirements for Phillip Swimming and Ice-Skating Centre (Section 22 block 2)

The draft new Territory Plan proposes changes to the redevelopment requirements for the Phillip Pool and ice-skating rink (Phillip Section 22 Block 2).

The draft new Territory Plan requires an ice-skating rink suitable for national competitions on the site, regardless of whether it is redeveloped or not, unless otherwise agreed by the ACT Government.

The draft new Territory Plan also requires the retention of the 50m public swimming pool, unless the site is redeveloped, in which case a publicly available 25 metre indoor swimming pool must be provided. The pool must be of specified dimensions and provide for leisure, swimming programs and contain an outdoor area and associated amenities to support pool activities.

As a lessee close to this site, we would like to advise you of the opportunity for you to comment on the changes. The site-specific changes are explained from page 77 in the draft Territory Plan Supporting Report, available under 'Supporting Report and Fact sheets' at <https://yoursayconversations.act.gov.au/act-planning-review/draft-new-territory-plan>.

Have your say

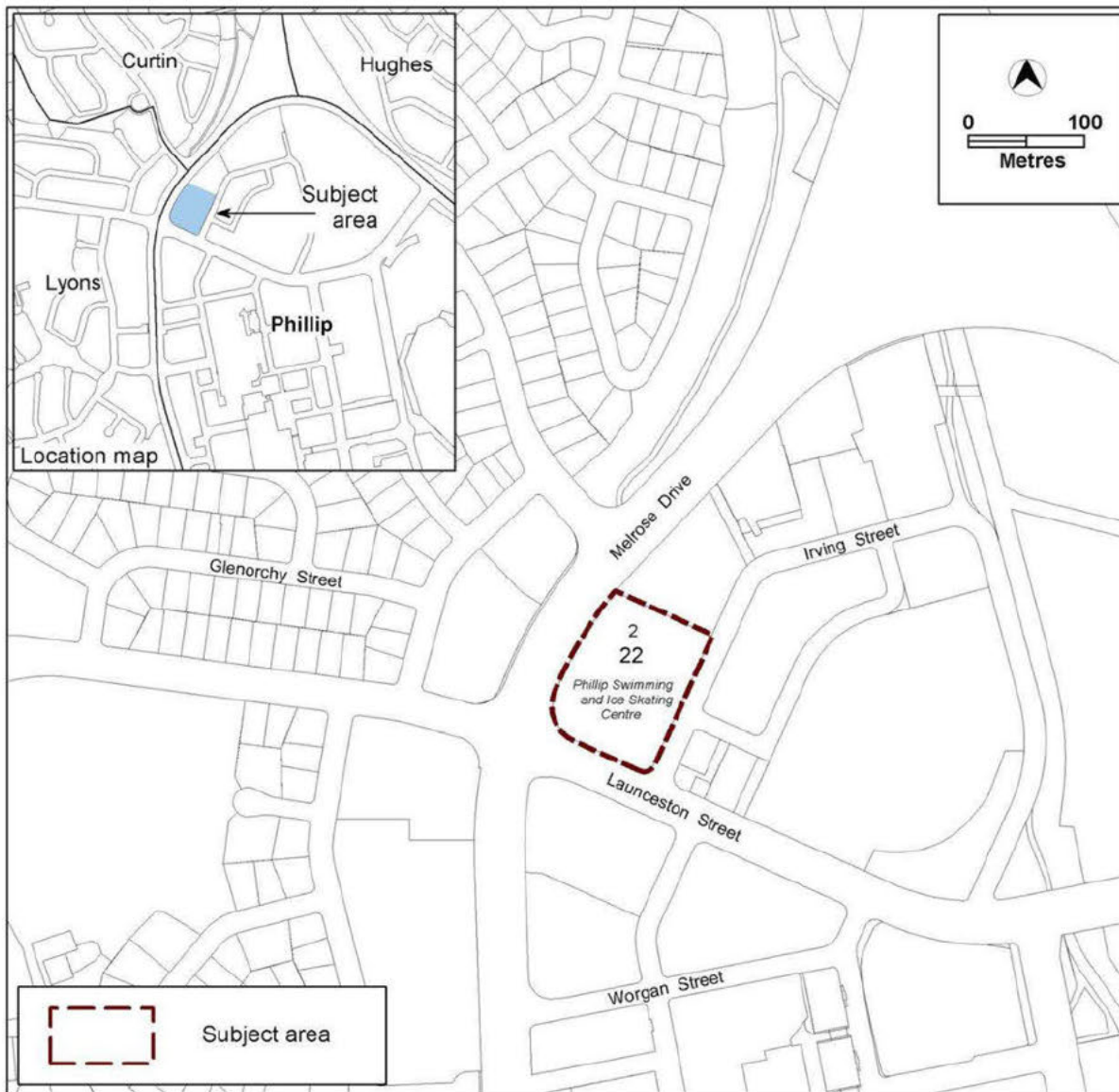
Comments about the draft new Territory Plan and draft district strategies are invited until 14 February 2023. Please make your comments through the YourSay website.

While your comments are welcome on all or any aspect of the new planning system, should you only wish to make comment on the changes proposed for Phillip section 22 block 2, please title your comments 'Phillip swimming and ice-skating centre'.

If you are not residing at your property we ask that you pass on this information to any tenants.

Yours sincerely

Territory Plan Team



Location Map - Phillip Section 22 block 2

From: "Rosser, Thomas" <Thomas.Rosser@act.gov.au>
Sent: 18/10/2022 10:56 AM
To: "Jeffrey, David" <David.Jeffrey@act.gov.au>
Cc: "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>; "Bailey, Daniel" <Daniel.Bailey@act.gov.au>
Subject: RE: Draft Territory Plan Amendments - Phillip Pool

Seem sensible to us and the Gentleman office so happy for it to be put forward for inclusion

From: Jeffrey, David
Sent: Tuesday, 18 October 2022 10:12 AM
To: Rosser, Thomas
Cc: Kelley, Rebecca ; Bailey, Daniel
Subject: FW: Draft Territory Plan Amendments - Phillip Pool

Hi Tom,

As discussed – please see below.

Let me know if you have any questions.

Cheers

DJ

From: Jeffrey, David <David.Jeffrey@act.gov.au>
Sent: Tuesday, 18 October 2022 9:19 AM
To: Bailey, Daniel <Daniel.Bailey@act.gov.au>; Kelley, Rebecca <Rebecca.Kelley@act.gov.au>
Subject: FW: Draft Territory Plan Amendments - Phillip Pool
Importance: High

Hi Daniel/Bec,

See below – I think it is worth incorporating the point detailed by Rod below as this is a matter (access to some outdoor areas) will be important to some segments of the community (i.e. Woden Valley Community Council).

Therefore, the preferred option would be as detailed below.

- Area "A" on Figure 12 must provide a 50m public swimming pool and an ice-skating rink for national competitions.
- Any redevelopment requires the provision of an indoor ice-skating rink for national competitions and the provision of a public indoor swimming pool that operates all year with reasonable opening hours, similar to other ACT public swimming pools. The design and inclusions for the indoor pool must be approved by the ACT Government and provide the following minimum requirements:
 - Indoor 25m x 20m (8 lanes x 2.5m) pool. Water depth of 1.35m to 2.0m.
 - Indoor warm water program pool – minimum dimensions of 20m x 10m.
 - Indoor toddlers/leisure pool, learn to swim pool and water play splash pad – minimum size of 500m².
 - Associated amenities/facilities to support the operation of the pool facilities.
 - Transition from within the centre to the outdoors (including to external gardens, decks and outdoor eating areas to support indoor/outdoor activities).

As detailed below, there is a risk the proposed changes will not be well received by some segments of the community or the current lessee, but what has been suggested is consistent with new pool facilities being delivered around Australia (i.e. the new pool at Batemans Bay - [Aquatic – Bay Pavilions](#)).

Can you please confirm you are happy for this feedback to be provided back to Territory Plan team in EPSDD.

Happy to discuss.

Cheers

DJ

From: Baxter, Rod <Rod.Baxter@act.gov.au>
Sent: Tuesday, 18 October 2022 8:01 AM
To: Jeffrey, David <David.Jeffrey@act.gov.au>
Cc: Green, Ben <Ben.Green@act.gov.au>
Subject: RE: Draft Territory Plan Amendments - Phillip Pool

Interesting DJ.

The brief for CCJ aquatic facilities was basically the same as your 4 dot points. An additional requirement, that will be an issue for the community is:

- Transition from within the centre to the outdoors (including to external gardens, decks and outdoor eating areas to support indoor/outdoor activities).

Rod

From: Jeffrey, David <David.Jeffrey@act.gov.au>
Sent: Monday, 17 October 2022 7:03 PM
To: Bailey, Daniel <Daniel.Bailey@act.gov.au>; Kelley, Rebecca <Rebecca.Kelley@act.gov.au>; Baxter, Rod <Rod.Baxter@act.gov.au>
Subject: Draft Territory Plan Amendments - Phillip Pool
Importance: High

Hi all,

Draft for urgent review, noting the timeframe specified by Alix Kaucz below (any revised words required by 18/10).

Rod – I have looked at a few past documents to inform the pool size requirements. Did you provide any guidance for the different pool spaces for your recent diagrams prepared by CCJ (in particular the toddler's, leisure, learn to swim and splash pad space)?

It would be appreciated if you could provide any feedback/comments by midday tomorrow (Tuesday). If there is time, I would ideally like to run the proposed words past a consultant/architect that specialises in the delivery of aquatic facilities.

Cheers

DJ

Current Wording in Draft Territory Plan

- Area 'A' on Figure 12 must provide a 50m public swimming pool and an ice-skating rink suitable for national competitions. Any redevelopment requires an all year with reasonable opening hours, publicly available, indoor swimming pool to be provided.

Notes

- Doesn't provide any sufficient detail regarding the scale of the pool facilities to be provided. Could be interpreted by the lessee as simply needing to provide a 50 metre pool that only has 1 lane (2.5 metres wide) and shallow depth (1.35 metres deep).
- There is a risk the wording as currently drafted could lead to a poor outcome for the community.

Alternate Option 1 (if there is only scope/capacity to update the Territory Plan relevant to the 50 metre pool).

- Area 'A' on Figure 12 must provide a 50m public swimming pool and an ice-skating rink suitable for national competitions. Any redevelopment requires the provision of an indoor ice-skating rink for national competitions and the provision of a public indoor swimming pool (50m x 20m – 8 lanes with water depth of 1.35m to 2.0m) that operates all year with reasonable opening hours, similar to other ACT public swimming pools.

Notes

- Provides greater clarity regarding the size requirements for an indoor 50 metre pool.
- Doesn't provide any detail regarding any of the other pool facilities that should be provided (as per Alternate Option 2).
- Might be difficult for the ACT Govt to justify the enforcement of an indoor 50 metre pool and the other pools detailed in Alternate Option 2.

Alternate Option 2 – Preferred Option

- Area "A" on Figure 12 must provide a 50m public swimming pool and an ice-skating rink for national competitions.
 - Any redevelopment requires the provision of an indoor ice-skating rink for national competitions and the provision of a public indoor swimming pool that operates all year with reasonable opening hours, similar to other ACT public swimming pools. The design and inclusions for the indoor pool must be approved by the ACT Government and provide the following minimum requirements:
 - Indoor 25m x 20m (8 lanes x 2.5m) pool. Water depth of 1.35m to 2.0m.
 - Indoor warm water program pool – minimum dimensions of 20m x 10m.
 - Indoor toddlers/leisure pool, learn to swim pool and water play splash pad – minimum size of 500m².
 - Associated amenities/facilities to support the operation of the pool facilities.

Notes

- This is the preferred option as it provides clarity regarding the type of facilities that should be incorporated in a contemporary indoor 25 metre pool should the site be redeveloped.
- Reducing the main pool, down from 50 metres to 25 metres, justifies the inclusion of the other pool facilities that have been detailed.
- Option represents a departure from the existing Territory Plan requirements (i.e. provision of 50 metre indoor pool). Some segments of community may challenge the provision of a smaller main pool (only 25m and less than other public pools such as Gungahlin, Stromlo), but this option will provide a better all round

outcome in relation to the capital cost, ongoing financial viability and future maintenance/upgrade requirements.

From: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Sent: Monday, 17 October 2022 1:56 PM
To: Jeffrey, David <David.Jeffrey@act.gov.au>
Cc: Bailey, Daniel <Daniel.Bailey@act.gov.au>; Kelley, Rebecca <Rebecca.Kelley@act.gov.au>
Subject: RE: Draft Territory Plan

Hi David

There is a small window to amend the wording in the draft new Territory Plan but I would need to get the revised words by tomorrow (Tuesday 18th). This would mean I would be able to make the change to the draft plan before sending it up for clearance (due back to MO on Friday).

Please feel free to give me a call if you would like to discuss the wording.

Kind regards

Alix

Alix Kaucz | Senior Director, Territory Plan

Phone 02 6205 0864

Planning and Urban Policy | Environment, Planning and Sustainable Development | ACT Government

Level 2, 480 Northbourne Avenue Dickson ACT 2602 | www.environment.act.gov.au

From: Jeffrey, David <David.Jeffrey@act.gov.au>
Sent: Monday, 17 October 2022 1:36 PM
To: Kaucz, Alix <Alix.Kaucz@act.gov.au>
Cc: Bailey, Daniel <Daniel.Bailey@act.gov.au>; Kelley, Rebecca <Rebecca.Kelley@act.gov.au>
Subject: Draft Territory Plan

Hi Alix,

Just wanted to touch base regarding the proposed wording detailed in the draft Territory Plan for Phillip Swimming and Ice Skating Centre.

My Deputy Director-General (Kareena Arthy) has had a couple of conversations with Ben Ponton recently and it has been suggested might be a small window to amend the stated requirements for the Phillip site as part of the current planning work that is underway (i.e. tighten the words around what the minimum requirements should be for a new pool should the site be redeveloped in the future). I am not quite sure what potential process has been contemplated by Ben – would this be amending the wording in the draft Territory Plan? The current wording is detailed below.

Kind regards,

David

outside scope

Philip

outside scope

Sch 1 1.6

Sch 1 1.6

outside scope

From: "Jeffrey, David"
Sent: 19/07/2022 11:33 AM
To: "CMTEDD, Economic Development DLO" <EcoDevDLO@act.gov.au>; "Kelley, Rebecca" <Rebecca.Kelley@act.gov.au>
Cc: "Dean, Cindy" <Cindy.Dean@act.gov.au>
Subject: RE: Discussion Paper - Planning Subcommittee - Phillip Pool

OFFICIAL

Hi Kellie,

Bec and I discussed this further with Tom yesterday. I understand he is going to have a chat with the Planning Advisor with the view to EPSDD leading the development of the paper for Phillip Pool, with relevant input to be provided by Sport and Recreation.

Cheers

DJ

From: Bradley, Kellie **On Behalf Of** CMTEDD, Economic Development DLO
Sent: Wednesday, 13 July 2022 12:58 PM
To: Jeffrey, David ; CMTEDD, Economic Development DLO ; Kelley, Rebecca
Cc: Brown, Alesha
Subject: RE: Discussion Paper - Planning Subcommittee - Phillip Pool

OFFICIAL

Hi DJ,

I ran this by Tom and he came back with the following response. Can you please let me know if S&R believe EPSDD should lead both papers?

I think in discussion with the Gentleman office we agreed to two papers

One on Casey and One on Phillip Pool. Casey will be EPSDD led and Phillip Sport and Rec lead.

Let me know if that's an issue

Regards
Kellie

From: Jeffrey, David <David.Jeffrey@act.gov.au>
Sent: Tuesday, 12 July 2022 5:01 PM
To: CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>; Kelley, Rebecca <Rebecca.Kelley@act.gov.au>
Cc: Brown, Alesha <Alesha.Brown@act.gov.au>
Subject: Re: Discussion Paper - Planning Subcommittee - Phillip Pool

OFFICIAL

Hi Kellie, we are happy to contribute here, but I think it will be important for EPSDD to be the lead as they are responsible for all of the key planning requirements relevant to the site, including the Territory Plan.

Cheers

DJ

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From: Bradley, Kellie <Kellie.Bradley@act.gov.au> on behalf of CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>
Sent: Tuesday, July 12, 2022 4:49 pm
To: Jeffrey, David <David.Jeffrey@act.gov.au>
Cc: Brown, Alesha <Alesha.Brown@act.gov.au>
Subject: FW: Discussion Paper - Planning Subcommittee - Phillip Pool

Hey DJ,

Is a brief being drafted about Phillip Pool – see below.

Regards
Kellie

From: Rosser, Thomas <Thomas.Rosser@act.gov.au>
Sent: Tuesday, 5 July 2022 5:30 PM
To: CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>
Subject: Re: Discussion Paper - Planning Subcommittee - Phillip Pool

Sport and Rec and EPSDD to bring a paper forward for planning subcommittee. Have already spoken to Sport and Rec about it

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From: Bradley, Kellie <Kellie.Bradley@act.gov.au> on behalf of CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>
Sent: Tuesday, July 5, 2022 5:21:20 PM
To: Rosser, Thomas <Thomas.Rosser@act.gov.au>
Subject: RE: Discussion Paper - Planning Subcommittee - Phillip Pool

Hey Tom,

Was this email meant for ED DLO or someone else? It came through when I was on leave so I'm not sure of the context.

Regards
Kellie

From: Rosser, Thomas <Thomas.Rosser@act.gov.au>
Sent: Wednesday, 15 June 2022 2:55 PM
To: CMTEDD, Economic Development DLO <EcoDevDLO@act.gov.au>
Subject: Discussion Paper - Planning Subcommittee - Phillip Pool

Hi,

There is ongoing work happening for the future of sport facilities in Woden, the commitment to build a new ice sports facility in Tuggeranong and the closure of the Phillip Pool of the last summer.

EPSSD and Sport and Rec are working collaboratively on the future provision of facilities in the area, including the needs facilities and the future of the site and options for government.

I have spoken to spoken to Sport and Rec about this, and they can contact me if they have any more questions.

Thanks,

Thomas Rosser | Adviser

Phone: +61 2 6205 2898 | Email: thomas.rosser@act.gov.au

Office of Yvette Berry MLA | Member for Ginninderra

Deputy Chief Minister

Minister for Early Childhood Development

Minister for Education and Youth Affairs

Minister for Housing and Suburban Development

Minister for the Prevention of Domestic and Family Violence

Minister for Women

Minister for Sport and Recreation

Phone: +61 2 6205 0233 | Email: berry@act.gov.au

[Facebook](#) | [Twitter](#) | www.yvetteberry.com.au



From: "Bailey, Daniel"
Sent: 16/01/2023 2:37 PM
To: "Berry, Yvette" <Yvette.Berry@act.gov.au>
Subject: Accepted: MEETING: Minister Berry, NG Holdings and GEOCON

CM2022/4070

Portfolio/s: Sport and Recreation**Phillip Pool Closure of this Summer****Talking points:***Lease Exemption Request*

- Phillip Swimming & Ice Skating Centre is a privately owned and operated facility.
- I understand the lessee of Phillip Pool earlier approached the planning and land authority raising a concern with the impact of the COVID-19 public health emergency on operating the centre.
- Subsequently, the lessee sought permission from the independent planning and land authority to enable temporary closure of the swimming pool for the 2021-22 summer season. Following consideration, permission was given as a result of impacts of restrictions associated with the lockdown.
- The authority's permission did not prevent the lessee from opening the swimming pool during the summer period.
- I am not aware of any requests of government from the owner for assistance to ready the pool for opening for the 2021-22 summer.
- Late last year I received public petitions regarding the Phillip Pool and we have responded to those petitions.
- In accordance with existing lease provisions for the Phillip Swimming and Ice Skating Centre site, the ACT Government will expect the pool facilities to reopen and be available for public use for the 2022-23 summer and beyond.

Future of Phillip Swimming and Ice Skating Centre

- The commercial prospects, operation and future of the Phillip facility is a matter for the owner of that property, noting they have had the use, occupation and benefit of the property for over 40 years.
- The Territory Plan provides for the permitted use of the land which currently requires there be a 50m public swimming pool and an ice skating rink suitable for hosting national ice hockey competition.

Access to Other Aquatic Facilities

- While it is unfortunate Phillip pool was not open during the 2021-22 summer season, there are a number of other ACT Government aquatic facilities in the area to cater for the needs of the Woden community including Manuka Pool, Stromlo Leisure Centre, Active Leisure Centre in Wanniasa and Lakeside Leisure Centre in Greenway.

Cleared as complete and accurate: 26/07/2022
Cleared for public release by: Executive Branch Manager
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Lead Directorate: Chief Minister, Treasury and
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- There are a number of other privately owned and operated aquatic facilities in the nearby area, with a large focus on swim school lessons, including Kingswim Deakin and the Stellar Canberra – Health and Wellness Centre in Phillip.

outside scope

Background Information

Lease

- In March 2021 the lessee applied to the planning and land authority for relief from compliance with the lease to pay rent and keep the pool open to the public.
- The Crown lease for the Phillip Swimming and Ice Skating Centre (Block 2, Section 22, Phillip) is granted to Glencora Pty Limited for a term of 99 years, commencing on 6 June 2016.
- The premises are to be used only for the purpose of public heated swimming pools, ice skating rink and for purposes incidental thereto.
- The Crown lease for Phillip Swimming and Ice Skating Centre requires the swimming pool to be open to the public at certain times.
 - The relief provided by the ACTPLA effectively suspends this requirement. In doing this, the lessee won't be in breach of their lease if they don't open. However, the lessee may still choose to open the swimming pool if their business circumstances were to change.
- The lessee shall make provision for the exclusive use of the premises for specified parties as the Territory may require.
- The lessee shall ensure that the swimming pool is open to the public during the hours and on the days as agreed with the Territory.
- The Crown lease was determined to be a market value lease on 17 November 2015.
- The Crown lease is subject to the payment of fair market land rent, as determined from time to time, for the remainder of the lease.
- A premium has not been paid to the Territory to pay out the land rent commitment.

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Application for relief from having to open the pool to the public:

- In support of its application to the authority, the lessee provided evidence along the following lines -
 - The pool was 60 years old and an ageing asset that required significant maintenance to be safe and viable for public use.
 - It was not economically viable to run filtration and keep the pool open during lockdown.
 - The ice rink would need to be shut down to reduce the outgoings associated with maintaining the ice.
 - The pool was no longer viable to run as a commercial operation and without any ability to subsidise the costs of the pool with revenue from the ice rink, it would not be possible to maintain or operate the pool.
- Based on the evidence provided by the lessee, as well as comments from the Territory Plan unit, Sport and Recreation, and Education, the authority approved the application for relief until 30 March 2022.
- The statutory decision to approve the application was based on the particulars of the application, and to a large extent based on the unique relationship between two key factors – the public emergency and the age and poor condition of the pool.

Application for rent relief

- In support of its application to the authority for rent relief, the lessee provided evidence regarding financial hardship because of lockdown, and more broadly the public health emergency.
- For example, financial statements were provided, together with a letter from a chartered accountant, showing an accumulated decline in turnover from the swimming side of the business.
- Although the lessee applied for rent relief from September 2020 to September 2023, the authority granted relief to 30 March 2022. In this regard, the authority considered that it would be prudent to grant rent relief for a reduced period to account for the possibility that circumstances in relation to the public health emergency could change.

Territory Plan requirements for development applications

- The Phillip Precinct Code in the Territory Plan contains a provision specific to the Phillip Swimming and Ice Skating Centre site.
- The current mandatory requirement for the site is:
Development complies with all of the following:
 - a) provides or retains an ice skating rink suitable for national ice hockey competition
 - b) provides or retains a 50–metre public pool with direct public address to Irvine Street
 - c) development for other uses involves redevelopment of the pool as an indoor facility.

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- This requirement is relevant to the assessment of development applications by the authority.

Ice Skating Rink

- According to the Phillip Swimming and Ice Skating Centre website the Ice Skating Centre reopened for business on Monday 8 November 2021.
 - [Ice Skating - Phillip Swimming & Ice Skating Centre \(swimskate.com.au\)](http://swimskate.com.au)

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