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**From:** [REDACTED]  
**Sent:** Friday, 5 April 2024 5:34 PM  
**To:** EPSDFOI  
**Subject:** Freedom of Information request - Office of the Conservator of Flora and Fauna

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Dear Information Governance Team,

**Freedom of Information request – Office of the Conservator of Flora and Fauna**

1 This is an application for access to information under section 30 of the *Freedom of Information Act 2016* (ACT) (FOI Act).

2 [REDACTED]

3 This request concerns information relating to the proposed development of a retirement village on Federal Golf Club (Block 1 Section 56 Red Hill and Block 76 Section 10 Garran ). This proposed development has been submitted to EPSDD under three separate development applications and had a recent public notification period (19 February 2024-20 March 2024) receiving 326 representations.

4 On 12 October 2022, the Conservator of Flora and Fauna issued a Conditional Environmental Significance Opinion which was notified on 25 October 2022 as Notifiable Instrument NI2022–538 - Planning and Development (Conditional Environmental Significance Opinion— Block 1 Section 56 Red Hill and Block 76 Section 10 Garran—Federal Golf Club Retirement Village and Water Infrastructure) Notice 2022 made under the *Planning and Development Act 2007*, s 138AD (Requirements in relation to environmental significance opinions). A copy of the instrument NI2022-538 is available [here](#) for ease of access. The CESO was included in the documentation for the abovementioned development applications.

**Requested information**

5 [REDACTED] requests access to the following information in relation to the Conditional Environmental Significance Opinion made by the Conservator dated 12 October 2022 and issued as Notifiable Instrument NI2022-538 dated 25 October 2022:

- (i) A copy of the application (including all related documentation and attachments) made to the Conservator of Flora and Fauna by Mbark FGC Retirement Pty Ltd, as represented by Mr David Consalvi, Director, under section 138AA of the *Planning and Development Act 2007* for an environmental significance opinion to the effect that the development proposal set

out in the application is not likely to have a significant adverse environmental impact (the application). For the avoidance of doubt, we are seeking all documents submitted to the Conservator with the application and any other information submitted in support of the application and listed on page 4 of the Schedule in NI2022-538, namely:

- Federal Golf Club Retirement Village and Water Infrastructure – ESO Application Supporting Information (August 2022);
- Letters of Authorisation;
- Form 1M (as completed by the applicant).

(ii) All correspondence (including emails, letters, text messages), diary notes, file notes or other records of conversations (including by telephone) and minutes of meetings in relation to any matters pertaining to the preparation of the application, assessment of the application and formulation of the Conditional Environmental Significance Opinion, between any of the following:

- Staff in the office of the ACT Conservator of Flora and Fauna including the Conservator, officers, employees, contractors and agents, including but not limited to any members of the Environmental Significance Opinion application assessment team;
- The applicant Mbark FGC Retirement Pty Ltd and/or any representative of the applicant and/or any consultant representing the applicant, including but not limited to any person associated with consultants Umwelt or Tania Parkes & Associates or Canberra Town Planning;
- Any person representing a government, government department or directorate or authority other than the office of the Conservator;
- Any other individual or organisation, including but not limited to Michael Mulvaney, the Red Hill Regeneration Group commonly known as the Red Hill Regenerators, Wayne Fletcher, and the Garran and Hughes Residents Action Group also known as GAHRAG;
- Other external organisations, consultants and contractors with which the Conservator or their office consulted or otherwise engaged, including when seeking technical advice;
- The Minister for the Environment and their staff including officers, employees, contractors and agents;
- The Minister for Planning and their staff including officers, employees, contractors and agents.

(iii) All documents including but not limited to briefs, de-briefs, evaluation reports, assessments, reviews, memoranda or the like prepared by the Conservator of Flora and Fauna or his office;

(iv) All documents including supporting documentation from the applicant, presentations, scientific papers, expert advice, etc relied upon by the Conservator to support the decision to issue the Conditional Environmental Significance Opinion for a development at Federal Golf Club;

6 [REDACTED] requests access to the following information for the period from 1 January 2016 until 3 April 2024:

(i) All correspondence (including emails, letters, text messages, etc), diary notes, file notes or other records of conversations (including by telephone) and minutes of meetings in relation to any matters pertaining to the development of a retirement village at Federal Golf Club between any of the following:

- Staff in the office of the ACT Conservator of Flora and Fauna including the Conservator, officers, employees, contractors and agents;
  - Mbark FGC Retirement Pty Ltd and its directors, employees, contractors and agents, including but not limited to any person associated with consultants Umwelt or Tania Parkes & Associates or Canberra Town Planning;
  - Federal Golf Club and its officers, employees, contractors and agents;
  - Any person representing a government, government department or directorate or authority other than the office of the Conservator;
  - Any other individual or organisation, including but not limited to Michael Mulvaney, the Red Hill Regeneration Group commonly known as the Red Hill Regenerators, Wayne Fletcher and the Garran and Hughes Residents Action Group (GAHRAG);
  - Other external organisations, consultants and contractors with which the Conservator or their office consulted or otherwise engaged;
  - The Minister for the Environment and their staff including officers, employees, contractors and agents;
  - The Minister for Planning and their staff including officers, employees, contractors and agents;
- (ii) All documents (agreements, minutes, correspondence, emails, messages, records of conversations, etc) relating to any offers, agreements, undertakings or commitments made by the applicant in respect of funding research into the endangered Gang-gang Cockatoo;
- (iii) All documents (agreements, minutes, correspondence, emails, messages, records of conversations, etc) relating to any offers, agreements, undertakings or commitments given to the Conservator by the applicant or required of the applicant by the Conservator.

7 Pursuant to section 47 of the FOI Act, [REDACTED] requests that it be provided with access to electronic records of the requested information.

8 For the purposes of section 17 of the FOI Act, [REDACTED] submits that, on balance, the disclosure of the requested information above would not be contrary to the public interest, given that, among other matters, it would, in accordance with the following items from the FOI Act, Schedule 2:

- (i) Promote open discussion of public affairs and enhance the government's accountability;
- (ii) Contribute to positive and informed debate on important issues or matters of public interest;
- (iii) Inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
- (iv) Ensure effective oversight of expenditure of public funds;
- (v) Allow or assist inquiry into possible deficiencies in the conduct or administration of an agency or public official;
- (vi) Reveal or substantiate that an agency or public official has engaged in misconduct or negligent, improper or unlawful conduct or has acted maliciously or in bad faith;
- (vii) Reveal the reason for a government decision and any background or contextual information that informed the decision; and

(viii) Reveal that the information was incorrect, unfairly subjective or irrelevant.

9 Accordingly, pursuant to sections 9 and 17 of the FOI Act, [REDACTED] submits that access must be provided to the requested information.

**Next steps**

10 We advise that notices for the purposes of the FOI Act may be sent to the email address above –  
[REDACTED]

11 Should [REDACTED] application be rejected or material is unreasonably redacted, we intend to refer the application for ombudsman review.

12 We would appreciate you acknowledging receipt of this request by return email.

Yours faithfully,

[REDACTED]