

Enquiries: Justine Thalong  
Tel: (02) 8202 3081  
Our ref: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

30 September 2016

Dear [REDACTED]

**Notice of decision on your access application under the  
Government Information (Public Access) Act 2009 (GIPA Act)**

<b>Applicant:</b>	Mr [REDACTED]
<b>File reference:</b>	[REDACTED]
<b>Decision maker:</b>	Wayne Kosh
<b>Received date:</b>	8 July 2016
<b>Due date:</b>	5 August 2016
<b>Extended due date:</b>	30 September 2016
<b>Date of decision:</b>	30 September 2016

**1. Your access application**

1.1. On 8 July 2016 we received your access application under the GIPA Act for the following information:

*'B-Line Buses – Northern Beaches'*

1. *Simplified modelling used to justify the B-Line Bus project and infrastructure (conclusions)*
2. *Simplified modelling integrating B-Line Bus with existing Sydney bus timetable (conclusions).'*

1.2. On 2 August 2016, Justine Thalong of this office contacted you to clarify your request. With regard to the words "simplified modelling", you advised that you are seeking summaries (whether in the form of graphs, reports or presentations) that demonstrates the usefulness

of the B-Line Bus project and how it will be incorporated into the existing Sydney Bus timetables. In the same conversation, you also agreed to extend the due date for deciding your application to 19 August 2016.

- 1.3. On 17 August 2016, the due date for deciding your application was further extended by agreement to 9 September 2016.
- 1.4. On 8 September 2016, the due date for deciding your application was further extended by agreement to 23 September 2016.
- 1.5. On 22 September 2016, the due date for deciding your application was further extended by agreement to 30 September 2016. Thank you for your cooperation in that regard.

## 2. Searches for information

2.1. Under the GIPA Act, we must conduct reasonable searches to locate the government information for which you have applied. The following areas of this agency have conducted searches:

- Infrastructure Services Division of TfNSW

2.2. Information has been identified as falling within the scope of your application.

## 3. Decision

3.1. I am authorised by the Principal Officer, for the purposes of section 9(3) of the GIPA Act, to decide your access application.

3.2. Please see below a summary of my decision:

Item No.	Information	
1	Northern Beaches BRT – Demand Report (Draft Final), 3 February 2016	Withheld clause 2, Schedule 1 of the GIPA Act
2	Northern Beaches BRT – Demand Report Addendum (Draft Final), 15 March 2016	Withheld clause 2, Schedule 1 of the GIPA Act
3	Northern Beaches BRT – Demand Report Addendum 2 (Final Bus Plan), 6 May 2016	Withheld clause 2, Schedule 1 of the GIPA Act
4	Excel Spreadsheet – Northern Beaches Bus Rapid Transit Resource Estimation Summaries, December 2015	Withheld clause 2, Schedule 1 of the GIPA Act

## 4. Reasons for Decision

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you asked for, unless there is an overriding public interest against its disclosure.

Under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

#### 4.1. Conclusive presumption of an overriding public interest against disclosure

Section 14(1) of the GIPA Act provides:

*It is to be conclusively presumed that there is an overriding public interest against disclosure of any of the government information described in Schedule 1.*

---

Clause 2 of Schedule 1 of the GIPA Act relevantly provides:

##### **2 Cabinet information**

- (1) *It is to be conclusively presumed that there is an overriding public interest against disclosure of information (referred to in this Act as "**Cabinet information**") contained in any of the following documents:*
- (a) ...
  - (b) *a document prepared for the dominant purpose of its being submitted to Cabinet for Cabinet's consideration (whether or not the document is actually submitted to Cabinet),*
  - (c) ...
  - (d) *a document prepared after Cabinet's deliberation or decision on a matter that would reveal or tend to reveal information concerning any of those deliberations or decisions,*
  - (e) *a document prepared before or after Cabinet's deliberation or decision on a matter that reveals or tends to reveal the position that a particular Minister has taken, is taking, will take, is considering taking, or has been recommended to take, on the matter in Cabinet,*
  - (f) *a document that is a preliminary draft of, or a copy of or part of, or contains an extract from, a document referred to in paragraphs (a)-(e).*

Further, clause 5 provides:

- (5) *In this clause, **Cabinet** includes a committee of Cabinet and a subcommittee of a committee of Cabinet.*

##### **Item 1, 2 and 3**

I have been informed by the Infrastructure and Services Division that the Final Business Case (FBC) for the Northern Beaches B-Line Rapid Transit (NBBRT) was submitted to Cabinet in April 2016. I have also been informed that the Demand Report dated 3 February 2016 (Item 1) was an Addendum to the FBC, and therefore was also submitted to Cabinet for Cabinet's consideration. The report "...provides results and high-level documentation of the assumptions made for the demand forecasts for the Northern Beaches B-Line project", and the demand forecasts outlined in the report are inputs into the project's FBC. I am therefore satisfied that this document falls within the category of information described in 2(1)(b).

Items 2 and 3 are subsequent Demand Reports for the NBBRT project which were produced in March 2016 and May 2016 respectively. As these reports were produced after the FBC was submitted to Cabinet, these reports have not been submitted to Cabinet for Cabinet's consideration. However, from my reading of the Demand Report produced in March 2016 I am aware that this document is an addendum to the Draft Demand Report produced in February 2016 for the FBC, which was submitted to Cabinet. The March 2016

Demand Report provides revised demand forecasts that take into account results of the traffic modelling presented in the February 2016 Demand Report. From my reading of the subsequent Demand Report dated May 2016 I am aware that this document is also an addendum to the Draft Demand Report produced in February 2016 for the FBC. The May 2016 Demand Report contains forecasts from the modelling that was undertaken and documented in the first addendum to the FBC, being the March 2016 Demand Report.

I am therefore satisfied that items 2 and 3 are documents that fall within the category of information described in 2(1)(d), 2(1)(e) and 2(1)(f).

#### **Item 4**

The Resource Estimation Summaries spreadsheet contains timetable modelling for the Northern Beaches Bus Rapid Transit project. I have been informed by the Infrastructure and Services Division that the outputs generated from this modelling consequently "...informed the Northern Beaches Final Business Case, and costings considered by Cabinet in April 2015". I am therefore satisfied that this document falls within the category of information described in 2(1)(f) of Schedule 1 of the GIPA Act.

As such, this information will not be released to you as there is a conclusive presumption of an overriding public interest against their disclosure as it is Cabinet information.

#### **5. Disclosure Log**

If information that would be of interest to other members of the public is released in response to a formal access application, an agency must record certain details about the application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act).

In the letter acknowledging receipt of your application, you were told about the disclosure log. You were also advised of your right to object to the inclusion of details about your access application in the disclosure log.

I note that you have not objected to such disclosure.

I have decided not to include details about your access application in the disclosure log.

#### **6. Review rights**

If you disagree with my decision, you may apply for this decision to be reviewed by seeking:

- an internal review by another officer of this agency, who is no less senior than me;
- an external review by the NSW Information Commissioner; or
- an external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this letter to apply for an internal review and 40 working days to apply for an external review by the NSW Information Commissioner or the NCAT.

#### **7. Further information**

For your information and assistance, I have enclosed a fact sheet explaining your rights to have my decision reviewed. Please do not hesitate to contact Justine Thalong by phone on (02) 8202 3081 if you have any questions about this letter.

Yours sincerely,

  
**Wayne Kosh**  
Manager, Information and Privacy