



FREEDOM OF INFORMATION COVERSHEET

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

FOI reference: 24-077

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Schedule	Published
4. Documents	Not applicable
5. Additional information identified	Not applicable
6. Fees	Not applicable
7. Processing time (in working days)	55 days
8. Decision made by Ombudsman	Not applicable
9. Additional information identified by Ombudsman	Not applicable
10. Decision made by ACAT	Not applicable
11. Additional information identified by ACAT	Not applicable

From: [REDACTED]
To: [TCCS FreedomOfInformation](#)
Subject: FOI Request: Parkes Way studies
Date: Monday, 20 May 2024 11:08:29 AM

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Dear TCCS FOI team,

I am writing to request under the *Freedom of Information Act 2016* access to all the deliverables associated with the following three contracts:

<https://www.tenders.act.gov.au/contract/view?id=192941>

<https://www.tenders.act.gov.au/contract/view?id=194540>

<https://www.tenders.act.gov.au/contract/view?id=192437>

Please do not hesitate to get in touch should you require any further information or clarification about my request.

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Dear [REDACTED]

Freedom of Information Request - Reference 24-077

I refer to your application for access to government information received by Transport Canberra and City Services (TCCS) on 20 May 2024. It is my understanding that you are seeking access to the following government information under the *Freedom of Information Act* 2016 (FOI Act):

“access to all the deliverables associated with the following three contracts:

<https://www.tenders.act.gov.au/contract/view?id=192941>

<https://www.tenders.act.gov.au/contract/view?id=194540>

[https://www.tenders.act.gov.au/contract/view?id=192437”](https://www.tenders.act.gov.au/contract/view?id=192437)

Timeframes

In accordance with section 40 of the FOI Act, TCCS is required to decide on your application by 3 July 2024. I thank you for providing us with additional time to decide on your application until 7 August 2024.

Authority

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

Decision on access

In accordance with the FOI Act, a search of TCCS records has been completed and thirty-three relevant records have been identified.

Of these records, 21 records relate to the Flood Modelling Study Associated with Parkes Way: Improving Canberra's East-West Central Corridor (contract [here](#)).

9 records relate to the deliverables completed under the Traffic modelling and Options Report for Parkes Way, South West Corridors and Molonglo Valley Development (contract [here](#)). There are multiple deliverables being completed under this study, and some are ongoing.

The remaining three records relate to the Infrastructure Study – Parkes Way: Improving Canberra's East West Central Corridor (contract [here](#)).

Upon reviewing the information within the records and applying the public interest test under section 17 of the FOI Act, I have found the disclosure of these reports to be, on balance, contrary to the public interest to disclose. The reasons for my decision are detailed below in the statement of reasons.

A list of the relevant records is enclosed at Attachment A.

Statement of Reasons

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

- The FOI Act; and
- The *Human Rights Act 2016*.

In making my decision on disclosing the relevant government information, I must identify all relevant factors in schedule 1 and 2 of the FOI Act and determine, on balance, where the public interest lies.

Schedule 1:

- No relevant sections identified.

Schedule 2:

Factors favouring disclosure in the public interest (Schedule 2.1)

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest; and
- Schedule 2.1(a)(iv) - ensure effective oversight of expenditure of public funds.

Factors favouring non-disclosure (Schedule 2.2)

- Schedule 2.2(a)(x) - prejudice intergovernmental relations and
- Schedule 2.2(a)(xvi) - prejudice a deliberative process of government.

In reviewing the information within scope of your application, I have identified information that is likely to promote a positive and informed debate on important issues or matters of public interest. As the report has been procured by government, disclosure contributes to an effective oversight of expenditure of public funds. Further, I acknowledge that disclosure may promote open discussion of public affairs and enhance government's accountability generally.

The reports subject to your access application have been procured to explore the pre-feasibility and concept for the broader purpose of informing the drafting of a corridor plan. The reports explore multiple subjects such as technical, economic, financial, environmental, procurement and service considerations. By nature, the reports are deliberative and consideration of its contents or associated works are ongoing.

I consider that the relevant corridor plans are in still in draft. Disclosure of the reports whilst they are still the subject of a deliberative processes of government, is likely to prejudice the government's ability to fully consider the information, recommendations or make further enquiries on feasibility (schedule 2.2(a)(xvi)). Due to the stage of the project to which these reports relate, I have not found sufficient information to indicate that the reports have been brought into existence for the purpose of a cabinet decision. However, it is possible that the information within the reports, or the reports themselves, may be utilised to inform a future government decision, reaffirming the deliberative nature of the information.

I further consider the deliberations within the reports are not solely within TCCS, but also involve the National Capital Authority (NCA). Currently, there is agreement between TCCS and the NCA that the reports are treated as sensitive and the sharing of reports with persons outside of these areas has only been undertaken under confidentiality agreements. I consider that it is reasonable that the disclosure of the information within these records, in particular whilst deliberative, are likely to prejudice intergovernmental relations.

While the factors favouring disclosure carry moderate weight, the factors favouring non-disclosure are significant. I find that the disclosure of relevant information is, on balance, contrary to the public interest. As these factors apply to the totalitye of the relevant reports, I am refusing access in full.

Charges

In accordance with [Freedom of Information \(Fees\) Determination 2018](#), a fee of \$0.35 per page of information disclosed, except for the first 50 pages, may be applied to an access application. As no information is being disclosed, a fee is not applicable relevant.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents will be published in the TCCS disclosure log between 3 – 10 business days from the date of this decision. Your personal contact details will not be published. You may view the TCCS' disclosure log [here](#).

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 an Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in TCCS' disclosure log, or a longer period allowed by the Ombudsman.

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

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: 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 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA CITY ACT 2601
www.acat.act.gov.au

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the TCCS FOI team on (02) 6207 2987 or email to tccs.foi@act.gov.au.

Yours sincerely



Kristine Scheul
Information Officer

7 August 2024

ATTACHMENT A - ACCESS APPLICATION SCHEDULE, FREEDOM OF INFORMATION

Reference Number: 24-077

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Factors favouring non-disclosure:

Schedule 2.2(a)(x) - prejudice intergovernmental relations and

Schedule 2.2(a)(xvi) - prejudice a deliberative process of government.

Reference number	Description	Status	Reason for non-release or deferral	Open Access release status
38561-NCT-120 (Contract Register 192941)				Decision to be published on the TCCS Disclosure Log .
1	38561-NCT-120 - 21-000331.R04D.DY.dt_PWFS_Mitigation_HHMR	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)	
2	01. 38561-NCT-120 - Appendix_A_SubCatchment_Plans_with_drainage_network	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)	
3	01. 38561-NCT-120 - Appendix_B - 21-000331.TM02.AM.id - signed	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)	
4	01. 38561-NCT-120 - Appendix_C - 21-000331.TM03B.DY.sa_Calibration_Summary_20220726	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)	

5	01. 38561-NCT-120 - Appendix_D - PWFS_EXISTINGSCENARIO_NOBLOCKAGE_May2023	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
6	01. 38561-NCT-120 - Appendix_E - PWFS_EXISTINGSCENARIO_PARTIALBLOCKAGE_May2023	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
7	01. 38561-NCT-120 - Appendix_F PWFS_EXISTING SCENARIO_NO BLOCKAGE_CLMATE_CHANGE	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
8	01. 38561-NCT-120 - Appendix_G - PWFS_EXISTING_SCENARIO_CC_PARTIAL_BLOCKAGE	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
9	01. 38561-NCT-120 - Appendix_H - PWFS_DIFFERENCE_1%AEP_FLOOD_MAPS_May2023_EXISTING	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
10	01. 38561-NCT-120 - Appendix_I - PWFS_FUTURE_SCENARIO_NO_BLOCKAGE_May2023	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
11	01. 38561-NCT-120 - Appendix_J - PWFS_FUTURE SCENARIO_PARTIAL BLOCKAGE_May2023	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
12	01. 38561-NCT-120 - Appendix_K - PWFS_FUTURE SCENARIO_NO_BLOCKAGE_CLIMATE_CHANGE	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
13	01. 38561-NCT-120 - Appendix_L -PWFS_FUTURE SCENARIO_PARTIAL BLOCKAGE_CLIMAT	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
14	01. 38561-NCT-120 - Appendix_M - PWFS_DIFFERENCE_1%AEP_FLOOD_MAPS_May2023_FUTURE	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
15	01. 38561-NCT-120 - Appendix_N - PWFS_MITIGATED_SCENARIO_NO_BLOCKAGE_May2023	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
16	01. 38561-NCT-120 - Appendix_O - PWFS_MITIGATED_SCENARIO_PARTIAL_BLOCKAGE_May2023	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
17	01. 38561-NCT-120 - Appendix_P - PWFS_DIFFERENCE_1%AEP_FLOOD_MAPS_May2023_MITIGATED	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)

18	01. 38561-NCT-120 - Appendix_Q - Summary of Capital Works Packages	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
19	01. 38561-NCT-120 - Appendix_R - Flood Modelling Study Associated with Parkes Way - Stakeholder Meeting	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
20	01. 38561-NCT-120 - Appendix_S - Capital Works Mitigation Options - Safety In Design Register - Workshop 13.04.23	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
21	01. 38561-NCT-120 - Appendix_T - Parkes Way Flood Study - Final Report TCCS Comments 220623	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
35861-NCT-130 (Contract Register 194540)			
22	a. 3002148-RP-001 - Freight Corridor Assessment_final_02	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
23	b. 22-0317_Parkes Way Corridor Heritage Advice Memo Final Draft	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
24	c. 3002148-TN-TRA-002 Traffic Modelling Assumptions 2021-12-13	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
25	d. 3002148 Parkes Way SW Base Model Development Report Rev3	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
26	e. 3002148-TN-TRA-004 Future Model Development Rev1	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
27	f. 3002148-TN-TRA-003 Simulation Modelling Assumptions Rev0	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
28	g. 3002148 - TN - 03.2 - Cth Ave Bridge Assessment - Options Assessment - Rev 01	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
29	h. Att B - 21-000331.TM01.AM.id.Issued	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
30	i. 3002148-RP-002 - Options Shortlisting Assessment - Rev 04	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)

38561-NCT-110 (Contract Register 192437)

31	Appendix B - Enviro Desktop Study - Drakeford Dr only	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
32	Appendix B - Enviro Desktop Study - Parkes Way & Tugg Pkwy	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)
33	CEC151-MD-PM-REP-0001 Rev 0_new	Refused	Schedule 2.2(a)(x) Schedule 2.2(a)(xvi)

Total number of documents: 33