



31 January 2020

Our ref: 20T-0140

Ms [REDACTED]

By email: [REDACTED]

Dear Ms Gold,

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

**Applicant:** [REDACTED]

**File reference:** 20T-0140

**Decision maker:** Marianne Moore

**Received date:** 6 December 2018

**Due date:** 17 January 2020

**Extended due date:** 3 February 2020

**Date of decision:** 31 January 2020

**1 Your access application**

1.1 On 6 December 2018 Transport for NSW (TfNSW) received your access application under the GIPA Act for the following information:

Full	1. Information regarding the impact the B-line bus service has had on congestion along its route over the past 24 months.	1-2
Full	2. Information regarding journey times from Brookvale to Sydney CBD using the B-line over the past 24 months.	
Full	3. Information regarding changes in numbers of passengers carried during the morning and afternoon peaks to and from Sydney CBD using the B-line over the past 24 months.	
Full	4. Information regarding the type, volume, origin, destination, and time of freight traffic entering and leaving the Northern Beaches LGA over the past 24 months.'	

1.2 On 16 January 2020, we informed you that we were required to consult third parties in relation to your application. In accordance with section 57(2) of the GIPA Act, the timeframe for deciding your application was extended to 3 February 2020.

1.3 In your access application you indicated a preference for receiving correspondence by email at [REDACTED]

## 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.

2.2 The following areas of TfNSW have conducted searches:

- Customer Strategy and Technology (CST)
  - Public Affairs and Engagement
  - Transport Performance and Analytics
- Greater Sydney (GS)
  - Services
  - North West Precinct
  - Easing Sydney's Congestion Program Office
- Infrastructure and Place (IP)
  - Precincts & Infrastructure

2.3 CST, GS and IP were requested to conduct searches as they were identified as areas of TfNSW which would likely hold the information relevant to your application.

2.4 Information has been identified by CST and GS 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 I have decided:

- to provide access to the information under section 58(1)(a);
- that the information is not held under section 58(1)(b).

3.3 Please see below a summary of my decision:

Page Ref.	Information	Act Ref.	Access
1-2	<b>Item 2:</b> 19 months of average actual journey times <i>New record of information created under section 75 of the GIPA Act.</i>	s58(1)(a) s75	Full
3	<b>Item 3:</b> Changes in numbers of passengers carried during morning and afternoon peak times to/from Sydney CBD using the B-Line over the past 24 months. <i>New record of information created under section 75 of the GIPA Act.</i>	s58(1)(a) s75	Full
4	<b>Item 4:</b> Austroads Vehicle Classification	s58(1)(a)	Full

5-156	<p><b>Item 4:</b> Classified Vehicle Counts (Volumes) for various sites located within Northern Beaches LGA:</p> <ul style="list-style-type: none"> <li>• RNP54-A01 Auto Class Report</li> <li>• RNP54-A02 Auto Class Report</li> <li>• RNP54-A03 Auto Class Report</li> <li>• RNP54-A04 Auto Class Report</li> <li>• RNP54-A05 Auto Class Report</li> <li>• RNP54-A06 Auto Class Report</li> <li>• RNP54-A07 Auto Class Report</li> <li>• RNP54-A08 Auto Class Report</li> </ul>	s58(1)(a)	Full
157-270	<p><b>Item 4:</b> Classified Vehicle Counts (Volumes) for various sites located within Northern Beaches LGA:</p> <ul style="list-style-type: none"> <li>• RNP59-A01 Auto Class Report</li> <li>• RNP59-A02 Auto Class Report</li> <li>• RNP59-A03 Auto Class Report</li> <li>• RNP59-A04 Auto Class Report</li> <li>• RNP59-A05 Auto Class Report</li> <li>• RNP59-A06 Auto Class Report</li> </ul>	s58(1)(a)	Full
N/A	<p><b>Item 4:</b> Road Network Plan Reports</p> <ul style="list-style-type: none"> <li>• N4218 RNP 21 Studies ATC Report - Updated Version</li> <li>• N4218 RNP 40 Studies ATC Report - Updated Version 270818</li> </ul>	s58(1)(a)	Full

- 3.4 The B-Line is part of a tailored transport solution making it simpler and more reliable to travel around the Northern Beaches and Lower North Shore, as well as to-and-from the Sydney CBD. To help traffic flow more easily and make bus services more reliable, work is being carried out to ease congestion on roads along the B-Line route such as creating new bus bays to help keep buses and traffic moving, tidal flow systems and extended turning lanes to maximise traffic flow in the peak direction.
- 3.5 This work is due for completion early 2020 when all of the parts of the B-Line come together. Reliability and time saving benefits, which will be progressively monitored and quantified, will be realised for the Northern Beaches and Lower North Shore once the full program of work has been completed.
- 3.6 In respect of **item 1** of your application, I have been informed by the Greater Sydney (GS) division that travel time data has been collected for all vehicles using the B-Line corridor, however analysis of the raw data has not yet been completed, and therefore, no comparison of journey times or data to link congestion with the operation of the B-line bus services has been undertaken to date. Based on this information and the searches that have been conducted in TfNSW, I have decided that this information is not held by TfNSW.
- 3.7 In response to **items 2 and 3** of your application, new records of information under section 75 of the GIPA Act have been created. I have decided to release this information to you in full.
- 3.8 In response to **item 4** of your application, information was provided by the GS division. The information provided concerns the type, volume, and time of freight traffic entering and leaving the Northern Beaches local government area (LGA). As there is no current method of analysis that allows TfNSW to determine the 'origin' and 'destination' of such vehicles, I have decided that no information is held by TfNSW responding to that particular aspect of item 4 of your request.

## **4 Reasons for Decision**

4.1 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.

4.2 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.

### **Public interest test**

4.3 To decide whether or not there is an overriding public interest against disclosure of contained in the records identified in the Table at part 3.3 above, I applied the public interest test, which is set out in section 13 of the GIPA Act.

4.4 I applied the public interest test by:

- a. identifying any public interest considerations in favour of disclosure;
- b. identifying any relevant public interest considerations against disclosure;
- c. attributing weight to each consideration for and against disclosure; and
- d. deciding where the balance between them lies.

### **Public interest considerations in favour of disclosure**

4.5 Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. Section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure. However, I am not limited to those considerations in deciding your application.

4.6 I find the following considerations in favour of disclosure are relevant to your application:

- Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.

### **Consultation**

4.7 The information you requested includes business information of a third party. Under section 54 of the GIPA Act, I was therefore required to consult with that entity before releasing the information.

4.8 There were no objections to the release of the information.

### **Public interest considerations against disclosure**

4.9 When applying the public interest test, the only public interest considerations against disclosure that I can take into account are those set out in the table to section 14 of the GIPA Act.

4.10 I have not identified any considerations against disclosure as being relevant to your application.

### **Balancing the public interest considerations**

4.11 I have considered the relevant public interest considerations in favour of and against disclosure of the information that you have requested.

4.12 Having weighed up the considerations, I have decided that there is no overriding public interest against disclosure of the information.

## **5 Access**

### **Form of access**

5.1 You will be provided with a copy of the information that has been identified for release.

## **6 Processing Charges**

- 6.1 Under section 64 of the GIPA Act, we may require you to pay processing charges, at a rate of \$30 per hour, for the time spent dealing with your access application. The application fee of \$30 counts as payment of one hour of the processing charges.
- 6.2 I have decided not to impose any additional processing charges for dealing with your application.

## **7 Disclosure Log**

- 7.1 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).
- 7.2 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.
- 7.3 I note that you have not objected to such disclosure.
- 7.4 I have decided to include details about your access application in the disclosure log.

## **8 Review rights**

- 8.1 If you disagree with my decision, you may apply for this decision to be reviewed by seeking:
- an internal review by another officer of TfNSW, 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).
- 8.2 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.

## **9 Further information**

- 9.1 For your information and assistance, I have enclosed a fact sheet explaining your rights to have my decision reviewed.
- 9.2 Please do not hesitate to contact Justine Thalong by phone on 8202 3493 if you have any questions about this letter.

Yours sincerely,



**Marianne Moore**  
Manager, Information Access