



**ACT**  
Government

Economic Development



Land  
Development  
Agency

CANBERRA FIRST

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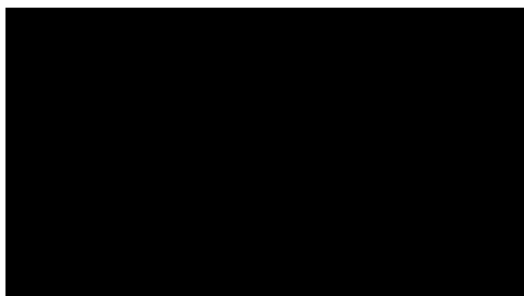
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Our ref: LDA 15/15-16



Dear 

## Freedom of Information request

I am writing in relation to your request submitted under section 14 of the ACT *Freedom of Information Act 1989* (the FOI Act), received by the Land Development Agency (LDA) on 19 April 2016.

You have requested the following document: *City to the Lake - Parkes Way Options study*

### Decision Maker

I am authorised under section 22 of the FOI Act to make decisions on access to documents and liability for charges.

### Charges

I have decided, under section 29 of the FOI Act, not to impose processing charges for this request.

### Identification of Documents

Officers of the LDA have conducted searches of paper and electronic files for documents that may relate to your request. No documents were identified with the specific title sought, however we have identified a document titled *Parkes Way Improvement Project – Rapid Appraisal Report*.

### Decision on Access

I have decided to partially release the *Parkes Way Improvement Project – Rapid Appraisal Report* to you. My reasons for not providing access to the redacted sections of this report are detailed in the following statement of reasons and in the attached schedule.

## Exemptions claimed

### Section 36 - Internal Working Documents

Folio 1 – pages 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 43, 44, 45, 47, 48, 51.

Section 36 of the FOI Act provides:

- (1) *Subject to this section, a document is an exempt document if its disclosure under this Act—*
  - a. *would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Territory; and*
  - b. *would be contrary to the public interest.*
- (2) *In the case of a document of the kind referred to in section 8 (1), the matter referred to in subsection (1) (a) of this section does not include matter that is used or to be used for the purpose of the making of decisions or recommendations referred to in section 8 (1).*
- (3) *This section does not apply to a document only because of purely factual material contained in the document.*
- (4) *This section does not apply to—*
  - a. *reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters; or*
  - b. *reports of a prescribed body or organisation established within an agency; or*
  - c. *the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.*
- (5) *Where a decision is made under part 3 that an applicant is not entitled to access to a document because of this section, the notice under section 25 shall state the ground of public interest on which the decision is based.*

Parkes Way is a joint Commonwealth and ACT asset, and the provided document contains preliminary options modelling to assist the budget deliberations of both governments. A funding model or design solution has not yet been agreed.

I consider it contrary to the public interest to release the redacted information at this time, which relates to preliminary costings and associated design options, as this may prejudice the ability of the governments to engage the community in an open conversation about realignment options for Parkes Way. The ACT Government intends to openly consult the community on options for Parkes Way once they are more fully developed and the

Government has had an opportunity to consider them. This work is currently underway. The premature release of the modelling contained in this document would likely cause unnecessary confusion and debate when the public are ultimately presented with the considered options.

I consider it is in the public interest that LDA officials should be able to freely seek advice and commission preliminary modelling to assist in deliberations on funding and design options.

Although I have decided not to fully release this report, I would like to offer you the opportunity for a face to face briefing on the Parkes Way realignment project, with the opportunity to discuss the design work currently underway in more detail. Please contact me on (02) 6205 5451 to arrange a suitable time.

### **Your Right of Review**

#### Internal Review

Under section 59 (1) of the FOI Act, you may request a review of my decision. You have 28 days after receiving notice of my decision to ask for a review, or a further period as allowed by the Chief Executive Officer.

Your request should be addressed to:

Chief Executive Officer  
Land Development Agency  
GPO Box 158  
CANBERRA ACT 2601

#### Complaints to the Ombudsman

Under section 54 of the FOI Act, you may complain to the Ombudsman about administrative matters relating to the processing of your Freedom of Information request. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation into your complaint.

You can contact the Ombudsman either by telephone on 1300 362 072 or in writing to:

The Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

### **Online FOI Policy**

I have assessed your request for information under the ACT Government's Online Freedom of Information Publication Policy and have determined that the documents relevant to your request will be published online. Personal Information or business information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the Internet, is available online at:

[http://www.cmd.act.gov.au/data/assets/pdf\\_file/0016/250333/FOI\\_Web\\_Release\\_Policy\\_-\\_Final.pdf](http://www.cmd.act.gov.au/data/assets/pdf_file/0016/250333/FOI_Web_Release_Policy_-_Final.pdf)

Should you have any queries regarding this matter, please contact me on (02) 6205 5451.

Yours sincerely



Nicholas Hudson  
Director  
City to the Lake  
Land Development Agency

17 May 2016