

28 March 2025

Our ref: 25T-1151

Mr Jake Coppinger

By email: [jake@jakecoppinger.com](mailto:jake@jakecoppinger.com)

Dear Mr Coppinger,

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

<b>Applicant:</b>	Mr Jake Coppinger
<b>File reference:</b>	25T-1151
<b>Decision maker:</b>	Natacha Doust
<b>Received date:</b>	3 February 2025
<b>Due date:</b>	28 March 2025
<b>Date of decision:</b>	28 March 2025

**1 Your access application**

1.1 On 3 February 2025, Transport for NSW ('TfNSW') received your access application under the GIPA Act for the following information:

*I am seeking access to copies of the following documents, including*

- Briefing notes*
- Statistical reports*
- Presentations*
- Email correspondence (including through 2019 with the NRMA); and*
- Meeting minutes*

*detailing monitoring of the impact of the 7 January 2018 introduction of 90 second cycle times in the Sydney CBD.*

*To assist your search, I note:*

- The NRMA stated "Monitoring was undertaken for a three month period to assess impacts across the network and the wait time was tweaked for certain streets. The change in cycle times has reduced waiting times for pedestrians at signals,*

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*meaning more frequent safe crossing opportunities" (www.mynrma.com.au/-/media/documents/advocacy/look-up-keeping-pedestrians-safe.pdf)*

*- The source of the information in this sentences is referenced in the document as "Transport for NSW (2019). Personal correspondence."*

- 1.2 On 18 February 2025, a request for payment of a processing charge as an advance deposit was made, and confirmation of payment of the advance deposit was received by TfNSW on 3 March 2025. The period within which the application was required to be decided stopped running while payment of the advance deposit remained pending.
- 1.3 On 13 March 2025, we wrote to inform you that the decision date of this matter was being extended by 10 working days, as we had identified a third party with whom consultation was required.
- 1.4 In your access application, you indicated a preference for receiving correspondence and a copy of the document/s by email at [jake@jakecoppinger.com](mailto:jake@jakecoppinger.com). Therefore, this Notice is directed to that email address in accordance with your request.

## **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 two main subject matters experts involved in the 90 second trial, now within the Network Operations team of the Co-ordinator General Division of TfNSW, performed searches within Outlook and Objective using the search terms 'CBD', '90 second cycle time/s', 'NRMA + 90 second'.
- 2.3 The Safety, Policy, Environment and Regulation Division (SPER) and the Planning, Integration and Passenger Division (PIP) of TfNSW were also approached. Both Divisions however confirmed that the Network Operations team was primarily involved and responsible for this trial.
- 2.4 Information responsive to your access application has been identified as a result of the searches performed, however certain information categories were not held. I discuss this in further detail at Part 4 of this Notice.

## **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 that information is not held under section 58(1)(b).
- 3.3 Please see below a summary of my decision:

<b>Item No.</b>	<b>Copies of documents detailing monitoring of the impact of the 7 January 2018 introduction of 90 second cycle times in the Sydney CBD, including:</b>	<b>Act Ref.</b>	<b>Access</b>
ITEM 1 (1 – 12)	<b>Briefing Notes</b> DOC A - Improving pedestrian accessibility in CBD DOC B - Reducing waiting times in CBD DOC C - <i>DRAFT</i> – Improved pedestrian accessibility in the CBD	s58(1)(a) s74 s76	Full

Item No.	Copies of documents detailing monitoring of the impact of the 7 January 2018 introduction of 90 second cycle times in the Sydney CBD, including:	Act Ref.	Access
	<p>Additional information released pursuant to section 76 of the GIPA Act</p> <p>Out of scope information redacted pursuant to section 74 of the GIPA Act</p>		
ITEM 2 (1-269)  (270-276)	<p><b>Statistical reports</b></p> <p>- <b>Pedestrian:</b> 90 sec trial summary, Pedestrian surveys, CBD kms summary &amp; assessment (Docs A – H)</p> <p>- <b>Bus &amp; Traffic impacts:</b></p> <ul style="list-style-type: none"> <li>○ Traffic Volume CBD Cycle change time, Bus travel time comparison, Single Trip Travel times, Multi Trip Travel times (Docs A-D)</li> <li>○ Bus Opal Assignment Model (BOAM) data 2017 &amp; 2018 (2 Excel spreadsheets)</li> </ul>	s58(1)(a)	Full
ITEM 3 (1 – 5)	<p><b>Presentations</b></p> <p>DOC A - Planning – Reduce Pedestrian waiting times</p>	s58(1)(a)	Full
ITEM 4 (1 -47)	<p><b>Email correspondence</b></p> <p>BATCH A - Traffic reports discussing 90 second trial</p> <p>BATCH B - 90 second impacts correspondence and attachment: <i>(Duplicates and drafts of records already released above not included)</i></p> <p>BATCH C - 100 second locations</p> <p>Out of scope information redacted pursuant to section 74 of the GIPA Act</p>	s58(1)(a) s74	Full
ITEM 5 (N/A)	Email correspondence with NRMA	58(1)(b)	Not Held
ITEM 6 (N/A)	Meeting Minutes	58(1)(b)	Not Held
ITEM 7 (1-76)	<p>Daily Summary Reports</p> <p>Additional information released pursuant to section 76 of the GIPA Act</p>	s58(1)(a) s76	Full

### Sections 74 and 76 of the GIPA Act

- 3.4 Under section 74 of the GIPA Act, when providing access to a copy of a record in response to an access application, TfNSW can delete information from the copy of the record which is not relevant to the information applied for. When considering the terms

of your access application, I have noted that you are specifically seeking information that details ‘*monitoring of the impact of the 7 January 2018 introduction of 90 second cycle times in the Sydney CBD*’. Accordingly, I did not consider contact numbers, signatures or budgetary information to be within the scope of your request, and have redacted that information from the records, pursuant to section 74 of the GIPA Act. I have also noted that a number of attachments to the email correspondence that is being released to you, consist of duplicate or draft versions of records already being released to you as a Briefing Note, presentation, statistical record or daily summary report. This being the case, those records that are already dealt with in another part of our response have been left out as either duplicate or out-of-scope information.

- 3.5 Section 76 of the GIPA Act provides agencies the opportunity to release additional information to an access applicant, as long as there is no overriding public interest against its disclosure. I have identified one briefing note, which, though still in draft, provides context to the effects of the 90 second trial, post implementation. I have also noted that while you have sought ‘meeting minutes’ and such records are not held, Daily Summary Reports were instead provided that monitor in part the impacts of the trial. These are therefore being provided to you as additional information relevant to the purpose 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.

##### **Information not held**

- 4.3 The agency’s obligation to undertake searches for the requested information is discussed in section 53 of the GIPA Act, which provides:

##### **53 Searches for information held by agency**

- (1) *The obligation of an agency to provide access to government information in response to an access application is limited to information held by the agency when the application is received.*
- (2) *An agency must undertake such reasonable searches as may be necessary to find any of the government information applied for that was held by the agency when the application was received. The agency’s searches must be conducted using the most efficient means reasonably available to the agency.*
- (3) *The obligation of an agency to undertake reasonable searches extends to searches using any resources reasonably available to the agency including resources that facilitate the retrieval of information stored electronically.*
- (4) *An agency is not required to search for information in records held by the agency in an electronic backup system unless a record containing the information has been lost to the agency as a result of having been destroyed, transferred, or otherwise dealt with, in contravention of the State Records Act 1998 or contrary to the agency’s established record management procedures.*

(5) *An agency is not required to undertake any search for information that would require an unreasonable and substantial diversion of the agency's resources.*

- 4.4 In making a decision whether the agency holds the requested information, I have taken into account guidance from the NSW Civil and Administrative Tribunal's Appeal Panel in the decision of *Wojciechowska v Commissioner of Police* [2020] NSWCATAP 173, at [36] and [37]:

*Section 53 of the GIPA Act imposes an obligation on an agency to undertake "such reasonable searches as may be necessary to find" the requested information: s 53(2).*

*The question of whether there are reasonable grounds to believe that the information the subject of the access application exists and is held by an agency, is plainly relevant to the nature and extent of the searches required to be undertaken to discharge the obligation under s 53.*

#### *Meeting minutes*

- 4.5 For the reasons outlined above, there was no real basis to believe meeting minutes were taken or held in respect of this trial, however, daily summary reports discussing the trial have been provided to you as additional information under section 76. It is also worth noting that the trial, which dates back to 2018, was being managed and monitored by a very small team who likely liaised on these matters in an office setting which did not require meeting minutes. The two principal staff members, David Ballm and Lisa McGill have performed searches and provided all information held by them in respect of the trial.

#### *Correspondence with the NRMA*

- 4.6 Searches were performed by the above subject matter experts for correspondence on this subject with the NRMA. Noting the NRMA's public comments<sup>1</sup> about personal correspondence with TfNSW, the SMEs were also asked if they could recall any such correspondence but had no recollection of it. Given the passage of time, the correspondence in question may have involved staff members no longer working for TfNSW and who cannot be identified at this time.
- 4.7 Search requests were directed to the Safety, Policy, Environment and Regulation Division (which houses the Centre for Road Safety) and the Planning, Integration and Passenger Division (which houses some of the teams formerly within Roads and Maritime Services), however each Division confirmed that Network Operations within the Co-ordinator General's Division was the team tasked with the trial.
- 4.8 Keeping in mind the Tribunal's comments in *Wojciechowska*, that '*(b)eing familiar with the type of information it holds, its information management and retrieval systems, generally the agency will be best placed to make an assessment about the likelihood that the requested information exists and is held by it*' I am satisfied that the appropriate areas and subject matter experts were approached to respond in this instance.
- 4.9 In addition, noting that the searches performed included keywords 'CBD', '90 second cycle time/s', 'NRMA + 90 second' and that other correspondence from the period was located that dealt with the subject matter of your complaint, I am also satisfied that reasonable steps were taken to locate correspondence with the NRMA. Moreover, even

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<sup>1</sup> [www.mynrma.com.au/-/media/documents/advocacy/look-up-keeping-pedestrians-safe.pdf](http://www.mynrma.com.au/-/media/documents/advocacy/look-up-keeping-pedestrians-safe.pdf)

if there were grounds to believe meeting minutes existed, these searches would have located this information, in my view.

- 4.10 Accordingly, I have decided under section 58(1)(b) of the GIPA Act that information relating to items 5 and 6 is information not held by TfNSW.

## **5 Public interest test in respect of information held by TfNSW**

- 5.1 To decide whether or not there is an overriding public interest against disclosure of information contained in the records identified in the Table at Part 3.3 above, the public interest test is generally performed 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.
- 5.2 Section 12 of the GIPA Act further establishes the presumption of a public interest in favour of disclosure applying to government information generally.
- 5.3 After removing out-of-scope information from the records detailed at paragraph 3.3, I did not identify any public interest considerations against disclosure of the subject information. In the absence of any public interest considerations against disclosure, I have therefore decided, on balance, to release the identified information to you in full.

## **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 \$30 application fee counts as payment of one hour of the processing charges.
- 6.2 On 3 March 2025, you paid a 50% advance deposit, in the amount of \$220.50.
- 6.3 Your access application also noted that you were seeking a discount on the basis of the information being of a special benefit to the public. The matter was further discussed in correspondence between you and Mr Nick Yetzotis, dated 19 February. I will now address this request.

### *Consideration of special benefit to the public generally*

- 6.4 Section 66(1) of the GIPA Act provides that an applicant is entitled to a 50% reduction of a processing charge imposed by an agency, if the agency is satisfied that the information applied for is 'of special benefit to the public generally.'
- 6.5 Section 66(3) of the GIPA Act provides that the Information Commissioner may, for the assistance of agencies, publish guidelines about reductions in processing charges under this section. The Commissioner has published Information Access Guideline 2 (Guideline 2), titled 'Discounting Charges'.<sup>2</sup> It provides guidance on this issue and relevantly notes that 'applicants can also assist a decision maker in their consideration of a request for a discount in processing charges on the basis that the information applied for is of 'special benefit to the public generally.' However, your access request

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<sup>2</sup> See [Information Access Guideline 2 - Discounted Processing Charges](#) updated March 2023

does not provide any supporting information or additional explanation for the basis on which you consider the information is of a special benefit.

6.6 I have had regard to the guidelines in making this decision and to the (non-exhaustive) checklist at Appendix 1 to Guideline 2 which, amongst other things, poses the following questions as relevant to whether the information is of ‘special benefit’:

1. Does the information relate to an issue of public debate?
2. Does the information relate to an issue that is different from the ordinary or usual (e.g. environment, health, safety, civil liberties, social welfare, public funds etc)?
3. Does it interest or benefit the public in some other way? (e.g. assist public understanding about government functions)
4. Would release of the information contribute to further analysis or research?
5. Would the information add to the public’s knowledge of the issues of public interest?

6.7 I note in this respect that your correspondence of 19 February 2025 refers to both points 4 and 5 above as being relevant considerations in this instance and I will address in greater detail below.

6.8 In *Shoebridge v Forestry Corporation of NSW* [2016] NSWCATAD 93, at [23], (Shoebridge), the NSW Civil and Administrative Tribunal applied the guidelines and outlined relevant factors to be considered by an agency when deciding whether release of information would result in a special benefit ‘*to the public generally*’. These factors include:

1. An issue of public significance (in this case, public health and safety);
2. The application of public funds;
3. Proper record keeping and legislative compliance by the agency in the exercise of its functions;
4. The existence of a special interest group and the benefits of accountability and transparency of government decision-making; and
5. The need to ensure that citizens have sufficient information to enable them to actively participate and contribute to the consideration of relevant issues through submissions or enquiry.

6.9 Your correspondence of 19 February 2025 also addresses this aspect by referring to ‘Walk Sydney’s’ particular interest in the information, and your advice that the information is earmarked for broader publication on your blog, which receives media attention, or through ‘Better Streets’ or ‘WalkSydney’.

6.10 The NCAT decision in Shoebridge also concluded at [23] that:

*‘... a decision-maker must decide whether he or she is satisfied that there is a benefit that is different from what is ordinary or usual to the general public and thus not merely the private interests of the applicant alone’*

6.11 In Shoebridge, the Tribunal goes further in its assessment, however, by observing that ‘*when considering whether the information applied for is of “special benefit to the public*

*generally” it is necessary to construe that provision in its context’<sup>3</sup>, and goes on to note that when considering whether the information is ‘special’, this does not require it to be of ‘extraordinary or exceptional benefit to the community at large, but merely something which is different from the ordinary or usual.’<sup>4</sup>*

- 6.12 In considering the issues raised under Guideline 2, it occurs to me that, as the 90 second trial took place in early 2018 and was subsequently successfully implemented across most CBD pedestrian locations, any information relating to the trial, including the analytical and statistical information presented, is necessarily quite dated in nature and may not be representative or of particular relevance to current circumstances, noting, in particular the vastly changed landscape of the Sydney CBD since 2018, which includes the arrival of the CBD and South East Light Rail route, which postdated the trial, and resulted in a much more pedestrian friendly environment.
- 6.13 While acknowledging that the some of the information to be released in this instance may, in part, meet requirements of the elements discussed in Guideline 2, many of the categories of information sought are unlikely to be of great analytical or research value, or propel renewed public interest through the broadcast of dated information.
- 6.14 Overall, I am not satisfied that the information applied for is of special benefit to the public. Accordingly, no reduction in processing charges would be warranted on this basis.
- 6.15 Please see below the table of processing charges, which details how time was spent processing your application and the applicable charges:

Action	Time Estimate	Cost
<ul style="list-style-type: none"> <li>Confirm validity of application and assign to officer</li> <li>Consider terms of the application and request searches</li> </ul>	1/3 hour (spent)	\$10
<ul style="list-style-type: none"> <li>Searches performed by the relevant business area for information, i.e. Co-ordinator General</li> </ul>	7 hours (spent)	\$210

<sup>3</sup> *Shoebridge v Forestry Corporation [2016] NSWCATAD 93* at [18]

<sup>4</sup> *Ibid* at [22]

<ul style="list-style-type: none"> <li>Review of information retrieved, including compiling and considering information for release.</li> </ul> <p>The searches were conducted by TfNSW's Co-Ordinator General Division the Objective records management system and the email software.</p> <p>The searches were conducted by two staff members used terms from the application and located 206 individual records, which will need to be reviewed for relevance and ascertainment of the presence of any public interest considerations against disclosure.</p> <p>These records also include emails, which may have attachments that will also need to be reviewed.</p> <p>(NB: Review and de-duplication of the relevant records significantly exceeded 6 hours, however, only the original estimated hours were applied in this instance)</p>	6 hours (spent)	\$180
<ul style="list-style-type: none"> <li>Consultation with third parties the number of which is presently unknown</li> </ul>	0.5 hour (spent)	\$15
<ul style="list-style-type: none"> <li>Drafting decision letter and preparing information for release</li> </ul>	4.5 hours (spent)	\$135
<b>Total time estimated to be spent:</b>	18 1/3 hours	\$550
Counting the application fee as the first hour of processing		-\$30
Total remaining processing charges:		\$520
Minus advance deposit paid		\$220.50
<b>Balance payable</b>		<b>\$220.50</b>

**Instructions for EFT or direct deposit payment**

- 6.1 You may pay by Electronic Fund Transfer or direct deposit to the following bank account:

**Account Name:** Transport for NSW

**BSB:** 032-001

**Account Number:** 170518

**Description / Reference Number:** **25T-1151**

- 6.2 Please email your proof of payment to me at [natacha.doust@transport.nsw.gov.au](mailto:natacha.doust@transport.nsw.gov.au). We will email acknowledgement of receipt once payment is confirmed.
- 6.3 Please be aware that funds are not deemed received until they appear in our account. For transfers from other banks, this may take up to 2 working days.

**Instructions for payment by telephone**

- 6.4 You may also pay with a debit or credit card by calling us during business hours (9am – 4pm) on 02 9549 9904. Do not email or provide your credit card details to us in writing.
- 6.5 You can ask us for a review of the decision to impose processing charges. Please see Part 8 of this Notice for information about your review rights.

## **7 Review rights**

- 7.1 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).
- 7.2 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.

## **8 Disclosure Log**

- 8.1 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).
- 8.2 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.
- 8.3 I note that you have not objected to such disclosure. I have decided to include details of your application on the disclosure log.

## **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 me by email at [natacha.doust@transport.nsw.gov.au](mailto:natacha.doust@transport.nsw.gov.au) if you have any questions about this letter.

Yours sincerely,

*Natacha Doust*

**Natacha Doust**  
Senior Manager, Information Access