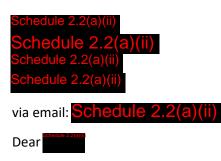
Our Ref: MCPFOI2022/21





FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by Major Projects Canberra (MPC) on 6 October 2022, in which you sought access to:

"A copy of any ministerial briefing or correspondence relevant to project delivery of Acton Waterfront development by the CRA from January 2014 until present. Ministerial briefing may include emails, Microsoft Teams messages, meeting agendas and summaries and attachments provided to Ministers".

Authority

I am an Information Officer appointed by the Chief Projects Officer under section 18 of the Act to deal with access application made under Part 5 of the Act.

Decision on access

Searches were completed for relevant documents and fifteen (15) documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

My decision in relation to the documents relevant to your request is summarised as follows:

- full release of one (1) document;
- partial access to seven (7) documents;
- Withhold access to seven (7) documents

My decision is detailed further in the following statement of reasons.

Statement of Reasons

In making my decision on disclosing government information, I must identify all relevant factors in schedules 1 and 2 of the FOI Act and determine, on balance, where the public interest lies. In reaching my access decision, I have taken the following into account:

Factors favouring disclosure in the public interest (Schedule 2, Section 2.1)

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

• (iv) ensure effective oversight of expenditure of public funds;

The release of this information may possibly help to create positive and informed discussions. I consider that disclosing the contents of the information sought could reasonably contribute to discussion of public affairs. I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing open discussion, I afford them significant weight.

Factors favouring non-disclosure (Schedule 1 Information disclosure of which is taken to be contrary to the public interest)

• Section 1.6 Cabinet information;

Multiple documents have been identified as being within the scope of your request, however, these documents contain information that is considered to be contrary to the public interest under section 1.6 of Schedule 1 of the Act. This information is Cabinet information, which is exempt from release. The purpose of Cabinet information being exempt from release is to maintain the confidentiality of the Cabinet process and to uphold the principle of collective ministerial responsibility. This exemption was discussed in The Commonwealth v Northern Land Council [1993] HCA 24; (1993) 176 CLR 604 (21 April 1993). Paragraph 6 of the decision, states that:

... it has never been doubted that it is in the public interest that the deliberations of Cabinet should remain confidential in order that the members of Cabinet may exchange differing views and at the same time maintain the principle of collective responsibility for any decision which may be made. "

In reviewing these documents, I note the requirements of schedule 1 section 1.6(2) of the Act which states that the exemption for Cabinet Information does not apply to 'purely factual information' unless the disclosure of the information would involve the disclosure of a deliberation or decision of Cabinet and the fact of the deliberation or decision has not been officially published. In the case of Parnell & Dreyfus and Attorney-General's Department [2014] AICmr 71, the Australian Information Commissioner stated that the term 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document or is embedded in or intertwined with the deliberative content in such a manner that it is impractical to separate it from the other content.

Having reviewed the documents, I consider that the purely factual information within the documents identified is an integral part of the deliberative content and as stated by the Commissioner, the analysis and views in the documents would be robbed of their essential meaning without incorporation of this material. I am satisfied that disclosure of this purely factual information would involve the disclosure of future deliberations and decisions of Cabinet.

The information in these documents that you have requested falls within section 1.6 of the Act as it is information which has been commissioned to inform Cabinet to guide its decision making and assist in its deliberations. It is therefore exempt from release under the Act.

Factors favouring non-disclosure in the public interest (Schedule 2, Section 2.2)

• Section 2.2(a) (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004, and

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government . I have considered this information and in my opinion the protection of individuals' personal details outweighs the benefit which may be derived from releasing them. I consider that individuals are entitled to expect that the personal information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals

• Section 2.2 (a)(x) prejudice intergovernmental relations;

The redevelopment of Acton Waterfront ongoing discussions and negotiations with Federal Government Departments and Agencies. I have considered to ongoing nature of these discussions and have decided on balance that revealing the status of the discussions at this time would reasonably be considered to adversely affect ongoing intergovernmental negotiations. I give this factor significant weight and consider the release of information in relation to these discussions at this time to be contrary to the Public Interest.

Charges

I have decided to waive any charges in relation to this Freedom of Information application.

Online Publishing – Disclosure Log

Under section 28 of the Act, MPC maintains an official online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to you access application will be published in the MPC disclosure log three (3) days after the date of the decision. Your personal contact details will not be published. You may view the MPC disclosure log at https://www.act.gov.au/majorprojectscanberra.

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 Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in the MPC 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: <u>actfoi@ombudsman.gov.au</u>

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal Level 4, 1 Moore Street GPO Box 370 CANBERRA CITY ACT 2601 Telephone: (02) 6207 1740 http://www.acat.act.gov.au Should you have any queries in relation to you request, please contact me by telephone on (02) 6205 5288 or email MPCFOI@act.gov.au.

Yours sincerely,



Clare Guest Information Officer **Major Project Canberra** 11 November 2022



FREEDOM OF INFORMATION REQUEST SCHEDULE

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: <u>https://www.act.gov.au/majorprojectscanberra/home</u>

FOI Referen	ce Number	Request Details					
MPCFOI2022/13		"A copy of any ministerial briefing or correspondence relevant to project delivery of Acton Waterfront development by the CRA from January 2014 until present. Ministerial briefing may include emails, Microsoft Teams messages, meeting agendas and summaries and attachments provided to Ministers".					
Ref No.	No. of Folios	Description	Date	Status	Reason for non-release or partial release	Open Access release status	
1.	1	Light Rail Stage 2 – 2020-21 Budget business cases Question Time Brief	4 April 2021	Partial	Out of Scope	Y	
2.	-	Email Correspondence	19 April 2021	Withheld	Schedule 2.2(a)(x) Prejudice intergovernmental relations & Schedule 1.6 Cabinet Business	Ν	
3.	2-5	Light Rail Project Board Meeting #91 Minutes	28 April 2021	Partial	Out of Scope & Schedule 1.6 Cabinet Business	Y	
4.	6-8	Project Board Paper – Item 02 LRSA Acton Waterfront access Arrangements	28 April 2021	Partial	Schedule 1.6 Cabinet Business	Y	
5.	-	Project Board Paper – Item 02a – Discussion Paper 02 LRSA Acton Waterfront access Arrangements	28 April 2021	Withheld	Schedule 1.6 Cabinet Business	Ν	

6.	-	Project Board Paper – Item 02b – Letter to Mr Malcolm Snow	28 April 2021	Withheld	Schedule 1.6 Cabinet Business	Ν
7.	-	Project Board Paper – Item 02c – Letter to Mr Duncan Edghill	28 April 2021	Withheld	Schedule 1.6 Cabinet Business	Ν
8.	9-10	Agenda Major Projects Canberra Meeting with Minister Steel	30 April 2021	Partial	Out of Scope	Y
9.	11	Advisory Note – Chief Minister	18 September 2021	Full		Y
10.	12-14	ACT Auditor-General's Report - Canberra Light Rail Stage 2A: Economic Analysis Question Time Brief	11 October 2021	Partial	Out of Scope	Y
11.	15-31	Raising London Circuit contract award announcement Arrangements Brief	1 July 2022	Partial	Out of Scope & Schedule 2.2(ii) Personal Privacy	Y
12.	-	LRS2a Project Update Presentation to the NCA Board	8 August 2022	Withheld	Schedule 2.2 (x) Prejudice intergovernmental relations	Ν
13.	-	Light Rail Project Board Meeting #108 Minutes	28 September 2022	Withheld	Schedule 2.2 (x) Prejudice intergovernmental relations	Ν
14.	32-35	Light Rail Project Board Meeting Paper Integration of strategic planning – Acton Estate and Light Rail	28 September 2022	Partial	Schedule 2.2 (x) Prejudice intergovernmental relations	Y
15.		Light Rail Project Board Meeting Paper Integration of strategic planning – Acton Estate and Light Rail Attachment B	28 September 2022	Withheld	Schedule 2.2 (x) Prejudice intergovernmental relations	Ν

hPortfolio/s: Transport

ISSUE: Light Rail Stage 2 – 2020-21 Budget business cases

Talking points:

Raising London Circuit

Out of Scope
The funds will be used to progress design of the 'Raised London Circuit' component of the Light Rail Stage 2A project. This will provide enhanced pedestrian connectivity between the City and the Acton Waterfront, as well as facilitate the delivery of light rail to Woden.

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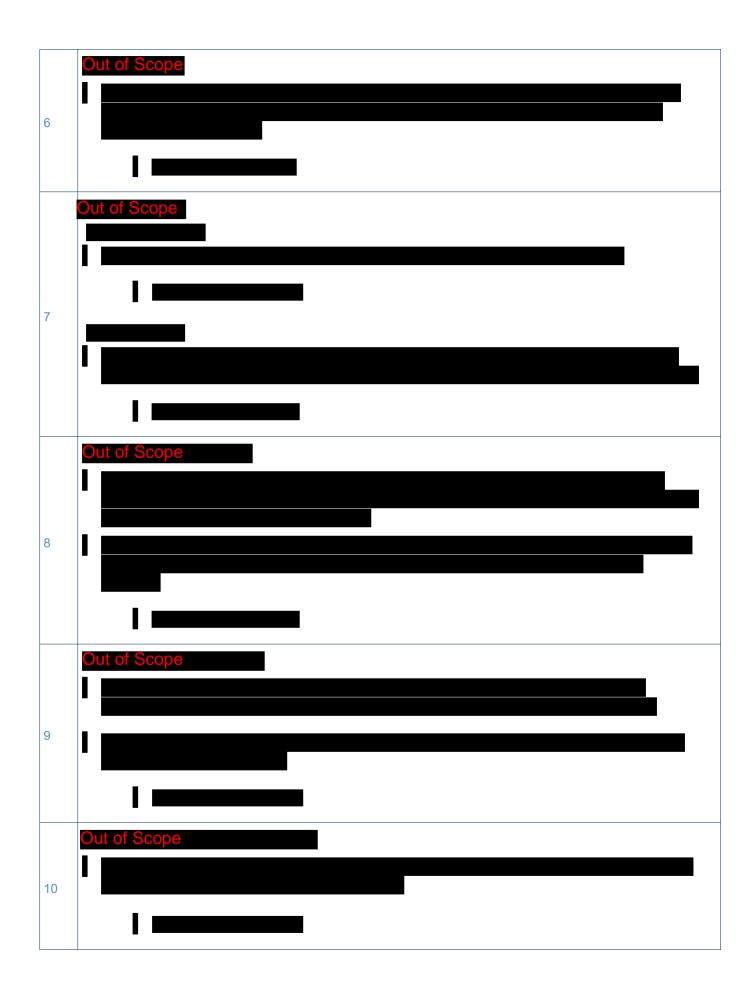
Minutes

Subject	ubject Light Rail Project Board Meeting #91		
Date	28 April 2021		
Location	Via video conference		
Prepared by	Louise Hild	er	
Members Pre	esent		
Greg Wilson		'GW:	Independent Chair
Michael Kerry		'MK'	Independent Member
Stephen Mine	rs	'DA'	Deputy Chair, Acting Under-Treasurer, CMTEDD
Alison Playfor	d	'AP'	Director-General, TCCS
Ben Ponton		'BP'	Director-General, EPSD
Malcolm Snow		'MS'	Chief Executive Officer, CRA
Attendees			
Nikki Pulford		'NP'	Secretariat, MPC
Louise Hilder		'LH'	Minutes Secretary, MPC
Ashley Cahif		'AC'	Project Director, Light Rail City to Woden, MPC
Jo Dawson		'JD'	Executive Branch Manager, Light Rail Operations, TCCS
David Asterak	i	'DA'	Director, Infrastructure Finance, CMTEDD
Wilhelmina Bl	ount	'WB'	Observer, CMTEDD

Apologies

Tania Navarro	'TN'	Senior Director, Communications, MPC
Duncan Edghill	'DE'	Chief Projects Office, MPC

No.	Item
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	Acton Waterfront/Commonwealth Avenue access arrangements
	 AC provided the Board with an update on the discussions between Major Projects Canberra (MPC) and the City Renewal Authority (CRA), outlining the agreed proposal for Acton Waterfront and Commonwealth Avenue access arrangements.
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	The Chair closed the Meeting at 12:45pm



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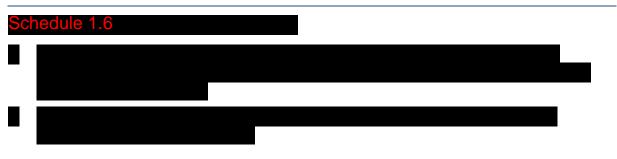
Light Rail Project

Light Rail Project Board Meeting Paper

Board Meeting Paper Details

Meeting Date:	28 April 2021
Agenda Item:	#02
Agenda Item Title:	Light Rail Stage 2A – Acton Waterfront / Commonwealth Avenue access arrangements
Paper Type:	For Approval
From:	Project Director, Light Rail, Major Projects Canberra
Drafted:	14 April 2021

Proposed Resolution



Purpose & context of this board paper

The purpose of this paper is to:

- provide an update to the Project Board on the agreement (subject to Board endorsement) reached between Major Projects Canberra (MPC) and the City Renewal Authority (CRA) on the proposed vehicle access into and out of Acton Waterfront from Commonwealth Avenue as part of the LRS2A baseline scope; and
- Schedule 1.6

Background

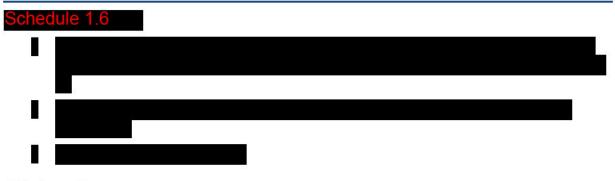
At the 31 March 2021 Board meeting, MPC presented the LRS2A baseline scope. The Board resolved:

Schedule 1.6
schedule 1.6 Schedule 1.6

Next Steps



Recommendation



Attachments

Attachment	Title	Author	Date
Schedule 1.6			

Agenda

IVIAJ	OR PROJECTS	CANBERRA MEETING WI	TH MINISTER STEE	L			
Date		Friday, 30 April 2021					
Time		12.00-1.00pm					
Locati	on	Webex link in calendar invite					
Direc	torate Attende	es					
Name	e	Position					
Dunca	ın Edghill	Chief Projects Officer, MPC	ef Projects Officer, MPC				
Ashley	/ Cahif	Light Rail Stage 2 Project Director					
Wayne	e Ford	CIT Woden Project Director					
Tania	Navarro	Senior Director, Communications a	nd Engagement				
Nikki F	Pulford	Executive Branch Manager, Ministe	erial, Governance and Corp	oorate Support			
	n Cunningham	Directorate Liaison Officer					
ltem No.	Agenda Item		Responsible Officer	Action			
1	 CRA - Ac Out of Out of Out of 	Scope ton Waterfront Scope Scope Scope		Out of Scope			
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4	Out of Scope						
	Standing items		Responsible Officer	Action			
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	Out of Scope						
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ADVISORY NOTE

Chief Minister

Subject	Performance Audit – Procurement and contracting for the Acton Waterfront				
Critical Date	In the normal course of business				
Chief Projects Officer	Duncan Edghill	//			
Deputy Chief Projects Officer	Shaun Strachan	//			
Executive Branch Manager, Governance and Ministerial Services	Nikki Pulford				

Purpose:

The purpose of this Advisory Note is to inform you that I, Duncan Edghill, have received a letter from Michael Harris, ACT Auditor-General, regarding a performance audit on procurement and contracting activities for the Acton Waterfront.

Background:

On 14 September 2021, I received an engagement letter from the ACT Auditor-General in respect of a performance audit of procurement and contracting activities for the Acton Waterfront.

The audit will focus on whether Government agencies have promoted public accountability and transparency in progressing the Acton Waterfront project; and made fair and reasonable procurement and contracting decisions for the Acton Waterfront project.

While the audit will primarily consider the activities of the City Renewal Authority and the former Land Development Agency, it will also examine related activities of Procurement ACT (and its forerunners) and Major Projects Canberra.

I understand that Head of Service and Malcolm Snow have received letters of a similar nature.

Noted / Please Discuss

Andrew Barr MLA Chief Minister

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..../..../....

Portfolio/s: Transport

ISSUE: ACT Auditor-General's Report - Canberra Light Rail Stage 2A: Economic Analysis

Talking points:

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Economic Analysis and Project Benefits

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- The benefits of Stage 2A are weighted toward city shaping (land use) and wider economic benefits. This is unsurprising given the relatively short 1.7km extension to Commonwealth Park, but with three light rail stops adjacent to City Hill, the Acton Waterfront and West Basin.
- The approach taken by the ACT Government's economic advisers to quantify the 'city shaping' benefits within the Stage 2A business case included an assumption that development of the Acton Waterfront would be accelerated (by two years) compared to a 'base case' without the impetus of Stage 2A.
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CHECK LIST FOR FUNCTION BRIEFS

(Reference only, please do not include)

- ☑ Function Brief Minister Template (please include list of invitees)
- ☑ Attachment A: Arrangements Brief
- Attachment B: Speaking notes
- ☑ Attachment C: Q&A
- ☑ Attachment D: Media Release
- ☑ Attachment E: Social media

Attachment A: ARRANGEMENTS BRIEF

	Raising London Circuit contract award announcement				
FUNCTION:	The next stage of light rail to Woden has progressed with the signing of the Raising London Circuit Main Works contract after a competitive tender process.				
	The purpose of this media event is to announce the successful delivery partner for the next stage of works, Abergeldie Contractors.				
VENUE:	Regatta Point Wet weather option is in the new media centre at Allara				
	House.				
HOST:	Name: Duncan Edghill, Chief Projects Officer, Major Projects Canberra Mobile: Schedule 2.2(a)(ii)				
DAY:	Friday				
DATE:	1 July 2022				
TIME:	10.00am				
TIME COMMITMENT:	45 minutes				
CATERING:	Nil				
DRESS CODE:	Business				
YOUR ROLE:	 Minister Steel to provide a short speech announcing the contract award, the benefits of the project and commencement of Coranderrk signalisation works. Duncan Edghill, Chief Projects Officer is available to speak or answer questions on any technical matters and high level details of the delivery program and Vernon Circle signalisation (if applicable). David Doctor, A/g Project Director Light Rail MPC, and [Mark Bruzzone – Chief Executive Officer] [TBC], Abergeldie Contractors are also available if required. Jim Corrigan – Acting Director-General TCCS is available to answer question relating to Coranderrk Street/Parkes Way intersection signalisation and the Disruption Taskforce. 				
	New renders (also as corflutes)				

8	
WHO WILL MEET YOU:	Duncan Edghill – Chief Projects Officer, Major Projects Canberra
ADVISOR ATTENDING:	Anton Gallagher / Louise Momber
AUDIENCE:	Media
VIPs:	Duncan Edghill – Chief Projects Officer, Major Projects Canberra David Doctor – A/g Project Director, Light Rail, Major Projects Canberra Malcolm Snow – CEO, City Renewal Authority Jim Corrigan – Acting Director-General TCCS Mark Bruzzone – Chief Executive Officer, Abergeldie Contractors
PAST INVOLVEMENT:	Previous announcements relating to RLC
	Out of Scope
ORDER OF CEREMONIES	 10.00am: Minister speaks and announces contract award and commencement of Coranderrk signalisation works. 10.10am: Questions Duncan Edghill and Jim Corrigan available to answer questions 10.30am: Photo opportunity 10.45am: Event concludes. This follows the contract signing at 220 London Circuit at around 9.00am (TBC).
MEDIA:	Draft media release has been prepared, see Attachment C
SOCIAL MEDIA ACCOUNTS	Social media channels utilised for light rail to Woden include: Transport Canberra and City Services: <u>https://www.facebook.com/TransportCanberra</u> ACT Government: <u>https://www.facebook.com/ACTGov</u>

OUTSTANDING REGULATORY ISSUES	N/A
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ATTACHMENT B: SPEAKING NOTES FOR

RAISING LONDON CIRCUIT CONTRACT AWARD ANNOUNCEMENT 10.00AM, FRIDAY 1 JULY 2022 CITY HILL, CANBERRA

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ATTACHMENT C: Q&A

Why is London Circuit being raised?



The project will support many of the additional infrastructure commitments the ACT Government has planned in the City Centre, including the extension of the light rail network to Woden, the renewal of the Canberra Theatre precinct and the Acton Waterfront boardwalk.



How does this contribute to the city centre's renewal?

Raising London Circuit alongside the future light rail extension to Commonwealth Park will accelerate the City Renewal Program for all Canberrans, by connecting Dickson, Northbourne Avenue, Haig Park, and Civic with Acton Waterfront and, in time, Woden.

These projects are integral to making the city an even better place to live and work, because great places are about connection, between both people and the built environment they use.

An increase in the number of businesses and residential properties between the city and lake and along the planned light rail corridor will support economic growth and help create more vibrant city spaces.

The Acton Waterfront, Raising London Circuit and the light rail extension projects will create high-quality urban environments that work together to

connect the people to the city and facilitate the community's enjoyment of the city.



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ATTACHMENT D: MEDIA RELEASE

CONTRACT AWARDED FOR RAISING LONDON CIRCUIT

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ATTACHMENT E: SOCIAL MEDIA POSTS FOR THE

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Light Rail Project

Light Rail Project Board Meeting Paper

Meeting Date:	28 September 2022
Agenda Item:	#07
Agenda Item Title:	Integration of strategic planning – Acton Estate and Light Rail
Paper Type:	For Endorsement
From:	Project Director, City Renewal Authority
Drafted:	20 September 2022

Board Meeting Paper Details

Proposed Resolution

That the Light Rail Project Board (Project Board):

- Note issues related to the planning for Acton Waterfront and Light Rail,
- Schedule 2.2(a)(x)
 Schedule 2.2(a)(x)

Purpose & context of this board paper

To advise the Light Rail Board of the planning for the Acton Waterfront Estate and the challenges to integrating the estate planning with the planning for light rail.

Background

The Acton Waterfront is located around the West Basin of Lake Burley Griffin. It is also bound by London Circuit and Commonwealth Avenue. The area will create a new city neighbourhood, extending the city to the lake with a cosmopolitan mixture of shops, businesses, cafes, recreations, tourist activities and accommodation.

The National Capital Plan envisages Acton Waterfront as a lively cultural and entertainment precinct on a waterfront promenade. The area will create a new city neighbourhood, extending the city to the lake with a cosmopolitan mixture of residential, shops, businesses, cafes, recreations, tourist activities and accommodation.

The City Renewal Authority (the Authority) is reviewing its master planning for the Acton Waterfront estate, to better resolve how future development will interface with the new public park, the lake and the city centre. This will culminate in an Estate Plan that takes into consideration infrastructure

projects such as Light Rail and the raising of London Circuit. The estate planning will be informed by an Urban Design Framework for Acton Waterfront.



Issue

The Estate Plan builds upon the existing planning context as outlined in the National Capital Plan and proposes to align the city street grid based on the Griffin Legacy as well as connect the city centre to the lake foreshore. This provides framing of the vistas from the city through to the lake and Brindabella ranges. The layout prioritises both pedestrian and cycle movement to and through the area, as well as access to the future stage of Light Rail.

Schedule 2.2(a)(x)	
Schedule 2.2(a)(x)	
Schedule 2.2(a)(x)	
Schedule 2.2(a)(x)	
Next Steps	

Schedule	2.2(a)(x)		
Schedule	2.2(a)(x)		

Recommendation

That the Light Rail Project Board (Project Board):

• Note issues related to the strategic planning for Acton Waterfront and Light Rail,



Attachments:

Schedule 2.2(a)(x)

Schedule 2.2(a)(x)

Attachment A