

In reply please quote 2018/13763/01



Government of South Australia

Department of Planning,  
Transport and Infrastructure

PEOPLE AND BUSINESS  
DIVISION

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Adelaide SA 5000

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Adelaide SA 5001

Telephone: 08 8343 2222  
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ABN 92 366 288 135

Stephen Mullighan MP  
PO Box 4100  
Seaton SA 5023

Dear Stephen Mullighan MP,

**NOTICE OF DETERMINATION - REQUEST FOR ACCESS TO DOCUMENTS  
UNDER THE FREEDOM OF INFORMATION ACT 1991**

I refer to your application made under the *Freedom of Information Act 1991* (the Act) which was received by the Department of Planning, Transport and Infrastructure on 5 June 2018.

You have requested access to:

*All minutes- briefings- notes- emails and correspondence from the DPTI to the Minister for Transport and Infrastructure regarding the Northern Connector Project 01/01/18 to 04/06/18.*

I wish to advise you that there are four documents within the scope of your request.

The period for processing your application has now passed. A determination was due on 5 July 2018. This means that DPTI is deemed by section 19(2)(b) of the Act to have refused access to the documents requested.

However, nothing prevents an agency from choosing to release documents to you under section 19(2a). Therefore, I am releasing to you documents 001 and 004 in part and refusing access to documents 002 and 003.

If the application had been processed within the statutory timeframe, I would have redacted the exempt information in accordance with Section 20(1)(a) and Schedule 1 Clauses 1(1), 6(1) and 7(1)(c) of the Act which state:

**20—Refusal of access**

- (1) An agency may refuse access to a document—  
(a) if it is an exempt document;

**1—Cabinet documents**

- (1) A document is an exempt document—  
(a) if it is a document that has been specifically prepared for submission to Cabinet (whether or not it has been so submitted); or  
(b) if it is a preliminary draft of a document referred to in paragraph (a); or

*(f) if it is a briefing paper specifically prepared for the use of a Minister in relation to a matter submitted, or proposed to be submitted to Cabinet.*

**6—Documents affecting personal affairs**

*(1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

**7—Documents affecting business affairs**

*(1) A document is an exempt document—*

*(c) if it contains matter—*

*(i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and*

*(ii) the disclosure of which—*

*(A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and*  
*(B) would, on balance, be contrary to the public interest.*

**Reasons for exemptions:**

**Documents 002 and 003 —  
Clause 1(1)(b) & 1(1)(f)**

The draft documents within the scope of this request are highly sensitive and drafted for the Minister to approve and present to Cabinet. They contain opinions, advice and recommendations from various arms of DPTI and are intended for consideration by Cabinet.

**Document 004—  
Clause 6(1):**

The information redacted under this clause contains the personal affairs of private individuals, who are not members of Parliament or acting in a commercial capacity. The release of this information would be an unreasonable disclosure of those personal affairs.

**Document 001—  
Clause 7(1)(c):**

The information redacted under this clause relates to business and financial affairs of the Agency and third parties. The premature disclosure of this information can reasonably be expected to have some adverse impact on the Agency's general business affairs; be that through affecting contractual negotiations, tenders, and competitiveness in sourcing funding.

In applying this clause I am obliged to consider the public interest for and against the release of information.

Factors in favour of release include:

- The public interest in fulfilling the objects of the FOI Act, and promoting openness and accountability within government.
- The public interest in scrutiny of government decision-making.
- The public interest in ensuring that public infrastructure needs are being met in the long term.

Factors against release include:

- The public interest in ensuring the effective conduct of the Agency's functions.
- The need for confidentiality to allow government to consider, consult, negotiate funding and otherwise measure the feasibility of projects.
- The public interest in ensuring that the Agency is able to achieve the best value for money when engaging with third parties and delivering projects.
- Public interest in encouraging the free exchange of ideas during deliberative processes, including through the frank and candid assessment of information.
- The extent to which premature disclosure may reveal sensitive information that may be misunderstood or misapplied by stakeholders—to the detriment of future projects.

Upon weighing these factors I consider that the public interest is balanced against release of the redacted information.

Attached is an explanation of the provisions of the Act which details your rights to review this determination, and the process to be followed.

In accordance with Premier and Cabinet Circular PC045, if you are given access to documents as a result of this FOI application, details of your application, and the documents to which access is given, will be published in the Agency's disclosure log within 90 days from the date of this determination. Any private information will be removed. A copy of PC045 can be found at <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>. If you have any objection to this publication, please contact us within 30 days of receiving this determination.

Should you have any enquiries concerning your application please contact [REDACTED]  
[REDACTED] Freedom of Information Officer, on [REDACTED]

Yours sincerely,

Sam Rodrigues  
Accredited Freedom of Information Officer

4 February 2019

**YOUR RIGHTS TO REVIEW**

**INTERNAL REVIEW**

If you are dissatisfied or concerned with the decision of this Agency regarding access to documents or the request for amendment to your personal records, you can apply for an Internal Review of that decision.

To apply for an Internal Review you must write a letter addressed to the Principal Officer or lodge an Internal Review application form with the Principal Officer of this Agency. The legislated application fee must accompany all applications, unless the fee was waived in the original Freedom of Information application, in which case there would be no fee payable for the application. The application must be lodged within 30 days after being notified of the decision.

The Agency will undertake the Internal Review and advise you of its decision within 14 days of receipt of the application.

Where the decision was made by the Minister or Principal Officer of the Agency, you are unable to request an Internal Review but you can apply for an External Review by the Ombudsman, or SACAT.

You are unable to apply for an Internal Review regarding a decision to extend the time limit for dealing with an application but you can apply for an External Review.

**EXTERNAL REVIEW BY THE OMBUDSMAN**

If the Agency does not deal with your Internal Review application within 14 calendar days (or you remain unhappy with the outcome of the Internal Review) you are entitled to an External Review by the Ombudsman SA.

You may also request an External Review by the Ombudsman if you have no right to an Internal Review.

The application for review by the Ombudsman should be lodged within 30 days after the date of a determination. The Ombudsman's Office, at their discretion, may extend this time limit.

Investigations by the Ombudsman are free. Further information is available from the Office of the Ombudsman by telephone on 8226 8699 or toll free 1800 182 150 (within SA).

**REVIEW BY THE SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (SACAT)**

If you are still dissatisfied with the decision made by this Agency after an Internal Review or after a review by the Ombudsman, you can request a review from SACAT.

You must exercise your right of review to SACAT within 30 calendar days after being advised of the determination or the results of any other Internal or Ombudsman Review. Any costs will be determined by SACAT, where applicable. For more information, contact;

South Australian Civil and Administrative Tribunal (SACAT)

Phone: 1800 723 767

Email: [sacat@sacat.sa.gov.au](mailto:sacat@sacat.sa.gov.au)

SCHEDULE OF DOCUMENTS - FREEDOM OF INFORMATION APPLICATION NUMBER 2018/13763/01						
Document Number	Description of Document	Date of Document	Author	Determination Release / Partial Release / Refuse Access	Schedule Clause Applied	
001	Minute Regarding SAPN Works	2018	DPTI	Partial Release	7(1)(c)	
002	Major Project Briefing	2018	DPTI	Refuse Access	1(1)(b); 1(1)(f)	
003	Draft Cabinet Submission	2018	DPTI	Refuse Access	1(1)(b); 1(1)(f)	
004	Minute Regarding Northern Connector Project	2018	DPTI	Partial Release	6(1)	

MINUTE

RECEIVED

19 APR 2018

Hon. Stephan Knoll

File 2018/13763/01 – Document 001



Government of South Australia

Department of Planning,  
Transport and Infrastructure

MINUTES forming ENCLOSURE to

2016/09575

**TO: MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**

**RE: NORTHERN CONNECTOR PROJECT, SA POWER NETWORKS (SAPN) ASSET INSTALLATION - PACKAGE SIX, STAGE 21 TO STAGE 23**

## BACKGROUND

The Northern Connector Project will deliver a six-lane, 15.5 kilometre (km) motorway (posted at 110km/h) providing a vital freight and commuter link between the Northern Expressway, South Road Superway and Port River Expressway.

The project includes four interchanges, and a shared use pedestrian and bike path extending the full length of the project (approximately 16 km), connecting with the Northern Expressway's Stuart O'Grady Bikeway, and extending (approximately 4 km) to Port Adelaide.

The \$885 million project is jointly funded by the South Australian and Australian Governments, with the Australian Government committing \$708 million and \$177 million from the South Australian Government. The main works contractor is Lendlease, with over 40% of works completed to date.

## DISCUSSION

In order to accommodate the new road alignment and associated infrastructure, various SA Power Networks' (SAPN) assets require relocation/reconfiguration and installation, in the salt pans.

SAPN need to progress the recommended concept design to detailed design, to enable the installation and connection of the 11kV networks for Stages 21 to 23.

7(1)(c) Business affairs

  
Jon Whelan  
**GENERAL MANAGER  
INFRASTRUCTURE DELIVERY**

  
Wayne Buckerfield  
**ACTING CHIEF CORPORATE OFFICER**

13 April 2018

17 April 2018

  
Julianne TePohe  
**ACTING CHIEF EXECUTIVE**

17 April 2018  
**APPROVED / NOT APPROVED**

  
**HON STEPHAN KNOLL MP  
MINISTER FOR TRANSPORT, INFRASTRUCTURE AND LOCAL GOVERNMENT**

23 April 2018



MINUTE



Government of South Australia  
Department of Planning,  
Transport and Infrastructure

MINUTES forming ENCLOSURE to:

17MTR/2238

**TO: MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

**RE: NORTHERN CONNECTOR PROJECT**

## **BACKGROUND**

On 16 November 2017, the Hon Zoe Bettison MP, Member for Ramsay, wrote to you on behalf of 6(1) Personal affairs, requesting her fence be heightened to reduce the impact of lights from traffic.

## **DISCUSSION**

The Northern Connector project team has had numerous conversations with 6(1) Personal affairs. Please see dot points below for the latest phone conversation conducted on 25 January 2018.

- On 25 January 2018, an officer from the project team contacted 6(1) Personal affairs to discuss her concerns. She was advised that an increase in her fence height may not mitigate traffic noise and that the independent expert advice is to install window treatments.
- 6(1) Personal affairs confirmed that she would prefer the fence height at the rear of the property raised and would forego the proposed noise treatments.

The project has undertaken to arrange for and cover the cost of increasing the height of 6(1) Personal affairs rear fence in lieu of the noise attenuation treatments. A local supplier will attend the property to measure and discuss fencing options with her.

## **RECOMMENDATION**

Attached is a suggested letter of response for your consideration.

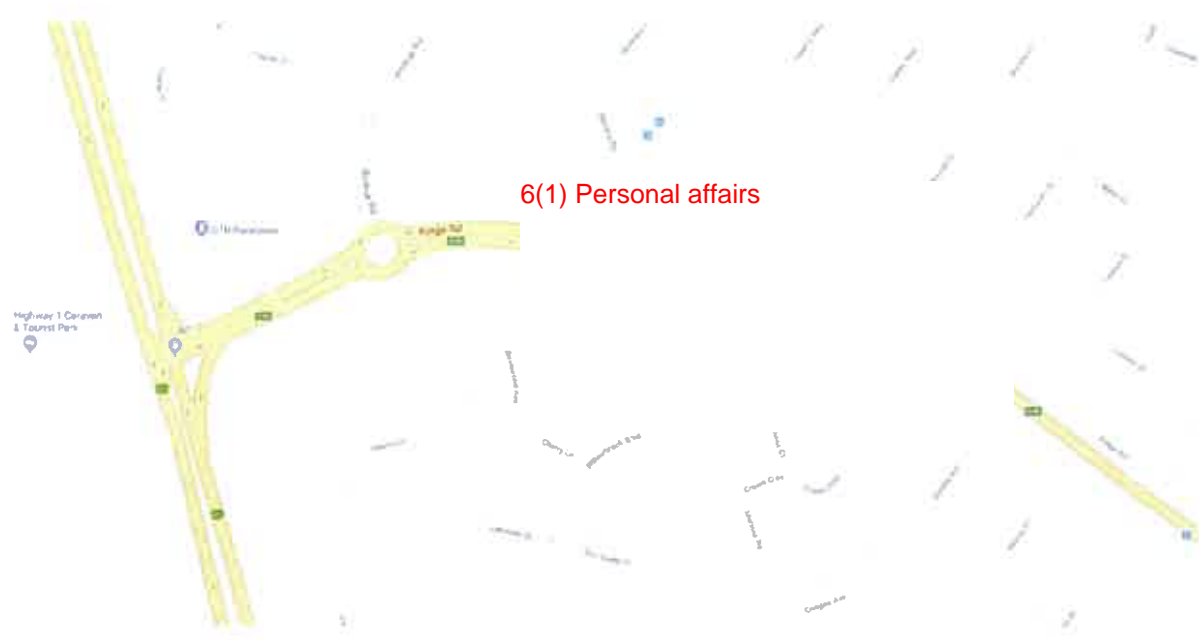
*Signed by CE – 16/02/18*

Michael Deegan  
**CHIEF EXECUTIVE**

16 February 2018



**LOCATION PLAN**



Hon Zoe Bettison MP  
Member for Ramsay  
2/40-42 Commercial Road  
SALISBURY SA 5108

Dear Ms Bettison

Thank you for your email on behalf of 6(1) Personal affairs , regarding the impact on her property from vehicle lights.

Firstly, I apologise for the delay in responding to your email.

I forwarded a copy of your email to the Department of Planning, Transport and Infrastructure (DPTI) and am glad to hear that an officer has been in contact with 6(1) Personal affairs to discuss her concerns in detail.

I can confirm that agreement has been reached and in lieu of noise attenuation treatments the Northern Connector project will arrange for and cover the cost of increasing the height of 6(1) Personal affairs rear fence. A local supplier will attend the property in the coming weeks to measure and discuss fencing options with her.

I trust this information is of assistance and will enable you to respond to 6(1) Personal affairs .

Yours sincerely

**HON STEPHEN MULLIGHAN MP**  
**MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

2018