

2 February 2026

Our ref: 26T-0783

Mr Geoffrey Turnbull
REDWatch Inc
140 Lawson Street
REDFERN NSW 2016

By email: spokesperson@redwatch.org.au

Dear Mr Turnbull,

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

Applicant:	REDWatch Inc
File reference:	26T-0783
Decision maker:	Steffany Ngu
Received date:	24 October 2025
Extended due date:	2 February 2026
Date of decision:	2 February 2026

1 Your access application

- 1.1 On 24 October 2025, Transport for NSW ('TfNSW') received your access application under the GIPA Act for the following information:

'1) In June 2022 Ethos Urban in its Social Infrastructure Study and Equity-Focused Health Impact Assessment prepared for Transport for NSW and exhibited as part of the Redfern North Eveleigh Precinct Renewal Paint Shop Sub-Precinct rezoning proposal said "Transport for NSW is investigating the feasibility of a second pedestrian rail crossing via a bridge or the reuse of tunnels between North Eveleigh and South Eveleigh" – see Section 15.3 Key strategic directions to deliver social outcomes when discussing Improving connections to key infrastructure in the area with reference to South Eveleigh (p161 of the exhibited report pdf).

2) In March 2023 Transport for NSW issued a publication entitled "Redfern North Eveleigh Precinct Renewal Project Paint Shop Sub-Precinct: Rezoning Proposal Approval"

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(attached). On page 4 of that publication under the heading “Linking North and South Eveleigh” Transport for NSW said:

” While a bridge is not part of the scope for the Paint Shop Sub-Precinct rezoning proposal, a potential future landing location was considered when developing the masterplan.

Subsequently, TfNSW and TAHE commissioned an engineering firm to investigate the potential for building a pedestrian bridge, reuse of existing or provision of a new tunnel connecting North Eveleigh to South Eveleigh. These investigations have found that the Redfern North Eveleigh Bridge will be a very challenging and expensive bridge to build and does not provide time saving opportunities or convenience for users at this location.”

These above references in Transport for NSW documents point to work specifically undertaken for Transport for NSW on the feasibility of delivering a connection between North and South Eveleigh. It may also be that work was carried out in the lead up to the Redfern North Eveleigh rezoning to ascertain if a bridge should be included or excluded from the exhibited proposal. The report referenced in the March 2023 document may reference earlier work undertaken for Transport for NSW on this subject.

REDWatch hence requests the release of reports, studies and/or assessments held by Transport for NSW dated between January 2020 and November 2025 which reference the financial, technical and / or engineering feasibility of delivering an active transport link between South Eveleigh and North Eveleigh.’

- 1.2 On 17 December 2025, we notified you that processing charges for dealing with your application were required. In particular, you were notified that it had already taken 3 hours 30 minutes to deal with your application and it was estimated it would take a further 10 hours to analyse the information, prepare a decision and provide access to information responding to the terms of your request.
- 1.3 On the basis of the estimate, it was anticipated that dealing with your application would likely cost \$405.00 calculated at \$30 per hour (the ‘processing charge’).
- 1.4 In the same letter, under section 68(1) of the GIPA Act, we requested that you make an advance payment of the processing charge (as an ‘advance deposit’) in the amount of \$187.50 by no later than 2 February 2026. The period within which the application was required to be decided stopped running until receipt of payment.
- 1.5 On 19 December 2025, we received payment from you of the advance deposit.
- 1.6 On 22 December 2025, 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, we extended the timeframe for deciding your application to 2 February 2026.
- 1.7 In your access application, you indicated a preference for receiving correspondence and a copy of the information by email at spokesperson@redwatch.org.au. 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 following areas of TfNSW have conducted searches:
 - Infrastructure Projects & Engineering (‘IPE’) Division
 - Property Development & Land Access

- Property Development & Divestment
- Planning, Integration & Passenger ('PIP') Division
 - Active Transport & Vibrancy
 - Active Transport Integration

2.3 Searches were conducted by 3 subject matter experts ('SMEs') within SharePoint, Microsoft Outlook and hard drives. The following key terms were used to conduct searches:

- | | |
|------------------|--------------------------|
| • Active | • North South Eveleigh |
| • ARUP | • Pedestrian |
| • Bridge | • Redfern North Eveleigh |
| • Cycle | • RNE |
| • Deck | • SCT |
| • Eveleigh | • South Eveleigh |
| • Mirvac | • Turf |
| • North Eveleigh | • WTP |

2.4 Information has been identified 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 some information under section 58(1)(a); and
- to refuse access to some information under section 58(1)(d).

3.3 Please see below a summary of my decision:

Record Ref.	Information	Act Ref.	Access
1	Redfern North Eveleigh Paint Shop Precinct: Bridge Catchment Analysis, dated 7 July 2023 <i>Information not relevant to the information applied for has been deleted pursuant to section 74</i>	s58(1)(a), s74	Full
2	Redfern North Eveleigh Bridge: Feasibility Study (Draft), dated 4 July 2023	s58(1)(a)	Full
3	Redfern North Eveleigh Crossing, dated 26 July 2023	s58(1)(a)	Full

Record Ref.	Information	Act Ref.	Access
4	Pedestrian Bridge Heritage Assessment, dated 6 August 2023 Information not relevant to the information applied for has been deleted pursuant to section 74	s58(1)(a), s74	Full
5	Redfern North Eveleigh Bridge: Feasibility Study Information not relevant to the information applied for has been deleted pursuant to section 74	s58(1)(a), s74	Full
6	Redfern North Eveleigh Paint Shop Precinct: Bridge Catchment Analysis, dated 11 October 2021 Information not relevant to the information applied for has been deleted pursuant to section 74	s58(1)(a), s74	Full
7	Presentation titled 'North to South Eveleigh Active Transport Link: Public Transport Projects-Optioneering Review v3', dated June 2025 Information not relevant to the information applied for has been deleted pursuant to section 74	s58(1)(a), s58(1)(d), s14 Table cl11(e) & 1(f), s74	Partial
8-10	Preliminary budget estimates for the development of an active transport link between North and South Eveleigh, prepared by WT Partnership	s58(1)(d), s14 Table cl11(e) & 1(f)	Refused

- 3.4 Under section 74 of the GIPA Act, when providing access to a copy of a record in response to an access application, 'TfNSWTfNSW can delete information from the copy of the record which is not relevant to the information applied for.
- 3.5 Some of the records above contain personal information, specifically the names, signatures and contact details of private sector employees. I have understood from the terms of your request that you do not wish to access this type of information, as your interest specifically lies in the feasibility of a pedestrian link between North and South Eveleigh. I therefore consider this information as being irrelevant to your application and have redacted it from the information for release under section 74 of the GIPA Act.

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:
- identifying any public interest considerations in favour of disclosure;
 - identifying any relevant public interest considerations against disclosure;
 - attributing weight to each consideration for and against disclosure; and
 - 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 In addition to the general public interest in favour of disclosure, I find the following considerations in favour of disclosure are relevant to your application:
- Disclosure of the information could reasonably be expected to inform the public about the feasibility and discussion around constructing an active transport link between North and South Eveleigh.
- 4.7 I have applied moderate weight to this consideration in favour of disclosure, noting that there is local community interest in the possible development of an active transport link between North and South Eveleigh.

Personal factors of the application

- 4.8 Under section 55 of the GIPA Act, I can also take into account any personal factors of your application. I have considered that you are a community group that represents and advocates for community members in Redfern, Eveleigh, Darlington and Waterloo.
- 4.9 I have considered the above as a factor in favour of disclosing the information to you.

Consultation

- 4.10 The information you requested includes information of third parties. Under section 54 of the GIPA Act, I was therefore required to consult with those third parties before releasing the information.
- 4.11 I have received no objections from 2 third parties to the release of their business information.
- 4.12 No response was received from 2 other third parties. I note that these third parties have neither consented nor objected to TfNSW releasing the information to you.

Public interest considerations against disclosure

- 4.13 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.

- 4.14 I have not identified any public interest considerations against disclosure as applying to Records 1 to 6.
- 4.15 I have identified the following considerations against disclosure as being relevant to Records 7 to 10: clauses 1(e) and 1(f).

Application of clauses 1(e) and 1(f): Records 7 to 10

- 4.16 Clauses 1(e) and 1(f) of the Table to section 14 of the GIPA Act relevantly provides:

1 Responsible and effective government

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects (whether in a particular case or generally):

...

(e) *reveal a deliberation or consultation conducted, or an opinion, advice or recommendation given, in such a way as to prejudice a deliberative process of government or an agency,*

(f) *prejudice the effective exercise by an agency of the agency's functions,*

...

- 4.17 For clause 1(e) to apply, I must establish that disclosing the information could reasonably be expected to reveal:

- a. a deliberation, or consultation conducted, or an opinion, or recommendation;
- b. in such a way as to prejudice the deliberative process of the agency.

- 4.18 The term 'reveal' is defined in Schedule 4 clause 1 of the GIPA Act to mean: '*to disclose information that has not already been publicly disclosed (otherwise than by lawful means*'. The term 'prejudice' is given its ordinary meaning, that is '*to cause detriment or disadvantage*' or to '*impede or derogate from*'.

- 4.19 The phrase 'deliberative process' has been given its ordinary meaning, specifically that it is a '*careful consideration with a view to a decision*'. Information that relates to an agency's deliberative process reveals its '*thinking processes*'.

- 4.20 For clause 1(f) to apply, I must establish:

- a. the relevant function of the agency;
- b. how that function would be prejudiced by release of the information; and
- c. how that prejudice could reasonably be expected to occur.

- 4.21 Notably, Part 1 to Schedule 1 of the *Transport Administration Act 1988* ('TAA') sets out the relevant functions of the agency as follows:

1 General functions of TfNSW

TfNSW has the following general functions —

(a) Transport planning and policy

Transport planning and policy, including for integrated rail network, road network, maritime operations and maritime transport and land use strategies for metropolitan and regional areas.

...

(c) **Transport infrastructure**

The planning, oversight and delivery of transport infrastructure in accordance with integrated transport and land use strategies and available financial resources, including prioritising of expenditure and projects across the transport system.

...

- 4.22 Part 2 to Schedule 1 of the TAA further elaborates on the agency's transport infrastructure functions as follows:

3 Transport infrastructure development

(1) TfNSW may —

- (a) *develop, establish, hold, manage and maintain transport infrastructure on behalf of the State, and*
- (b) *hold, manage, maintain and establish assets associated with transport infrastructure developed or proposed to be developed by TfNSW, and*

...

(2) *In this clause, a reference to developing transport infrastructure includes —*

- (a) *carrying out development for the purposes of or incidental to transport infrastructure (including development of land in the vicinity of transport infrastructure), and*
- (b) *facilitating, managing, financing or maintaining any such development, and*
- (c) *carrying out any function ancillary to any such development.*

(3) *In this clause —*

...

transport infrastructure includes —

- (a) *infrastructure associated with the use or operation of transport infrastructure, and*

...

- 4.23 Based on the above, I am satisfied that the agency has functions to plan and deliver future transport infrastructure projects, including consideration of a possible development of an active transport link between North and South Eveleigh (the 'RNE Active Transport Link').

- 4.24 Records 8 to 10 are preliminary budget estimates of active transport link options considered for the RNE Active Transport Link, and Record 7 contains an extract of those estimates, as well as information on forecasted project milestone dates. I note that the construction of an RNE Active Transport Link is an ongoing project and is therefore subject to an ongoing deliberative process by the agency. As this information is not publicly available, I am of the view that disclosure of this information would reveal the agency's '*thinking processes*'.

- 4.25 It occurs to me that premature disclosure of this kind of information could reasonably be expected to have a deleterious effect on the ongoing deliberations by the agency. I am of the view that the agency holds a legitimate interest in maintaining its ability to conduct full and frank communications to effectively plan and assess the direction of ongoing projects (including the construction of an RNE Active Transport Link) to achieve best value for the benefit of the NSW community, and that disclosure of the

information could reasonably be expected to deter business areas or their SMEs from providing open advice and conscientious information out of concern of premature public discussion and involvement at a preliminary stage of the decision-making process. It therefore occurs to me that disclosure of this information would prejudice not only the effective exercise of the agency's function to plan and deliver transport infrastructure projects but also have a detrimental effect on the deliberative process of the agency, through the premature release of cost estimates and project milestones contained in Records 7 to 10.

- 4.26 Additionally, the Tribunal has accepted that the premature formation of opinions about planning positions could reasonably be expected to pre-empt the outcome of deliberations and divert resources to deal with queries.¹ I am of the view that disclosure of Records 7 to 10 could also reasonably be expected to generate unnecessary workload and diversion of resources to deal with enquiries due to premature reliance on inconclusive information. I also consider the principle at section 15(e) of the GIPA Act, which prevents the agency from placing any restrictions or conditions on the further dissemination of information that is released. As disclosure of this information would be disclosure to the world-at-large, it could reasonably be expected that the agency would be required to divert resources to deal with queries based on premature discussion of the information that is subject to ongoing deliberations. This would, in turn, impact the agency's ability to effectively perform its functions in overseeing and managing ongoing projects including the RNE Active Transport Link.
- 4.27 Therefore, for these reasons set out above, I am satisfied that clauses 1(e) and 1(f) applies to Records 8 to 10, and some of the information in Record 7. Accordingly, I have attributed significant weight to these considerations against disclosure.

Balancing the public interest considerations

- 4.28 I have considered the relevant public interest considerations in favour of disclosure and balanced them against the identified public interest considerations against disclosure.
- 4.29 I acknowledge the presence of a public interest in the release of information regarding the development of an RNE Active Transport Link and have applied moderate weight to the considerations favouring disclosure of the information. I have also considered the personal factors of your application as a factor in favour of disclosing the information to you.
- 4.30 Moreover, I have taken into account the public interest considerations against disclosure outlined above under clauses 1(e) and 1(f). On balance, I have applied significant weight to these public interest considerations against disclosure.
- 4.31 Having weighed up all of the above, I have decided:
- a. for Records 8 to 10 and some of the information in Record 7, the balance lies against disclosure of the information and, accordingly, I have decided to refuse access to this information in full under section 58(1)(d) of the GIPA Act; and
 - b. for Records 1 to 6 and the balance of information in Record 7, the balance lies in favour of disclosure of the information and, accordingly, I have decided to provide access to this information under section 58(1)(a) of the GIPA Act.

¹ See discussion in *Giblin v Department of Planning* [2022] NSWCSATAD 232, particularly at [47].

5 Access

Form of access

- 5.1 Subject to payment of processing charges, a copy of the information that has been identified for release will be provided to you in a Portable Document Format ('PDF').
- 5.2 In accordance with section 74 of the GIPA Act, information that falls outside the scope of your application has been deleted from the information released.

Processing Charges

Discounted processing charges

Consideration 1: Special benefit to the public

- 5.3 I note that you requested a processing fee discount on the basis that the requested information is of special benefit to the public generally.
- 5.4 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 requested information is 'of special benefit to the public generally.'
- 5.5 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*'.² It provides some 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 requested information is of 'special benefit to the public generally.'
- 5.6 I understand from your email dated 19 December 2025 that you assert that "*information on deliberations on a bridge that has been added to planning controls after consultation and which has been unanimously supported by the City of Sydney Council and institutions surrounding the site*" is of special benefit to the public. However, beyond this assertion, your application does not provide any supporting evidence towards proving the basis on which you consider a special benefit to the public applies.
- 5.7 I have had regard to the guidelines in making this decision and to the (non-exhaustive) checklist at Appendix 1 to Guideline 2 which, among other things, poses the following questions as relevant to whether the information is of 'special benefit':
- Does the information relate to an issue of public debate?
 - 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)?
 - Does it interest or benefit the public in some other way? (e.g. assist public understanding about government functions)
 - Would release of the information contribute to further analysis or research?

² Information and Privacy Commission NSW, '*Information Access Guideline 2: Discounted processing charges*' (Web Page, March 2023) <https://www.ipc.nsw.gov.au/sites/default/files/2023-03/Information_Access_Guideline_2_Discounted_Processing_Charges_March_2023_0.pdf>.

- Would the information add to the public's knowledge of the issues of public interest?
- 5.8 In *Shoebridge v Forestry Corporation of NSW* [2016] NSWCATAD 93 at [23] (*'Shoebridge'*), the 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. These factors include:
- An issue of public significance (in this case, public health and safety);
 - The application of public funds;
 - Proper record keeping and legislative compliance by the agency in the exercise of its functions;
 - The existence of a special interest group and the benefits of accountability and transparency of government decision-making; and
 - 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.
- 5.9 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.'*
- 5.10 In considering the issues raised in Guideline 2, it occurs to me that the information responsive to your request relates to information which may be a matter of public debate, noting that there is local community interest and media attention regarding the development of an RNE Active Transport Link.
- 5.11 However the Tribunal In *Shoebridge* goes further in its assessment 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,*³ 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.'*⁴
- 5.12 While I acknowledge that the information requested in this instance meets the basic requirements of the elements discussed in Guideline 2, in my view the information which responds to the request falls short of meeting the description of information that is 'special' within the meaning ascribed by *Shoebridge*. In this respect it is relevant to note that the requested information relates to deliberative processes regularly conducted in matters of this kind and, consequently, are more routine than they are different to the ordinary or usual.
- 5.13 Overall, I am not satisfied that the information for release in this decision is of special benefit to the public generally.

Consideration 2: Non-profit organisation

³ *Shoebridge v Forestry Corporation* [2016] NSWCATAD 93 at [18]

⁴ *Ibid* at [22]

- 5.14 Despite the above, I note that REDWatch Incorporated is a non-profit organisation which represents and advocates for community members in Redfern, Eveleigh, Darlington and Waterloo.
- 5.15 As per clause 10(c) of the *Government Information (Public Access) Regulation 2018* ('GIPA Regulation'), an agency is required to reduce, by 50%, the processing charge payable if the applicant provides evidence that they are a non-profit organisation (including a person applying for or on behalf of a non-profit organisation).
- 5.16 As I am satisfied that REDWatch Incorporated meets the requirements for a discount under section 66(1) of the GIPA Act (as per clause 10(c) of the GIPA Regulation), the Table of Processing Charges below reflects this decision.

Table of Processing Charges

- 5.17 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.
- 5.18 Please see below the Table of Processing Charges, which details how time was spent processing your application and the applicable charges:

Action	Time	Cost
Consideration of the application (including identification of the most efficient way to conduct searches for records and requesting searches)	30 minutes	\$ 15.00
Searching for records (including compiling, assessing, recording and providing records to the decision maker)	3 hours	\$ 90.00
Consultation (4 third parties were consulted)	1 hour	\$ 30.00
Providing access in response to the application and other functions (review of information retrieved, including considering the application of any public interest considerations against release, compiling and preparing information for release)	6 hours	\$ 180.00
Decision making (drafting the decision letter)	2 hours	\$ 60.00
Total time:	12 hours 30 minutes	\$ 375.00
Discounting application fee (\$30) representing 2 hours of processing time as per section 66(1) of the GIPA Act:		-\$ 60.00
50% reduction in processing charges under section 66(1) of the GIPA Act:		-\$ 157.50
Less advance deposit paid on 19 December 2025:		-\$ 187.50

Action	Time	Cost
Balance of processing charges payable:		-\$ 30.00

Refund of \$30

- 5.19 I note that final processing charges are lower than previously estimated in our advance deposit letter dated 17 December 2025. As there is an outstanding amount owed by the agency to you, a refund of \$30 will be paid back to you. Please allow for up to 3 weeks for the refund to be processed by the agency.

6 Disclosure Log

- 6.1 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).
- 6.2 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.
- 6.3 I note that you have not objected to such disclosure. I have decided not to include details of your application in the disclosure log.

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 Further information

- 8.1 For your information and assistance, I have enclosed a fact sheet explaining your rights to have my decision reviewed.
- 8.2 Please do not hesitate to contact me by email at steffany.ngu@transport.nsw.gov.au if you have any questions about this letter.

Yours sincerely,



Steffany Ngu
Access & Compliance Officer