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# Agency Information Guide

## Government Information (Public Access) Act 2009

March 2022

## Contents

1. Introduction
2. About Infrastructure NSW
3. Ways in which Infrastructure NSW's objectives and functions affect the public
4. Information held by Infrastructure NSW
5. Enquiries under the *Government Information (Public Access) Act 2009*

## 1. Introduction

The Government Information (Public Access) Act 2009 (GIPA Act) came into effect on 1 July 2010. Under the terms of the GIPA Act, Infrastructure NSW must publish an Agency Information Guide each year to be reviewed every twelve months. This is Infrastructure NSW's Agency Information Guide for 2022.

The GIPA Act encourages government agencies to release more information, to ensure an open, accountable, fair and effective system of government in NSW. A copy of Infrastructure NSW's Agency Information Guide can be obtained free of charge on its website or by contacting the Right to Information Officer whose contact details are provided under section 5 below.

## 2. About Infrastructure NSW

Infrastructure NSW was established in 2011 under the Infrastructure NSW Act 2011 to assist the NSW Government in identifying and prioritising the delivery of critical public infrastructure for NSW. It is a NSW government agency established under the Infrastructure NSW Act and it exhibits important features of independence.

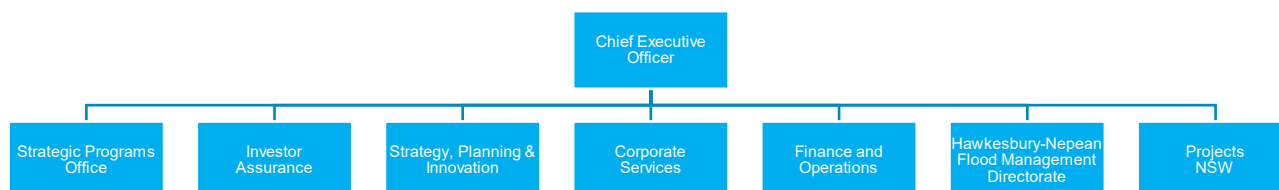
On 1 July 2019, under the State Revenue and Other Legislation Amendment Act 2019, the following entities were dissolved and the assets, rights and liabilities of the:

- UrbanGrowth NSW Development Corporation were transferred to Infrastructure NSW and Infrastructure NSW is taken to be a development corporation for the purposes of Part 3 and sections 27, 30, 32, 33 and 41 of the Growth Centres (Development Corporations) Act 1974.
- Barangaroo Delivery Authority were transferred to Infrastructure NSW.

Infrastructure NSW has an advisory Board and Audit and Risk Committee, and its Chief Executive Officer reports to the Minister for Infrastructure.

The Board provides general policies and strategic direction for Infrastructure NSW as well as advice to the Minister for Infrastructure and CEO of Infrastructure NSW on infrastructure matters. It comprises an independent Chairperson and five private sector members with relevant infrastructure sector experience, all appointed by the Minister, and the heads of the Departments of Premier and Cabinet, Planning, and Environment, and the NSW Treasury.

### Organisational structure



### Objectives and Functions

Under the Infrastructure NSW Act 2011, Infrastructure NSW is responsible for:

- developing the 20-year State Infrastructure Strategy and Five-Year Infrastructure Plans;
- preparing sectoral State infrastructure strategy statements;
- preparing project implementation plans for major infrastructure projects;
- reviewing and evaluating proposed major infrastructure projects by government agencies or the private sector and other proposed infrastructure projects;
- overseeing and monitoring the delivery of major infrastructure projects and other infrastructure projects identified in plans adopted by the Minister;
- carrying out or being responsible for the delivery of a specified major infrastructure project in accordance with an order of the Minister;
- assessing the risks involved in planning, funding, delivering and maintaining infrastructure, and the management of those risks;

- providing advice to the Minister on economic or regulatory impediments to the efficient delivery of specific infrastructure projects or infrastructure projects in specific sectors;
- providing advice to the Minister on appropriate funding models for infrastructure;
- co-ordinating the infrastructure funding submissions of the State and its agencies to the Commonwealth Government and to other bodies;
- carrying out reviews of completed infrastructure projects at the request of the Minister; and
- providing advice on any matter relating to infrastructure that the Minister requests.

On and from 1 July 2019, Infrastructure NSW is responsible for exercising development corporation functions in relation to the Bays Precinct pursuant to the Growth Centres (Development Corporations) Act 1974. This function includes to promote, co-ordinate, manage and secure the orderly and economic development of the growth centre under its responsibility.

On and from 1 July 2019, Infrastructure NSW is responsible for statutory functions under the Barangaroo Act 2009, including:

- promoting, procuring, facilitating and managing the orderly and economic development and use of Barangaroo, including the provision and management of infrastructure;
- promoting, procuring, organising, managing, undertaking, securing, providing and conducting cultural, educational, residential, commercial, transport, tourist and recreational activities and facilities at Barangaroo;
- developing and managing the Barangaroo Reserve and public domain so as to encourage its use by the public and to regulate the use of those areas;
- facilitating and providing for appropriate commercial activities within the Barangaroo Reserve and public domain that are consistent with their use for cultural, educational and recreational activities and the use and enjoyment of those areas by the public;
- promoting development within Barangaroo that accords with best practice environmental and town planning standards, is environmentally sustainable and applies innovative environmental building and public domain design;
- liaising with Government agencies with respect to the co-ordination and provision of infrastructure associated with Barangaroo; and
- undertaking the delivery of infrastructure associated with Barangaroo or that relates to the principal functions of Infrastructure NSW under the Barangaroo Act 2009.

From 4 March 2022, the Barangaroo Activation and Precinct Management functions and staff transferred to Place Management NSW within the Department of Planning and Environment.

### 3. Ways in which our Objectives and Functions affect the Public and Public Participation

Infrastructure NSW assists the NSW Government in identifying and prioritising the delivery of critical public infrastructure for NSW. It provides recommendations and advice, assurance of other agencies' capital works projects, prepares infrastructure strategies, plans and statements for the State and deliver selected major infrastructure projects. Its customer base is diverse, including other government agencies, local government, industry and the public.

While Infrastructure NSW does not have any regulatory or enforcement functions, it contributes to the state's economic prosperity and provides for improved outcomes for the community. Information on Infrastructure NSW's functions is available at [www.insw.com](http://www.insw.com), and further details are outlined below. The public can contact the agency with any enquiries via [mail@infrastructure.nsw.gov.au](mailto:mail@infrastructure.nsw.gov.au).

#### Expert advice

Infrastructure NSW provides strategic, expert advice to Government through undertaking research and analysis of current and emerging infrastructure trends, issues and opportunities.

As an expert advisor to the NSW Government on the State's infrastructure needs and priorities, Infrastructure NSW contributes to the state's economic productivity and improved liveability for the community.

Infrastructure NSW collaborates with Government at both State and Commonwealth levels, academia, industry, and the public. The provision of its advice is delivered through the production of infrastructure strategies and plans, development of policy and standards and responses to specific advice requested by the Minister for Infrastructure.

In Infrastructure NSW's capacity as Coordinator-General, it drives sectoral alignment and integration across Government to ensure project prioritisation and sectoral infrastructure plans are optimised within desired timeframes and funding envelopes by balancing the costs, risks and performance of infrastructure proposals against appropriate benchmarks and standards.

#### Project assurance

Infrastructure NSW assists the NSW Government to achieve its goal to deliver infrastructure projects on time and within budget and to meet community expectations for quality and functionality. This is done through the Infrastructure Investor Assurance Framework (IIAF), whereby Infrastructure NSW monitors the delivery of capital projects with a value of \$10 million and above that are being developed, procured or delivered by NSW Government agencies and businesses. It also shares insights and work to build the capability of public sector professionals engaged in the delivery of infrastructure projects.

This tiered, risk-based approach to the assurance evaluation ensures that the focus is on the most important and complex projects. While this work indirectly delivers economic and community benefits to the public, its key customers in this role are other government agencies and entities and they are responsible for public consultation activities.

#### Projects NSW

Projects NSW is a specialist delivery arm of Infrastructure NSW that manages the procurement and delivery of nominated priority projects to ensure world-class infrastructure for NSW.

Projects NSW also oversees two large scale urban renewal projects: the development of the Barangaroo precinct on the western waterfront of Sydney's CBD, and the unlocking of harbour foreshore at Blackwattle

Bay. Public participation in the delivery of the nominated priority projects, and the ongoing planning and development of the Barangaroo and Blackwattle Bay precincts is encouraged and facilitated through statutory exhibition processes, calls for submissions, consultative committees and various feedback channels.

## **Hawkesbury-Nepean Valley**

The Hawkesbury-Nepean Valley has the highest flood exposure in NSW because of its unique landscape and large existing population. The NSW Government is delivering the Hawkesbury-Nepean Valley Flood Risk Management Strategy, a long term plan to reduce and manage the risk of flooding in the region now and into the future. Infrastructure NSW together with a number of other agencies is working to deliver a number of the key outcomes of the strategy.

These include regional coordinated flood risk management; the proposed raising of Warragamba Dam; strategic and integrated emergency, land use and road planning; providing contemporary flood risk information; creating an aware, prepared and responsive community; improved weather and flood predictions; best practice emergency response and recovery; adequate local roads for evacuation; and ongoing monitoring and evaluation, reporting and improvement of the flood strategy.

This whole-of-government delivery framework benefits the communities of the floodplain as well as creating broader economic benefits to Greater Sydney and NSW.

To this end, Infrastructure NSW and other agencies involved in the implementation of the strategy continue to engage closely with impacted stakeholders.

## **Restart NSW**

Infrastructure NSW is responsible for making recommendations to the NSW Government for the allocation of funding from the Restart NSW Fund to infrastructure projects which improve the productivity and economic growth of NSW.

Final funding decisions are a matter for the NSW Government. Projects include significant infrastructure projects being delivered by other government departments, which are responsible for all project delivery functions, as well as a range of smaller projects being delivered by councils, non-government organisations and other entities who have participated in submission-based funding programs. These programs include Fixing Country Roads, a number of Regional Growth Fund programs and the first three rounds of the Safe and Secure Water Program, with assessment conducted in partnership with other government agencies and a Regional Independent Assessment Panel. These smaller projects are managed by way of a funding deed with recipients, administered by Infrastructure NSW on behalf of NSW Treasury. Community engagement for these projects remains the responsibility of the funding recipient.

## **Public Participation and Feedback**

Engagement with our stakeholders is critical for Infrastructure NSW, especially in designing and delivering infrastructure and services which meet multi-disciplinary Government outcomes.

Infrastructure NSW has been consulting and engaging with communities for a number of years, and communities are provided with information about upcoming projects and given the opportunity to provide feedback.

Consultation with communities includes:

1. Regularly updating the INSW website and individual project websites to provide information regarding policies, projects and initiatives.
2. Distributing project updates.

3. Hosting community consultation events in respect of our projects.
4. Meeting with community groups, relevant government agencies and key stakeholders.
5. Statutory consultation as part of environmental assessments.

Infrastructure NSW will continue to work closely with the community and key stakeholders to understand any issues of concern.

Infrastructure NSW has email addresses available and project updates/media releases to deliver messages and milestones.



## 4. Information held by Infrastructure NSW

Infrastructure NSW holds a significant amount of information about its operations. Much of this information is available free of charge on our website or can be obtained by contacting the Right to Information Officer whose contact details are provided under Section 5 below.

This information includes the following:

### (a) Our Policies

Those official policies which apply to Infrastructure NSW activities and are likely to affect the public, are available on our website (<https://www.infrastructure.nsw.gov.au/>). These are regularly reviewed and updated as required.

The Right to Information Officer can advise if there is a policy covering any of Infrastructure NSW activities which may be of interest. Subject to the provisions of the GIPA Act, this information will be provided free of charge.

### (b) Other Information

Infrastructure NSW makes available free of charge information relating to:

- advice to the Government including the State Infrastructure Strategy, the Hawkesbury-Nepean Valley Flood Risk Management Strategy, and Business Case summaries
- Infrastructure NSW Projects including project updates, contractual documents, planning approval, fact sheets
- Project Assurance including Trends and Analysis Infrastructure Investor Assurance Framework – Summary, NSW Gateway Policy, Business Case Toolkit
- Restart NSW including projects funded by the Restart NSW funding program
- industry engagement e.g. NSW Government Action Plan: a ten-point commitment to the construction sector, NSW Infrastructure Pipeline, case studies
- other publications and newsletters including our Annual Reports.

Most publications are available on our website (<https://www.infrastructure.nsw.gov.au/>). They can also be obtained by contacting the Right to Information Officer whose contact details are provided under Section 5 below.

### Contracts Register

Infrastructure NSW Contracts Register provides information about contracts as required under the GIPA Act. Infrastructure NSW will assess any request for information about particular contracts on its merits and will be as open as possible, while taking care to safeguard any legitimate claims to confidentiality.

## 5. Enquiries under Government Information (Public Access) Act

We welcome enquiries from members of the public via any of the following means:

|                |  |
|----------------|--|
| <b>Phone</b>   | Infrastructure NSW<br>Monday – Friday during business hours 9.00 am– 5.00 pm<br>Right to Information Officer: (02) 9216 5700 |
| <b>Website</b> | <a href="https://www.infrastructure.nsw.gov.au/">https://www.infrastructure.nsw.gov.au/</a>                                  |
| <b>Email</b>   | <a href="mailto:RightToInformation@infrastructure.nsw.gov.au">RightToInformation@infrastructure.nsw.gov.au</a>               |

### (a) Informal requests

A person can make an informal request for access to information by any means, including in writing, by email or by making an oral request for access. Upon receipt of an informal request, the Right to Information Officer will undertake the necessary steps in accordance with the GIPA Act to determine whether it is appropriate to release the requested information in response to an informal access application. No fee applies to the making of an informal request for access to government information.

### (b) Formal access applications

Although Infrastructure NSW is committed to releasing information without the need for a formal access application, in certain circumstances we may require a formal access application, particularly if:

- the information requested contains the personal or business affairs of another person;
- the information requested affects the business, commercial professional or financial interests of another person;
- there are significant public interest considerations that need to be taken into account in deciding whether to release the information to you;
- the request is large and may be time consuming.

If you are unsure whether to make an informal or formal access application for information, please contact the Right to Information Officer.

### (c) Lodging a Formal Access Application

A formal access application under the GIPA Act must be in writing and accompanied by an application fee of \$30. You can make an access application using an application form which is available on our website or by letter.

The GIPA Act requires that an access application must be a request for information, rather than for documents and must also include such information as is reasonably necessary to enable the government information applied for to be identified. This enables the application to be processed by applying the principles underpinning the GIPA Act, which are to provide prompt access to information at the lowest

possible cost. As a result, please describe as clearly as possible the information to which you are seeking access. Please send access applications, including the application fee to:

The Right to Information Officer  
Infrastructure NSW  
AON Tower, Level 27, 201 Kent Street, Sydney NSW 2000

#### **(d) Information that may not be not available in response to a Formal Access Application**

Although an access application may be made for any information, we may be unable to release information if there is an overriding public interest against the disclosure of the information.

Confidential, commercially sensitive and commercial-in-confidence information may not be available where its disclosure could affect Infrastructure NSW's ability to fulfill its objectives and functions.

Some examples of the information that we will be unable to release in response to an access application includes:

- Cabinet information (as defined in item 2 of Schedule 1 of the GIPA Act)
- Executive Council information (as defined in item 3 of Schedule 1 of the GIPA Act)
- Documents that are subject to Parliamentary or Legal Professional privilege.

#### **Access Applications Processing**

Infrastructure NSW must respond to all formal access applications within 20 business days, unless that date is extended under a number of possible relevant sections in the GIPA Act, by an additional 10-15 days, or by agreement between us if additional time is required due to the nature and volume of the information which is being sought. You will be advised as soon as possible of our response to your application.

In addition to the application fee, you may be required to pay additional charges to cover processing costs. If so, we will give you a statement of charges prior to proceeding with the processing. If we estimate that processing your application could take more than one hour you may be asked to pay a deposit in advance. A 50% reduction may apply in certain cases, such as if you are a pensioner, in financial hardship, or under 18 years of age, or on grounds of public interest.

When processing an application, we will endeavour to minimise the cost to you, and we may contact you to discuss ways to limit the cost of processing your application. You may appeal against the processing fees if you feel that they are unreasonable, and your right to challenge is not waived if the charges are paid. This allows you to proceed with your application, pending the outcome of the appeal.

Brochures explaining your rights under the Government Information (Public Access) Act are available from us (contact our Right to Information Officer).

The brochures are also available from the NSW Information & Privacy Commission as follows:

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|------------------|--|
| <b>Email</b>     | <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a> |
| <b>Phone</b>     | 1800 472 679   |
| <b>Fax</b>       | (02) 8114 3756   |
| <b>Post</b>      | GPO Box 7011, Sydney NSW 2001                                      |
| <b>In-person</b> | Level 17, 201 Elizabeth Street, Sydney                             |

## Policy Control

| Policy information      |  |
|-------------------------|--|
| Policy approver         | Executive Director, Corporate Services |
| Policy owner name       | Executive Director, Corporate Services |
| Policy version number   | 2.0                                    |
| Policy version date     | March 2022                             |
| Policy review cycle     | Annually                               |
| Next policy review date | March 2023                             |
| Policy location         | External                               |

| Revision history |               |        |  |
|------------------|---------------|--------|--|
| Version          | Approval date | Author | Description  |
| 1.0              | December 2020 | Legal  | New Policy   |
| 2.0              | March 2022    | Legal  | Amended to included further information on INSW's structure and arrangements for public participation. |