



ACT
Government

City and Environment

Our ref: CED FOI 25-016

[REDACTED]
Email: [REDACTED]

Dear [REDACTED]

Decision on Freedom of Information Access Application – CED FOI 25-016

I refer to your application made under section 30 of the *Freedom of Information Act 2016* (the FOI Act) received by the City and Environment Directorate (EPSDD) on 21 July 2025.

In your application, you have sought:

“... access to the following plans for the following properties: [REDACTED]

[REDACTED] We would like to review the approved plans for all these properties including: Area Plan Site Plan Floor plans Sections Elevations and any information which can give us an indication of approvals related to the above properties for the below aspects: Basements GFA and Plot Ratios Building Heights”.

Timeframes

In accordance with section 40 of the FOI Act, a decision on your access application must be made on or by 1 September 2025.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

Decision on Access

As the Information Officer under the FOI Act, it is my decision to refuse access to the requested building plans under section 35(1)(c) of the FOI Act, on the basis that the information is contrary to the public interest information.

Statement of reasons

In reaching my access decision, I have taken the following into account:

- the FOI Act
- the contents of the documents within the scope of your application
- the *Building Act 2004*
- the *Human Rights Act 2016*
- the *Freedom of Information (Volume 4 - Considering the Public Interest) Guidelines 2023*.

The FOI Act recognises the right of every person to obtain access, under its provisions, to government information (see section 7 of the Act). As an Information Officer, I am required to allow access to information subject to the FOI Act, unless disclosure would be contrary to the public interest.

Under section 35(1)(c) of the FOI Act, an agency may refuse to give access to information if the information is considered contrary to the public interest. In this case, the information requested falls within the scope of Schedule 1, clause 1.3(6) of the FOI Act, which provides that “*any other information the disclosure of which is prohibited by a secrecy provision of a law*” is taken to be contrary to the public interest.

A *secrecy provision* is defined in clause 1.3(7) as a provision that:

- applies to information obtained in the exercise of a function under the law; and
- prohibits people mentioned in the provision from disclosing the information, whether the prohibition is absolute or subject to stated exceptions or qualifications.

The relevant secrecy provision in this case is section 145 of the *Building Act 2004*, which restricts the provision of building plans to specific parties. It states:

145 Giving copies of documents

(1) Copies of plans submitted under the Act must not be given to anyone except in accordance with the instructions of—

- (a) the lessee or the owner of the parcel of land where the building to which the plans relate is erected; or
- (b) if the plans relate to a unit within the meaning of the [Unit Titles Act 2001](#)—the proprietor of the unit.

(2) Despite subsection (1) (b), if the plans relate to the common property of a units plan (whether or not the plans also relate to individual units), the following people are entitled to copies of the plans, including any documents attached to the plans:

- (a) the owners corporation for the units plan;
- (b) the owners corporation manager, if the owners corporation has given the manager written authority to have the plans.

(3) However, plans given to a person under subsection (2) must not include identifying information for the proprietor of a unit, other than the proprietor’s name.

This provision prohibits disclosure of building plans except in limited circumstances and therefore qualifies as a secrecy provision under the FOI Act. As you do not fall within the categories authorised to receive the plans under section 145, we are prohibited from disclosing these documents to you. Accordingly, disclosure of the information you have requested is taken to be contrary to the public interest under Schedule 1, clause 1.3(6), and access is refused under section 35(1)(c) of the FOI Act.

Charges

Charges are not applicable to this application.

Online Publication

Under section 28 of the Act, CED maintains an online record of access applications called a disclosure log. Your original access application, this decision and documents released will be

published in the CED disclosure log no earlier than three days after you receive this decision. Your personal contact details will not be published.

You may view the CED disclosure log at

https://www.cityservices.act.gov.au/about-us/freedom_of_information/disclosure-log

Ombudsman Review

My decision on your access application 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 disclosure log, or a longer period allowed by the Ombudsman. For more information and the application form for Ombudsman review, please visit:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

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 the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal

15 Constitution Avenue

GPO Box 370

CANBERRA CITY ACT 2601

Telephone: (02) 6207 1740

<http://www.acat.act.gov.au/>

Further Information

Should you have any queries in relation to your request please contact the Information Access Team by via email CEDFOI@act.gov.au or call (02) 6207 2987.

Yours sincerely



Craig Weller

Information Officer

Executive Branch Manager, Governance, Compliance and Legal

City and Environment Directorate

1 September 2025