



**ACT**

Government

City and Environment

OFFICIAL

Our ref: CED FOI 25-169

Dear [REDACTED]

### Freedom of Information – Notice of Decision

I refer to your application under section 30 of the Freedom of Information Act 2016 (the FOI Act), received by the City and Environment Directorate (CED) on 19 December 2025. It is my understanding you sought access to the following information:

- *All records from 2017 to present relating to building works, alterations, additions, improvements, structures and finishes of the Animal Referral Hospital (ARH) located at 364 Fairbairn Avenue, Pialligo (Block 17, Section 2, Pialligo, Majura, ACT) including, but not limited to, development applications, building approvals, certificates of occupancy, building specifications, assessments, inspections, photographs, drawings or any other document related to the ARH.*

I thank you for engaging with our office on 29 January 2026, in which you amended the scope of your application as follows:

- *All records from 2017 to present relating to external ramp and walkway finishes of the Animal Referral Hospital (ARH) located at 364 Fairbairn Avenue, Pialligo (Block 17, Section 2, Pialligo, Majura, ACT).*

### Timeframes

In accordance with section 40 of the FOI Act, CED was required to provide a decision on your access application within 30 working days. As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the FOI Act. Therefore, a decision is due on or by **4 March 2026**.

### Authority

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

### Decision on access

A search for CED records has been completed and three records within the scope of your application have been identified. The records are listed in the schedule at **Attachment A**.

I have decided to:

- **refuse** access to two records (building plans) as I consider the disclosure of the information to be contrary to the public interest.
- grant **full** access to one record.

The reasons for my decision are detailed in the *statement of reasons* section below. The record being released to you is provided at **Attachment B**.

### **Statement of reasons**

The FOI Act has a pro-disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application
- the *Building Act 2004*
- the ACT Ombudsman FOI Guidelines

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

#### **Schedule 1 – Information taken to be contrary to the public interest**

- Section 1.3 - Information disclosure of which is prohibited under law.

Two of the records identified contain information which 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(1)(a) 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.

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(1), we are prohibited from disclosing these documents to you.

In assessing the third record within scope, I have determined that as it is a schedule of flooring types, not a building plan, it is not subject to this secrecy provision.

#### Schedule 2 – Public interest test

##### *Factors favouring disclosure (Schedule 2.1)*

- Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.

I consider that disclosing the schedule of flooring types would contribute to informed debate about an issue of public interest. I have placed significant weight on this factor.

##### *Factors favouring nondisclosure (Schedule 2.2)*

- *No relevant factors have been identified.*

##### *Balancing the factors*

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that the information contained in the schedule of flooring types is in the public interest to disclose. Accordingly, I have decided to provide you with full access to this record. In line with the ACT Ombudsman Guidelines, where out of scope information is the only reason for redaction, it is taken to be a full release.

#### **Charges**

Processing charges are not applicable for this application because the number of pages released to you is below the charging threshold of 50 pages.

#### **Online publishing – Disclosure Log**

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

#### **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 CED's 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: [actfoi@ombudsman.gov.au](mailto: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  
GPO Box 370  
CANBERRA CITY ACT 2601  
Telephone: (02) 6207 1740  
[www.acat.act.gov.au](http://www.acat.act.gov.au)

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact the CED FOI team on (02) 6207 2987 or email to [CEDFOI@act.gov.au](mailto:CEDFOI@act.gov.au).

Yours sincerely

Signed electronically

Craig Weller  
Information Officer  
City and Environment Directorate  
4 March 2026