



By email: [REDACTED]

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 27 March 2026. Specifically, you sought the following information:

“A copy of final, approved versions of the following documentation relating to UP16699 (block 11, section 58, Denman Prospect):

- *Unit Title Application*
- *UTAR*
- *Units Plan*
- *Units Plan – Surveyor’s Checklist”*

Timeframes

In accordance with section 40 of the FOI Act, CED is 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. The timeframe has also been extended by your agreement. Therefore, a decision is due on or by **12 June 2026**.

Authority

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

Decision on access

A search for records held by CED 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:

- grant **full** access to one record.
- grant **partial** access to two records.

I have decided to refuse to deal with parts of your application under sections 43(1)(d) and sections 45(g) of the Act.

One record within the scope of your application, is available for purchase as part of the Land

Titles public register on the Access Canberra website: [Search the ACT Land Titles Register - Access Canberra](#).

Under section 43(1)(d) of the Act a respondent agency may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Section 45 sets out the circumstances in which government information is already available to the applicant. Those circumstances include where the government information is available for purchase (section 45(g)).

The reasons for my decision are detailed in the *Statement of reasons* section below. The records being released to you are provided at **Attachment B**, with redactions applied to any information contrary to the public interest to release.

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
- your views regarding the public interest
- the views of third parties consulted
- the *Human Rights Act 2004*
- the *Building Act 2004*.

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.*

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, some of the information within the scope of your application falls within 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.

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*

In reviewing the information within the scope of your application, I consider that disclosure would support transparency and accountability in government by allowing greater visibility of decision-making processes. It would also assist in promoting informed and constructive public discussion by providing access to information relevant to matters of public interest. I have given moderate weight to these factors.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*
- *Section 2.2(a)(xiii) - prejudice the competitive commercial activities of an agency.*

Two records within the scope of your application contain personal information relating to individuals, including details of residency. I consider that this information is not readily available to the public and has come into the possession of CED with the expectation that it be handled in accordance with the Territory Privacy Principles and the *Information Privacy Act 2014*. I consider that the disclosure of this information could reasonably be expected to prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*.

One record also contains commercially sensitive business information. The Valuation Report was developed based on the professional experience, knowledge, analysis and opinion of Valuations ACT. This information reflects proprietary valuation methodologies and professional judgement developed and applied during Valuations ACT commercial operations. I consider that public disclosure could reasonably be expected to adversely affect competitive commercial activities by diminishing the commercial value of the information.

Further, the public availability of the valuation approach could reasonably be expected to prejudice their trade secrets, business affairs and research.

I have placed substantial weight against these factors.

Balancing the factors

In balancing the factors favouring disclosure against those favouring nondisclosure, I have carefully considered the public interest in promoting transparency, accountability and informed public debate. I acknowledge that disclosure of certain information would advance these interests, particularly where it relates to the government's operations and the context surrounding government decision-making.

However, I must also consider the strong public interest in protecting personal privacy and safeguarding the legitimate business affairs of third parties. In several instances, the likelihood and degree of prejudice that could result from disclosure would be significant. I consider that the disclosure of commercially sensitive information that is generally unknown to the public is likely to prejudice the trade secrets and business affairs of Valuations ACT, including giving valuable insight and advantage to their competitors.

On balance, I find that the factors against disclosure carry greater weight than the factors favouring disclosure for the relevant information.

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that some information contained in the records is not in the public interest to disclose. Accordingly, I have redacted this specific information under section 50(2) of the FOI Act.

Consistent with the pro-disclosure intent of the FOI Act, I am satisfied that redacting only the information that is contrary to the public interest ensures compliance with the FOI Act while still providing access to the majority of the information held by CED within the scope of your application.

Charges

Processing charges are not applicable for this application because the fee has been waived in accordance with section 107 of the FOI Act.

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.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT 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 FOI 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 the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

(signed electronically)

Helen Stoddart
Information Officer
City and Environment Directorate
11 June 2026