

## User Guide 48 VCAT Response to Decision to Grant Enquiry Form

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### Purpose of this User Guide

The purpose of this User Guide is to provide assistance to VCAT about how to prepare a Response to Decision to Grant Enquiry Form in SPEAR.

Who should read this?

Primary audience: **VCAT**

For information: **Responsible Authorities**

### Introduction

The *Planning and Environment Act 1987* provides that if a planning application receives objections, the Responsible Authority must issue a Notice of Decision (NOD) to the applicant, as well as any relevant Referral Authority and each objector, and a Decision to Grant Enquiry Form is sent to VCAT. Once a notice has been given, the Responsible Authority cannot issue the permit until the end of the period in which an objector may lodge an Application for Review, or (if an Application for Review is made) until VCAT directs that a permit should be issued.

If an Application for Review has not been lodged at the end of the statutory NOD period (default setting of 21 days), VCAT can prepare a Response to Decision to Grant Enquiry Form in SPEAR.

In the event that an Application for Review has been received, refer to User Guide 17 for information on VCAT's handling of an Application for Review that was received outside of SPEAR (i.e. in paper).

#### 48.1 How and when does VCAT prepare a Response to DGE Form in SPEAR?

VCAT can prepare a 'Response to Decision to Grant Enquiry' in SPEAR anytime after receiving the initial DGE Form from the Responsible Authority.

During the NOD period, VCAT will see an optional action to 'Add Response to Decision to Grant Enquiry' on the Details Screen. (The NOD period is set to 21 days but can be changed upon request by contacting the SPEAR Service Desk).

After the prescribed NOD period (provided an Application for Review has not been submitted against the NOD) VCAT will see a mandatory action to 'Add Response to Decision to Grant Enquiry' on the Details Screen, as shown below.

[Objectors](#) [No objections](#) [\(show\)](#)  
**VCAT - Actions required** [\(hide\)](#)  
**Actions**  
 Add Response to Decision to Grant Enquiry Action required [\(View Decision to Grant Enquiry\)](#)  
 Other Actions...

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Once selected, you will be taken to the Add Response to Decision to Grant Enquiry screen, and will be required to select the date and time at which VCAT determined that no Application for Review has been received at the office, as shown on the following page.

**Add Response to Decision to Grant Enquiry**

In response to Decision to Grant Enquiry as to whether an Application for Review has been lodged with VCAT by an Objector under Section 82 of the Planning and Environmental Act 1987 VCAT advises that:

As at Date/Time   Date/Time

No Application for Review received at the office:

Su	Mo	Tu	We	Th	Fr	Sa
23	24	25	26	27	28	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

Time: 12:00 am

Hour:

Minute:

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You will be required to select the date and time from the Date Picker (Calendar icon), selecting the time by using the scroll bars corresponding to hour and minute. You can also click on the  button at the bottom of the Date Picker if you want the current date and time selected automatically. Once you have nominated the date and time, click on the  button on the date Picker followed by 'OK' on the screen.

Remember, the action 'Add Response to Decision to Grant Enquiry' is not completed until it has been password authenticated from the Details Screen.

**NOTE: The action to 'Add Response to Decision to Grant Enquiry' will not be available to VCAT if the VCAT Flag has already been set (i.e. if an Application for Review has been submitted against the NOD).**

## 48.2 Notifying the Responsible Authority

Upon authentication of the Response to Decision to Grant Enquiry, SPEAR will automatically send an email notification to the Responsible Authority to advise that no Application for Review has been received at VCAT and a mandatory action is placed on the Responsible Authority to issue a planning permit.

VCAT is not required to submit a Response to Decision to Grant Enquiry via fax if the response has been prepared and submitted in SPEAR.

## Need more information?

Further information on this topic can be found by:

- Visiting the SPEAR website [www.spear.land.vic.gov.au/SPEAR](http://www.spear.land.vic.gov.au/SPEAR)
- Contacting the SPEAR Service Desk on 8636 3049 or email [spear.info@delwp.vic.gov.au](mailto:spear.info@delwp.vic.gov.au)
- Selecting the Help link in the relevant area of the system.