

## User Guide 17 Victorian Civil and Administrative Tribunal

---

### Purpose of this User Guide

The purpose of this User Guide is to provide information on how the Victorian Civil and Administrative Tribunal (VCAT) processes are handled in SPEAR when an Application for Review is lodged against a SPEAR application by a registered applicant.

### Who should read this?

Primary audience: **VCAT**

For Information: **Applicant Contacts** and **Responsible Authorities**

### Introduction

The Planning and Environment List is part of VCAT, an independent Tribunal, which hears and decides applications by permit applicants, objectors and others in an informal, expeditious manner and upon their merits. The Planning and Environment List hears and determines:

- applications to review decisions made by Responsible Authorities (Local Government Authorities) under a number of Acts of Parliament,
- applications for enforcement orders, applications to cancel or amend permits and applications for declarations relating to the use and/or development of land under the *Planning and Environment Act 1987*.

Currently, VCAT can perform the following actions in SPEAR:

- add a VCAT reference number
- maintain Application for Review details
- add correspondence or other documents into SPEAR (for viewing by other parties)
- add one or multiple VCAT orders to each Application for Review
- set and clear the VCAT flag in SPEAR
- process multiple Applications for Review to the one permit application (either simultaneously or separately).

**NOTE: SPEAR currently supports the online lodgement of Applications for Review by the Applicant Contact for a range of Application for Review types only. See User Guide 49 for details. All other review types MUST continue to be submitted to VCAT in paper.**

The following VCAT Application for Review types are handled in SPEAR:

- a refusal to grant a planning permit (s.77)
- the requirement to give notice of an application for permit (s.78(a))
- the requirement of the Responsible Authority for more information (s.78(b))
- failure to grant a permit within the prescribed time (s.79)
- conditions in a permit (s.80)
- a refusal to extend time on a permit by the Responsible Authority (s.81 (a))
- failure to extend time on a permit by the Responsible Authority (s.81(b))
- refusal of the Responsible Authority to extend time in which to provide information (s.81(2))
- a decision to grant a permit (s.82 (1))
- a decision to grant a permit under sec 82b (s.82b),
- Application for Review (s.149).

VCAT has a unique role to play within SPEAR, and as a result of this, VCAT is the only user of the SPEAR system who is able to search for, and view details of, all applications which are either classified as 'planning' (use and development planning permits) or 'joint' (where a certification/statement of compliance application includes a subdivision planning permit).

---

## 17.1 VCAT options

To perform actions in SPEAR, you must first login. Open the SPEAR homepage at [www.spear.land.vic.gov.au/SPEAR](http://www.spear.land.vic.gov.au/SPEAR).

When you have logged in, you will be presented with the permit Application List screen, shown below. From here you can search, sort and filter applications. To view the details of a particular permit application, click on the hyperlinked property address in the 'Property' column.

Action Req	Property	SPEAR Ref	Responsib Authority	Responsib Authority Ref	Applicant Contact Organisati	Applicant Ref	Status	Plan Number	Submitted	Advertised	Objected	Appealed	Hosted
	<a href="#">122-138 THOMAS STREET, DANDENONG VIC 3175</a> Infinity Watergardens	S039587A	Dandeno...	121212,...	Ron Surv...	ARef-787...	Referred	PS716414F	26/03/2014	<input checked="" type="checkbox"/>			
	<a href="#">2/8 HARKER STREET, SUNBURY VIC 3429</a> Morgan Estate	S039585H	Hume Cit...	PRN1000...	Brilliant S...	RS12675...	Released...	PS71317...	26/03/2014				
	<a href="#">18 SHEFFIELD STREET, PRESTON VIC 3072</a>	S039584M	Darebin...	543, 324	Bell Surv...		Permit De...		25/03/2014				
	<a href="#">7001/7 RIVERSIDE QUAY, SOUTHBANK VIC 3006</a> Unit_Number_Search	S039583S	Melbourn...	45656, 5...	Brilliant S...		Released...	PS713170Y	25/03/2014				

All VCAT actions are initially located on the permit application Details Screen. To view these actions, click on the VCAT section of the Details Screen, then select the task you wish to perform from the 'Actions' drop down list. Once a review has been added, a new VCAT Reviews screen is generated and future actions occur within that screen.

Summary	Details	Contacts	Guests
<p>Return to Application List   View Document Rules   Settings   Contact Us   Help   Logout</p> <p>264 HARVEST HOME ROAD, WOLLERT VIC 3750 R12, DCPO, DPO, VPO Whittlesea City Council Planning Permit and Certification Dooling Type: Section 23 (Removal of Ea... Application Status: Permit Decision Pending References: SPEAR Ref # - S018141C</p>			
<p>Planning &amp; Subdivision Applications Online Mister VCAT (VCAT) (Password Approval User)</p>			
<p>Applicant Contact - Oberon Surveys Pty Ltd has actions required (show)</p> <p>Responsible Authority - Whittlesea City Council has actions required (show)</p> <p>Referral Authorities - Actions required (show)</p> <p>Objectors - No objections (show)</p> <p>VCAT - No actions required (hide)</p>			
<p>Actions</p> <p>Other Actions... go</p> <p>Other Actions...</p> <p>Display Add Application for Review Details</p> <p>Copy Add Other Document Type</p> <p>SPEAR Clear VCAT Flag</p> <p>SPEAR Set VCAT Flag</p>			

## 17.2 Maintain application for review details

Using SPEAR, a VCAT officer can identify and nominate the Application for Review type relevant to the permit application. To do this, go to the Details Screen, expand the 'Actions' drop down list and select 'Add Application for Review Details'.

A new screen will appear, showing a list of Application for Review types, as prescribed in the *Planning and Environment Act 1987*. In the event that more than one Application for Review applies to the one permit application, the VCAT officer will be asked which Application for Review is being updated, as shown below.

Return to Application List | Contact Us | Help | Logout

Planning & Subdivision Applications Online | Miles VCAT (VCAT) (Password Approval User)

344 HIDEVIEW HOMER ROAD, WOLLSEY VIC 3750  
R.T. 2 (C/20) (D/L) 303  
Whittlesea City Council  
Planning Terms and Conditions  
Dealing Type: Section 22 (Removal of EA ...  
Application: Section 22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

VCAT Reference No

You are about to notify Whittlesea City Council that an Application for Review has been lodged at VCAT for SPEAR Reference Number S018141C.  
Please enter the VCAT reference number applicable to this Application for Review:  
new VCAT reference number: \_\_\_\_\_

Application for Review

Please indicate what the Application for Review was against:

- a decision to refuse permit (PEA s.77)
- a requirement to give notice of an application for permit (PEA s. 78(a))
- a requirement of the responsible authority for more information (PEA s. 78(b))
- a failure to grant a permit within the time prescribed (PEA s. 79)
- conditions in a permit issued (PEA s.80)
- a refusal to extend time on a permit by the responsible authority (PEA s.81(a))
- a failure to extend time on a permit by the responsible authority (PEA s.81(b))
- a refusal to extend time within which information must be supplied to the responsible authority (PEA s.81(2))
- a decision to grant a permit by the responsible authority (PEA s.82(1))
- a decision to grant a permit by the responsible authority - seek leave (PEA s.82(b))
- request cancellation or amendment of a permit (PEA s.87 / s87a / s89)
- request an enforcement order (PEA s.114)
- a review of a decision of a specified body (PEA s.149)
- Other: \_\_\_\_\_

Comments (These comments will be included as part of the notification to the Responsible Authority)

\_\_\_\_\_

notify cancel

Disclaimer | Privacy Statement | Copyright © 2015-2016 Government of Victoria | SPEAR Version: 3.4.0.827

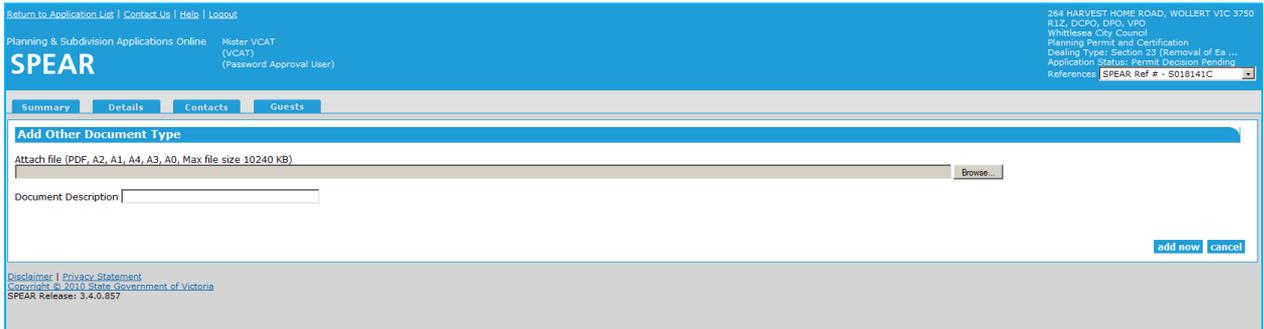
Authenticating this action will send an email notification advising the Responsible Authority that an Application for Review has been submitted and trigger the VCAT REVIEW flag to be set in SPEAR. The VCAT REVIEW Flag can be seen in red font on the Summary Screen above the list of 'Milestones'.

If a separate current Application for Review already applies to the permit application, the VCAT REVIEW Flag will have already been set by that application.

## 17.3 How do I add a document?

VCAT officers have the option to add PDF documents to a SPEAR application. This feature can be used when VCAT need to add an 'Other' document type relating to the Application for Review, or a Tribunal Instructions. A list of these uploaded documents will be shown under the VCAT section of the Details Screen.

To do this, go to the Details Screen, expand the 'Actions' drop down list and select 'Add Other Document Type' or 'Add Tribunal Instructions'. This presents the following screen, which allows the VCAT officer to upload a PDF document into SPEAR and include a brief document description.



The screenshot shows the SPEAR web interface. At the top, there is a navigation bar with links for 'Return to Application List', 'Contact Us', 'Help', and 'Logout'. The user is logged in as 'Nider VCAT (VCAT) (Password Approval User)'. The application details include '264 HARVEST HOME ROAD, WOLLERT VIC 3750', 'R122 (C2PO) (PO), MPO', 'Whittlesea City Council', 'Planning Permit and Certification', 'Dealing Type: Section 23 (Removal of Ea ...', 'Application Status: Permit Decision Pending', and 'References: SPEAR Ref # - S018141C'. The main content area is titled 'Add Other Document Type' and contains a file upload field with the text 'Attach file (PDF, A2, A1, A4, A3, A0, Max file size 10240 KB)' and a 'Browse...' button. Below this is a 'Document Description' text box. At the bottom right of the form are 'add now' and 'cancel' buttons. A footer contains a disclaimer, privacy statement, copyright notice for 2010 State Government of Victoria, and the SPEAR release version 3.4.0.857.

**NOTE: Other parties to the application will not be notified that an 'Other Document' has been uploaded into SPEAR, although they will be able to view the documents.**

## 17.4 Add a VCAT order

VCAT officers have the option to add a VCAT Order document to an application. More than one Order document can be uploaded to each application. This can be in the form of an attached PDF or by using the free form text box. To do this, go to the Details Screen, expand the 'Actions' drop down list and select 'Add VCAT Order'.

The following screen will then appear, allowing the VCAT officer to upload the relevant Order document and describe the VCAT Order Type. Ticking the 'Is this the Final Order?' tick box will result in the VCAT REVIEW Flag being removed from the Summary Screen (provided no other Application for Review applies to the permit application). Following authentication, the Responsible Authority will be advised they have an outstanding action to view the Order document.

Return to [Application List](#) | [Contact Us](#) | [Help](#) | [Logout](#)

Planning & Subdivision Applications Online

**SPEAR**

Kurt Canipe  
(VCAT, Administrator)  
(Password Approval User)  
Current User Role: VCAT / VCAT

2 SMART STREET, FRANKSTON 3199  
Whittlesea City Council  
Planning Permit and Certification  
Dealing Type: Section 22 (Subdivision)  
Application Status: Permit Decision - NOD  
References: SPEAR Ref # - S000413S

Summary | Details | Contacts | Guests | **VCAT Reviews**

**Add VCAT Order**

Attach file (PDF, A2, A1, A4, A3, A0, Max file size 1024 KB)

**OR**

Enter VCAT Order directly

VCAT Order Type (e.g. Final Order)

Is this the Final Order?

## 17.5 Setting and removing the VCAT REVIEW Flag

The VCAT REVIEW flag in SPEAR appears on the Permit Application Summary Screen, advising SPEAR users that the permit application is under review at VCAT.

The VCAT REVIEW Flag is set automatically when the VCAT Reference Number is added to SPEAR by a VCAT officer. It can also be set manually by a VCAT officer by selecting 'Set VCAT Flag' from the 'Actions' drop down list on the Details Screen. This may be necessary if 'final order' has been selected, but further correspondence occurs to continue the review.

Similarly, the VCAT REVIEW Flag can be cleared in two ways. It is automatically cleared when the 'Final Order' tick box is selected by a VCAT officer (see earlier section on 'Add a VCAT Order'). Alternatively, it can be cleared manually by a VCAT officer by selecting 'Clear VCAT Flag' from the 'Actions' drop down list on the Details Screen.

## 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.