

User Guide 40 Preparation of Practice Note 2

Purpose of this User Guide

The purpose of this User Guide is to provide assistance to Responsible Authority users about how to add all the documentation and responses required processing the Practice Note 2 within SPEAR.

Who should read this?

Primary audience: **Responsible Authorities**

For information: **VCAT**

Introduction

Under Practice Note Planning & Environment List (No. 2) – Responsible Authority information (as defined by VCAT), the Responsible Authority must give VCAT information about the application for review to understand the context of the application. This information can include copies of the permit application, relevant plans, details of the planning scheme requirements, the names and addresses of all objectors, details of referral authorities, and a copy of any officer’s report prepared for the application.

SPEAR provides functionality to Responsible Authorities to compile all PNPE2 documentation for VCAT where the application for review type is either s.77 (refusal), s.79 (failure), s.80 (conditions). The system will present the Responsible Authority user with the PNPE2 form (as defined by VCAT) and assist in answering questions by pre-populating the form with information held in the system.

40.1 How does a Responsible Authority prepare a PNPE2 response in SPEAR?

A Responsible Authority user can initiate the creation of a Practice Note 2 document in two ways:

1. Via an optional action available any time after lodgment, or
2. Via a mandatory action ‘Create PNPE2 - Information from Decision Makers’.



A mandatory action will appear if VCAT has entered the appeal details in to SPEAR. In this case, the mandatory action will be accessible on the VCAT tab rather than the Details tab.

The PNPE2 preparation screen will display answers to as many of the required questions as possible, leaving the user to check each piece of information, and provide information where it is not already held within the system.

The first part of the PNPE2 preparation screen contains pre-populated information; use the date picker  to insert the date of the notice.

Create Practice Note 2 - Information from Decision Makers

* Indicates a mandatory field validate save & preview save & close cancel

Practice Note 2 - Responsible Authority Information

- Property** 1 JONES STREET, FRANKSTON 3199
- Responsible Authority** Whittlesea City Council
- Planning Scheme Info**
- Permit Decision** Notice of Decision to Grant Permit

1.1 Advise whether the application is for a new permit or to amend an existing permit under section 72 of the Act.
New s.72

1.2 A full copy of the permit application documents

- [Application for Planning Permit](#)
- [Copy of Title \(Vol/Fol: 60004/617\)](#)
- [Covenant Document](#)
- [Plan for Endorsement \(Number of Pages: 2, Surveyor's Plan Version: 2\)](#)
- [Pre-approved RA Consent \(Eastern Power\)](#)

select all clear all

1.3 A copy of the relevant notice of refusal, permit or notice of decision to grant a permit (as the case may be).
 [Decision - Planning Permit \(24/03/2014 11:48 am, Notice of Decision to Grant Permit\)](#)

1.4 The date on which the relevant notice of refusal, permit or notice of decision to grant a permit (as the case may be) was posted to the permit applicant and any objectors.
 Clear Date

In the next section on this screen, the user will be required to add the planning scheme details.

1.5 The name of the relevant planning scheme, the zone, and any overlay or other control applying to the subject land.*
Brimbank City Council Planning Scheme - Zone(s): 32.01 Residential 1, Overlay(s): None

1.6 Where a new planning scheme or an amendment which affects the subject land has been proposed, particulars of the nature of any proposed new zone or overlay and any relevant change to the scheme provisions.*
New N/A

1.7 Particulars of the zoning of, and any relevant overlays affecting the surrounding land.*

The following section relates to advertising and notifications and is pre-populated.

1.8 Whether notice of the permit application was required to be given under section 52(1) (a) or (d) of the Act. If so, the manner in which notice was required to be given, including a list of the names and addresses of all persons to whom notice was given; and the date upon which the written requirement for notice was despatched.

- Not Advertised under s.52
- Advertised under s.52
 - Advertising Instructions (04/11/2004 04:33 pm, Resp Auth advertises only, Section 52)

select all clear all

The next section provides information about objectors, regarding the nature of consultation and mediation.

1.11 The names and addresses of all objectors.

No Objections

Objections List

Mr Mathew Montalvan	8 Nicholson Street, East Melbourne, VIC, 3002	03 9637 9618
John Smith	13 Mockingbird Lane, Melbourne, VIC, 3000	03 9637 9618

1.12 The nature of any consultation or mediation that occurred in the course of the application.*

No mediation or consultation

Mediation or consultation occurred

1.13 Whether the application for review is suitable for mediation by the Tribunal.*

Not suitable for mediation

Suitable for mediation

Sections 1.14, 1.15 of the PNPE2 preparation screen are pre-populated with information about the referral authorities notified for this application and any requests for further information that the referral authorities may have made.

The next section requires the user to provide details about other government authorities that may be affected.

NOTE: This is a mandatory field and a 'no' response will still require a description in the text box.

1.16 Advise whether any other government authority may be affected.*

No Yes

The user will then be required to add information about any covenants that may apply.

NOTE: This is a mandatory field and a 'no' response will still require a description in the text box.

1.17 If the subject land is subject to a registered restrictive covenant*:

(a) details of that covenant:

(b) whether in the opinion of the Responsible Authority the grant of the permit applied for would result in a breach of that covenant; and

(c) whether any notice of the application was given to the owners and occupiers of the land having the benefit of that covenant.

An estimate of the time required to present and hear the application is to be provided.

1.18	An estimate of the time required: (a) to present the Responsible Authority's case, and*	<input type="text"/>
1.19	Whether any question of law might arise in the hearing of the Application for Review and particulars of that question of law.*	<input type="text"/>

Provide details of any questions of law in this field.

Attach any report prepared by the Responsible Authority for this application in this field.

1.20	A copy of any officer's report prepared in respect of the permit application, together with all attachments.	
	Attach file (PDF)	<input type="text"/> <input type="button" value="Browse..."/>

Sections 1.20 and 1.21 relate to the Responsible Authority providing additional documentation within the appropriate time.

Below the user can provide details of any previous relevant Tribunal proceedings.

1.23	Advise details of any previous relevant Tribunal proceeding.	<input type="text"/>
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Once the Responsible Authority user has supplied the required information, and checked the pre-populated details, click the 'save and close' button (shown below) to save the PNPE2 information.

The Responsible Authority user can also check that all the data entered is acceptable to the system by clicking the 'validate' button, preview the PNPE2 files by clicking 'save & preview' or cancel all changes made and return to the Details screen by clicking 'cancel'. **NOTE: 'Save and close' does not validate data.**

Authenticating the document validates all the data entered in the wizard, and if any questions are either unanswered or have invalid data, the system will provide an inline error with a reference to each outstanding question. See 40.2 for details on how to 'modify' the document, to provide the relevant data.

40.2 Modifying or deleting the PNPE2

The Responsible Authority user can save the PNPE2 document at any time and return to the PNPE2 wizard by selecting the 'modify' action to the right of the document link in the Details tab. Similarly, the PNPE2 data can be deleted by selecting the 'delete' option (if it has not yet been authenticated). If you choose to delete the PNPE2 document, the mandatory action will be reinstated for the Responsible Authority to prepare the PNPE2.



40.3 What do I do now?

Once the PNPE2 document has been successfully authenticated, VCAT is notified, and the mandatory action is removed from the Responsible Authority. The Applicant Contact, relevant referral authorities, any guests associated with the application and VCAT can view the PNPE2 document.

VCAT requires the PNPE2 document to be printed by council and posted to VCAT for their review.

Need more information?

Further information on this topic can be found by:

1. Visiting the SPEAR website www.spear.land.vic.gov.au/SPEAR
 2. Contacting the SPEAR Service Desk on 9194 0612 or email spear.info@delwp.vic.gov.au
 3. Selecting the Help link in the relevant area of the system.
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