

User Guide 47 Preparation of Decision to Grant Enquiry Form

Purpose of this User Guide

The purpose of this User Guide is to provide assistance to Responsible Authority users about how to prepare the Decision to Grant Enquiry (DGE) Form in SPEAR.

Who should read this?

Primary audience: **Responsible Authorities**

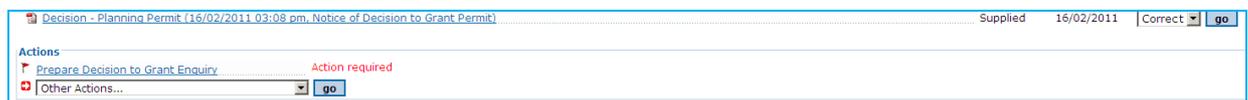
For information: **VCAT**

Introduction

The *Planning and Environment Act 1987* requires that if objections have been received to a permit application, a Responsible Authority must give a Notice of Decision to Grant a Permit (NOD) to the applicant, as well as any referral authority and each objector. The Responsible Authority must also notify the Victorian Civil and Administrative Tribunal (VCAT) that a NOD has been issued. This notification is referred to as the Decision to Grant Enquiry (DGE) Form, and it can be prepared and submitted to VCAT in SPEAR. 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. (See User Guide 48 for information on how VCAT responds to a Decision to Grant Enquiry).

47.1 How does a Responsible Authority prepare a DGE Form in SPEAR?

When a Responsible Authority issues a Notice of Decision to Grant Permit in SPEAR, it is subsequently given a mandatory action to 'Prepare Decision to Grant Enquiry' Form. This electronic form is prepared in lieu of the paper-based form that is traditionally faxed to VCAT by the Responsible Authority.



To prepare the DGE Form, click on the mandatory action 'Prepare Decision to Grant Enquiry' just to launch the DGE screen, shown on the following page.

Prepare Decision to Grant Enquiry

Responsible Authority: Whittlesea City Council Resp. Authority Ref: 12154

Planning Officer: Harry Potter

Planning Application No: * PP2_24/06/08

SPEAR Ref. No: S001091V

Address of Land: 10 MARKET LANE, MELBOURNE VIC 3000

Use/Dev: Subdivision land: 2

Cost of the development: \$0

Applicant's Name: Black Beauty

Applicant's Address: 29 Apple Drive, South Melbourne, VIC, 3205 Australia

Date Notice of Decision Issued: 21/03/2014

Date Notice of Decision posted: * 18/03/2014  [Clear Date](#)

Fax No:

List of Objectors: No Objectors

List of Referral Authorities which were referred this application:

Ref. Request Auth. Date	Ref. Authority Name	Ref. Authority Contact Name	Ref. Authority Address
24/06/2008	Queenscliff Energy		1 Ocean Street, Queenscliff, VIC, 3225

Enter further Referral Authority details or special comments here:

[save & close](#) [preview](#) [cancel](#)

SPEAR will pre-populate the DGE Form with relevant information stored in SPEAR. This includes the subject address, applicant details, permit application type, the estimated cost of development, date of decision, and details of any objections lodged into SPEAR directly (by objectors) and those entered into SPEAR by the Responsible Authority (on behalf of paper-based objections). (See User Guide 28 for instructions on how Responsible Authorities can manually enter objections into SPEAR).

Remember to select the 'Send Details to VCAT' tick box next to each objector's name if you want their details included on the DGE Form.

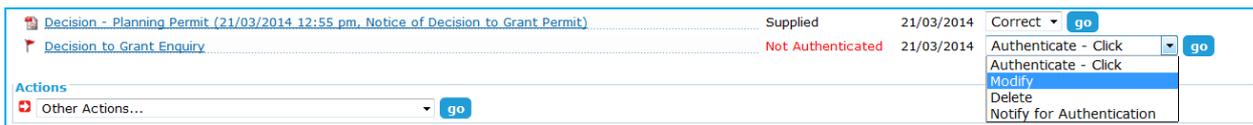
The user is required to check the details provided on screen, including the planning application number, use the date picker  to insert the date the NOD was posted and provide any additional comments, as required. Please note that the 'Date Notice of Decision Issued' is the date the Responsible Authority made its decision. This date may differ from the 'Date Notice of Decision posted', which is the date the Responsible Authority posted the NOD to ALL parties, including objectors.

The preview button will display a simulated DGE Form as a PDF with all the details included. This is what VCAT will see. When you are happy with the content, select 'Save & Close'.

NOTE: If the objector list is incorrect, you can always select 'cancel' and return to the Details Screen. From there you can enter the relevant objector's details, and then recommence preparing the DGE Form by selecting 'Prepare Decision to Grant Enquiry' from the Details Screen.

47.2 What do I do now? Do I need to print the DGE document?

After you have saved and closed the DGE Form, it will need to be authenticated on the Details Screen (as shown below). Once the DGE Form has been successfully authenticated, VCAT is notified of your decision, and the mandatory action is removed. The Applicant Contact, relevant referral authorities, any guests associated with the application and VCAT can view the DGE document.



Please note there is no need for the Responsible Authority to print this document or fax it to VCAT.

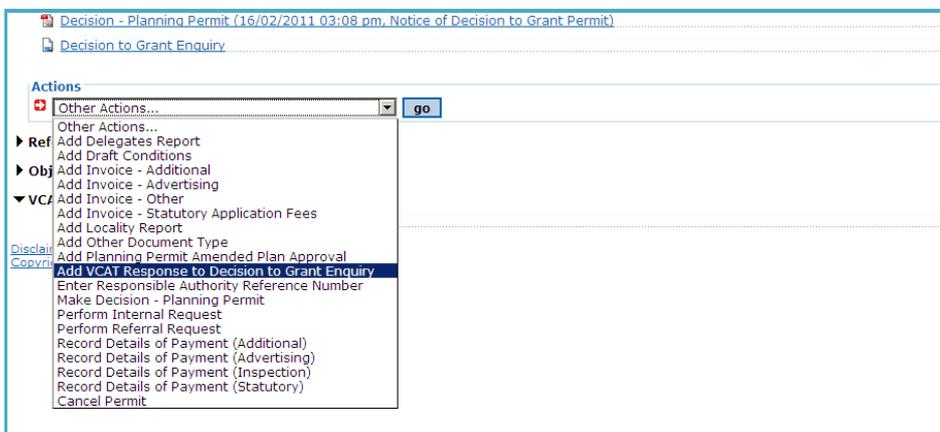
VCAT will then retrieve the DGE document from SPEAR. If there is no Application for Review lodged by objector(s) after (a minimum of) 21 days, VCAT will provide its 'Response to Decision to Grant Enquiry' back to the Responsible Authority via SPEAR. Following this, the Responsible Authority will have a mandatory action to 'Make Permit Decision' and is notified by SPEAR to do so.

If an Application for Review has been submitted to VCAT within the 21 days, VCAT will provide a Notice of an Application for Review into SPEAR and a notification will be sent to the Responsible Authority.

47.3 Can the Responsible Authority issue a permit before VCAT responds?

SPEAR allows the Responsible Authority to issue a Permit Decision anytime after it has completed the 'Decision to Grant Enquiry' form. However, a Responsible Authority should not issue a Permit Decision until having first been in contact with VCAT.

In the event that VCAT has not completed the 'Response to Decision to Grant Enquiry' within 7 days after the Application for Review period ends, a notification will be sent to the Responsible Authority advising that the Application for Review period is complete and requests it contact VCAT for advice. The Responsible Authority can choose to 'Add VCAT Response to Decision to Grant Enquiry', which allows the Responsible Authority to respond on VCAT's behalf (As shown below). Again, a Responsible Authority should always contact VCAT prior to undertaking this action.



Remember, *The Planning and Environment Act 1987* provides that once an NOD has been given, the Responsible Authority cannot issue the permit until the end of the period during 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.

Need more information?

Further information on this topic can be found by:

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