

## User Guide 6 Issuing a planning decision

---

### Purpose of this User Guide

The purpose of this User Guide is to provide assistance to council users about how to issue a planning permit decision in SPEAR.

### Who should read this?

Primary audience: Councils and Applicant contacts  
For information: Referral Authorities

### Introduction

Issuing a planning permit decision in SPEAR is similar to making a planning permit decision for a paper application. The main difference is that instead of sending a copy of the planning permit or refusal or notice of decision to grant a permit to relevant stakeholders via the post, council add and digitally sign the permit as a PDF document in SPEAR.

Any objectors, who lodge an objection to the application in the SPEAR system, will also be notified by email of the council's decision.

---

### 6.1 How does a council issue a planning decision in SPEAR?

- To issue a planning decision, prepare the document (whether it be a permit or NOD or refusal) using your usual process (i.e. via council planning software) and save it as a PDF document.
- In SPEAR, council can make a Planning Permit decision once an application has reached the status, "Council Permit Decision Pending". This indicates that all referral responses to referral requests under Section 55 are completed or overridden and that the applicant contact has fully responded to any requests for additional information that have been made.
- To make the decision, council select the "Make Council Decision - Planning Permit" mandatory action.
- Council can then select from one of the three options shown in the figures on the next page:

**Grant / Refuse Planning Permit**

Council Delegate Name: Barry Council  
 Plan No: PS619707F  
 Stage No: (Not Supplied)  
 Surveyors Plan Version No: plan12345

Indicate the decision you wish to make:

Grant Permit

Issue Notice of Decision to grant a Permit

Refuse

[Disclaimer](#) | [Privacy Statement](#)  
 Copyright © 2004 State Government of Victoria

Selecting the "Grant Permit" option expands current screen as shown here:

Selecting the "Issue Notice of Decision to grant a Permit" option expands current screen as shown here:

**Grant / Refuse Planning Permit**

Council Delegate Name: Barry Council  
 Plan No: PS619707F  
 Stage No: (Not Supplied)  
 Surveyors Plan Version No: plan12345

Indicate the decision you wish to make:

Grant Permit

Issue Notice of Decision to grant a Permit

Refuse

For Grant or NOD, complete the following:

Permit Number

When **Granting** a Permit, select one of the following 3 options:

Endorse application documents immediately after this decision has been authenticated.

Endorse application documents later, after amended documents received.

No endorsement of application documents required.

[Disclaimer](#) | [Privacy Statement](#)  
 Copyright © 2004 State Government of Victoria

**Grant / Refuse Planning Permit**

Council Delegate Name: Barry Council  
 Plan No: PS619704M  
 Stage No: (Not Supplied)  
 Surveyors Plan Version No: Sur1234

Indicate the decision you wish to make:

Grant Permit

Issue Notice of Decision to grant a Permit

Refuse

For Grant or NOD, complete the following:

Permit Number

Please confirm the following:

The latest version of all supporting documents have been included in the assessment of this application.

[Disclaimer](#) | [Privacy Statement](#)  
 Copyright © 2004 State Government of Victoria

Selecting the "Refuse" option current screen as shown here:

**Grant / Refuse Planning Permit**

Council Delegate Name: Barry Council  
Plan No: P5619707F  
Stage No: (Not Supplied)  
Surveyors Plan Version No: plan12345

Indicate the decision you wish to make:

Grant Permit

Issue Notice of Decision to grant a Permit

Refuse

[next >](#) [cancel](#)

Disclaimer | [Privacy Statement](#)  
Copyright © 2004 State Government of Victoria

Selecting any option and clicking the next button takes you to the attach File (PDF) screen.

**Make Council Decision - Planning Permit Eva**

Attach file (PDF)  [Browse...](#)

[add now](#) [cancel](#)

Disclaimer | [Privacy Statement](#)  
Copyright © 2004 State Government of Victoria

### **Making Council permit decision**

- If 'Grant Permit' Radio button is selected, a planning permit number is required in the field provided, additionally one of the 3 options displayed below the permit number field will require selecting. When Granting a Permit, the council will need to indicate whether certain documents supplied by the applicant should be endorsed at the same time as the permit is granted.
- If documents are not endorsed as part of the Planning Permit Decision action, the council can endorse the Plan at a later date by selecting 'Endorse application documents later' action from the 'Radio buttons displayed.

## **6.2 Who can issue a planning permit in SPEAR?**

- Any registered council user can attach a planning decision into the SPEAR system as a PDF document; however a suitably authorised person must authenticate this action. Councils are able to set the authentication level for the planning decision to be either of:
  - Password approval of the decision
  - Digitally signing the decision
- Therefore the authorised person needs to have an authentication level to match.
- If a council has chosen to digitally sign a permit decision, then the signing user must digitally sign the document using a Digital Certificate before it is able to be viewed by other parties outside of the council. On printing out the permit from SPEAR it will be water marked on the bottom margin of each page with the words "Digitally signed by: Fred Bloggs (Creswick City Council) on 19/12/2005 10:25 AM".

- Once authenticated, SPEAR will send an email notification to the applicant contact, relevant referral authorities and objectors. A copy of the planning permit can be accessed in SPEAR by all stakeholders except objectors.
- Once the permit decision has been made, advertising ceases in SPEAR and public users and objectors will no longer be able to view the application in SPEAR.

### 6.3 How are endorsed plans & reports managed with a SPEAR planning application?

- On printing out endorsed documents from SPEAR they will be water marked along the margin of the short edge of the document with the words "Endorsed ... for Planning Permit number: 1234 - Endorsed by Council Delegate: Fred Bloggs (Creswick City Council) on 19/12/2005 10:25 AM". This watermark replaces the stamp commonly placed on paper endorsed documents.
- Council can choose to "Endorse" documents at the time of granting the planning permit, or this may be done after the granting of the permit, perhaps requiring the applicant contact to make changes to selected documents as a permit condition before endorsement can occur.
- Each type of document supplied by an applicant may be defined as 'able to be endorsed'. This is set by the SPEAR Administrator, but may be over-written by a council Local Administrator. The screen used by council for endorsing documents contains a check box for each document supplied by the applicant which is able to be endorsed. There is also a check box to enable council to indicate to SPEAR whether the endorsing process is complete. In the following example, there is only one document that is able to be endorsed:

- Documents added into SPEAR are version controlled, so the version of a document the planning decision relates to will always be the current version as shown in the Details Screen.
- If a new document is added and authenticated in SPEAR, council will receive an email notification and a mandatory action to endorse.
- Council has 60 days to "Endorse" documents in a planning permit only application in SPEAR, or up until the certification decision in a joint planning permit and certification application.
- The difference between an endorsed document and an unendorsed document can be established by the presence of a SPEAR watermark at the bottom of the endorsed document "Endorsed for Planning Permit number: AB/2007/252 - Endorsed by Council Delegate: Fred Bloggs (Creswick City Council) on 09/01/2008".

- An Applicant Contact can submit a document with minor alterations for endorsement as part of an existing planning permit. SPEAR accommodates this by allowing Applicant Contacts to submit a new version of the document even after a document has been endorsed in SPEAR. The council can then endorse the documents using the same process as explained above.

#### 6.4 What happens if a planning decision is appealed at VCAT?

- If a planning decision is appealed at VCAT, the council will receive a notice of the appeal from VCAT.
- The council user can then indicate that the application is pending an appeal at VCAT in SPEAR. To do this, the council user must set the "VCAT Appeal" flag by selecting this option from the Details Screen.
- Once the "VCAT Appeal" flag is set, it can be cleared at any time by a council user.
- When the "VCAT" flag is set, the words "Under VCAT Appeal" appear in the title banner of the "Milestones" box on the Summary Tab.

The screenshot shows the SPEAR web application interface. At the top, there are navigation links: 'Return to Application List', 'View Document Rules', 'Settings', 'Contact Us', 'Help', and 'Logout'. Below this, the user is logged in as 'Barry Council (Signing User)'. The application details for '2/15 MARYN CLOSE, BERWICK VIC 3806' are displayed, including 'Zone: 32.01 Residential 1', 'Planning Permit and Certification', and 'Dealing Type: Section 22 (Subdivision)'. The 'Application Status' is 'Council Certification Decision Pending'. The 'Milestones' section is highlighted, and the text 'Under VCAT Appeal' is circled in red. The 'Milestones' table lists various tasks and their completion dates, such as 'Application Submission' on 29/01/2009 and 'Most recent A.I.R from Council' on 29/01/2009.

Milestones	Completion Date
<input checked="" type="checkbox"/> Application Submission	29/01/2009
<input checked="" type="checkbox"/> Most recent A.I.R from Council	29/01/2009
<input checked="" type="checkbox"/> Most recent A.I.R Response	29/01/2009
<input checked="" type="checkbox"/> Referral	29/01/2009
<input type="checkbox"/> Most recent A.I.R from RA	no Request
<input type="checkbox"/> Most recent A.I.R Response	no Request
<input checked="" type="checkbox"/> Final Referral Response (Permit)	29/01/2009
<input checked="" type="checkbox"/> Final Referral Response (Cert)	29/01/2009
<input type="checkbox"/> Advertising Commenced	not required
<input type="checkbox"/> Most recent Objection	no online Objections
<input type="checkbox"/> Advertising Completed	n/a
<input checked="" type="checkbox"/> Planning Permit	29/01/2009
<input type="checkbox"/> Certification	not issued
<input type="checkbox"/> Statement of Compliance	not issued
<input type="checkbox"/> New Titles	not issued

#### Under VCAT appeal

### Need more information?

Further information on this topic can be found by:

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