

User Guide 3 Referrals

Purpose of this User Guide

The purpose of this User Guide is to provide assistance to council and Referral Authority (RA) subscribers of the SPEAR system about how to refer an application and how to respond to a referral request using SPEAR.

Who should read this?

Primary audience: Councils and Referral Authorities

For information: Applicant Contacts

It is recommended that RA staff also refer to User Guide #14 – Responding to Referrals for a more detailed description of their role in the process.

Introduction

Facilitation of speedier and more transparent referral requests and responses is one of the key features of SPEAR. The SPEAR system is pre-configured to present a list of each council's RAs to the council user. One of the key features of SPEAR is that the Applicant Contact is notified by SPEAR when the referral request is made and a response provided. This enables the Applicant Contact to promptly address issues arising from the referral process.

While SPEAR does not track the statutory time clock, RA's that have not responded to a referral request after 20 days will be sent an automatic reminder email from SPEAR.

The council can also override a referral response in order to progress the application through the planning process.

SPEAR will accept pre-approved letters of consent from a RA and, in these cases, SPEAR highlights that no further referral to the particular RA is required.

How does a council user refer an application in SPEAR?

- Once council accepts an application submitted through SPEAR, it has a status of "Lodged at Council". This prompts the council with a mandatory action to consider whether or not to refer the application to the council's RA's for comment (making a decision regarding referral is a mandatory action in SPEAR even if referral is not required). Once council has decided to refer the application and who to refer it to, they complete the "Add Referral Request" action in SPEAR and SPEAR notifies each RA with a notification email.
- To do this, from the Details Tab, select the mandatory action "Add Referral Request". The council user is then presented with a screen that displays all the RA's pre-defined for that council. Council Local Administrators may modify the list of default RA's.

- For each RA, a council user must select from the options shown in the screen below nominating which RA should be referred to and via which legislation (Section 55, Section 8, or information only- depending on application type). If referral is not required select "Don't refer".

Return to Application List | View Document Rules | Settings | Contact Us | Help | Logout

77 SUNSET STREET, EASTERN 3777
 Planning Permit and Certification
 Dealing Type: Section 22 (Subdivision)
 Application Status: Lodged at Council
 References: SPEAR Ref # - S003842E

Planning & Subdivision Applications Online Barry Council
 Council, Applicant Contact, 3rd Party Applicant, Administrator
 (Signing User)
 Current User Role: Council / Casey City Council

SPEAR

Summary Details Contacts

Determine referral requirements

	Don't Refer	Section 55	Section 8	Section 55 & 8	For information only	
Casey City Council - Environmental Health Officer	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments
Melbourne Fire Brigade - Reg 15	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments
Melbourne Water	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments
Origin Energy	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments
Telstra	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments

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Joint Application Referral Screen

- Comments to each RA may also be added to accompany each referral request. This is optional and may take the place of additional comments usually contained in a cover letter in the paper referral process.
- Once the council user has made a selection, press the 'submit' button. A confirmation screen appears confirming the selection and the time the referral was made. A "password authorised" or "signing" user from the council will then need to authenticate the referral request.

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77 SUNSET STREET, EASTERN 3777
 Planning Permit and Certification
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 References: SPEAR Ref # - S003842E

Planning & Subdivision Applications Online Barry Council
 Council, Applicant Contact, 3rd Party Applicant, Administrator
 (Signing User)
 Current User Role: Council / Casey City Council

SPEAR

Summary Details Contacts

Determine referral requirements - Confirmation return

Remember to save and print copies for your records.

SPEAR Reference Number: S003842E
 Council Reference Number: Not Yet Supplied
 Plan Number: PS620229J
 Application Type: 2 Lot Subdivision Planning Permit and Certification

This application referral action was created on 06/08/2009.

This application will be referred to the following authorities once the referral action has been authenticated:

Referral Authority	Referral Requirements	Council Comments
Casey City Council - Environmental Health Officer Melbourne Fire Brigade - Reg 15 Melbourne Water Origin Energy Telstra	Section 55 Section 8 Section 8 & Section 55 For information only Not referred	

Info Requested: 06/08/2009
Supplied by: Casey City Council

return

Referral requirements - Confirmation screen

- Notifications are sent by email to the RA and to the Applicant Contact to advise them that the application has been referred.

Can an Applicant Contact provide a pre-approved letter of consent from an RA?

- If an Applicant Contact has liaised with a RA before lodging the application with council, the Applicant Contact can add a pre-approved letter of consent from an RA in SPEAR prior to submitting the application to council.

Return to Application List | View Document Rules | Settings | Contact Us | Help | Logout

1 COUNCIL WAY, SUNSET 3777
 Planning Permit
 (Subdivision)
 Application Status: Lodged at Council
 References: SPEAR Ref # - S003910B

Planning & Subdivision Applications Online Barry Council
 Council, Applicant Contact, 3rd Party Applicant, Administrator
 (Signing User)
 Current User Role: Council / Casey City Council

SPEAR

Summary Details Contacts

Determine referral requirements cancel

	Don't Refer	Section 55	Section 8	Section 55 & 8	For information only	
Anglesea Gas	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments
Barwon Telecom	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	Add Council Comments
Bells Water	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	(Pre-approved RA consent) Add Council Comments

submit cancel

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Council Referral Request when Pre-Approved Consent has been supplied

- When the council refers the application in SPEAR, RA's for which the Applicant Contact has attached a Pre-approved Consent will be flagged with "Pre-approved RA Consent" on the Referral Screen for council users. Leaving the referral request on "Don't Refer" will result in the RA not being provided with access to this application. Should you wish to provide access to the application for the RA but do not require a statutory response, then select "for information only".

Can a council refer an application more than once?

- Council can select to perform a new referral request at any time after the initial referral request is made by selecting the optional action "Perform Referral Request" from the "Other Actions" drop down list on the Details Tab. Council must decide whether the application should be re-referred to any of the previously referred to RA's again and/or whether to include new RA's in the referral request.
- Council will also be prompted to "Recheck" their previous referral request(s) if an Applicant Contact adds a new version of the plan of subdivision to an application.
- If the referral request is a subsequent request, then the previous referral request will remain displayed on the Details Tab with the date of the original request. A second referral request will then be added to the Details Tab with the date of the second referral request.
- Responses from RA's for an application previously referred will be shown as "supplied" in the Details Tab. Those RA's that did not respond to the previous referral request and are re-referred to will have the previous request overwritten by the new request. If a RA is not referred to in the re-referral process then any outstanding issues from the previous request will remain outstanding.

How does a RA respond to a referral request in SPEAR?

- All RA's that are registered to use the SPEAR system will receive notifications by email of applications that have been referred to them by SPEAR.
- Once a notification has been received, a RA user can access SPEAR in one of two ways:
 - login to SPEAR and view a list of applications awaiting their response –or–
 - click on the [Website](#) link (URL) embedded in the notification email.
- Once a RA has accessed the application in SPEAR, they can view the application documents and can either print the documents from SPEAR to create a hard

copy file or they can save them electronically. The RA must then review the application referral and determine any conditions on the application.

- Once the response has been established, the user simply selects to “Add Referral Response” from the Details Tab and is presented with a screen where they select which legislation they are responding to from the options shown in the screen below (note that multiple sections can be responded to at one time – select tick boxes for any section that is applicable to your response):

Return to Application List | View Document Rules | Settings | Contact Us | Help | Logout

1/5 ARNOLD STREET, CHELTENHAM VIC 3192
Zone: 34.03 Business 3
Council: Bayside City Council
Planning Permit and Certification
Dealing Type: Section 35(8) (Con of lan ...
Application Status: Referred
References: SPEAR Ref # - S003907B

Planning & Subdivision Applications Online seema sumaru
Referral Authority
(Password Approval User)

SPEAR

Summary Details Contacts

Add Referral Response cancel

This application has been referred to you under Section 55 of the Planning and Environment Act 1987 (VIC) and Section 8 of the Subdivisions Act 1989 (VIC).

Please indicate which of the following you are responding to:

- Section 55
- Certification
- Consent to Statement of Compliance

(Select one or more options)

next > cancel

Selecting legislation to respond to

- Partial responses can be made, so if a referral request is made under Section 8 for a RA, they can select to respond to certification, and then respond again at a later date for Statement of Compliance.
- The RA then selects a radio button to indicate the nature of their response:

Section 55

- Do not object to the granting of the permit
- Do not object to the granting of the permit subject to conditions
- Object to the granting of the permit (specify grounds of objection)
- Request additional information
- No referral required

Section 8

- Consent
- Request a suspension of time (Requirement for alterations to plan)
- Refuse consent
- No referral required

- The option to add some brief comments to the response (ie fees outstanding, contact details of staff responsible for the application etc) is available at the bottom of this screen.

Note: These messages will be visible to both the council and the Applicant Contact.

The screenshot shows the SPEAR web application interface. At the top, there is a navigation bar with links: Return to Application List, View Document Rules, Settings, Contact Us, Help, and Logout. The user is logged in as 'seema sumaru, Referral Authority (Password Approval User)'. The address is '1/5 ARNOLD STREET, CHELTENHAM VIC 3192'. The council is 'Bayside City Council'. The application status is 'Referred' with a reference number 'SPEAR Ref # - S003907B'. Below the navigation bar, there are tabs for 'Summary', 'Details', and 'Contacts'. The main content area is titled 'Add Referral Response'. It asks the user to 'State the nature of your response:' and provides a link to 'Referral Guidelines'. Under the heading 'Section 55 - Planning Permit', there are five radio button options: 'Do not object to the granting of the permit', 'Do not object to the granting of the permit subject to conditions', 'Object to the granting of the permit (specify grounds of objection)', 'Request additional information', and 'No referral required'. Below these options is a text area for 'Add Comments:' with a note that comments are optional and will be displayed as a brief notation. A warning states that depending on the chosen option, the user may still be required to attach or enter details on the next screen. At the bottom right, there are 'next >' and 'cancel' buttons.

Options for the type of Referral Response

- The RA then attaches an electronic document in PDF format containing details of their response or types their response (or copy and paste from Word) into the free form box. The response will then need to be authenticated by a password authorised user to enable it to be viewable by the Applicant Contact and council.

What if a RA requires further information before responding to the referral request?

- If the RA selects the option "Request suspension of time (Request for Additional Information/Requirement for alterations to the Plan)" from the Referral Response options, the Applicant Contact is notified by email of the request and the council is notified of the request for the suspension of time. A new mandatory action is created for the RA to "Add Request for Additional Information". By completing this action, a mandatory action is created for the Applicant Contact to "Respond to Request for Additional Information". Once a response has been submitted by the Applicant Contact into SPEAR, another mandatory action is created for the RA to assess the response to ensure it is complete. The mandatory action for the referral response remains unchanged for the RA.
- The Applicant Contact can respond to the request for further information by providing updated or extra information into SPEAR.

What happens to referrals that are outstanding after 20 days?

- SPEAR will send a courtesy notification to those RA's identified as not having responded after 20 calendar days since the council made the initial referral request. The notification is a courtesy reminder that they have an outstanding RA response to provide and does not represent the statutory clock. After the initial 20 day reminder, additional reminders will continue to be sent every seven days until the RA completes an action on the application.

Can a council user respond to a referral request on behalf of a RA?

- The council may respond on behalf of a RA in a circumstance where either too much time has elapsed and the RA has still not responded and where the council is satisfied that despite there being no response, the application should progress. To override the ability for an RA to respond to a referral request, council can select "Add RA response" from the "Other Actions" drop down list.
- The council must select the relevant RA from a list of those RA's that have not yet responded, select the legislation they are overriding and provide a response on their behalf. This will set the RA response to "Supplied" and "Closed by Council". When the RA views the application, there will no longer be an outstanding action for the overridden section of legislation. The RA will no longer have the ability to respond to the application under the overridden legislation.

What happens when compliance conditions have been satisfied?

- Consent is the only response that can be made for Statement of Compliance after certification has been consented to, however the timing of the consent to Statement of Compliance is the decision of the RA.

Need more information?

Further information on this topic can be found by:

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