

### Purpose of this User Guide

The purpose of this User Guide is to provide assistance to councils and applicant contacts about how plans are certified and re-certified in SPEAR and the issuing of Statements of Compliance (SOC).

### Who should read this?

Primary audience: Councils and Applicant contacts

For information: Referral Authorities

### Introduction

For SPEAR applications, certification is an electronic process, modelled on paper plan processes, and in accordance with the legislative requirements of the Subdivision Act 1988, and the Subdivision (Procedures) Regulations 2000. The certification decision and issuing of the SOC can only be finalised in SPEAR by a "signing" council user with a Digital Certificate.

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## 8.1 How does council certify a plan?

- When all of the referral responses to certification (Section 8) have been completed in SPEAR, the status of the application will move to "*Council Certification Decision Pending*".
- Council are then prompted to make a certification decision.
- When council is satisfied that the plan is ready to be certified, they must select the mandatory action "**Council Decision – Certif Of Subdiv**" from the Details Tab.

**Note:- The consent of Referral Authorities' to SOC may still be outstanding.**

- The council user will then be presented with the relevant certification options depending on the application status and whether certification and/or SOC have been achieved for the application previously.

## 8.2 What are the certification options in SPEAR?

- Certification in SPEAR offers the same options for council as would be available in the paper process. If the plan has not been certified previously, then one of the following certification options will need to be selected.

Land Exchange [Current Applications](#) | [View Document Rules](#) | [Contact Us](#) | [Settings](#) | [Help](#) | [Log out](#) | 146 RESEARCH-WARRANTYTE ROAD, NORTH WAR ...  
Penny Lane City Council  
Section 22 (Subdivision)  
(Planning Permit and Certification)  
Status: Council Certification Decision Pending  
References

**SPEAR**  
Arthur Gregory  
(Signing User)

Summary Details

**Certification / Statement of Compliance** cancel

Certification by Council (Form 5)  
 Certification & Statement of Compliance (Form 6)  
 Certification (Form 7)  
 Certification & Statement of Compliance (Form 7)  
 Refuse Certification (Form 26)

### Certification Options

- Selecting either "Certification" (Form 5) or "Certification and SOC" (Form 6) will take you to the council Certification Screen that has the same content as the council certification and endorsement panel on a paper plan. You will need to tick the relevant tick boxes and select the relevant radio button for the public open space options.

[Return to Application List](#) | [View Document Rules](#) | [Settings](#) | [Contact Us](#) | [Help](#) | [Logout](#) | 2/15 MARYN CLOSE, BERWICK VIC 3806  
Zone: 32.01 Residential 1  
Planning Permit and Certification  
Dealing Type: Section 22 (Subdivision)  
Application Status: Council Certification Decision Pending  
References

Planning & Subdivision Applications Online Barry Council  
(Signing User)

**SPEAR**

Summary Details

**Certification by Council (Form 5)**  
SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S001997M  
Plan Number: P5619704M([view plan](#))  
Council Name: Casey City Council  
Council Reference Number 1: Cou1234  
Surveyor's Plan Version: Sur1234

**Certification**

This plan is certified under section 6 of the Subdivision Act 1988  
 This plan is certified under section 11 (7) of the Subdivision Act 1988  
Date of original certification under section 6: \_\_\_ / \_\_\_ / \_\_\_

**Statement of Compliance**

This is a statement of compliance issued under section 21 of the Subdivision Act 1988

**Public Open Space**  
A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made  
 Has been made and the requirement has been satisfied  
 Has been made and the requirement has not been satisfied  
 Has been made and the requirement has been satisfied for:   
 Has been made and the requirement is to be satisfied in stage:

#### **Certification & Statement of Compliance**

- Form 7 will only be available for applications submitted under Section 35 and Section 35(8) of the Subdivision Act (acquisition of land by an acquiring authority).
- Once the certification decision has been finalised by authentication with a digital signature a notification email will be sent to the Applicant Contact and Referral Authorities advising them of the outcome.
- If council chooses to "Refuse Certification (Form 26)" they will need to attach a supporting Form 26 document in PDF format.
- If "Certification (Form 5)" or "Refusal (Form 26)" has been selected the status of the application will be "Certification Decision", and the Applicant Contact and involved Referral Authorities will be notified by email that a certification decision has been made.
- If "Certification & SOC (Form 6)" has been selected, the status of the application will be "Statement of Compliance" (SOC), and the Applicant Contact and involved Referral Authorities will be notified by email that the plan has been certified and a SOC has been issued.
- To complete any of these actions, the certification decision (including refusal) must be authenticated using a Digital Certificate.
- Once the certification decision has been made, the application is locked and can only be amended if the Applicant Contact requests an amendment to the certified plan by submitting a Form 18 (Re-Certification) together with a new version of the plan of subdivision.
- The viewed or printed version of the certified subdivision plan will not carry a written signature but will carry a watermark reading "Digitally signed by: Council Delegate Name (Council Name) date and time".

### **8.3 How does council issue a Statement of Compliance (Form 24 or Form 25)?**

- Once council is ready to issue a SOC for a previously certified plan, they select the action "Council Decision – Statement of Compliance" from the "Other Actions" drop down list on the Details Tab. Council will need to select one of the following options on the next page:

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[Help](#) | [Log out](#) Penny Lane City Council  
Section 22 (Subdivision)  
(Planning Permit and Certification)  
Status: Certification Decision

**SPEAR**  
Arthur Gregory  
(Signing User)

References: SPEAR Ref # - S000697B

Summary Details

**Statement of Compliance** cancel

Statement of Compliance for staged plan (Form 24)  
 Statement of Compliance for unstaged plan (Form 25)  
 Refusal (Form 26)

next > cancel

### Statement of Compliance Options

- Selecting either SOC for a staged plan (Form 24) or SOC for an unstaged plan (Form 25) will take you to the SOC screen that has the same content as the SOC on a paper plan. If completing a Form 24 you will need to indicate the lots for which the SOC applies, and the lots which are not released from the original requirements.

Land Exchange [Current Applications](#) | [View Document Rules](#) | [Contact Us](#) | [Settings](#) | 58 BROADACRE BEND, STAGELAND 3652  
[Help](#) | [Log out](#) Environ City Council  
Plan of Subdivision (Staged Plan)  
(Planning Permit and Certification)  
Status: Certification Decision

**SPEAR**  
Renina Eddivane  
(Signing User)

References: SPEAR Ref # - S000805C

Summary Details

**Statement of Compliance (Form 24)** cancel

Regs 55(e) and 56 Subdivision (Procedures) Regulations 2000  
Section 21

**Subdivision Act 1988**

To Albert Northing (Sustainability Consulting)  
570 Bourke Street, Melbourne, VIC, 3000

**Statement of Compliance for Stage No. 3 of a Staged Plan**

**SPEAR REF. NO.** 5000805C  
**COUNCIL REF. NO.** Userguide8  
**OFFICE OF TITLES PLAN NO.** P5605359F/S3  
**SURVEYOR'S PLAN VERSION** 2  
**ORIGINAL DATE CERTIFIED BY COUNCIL** 23/08/2007

1. This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988** for Stage No. 3 of a staged subdivision (being lots 50-75 (insert lot number(s) if applicable))

2. The following stage lots on this plan are NOT released from the original requirements and will require a further statement - S4, S5 (insert lot numbers e.g. S2, S3 etc. or insert "inapplicable" if this is a statement of compliance for the last stage).

In the case of a plan in a form other than paper, you should now make available this statement to the Office of Titles. If you have not yet lodged the certified plan, then this statement should be made available with this plan.

A summary/copy of the outstanding requirements of the Council and the referral authorities is included but should not be lodged in the Office of Titles.

submit cancel

### Statement of Compliance for a Staged Plan

- If Refusal (Form 26) is selected, you will be prompted to attach a Form 26 prepared previously in PDF Format.
- The SOC decision must be authenticated using a Digital Certificate.
- Once the SOC decision has been made, the status of the application will be "Statement of Compliance", and the Applicant Contact and involved Referral Authorities will be notified by email that a SOC has been issued.
- The viewed or printed version of the SOC or refusal will not carry a written signature but will carry a watermark reading "Digitally signed by: Council Delegate Name (Council Name) date".

#### **8.4 How does the applicant contact submit an amended plan for re-certification?**

- The applicant contact must first submit an "Application to council to amend a certified plan" (Form 18) and a new version of the plan of subdivision to council. The Form 18 can be selected from the "Other Actions" drop down list once the application reaches the status of "Certification Decision" or later. On authenticating the Form 18, SPEAR will create a mandatory action for the Applicant Contact to attach a "Proposed Plan of Subdivision for Re-Certification". The Applicant Contact must digitally sign the plan.

**Note: This "Proposed Plan" will not replace the current version of the previously certified plan until council has accepted the application for re-certification.**

Land Exchange [Current Applications](#) | [View Document Rules](#) | [Contact Us](#) | [Settings](#) | 1 CHARLIE CHASE, EVANSVILLE 3221  
 Penny Lane City Council  
 Section 22 (Subdivision)  
 (Planning Permit and Certification)  
 Status: Statement of Compliance  
 Help | Log out

**SPEAR** Annabel Grenville  
 (Signing User) References

Summary Details

**Add Application To Council To Amend Certified Plan (Form 18)**

Regs 44 and 46 Subdivision (Procedures) Regulations 2000 **Subdivision Act 1988**

SPEAR Reference Number: S000774T  
 Plan Number: PS608604D/S3

Application is made to amend the plan certified by Penny Lane City Council on 24/07/2007 which has not yet been registered by the Registrar.

The amendments are proposed to be made by substitution of a new plan incorporating the amendments

The reason for the application is:

the registrar considered that alterations of a material nature were required to the plan before it could be registered

a referral authority requires an easement or boundary change to secure compliance with its requirements

other:

Annabel Grenville  
 Yellow Submarine Surveys  
 24/07/2007

This application is referred under section 11(2) of the **Subdivision Act 1988**

Note 1: A plan cannot be amended once it has been registered by the Registrar.

**Application for re-Certification**

- A notification will be sent to council indicating a Form 18 and a "Proposed Plan of Subdivision for Re-Certification" has been submitted by the Applicant Contact. SPEAR will create a mandatory action – "Assess application to amend certified plan" for the council. This will allow council to assess the re-certification request.
- If the application is a joint planning permit and certification application, council will have the option of accepting the application and choosing whether to request that the Applicant Contact submit a revised version of the plan for endorsement. The council will also have the option of rejecting the application. If the application is rejected council will be prompted to attach a reason prepared previously in PDF format.

#### Assessment of Application for Re-Certification

- If the application is a certification-only application, council will have the option of either accepting or rejecting the application.
- On completion of the assessment, SPEAR will notify the Applicant Contact of the council's decision.
- If the application is accepted by council, the "Proposed Plan of Subdivision for Re-certification" will be renamed to the "Plan of Subdivision" and will become the current version. The application status will be reverted back to "Council Certification Decision Pending". This will enable a recheck of referrals to be performed if necessary.
- If a re-certified plan is requested by Land Victoria (LV) due to plan examination issues, it is up to the surveyor to inform the lodging party of the need for re-certification. The lodging party must acknowledge the need for re-certification directly with LV **before** the Applicant Contact submits a Form 18 (re-certification) to council.
- If the Applicant Contact identifies the need for a re-certification after the plan has been lodged at LV but prior to the plan being examined (i.e.: SOC is outstanding) then the surveyor must contact the lodging party, and advise them to contact the Subdivision Branch (Land Victoria). The lodging party must acknowledge the need for re-certification directly with Land Victoria (LV) **before** the Applicant Contact submits a Form 18 (re-certification) to council.
- Once a plan has been re-certified, the lodging party is required to advise LV that the plan is available for examination/registration.

### 8.5 How does council re-certify a Plan?

- The steps to complete the action for re-certification are almost the same as for the original certification, with the main difference being the forms for re-certification.
- If certification/re-certification has been achieved previously the certification options available to council are shown below:

The screenshot shows the SPEAR web application interface. At the top, there is a navigation bar with links for 'Current Applications', 'View Document Rules', 'Contact Us', and 'Settings'. The user is identified as Arthur Gregory (Signing User). The application is for '1 CHARLIE CHASE, EVANSVILLE 3221 Penny Lane City Council Section 22 (Subdivision) (Planning Permit and Certification)' with a status of 'Council Certification Decision Pending'. The reference number is 'SPEAR Ref # - S000774T'. Below the navigation bar, there are tabs for 'Summary' and 'Details'. The main content area is titled 'Re-Certification / Statement of Compliance' and contains five radio button options:
 

- Certifying a New Version of an Existing Plan (Form 21)
- Certifying a New Version of an Existing Plan with Statement of Compliance (Form 22)
- Certifying a New Version of an Existing Plan (Form 7)
- Certifying a New Version of an Existing Plan with Statement of Compliance (Form 7)
- Refuse Certification (Form 26)

 There are 'cancel' buttons in the top right and bottom right corners, and a 'next >' button at the bottom right.

### Re-Certification Options

- Selecting either re-certification (Form 21) or re-certification and SOC (Form 22) will take you to the Council Certification and Endorsement Screen that has the same content as the "Council Certification and Endorsement" panel on a paper plan. This screen will be pre selected with the re-certification option you have chosen and will include the date of original certification. You then need to complete the "Public Open Space" part of the screen. Once this is complete you will be able to print a copy of the screen for your records.
- If "Refusal (Form 26)" is selected, you will be prompted to attach a Form 26 prepared previously in PDF format.
- If "re-certification (Form 21)" or "refusal (Form 26)" has been achieved the status of the application will become "Certification Decision", and the Applicant Contact will be notified by email of the outcome.
- If "re-certification & SOC (Form 22)" have been achieved, the status of the application will be "Statement of Compliance", and the Applicant Contact will be notified by email that the plan has been certified and a SOC has been issued.

### 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)