

User Guide 1 Creating an application in SPEAR

Purpose of this User Guide

The purpose of this guide is to provide information on how to prepare a subdivision or other survey based application in SPEAR.

Who should read this guide?

Primary audience: **Applicants**

For information: **Responsible Authorities** and **referral authorities**

Introduction

Completing the SPEAR online application wizard to create a subdivision or a survey based application is the first step in creating an electronic application.

SPEAR provides an electronic, online alternative to the paper application process. Instead of submitting application forms and supporting information, such as plans in paper form, they may be submitted by completing an electronic application in SPEAR and attaching electronic copies of supporting documentation in PDF format. The documents, such as plans, titles, reports and photos, are stored in SPEAR where they can be conveniently retrieved, viewed, and acted upon by the Responsible Authority, referral authorities (RAs) and applicants to process or monitor the progress of an application.

1.1 What types of subdivision applications can be created in SPEAR?

An Applicant Contact who is a registered SPEAR subscriber from an organisation employing a Licensed Surveyor can create an application for a planning permit, certification or a joint application for planning permit and certification for the following plans under the *Subdivision Act (1988)*:

- Section 22 Plans of Subdivision or Consolidation
- Section 23 Creation, Removal or Variation of Easement, Condition in Crown Grant or Restriction
- Section 24A Vesting or Removal of a Reserve
- Section 26 Boundary Plan (**NOTE: This application does not require certification by a Responsible Authority**)
- Section 32 and 32a Plans affected by an owners corporation
- Section 35 Acquisition of Land

- Section 37 Staged Plans.

The following plans under the *Subdivision Act (1988)* can be created as a certification application only:

- Section 32b Plans creating an owners corporation
- Section 35(8) Subdivision or Consolidation of land vesting in an Acquiring Authority

1.2 What type of Transfer of Land Act (TLA) applications can be created in SPEAR?

An Applicant Contact who is a registered SPEAR subscriber from an organisation employing a Licensed Surveyor can create an application for the following dealings under the *Transfer of Land Act (1958)* including:

- Section 60 Application for a vesting order based on title by possession
- Section 99 Application for amendment to boundaries, area or position
- Section 103 Application to correct land description in the Register to accord with plan
- Section 15 Application to bring land under the operation of the *Transfer of Land Act 1958*
- Section 26P Application for deletion of warning relating to title dimensions
- Section 98CA Conversion of building subdivisions
- Section 45 Creation of Easement
- Section 72 Recording of Easement
- Section 88(2) Acquisition of Easement or Right

These application types do not require certification by a Responsible Authority.

1.3 What type of Local Government Act applications can be lodged in SPEAR?

An Applicant Contact who is a registered SPEAR subscriber from an organisation employing a Licensed Surveyor can create an application for the following dealings under the *Local Government Act 1989* including:

- Section 207D Transfer of Closed Road
- Section 207E Road Exchange
- 7(3) Road Alignments (Paragraph 7(3) of Schedule 10)

1.4 What other applications can be lodged in SPEAR?

An Applicant Contact who is a registered SPEAR subscriber from an organisation employing a Licensed Surveyor can lodge an application for the following dealings including:

- Section 38B – Amend scheme of development – owners corporation (Subdivision Act)
- Section 38B – Amend scheme of development – lot owner (Subdivision Act)
- Section 259 – Major Transport Projects Facilitation Act
- Supporting Plan Document *

* Supporting Plan Document can be used when the surveyor is required to supply survey information to a lodging party in support of a dealing type not processed in SPEAR (e.g. a caveat or transfer to queen as to part). The workflow associated with this option does not involve the Responsible Authority and should not be used if they are required to be a part of the decision-making process.

1.5 Can applications be submitted to the Office of Surveyor General Victoria in SPEAR?

Yes. See User Guide 55 – Submissions to the Office of Surveyor General Victoria for more information.

1.6 What type of applications can NOT be created in SPEAR?

- Any application not described in section 1.1 – 1.5 above
- Plans of subdivision where the subject land falls in more than one local government area
- Plan of subdivision or consolidation from a member of the public that requires certification by the Responsible Authority.

1.7 Do you still need to lodge a paper version of an application with the Responsible Authority?

If you use SPEAR for your planning permit and/or certification application, you **must not** lodge a paper version with the Responsible Authority at any stage.

If the same application is submitted to the Responsible Authority using both SPEAR and paper, the Responsible Authority will ask that the paper application be withdrawn.

1.8 How do you make a payment to the Responsible Authority for a SPEAR application?

Payments can be made within SPEAR, using a Visa or MasterCard. Not all Responsible Authorities accept online payments. Payment can still be made either by sending payment through the mail or

in person at the Responsible Authority. Remember to provide the SPEAR reference number when making payment.

NOTE: A Responsible Authority may choose not to accept your application in SPEAR until the relevant fees have been received and cross referenced.

1.9 Is there any difference in presentation/preparation between a plan submitted for certification through SPEAR and a plan submitted through the paper process?

Yes. The differences are relatively minor but important. Refer to Technical Note 4 - Applicant Contact Created Documents in SPEAR, available from the User Guides section of the SPEAR website.

1.10 Can I create a VicSmart application in SPEAR?

Yes. You can indicate on the application form that the planning permit or joint application is a VicSmart application. Documents supporting the VicSmart application can be attached. The Responsible Authority will then assess the application and accept it as a VicSmart application or not.

1.11 How do I create a new subdivision application in SPEAR?

Login to SPEAR using your username and password. This will open the Applications List screen. Select 'Create New Application' from the list at the top right of the screen.

Public Search | View Document Rules | Reports | Settings | Remove Guests | Contact Us | Help | Logout

Planning & Subdivision Applications Online Holly Dashiell
(Applicant Contact)
(Password Approval User)

SPEAR

Create New Application
Request Application Transfer
ePlan Services
ePlan Data Request

Step 1 - Application Details

Choose an 'Application Type' from the drop-down list and click 'select'.

NOTE: The example portrayed in this User Guide is a joint application for planning permit and certification. The displayed fields may differ depending on your application type.

Create Application

Help to complete the Application

cancel

Application Details

* Indicates a mandatory field

Application Type *

Please select an Application Type ...

- Please select an Application Type ...
- Planning Permit and Certification
- Certification of a Plan
- Planning Permit for a Subdivision
- Transfer of Land Act
- Boundary Plan
- Plan of Crown Allotment
- Notice of Re-establishment
- Local Government Act
- Other

cancel

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The subdivision application wizard will expand to reveal additional fields. You may add your reference number in the 'Applicant Reference Number' field and an application or Estate name in the 'Application name or Estate name' field.

ePlan enabled applicants will also see an [upload ePlan](#) link when the application type includes a certification component. Clicking this link will allow you to upload your ePlan first and prepopulate most of the application wizard with data from your ePlan.

Application Type * Planning Permit and Certification under the Subdivision Act [modify](#) [upload ePlan](#)

Step 2 -The Land

Select your preferred search method from 'map search' or 'text search'.

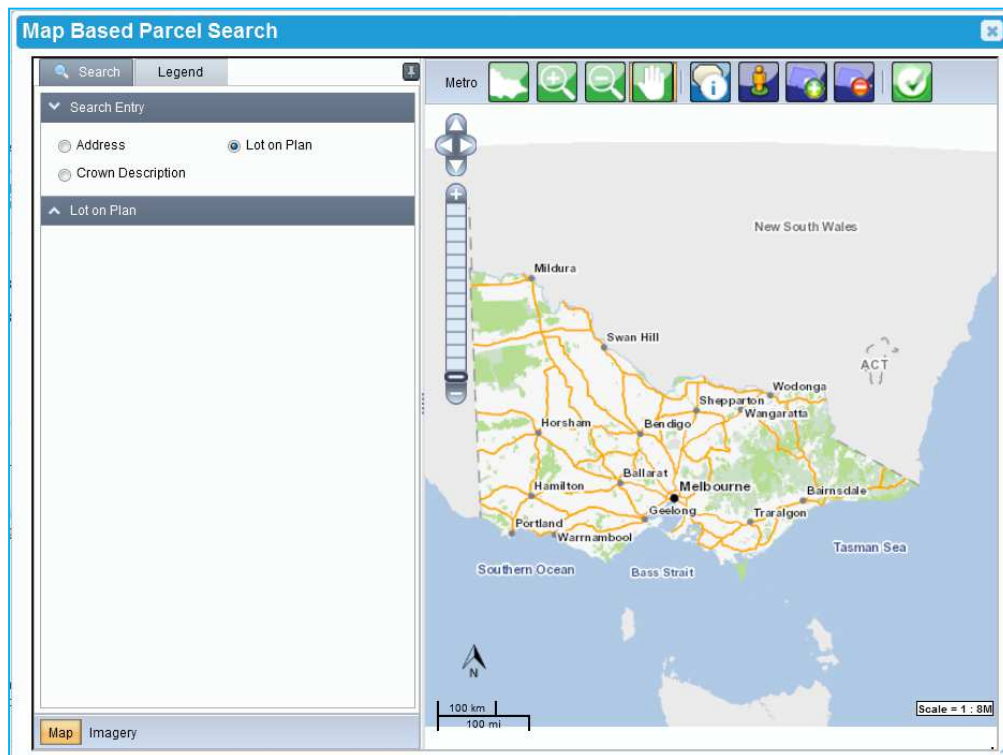
▼ **The Land**


▼ **Application Parcels**

No Application Parcels have been selected for this Application
Add a parcel using one of the methods below:


[map search](#) [text search](#)

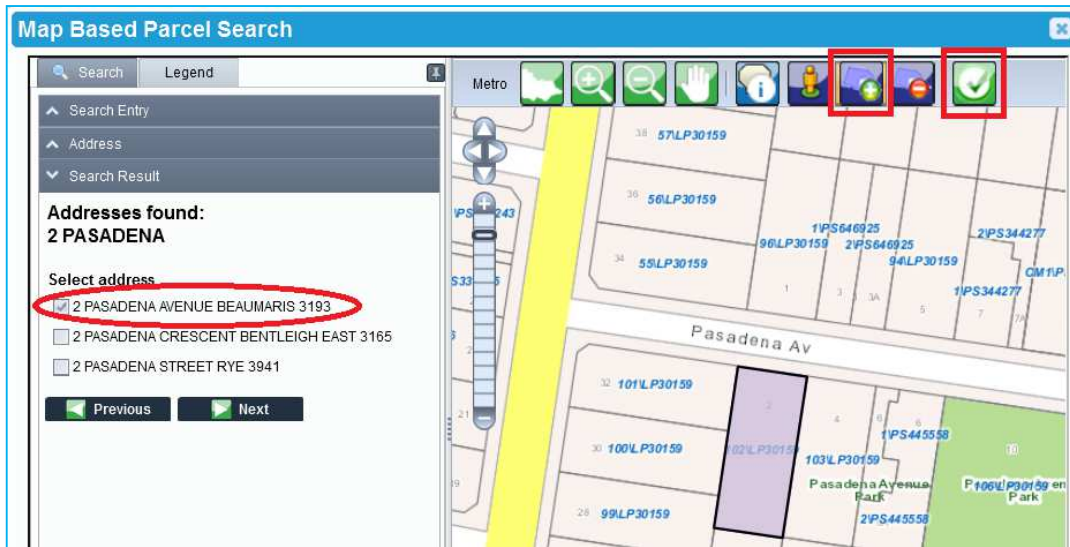
When selecting 'map search' a new pop-up window will appear 'Map Based Parcel Search'. From 'Search Entry' you can search by address, lot on plan or crown description.



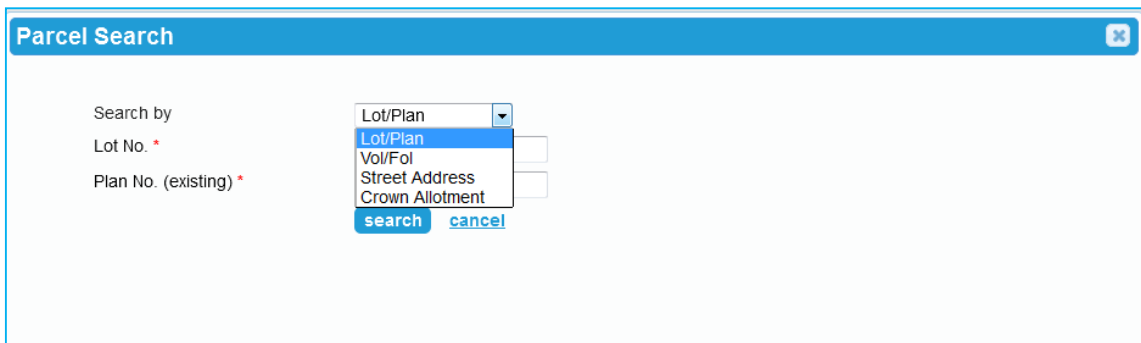
If multiple results are found, select the checkbox for the correct address then click [Next](#). Once loaded click 'Select Parcel'  and click on each relevant parcel.

NOTE: When selecting a base-parcel in a multi-level building, a list of individual parcels will appear on the left. Select the checkbox next to each required parcel.

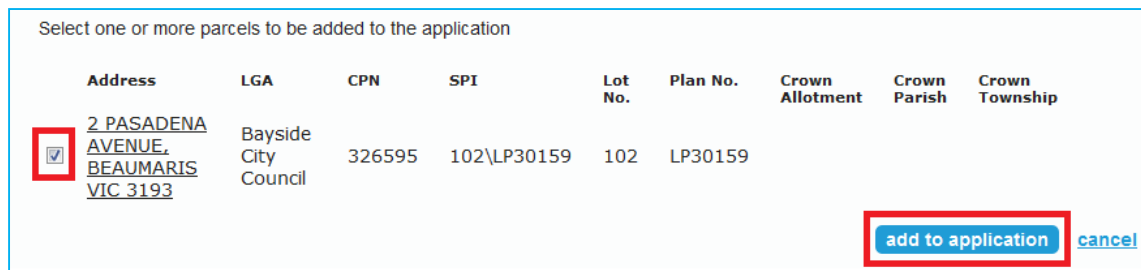
Once you have selected the required parcel(s) click 'Complete Selection' .



Alternatively, when selecting 'text search' a pop-up window will appear. Enter the required property details and click 'search'. SPEAR will perform a database search to confirm the address.



Once your application parcel(s) are returned from the database via either a text or map search, select the checkbox and click 'Add to Application.' You can perform additional searches and add multiple parcels to your application if required.



If you have added multiple parcels to an application, you will need to indicate which is to be the primary parcel.

▼ Application Parcels Please select the primary parcel for your application.

Primary Parcel	Address	LGA	CPN	SPI	Lot No.	Plan No.	Crown Allotment	Crown Parish	Crown Township	User Entered	
<input type="radio"/>	15 STATION STREET, OFFICER VIC 3809	Cardinia Shire Council	1800150300							N	Details Remove
<input checked="" type="radio"/>	17 STATION STREET, OFFICER VIC 3809	Cardinia Shire Council	1800150400							N	Details Remove
<input type="radio"/>	19 STATION STREET, OFFICER VIC 3809	Cardinia Shire Council	1800150500							N	Details Remove

Step 3 - The Proposal

Select which section of the Subdivision Act you are applying under, and the dealing type that describes your application using the drop-down lists provided.

HINT: If a section of the Subdivision Act is greyed out, you won't be able to select it due to an incompatible application type selected in step 2.

You may also need to enter other information such as the:

- Plan number (and stage number, if applicable)
- Number of lots
- Indicate if the application meets VicSmart requirements
- Number of new Limited and Unlimited Owners Corporations being created
- Description of the proposal
- Estimated cost of the development
- Estate name

NOTE: You will also need to answer some additional questions relating to Owners Corporations if you are creating an application under Section 32 of the Subdivision Act.

HINT: Mandatory Fields are indicated with a red asterisk (*).

▼ The Proposal

Subdivision Act (1988) Section *

Subdivision Act (1988) Dealing Type *

Plan Number *

Number of lots *

VicSmart Application?

Number of new Limited Owners Corporations *

Number of new Unlimited Owners Corporations *

Planning permit application is to subdivide an existing building

Proposal Description *

Estimated cost of the development for which a permit is required \$ *

Step 4 - Existing Conditions

This section of the wizard requires you to describe, in general terms, the way the land is currently used, including any activities, buildings, structures and works that exist. You will also need to declare if there are any encumbrances on the title. An encumbrance is a formal obligation on the land, such as a restrictive covenant, Section 173 agreement, easement, or building envelopes.

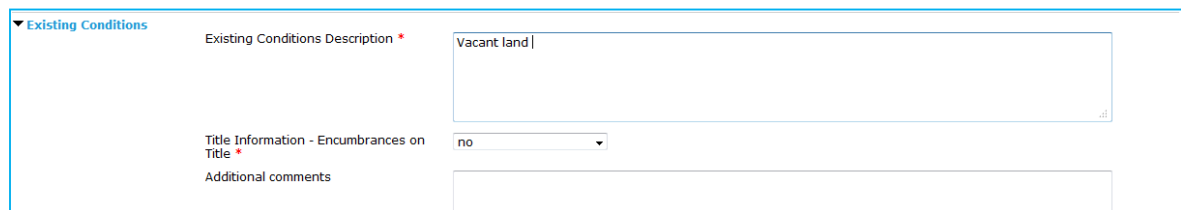
Enter information regarding how the land is currently used and select the relevant option under the heading 'Title Information - Encumbrances on Title'.

An explanation on the options available under the heading 'Title Information - Encumbrances on title' is as follows:

- 'Yes' means there is an encumbrance and the application is in breach
- 'No' means there is an encumbrance and the application is not in breach
- 'Not applicable' means there is no encumbrance

Selecting 'Yes' requires additional comments to be entered and will trigger a mandatory action for the Applicant Contact to 'Add Covenant Document'. It is suggested that you contact the relevant Responsible Authority for advice on how to proceed with the application.

Selecting 'No' or 'Not applicable' does not require additional comments to be entered and allows for an optional action to 'Add Covenant Document' if required at a later stage during the life of the application.

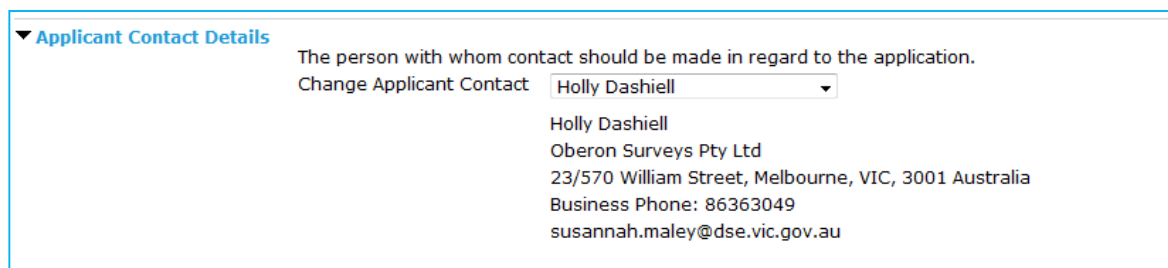


The screenshot shows a form section titled 'Existing Conditions'. It contains three fields: 'Existing Conditions Description' with the text 'Vacant land', 'Title Information - Encumbrances on Title' with a dropdown menu set to 'no', and 'Additional comments' which is currently empty.

Step 5 - Applicant & Owner

There are three components to this section, the Applicant Contact, applicant and owner, each of which must be dealt with separately.

The Applicant Contact is the SPEAR user who is making the application. The contact information is populated here from the logged in user's profile. If required, you can select an alternative contact person from within your organisation via the drop-down list.



The screenshot shows a form section titled 'Applicant Contact Details'. It includes a description: 'The person with whom contact should be made in regard to the application.' Below this is a 'Change Applicant Contact' dropdown menu with 'Holly Dashiell' selected. To the right of the dropdown, the following contact information is displayed: 'Holly Dashiell', 'Oberon Surveys Pty Ltd', '23/570 William Street, Melbourne, VIC, 3001 Australia', 'Business Phone: 86363049', and 'susannah.maley@dse.vic.gov.au'.

The applicant is the person or organisation that requires the certification of the plan and/or planning permit. The applicant can be the Applicant Contact or a client. If the Applicant Contact and the applicant are the same person, then check the box 'Applicant is the same as the Applicant Contact'. Otherwise click 'Add Applicant'. A pop-up window will appear, enter the appropriate information in the fields provided and click 'add to application'. More than one applicant can be assigned to an application by clicking 'add another applicant'.

Add Applicant Details

Name
* You must supply the First and Last Name or an Organisation Name.

Title

First Name *

Last Name *

or
Organisation (if applicable) *

Address

Unit No.

Road No.

Road Name (or PO Box) *

Road Type

Locality *

State *

Postcode

Country *

* You must supply the Business Phone or a Mobile Phone.

Business Phone *

Mobile Phone *

Fax

Email

[add to application](#) [cancel](#)

The owner is the person or organisation that owns the land at the time the application is made. The owner can be the applicant and/or the Applicant Contact, or anyone else. There are two check boxes that can be selected 'Owner is the same as the Applicant Contact' or 'Owner is the same as the Applicant'. However, if the owner is neither click 'Add Owner'. A pop-up window will appear, enter the appropriate information in the fields provided and click 'Add to Application'.

NOTE 1: The owner may not be required for some application types.

NOTE 2: More than one owner can be listed against a property application by filling in their details and clicking 'add to application' for each owner. If the second owner lives at the same address (e.g. a husband and wife) the address will appear in the 'Select Address' drop-down box.

Add Owner Details
✕

Name

* You must supply the First and Last Name or an Organisation Name.

Title

First Name *

Last Name *

or
Organisation (if applicable) *

Address

Unit No.

Road No.

Road Name (or PO Box) *

Road Type

Locality *

State *

Postcode

Country *

Business Phone

Mobile Phone

Fax

Email

Click 'save & close' when you are ready to move on to the next phase of creating your application.

NOTE: You can click 'save' at any time and return later to complete the application.

Step 6 -Mandatory Actions

You will now be prompted to carry out several mandatory actions before the application can be submitted to the Responsible Authority through SPEAR.

Summary
Details
Contacts
Guests
Email / Download Documents
View activity log

▼ **Applicant Contact - Oberon Surveys Pty Ltd has actions required** (hide)

▶ [Application for Planning Permit & Certification](#) Not Authenticated 21/08/2013

Actions

- ▶ [Add Copy of Title](#) Action required
- ▶ [Add Owners Consent](#) Action required
- ▶ [Add Plan for Endorsement](#) Action required
- ▶ [Add Plan of Subdivision or Consolidation](#) Action required
- ▶ [Declare and Submit Application](#) Action required

⊞ Other Actions...

▶ **Responsible Authority - Cardinia Shire Council has no actions required** (show)

▶ **Referral Authorities - No actions required** (show)

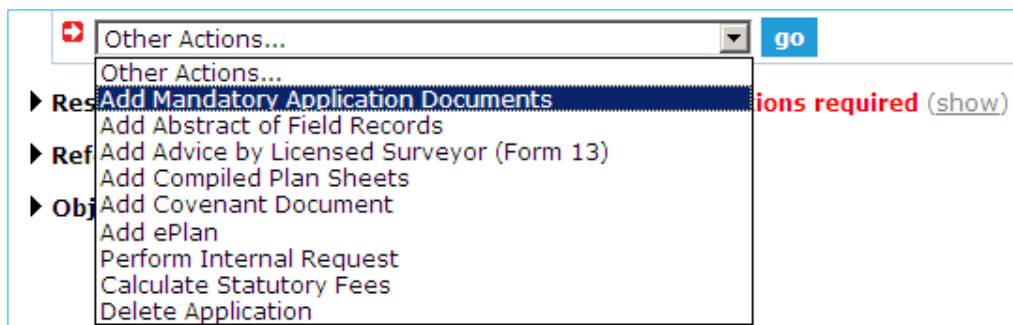
▶ **Objectors - No objections** (show)

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Mandatory actions include attaching plans, copy of title(s), owner's consent etc. The documents that SPEAR prompts you to add through mandatory actions will be dependent upon the type of application you are about to submit to the Responsible Authority.

Optional actions are available by using the 'Other Actions...' drop-down list. Optional actions allow you to add additional supporting documentation, such as a covering letter, reports or photos. If you cannot find an optional action to suit your needs, you can select 'Add Other Document Type' for anything that falls outside the selection available.

SPEAR provides a facility to upload the mandatory documents in one step by selecting 'Add Mandatory Application Documents' from the 'Other Actions...' drop-down list.

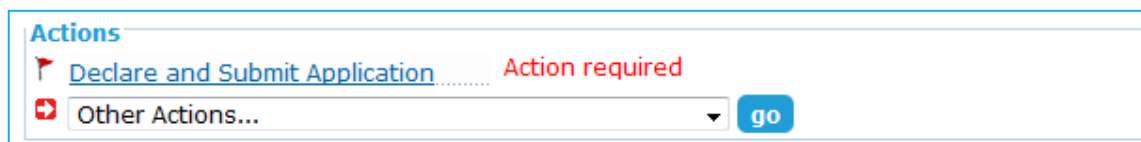


NOTE: To finalise your TLA survey-based application or boundary plan for submission to Land Use Victoria you should complete the mandatory action to 'Release for Lodgement'. For further information see User Guide 9 – Releasing documents for lodgement at Land Use Victoria.

You can find further information about attaching documents in User Guide 42 - Authentication – User Levels & Documents, and User Guide 43 - Key SPEAR Screens.

Step 7 - Declare and Submit Application

Once you have added all the Mandatory Application Documents, you will need to click the final mandatory action, 'Declare and Submit Application.'



If the Responsible Authority accepts payments through SPEAR, you will need to indicate whether you will pay the fee online now or submit the application without paying the fee. If you wish to submit without paying the fee, you can pay outside of SPEAR, pay later via SPEAR, or invite a guest to pay in SPEAR.

Payment Options

Lodge your application and pay the applicable statutory fee.

Lodge your application without paying the fee.

Note: You will need to make alternative arrangements to pay the fee or choose to pay the fee from SPEAR later via the 'Pay Fee to Responsible Authority' optional action.

As the Applicant Contact, you are required to make a declaration in relation to the information and documents you have provided. Once you have read through the information on the page, click the appropriate check boxes to make your declaration and click 'Submit Application'.

Declaration

I, Genevieve Mannix, declare that the owner (if not myself) has been notified about this application. *

I, Genevieve Mannix, declare that all the information I have given is true. *

I, Genevieve Mannix, certify that steps have been taken to bring this land under the Transfer of Land Act 1958.

I, Genevieve Mannix, apply to have the attached plan of subdivision / consolidation certified under the Subdivision Act 1988 and to have advice of street numbers allocated [Penalties apply if you make a false declaration].*

i Please note the information provided in the attachment/form may be viewed by the public. For more information, please refer to the [SPEAR Website Privacy Statement](#).

submit application [cancel](#)

The Details screen is now displayed and your application status is now 'Submitted'.

1.12 Can I modify my application in SPEAR?

Most details can be modified on an application while it is in 'Draft', (notable exceptions are application type and the Responsible Authority which cannot be altered). After the application has been submitted to the Responsible Authority, amendments can be made to the application and are regarded as changes to the application form, (example, changing the property address, permit category, owner's details, etc.).

An amended application document must go through a new step, 'Submit All Proposed Changes to Responsible Authority'. Amendments must be accepted by the Responsible Authority for them to be considered as part of the current application. Until these amendments are accepted, amended documents appear on the Details Tab view as 'Proposed' changes. Any changes made to the online application form will require Step 5 - Declaration to be completed again. On the Details tab click on 'go' next to 'modify' in the drop-down box next to the [Application for Planning Permit & Certification](#) link to make any required changes.

▼ Applicant Contact - Oberon Surveys Pty Ltd has actions required (hide)			
	Planning Property Report (21/06/2012 02:22 pm)	Retrieved	21/06/2012
	Application for Planning Permit & Certification	Supplied	21/06/2012
			Modify  go

New versions of documents or additional documents can be added to SPEAR at most stages of the application process. Some documents are considered to constitute an amendment to the application. These documents must be submitted to the Responsible Authority as proposed changes.

The Responsible Authority may reject an application submitted through SPEAR. SPEAR prompts the Responsible Authority to attach a letter of explanation for the rejection. The application then reverts to 'Draft' status which allows you to modify the application for re-submission to the Responsible Authority if necessary.

1.13 How does SPEAR link a separate planning permit application with a new SPEAR application for certification?

When creating a new certification application, you can link the new application to a previously issued or requested SPEAR planning permit by providing the SPEAR reference number of the planning permit application. You can link multiple certifications to the one joint or planning permit application.

When linking two or more SPEAR applications, SPEAR will automatically populate key details and documents (if available) from the planning permit application into the new certification application. However, the Applicant Contact is still responsible for ensuring that the new application details and any attached documents are accurate and appropriate.

Create Application

[Help to complete the Application](#)

Application Details

* Indicates a mandatory field

Application Type: Certification of a Plan under the Subdivision Act [change](#)

Applicant Reference Number: 1234

Planning Permit Requirement:
A Planning Permit has been issued or requested for this application in SPEAR.
A Planning Permit is not required for this application.
A Planning Permit has been issued or requested for this application in SPEAR.
A Planning Permit has been issued or requested for this application outside of SPEAR.

SPEAR Reference Number: S009999A [search for planning permit](#)

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

1.14 Who can see my draft application?

By clicking 'save' or 'save and close', your application will be saved as a draft application. Only users within your organisation will be able to view a draft application before it has been submitted to the Responsible Authority.

Once the action 'Declare and Submit Application' has been completed, the status of the application changes to 'Submitted' and the Responsible Authority can view your application. You will not be able to delete any of the application documents from this point.

1.15 If you decide to withdraw your SPEAR application, what do you need to do?

If an application status is at 'Draft' in SPEAR, the Applicant Contact can delete the application from SPEAR by selecting the 'Delete application' action from the 'Other Actions...' drop-down list.

If you no longer wish to proceed with an application that has been submitted to the Responsible Authority and a Responsible Authority decision has not yet been reached, it must be withdrawn. The 'Withdraw application' action is available to an Applicant Contact via the 'Other Actions...' drop-down list. Plan numbers of applications that have been withdrawn from SPEAR can be re-used in another SPEAR application.

If the Applicant Contact wishes to reinstate a withdrawn application, they must contact the Responsible Authority. The Responsible Authority can reinstate an application by selecting 'Restore Withdrawn Application' from the 'Other Actions...' drop-down list.

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 9194 0612 or email spear.info@delwp.vic.gov.au
- Selecting the Help link in the relevant area of the SPEAR system.
- Referring to:
 - Tech Note 4 – Applicant Contact Created Documents in SPEAR
 - User Guide 9 – Releasing documents for lodgment at Land Use Victoria
 - User Guide 42 – Authentication – User Levels & Documents
 - User Guide 43 – Key SPEAR Screens.