

User Guide 8 Certifying a plan of subdivision/consolidation and issuing a Statement of Compliance

Purpose of this User Guide

The purpose of this User Guide is to assist Responsible Authorities and Applicant Contacts on how plans are certified and re-certified and the issuing of Statements of Compliance (SOC) and refusals in SPEAR.

Who should read this?

Primary audience: **Responsible Authorities** 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 2011*. The certification decision and issuing of the SOC can only be finalised in SPEAR by a signing Responsible Authority user with a digital certificate.

8.1 How does a Responsible Authority certify a plan?

When all the referral responses to certification (Section 8) have been supplied in SPEAR by the referral authorities, the status of the application will move to 'Certification Decision Pending'.

The Responsible Authority will then be prompted to make a certification decision.

When the Responsible Authority is satisfied that the plan is ready to be certified, they must select the mandatory action '**Make Decision – Certif Of Subdiv**' from the Details tab.

NOTE: The consent of referral authorities' to SOC may still be outstanding.

The Responsible Authority 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?

When making a certification decision in SPEAR, one of the following certification options must be selected:

The screenshot shows the SPEAR application interface. At the top, there are navigation links: [Return to Application List](#), [Contact Us](#), [Help](#), and [Logout](#). The main header includes the text "Planning & Subdivision Applications Online" and "Barry Council (Responsible Authority, Applicant Contact, 3rd Party Applicant, Referral Authority, 3rd Party Objector, Administrator) (Signing User) Current User Role: Responsible Authority / Casey City Council". On the right, the address "2 VINE COURT, NARRE WARREN VIC 3805 R1Z" is displayed, along with "Planning Permit and Certification Dealing Type: Section 22 (Subdivision) Application Status: Certification Decision Pending" and a dropdown menu for "References" showing "SPEAR Ref # - S014279H". Below the header is a navigation bar with tabs: "Summary", "Details", "Contacts", and "Guests". The main content area is titled "Certification / Statement of Compliance" and contains five radio button options: "Certification of plan by Council (Form 2)", "Concurrent Certification & Statement of Compliance (Form 3)", "Certification of Acquisition Plans (Form 4)", "Certification and Statement of Compliance of Acquisition Plans (Form 4)", and "Refusal (Form 16)". At the bottom right of the form area are "next >" and "cancel" buttons.

Certification Options

Selecting either 'Certification (Form 2)' or 'Certification and SOC' (Form 3) will take you to the certification screen with options relevant to the form selected.

The screenshot shows the SPEAR application interface for the "Concurrent Certification and Statement of Compliance (Form 3)" screen. The header and navigation elements are identical to the previous screenshot. The main content area is titled "Concurrent Certification and Statement of Compliance (Form 3)" and contains the following information: "SUBDIVISION (PROCEDURES) REGULATIONS 2011", "SPEAR Reference Number: S014279H", "Plan Number: PS711062G([view plan](#))", "Responsible Authority Name: Casey City Council", "Responsible Authority Reference Number 1: S014279H - RespA Ref 1", "Responsible Authority Reference Number 2: S014279H - RespA Ref 2", and "Surveyor's Plan Version: PoSCon123". Below this, there are three sections: "Certification" with two checkboxes: "This plan is certified under section 6 of the Subdivision Act 1988" (unchecked) and "This plan is certified under section 11 (7) of the Subdivision Act 1988" (checked), with a date field "Date of original certification under section 6: ___ / ___ / ___"; "Statement of Compliance" with a checkbox "This is a statement of compliance issued under section 21 of the Subdivision Act 1988" (unchecked); and "Public Open Space" with a text requirement "A requirement for public open space under section 18 of the Subdivision Act 1988" and five radio button options: "Has not been made" (selected), "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: [text input]", and "Has been made and the requirement is to be satisfied in stage: [text input]". At the bottom right of the form area are "< back", "cancel", and "next >" buttons.

If the status of the original planning permit has been marked as 'Lapsed', 'Not Required', 'Refused', 'Cancelled', 'Expired' or 'Withdrawn', a red warning message will appear on the certification screen.

The Planning Permit in this application has been marked as REFUSED. The Responsible Authority Permit Ref. No. for this application may no longer be relevant or may need to be updated. Please update the number below if a new planning permit has been issued, or remove it if a planning permit is not required for this application.

If the planning permit reference number requires updating, then it can be updated or removed in this screen. When the plan is certified, the planning permit reference number is watermarked in the certification panel.

Certification & Statement of Compliance

Form 4 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).

If 'Certification (Form 2)' has been selected the status of the application will be 'Certification Decision', and the Applicant Contact and referral authorities will be notified by email that a certification decision has been made.

If 'Concurrent Certification & SOC (Form 3)' has been selected, the status of the application will be 'Statement of Compliance' (SOC), and the Applicant Contact and 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 must be authenticated using a digital certificate.

The application is locked when a plan is certified. The plan can only be amended if the Applicant Contact creates an application to amend the certified plan by submitting a Form 8 (Re-Certification) with a new version of the plan of subdivision.

The certified plan of subdivision will carry a watermark on sheet one of the plan providing details of the certification.

How does a Responsible Authority refuse certification (Form 16)?

If the 'Refuse Certification (Form 16)' option is selected, you will be directed to the refusal screen with options relevant to the (Form 16).

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15 REYNARD PLACE, CRANBOURNE EAST VIC 3 ...
GRZ, DCPO, DPO
Certification
Dealing Type: Section 32 (Subdivision)
Application Status: Certification Decision Pending
References [SPEAR Ref # - S503454V](#)

Planning & Subdivision Applications Online Council User
(Responsible Authority, Applicant Contact, 3rd Party Applicant, Referral Authority, Lodging Party, 3rd Party Objector, Administrator)
(Signing User)
Current User Role: Responsible Authority / Casey City Council

SPEAR

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Refusal (Form 16)

i You are about to refuse certification of this plan. Once authenticated, the application will be moved to your "Completed Applications" list and no further actions will be possible.

SUBDIVISION (PROCEDURES) REGULATIONS 2011
SPEAR Reference Number: S503454V
Plan Number: PS800201F ([view plan](#))
Responsible Authority Name: Casey City Council
Responsible Authority Certification Ref. No.: Cert161018-2
Surveyor's Plan Version: 2

Refusal

This is a refusal under section 6(2) of the Subdivision Act 1988. The Council refuses to certify the plan under section 6(2).

This is a refusal under section 11(7)(b) of the Subdivision Act 1988. The Council refuses to certify the plan under section 11(7)(b).

This is a refusal under section 21(1) of the Subdivision Act 1988. The Council refuses to issue a statement of compliance for the plan under section 21(1).

Reasons for refusal

A referral authority has refused to consent to the plan (select the Referral Authority refusal(s) relevant and/or 'Other' text as required below):

Melbourne Water [RAResponse \(19/11/2018 08:52 am,Refused\(Cert\)\)](#)

Other

Include details of the relevant provisions of Section 6(1) which have not been compiled with and/or any other details of grounds for refusal:

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

Select the section of the Subdivision Act used to refuse certification and provide the grounds for refusal.

NOTE: If one or more referral authorities have refused consent to certification, they will appear in the 'Reasons for refusal'.

To complete this action, the refusal (Form 16) must be authenticated using a digital certificate.

8.3 How does a Responsible Authority issue a Statement of Compliance (Form 14 or Form 15)?

Once a Responsible Authority is ready to issue a SOC for a previously certified plan, they select the mandatory action to 'Add Decision – Statement of Compliance'. The next screen will display the SOC options relevant to the plan type.

If issuing a SOC for a staged plan (Form 14) it will need to indicate the lots receiving SOC, and the lots which are not released from the original requirements.

If certification and SOC are issued separately, the certification panel will be updated with the SOC date.

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16 BETULA STREET, DOVETON VIC 3177
R1Z
Planning Permit and Certification
Dealing Type: Section 37 (Subdivision - ...
Application Status: SOC Decision Pending
References: **SPEAR Ref # - S012152J**

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

SPEAR

Summary Details Contacts Guests

Statement of Compliance (Form 14)

Regulation 32(5) Subdivision (Procedures) Regulations 2011

Section 21

Subdivision Act 1988

To Adam Ronaldo (Oberon Surveys Pty Ltd), 23/570 Bourke Street, Melbourne, VIC, 3001

Statement of Compliance for Stage No. 2 of a Staged Plan

SPEAR Reference Number: S012152J
Council Ref. No. 131232, 1313
Office of Titles Plan No.: P5638630H/S2
Surveyor's Plan Version: 2
Original Date certified by Council 28/05/2012 12:42:04 pm

1. This is a Statement of Compliance issued under section 21 of the **Subdivision Act 1988** for stage no. 2 of a staged subdivision (being lots (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 - (insert lot numbers e.g. S2, S3 etc. or insert "inapplicable" if this is a statement of compliance for the last stage).

You should now lodge the certified plan for registration together with this statement at the Office of Titles in accordance with section 5 (3)(e) of the **Subdivision Act 1988**.

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.

If a requirement for Public Open Space has been made but not satisfied at certification, it must be satisfied by the time SOC is issued. The Responsible Authority will have the opportunity to re-address outstanding Public Open Space requirements when SOC is issued. The certification document will be automatically updated to reflect the updated Public Open Space status.

Public Open Space

At SOC a requirement for public open space under section 18 of the Subdivision Act 1988

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:

8.4 How does the Applicant Contact submit an amended plan for re-certification?

Once the application status reaches 'Certification Decision' or later, the Applicant Contact must select 'Add Application to Amend Certified Plan (Form 8)' from the 'Other Actions...' drop-down list and attach a new version of the plan of subdivision. This request is received by the Responsible Authority.

After a new version of the plan is added, the Applicant Contact must complete the application to amend certified plan (Form 8) form and 'Add Owners Consent to Amend Certified Plan'.

Add Application To Amend Certified Plan (Form 8)

Form 8 Regulation 21 Subdivision (Procedures) Regulations 2011
Subdivision Act 1988

SPEAR Application Reference Number: S014171C
SPEAR Plan Number: PS639234L

Application is made to amend the plan certified by Casey City Council on 28/05/2012 which has not 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:

Does this application require an amendment to the Application for Certification? Yes No

Details of Proposed Amendment

	Current	Proposed
Dealing Type	Section 22 (Subdivision)	Section 22 (Subdivision)
Plan Number	PS639234L	PS639234L
Stage Number		
Number of Lots	32	32

Does this proposed plan change the street address allocations submitted for the current certified plan? Yes No

Owners Corporation

Yes No Does the attached plan do anything requiring the unanimous resolution of the members of the owners corporation under Division 3 of Part 5 of the Subdivision Act 1988 or an order of the Victorian Civil and Administrative Tribunal under section 34D of the Subdivision Act 1988?

Adam Ronaldo
Oberon Surveys Pty Ltd

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.

The application to amend certified plan (Form 8) must be authenticated and the plan of subdivision digitally signed by a Licensed Surveyor, before the Applicant Contact can 'Submit Application to Amend Certified Plan (Form 8)' to the Responsible Authority.

NOTE: The proposed plan will not replace the current version of the previously certified plan until the Responsible Authority has accepted the application for re-certification.

Application for re-certification (Form 8)

A notification will be sent to the Responsible Authority indicating a Form 8 and a 'Proposed Plan of Subdivision for Re-Certification' has been submitted by the Applicant Contact. SPEAR will create a mandatory action for the Responsible Authority to 'Assess application to amend certified plan'. This will allow the Responsible Authority to assess the re-certification request.

If the application is a joint planning permit and certification application, the Responsible Authority 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 Responsible Authority will also

have the option of rejecting the application. If the application is rejected the Responsible Authority will be prompted to attach a reason prepared previously in PDF format. If the Responsible Authority accepts the changes to the application the Responsible Authority must then indicate whether the address allocations have changed since the previous certification.

8.5 How does the Applicant Contact delete/withdraw an application to amend certified plan (Form 8)?

If an application to amend a certified plan (Form 8) is no longer required before it is submitted to the Responsible Authority, it can be deleted.

Once an application to amend a certified plan (Form 8) and supporting documents have been submitted to the Responsible Authority, the Applicant Contact can withdraw the Form 8, provided the Responsible Authority has not yet accepted the Form 8 request. If withdrawn, the proposed plan of subdivision and owners consent will be removed from the application.

8.6 How does the Responsible Authority assess an application to amend a certified plan (Form 8)?

If the application is a certification-only application, the Responsible Authority will have the option of either accepting or rejecting the application.

On completion of the assessment, SPEAR will notify the Applicant Contact of the Responsible Authority's decision.

If the application is accepted by the Responsible Authority, the 'Proposed Plan of Subdivision' will be renamed to the 'Plan of Subdivision' and will become the current version. The application status will revert to 'Certification Decision Pending'. A mandatory action for the Responsible Authority to 'Re-check Referral Request' and 'Recheck' will appear. If the Responsible Authority has indicated that the address allocations have changed then a mandatory action to 'Modify/Confirm New Street Address Allocations' will appear.

NOTE: Land Use Victoria may also flag the need to have a plan recertified (once the plan is lodged at Land Use Victoria). If this is the case, the applicant contact should apply for a recertified plan using the process outlined above.

Assess application to amend certified plan

Application
[Application to Amend Certified Plan \(Form 8\)](#)

Proposed Documents
[Proposed Plan of Subdivision or Consolidation \(Number of Pages: 3, Surveyor's Plan Version: 121\)](#)

Casey City Council accept this application and require a new Plan for Endorsement to be submitted

Casey City Council accept this application and do not require a new Plan for Endorsement to be submitted

Casey City Council reject this application

Have the street address allocations changed since the previous certification? Yes No

8.7 How does a Responsible Authority 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 the Responsible Authority are shown below (this may depend on the Subdivision Act plan type being dealt with):



Re-Certification Options

Selecting either 're-certification (Form 11)' or 're-certification and SOC (Form 12)' will take you to the certification screen with options relevant to the form selected.

If 'Refusal (Form 16)' is selected, you will be prompted to attach a Form 16 prepared previously in PDF format.

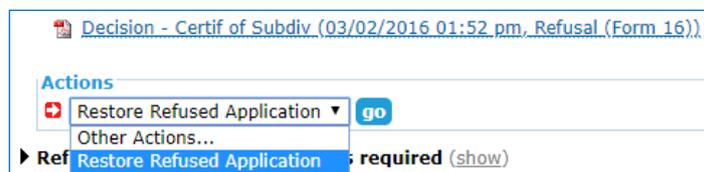
If 're-certification (Form 11)' or 'refusal (Form 16)' has been achieved the status of the application will become 'Certification Decision', and the Applicant Contact will be notified by email of the outcome.

If 're-certification & SOC (Form 12)' 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.

8.8 How do I change a certification decision after it has been refused?

If a new certification decision needs to be made after the application has moved to the completed list in SPEAR, this can be achieved by restoring the application.

Select 'Restore Refused Application' from the 'Other actions...' drop-down menu.



You will be prompted to provide a reason and either attach a PDF or enter a reason directly into SPEAR.

Restore Refused Application

You have chosen to restore a refused Application.

Once you click add now and authenticate this action the Application will be returned to the status of Certification Decision Pending. You will then be able to take further actions on this Application. If you do not wish to restore a refused Application click cancel.

Attach file (pdf, A4, Max file size 10240 KB)
 No file chosen

OR

Enter reason directly

After authenticating, the application status will change to 'Certification Decision Pending' and all actions normally available at that status will appear.

8.9 Does SPEAR accommodate the Growth Areas Infrastructure Contribution?

The Growth Areas Infrastructure Contribution (GAIC) may be payable for subdivisions of land in growth area councils. The Responsible Authority must notify the State Revenue Office (SRO) when a Statement of Compliance (SOC) has been issued over GAIC affected land.

When SOC is issued for an Urban Growth Zone property, SPEAR will prompt the Responsible Authority to indicate whether or not the property may be subject to a GAIC.

Notify SRO/GAA that property may be subject to GAIC

Please indicate below whether the property associated with this application may be subject to GAIC (Growth Area Infrastructure Contribution)

Yes, the land associated with this Statement of Compliance is subject to GAIC (A notification will be sent to the State Revenue Office and the Growth Area Authority).

No, the land associated with this Statement of Compliance is not subject to GAIC.

If you indicated that the property may be subject to a GAIC, SPEAR will automatically send an email notification to the State Revenue Office, together with a copy of the SOC.

If there is no zone information available in SPEAR, the notification can be sent via the optional action Notify SRO that property may be subject to GAIC.

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