

User Guide 14 Responding to a Referral Request

Purpose of this User Guide

The purpose of this User Guide is to provide guidance to referral authorities on how to respond to referral requests in SPEAR.

Details on how referral authorities respond to a notification of a permit application (pursuant to s.52 and s.57B of the *Planning and Environment Act 1987*) can be found in User Guide 28.

Who should read this?

Primary audience: **Referral Authorities**

For information: **Responsible Authorities**

Introduction

The approach to responding to referrals in SPEAR varies broadly between referral authorities, with some indicating they are unsure about what is required.

Any application that has been referred to your organisation through SPEAR **must be** responded to within SPEAR.

Responsible Authorities will be unable to issue a planning permit, certification or Statement of Compliance (SOC) until your response is in SPEAR. Sending a paper response to Responsible Authorities for a SPEAR referral will delay the process and can significantly increase the amount of work to be done by Responsible Authorities and you, to complete the referral process.

14.1 How do I know what I need to respond to in SPEAR?

Once you login to SPEAR, you will see all the applications currently referred to your organisation. The first column, 'Action Required', shows which applications your organisation has actions outstanding. Click the orange exclamation to display the sections of legislation your organisation has not yet responded to. (Refer to image of screen on next page).

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Planning & Subdivision Applications Online Seema Sumaru
(Referral Authority, Administrator)
(Password Approval User)
Current User Role Referral Authority / Melbourne Water

SPEAR

All Applications Watched

Search Filter Outstanding Actions

Displaying 1 - 20 of 20 results.

Action Req	Property	SPEAR Ref	Responsible Authority	Application Type	Status	Plan Number	RA Ref	Initial Referral	Advertised	Objected	R.F.I	Hosted	Watch
	122-138 THOMAS STREET, DANDENONG VIC 3175 Infinity Watergardens	S039587A	Dandenon...	Planning P...	Referred	PS716414F		26/03/2014	<input checked="" type="checkbox"/>				<input type="checkbox"/>
	4/297 UPPER HEIDELBERG ROAD IVANHOE 3079 Juliana Estate	S039540H	Banyule Te...	Certificatio...	Lodged at...	PS712280...		20/03/2014					<input type="checkbox"/>
	1 HIGH STREET, FRANKSTON VIC 3199	S039499S	Frankston...	Certificatio...	Referred			25/03/2014			<input checked="" type="checkbox"/>		<input type="checkbox"/>
	446 NEPEAN HIGHWAY, FRANKSTON VIC 3199	S039494P	Frankston...	Planning P...	Released f...	PS716394J		11/03/2014					<input type="checkbox"/>

Application List for referral authorities

Sections of legislation not yet responded to can include:

- 'Section 55' indicates that your organisation has been referred to under Section 55 of the *Planning and Environment Act 1987* and relates to planning permits. The *Planning and Environment Act* specifies that prior to any permit being granted, the application should be referred, if necessary, under Section 55, and an amended application should be referred under Section 57C. After the permit is granted, applications to amend the permit should be referred under the same Sections but pursuant to Section 73(1).
- Certification and SOC indicate that your organisation has been referred to under Section 8 of the *Subdivision Act 1988* and relates to the certification of the plan of subdivision and the SOC. When a Form 8 and a new plan version are supplied by the applicant, and a re-certification request is accepted by the Responsible Authority, the Responsible Authority action to refer the application should be given under Section 11 of the *Subdivision Act*.
- 'Comment' indicates that your organisation has been referred to so that you may provide a comment on an application. Comments from referral authorities do not prevent an application progressing to the Permit Decision Pending or Certification Decision Pending status. However, SPEAR will not allow the key decision to proceed until all comments have been provided.
- 'For Info' indicates that your organisation has been referred to 'For Information Only'. You are not required to respond but can choose to submit a response by selecting 'Add Other Document Type' from the 'Other Actions' drop down list in the Details Tab and clicking the 'go' button.

The Details Tab will list the mandatory action for your organisation eg: 'Add Referral Authority Response (Section 55, Certification, SOC)'.

To view the referral request added to SPEAR by the Responsible Authority, click on the link next to the mandatory action, displayed as ([View Referral 14/03/2013](#)). Viewing the referral request is also how you view the proscribed information that council must provide as part of Section 55 or 57C referrals eg: if your organisation is a determining or recommending referral for this application.

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

1 HIGH STREET, FRANKSTON VIC ...
R1Z, DDO, ESO, HO, SBO
Frankston City Council
Certification
Dealing Type: Section 32B (Subdivision ...
Application Status: Referred
References: SPEAR Ref # - S038118P

Planning & Subdivision Applications Online Seema Sumaru
(Referral Authority, Administrator)
(Password Approval User)
Current User Role: Referral Authority / Melbourne Water

SPEAR

Summary Details Contacts Guests Email / Download Documents View activity log

- ▶ Applicant Contact - **Brilliant Surveyors has no actions required** (show)
- ▶ Responsible Authority - **Frankston City Council has no actions required** (show)
- ▼ Referral Authorities - **Melbourne Water has actions required** (hide)
Melbourne Water

The "Actions" box currently displays the RA response currently outstanding for your organisation and a link to the referral request submitted by the Responsible Authority.

Actions

▶ Add RA Response (Certification, SOC) Action required (View Referral 14/03/2013)

Other Actions... go

- ▶ VCAT - No actions required (show)

14.2 How do I add my response to SPEAR?

You do not need to respond to the whole referral request in one response. You can complete responses to certification or SOC at a later date.

Once you have made a decision, you can add your response into SPEAR by clicking on the action 'Add Referral Authority Response'.

In the first screen, you will need to select one or more tick boxes to indicate which legislation you are responding to, then click the 'next >' button.

Return to Application List | Contact Us | Help | Logout

45 STATION STREET, CASEY VIC ...
Casey City Council
Planning Permit and Certification
Dealing Type: Section 22 (Subdivision)
Application Status: Referred
References: SPEAR Ref # - S038232T

Planning & Subdivision Applications Online seema sumaru
(Referral Authority, Administrator)
(Password Approval User)
Current User Role: Referral Authority / Origin Energy

SPEAR

Summary Details Contacts Guests

Add Referral Response

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 1988 (VIC).

Please indicate which of the following you are responding to:

- Section 55 - Planning Permit
- Section 8 - Certification
- Section 8 - Statement of Compliance

(Select one or more options)

next > cancel

If you selected 'Statement of Compliance' as one of your responses, you will be asked to confirm your intent to respond to SOC. You will then be directed to the response screen where you define the nature of your response using the radio buttons provided.

The response options selected on this screen will need to be supported by a response letter. Make sure that your selections on this screen match the true nature of your response as outlined in your letter. Discrepancies between your SPEAR selections and your PDF may lead to confusion between the Applicant Contact and the Responsible Authority. Make sure you check your response before authenticating.

[Return to Application List](#) | [Contact Us](#) | [Help](#) | [Logout](#)

45 STATION STREET, CASEY VIC ...
Casey City Council
Planning Permit and Certification
Dealing Type: Section 22 (Subdivision)
Application Status: Referred
References:

Planning & Subdivision Applications Online seema sumaru
(Referral Authority, Administrator)
(Password Approval User)
Current User Role: Referral Authority / Origin Energy

SPEAR

[Summary](#) [Details](#) [Contacts](#) [Guests](#)

Add Referral Response

State the nature of your response: [? Referral Guidelines](#)

Section 55 - Planning Permit

- 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 further information
- No referral required

Section 8 - Certification

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

Section 8 - Statement of Compliance

- Consent
- Do not consent at this time

Add Comments:
These comments are optional and will be displayed as a brief notation in addition to your main response.
Depending upon the option you have chosen above you may still be required to attach or enter details regarding your response on the next screen.

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

What is the nature of your response?

The following table describes the meaning of each response type:

Section 55 & 57C (Planning Permit)	
Do not object to the granting of the permit	Your response letter has no conditions that the Responsible Authority should include on the planning permit for the Applicant Contact to satisfy.
Do not object to the granting of the permit subject to Conditions	Your response letter contains one or more conditions that the Responsible Authority should include in the planning permit for the Applicant Contact to satisfy.
Object to the granting of the permit (specify rounds of objection)	Your response letter advises the Responsible Authority to refuse the planning permit. You should not select this response unless your organisation thinks the application cannot go ahead at all.
Request Additional Information	The documentation and information provided in the application is not enough to allow you to make a response decision and creates a mandatory action for you to request additional information. Your response should include details about the changes you require the Applicant Contact to make to the application.
No Referral Required	You are indicating that this application has been referred to your organisation in error and you do not wish to provide any response.

Certification (Section 8 & 11)	
Consent	Your response letter consents to the certification of the plan of subdivision. The letter may also describe the steps required to be completed by the applicant before your organisation will consent to Statement of Compliance (SOC).
No Referral Required	You are indicating that this application has been referred to your organisation in error and you do not wish to provide any response.
Refuse Consent	Your response letter advises the Responsible Authority to refuse certification. You should not select this response unless your organisation thinks the application can not go ahead at all.
Request a suspension of time (Requirement for alterations to the Plan)	The documentation and information provided in the application is not enough to allow you to make a response decision. Your response should include details about the changes you require the Applicant Contact to make to the plan of subdivision. This action tells the Responsible Authority to stop the statutory clock to allow you more time to respond and tells the applicant contact that changes to the plan are required before you will consent to the certification of the plan. The Applicant Contact will have a mandatory action to add a new version of the plan of subdivision into SPEAR.

A comments box is provided at the bottom of this screen. Brief comments typed into this box will appear as a link [View Referral Authority Comments](#) next to your response and should not include any critical information. These comments can also be viewed by both the Responsible Authority and Applicant Contact.

Once you have completed your selections, click the 'next >' button.

Attaching your referral response:

You may attach your response letter into SPEAR via two methods:

1. attach your letter in PDF format, or
2. type your response (or paste it) into the text box provided and SPEAR will create a PDF format letter for you.

Your response letter should contain all of the information you are required to provide for a paper based response, and should be easily identifiable as being from your organisation if it is printed out. Refer to section 14.3 of this User Guide for more information on content.

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Planning & Subdivision Applications Online seema sumaru
(Referral Authority, Administrator)
(Password Approval User)
Current User Role: Referral Authority / Origin Energy

45 STATION STREET, CASEY VIC ...
Casey City Council
Planning Permit and Certification
Dealing Type: Section 22 (Subdivision)
Application Status: Referred
References:

SPEAR

Summary Details **Contacts** Guests

Add Referral Response

You have chosen to respond to the following:

- Section 55 - Planning Permit (Do not object to the granting of the permit)
- Section 8 - Certification (Consent)
- Section 8 - Statement of Compliance (Consent)

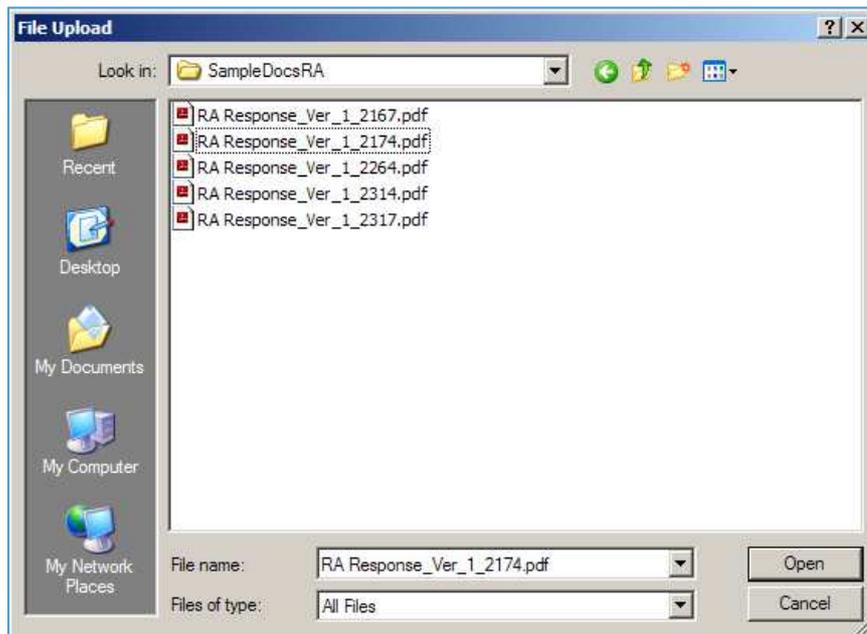
Attach file (PDF, A4, A3, Max file size 2048 KB)

OR

Enter Referral Response directly

Adding your response letter

To attach a letter you have previously created in PDF format, click on the 'Browse' button. You will be prompted to search through your computer files to find your response document.



Search through your files for your PDF response letter.

Once you have found and highlighted your response document, click the 'Open' button.

The file path to your document will now be displayed in the field next to the 'Browse' button.

To have SPEAR create a PDF format document for you, type your response details into the text box provided or copy the text of your letter from Word and paste it into the SPEAR text box.

The following header is placed at the top of each page of the PDF format document SPEAR creates for you:.

RA Response Section 55 and Certification			
SPEAR Ref #:	S006912H	Property:	2 SMITH STREET, HAMPTON 3188
Plan Number:	(Not Supplied)	Document Supplied:	28/04/2010
Responsible Authority Ref #:	S006912H - RespA Ref 1, S006912H - RespA Ref 2	Responsible Authority:	Bayside City Council
Applicant Ref #:	(Not Supplied)	Applicant Contact:	Keith Surveying
RA Ref#:	(Not Supplied)	RA:	Origin Energy
		RA Authenticator:	seema sumaru

Once you have attached or typed your letter into this screen, click the 'add now' button.

The response must be authenticated by a SPEAR user with the appropriate level of authorisation in your organisation.

NOTE: If the response is not authenticated, the Responsible Authority and the Applicant Contact will be unable to view the document in SPEAR and will not know that you have

responded to the application. Refer to Section 14.5 of this User Guide for instructions on how to authenticate.

14.3 What information should my response letter include?

The letter should contain the same information you need to supply when responding to an application via paper.

Not providing this information could result in the Responsible Authority or the Applicant Contact having to contact you for more information.

The example letter on the next page demonstrates the information that Responsible Authorities expect to be supplied in each referral response regardless of whether you type into the text box or attach a document you have created previously.

Our Reference: TP01-996
Your Reference: PLN07/0594

At least one identifying reference number or reference details, preferably including the SPEAR Reference Number.

SPEAR Reference: S000874J
Plan of Subdivision No: PS614314G (Version 1)
Location: 1- 9 Best Road, Derbyshire - 2 Lots

5 October 2007

- The Date
- Referral Authority Name
- Contact Details of the Responding Officer

REFERRAL AUTHORITY NAME

Telephone (03) 8636 3049
Facsimile (03) 8636 2588
E-mail Joe.Bloggs@referral.com.au

Clearly indicate what consents you are giving and not giving.
Clearly indicate if they are for the planning permit, certification or Statement of Compliance

**CONDITIONAL CONSENT TO PERMIT
BUT CERTIFICATION AND COMPLIANCE REQUIRED**

Pursuant to Section 56 (1) (b) of the Planning and Environment Act 1987, Referral Authority hereby gives conditional consent to the granting of a permit for the above application subject to the following conditions:-

1. Any plan lodged for certification will be referred to the Referral Authority pursuant to section 8(1)(a) of the Subdivision Act.
2. Reticulated sewerage facilities must be provided to each lot by the owner of the land (or the applicant contact, in anticipation of becoming the owner) to the satisfaction of the Referral Authority. This will include the construction of works and the payment of major works contributions by the applicant contact.
3. A reticulated water supply must be provided to each lot by the owner of the land (or the applicant contact, in anticipation of becoming the owner) to the satisfaction of the Referral Authority. This will include the construction of works and the payment of major works contributions by the applicant contact.

State any conditions that you require the Responsible Authority to include on the planning permit and the applicant contact to satisfy.
These should be numbered.

Referral Authority will not consent to the issue of a Statement of Compliance until such time as the applicant contact provides satisfactory evidence of compliance with the above conditions.

If you have any queries, please contact me on the above telephone number.

Yours faithfully

Joe Bloggs
Referrals Officer

The name and position of the responding officer or staff member.

14.4 How do I authenticate my response?

Responses must be authenticated by a SPEAR user who has a 'password' level of authorisation in your organisation. If the response is not authenticated, the Responsible Authority and the Applicant Contact will be unable to view the document in SPEAR and will not know that you have responded to the application.

Once you have added your response to SPEAR it will appear in your documents list on the Details Tab as 'not authenticated'.

To authenticate the response, click on the 'go' button next to the 'authenticate' drop down box to the right of your response.

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

Referral 8
 Hume City Council
 Certification
 Dealing Type: Section 22 (Subdivision)
 Application Status: Referred
 References:

Planning & Subdivision Applications Online
seema sumaru
(Referral Authority, Administrator)
(Password Approval User)
Current User Role: Referral Authority / Telstra

SPEAR

Summary | **Details** | Contacts | Guests
Email / Download Documents | View activity log

- ▶ **Applicant Contact - Brilliant Surveyors has no actions required** (show)
- ▶ **Responsible Authority - Hume City Council has no actions required** (show)
- ▼ **Referral Authorities - Telstra has actions required** (hide)
 - Hume City Council - AgileOrganisation**
Application referred for information only [\(View Referral 27/03/2013 01:47 pm\)](#)
 - Hume City Council - Testing ARs**
Application referred for information only [\(View Referral 27/03/2013 01:47 pm\)](#)
 - Melbourne Fire Brigade - Reg 15**
RA Response (Comment)..... Not supplied [\(View Referral 27/03/2013 01:57 pm\)](#)
 - Origin Energy**

RA Response (03/04/2013 01:57 pm, Consented (Certification), Consented (SOC))	Supplied	03/04/2013	(View Referral 27/03/2013 01:47 pm)
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 - Telstra**

RA Response (17/04/2013 04:46 pm, Consented (Certification), Consented (SOC))	Not Authenticated	17/04/2013	<input type="text" value="Authenticate - Password"/> <input type="button" value="go"/> (View Referral 27/03/2013 01:57 pm)
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Actions

Authenticating your response

You will be prompted to type in your SPEAR password (the same one you use to login to SPEAR) and click the 'authenticate' button.

Authenticate Document

To validate the authenticity of this document please enter your password and select "authenticate".

RA Response (17/04/2013 04:46 pm, Consented (Certification), Consented (SOC))

Password

Use your SPEAR login password to authenticate

Your response is now complete. You can complete any other outstanding referral responses at a later date if required.

14.5 Re-referrals

The Responsible Authority may decide to re-refer the application to your organisation, if the Applicant Contact makes significant changes to the application documentation (such as the plan of subdivision). If you have previously added your response to an application in SPEAR, a re-referral will require you to repeat the process and respond again, with consideration of the new information. SPEAR will determine the relevant sections of the *Planning and Environment Act* or *Subdivision Act* under which these re-referrals will be subject to.

14.6 Requesting additional information

You can request additional information from the 'Other Actions' drop down list on the Details Tab or you may be prompted to complete this action when you request a suspension of time in response to a Section 55 referral request.

Your response will need to be in PDF format.

To add a previously prepared additional information request in PDF format:

- click the 'Browse' button and find your request letter, or,
- type (or paste) the details of your additional information request into the field provided. SPEAR will create a PDF document for you from this text.
- Click the 'add now' button.

Once the document is authenticated, it will be saved in SPEAR and an email notification sent to the Applicant Contact notifying them. The Applicant Contact will now have a mandatory action to respond to the referral authority's request.

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 8636 3049 or email spear.info@dtpli.vic.gov.au
- Selecting the Help link in the relevant area of the SPEAR system
- Referring to User Guide 3 – Referrals and User Guide 5- Request for Further Information.