

Title Registration Services Customer Information Bulletin

Edition 88 September 2004

SPEAR Streamlined Planning through Electronic Applications and Referrals

This edition of the Customer Information Bulletin provides information on the SPEAR system, and the requirements for lodging a SPEAR plan for registration. It

includes changes to the contents of a SPEAR plan, the searching of unregistered SPEAR plans and the plan types that are included in SPEAR Release 1.

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Background to SPEAR



SPEAR (Streamlined Planning through Electronic Applications and Referrals) is an Internet based system developed under Land Victoria's Land Exchange program that will enable development approval applications eg subdivision of land, to be lodged and tracked online and referred electronically for comment.

SPEAR Release 1 covers the approval process for the subdivision and consolidation of land from the application for a planning permit, to council certification of the plan and lodgement in Land Registry. SPEAR is expected to be extended in the future to accommodate other types of development applications.

SPEAR can be likened to an electronic mail box that stores data and allows subscribers to access this data. It is intended to help address the delays, duplication of data, double handling of documents and high administrative overheads that are characteristic of the current manual, paper based development approval process.

SPEAR Release 1 will be available from September 2004 and will allow a subdivision or consolidation application to be electronically submitted to council, referred electronically for comment and tracked online from the initial planning stage, through to lodgement and registration of the plan at Land Registry. Release 1 will operate initially as a "pilot" with a small number of surveyors, councils and referral authorities. Following successful operation in the pilot phase SPEAR Release 1 will be available for use by additional surveyors, councils and referral authorities.

It is not mandatory to use SPEAR. The current paper system for development approvals by council and lodgement of plans in Land Registry can continue to be used.

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Department of
Sustainability and
Environment

Title Registration Services
Land Victoria
Level 9, 570 Bourke Street
Melbourne VIC 3000
PO Box 500
East Melbourne VIC 3002

Tel (03) 8636 2010
Fax (03) 8636 2250

Changes to registration processes in Land Registry

1 Lodgement of SPEAR Plans

The lodgement of SPEAR plans in Land Registry will be similar to the existing process except that some documents currently provided in paper form will be supplied electronically through SPEAR.

Lodgement will still occur on Level 9, 570 Bourke Street, Melbourne and the Subdivision Act Plan Lodgement Checklist is still required to be completed.

When a SPEAR plan is lodged the Plan Acceptance Officer will access SPEAR and confirm that the plan has been certified by council and has been released by the surveyor. The documents in SPEAR will be printed and then used for lodgement into the Victorian Online Titles System (VOTS).

The Form 10 Subdivision (Procedures) Regulations 2000 must still be supplied in paper form and must contain the SPEAR reference number. Relevant consents to the registration of the plan must still be provided as is currently done. Additional Body Corporate Rules for a SPEAR plan must also be supplied in paper form.

The fees for lodging a SPEAR plan are the same as those for lodging a non-SPEAR plan.

2 Letter of Authorisation

Statement of Compliance

For SPEAR plans a Form 24 or Form 25 Subdivision (Procedures) Regulations 2000 Statement of Compliance will not be provided to Land Registry in paper form but will be available from SPEAR.

Where a council has issued a Form 24 or 25 Statement of Compliance a Letter of Authorisation from the lodging party, addressed to the Registrar, is to be provided to enable the plan to be registered.

The Letter of Authorisation preserves the existing control that the lodging party has over the registration of the plan and mirrors the handing over to Land Registry of the paper Form 24 or 25 Statement of Compliance for non-SPEAR plans.

The Letter of Authorisation is to be addressed to the Registrar and is to quote the plan number and stage number (if applicable), SPEAR reference number and advise that:

- a Statement of Compliance has been issued by council and is available on SPEAR;
- the plan is to proceed to registration.

The Letter of Authorisation is to be signed by the lodging party.

Re-certified Plans

Re-certified plans will not be returned to Land Registry in paper form but will be provided through SPEAR.

To enable the registration process to resume for a re-certified SPEAR plan a Letter of Authorisation from the lodging party, addressed to the Registrar, is to be provided.

The Letter of Authorisation preserves the existing control that the lodging party has over the registration of the re-certified plan and mirrors the handing over to

Land Registry of paper non-SPEAR re-certified plans.

The Letter of Authorisation is to be addressed to the Registrar and is to quote the plan number and stage number (if applicable), SPEAR reference number and advise that:

- a re-certified plan is available on SPEAR;
- the plan is to proceed to registration.

The Letter of Authorisation is to be signed by the lodging party.

3 Unregistered SPEAR Plans

SPEAR plans will be imaged after lodgement, and not after registration as is the case for non-SPEAR plans.

The abstract of field records, surveyor's report and the Form 10 will continue to be imaged after registration.

An imaged unregistered SPEAR plan will be available for searching remotely through the LANDATA broker network and within Land Registry using Self Service Search. When viewed or printed the unregistered plan will contain the following watermark wording:

Warning - Plan and survey documents not registered

The watermark will be located on the right side of the printed document.

When the plan is registered the watermark will not be applied.

What plans will be in SPEAR Release 1

Any plan (including staged plans) that requires a Form 10 Subdivision (Procedures) Regulations 2000 application will be in SPEAR Release 1 with the exception of the following:

- Plans of Consolidation not prepared by a licensed surveyor
- Plans of Subdivision where the subject land is in more than one local government area
- Plans by an acquiring authority under Section 35(8) Subdivision Act 1988

- Section 32A Subdivision Act 1988 plans

In addition the following plans are not included in SPEAR Release 1:

- Section 23 Subdivision Act 1988 plans to create, remove or vary a restriction not done as part of Plan of Subdivision or Plan of Consolidation
- Section 23 Subdivision Act 1988 plans to create, remove or vary an easement, or a plan of variation or removal of a condition in the nature of an easement in a Crown

grant not done as part of a Plan of Subdivision or a Plan of Consolidation

- Section 35 Subdivision Act 1988 plans
- Section 24A Subdivision Act 1988 plans
- Section 32 Subdivision Act 1988 plans resulting from alterations of a subdivision containing a body corporate
- Conversion of stratum and strata building subdivisions

Differences between SPEAR and non-SPEAR documents

1 Documents provided through SPEAR

The documents that will be provided through SPEAR are the Plan (consolidation or subdivision), Council Certification and Endorsement, Statement of Compliance and Planning Permit.

It is optional for the abstract of field records and the surveyor's report to be provided through SPEAR.

The Council Certification and Endorsement will be provided through SPEAR as a separate document and will not be part of the plan as it is for non-SPEAR plans. However it will be imaged as the last page of the plan.

2 Plan of Subdivision or Consolidation

The major differences to a non-SPEAR paper plan are:

- Council Certification and Endorsement panel and council delegate signature panel will have a line placed through them. This is because a council delegate signs a SPEAR plan digitally.
- The words "THIS IS A SPEAR PLAN" will be shown in the notations panel.
- The surveyor's signature panel on the first page of the plan will contain the words "Digitally signed".
- There will be no surveyor's signature on the plan as the surveyor has signed the plan digitally in SPEAR.
- The date entered on the plan will be the date the plan was digitally signed by the surveyor.
- The page numbering will accord with the amendments to the Subdivision (Procedures) Regulations 2000. The first page will be numbered as "Sheet 1 of [total number of sheets] sheets". The second and subsequent sheets will be numbered consecutively with no reference to the total number of sheets.
- The Council Certification and Endorsement will be imaged by Land Registry as the last page of the plan, but will not have a page number in the plan numbering sequence. These changes reflect the fact that a

plan lodged through SPEAR will have the Council Certification and Endorsement as a separate document and not part of the first page of the plan.

3 Council Certification and Endorsement

The Council Certification and Endorsement document replaces the Council Certification and Endorsement panel that is currently shown on paper plans. The council delegate certifies the plan by completing this document in SPEAR and digitally signing it.

The completed Council Certification and Endorsement document that is provided to Land Registry through SPEAR shows only the information selected by the council delegate at the time of certification.

4 Statement of Compliance (Form 24 or Form 25)

Councils prepare the Statement of Compliance in the same format as they do currently and attach it to SPEAR.

- There will be no council delegate signature as the council delegate signs the Statement of Compliance digitally in SPEAR.
- The words "Digitally signed by (name of council delegate) on (date)" replaces the handwritten signature. The council delegate name will be typed.
- The date on the Statement of Compliance will be the date the Statement of Compliance was digitally signed by the council delegate.
- Reference to the Surveyors Plan Version is shown.
- The following wording has been added to the Form 24 and 25 to accord with amendments to the Subdivision (Procedures) Regulations 2000:

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 that plan.

5 Surveyor's Report

The only differences between a surveyor's report provided through SPEAR and a non-SPEAR paper surveyor's report are:

- There will be no surveyor's signature shown as the surveyor digitally signs the report in SPEAR.
- The words "Digitally signed by (name of surveyor) on (date)" replaces the handwritten signature. The surveyor's name will be typed.
- The date entered on the surveyor's report will be the date the report was digitally signed by the surveyor.

It is not mandatory for the surveyor's report to be lodged in SPEAR. It may still be provided in paper form at the time of lodgement at Land Registry.

6 Abstract of Field Records

The only differences between abstract of field records provided through SPEAR and non-SPEAR paper abstract of field records are:

- There will be no surveyor's signature as the surveyor digitally signs the abstract of field records in SPEAR.
- The words "Digitally signed" replaces the handwritten signature. The surveyor's name will be typed.
- The date entered on the abstract of field records will be the date the abstract of field records were digitally signed by the surveyor.

It is not mandatory for the abstract of field records to be lodged in SPEAR. They may still be provided in paper form at the time of lodgement at Land Registry.

7 Registered SPEAR Plans

A registered SPEAR plan will contain the name of the Assistant Registrar of Titles that registered the plan and the date of registration but no signature. There will be no time of registration as shown on non-SPEAR plans. The time of registration will be stored on VOTS.

Map base identification of SPEAR plans

VicMap will not identify if a plan is a SPEAR plan.

Queries regarding lodgement of SPEAR plans

Queries regarding the lodgement of a SPEAR plan are to be directed to the Title Registration Services Customer Enquiry Centre on 8636 2010.

Information regarding SPEAR is available from the SPEAR home page on the Land Exchange website
www.landexchange.vic.gov.au/spear

Customer Information Bulletin on email

If you'd like to receive the *Customer Information Bulletin* electronically or to unsubscribe, send your request to Nancy Mazza via email
nancy.mazza@dse.vic.gov.au, or telephone (03) 8636 2812, or fax (03) 8636 2250.

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