

# Transitioning from paper to digital survey plans

Summary of discussion paper submissions and next steps



# Summary of responses

## 50 responses

- Surveying (42%)
- Local Government (10%)
- State Government (10%)
- Others from Certifiers, Banks, Developers, Legal Sector, Planners, Utility Service Providers, Valuers and Others
- Several related to eConveyancing and cancellation of paper certificates of title which have been passed on to the relevant ORG staff

Thank you for taking the time to consider this complex but important reform.

# Three components of the proposed reform

(note their implementation can overlap)

## A. Move to an online plan creation to registration process

- A single source of truth is established for surveyor certified plans
- Link established between NSW Planning Portal and NSW LRS Connect
- Changes to plans and associated documents are monitored to enable concurrent consent gathering

## B. Require digital data to be included as part of plan lodgments

- Dependent on industry support for CAD layering standard and effectiveness of NSW LRS translator (data first, then drafting)
- Requires categorisation of plans to support a phased introduction

## C. Digital data considered the legal point of truth

- Requires visualisation of digital survey plans in multiple forms (e.g. rendering of lot diagrams)
- Pre-requisites in discussion paper must be met to utilise digital plan examination stream
- Part of reform likely to be most dependent on legislative change

# Move to an online plan creation to registration process

## Sub-component analysis

- Pre-allocated Plan Numbers ●
- Plan workspaces ●
- Online form builders ●<sup>1</sup>
- Online survey certificate ●
- Signature sheets ●
- Link to NSW Planning Portal ●
- 100% online lodgment of plans ●<sup>2</sup>
- Online contributing parties ●<sup>3</sup>
- Online consenting parties ●
- Change management ●
- Verification of identify ●
- Lodgment party attestations ●

● – Implementation supported      ● – Further consultation required  
● – No action proposed

# Move to an online plan creation to registration process

## 1. Online form builders

Generally supported provided sufficient time is provided to adopt and implement enhancements, including catering for complex or unusual requirements.

The Law Society of NSW raised concerns about compatibility with collaborative preparation of Section 88B Instrument terms in Microsoft Word.

The Australian Institute of Conveyancers NSW Division also queried whether it was intended to exclude Licensed Conveyancers from the preparation of Section 88B Instruments.

**ORG response:** *NSW LRS to demonstrate worked examples and highlight the benefits to industry. NSW LRS to further enhance online forms and provide appropriate transition arrangements.*

*Expectation for Section 88B Instruments is for final terms to be inserted (by surveyor or invited legal practitioner) into online form in NSW LRS Connect after offline collaboration has been completed.*

*This reform does not propose to make any changes to the 'conveyancing work' that can be carried out by licensed conveyancers, which is set out in section 4 of the Conveyancers Licensing Act 2003.*

# Move to an online plan creation to registration process

## 2. 100% online lodgment of plans

Generally supported, allowing appropriate transition arrangements for previously prepared plans. There were differing views from surveyors, the Australian Institute of Conveyancers NSW Division and the Law Society of NSW on whether lawyers and conveyancers should be able to lodge plans, as well as concerns about Government exemptions.

**ORG response:** NSW LRS to migrate plan lodgment functionality from ePlan to NSW LRS Connect with appropriate transition arrangements for over-the-counter lodgments.

*The rationale for restricting who can lodge plans is to minimise plan requisitions and associated delays by favouring professionals with specialised expertise, thereby reducing ‘one-off’ lodging parties.*

*NSW LRS and ORG to work with industry bodies to specify eligibility requirements for ‘linked entities’ associated with a Registered Surveyor. Linked entities will be able to lodge a plan on a Registered Surveyor’s behalf. For example, this would suit a long-term relationship between a surveyor and legal practitioner with specialised knowledge of lodging plans. It would not suit a surveyor’s client requesting a third-party lawyer, who was inexperienced in this field, to lodge the plan.*

# Move to an online plan creation to registration process

## 3. Online contributing parties

Many submissions saw benefits from inviting valuers and legal practitioners to contribute online within the workspace, with access rights limited to only the appropriate parts they contribute to. However, submissions also identified the need to maintain options for collaborating offline, with the surveyor or linked entity bringing the information or documents into the workspace when ready.

Capabilities to delegate tasks within the workspace to administrative staff were seen as essential. Incorporation of address allocation in the process by Local Councils was also requested in several submissions.

**ORG response:** *NSW LRS to incorporate contributing parties as optional functionality within NSW LRS Connect, initially limited to support staff for surveyors and those contributing parties for Section 88B Instrument preparation. ORG and NSW LRS to consider for later releases of NSW LRS Connect enabling valuers and others to contribute to plan workspaces online.*

# Require digital data to be included as part of plan lodgments

## Sub-component analysis

- CAD data uploads ●
- CAD data export ●
- Mandating data lodgments ●<sup>4</sup>
- Cautions associated with data ●<sup>5</sup>

● – Implementation supported      ● – Further consultation required  
● – No action proposed



# Require digital data to be included as part of plan lodgments

## 4. Mandating data lodgments

Several submissions raised concerns about increasing costs for industry, with Government and NSW LRS enjoying the benefits. Other submissions identified that it is not yet clear how surveyors would generate a digital survey plan for complex plans like stratum. Some submissions also encouraged mandates to be introduced to provide certainty for industry. Most submissions generally accepted that the move to require digital data as part of lodgments was necessary provided the approach did not add significant workload for plan preparation.

The need to stage the introduction of mandates for digital survey plans was frequently identified in submissions, with the Association of Consulting Surveyors NSW recommending a 6-12 month timeframe for each stage, starting with plans of survey information only, compiled plans of consolidation and simple easement plans.

# Require digital data to be included as part of plan lodgments

## 4. Mandating data lodgments (cont.)

*ORG response: The introduction of mandates for the lodgment of digital survey plans will be subject to the successful testing and release of the CAD data translator and CAD data export tools in NSW LRS Connect with appropriate transition arrangements (see later section).*

*It is noted that the main objective of the requirement for digital data to be lodged with plans is to improve quality and reduce the current 15% of lodged plans which contain a mathematical misclose. Miscloses are generally not identified by manual plan examination. Reducing errors on plans will benefit industry through less requisitions and less post-registration plan amendments.*

*NSW LRS and ORG to provide support to industry through training, presentations, workshops and other resources.*

# Require digital data to be included as part of plan lodgments

## 5. Cautions associated with data

Several submissions raised concerns about the potential for inappropriate use of digital data. Although the content is the same, digital data was seen to be more accessible, and as such the risk of inappropriate use was higher, compared to the current paper alternative.

**ORG response:** *A disclaimer is currently required to be presented to users when they access digital survey plan data (LandXML) via a NSW LRS Information Broker. ORG and NSW LRS to consult with industry to ensure cautions incorporated into the disclaimer are adequate.*

# Digital data considered the legal point of truth for survey plans

## Sub-component analysis

- Digital plan examination stream ●<sup>6</sup>
- Survey data as the legal point of truth ●<sup>7</sup>
- Lot diagrams ●<sup>8</sup>
- Placement of RG seal ●
- Documents included in contracts ●

● – Implementation supported      ● – Further consultation required  
● – No action proposed

# Digital data considered the legal point of truth for survey plans

## 6. Digital plan examination stream

Many submissions interpreted this proposal as completely automating the examination process. Concerns were also raised about the potential additional liability to industry if a surveyor drafted plan was not examined.

Some submissions raised concerns about NSW LRS staff retaining the knowledge and skills required to examine plans in the long term. Other submissions saw considerable benefit from reduced time to registration if it did not compromise quality.

**ORG response:** *While automatically checking plans may be achievable for straightforward checks, ORG is not considering automatic registration of plans as part of this reform. Manual, human decisions will remain a key part of the plan examination process. The main distinction presented in this reform is that only plan data is examined under the proposed digital plan examination stream, whereas other plan examination methods examine the surveyor drafted plan image or both the surveyor drafted plan image and the plan data.*

# Digital data considered the legal point of truth for survey plans

## 7. Data as the legal point of truth

There was mixed feedback for this aspect of the proposed reform. Many submissions identified that even if only data was examined by NSW LRS, the legal point of truth should always be a static image rendered from that data, such that information is not perceived to be hidden behind the register.

Concerns were raised about the diminution of the integrity of the cadastre and the potential for the change to reflect poorly on the surveying profession and the Registrar General.

The importance of a single visualisation service available to all users was highlighted for consistent interpretation of digital data. One submission identified concerns that software upgrades or changes to the visualisation service over time may produce issues or bugs.

Another submission, although not generally supportive of the change, identified that moving to digital data being considered the legal point of truth is important, otherwise there is no point going digital.

# Digital data considered the legal point of truth for survey plans

## 7. Data as the legal point of truth (cont.)

***ORG response:** For the purposes of creating titles, it is agreed that the source of truth for a referenced title diagram must be an image that can be readily accessed and interpreted by the broader NSW community. By generating this image directly from data (see Lot Diagrams below) customers will be able to utilise the associated digital data, with the confidence that it aligns with the information presented on the image.*

*NSW LRS and ORG will undertake further work and consult with industry to progress this component of the reform from a concept to a 'proof of concept' and explore the practical implications of the proposed change. To assist with this work ORG is commissioning further independent analysis to examine and quantify the full impacts on different stakeholders of moving to a fully digital survey plan process.*

# Digital data considered the legal point of truth for survey plans

## 8. Lot diagrams

Some submissions identified that they were not satisfied with the example lot diagrams or they would want to view examples of more complex plans before supporting the proposal. Concerns were also raised that the Lot Diagram would not adequately disclose all the items that burden and benefit the title.

Other submissions provided in principle support, with the understanding that prior to implementation for a particular category of plans, it would need to be demonstrated to industry that the pre-requisites for digital plan examination have been met. Submissions also identified that the examples provided focused on subdivision and queried how this approach might apply to other plan types. A local government submission identified that the information shown on Lot Diagrams would be insufficient for their needs, such as connections from the subject parcels to survey control.

**ORG response:** *NSW LRS and ORG will undertake further work and consult with industry to progress this component of the reform from a concept to a 'proof of concept' and further explore the practical implications of the proposed change. To assist with this work ORG is commissioning further independent analysis to examine and quantify the full impacts on different stakeholders of moving to a fully digital survey plan process.*



# Next implementation stage

## NSW LRS Connect enhancements for release in July 2022

- Registered surveyors generate a Pre-allocated Plan Numbers and plan workspaces for new plans
- Registered surveyors can optionally share plan workspaces with linked entities (such as legal practitioners for the preparation of Section 88B Instrument terms)
- Enhanced online form builder functionality based on industry feedback
- Registered surveyors can certify plans online
- Registered surveyors can delegate appropriate tasks to administrative staff
- Registered surveyors and linked entities can lodge plans online (migrate from ePlan to NSW LRS Connect)
- Registered surveyors can upload CAD data and use a translation tool to generate a LandXML file.
- Registered surveyors can download 'part-rendered' CAD data to support plan drafting

# Subsequent stages and further consultation

## For inclusion in subsequent release of NSW LRS Connect

- Establish link between NSW LRS and the NSW Planning Portal for subdivision certificate applications

## For further industry consultation

- Support for additional contributing parties (such as valuers and addressing authorities)
- Signature sheets (pending further consultations and examples)
- Develop a staged approach for the introduction of requirements for digital data to be lodged with survey plans. Each stage will specify which categories of plans are required from that point forward.
- Review disclaimer presented to user when digital survey plan data is accessed.
- Progress component C from a concept to 'proof of concept' to further explore the practical implications of the proposed change, including undertaking an independent assessment of the net benefits to different stakeholder groups from introducing component C.