



Office of the
Registrar General

Cadastral Integrity Unit

Audit Survey Procedures

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1. Introduction

The Office of the Registrar General (ORG) is a regulator, policy advisor, review body and independent arbitrator working to ensure the integrity of the NSW land title system. ORG regulates the private operator of the land title business, NSW Land Registry Services (LRS), under a 35-year concession to ensure the integrity, security, performance and availability of the NSW land titles system. ORG's responsibilities include:

- Maintaining the legislative and policy framework for land title registration, conveyancing and property development in NSW
- Providing advice on land title policy and legal matters and administering the Torrens Assurance Fund
- Monitoring and enforcing the private operator's performance in operating titling and registry services
- Driving reforms in land titling such as e-conveyancing
- Providing independent arbitration of disputed title boundaries
- Carrying out examination surveys to resolve historical survey anomalies
- Conducting field audits of registered survey plans to ensure regulatory compliance

LRS's core services, provided on behalf of the Registrar General, include the examination and registration of survey plans and property dealings, issuing of certificates of title and conversion of Old System land to Torrens title.

Each plan lodged for registration at LRS undergoes a desktop examination by plan examiners of the Titling and Plan Services (TPS) unit to ensure that the plan complies with all relevant Acts and Regulations. Upon registration, a plan may be selected for a field audit, undertaken by surveyors of ORG's Cadastral Integrity Unit (CIU), to further assess its regulatory compliance.

2. Objectives

- To establish procedures for conducting Audit Surveys.
- To assess and measure, in the field, a plan's or registered surveyor's compliance with the requirements of the [Surveying and Spatial Information Act 2002](#) and associated Regulations, [Conveyancing Act 1919](#) and associated Regulations, [Registrar General's Guidelines](#), [Surveyor General's Directions](#) and all other relevant legislation including that pertaining to Community and Strata Schemes.
- To improve the quality and consistency of deposited plans lodged for registration.
- To improve the quality and consistency of the LRS plan examination process.
- To put in place a process for the continuing education of surveyors.
- To establish a mechanism for referring cases of complaint and sustained non-compliance to the Board of Surveying and Spatial Information (BOSSI).

3. Roles, responsibilities and delegations

The Director, Cadastral Integrity is responsible for implementing the audit function in accordance with this procedure.

LRS, on behalf of the Registrar General, is responsible for the registration of deeds, transfers and other instruments affecting real property in New South Wales and ensuring the accuracy and reliability of the Torrens register. The Registrar General must ensure that all plans lodged for registration comply with the relevant legislation, particularly the requirements of the [Conveyancing Act 1919](#) and associated Regulations, and that any existing title boundary shown on a plan is correctly defined.

The Surveyor General is responsible for the reliability of survey and spatial information collected in New South Wales through the application of standards, guidelines and appropriate technology.

The Board of Surveying and Spatial Information is responsible for the investigation of complaints and the taking of disciplinary action against registered surveyors. BOSSI can delegate the investigatory function to a registered surveyor.

Staff of the Cadastral Integrity Unit are responsible for completing audits in accordance with this procedure. However, this does not preclude the Registrar-General from also appointing an alternate registered land surveyor from outside of the CIU for the conduct of audits.

3.1 Ethical conduct

All activities must be conducted in an ethical and transparent manner and comply with the values, principles and standards in the [Code of Ethics and Conduct](#) published by the Department of Finance, Services and Innovation.

3.2 Workplace health and safety

CIU staff should ensure that all activities and duties are carried out in a safe and productive way and that their activities do not endanger the wellbeing of fellow staff or other persons in the workplace.

4. Procedure

4.1 Selection of plans for audit

The CIU's Senior Surveyor is responsible for the approval of plans to be audited. However, an auditing officer may make recommendations regarding the selection of plans to be audited and the manner in which the audit is to be conducted.

Recently registered plans may be referred or selected for audit through any of the following means:

- Registered plans referred from external sources, including private surveyors or other regulatory agencies, having identified errors and/or omissions found on the subject plan.
- Plans prepared by registered surveyors whose previous audit(s) have been recorded as 'unsatisfactory'.
- Plans prepared by registered surveyors whose work continues to attract a high number of survey requisitions. Such cases may be referred from LRS.
- Plans prepared by registered surveyors or surveying companies that produce large volumes of plans.
- Plans prepared by newly registered surveyors and surveyors from interstate who have recently been accredited to practise in NSW.
- Plans prepared by registered surveyors selected at random via a search of the Integrated Titling System (ITS) Services database. The search is conducted by Local Government Area (LGA), with due consideration given to the volume of plans submitted from that LGA and the spatial coverage of the audit process across NSW.

4.2 Preliminaries

The officer undertaking a survey audit shall be responsible for all pre-audit preliminary work, referring to the Senior Surveyor for guidance when necessary. The auditor shall:

- Obtain a copy of the subject plan.
- Search the Registrar General's records for pertinent survey information. The search may include working copies of plan examination documents.
- Where the subject plan has been referred for audit from a private surveyor or other external party, liaise with that party to establish the magnitude and extent of any apparent errors or discrepancies.
- Examine the plan with respect to boundary definition and compliance with the applicable *Surveying and Spatial Information Regulation* (the Regulation), [Registrar General's Guidelines](#), [Surveyor General's Directions](#) and other relevant legislation.

- Conduct mathematical calculations and collate information not obtained by LRS plan examination staff. This could include, but is not limited to: performing close calculations of the subject lots and other enclosed areas on the plan, performing area calculations and other complex mathematical calculations pertaining to boundary definition, investigating the subject area on specialist sites such as [SIX portal](#) and the Cadastral Records Viewer (CRV), and examining current and historical aerial photography records for the presence of occupations and survey monuments that may be relevant to boundary definition.

4.3 Field audit

The officer undertaking an audit shall be responsible for the conduct of all fieldwork which may, depending on the scope of the audit, include supervision and direction of other ORG officers. The auditor shall:

- Attend the subject site, undertake a visual inspection, determine the presence of survey marks, monuments and information otherwise relevant to the survey and, where appropriate, take measurements, photographs and liaise with residents.
- Assess the subject plan's compliance or non-compliance with the Regulation, Guidelines and Directions with regard, but not limited to:
 - The placement of corner and line marks.
 - The placement of reference marks.
 - Connection to State Survey Control and, where required, the placement of permanent survey marks.
 - The status of survey marks and monuments, whether or not shown on the subject plan, that are relevant to survey definition.
 - The presence of occupations and monuments near the subject boundaries.
 - Accuracy of measurements taken between selected marks and monuments.
- Where measurements have been taken, perform mathematical calculations sufficient to prove the soundness of the subject plan.

4.4 Audit reports

The officer undertaking an audit shall be responsible for all internal reporting of audit findings. Where the audit has identified issues that necessitate further action by external parties, the Senior Surveyor shall be consulted prior to any requisitions or instructions being issued to those parties.

The auditor shall:

- Update the audit database. Fields within the database are set up for data extraction, enabling the production of documents such as the audit report and correspondence to the subject

surveyor, as well as further statistical analysis of the data collected. Additional updates may have to be undertaken at each of the following stages.

- Generate feedback to the subject surveyor for each plan audited. Where the audit guidelines have been met, a notification shall be sent to the subject surveyor advising them that their plan has been audited and assessed to be compliant. Where the guidelines have not been satisfied, the auditor shall draft appropriate requisitions for the subject surveyor to attend to. Following consultation with the Senior Surveyor, notification may be sent directly to the subject surveyor pending further action. Alternatively, amendment action may be initiated through LRS's Plan Review Section.
- Consider feedback from the subject surveyor and respond appropriately. Such actions may include further discussion with the subject surveyor, consultation with Plan Review staff, or the drafting of additional requisitions.

4.5 Assessment

Upon completion of a survey audit, the auditing officer shall assess the standard of the registered survey plan by rating any errors in the survey as major non-compliances, minor non-compliances or non-actionable breaches. A major non-compliance is one that will, if left undetected:

- Introduce significant error(s) into the title register,
- Detrimentally affect the State cadastre, or
- Result in a claim against the Torrens Assurance Fund (TAF)

Common non-compliances are listed, by category, below. The list is not intended to be an exhaustive set of all possible non-compliances.

Categories of audit non-compliance

Category 1 Actionable breaches

1A: Major non-compliances

- Existing boundaries are incorrectly defined or boundary definition is otherwise unsatisfactory.
- The subject plan is not mathematically sound, including:
 - Dimensions around the subject land or connections to the surrounding cadastre and State Survey Control are either missing or incorrect.
 - The plan reveals incorrect survey measurements have been made.
 - The survey is not satisfactorily connected to State Survey Control.
 - Incorrect or insufficient easement information has been provided.
 - Areas of the subject lots have been calculated incorrectly.
- The subject land is either not marked or has been marked inaccurately.
- Reference marks have either not been placed, been placed incorrectly, or an insufficient number of marks have been placed as required by the Regulation.
- The plan contains an incorrect description (age and nature) of fences and monuments around the subject land when dealing with Old System and Limited Title land.
- Insufficient information has been provided to support an ad-medium-filum claim.
- The plan does not show the site(s) of all new affecting interests referred to in an accompanying 88B instrument.
- Requisite certificates and approvals on the administration sheet are incomplete or have been incorrectly executed.
- The nature and position of reference marks and monuments are not correctly shown, including:
 - Essential reference marks have not been connected to the survey, or their status otherwise not shown.
 - There is insufficient marking or monumentation shown in relation to newly created boundaries.
 - Term “party wall” has been used incorrectly for boundaries between lots sharing a common wall.

1B: Minor non-compliances

- The datum is unsatisfactory in terms of orientation and/or height.
- The description and location of any substantial structure, including fencing, within one metre of a subject boundary or otherwise relevant to the boundary definition have not been shown on the plan.
- The sites of all existing affecting interests have not been shown on the plan.
- Relevant alignment information, including the age, nature and position of kerbing has not been shown on the plan.
- Survey marks placed or found have not been adequately described on the plan or are not approved marks as defined in Schedules 1-4 of the Regulation.
- The plan contains missing or incorrect dimensions (excluding Category 1A non-compliances).
- The plan shows insufficient connection from State Survey Control or the surrounding cadastre into the survey (excluding Category 1A non-compliances).
- An insufficient number of line marks have been placed on unfenced rural boundaries.
- The plan has not been drawn to acceptable office standards, rendering it unsuitable for imaging and reproduction.

Category 2 Non-actionable breaches

- Terminals of the adopted datum have not been identified on the plan.
- The origin of reference marks, corner marks or other forms of monumentation has been omitted or shown incorrectly.
- The relevant schedules (coordinate, height, height difference, GNSS validation) are either inaccurate or incomplete.
- Quoted MGA coordinate values or AHD heights lie outside the allowable six-month period before date of completion of the survey.
- The plan contains drafting or typographical errors (excluding Category 1 non-compliances).
- Plan details, including the heading, purpose, LGA, locality, parish, county and surveyor's reference details are either incomplete, incorrect or do not match on plan and administration sheets (excluding Category 1A non-compliances)
- Description of affecting interests created does not match on plan, administration sheet and/or section 88B instrument.
- Adjoining cadastral information is insufficient or incorrect.

4.6 Actions arising from an unsatisfactory survey audit

An individual surveyor or survey plan will fail the audit process and be the subject of a possible review if the plan contains one or more major non-compliances from Category 1A or three or more instances of minor non-compliance from Category 1B.

Three audit failures by a surveyor in any two-year period will see this surveyor referred for further action by the Survey Audit Committee. A surveyor will also be referred for further action by the Committee through the accumulation of six or more Category 1B non-compliances across any three audited plans, notwithstanding that an individual plan may not have automatically failed the audit.

Issues of regulatory non-compliance listed in Category 2 shall be dealt with through requisition of the subject surveyor, and generally not render that surveyor liable for further action. However, the Senior Surveyor may consider that exceptional cases of repeated and excessive infringement should also be referred to the Survey Audit Committee.

4.7 Survey Audit Committee

The Survey Audit Committee, comprising the Director, Litigation and Policy, ORG and Director, Cadastral Integrity shall meet on a quarterly basis, or as otherwise required, to review recently finalised audit surveys.

In dealing with cases referred to it, the Committee may determine to take no further action against any surveyor so referred. Alternately, the Committee may recommend continued monitoring of the surveyor through further audits, or it may advise the Registrar General to lodge a formal complaint against the offending surveyor to BOSSI.

4.8 Complaint to BOSSI workflow

A Briefing Note shall be prepared for the Registrar General recommending the lodgment of a complaint with BOSSI against the offending surveyor. The Briefing Note will include a BOSSI complaint form, completed for sign-off by the Registrar General, and a copy of the Audit Report(s) for the affected survey(s).

Workflow:

1. The Director, Cadastral Integrity shall prepare the Briefing Note (including a BOSSI complaint form and Audit Report(s)).
2. The Director, Litigation and Policy shall endorse the Briefing Note.
3. The Registrar General shall sign-off the Briefing Note and complaint form.
4. The Director, Cadastral Integrity shall forward the completed complaint form and supporting documentation to BOSSI.

5. Reporting audit results

5.1 Analysis

The Director Cadastral Integrity and the Senior Surveyor will analyse issues of non-compliance so as to:

- Identify surveyors whose repeated infringements necessitate further monitoring.
- Identify surveyors whose ongoing non-compliance in response to requisition notices raised by LRS or the CIU necessitates notification to the Survey Audit Committee for possible referral to BOSSI.
- Identify those clauses of the [Surveying and Spatial Information Regulation 2017](#), [Registrar General's Guidelines](#) and [Surveyor General's Directions](#) with which surveyors are having the greatest compliance difficulties. This could lead to further action at an industry level in the form of publications, seminars and Continuing Professional Development sessions, or may be the catalyst for revising industry standards and reviewing the relevant legislation.

5.2 Activity report

The Director, Cadastral Integrity shall prepare biannual activity reports, which will include the following:

1. The number of plans audited.
2. The number of surveyors audited.
3. The number of non-compliant plans, including such details as:
 - a. Plan number.
 - b. Name of the subject surveyor.
 - c. Reasons for a non-compliant rating.
 - d. Action to be taken:
 - (i) None
 - (ii) Continued monitoring of the subject surveyor through additional field and desktop audits
 - (iii) Requesting an interview with the subject surveyor
 - (iv) Lodgment of a formal complaint with BOSSI.

6. Relevant legislation, standards and best practice

[Community Land Development Act 1989 No 201](#) and associated Regulations

[Conveyancing Act 1919 No 6](#) and associated Regulations

[Real Property Act 1900 No 25](#) and associated Regulations

[Strata Schemes Development Act 2015 No 51](#) and associated Regulations

[Surveying and Spatial Information Act 2002 No 83](#) and associated Regulations

[Registrar General's Guidelines](#)

[Surveyor General's Directions](#)

7. Review date

This procedure will be reviewed and amended when any of the following occurs:

- Process change is identified
- Biennially from final sign-off
- As identified through an internal or external audit process
- As necessitated through changes to legislation.

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