



Land & Property  
Information

A division of the Department of Finance & Services

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# **Cadastral Integrity Unit Audit Survey Procedures**

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## Introduction

Land and Property Information (LPI) Division is responsible for administering a range of legislation which provides the framework for land titling and conveyancing, surveying, valuation and related matters that underpin the economy of New South Wales. In supporting the statutory functions of the Registrar General, Surveyor General and the Valuer General, LPI protects the integrity of the Torrens Register and maintains and promotes standards that ensure secure, consistent, high quality spatial and valuation information is provided to the community.

LPI'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 LPI undergoes a desktop examination by plan examiners of the Titling and Registry Services (T&RS) unit to ensure that the plan complies with all relevant Acts and Regulations. The plan may also be subjected to a field audit, undertaken by surveyors or other officers of LPI's Cadastral Integrity Unit (CIU), to further assess its regulatory compliance. A plan may be audited either before or after its registration, with the majority of audits to be performed on unregistered plans.



## 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 the *Surveying and Spatial Information Regulation 2012*, *Conveyancing Act 1919* and *Conveyancing Regulation 2010*, Registrar General's Directions, 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 put in place a process for the 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 Principal Cadastral Surveyor is responsible for implementing the audit function in accordance with this procedure.

LPI, 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 *Conveyancing Regulation 2010*, 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.

#### 3.1 Ethical conduct

All activities must be conducted in an ethical and transparent manner and comply with the values, principles and articles in the LPI Code of Conduct.

#### 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 well being 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.

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

- Unregistered plans referred from T&RS officers, having identified critical errors on the face of plan or inconsistencies with underlying cadastre.
- 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 drawn by registered surveyors whose previous audit(s) have been recorded as 'unsatisfactory'.
- Plans drawn by registered surveyors whose work continues to attract a high number of survey requisitions.
- Plans drawn by newly registered surveyors and surveyors from interstate who have recently been accredited to practise in NSW.
- Plans drawn by registered surveyors selected at random. Plans are selected for audit via an Integrated Titling System (ITS) database search according to Local Government Area (LGA), with due consideration being 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 required. The auditor shall:

- Obtain a copy of the subject plan.



- Search LPI records for pertinent survey information. Where the subject plan is unregistered, this search may be supplemented by plan and title records provided by the plan examiner.
- Where the subject plan has been referred for audit from a plan examiner or private surveyor, liaise with that party to establish the extent of any apparent errors or discrepancies.
- Examine the plan with respect to boundary definition and compliance with the *Surveying and Spatial Information Regulation 2012* (hereafter referred to as the Regulation), Registrar General's Directions, Surveyor General's Directions and other relevant legislation. In the case of unregistered plans, the audit will be more detailed and should be undertaken in liaison with plan examination staff to avoid duplication and unnecessary requisitions.
- Conduct mathematical calculations and collate information not obtained by 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](#), 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 LPI 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 otherwise, with the Regulation 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 Report

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 on the part of external parties, then 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, then a complimentary letter shall be sent to the subject surveyor advising them of such. Where the guidelines have not been satisfied, the auditor shall draft appropriate requisitions for the subject surveyor to attend to. In the case of unregistered plans, requisitions must be raised through ITS after consultation with T&RS staff. Where a registered plan requires amendment, notification is sent directly to the subject surveyor pending further action. Amendment action may be initiated through LPI'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 T&RS 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 survey plan, as initially lodged, by rating any errors in the survey (including those detected through the plan examination process) as serious non-compliances, lesser non-compliances or non-actionable breaches. A serious non-compliance is one that will, if left undetected:

- Introduce significant error(s) into the title register, or
- Detrimentially affect the State cadastre.

The most common non-compliance breaches are listed, by category, below. The list is not intended to be an exhaustive set of all possible breaches.

#### Categories of audit non-compliance

##### *Category 1 Actionable breaches*

##### **1A: Serious 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 are either missing or incorrect.
  - The plan reveals incorrect survey measurements have been made.
  - The survey is not satisfactorily connected to 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 land.



- The nature and position of reference marks and monuments is not correctly shown, including:
  - The status of essential reference marks has not been shown.
  - There is insufficient monumentation shown in relation to newly created boundaries.
  - Term “party wall” has been used incorrectly for boundaries between lots sharing a common wall.

### **1B: Lesser non-compliances**

- The datum is unsatisfactory in terms of orientation and/or height.
- The age and nature of any substantial structure, including fencing, within one metre of a subject boundary or otherwise relevant to the boundary definition has not been shown on the plan.
- Insufficient information has been provided to support an ad-medium-filum claim.
- The plan does not show the site(s) of all new easements referred to in an accompanying 88B instrument.
- The site(s) of all existing easements 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.
- The plan contains missing or incorrect dimensions (excluding Category 1A breaches).
- The plan shows insufficient connection from survey control or the surrounding cadastre into the survey (excluding Category 1A breaches).
- 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.
- Requisite certificates on the administration sheet have been incompletely or incorrectly executed.



- The origin of reference marks, corner marks or other forms of monumentation have been omitted or shown incorrectly.
- The surveyor's certificate does not identify whether the land is within an urban or rural zone.
- The schedule of coordinates is either inaccurate or incomplete.
- Quoted MGA coordinate values lie outside the allowable six months from the date of survey.
- The plan contains drafting or typographical errors (excluding Category 1 breaches).
- Plan details, including the heading, purpose, locality, LGA, parish and county are either incomplete or incorrect.
- The surveyor's reference details do not match on the plan and administration sheet.
- 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 serious non-compliances from Category 1A or three or more instances of lesser 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 considered by the Survey Audit Committee.



### **4.7 Survey Audit Committee**

The Survey Audit Committee, comprising the Chief Surveyor, the Manager of Plan and Titling Services and the Director of Property and Litigation Branch shall meet with the Principal Cadastral Surveyor on a quarterly basis 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 with the Board of Surveying and Spatial Information.

#### **4.7.1 Complaint to BOSSI workflow**

The Principal Cadastral Surveyor shall prepare a Briefing Note 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).

1. The Chief Surveyor shall endorse the Briefing Note.
2. The Director, Titling and Registry Services shall endorse the Briefing Note.
3. The Registrar General shall sign-off the Briefing Note and complaint form.
4. The Principal Cadastral Surveyor shall forward the completed complaint form and supporting documentation to BOSSI.



# 5. Reporting audit results

## 5.1 Analysis

The Principal Cadastral Surveyor and the Senior Investigating 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 LPI 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 2012* 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 it may be the catalyst for revising industry standards and reviewing the relevant legislation.

## 5.2 Activity report

The Principal Cadastral Surveyor shall prepare quarterly activity reports for the Director, Information Sourcing. These reports will include:

1. The number of plans audited.
2. The number of surveyors audited.
3. The number of "Unsatisfactory" audit results, including such details as:
  - a. Plan number.
  - b. Name of the subject surveyor.
  - c. Reasons for an unsatisfactory 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 (Freehold Development) Act 1973* No 68 and associated Regulations

*Strata Schemes (Leasehold Development) Act 1986* No 219 and associated Regulations

*Surveying and Spatial Information Act 2002* No 83 and associated Regulations.

Registrar General's Directions

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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