



THOMSON REUTERS

Update Summary

PLEASE CIRCULATE IMMEDIATELY!

UPDATE 106

OCTOBER 2017

ESTATE AGENTS' PRACTICE MANUAL NEW SOUTH WALES

Material Code 30174735

Print Post Approved PP255003/00336

© Thomson Reuters (Professional) Australia Limited 2017

Looseleaf Support Service

You can now access the current list of page numbers at

<http://www.thomsonreuters.com.au/support/product-support.aspx?id=/mediaTree/58599>. If you have any questions or comments, or to order missing pages, please contact Customer Care LTA ANZ on 1300 304 195 Fax: 1300 304 196 Email: Care.ANZ@thomsonreuters.com

Chapter 17 “Land use planning and development control” has been reviewed and updated by Guy Dwyer. See [17.10]-[17.3100].

Decision-making in respect of planning and development in New South Wales

There are five main decision-makers in the context of land use planning and development control in New South Wales. They are:

- 1) the Minister for Planning, who generally has the power to approve major projects that are classified as State significant development (SSD) or State significant infrastructure (SSI);
- 2) local councils, which generally are vested with authority to approve smaller developments which take place at a local scale;
- 3) the Planning Assessment Commission;
- 4) a joint regional planning panel; and
- 5) the Land and Environment Court of NSW when exercising its administrative powers in a Class 1 Development Appeal.

Joint regional planning panels generally determine development applications and modification applications concerning regional development. Examples of such applications include:

- development with a capital investment value over \$20 million;
- extractive industries, waste facilities and marinas that are designated development;
- certain coastal subdivisions; and
- development applications forming part of a staged development application which is regionally significant.

See [17.1600].

Greater Sydney Commission

While the role of the Commission appears to be more of a strategic advisory one, it can

also play a more direct role in decision-making about development applications: see s 10(3) and (4) of the *Greater Sydney Commission Act 2015* (NSW).

The following Sydney Planning Panels have been established:

- the Sydney Central Planning Panel;
- the Sydney North Planning Panel;
- the Sydney South Planning Panel;
- the Sydney South West Planning Panel;
- the Sydney West Planning Panel; and
- the Sydney West Central Planning Panel.

Each of these planning panels is taken to be a joint regional planning panel under s 18(3) of the GSC Act and exercise the same functions. As such, each of these planning panels decide development applications for regionally significant development located within different areas of the Greater Sydney Region.

See [17.1700].

Legislation

***Conveyancing (Sale of Land) Regulation 2017* (NSW)**

The *Conveyancing (Sale of Land) Regulation 2017* (NSW) (Reg 372 of 2017, published LW 28 July 2017; effective 1 September 2017) replaces the *Conveyancing (Sale of Land) Regulation 2010* (NSW) (Reg 473 of 2010, which was repealed by s 10(2) of the *Subordinate Legislation Act 1989* (NSW) with effect from 1 September 2017).

According to the Explanatory note, the Regulation deals with the following matters:

- documents that must be attached to a contract for the sale of land,
- terms and warranties that are deemed to be included in a contract for the sale of land,
- warranties that are deemed to be included in an option to purchase residential property,
- the form of the statement relating to the cooling off period that is to be included in a contract for the sale of residential property or in an option to purchase residential property,
- exemptions from Div 8 (Sale of residential property) and Div 9 (Options for purchase of residential property) of Pt 4 of the *Conveyancing Act 1919* (NSW),

- the rescission of a contract for the sale of land or of an option to purchase residential property, and
- savings and formal matters.

Property, Stock and Business Agents (Qualifications) Order 2009 (NSW)

Purpose of amendments

To amend the Order to update the qualifications required for the issue of certain licences and certificates of registration.

Amended provisions

Amended: cl 28

Repealed: cl 8, 10, 12, 14, 16, 18, 20, 22, 24, 26

Substituted: cl 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27

Amending legislation

Property, Stock and Business Agents (Qualifications) Amendment Order 2017(NSW)
(Reg No 499 of 2017) – with effect from 8 September 2017.

Landlord and Tenant Regulation 2015 (NSW)

Purpose of amendments

To amend the Regulation in relation to a definition and fees.

Amended provisions

Amended: cl 3

Inserted: cl 6A

Substituted: cl 6, Sch 2

Amending legislation

Landlord and Tenant Amendment (Fees) Regulation 2017(NSW) (Reg No 210 of 2017)
– with effect from 1 July 2017.

Property, Stock and Business Agents Regulation 2014 (NSW)

Purpose of amendments

To amend the Regulation in relation to definitions, fees and compensation fund contributions.

Amended provisions

Amended: cl 3, 53

Substituted: Sch 16

Amending legislation

Property, Stock and Business Agents Amendment (Fees and Contributors) Regulation 2017(NSW) (Reg No 213 of 2017) – with effect from 1 July 2017.

Strata Schemes Management Act 2015 (NSW)

Purpose of amendments

To amend the Act in relation to penalty notices.

Amended provisions

Substituted: s 250

Amending legislation

Statute Law (Miscellaneous Provisions) Act 2017 (NSW) (Act No 22 of 2017) – with effect from 7 July 2017.

Conveyancing (Sale of Land) Regulation 2010 (NSW)

Purpose of amendments

To amend the Regulation in relation to prescribed warranties.

Amended provisions

Amended: Sch 3

Amending legislation

Biosecurity Act 2015(NSW) (Act No 24 of 2015) – with effect from 1 July 2017.

Residential Tenancies Act 2010 (NSW)

Purpose of amendments

To amend the Act in relation to penalty notices.

Amended provisions

Substituted: s 203

Amending legislation

Statute Law (Miscellaneous Provisions) Act 2017 (NSW) (Act No 22 of 2017) – with effect from 7 July 2017.

Property, Stock and Business Agents Act 2002 (NSW)

Purpose of amendments

To amend the Act in relation to penalty notices.

Amended provisions

Substituted: s 216

Amending legislation

Statute Law (Miscellaneous Provisions) Act 2017 (NSW) (Act No 22 of 2017) – with effect from 7 July 2017.

Property, Stock and Business Agents Act 2002 (NSW)

Purpose of amendments

To amend the Act in relation to terminology and service of notices.

Amended provisions

Amended: ss 116, 225

Amending legislation

Electronic Transactions Legislation Amendment (Government Transactions) Act 2017 (NSW) (Act No 25 of 2017) – with effect from 27 June 2017.

Residential Tenancies Act 2010 (NSW)

Purpose of amendments

To amend the Act in relation to the service of notices and other documents.

Amended provisions

Amended: s 223

Amending legislation

Electronic Transactions Legislation Amendment (Government Transactions) Act 2017
(NSW) (Act No 25 of 2017) – with effect from 27 June 2017.

Strata Schemes Management Regulation 2016 (NSW)**Purpose of amendments**

To amend the Regulation in relation to a change of date of the commencement of a provision of the Strata Schemes Management Act 2015.

Amended provisions

Amended: cl 2

Amending legislation

Electronic Transactions Legislation Amendment (Government Transactions) Act 2017
(NSW) (Act No 25 of 2017) – with effect from 27 June 2017.

