property conveyancing



NEW SOUTH WALES

Sellers Guide

A plain English guide to selling your home in NSW, from the first conversation to money in your account.

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Disclaimer. This guide is general information only, current as at October 2026. It is not legal advice and does not replace advice about your own situation. Laws, fees and government rules change. RM Property Conveyancing takes no responsibility for loss arising from relying on this guide to handle your own conveyance or someone else's. Please talk to us before you sign anything.

SECTION 1

Welcome

Selling is much easier when the paperwork is ready before the first buyer walks through.

In this guide

- What we need from you, and what to do first
- The documents that must be in your contract
- How private treaty and auction sales differ
- What happens to the money, and a checklist for the weeks before settlement

Your journey at a glance

1
You decide to sell

2
You instruct us

3
Identity check

4
We order certificates

5
Contract ready for the agent

6
Marketing and offers

7
Exchange of contracts

8
Settlement and funds

Talk to us before you list

Your agent should have the contract ready before your property is advertised. Call us before you sign an agency agreement so we can start the paperwork.

SECTION 2

Choosing your conveyancer

You are free to choose who handles your sale. It does not have to be the firm that did your purchase.

What to check

Check	Why it matters
Licence	Your conveyancer should be a NSW licensed conveyancer or a solicitor. Ask for the licence number.
Insurance	Professional indemnity insurance protects you if something goes wrong.
A clear quote	Fees and disbursements listed separately, in writing.
Reviews	Search the firm's name and read recent Google reviews.

Selling and buying at the same time

- Tell us as early as you can. Your two settlements need to line up.
- Think carefully about a subject to sale condition. In the current market it makes your offer less attractive to buyers.
- A longer settlement, with a back up plan, often works better.

> **Before you sign with an agent**
>
> Negotiate the commission and the marketing costs first. Both are usually paid from your sale proceeds.

SECTION 3

Your first steps

We cannot release a contract until the certificates are back and your identity check is complete. Doing these first saves days.

What we need from you

- Full names of every owner, as shown on the title
- Your mobile number and email
- Your latest council rates, water rates and strata levy notices
- Your lender and loan account details
- Your agent's name and contact details
- Approvals for any renovation or extension (see Section 5)
- Details of any tenant or lease

Verifying your identity

- Every owner receives an emailed secure link. There is nothing to download.
- Have three things ready: a passport or birth certificate, your driver licence and your Medicare card.
- You confirm with a 2FA code sent to your mobile.

> **Apply for your ATO clearance certificate now**
>
> It is free, but can take up to 28 days. Each owner applies separately. We can guide you through it. See Section 10.

You can sign all documents electronically, from anywhere. We keep you updated through the Client Portal, SMS or email.

SECTION 4

What goes in the contract

A valid contract for a residential sale must have certain documents attached. We arrange most of them.

Document	Who gets it	What it shows
Title search	We order	Who owns the land and what is registered against it.
Section 10.7 planning certificate	We order	Zoning, planning controls, and notes such as flood or bushfire.
Deposited plan or strata plan	We order	The shape and position of the land or lot.
Sewer service diagram	We order	Where the sewer pipes run (Hunter Water or Sydney Water).
Pool certificates	You supply	Compliance and registration, if there is a pool or spa.
Building approvals and insurance	You supply	Approvals and Home Building Compensation Fund certificate for recent work.
Strata information	Strata manager	Levies, special levies, minutes and by-laws.
Cooling-off notice	We attach	A statement of the buyer's cooling-off rights.

Worth adding

- A recent pest and building report
- A survey, if boundaries are unclear

SECTION 5

Building work, pools and disclosure

If you have renovated or extended

- Give us the development approval, construction certificate and occupation certificate.
- Give us the Home Building Compensation Fund (HBCF) certificate for building work over $20,000 done by a builder.
- If any work was done without council approval, tell us straight away. There are usually options, and the earlier we know the better.

Swimming pools and spas

- Your contract must include a compliance certificate, or an occupation certificate under 3 years old with the pool registration, or a certificate of non-compliance.
- With a non-compliance certificate, the buyer has 90 days after settlement to fix the issues.
- If none is attached, the buyer may be able to rescind within 14 days of exchange, unless settlement has already happened.
- Check your pool is on the NSW Swimming Pool Register. A property with a pool should not be advertised without the certificate.

> **Be open about what you know**
>
> It is unwise to hide a defect you are aware of. Tell us, and we will advise how to handle it in the contract.

SECTION 6

Selling a strata property

Selling an apartment or townhouse is much the same as any sale, with a few extra documents.

- Special levies already struck must be disclosed in the contract's special conditions. Tell us before the contract is prepared.
- We work out how any special levy is shared between you and the buyer. Your strata manager can confirm the details.
- We include recent strata meeting minutes, and a strata report if you have one.
- If there is a pool or spa on common property, the owners corporation must provide the compliance certificate.

> **Ask your strata manager early**
>
> Information from a strata manager can take time and may carry a fee. Ask for it as soon as you decide to sell.

SECTION 7

Ways to sell

How you sell decides how much time buyers have, and what protection they get.

	Private treaty	Auction
How it works	Buyers make offers. You negotiate, then exchange contracts.	Buyers bid on the day. The highest bid at or above your reserve wins.
Cooling-off	5 business days, unless the buyer waives it.	None.
Deposit	Usually 10%, sometimes less or a deposit bond. Paid to the agent's trust account.	Paid on the spot, along with signing the contract.
Price	Negotiated.	You set a reserve, the lowest price you will accept.
Be ready	Contract prepared before advertising.	Contract prepared before advertising, and the buyer signs on the fall of the hammer.

Section 66W certificate

If a buyer wants no cooling-off period, their conveyancer or solicitor signs a 66W certificate. Only the buyer's side can sign it. If the buyer uses cooling-off and withdraws, they forfeit 0.25% of the price.

SECTION 8

Exchange of contracts

Exchange is when the sale becomes binding.

Two copies of the contract are signed, one for you and one for the buyer. We usually handle the exchange.

What to do

- Call us the moment you have a buyer, so we can exchange quickly.
- Tell your lender you are selling, and ask about discharge fees.
- Sign your transfer documents electronically as soon as we send them.

What we do

- Confirm the deposit has been paid to the agent.
- Prepare the transfer and book settlement through PEXA.
- Request your loan payout figure and organise the discharge.
- Work out the adjustments for rates and levies up to settlement.

> **Settlement timing**
>
> The standard settlement is 42 days (6 weeks), but it can be longer by agreement. If you are buying too, talk to us about a flexible settlement.

SECTION 9

Inclusions and exclusions

List everything that stays, and everything that goes. Unclear contracts lead to disputes that can put a sale at risk.

Inside	Outside
Dishwasher, washing machine, dryer	Barbecue
Air conditioners	Garden shed
Light fittings	Pool equipment and above ground pools
Curtains and blinds	Clothesline and letterbox
Carpets and floor coverings	Water tanks and solar panels
Alarm system	Pergolas and outdoor furniture

What to do

- Walk through your home and decide what you are keeping
- Remove or exclude favourite items, such as a chandelier, before the first inspection
- Check your listing photos. If an item is in the photos, buyers will expect it
- Give us the list so we can put it in the contract

SECTION 10

Your sale proceeds

Here is where the money goes at settlement.

Item	What happens
Your lender	Your loan is paid out and the mortgage discharged.
Agent	Commission and marketing costs are usually paid from the proceeds.
Rates and levies	Council, water and strata charges are adjusted up to settlement day.
Our fees	Shown on your quote.
You	The balance goes to your account.

ATO clearance certificate

Australian residents selling property need a clearance certificate and must give it to the buyer at or before settlement. Without one, the buyer must withhold 15% of the price and pay it to the ATO. If you are a foreign resident, talk to us.

Protect yourself from fraud

We never change bank details by email. If you receive an email asking you to change payment details, phone us on 02 4018 7555 before you act.

We cannot give tax advice. Speak to your accountant about capital gains tax.

SECTION 11

Your settlement checklist

When	What to do
Before settlement	Sign transfer documents. Ask your lender how surplus funds will be paid. Book removalists. Arrange final meter readings for gas and electricity, and for phone and internet.
Final week	Redirect your mail with Australia Post. Clean the property and remove all rubbish. Collect keys, remotes, manuals and warranties.
Settlement day	Leave all keys at the property or with the agent. Keep your phone handy. We confirm when settlement completes.
After	Cancel your home insurance only once settlement is confirmed. Update your address with Medicare, your bank, the electoral roll and Service NSW.

SECTION 12

Key terms

Term	Meaning
Cooling-off	A short period after exchange when the buyer can withdraw, if not waived.
Exchange	When both parties hold signed contracts and the sale becomes binding.
Deposit	Part of the price paid at exchange, held in the agent's trust account.
Reserve price	The lowest price you will accept at auction.
Settlement	The day ownership transfers and you are paid.
Discharge of mortgage	The lender releasing its claim on your property.
Clearance certificate	An ATO certificate confirming you are an Australian resident for tax.
PEXA	The online platform for settlement and title transfer.
Special levy	A one off strata charge to fund unplanned or major works.

property conveyancing

ABOUT US

RM Property Conveyancing

NSW licensed conveyancers and property lawyers, based in Newcastle, Lake Macquarie and Port Stephens. We act for clients with property anywhere in NSW, by phone, email and our Client Portal. More than 240 five star Google reviews.

Thank you, Garth Brown

This guide was inspired by the Conveyancing eBook series created by Garth Brown of Brown and Brown Conveyancers. We thank Garth for the work he put into the original booklet, and for allowing us to adapt it and share it with our clients.

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