

Swimming Pools Information Sheet

Office of Local Government: Message to Real Estate Agents & Conveyancers

Sale and lease provisions for properties with swimming pools from 29 April 2016

- All properties with a swimming pool or spa pool being sold or leased on or after 29 April 2016 will need a valid certificate of compliance or a relevant occupation certificate.
- Where a certificate of compliance cannot be obtained, the seller will be able to transfer the responsibility to obtain a certificate of compliance to the buyer. The transfer will be realised through the attachment of a certificate of non-compliance to the contract for sale.
- The buyer will have 90 days from the date of settlement to rectify defects listed in the certificate of non-compliance and obtain a certificate of compliance.
- After 29 April 2016, the following will be prescribed documents if the contract relates to land on which there is situated a swimming pool:
 - a) a valid certificate of compliance issued under the *Swimming Pools Act 1992*,
 - b) a relevant occupation certificate and evidence that the swimming pool is registered under the *Swimming Pools Act 1992*,
 - c) a valid certificate of non-compliance issued under the Swimming Pools Regulation 2008.
- These provisions will not apply if:
 - a) the contract relates to a lot in a strata scheme (within the meaning of the *Strata Schemes Management Act 1996*) or in a community scheme (within the meaning of the *Community Land Development Act 1989*) and that strata or community scheme comprises more than 2 lots, or
 - b) the contract is an off the plan contract (within the meaning of section 66ZL of the *Conveyancing Act 1919*).
- When leasing a property with a swimming pool, the landlord agrees to ensure that the requirements of the *Swimming Pools Act 1992* have been complied with. The landlord agrees to ensure that at the time that this residential tenancy agreement is entered into: the swimming pool on the residential
- premises is registered under the *Swimming Pools Act 1992* and has a valid certificate of compliance under that Act or a relevant occupation certificate within the meaning of that Act, and a copy of that valid certificate of compliance or relevant occupation certificate is provided to the tenant.
- These provisions will not apply if:
 - the swimming pool is situated on land in a strata scheme (within the meaning of the *Strata Schemes Management Act 1996*) or
 - in a community scheme (within the meaning of the *Community Land Development Act 1989*) and
 - that strata or community scheme comprises more than 2 lots.
- A certificate of compliance can be obtained from the local council or an independent accredited certifier who is registered with the Building Professionals Board. Contact details for accredited certifiers are available on the Swimming Pool Register website at www.swimmingpoolregister.nsw.gov.au
- Allow plenty of time to obtain a certificate of compliance - anecdotal evidence suggests that around 95% of pools fail at the first inspection.
- Many councils have advised that it can take up to 90 days before a pool becomes compliant.
- You can check if a property with a swimming pool has a current certificate of compliance by accessing the NSW Swimming Pool Register online at www.swimmingpoolregister.nsw.gov.au and selecting "Lookup Pool".

- Enter the street number, street name (do not type in road, street, lane etc.) and the suburb.
- Select "Find Property" and the address will appear if the property has a valid certificate of compliance.
- REINSW has been advised that once the regulatory amendments have been finalised, guidance materials will be developed and made available on the Office of Local Government's website - www.olg.nsw.gov.au.