

Information for local authorities

New laws for the sale or lease of properties with a swimming pool in NSW

What's changing?

From 29 April 2016, new laws apply to the sale and lease of properties with a [swimming pool](#) in NSW. The new laws have an impact on anyone who is selling, buying or leasing a property with a pool.

These changes have been introduced to further protect the safety of children under the age of five around backyard swimming pools.

Properties to be sold with a pool must have attached to the contract for the sale of land:

- A [certificate of compliance](#); or
- A [relevant occupation certificate](#) and a [certificate of registration](#); or
- A [certificate of non-compliance](#).

Please refer to the Minister's [media release](#) for further information.

Properties to be leased with a pool must have:

- A certificate of compliance; or
- A relevant occupation certificate and a certificate of registration.

What is exempt?

These new laws **do not apply** to properties with more than two lots and a shared pool, such as units in strata complexes or community schemes. This information sheet should be read in conjunction with the NSW *Conveyancing (Sale of Land) Amendment (Swimming Pools) Regulation 2016*, which can be accessed [here](#).

Your obligations

The new laws apply to inspections carried out at the request of the owner (refer to section 22C of the *NSW Swimming Pools Act 1992*):

- Local councils must, at the request of the property owner, inspect properties with a pool that are to be sold or leased. Local councils must carry out the inspection within 10 days of the written request.
- If a pool is found compliant, a certificate of compliance must be issued via the NSW Swimming Pool Register within three days of the inspection.
- A certificate of compliance is valid for three years from the date of issue.
- If a pool is found non-compliant, the owner must be issued with a certificate of non-compliance via the NSW Swimming Pool Register within seven days of the inspection.
 - A certificate of non-compliance is valid for 12 months from the date of issue.
 - A written notice (inspection report) detailing reasons for the non-compliance and steps to be taken to meet the requirements for compliance must also be issued.
 - If the inspector is of the opinion that the pool poses a significant risk to public safety, action should be taken under section 23 of the *Swimming Pools Act 1992*.

Fees

- Local councils may charge up to \$150 for a first pool inspection and up to \$100 for a second pool inspection.

Pool inspection and certification process

