

## Information for sellers

### New laws for selling a property 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.

If you are selling a property with a pool, your contract for the sale of land must have one of the following attached:

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

Failure to attach one of the above may render the contract for the sale of land incomplete and enable the buyer to rescind the contract for the sale of land.

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

- Arrange for your pool to be inspected (unless a relevant occupation certificate applies). You should do this well in advance of listing your property to allow for the availability of local council inspectors or accredited certifiers to carry out the pool inspection and provide you with a certificate of compliance or a certificate of non-compliance and an inspection report.
- If your pool is assessed as compliant, ensure that the certificate of compliance (or relevant occupation certificate and certificate of registration) is attached to the contract for the sale of land. A certificate of compliance or relevant occupation certificate is valid for three years from the date of issue.
- If your pool is assessed as non-compliant, you can either:
  1. Engage a tradesperson to remedy any defects that have been identified and organise a re-inspection of your pool to obtain a certificate of compliance; or
  2. Attach the certificate of non-compliance to the contract for the sale of land. The buyer then has 90 days from the date of settlement to remedy any identified defects and bring the pool barrier into compliance.

**Further information**

- NSW local council inspectors and category A1, A2, A3 and E1 accredited certifiers registered with the NSW Building Professionals Board are authorised to inspect and certify pools in NSW.
- You can obtain details of accredited certifiers who are authorised to inspect pools [here](#).
- You can download and print certificates of compliance, registration and non-compliance from the NSW online swimming pool register [here](#).
- Local councils can charge \$150 for a first inspection and \$100 for a second inspection. Accredited certifiers set their own fees.
- A certificate of compliance or relevant occupation certificate is valid for three years from the date of issue. A certificate of non-compliance is valid for 12 months from the date of issue.

## *Process for selling a property with a pool*

Strengthening swimming pool safety

