

Information for buyers

New laws for buying 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 buying a property with a pool, you should check that one of the following is 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](#).

When you buy a property with a non-compliant pool barrier, you have 90 days from settlement to fix any areas of non-compliance.

These new sale 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

- If you buy a property with a pool, you are responsible for maintaining the pool barrier as a compliant, child-resistant barrier.
- If you buy a property with a non-compliant pool, you take on responsibility for ensuring that your pool is made compliant.
- You are given 90 days from the date of settlement to remedy all defects.

Further Information

- NSW local council inspectors and category A1, A2, A3 or 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](#).
- Local authorities can charge \$150 for a first inspection and \$100 for a second inspection. Accredited certifiers set their own fees.



- You can download and print certificates of registration and compliance or non-compliance from the NSW swimming pool register [here](#).
- The certificate of compliance or relevant occupation certificate is valid for three years from the date of issue.

Buying a property with a non-compliant pool

Certificate of non-compliance attached to contract for the sale of land. Exchange of contracts and settlement, property sold. New owner now responsible for rectifying pool barrier non-compliances within 90 days of settlement

Pool barrier non-compliant. New owner rectifies pool barrier non-compliances within 90 days of settlement

New owner responsible for maintaining compliant pool barrier