

Splish, Splash, Compliant?

From 29 April 2016, all vendors selling a property with a swimming pool will now be required to attached relevant compliance documents to a Contract for sale land.

We thought that this is a good time to raise awareness about some of the requirements of owners with back yard swimming pools and what you need to look out for when buying a property with a pool.

What Is A Swimming Pool?

Interestingly, the definition of a pool can, among other things, also include a spa. Under the *Swimming Pools Act 1992*, a swimming pool is defined as:

An excavation, structure or vessel:

- (a) The is capable of being filled with water to a depth greater than 300 millimetres; and*
- (b) The is solely or principally used, or that is designed, manufacture or adapted to be solely or principally used, for the purposes of swimming, wading, paddling or any other human aquatic activity;*

And includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of the Act.

Do I need To Have My Pool Registered?

Absolutely!

The *Swimming Pools Act* requires the owners of the premises on which a swimming pool is located to ensure that information required by the Swimming Pool Regulations is recorded in the Register.

The deadline to have your swimming pool registered was 29 October 2013. So, if you have not already done so, jump online and register now by clicking on the link provided below.

If you are selling a property, as of 29 April 2016 all vendors are required to attach evidence of registration to the Contract for Sale of Land.

What happens If I Have Not Registered My Swimming Pool?

There a penalties if an owner of a swimming pool has not complied with this requirement under the Act.

You also need to have your pool registered to be able to obtain a Certificate of Compliance.

What Do I Need to Do If I Am Selling a Property?

Starting from 29 April 2016, pool owners who wish to sell their property must now attach the following documents to a Contract for sale of land:

1. certificate of compliance; or
2. A relevant occupation certificate and a certificate of registration; or
3. A Certificate of Non Compliance.

According to the NSW Office of Local Government, the new sale law do not apply to properties with more than two lots and a shared pool, such as units in strata complexes or community schemes.

apply and obtain a Swimming Pool Compliance Certificate which is to be attached the Contract for Sale and Purchase of Land along with evidence of registration with the Swimming Pools Register.

Buying a Property With A Swimming Pool or Spa?

If you are purchasing a property with a pool it's really important to make sure that the relevant compliance documents are attached to the Contract for sale of land and that the pool has been registered.

If the vendor attaches of Certificate of Non-Compliance to the Contract, then a purchaser will have 90 days after settlement of the purchase to remedy any non-compliant defects. All buyers take on the responsibility for ensuring that the pool is compliant.

In addition to the above, you should also look at obtaining a swimming pool inspection to ascertain whether there are any pool defects or issues that need to be fixed prior to purchasing or, once you become the new owner. Just like you obtain pest and building reports, you should also check the condition of the pool by a qualified pool inspector.

At Kent Conveyancing, we make these enquiries as part of our pre-purchase investigations with the seller of the Property, and can assist you with obtaining a Swimming Pool Inspection should you require one.

Do I Need To Renew The Compliance Certificate

Yes. A Swimming Pool Compliance Certificate is valid for 3 Years.

Anyone who purchases a property with a swimming pool will be responsible for maintaining the pool to ensure it is always compliant.

For more information on swimming pools, to find a pool self-assessment checklist or, to register your swimming pool, go to: www.swimmingpoolregister.nsw.gov.au.

And always remember:

1. Fence the pool;
2. Shut the gate;
3. Teach your kids to swim;
4. Supervise; and
5. Learn how to resuscitate (<http://www.kidsalive.com.au/>)

If you would like more information regarding buying or selling or property in NSW, get in touch with one of our friendly team on 4941 7474 or reception@kentconveyancing.com.au.

DISCLAIMER: The information provided herein is for general information purposes only and is not to be taken or read as legal advice. If you have a swimming pool, please make sure you contact the relevant statutory departments such as your local council or the NSW State Government for more information: www.swimmingpoolregister.nsw.gov.au.

