

Selling or buying a property with a swimming or spa pool

The NSW Contract for the Sale and Purchase of Land requires that the following documents are attached to the contract:

- Pool Registration Certificate, AND
- Current Certificate of Compliance, or
- Current Occupation Certificate, or
- Certificate of Non-Compliance

If a Certificate of Non-Compliance has been issued, the new owner of the property has 90 days to rectify the issues listed and obtain a Certificate of Compliance

Leasing a property with a swimming or spa pool

For new leases signed after 29 April 2016, the landlord must provide the tenant at the time the residential tenancy agreement is entered into either:

- Current Certificate of Compliance, or
- Current Occupation Certificate.

Swimming Pool Offences

| Offence | Max Penalty (\$) | Responsibility |
|-------------------------------------------------------------|------------------|----------------------|
| Residential pool not have complying barrier | 5,500 | Owner of premises |
| Moveable dwelling pool not have complying barrier | 5,500 | Owner of premises |
| Not surround tourist and visitor pool with barrier | 5,500 | Owner of premises |
| Fail to restrict access to indoor pool | 5,500 | Owner of premises |
| Not comply with written direction | 5,500 | Owner of premises |
| Fail to ensure registration information entered on Register | 2,200 | Owner of premises |
| Fail to maintain child-resistant barrier effective and safe | 5,500 | Occupier of premises |
| Not keep access to pool securely closed | 5,500 | Occupier of premises |
| Fail to erect prescribed warning notice | 550 | Occupier of premises |

This brochure is for general information only and should not substitute professional advice or your own legal inquiries.

For more information please contact Gilgandra Shire Council on (02) 6817 8800 or visit www.olg.nsw.gov.au



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Swimming Pools & Spa Pools

What is a swimming pool?

A swimming pool is defined as an excavation, structure or vessel:

- That is capable of being filled with water to a depth of greater than 300 millimetres; and
- That is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used for the purpose of swimming, wading, paddling or any other human aquatic activity

A spa pool is classified as a swimming pool under the Swimming Pools Act 1992.

Why do I have to register my pool?

The Swimming Pools Act 1992 was amended to require that all private swimming pools in NSW must be recorded on a centralized database.

This is due to drowning being the leading cause of accidental death in very young children in NSW.

It is now an offence to not register your pool and carries a maximum penalty of \$2,200.

How do I register my pool?

- Register for free online at:
www.swimmingpoolregister.nsw.gov.au
- Complete a Swimming Pool Registration Form (available at Council) and pay the \$10 administration fee. Your registration certificate will be mailed to you.

Certificate of Compliance

Once you have registered your pool, the pool must have a pool barrier inspection.

If the barrier meets all the requirements under the Australian Standards, you will be issued a Certificate of Compliance.

The Certificate of Compliance is valid for a period of three (3) years, but can be revoked at any time if the barrier is found to be non-compliant.

How do I organise an inspection of my pool barrier?

There are 2 ways to have your pool barrier inspected:

- Engage a private certifier, or
 - Contact Council's Planning & Environment team during business hours on 6817 8800 to organise an inspection appointment.
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What is the cost of an inspection?

- 1st Inspection \$100
- 2nd Inspection \$100 (if required)
- 3rd & subsequent \$ Nil

The inspection fee included the issue of the Certificate of Compliance.

These fees are payable for each Certificate of Compliance issued.

Responsibilities of owners

- Registering the pool
 - Obtaining a Certificate of Compliance
 - Ensuring that the pool has a barrier surrounding the pool that is compliant with the Australian Standards
 - In the case of an indoor pool, ensuring that access to the pool is restricted in accordance with the Australian Standards
 - Complying with a Swimming Pool Direction issued by the Council, even if it relates to an occupier's responsibility
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Responsibilities of occupiers

- Maintenance and repair of existing pool barrier
 - Ensuring gates and doors to the pool are kept securely closed
 - Ensuring the warning sign prescribed by the regulations is prominently displayed
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Non-compliance

If your pool barrier is found to be non-compliant you will be required to rectify the defect.

Council can issue on-the-spot penalties for some offences and/or issue a Swimming Pool Direction to rectify the defect.

Failure to comply with a Swimming Pool Direction carries a maximum penalty of \$5,500.