



Your conveyancing professional

GMS LEGAL & CONVEYANCING PTY LTD

CLIENT ALERT SWIMMING POOL CHANGES NSW

A Quick Snapshot

ARE YOU SELLING A PROPERTY WITH A SWIMMING POOL & SPA POOL OR THINKING OF SELLING???

If you are selling or thinking of selling a property with a swimming pool or spa pool **on and after 29 April 2016**, you must have the following:

1. a copy of a valid certificate of pool compliance

OR

2. an occupation certificate issued within the last 3 years (plus copy of pool registration on NSW swimming pool register)

OR

3. a copy of a certificate of pool non-compliance.

Exemptions For pools built after 1 August 1990 but before 1 July 2010.

The fencing must separate the pool from the house, if the pool is part of e.g. a large property 2 hectares or over, a waterfront property or a very small property (less than 230 square meters).



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“WARNING” – *A purchaser can RESCIND (pull out of the sale), within 14 days of the date of the contract, if any or part of the title search, zoning certificate, sewer diagram are not attached in the contract, and NOW also if a certificate of pool compliance (or certificate of pool non-compliance OR an occupation certificate issued within the last 3 years) is not attached to the contract.*

In other words the home owner risks losing buyers if he doesn't get one of the new pool documents to your Real Estate Agent.

*** NEW****

Certificate of non-compliance is now a prescribed document.

*If a certificate of **non-compliance** is attached to the contract, the rectification obligations **SHIFT TO THE PURCHASER.***

The purchaser must rectify at their own cost and do the work all within 90 days after settlement.

A FINAL NOTE: Rentals with a swimming pool or spa pool from 29 April 2016.

The landlords agent must provide the tenant with a copy of the valid Certificate of compliance or occupation certificate. (A certificate of non-compliance is not to be considered being used here).

If you have any questions regarding these changes, please don't hesitate to call our office on 4397 2233 and ask for Kerrie or Sharyn who will be able to help you.