

NSW POOL PERMIT INFORMATION.

The *Swimming Pools Act 1992* applies to swimming pools and spa pools that are located (or being built) on sites with a residential building, movable dwelling or tourist and visitor accommodation.

If you're the owner of a property with a swimming pool or spa pool, these laws apply to you.

In a strata or community scheme, all of the lot owners jointly own any swimming pool or spa pool that is on common property. The Owners Corporation (or body corporate) is responsible for ensuring such pools are compliant with the *Swimming Pools Act 1992*.

The law applies to any excavation, structure or vessel including swimming pools and spa pools that are:

- Capable of being filled with water to a depth greater than 30cm, and
- Used, designed, manufactured or adapted for swimming, wading, paddling or any other human aquatic activity.

Registration:

Pool owners must register their pools online on the NSW Swimming Pool Register. You can pay a fee to your local council to do this on your behalf.

A certificate of registration will be issued to the pool owner. Go to the NSW Swimming Pool Register website to check that your pool has been registered.

CPR Signage:

In case of an emergency the law requires that you have a cardiopulmonary resuscitation (CPR) sign displayed near your pool.

You can buy a CPR sign from your local pool shop, council or community organisation such as St John Ambulance, the Australian Red Cross or Royal Life Saving.

The sign must be in good condition and able to be read easily from 3 metres.

From 1 September 2019, new CPR signs came into effect. From this time, all new pools must use the updated signage.

Owners of existing pools aren't required to update their signage unless the pool barrier is substantially altered or rebuilt.

Certification:

Selling a property with a swimming pool or spa pool.

Owners who are selling a property with a swimming pool or spa pool must ensure the contract of sale includes a registration certificate issued from the Swimming Pool Register and one of the following:

- A valid swimming pool certificate of compliance, or
- A relevant occupation certificate issued within the last 3 years, or
- A certificate of non-compliance.

If one of the above isn't included, the purchaser may rescind the contract within 14 days of exchange, unless settlement has already occurred.

If a certificate of non-compliance is attached to the contract, the purchaser takes on the obligation to obtain a certificate of compliance. They will have 90 days from settlement to rectify defects listed in the certificate of non-compliance and obtain a certificate of compliance.

This requirement does not apply to a lot in a strata scheme or in a community scheme if that strata or community scheme has more than two lots, or if the sales contract is for an off-the-plan property.

Building a new pool:

When building a new pool, you must:

- Obtain the required planning consent.
- Use a builder who is licensed by Fair Trading.
- Ensure that a principal certifier (council or private certifier) has been appointed.
- Install child-resistant temporary fencing around the pool area while it is under construction.
- Ensure that the permanent pool fence complies with the Building Code of Australia.
- Arrange an inspection by the principal certifier once the permanent fence has been installed.
- Not allow the pool to be used by anyone, until an occupation certificate has been issued by the principal certifier.
- Install and maintain signage stating that the pool is not to be used until an occupation certificate has been issued.

How to obtain a certificate of compliance:

Local councils and registered swimming pool inspectors (certifiers) can inspect swimming pool and spa pool barriers and issue a certificate of compliance if the barrier meets requirements.

Pool owners should contact their local council or a private certifier early, to allow time to organise an inspection before renting or selling a property.

A certificate of compliance is valid for three years.

Visit the NSW Swimming Pool Register website to check if a certificate of compliance has been issued for a particular property.

Private certifier responsibilities:

NSW Fair Trading registers professionals to inspect and certify private swimming pools under NSW swimming pool laws.

Registered swimming pool inspectors (certifiers) are required to:

- At the request of a pool owner, inspect a swimming pool or spa pool prior to the sale or lease of the property.
- Issue either a certificate of compliance or non-compliance after an inspection.
- Provide written notice to owners and council when a pool does not comply.

Registered swimming pool inspectors may only certify existing (not new) pools, and cannot certify any pool that achieves compliance with the Building Code of Australia by means of a 'performance solution'.

Some certifiers may do minor repairs (up to \$1,000 including materials and labour) to enable them to issue a certificate of compliance.

To do so, they must have an endorsed contractor's licence or qualified supervisor's certificate under the *Home Building Act*, authorising them to build a swimming pool or structural landscaping.

The pool owner is free to hire another tradesperson to do the work.

Council responsibilities:

In NSW, local councils are required to:

- Develop and implement a swimming pool barrier inspection program in consultation with their communities.
- Inspect pools associated with moveable dwellings, tourist and visitor accommodation at three-year intervals.
- At the request of a pool owner, inspect a swimming pool or spa pool prior to the sale or lease of the property.
- Issue either a certificate of compliance or non-compliance after an inspection.
- Investigate complaints about breaches of the *Swimming Pools Act 1992*.
- Where necessary, direct pool owners to take action to ensure that legislated pool barrier requirements are complied with.
- Make publicly available a relevant extract of the Building Code of Australia, Cardio Pulmonary Resuscitation Guideline and applicable Australian Standards.
- Report annually on the number of pool inspections undertaken and the level of compliance with the requirements.

Any concerns about the regulatory actions of councils should be raised with the Office of Local Government