

## *Information for landlords and tenants*

### **New laws for renting 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 leasing a property with a pool, you should confirm that the following has been provided:

- A current [certificate of compliance](#); or
- A [relevant occupation certificate](#) and a [certificate of registration](#).

A certificate of compliance and/or registration can be downloaded from the NSW Swimming Pool Register [here](#) once the property owner has registered the pool and the local council inspector or accredited certifier has issued a certificate of compliance.

For new leases signed after 29 April 2016, the landlord provides the relevant certificates to the tenant at the time the residential tenancy agreement is entered into. Please refer to the Schedule 1 "Standard Form Agreement" created under the *Residential Tenancies Regulation 2010*.

These new 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**

##### ***Landlords of properties with a pool***

- Ensure your property's pool has a compliant, child-resistant barrier at all times.
- Ensure that your property's pool is registered on the NSW Swimming Pool Register.
- Provide a copy of the applicable certificate/s to the tenant at the time of entering into the residential tenancy agreement.

##### ***Tenants of properties with a pool***

- Ensure that you are provided with the applicable certificate/s at the time of entering into the residential tenancy agreement.
- Ensure that the pool barrier is kept in good repair (by the landlord).

- Ensure that doors, windows and gates opening onto the pool area are kept closed when not in use.
- Ensure that a compliant cardio-pulmonary resuscitation (CPR) sign (provided by the landlord) is clearly visible in the pool area and is readable.

Landlords and tenants should ensure that the pool barrier is maintained in a compliant state at all times. Regularly inspect the pool barrier and pool area, ensuring that there are no defects, that no climbable objects are placed next to the pool barrier and that the gate is never propped open.

Pool barrier home inspection checklists are available on the NSW Swimming Pool Register [here](#).

#### **Further Information**

- NSW local council inspectors and category A1, A2, A3 and 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 councils can charge \$150 for a first inspection and \$100 for a second inspection.
- Accredited certifiers set their own fees.
- The certificate of compliance or relevant occupation certificate is valid for three years from the date of issue.

## Process for leasing a property with a pool

Strengthening swimming pool safety

