



SWIMMING POOL BARRIER INSPECTION POLICY

Adopted by Council 11 September 2013, Resolution No. 2013/350

Amended 9 March 2016, Resolution No. 2016/64.

Reviewed and adopted by Council 11 July 2018, Resolution No. 2018/151

Reviewed and adopted by Council 14 September 2022, Resolution No. 2022/208

Aim:

1. To ensure that all swimming pool barriers in the Narromine Local Government Area (LGA) comply with the relevant legislation (*Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*).
2. To ensure Council's obligations under the *Swimming Pools Act* in respect to undertaking swimming pool barrier inspections are satisfied.

Definitions:

Certificate of Compliance – in respect of swimming pools means a certificate issued under section 22D of the *Swimming Pools Act 1992*.

Relevant Occupation Certificate – in respect of a swimming pool, means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979*, that is less than 3 years old and that authorises the use of the swimming pool.

Swimming Pool – means an excavation, structure or vessel:

- a) That is capable of being filled with water to a depth greater than 300 millimetres, and
- b) 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, 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 *Swimming Pools Act*.

Tourist and Visitor Accommodation – means a building or place that provides temporary or short-term accommodation on a commercial basis and includes backpackers accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or Motel accommodation and serviced apartments.

Note: *As a result of previous community engagement and consultation this policy is also applicable to swimming pools within Caravan Parks.*

Routine Inspection Program:

Council will annually conduct inspection of 10 private swimming pools. These pools will be selected randomly from the NSW Government *Swimming Pools Register*. Swimming pools which have an *Occupation Certificate* or a *Compliance Certificate* will be exempt from inspection for three (3) years from the date of the certificate. *Compliance Certificates* are valid for three (3) years only.

Swimming pools located on tourist/visitor accommodation developments are to be inspected every three (3) years as per the requirement of Section 22B of the *Swimming Pools Act 1992*.

Swimming pools inspected will receive a formal inspection report from Council outlining any non-compliance. Non-compliant swimming pools will be required to comply within a prescribed period set out in the inspection report. Pools will be reinspected once the non-compliances have been addressed. Compliant swimming pools will be issued with a Compliance Certificate.

Customer Requested Inspection:

Owners who are selling or leasing their premises can request Council to undertake a swimming pool barrier inspection. From 29 April 2016 owners are required to obtain a valid swimming pool Compliance Certificate before the sale or lease of a property with a swimming pool. Owners are also able to engage a private certifier accredited under the *Building Professionals Act 2005* to issue a Compliance Certificate.

Complaint Inspection:

If a complaint is made to Council regarding a swimming pool, Council will inspect the premises within 72hrs of receiving the complaint regardless of whether or not a valid compliance certificate or Occupation Certificate has been issued. No fees will be payable for the initial inspection however, if any non-compliances are identified any follow up inspection will attract a reinspection fee outlined in the fees section of this policy.

Fees:

Section 19 of the Regulation prescribes the following fee structure:

19 Fee for inspection

(1) For the purposes of section 22F (1) of the Act, the maximum fee that a local authority may charge for carrying out an inspection of a swimming pool is:

(a) if it is the first inspection since the person became the owner, \$150, or

(b) any or all subsequent inspections since the person became the owner, \$100, or

(c) if it is the first inspection since a certificate of compliance in relation to the premises ceased to be valid - \$150 or

(d) any or all subsequent inspections after the first inspection since a certificate of compliance in relation to the premises ceased to be valid - \$100.

Fees associated with this junction are within Council's Fees & Charges Policy.

Failure to Register

Should Council become aware that a swimming pool owner has failed to register their swimming pool, that owner shall be given 14 days written notice from Council to register their swimming pool prior to further action being taken.

Owners who then fail to register within this 14-day period, shall be issued with a penalty infringement notice in accordance with clause 30B(1) of the *Swimming Pools Act 1992* and Council will register the swimming pool.

References:

Swimming Pool Act 1992

Swimming Pool Regulations 2018

Authorisation:

Date of Adoption/ Amendment	Revision Number	Minute Number	Review Date
<i>11 September 2013</i>	-	<i>2013/350</i>	2016
<i>9 March 2016</i>	1	<i>2016/64</i>	2018
<i>11 July 2018</i>	2	<i>2018/151</i>	2020
<i>14 September 2022</i>	3	<i>2022/208</i>	2026