
**NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 9 APRIL 2025
REPORTS TO COUNCIL – GENERAL MANAGER**

1. CLASSIFICATION OF LOT 48 DP755089 AS OPERATIONAL LAND

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.4.2 Ensure appropriately zoned land that meets residential needs throughout the Shire's communities

Executive Summary

This report is presented to Council to advise the status of the classification of Lot 48 DP 755089 public land as operational land.

Report

Council resolved at its Ordinary Council Meeting held on 26 June 2024 that Council accept the gift of Lot 48 DP 755089 from the owner for the sole purpose of allowing RFS to build a shed on the land, and that following its transfer, the land be classified as operational land.

In accordance with the provisions of the Local Government Act, 1993, notice of the proposed resolution to classify the land was published on Council's website and Council Column, with closing date of submissions being Wednesday 19 March 2025.

No written submissions on the proposal to classify this land as operational land have been received. Council should now formally resolve to classify the land as operational land.

The transfer of Lot 48 DP755089 to Council is now complete.

Financial Implications

There are no financial implications relating to the classification of the land.

Legal and Regulatory Compliance

Sections 31 and 34 of the Local Government Act 1993.

Before a Council acquires land, or within 3 months after it acquires land, a Council may resolve that the land be classified as either community land or operational land.

If Council does not classify the land by resolution, the land is taken to be classified under the local environmental plan as community land. Community land requires a plan of management.

Risk Management Issues

Compliance with legislative provisions of the Local Government Act 1993.

1. CLASSIFICATION OF LOT 48 DP755089 AS OPERATIONAL LAND (Cont'd)

Internal/External Consultation

Council has advertised its intention to classify the land as operational land in accordance with Section 34 of the Local Government Act. No written submissions have been received.

Attachments

Nil

RECOMMENDATION

That Lot 48 DP755089 be classified as operational land in accordance with Sections 31 and 34 of the Local Government Act 1993.

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS RETURNS

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is presented to Council in accordance with legislative requirements.

Report

In accordance with the Guidelines for Risk Management and Internal Audit issued by the Office of Local Government, independent members of the Audit Risk and Improvement Committee are considered to be designed persons and are therefore required to lodge a Pecuniary Interest and Other Matters Return with the General Manager.

The General Manager must keep a register of returns required to be made and lodged. Returns required to be lodged with the General Manager must be tabled at the first meeting of the Council after the return has been lodged.

A Disclosures of Pecuniary Interests and Other Matters Return has been lodged by Mr Grahame Marchant (Chair) and Mr Ross Earl of Council's Audit Risk and Improvement Committee.

2. DISCLOSURES OF PECUNIARY INTERESTS AND OTHER MATTERS RETURNS (Cont'd)

Financial Implications

Nil

Legal and Regulatory Compliance

OLG Audit Risk and Improvement Committee Guidelines
Narromine Shire Council - Code of Conduct
Government Information (Public Access) Act 2009 and Regulations

Risk Management Issues

Information contained in returns made and lodged is to be made publicly available in accordance with the requirements of the Government Information (Public Access) Act 2009, the Government Information (Public Access) Regulation 2018 and any guidelines issued by the Information Commissioner.

Designated Persons have an obligation to keep the information contained in their returns up to date. When becoming aware of a new interest that must be disclosed in the return, or an interest previously not disclosed, a Designated Person must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Internal/External Consultation

Consultation with Independent Members of Council's Audit Risk and Improvement Committee

Attachments

Nil

RECOMMENDATION

That the information be noted.

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3. SWIMMING POOL BARRIER INSPECTION POLICY

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies

Executive Summary

This report is provided to Council to adopt the revised Swimming Pool Barrier Inspection Policy following public exhibition.

Report

Council at its Ordinary Meeting held on 19 February 2025 resolved to endorse the revised Swimming Pool Barrier Inspection Policy to be placed on public exhibition for community comment.

The policy was duly placed on public exhibition for a period of 28 days, with submissions closing 31 March 2025. No written submissions were received.

Financial Implications

Section 19 of the Swimming Pool Regulations prescribes the fee for inspection.

Legal and Regulatory Compliance

Swimming Pool Act 1992
Swimming Pool Regulations 2018

For the purposes of Section 22B of the Swimming Pools Act, Council must consult with the community for the development of its inspection program, including any review of such a program.

Risk Management Issues

Pool owners and councils have a shared legal responsibility to help protect the safety of children around properties with swimming pools. Council's commitment to safety is through its Swimming Pool Barrier Inspection Policy.

Internal/External Consultation

The revised policy has been placed on public exhibition for comment. No written submissions have been received.

3. SWIMMING POOL BARRIER INSPECTION POLICY (Cont'd)

Attachments

- Swimming Pool Barrier Inspection Policy (***Attachment No. 1***)

RECOMMENDATION

That Council adopt the Swimming Pool Barrier Inspection Policy.

Jane Redden
General Manager



SWIMMING POOL BARRIER INSPECTION POLICY

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 inspections 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 re-inspected 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 and Development Certifiers Act 2018* 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 Swimming Pool Regulation 2018 prescribes the following fee structure:

19 Fee for inspection

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
11 September 2013	-	2013/350	2016
9 March 2016	1	2016/64	2018
11 July 2018	2	2018/151	2020
14 September 2022	3	2022/208	2026
February 2025	4	2025/xxx	2029