



Swimming Pools - Barrier Inspection Policy

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1. PURPOSE

The purpose of this policy is to;

- provide a policy framework for Council to comply with requirements under the Swimming Pools Act 1992, for a swimming pool barrier inspection program.
- provide guidelines for swimming pool owners with management of a swimming pool.

2. STATEMENT

Swimming pool ownership requires owners to comply with construction standards and pool safety. The requirements are under the Swimming Pools Act 1992 and Regulations, relevant Australian Standards and directions issued by the Department of Local Government.

Amendments under the Swimming Pools Amendment Act 2012 introduced;

- a system for swimming pool owners to register their swimming pool online and for them to complete a self assessment questionnaire concerning swimming pool compliance.
- a requirement for Councils to;
 - a) implement a pool barrier inspection program by 29 October 2013;
 - b) provide appropriate education programs to assist pool owners; and
 - c) administer applications for compliance certificates.

The mandatory provisions for swimming pool compliance include the following property categories;

- tourist and visitor accommodation, including all multi occupancy (more than 2 dwelling units) developments;
- properties that are sold or rented from 29 April 2014; and
- where pool owners apply for a swimming pool compliance certificate at any time.

3. PROVISIONS

The program proposed for pool inspections, including the mandatory inspections required of tourist, visitor and multi-occupancy developments, and pools associated with property sales and leases is:

- i) Council will carry out inspections of those swimming pools within the Council area which are on the Register, commencing with the urban areas (due to the higher density of population) then moving into the rural areas. This will be an ongoing program.
- ii) Before inspecting a swimming pool Council will ascertain whether, within the previous 3 years an Occupation Certificate or a Compliance Certificate has been issued. An inspection of that pool will not be carried out until 3 years after the issue of the Occupation Certificate or Compliance Certificate.

- iii) When a swimming pool barrier is compliant or brought into compliance, a Compliance Certificate will be issued. The certificate will be valid for three years from the date of issue. A certificate of compliance ceases to be valid if council issues a direction under s23 of the Act.
- iv) When the Compliance Certificate lapses a further inspection will be carried out by Council and a new Compliance Certificate will be issued. This will ensure that swimming pools are kept compliant and will provide the pool owner with a degree of satisfaction knowing their pool meets the safety standards.

The property owner or occupier or agent, whichever is relevant, will be notified in writing a minimum of 14 days prior that a swimming pool inspection is to be carried out. The inspection will be carried out on the date notified or on an arranged (reasonable) date and time suitable to the occupier by an Authorised Officer of Council.

- v) If a swimming pool is found not to be registered after the 29 October 2013, the pool owner will be contacted and will be required to register the swimming pool. An inspection will then be carried out to ensure that the pool barrier is compliant. A compliance certificate will then be issued and registered by Council.
- vi) The mandatory inspection of swimming pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals will be carried out by an authorised officer of Council.

Notice of an inspection will be given a minimum of 14 days prior that a swimming pool inspection will be carried out. The inspection will be carried out on the date notified or on an arranged (reasonable) date and time mutually suitable.

- vii) An owner may voluntarily request an inspection from Council or an accredited certifier. Council will carry out an inspection of a swimming pool when requested in writing by the owner to enable the sale or lease of the premises. A private accredited certifier other than a Council inspector, may also be engaged to carry out this inspection by the owner of the premises and issue a compliance certificate.
- viii) Council will carry out an inspection of a swimming pool when requested in writing by the owner of any premises for reasons other than any of the above, and issue a compliance certificate. A private accredited certifier other than a Council inspector may also be engaged to carry out this inspection by the owner of the premises and issue a compliance certificate.
- ix) Council may carry out swimming pool inspections other than under this program due to complaints, visitors to the property, the general public or if Council suspects environmental pollution.

4. DEFINITIONS

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

Multi-occupancy development a building, or buildings that is, or are, situated on premises that consist of more than two dwellings.

Relevant occupation certificate in respect of a swimming pool, which 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 great 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 this Act.

Tourist and Visitor Accommodation means a building or place that provides temporary or short term accommodation on a commercial basis and includes back packers accommodation, bed and breakfast accommodation, farm stay accommodation and serviced apartment.

5. INSPECTIONS

Inspections will be carried out by Council Building Surveyors or Swimming Pool Compliance Officers engaged for the purpose of the program.

6. INSPECTIONS FEES

Council will set fees for the first inspection and subsequent inspection for compliance certificate applications as adopted in Councils Management Plan and Fees and in accordance with the Swimming Pools Act and Regulation.

7. ENFORCEMENT

Council aims to achieve compliance through effective education and engagement of pool owners and the community. Council acknowledges the ultimate effectiveness of any pool safety barrier relies upon the awareness of the property owner and their willingness to ensure compliance and ongoing maintenance.

The Swimming Pool Act does provide mechanisms, such as Notices, Directions and penalty provisions which are used to actively encourage compliance where deemed necessary and appropriate.

8. IMPLEMENTATION

The policy will be implemented by the Planning, Environment and Development Group.

9. REVIEW

This policy will be reviewed within one year of the election of every new Council, or earlier if circumstances arise to warrant revision.

10. APPLICATION OF ESD PRINCIPLES

The management of pool safety administration and enforcement will be carried out in an effective and sustainable manner.