

1 Policy History

Revision No.	Council Meeting Date	Minute No.	Adoption Date
1	10/12/2013	0410	10/12/2013
2	13/04/2018	18/084	13/04/2018

2 Policy Objective

The objective of this policy is to implement a Swimming Pools Inspection Program in accordance with the requirements of Section 22B of the *Swimming Pools Act 1992* and to improve safety of very young children by ensuring a greater degree of compliance with child-resistant barriers of private swimming pools in accordance with the NSW state legislation.

3 Policy Statement

This policy applies to any person owning a private swimming pool within the definitions of the Swimming Pools Act within the Griffith City Council area and will improve the safety of very young children in Griffith local government area.

4 Scope

Swimming pool owners must have registered their swimming pool in accordance with the *Swimming Pools (Amendment) Act 2012* on the state wide swimming pool register (located at www.swimmingpoolregister.nsw.gov.au).

A person subject to registration of a swimming pool is subject to this Swimming Pools Inspection Program policy.

4.1 Inspection Frequency and Procedure

- 4.1.1 At least once every 3 years Council shall inspect any swimming pool situated on premises on which there is tourist and visitor accommodation or more than two dwellings.
- 4.1.2 Council shall inspect a majority of all other private swimming pools at least once every 3 to 4 years and inspection details recorded.
- 4.1.3 All effort and appropriate notice shall be made to contact the owner of a property, on which a private swimming pool is situated, prior to inspection
- 4.1.4 Any property with a valid Swimming Pool Compliance Certificate or relevant Occupation Certificate is exempt from the inspection program.

Note: A Swimming Pool Compliance Certificate is valid for three (3) years from the date it was issued.

- 4.1.5 Council will only issue a Swimming Pool Compliance Certificate where a swimming pool barrier complies with the appropriate legislation as determined by an authorised officer and upon payment of the appropriate fee.
- 4.1.6 Council shall under Section 428 of the Local Government Act 1993 include in its annual report information in relation to these inspections in accordance with Section 22F of the *Swimming Pools Act 1992*.
- 4.1.7 Council shall, in accordance with Section 23 of the *Swimming Pools Act 1992*, enforce swimming pool barrier compliance where a barrier is found not to comply with the appropriate legislation.

4.2 Inspection & Compliance Certificate Fee

Below is the fee for carrying out an inspection, no separate fee shall be charged for the issuing of a certificate:

- if it is the first inspection since the person became the owner—\$103, or
- if it is the second inspection since the person became the owner—\$100, or
- if it is the first inspection since a certificate of compliance in relation to the premises ceased to be valid—\$103, or
- if it is the second inspection since a certificate of compliance in relation to the premises ceased to be valid—\$100.

No fee shall be charged for carrying out a third or subsequent inspection for the purpose of the issue of the same certificate of compliance.

Note 1: no fee shall be charged for a second inspection if non-compliances identified during the first inspection are rectified within 14 days from the date of the Notice of Intention to Serve an Order, issued under s23(5) of the *Swimming Pools Act 1992*, and a request for a second inspection has been submitted to council.

Note 2: The fees outlined above are subject to CPI and shall be charged in accordance with the revenue policy up to a maximum amount prescribed by clause 18A of the *Swimming Pools Regulation 2008*, being \$150 for a first inspection and \$100 for a second inspection.

5 Definitions

- the **area of a council**- within the meaning of the *Local Government Act 1993*
- **authorised officer**- means an authorised officer appointed under section 27. or Building Surveyors with appropriate accreditation
- **barrier** means a fence or a wall, and includes:
 - a) any gate or door set in the fence or wall, and
 - b) any other structure or thing declared by the Regulations to be a barrier for the purposes of this Act.
- **certificate of compliance** means a certificate issued under section 22D
- **council** means the council of an area within the meaning of the *Local Government Act 1993*.
- **dividing fence** has the same meaning as it has in the *Dividing Fences Act 1991*
- **local authority** means:
 - a) in relation to premises that are situated within an area within the meaning of the *Local Government Act 1993*—the council of that area, or
 - b) in relation to premises that are situated within the Western Division within the meaning of the *Crown Lands Act 1989*—the Western Lands Commissioner, or
 - c) in relation to premises situated on Lord Howe Island—the Lord Howe Island Board.
- **relevant occupation certificate** 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
- **private swimming pool** means a swimming pool that is situated, on a premises on which a residential building, a moveable dwelling or tourist and visitor accommodation is located, but does not apply to swimming pools that are situated on any premises occupied by the Crown or by a public authority.
- **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 1992*.

6 Exceptions

None

7 Legislation

Building Code of Australia-Volume 2, Swimming Pools Act 1992, Swimming Pools (Amendment Act 2012), Swimming Pools Regulation 2008, Australian Standard 1926 (Various editions), other relevant legislation applicable at the time a pool was installed.

8 Related Documents

Each local authority must ensure that a paper copy or electronic version of AS 1926.1—2007, the Building Code of Australia and the Cardiopulmonary Resuscitation Guideline are made available for public inspection at no cost at each public office of the local authority during ordinary business hours in accordance with Section 21 of the Swimming Pools Regulation 2008.

9 Directorate

Sustainable Development