

Swimming Pool Compliance Policy

Policy Administration

Dates	Policy approved 11/09/2023 This policy is effective upon its approval. Policy is due for review 09/2026
Approved by	Council Meeting 11/09/2023 Council Resolution ENV032-23
Policy Type	<input type="checkbox"/> Executive Policy <input checked="" type="checkbox"/> Council Policy
Policy Owner	Manager Environment, Health and Regulatory Services Environment and Planning Directorate
Related Documents	Georges River Enforcement Policy
References & Legislation	Swimming Pools Act 1992 Swimming Pools Regulation 2008 Environmental Planning and Assessment Act 1979 Local Government Act 1993 The Building Code of Australia (Volumes 1 and 2 of the National Construction Code) Australian Standards 1926.1-2012; 1926.1-2007; 1926-1986; 1926.2-2007 Building Professionals Act 2005
Document Identifier	Policy #: Pol-098.01 Doc #: D23/274847
Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.
Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.

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Purpose

The purpose of the Swimming Pool Policy (Policy) is to provide a functional and transparent framework to ensure that Council meets all its obligations under the *Swimming Pools Act 1992* (the Act). It also ensures that Council actively raises community awareness of the importance of swimming pool safety to aid in the reduction of drowning and near-drowning events within the Georges River Local Government Area (LGA).

Scope

This policy applies to all swimming pools affected by the Act within the LGA.

Section 4 of the Act states that:

The Act applies to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises in which a residential building, a moveable dwelling or tourist and visitor accommodation is located, but does not apply to swimming pools that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

Definition of Terms

Note: Many of the below definitions have been taken from legislation and while they are current at the time of Policy adoption they may be altered by subsequent legislation amendments. Where enforcement action is required, Council will refer to and rely upon the current definitions contained within legislation.

Term	Meaning
Accredited Certifier	An Accredited Certifier is an individual who is registered with the NSW Building Professionals Board for the purpose of performing swimming pool inspections.
Certificate of Compliance	A Certificate of Compliance is evidence that a swimming pool meets the requirements of the <i>Swimming Pools Act 1992</i> and the <i>Swimming Pools Regulation 2008</i> . A Certificate of Compliance is valid for three years
Certificate of Non-Compliance	A Certificate of Non-Compliance is evidence that a swimming pool does not meet the requirements of the <i>Swimming Pools Act 1992</i> and the <i>Swimming Pools Regulation 2008</i> . A Certificate of Non-Compliance issued at the owners request is valid for one year
Direction	An authorised person acting under the delegation of a local authority may issue a Direction against the premises with a swimming pool under section 23A of the <i>Swimming Pools Act 1992</i> . This directs the

	owner to take, within reasonable time as specified in the direction, such measures to ensure that the swimming pool or premises comply with the requirements of the <i>Swimming Pools Act 1992</i>
Notice of Direction	Written Notice of Councils intention to issue a Direction against the premises within 14 days unless the terms of the Notice are completed.
Pool Barrier Exemption	A certificate issued under the Act to exempt a swimming pool from any or all the requirements of the Act. An Exemption Certificate is granted subject to any conditions Council deems appropriate
Portable pool	A structure that is designed as a swimming pool but is not a permanent structure
Occupation Certificate	An Occupation Certificate is issued under the <i>Environmental Planning and Assessment Act 1979</i> and authorises the use of the swimming pool.
Spa Pool	Defined by the Act as: Includes any excavation, structure, or vessel in a spa pool, flotation tank, tub, or the like. Additionally, Georges River Council does not consider swim spas as spa pools.
Swimming Pool	Defined by the Act as: an excavation, structure or vessel that is capable of being filled with water to a depth greater than 300 millimetres and 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 any declared by the swimming pool for the purposes of this Act.

Policy Statement

1. In undertaking its obligations under the Act, Council will;
 - a) Develop a Swimming Pool Program outlining how Council intends to operationally achieve its statutory obligations under the Act;

- b) Provide advice to residents on swimming pool barriers and swimming pool safety;
- c) Comply with NSW Fair Trading advice in relation to the certification of swimming pools
- d) Undertake mandatory swimming pool inspections of tourist and visitor accommodation, and multi-occupancy developments at least once every three years;
- e) Inspect any swimming pool that is subject of an owner request for inspection (under section 22C of the Act) to ensure the pool barrier is installed in accordance with the requirements of the Act within a reasonable time;
- f) Inspect any swimming pool which is the subject of a complaint under the Act. This includes swimming pools identified by staff (who may or may not necessarily be Authorised Officers under the Act) who attend a premises in relation to other matters, including staff attending premises for purposes relating to animal control, development (whether lawful or otherwise), applications for permits or consents, noise or similar complaints and other matters;
- g) Where resources allow, inspect other swimming pools prioritised on a risk-based approach. Priority will be given to high-risk premises such as child-care centres and residential pools which have no record of inspection or a significant period has passed since their last inspection;
- h) Ensure swimming pools under construction and portable pools are adequately fenced;
- i) Issue Certificates of Compliance, Certificates of Non-Compliance or Pool Barrier Exemption Certificates as appropriate upon application;
- j) Where a referral is received from a private accredited certifier or where Council is made aware that Compliance Certificate cannot be issued, take appropriate enforcement action to ensure compliance is achieved by current owner;
- k) Undertake enforcement action in accordance with the Act and Council's Enforcement Policy. This may include the issue notices and/or directions to ensure compliance with the Act, issuing penalty notices or taking further action in a Court of competent jurisdiction;
- l) Develop and implement a strategic communication plan for swimming pool compliance which effectively raises awareness, initiates voluntary compliance, and encourages complaints of non-compliances;
- m) Report to the Office of Local Government (OLG) in accordance with OLG guidelines on the number of pool inspections undertaken and the level of compliance with the requirements;
- n) Check the swimming pool register at www.swimmingpoolregister.nsw.gov.au to ensure all swimming pools within the LGA that Council is aware of are registered, and take action with regards to all non-registered pools;

- o) Charge a fee for inspections undertaken, as appropriate, in accordance with Council's adopted Fees and Charges.

Responsibilities

Position	Responsibility
Executive	Provide leadership in complying with the legislative requirements and this Policy. Approve resources to develop, implement and review this Policy
Director Environment and Planning	Provide leadership in understanding and complying with the legislative requirements and this Policy. Allocate appropriate resources to assist Council in complying with this Policy
Manager Environment, Health and Regulatory Services	Provide leadership in understanding and complying with the legislative requirements and this Policy. Allocate appropriate resources to assist Council in complying with this Policy
Coordinator Compliance	Provide leadership in understanding and complying with the legislative requirements and this Policy. Allocate appropriate resources to assist Council in complying with this Policy
Compliance Staff	Assist staff and the community in understanding and complying with the legislative requirements and this Policy. Undertake reviews of this Policy as instructed. Implement this Policy
All Staff	Assist the community in understanding and complying with this Policy. Comply with this Policy.

Version control and change history

Version	Amendment Details	Policy Owner	Period Active
1.0	NewGeorges River Council Swimming Pool Policy	Manager Environment, Health and Regulatory Services	11/09/2023 – 09/2026