



Hawkesbury City Council

Hawkesbury City Council
Policy

Swimming Pool Inspection Policy

Adopted by Council at the
Ordinary Meeting held on
4 February 2014



HAWKESBURY CITY COUNCIL POLICY
ADOPTED Swimming Pool Inspection Policy

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1. INTRODUCTION

To provide a policy document to reflect Council's responsibilities for the inspection of swimming pools and spas in the Hawkesbury City Council Area to ensure compliance with the requirements of Part 2 of the *Swimming Pools Act 1992*. In accordance with Section 22B of the *Swimming Pools Act 1992*, Council must develop and adopt a program for the inspection of swimming pools.

2. BACKGROUND

Council is obligated by the State Government to inspect all pools for compliance with the safety requirements. There are in excess of 5000 pools known to exist within the Local Government Area. Council could not afford to fulfil its obligation without charging any fees. The State Government has prescribed the fees that Councils can charge in relation to swimming pools.

3. STATUTORY SITUATION

The legislation, regulation and standards that apply to this Swimming Pool Inspection Policy include:

- Swimming Pool Act 1992
- Swimming Pools (Amendment) Act 2012
- Swimming Pools Regulation 1990, 1992, 1998 and 2008
- State Environmental Planning Policy (Infrastructure) 2007
- Australian Standard 1926 -1986
- Australian Standard 1926.1 - 2007
- Australian Standard 2783 - 1992
- Australian Standard/NZS 1838 - 1994
- Australian Standard/NZS 1839-1994
- Australian Standard 1926.1-2012

4. DEFINITION OF SWIMMING POOL

The Swimming Pools Act 1992 definition is “**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.*

It is important to understand that this term not only includes backyard pools but also includes:

- pools that may be inside (or partially inside):
 - a residence
 - a townhouse
 - an apartment, motel, hotel etc.
- pools that home owners put up (and take down) such as inflatable wading pools or prefabricated pools that do not require a licensed builder to install them
- a pool under a pergola or other type of enclosure
- spas that are not emptied after each use. This includes spas that are inside or partially inside a residence, may have a cover that is removed before use, may be part of a swimming pool, and may be surrounded by decking or under a pergola or other type of enclosure.

The Act 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.



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5. FREQUENCY OF INSPECTIONS

Hawkesbury City Council will be inspecting all pools within the Hawkesbury Local Government Area (upon which a residence is situated) approximately once every five years. Pools located on properties where there are more than two dwellings (e.g. townhouses, flats or units) or where there is tourist or visitor accommodation will be inspected once every three years.

6. STAGED INSPECTION PROGRAM

When an area is scheduled for the program, registered pool owners will receive a letter with their unique Council reference number. Owners may then go online to a secure Council portal and book a time and date for an inspection of the pool barrier to be carried out. Inspections may also be arranged by contacting Council.

7. REPORTING

Councils are required to report annually to the State Government on the inspection program. The report will be made available to Council and the public for information.

8. COMPLIANCE ACTION

The compliance processes will respond to the statutory requirements as set out in the *Swimming Pools Act 1992* and related legislation and guidelines.

9. FEES AND PENALTIES

Council will charge fees and impose penalties (where relevant) as set out in the *Swimming Pools Act 1992* and related legislation and guidelines.

10. SWIMMING POOLS INSPECTION PROGRAM

This policy should be read in conjunction with Council's adopted Draft Swimming Pools Inspection Program.