



Hawkesbury City Council

attachment 1
to
item 297

Draft Swimming Pool Inspection
Program Policy

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time: 6:30 p.m.



Hawkesbury City Council
Policy

DRAFT
Swimming Pool
Inspection Program
Policy

Hawkesbury City Council



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1.0 PURPOSE

To provide a policy document that reflects Council's responsibilities for the inspection of swimming pool barriers serving swimming pools and spas in the Hawkesbury City Council in accordance with the requirements of the *Swimming Pools Act 1992* and regulations thereunder.

The *Swimming Pools Act 1992* - Section 22B, requires that Council inspect swimming pools in accordance with its adopted program.

2.0 SCOPE

The main objectives of this policy are to:

1. Save and protect lives by preventing drownings in backyard pools
2. Inform pool owners of their responsibilities and obligations under the *Swimming Pools Act 1992*

Swimming pools offer a social amenity that is of great benefit to those who have use and access to it. With this however goes an obligation outlined in legislation to maintain the pool in a safe manner.

Children aged four years of age and under are the most vulnerable. They are dependent on their parents or carers for their safety. The personal and social cost associated with the death of a child is enormous and cannot be adequately described. The death of a young child in circumstances that could have been prevented is a tragedy for all.

The NSW *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2018* identify a number of requirements designed to enhance the safety of children under the age of five years around private swimming pools in NSW. Under the legislation local government has a regulatory responsibility for swimming pool safety.

Councils must conduct inspections every three years of swimming pools associated with tourist and visitor accommodation, as well as other multi-occupancy developments (includes pools in hotels, motels, serviced apartments, backpacker accommodation and unit complexes). A three yearly inspection regime is required as pools co-located with these types of activities are perceived as having a higher risk associated with them due to more frequent use by a wider range of people. Council is also obliged to investigate any complaint or information offered that suggests that a swimming pool barrier is non-compliant.

This policy captures the impact of these legislative requirements for pool owners and ensures that council meets all of its required legislative requirements.

LEGISLATIVE CONTEXT

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

- *Swimming Pools Act 1992*
- *Swimming Pools Regulation 1990, 1992, 1998, 2008 and 2018*
- National Construction Code – Building Code of Australia
- Australian Standard 1926 – 1986
- Australian Standard 1926.1 - 2007
- Australian Standard 1926.1 -2012
- State Environmental Planning Policy (Infrastructure) 2007



3.0 DEFINITIONS

i) **Swimming Pool** - means:

“an excavation, structure or vessel:

(a) that is capable of being filled with water to a depth greater than 300mm 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.”

ii) **Certificate of Compliance** – a certificate issued under the provisions of the *Swimming Pools Act 1992*

iii) **Accredited Certifier** – means an accredited certifier within the meaning of the *Building Professionals Act* holding category A 1, A2, A3 or E 1.

4.0 ROLES AND RESPONSIBILITIES

Hawkesbury City Council will inspect swimming pool barriers serving swimming pools:

- i) Where there are more than two dwellings (for example townhouses, flats or units) or where there is tourist or visitor accommodation on properties other than those owned and occupied by the Crown with the Hawkesbury Local Government Area once every three years.
- ii) Upon receipt of an application for a Swimming Pool Compliance Certificate under the provisions of the *Swimming Pools Act 1992*.

Within a reasonable time, Council will investigate:

- iii) Complaints or information received alleging that the swimming pool barrier does not comply with the requirements of the *Swimming Pools Act 1992* and Regulations thereunder.
- iv) Following receipt of Section 22E Notice forwarded by an accredited certifier under the provisions of the *Swimming Pools Act 1992*.
- v) Following receipt of a Notice forwarded by an accredited certifier under the provisions of the *Environmental Planning and Assessment Act 1979* detailing that the swimming barrier is non-compliant.

Reporting

- i) 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.

Compliance Action

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



Fees

Inspection fees will be charged in accordance with Division 5 of the *Swimming Pools Act, 1992*, and Clause 19 the *Swimming Pools Regulation 2018* and as prescribed in Councils Operational Plan.

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