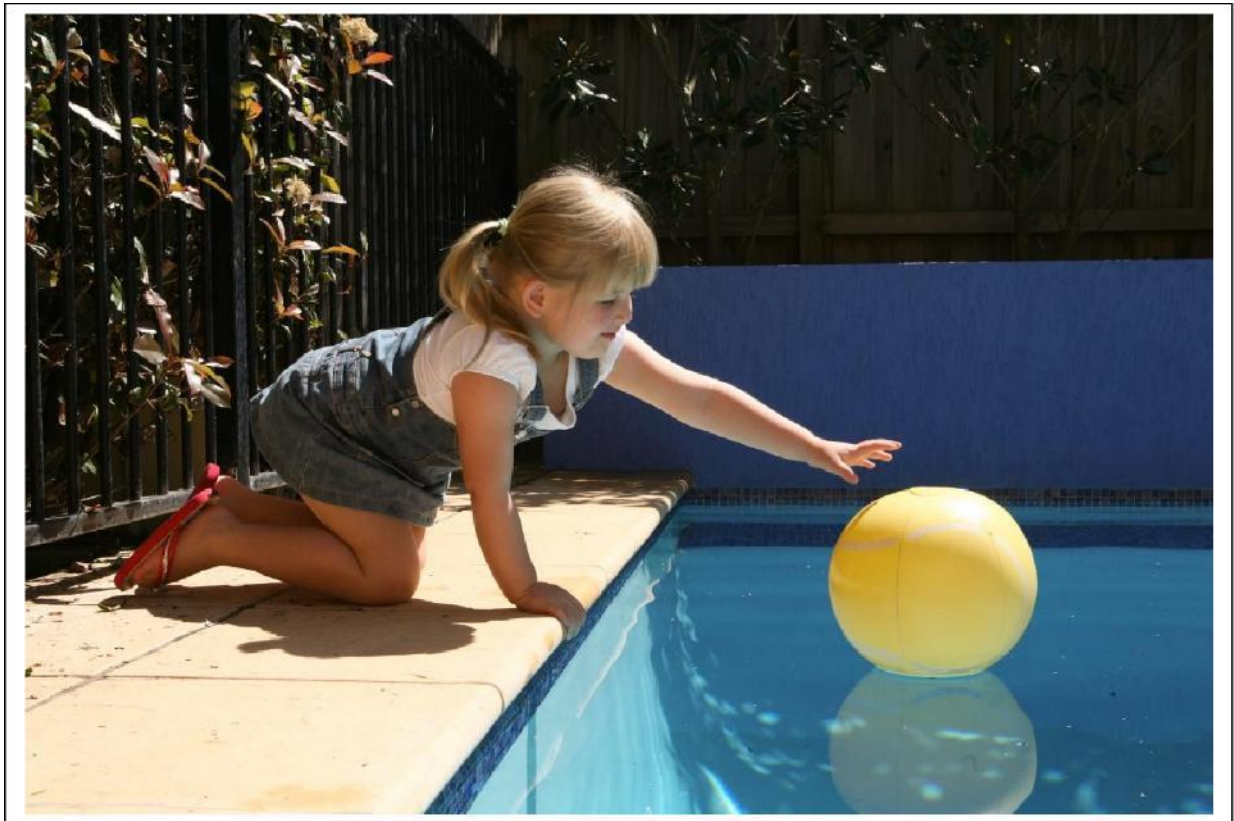


# Swimming Pool Inspection Program



Ref: SF120799

# Swimming Pool Inspection Program

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## OUTCOMES

In late 2012 and early 2013 the NSW Minister for Local Government introduced the *Swimming Pools Amendment Act 2012* and the *Swimming Pools Amendment (Consequential Amendments) Regulation 2013*, which introduced a number of new requirements for Council and pool owners. Specifically the changes to the Act require councils to prepare a Swimming Pools Inspection Program that must be prepared in consultation with the community.

This document has been prepared to satisfy the requirements of Section 22B of the *Swimming Pools Act 1992* and is a revision of 2019 Program.

## PROGRAM

The purpose of this Program is to:

- a) Adhere to the requirements of section 22B of the *Swimming Pools Act 1992 as amended*;
- b) Increase awareness of pool safety and reduce the incidence of drowning and near drowning events for young children in the Queanbeyan-Palerang Regional Council (QPRC) local government area;
- c) Ensure all private swimming pools are surrounded by a child resistant barrier which is designed, constructed and maintained to the prescribed standard;
- d) Ensure all public swimming pools are maintained and operated in accordance with the prescribed standards;
- e) Outline the process related to the monitoring and inspection of swimming pools in the QPRC Local Government Area; and
- f) Ensure upgrade works are carried out where a non-compliant pool is identified.



## SCOPE OF THE PROGRAM

This plan applies to:

- All swimming pools located within the QPRC local government area; and
- All proposed swimming pool installations within the QPRC local government area;

A reference to a swimming pool in this document also includes a spa pool.

This plan is principally aimed at outlining Council's roles and responsibilities in the ongoing inspection and monitoring of public and private swimming pools against relevant legislation.

# Swimming Pool Inspection Program

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## DEFINITIONS

**Certificate of Compliance** means a certificate issued under section 22D of the *NSW Swimming Pools Act 1992*.

**Certificate of Non-Compliance** means a certificate issued under clause 21 of the *NSW Swimming Pools Regulations 2018*.

**Exemption Certificate** means a certificate issued under section 22 of the *NSW Swimming Pools Act 1992*.

**Movable Dwelling** has the same meaning as in the *NSW Local Government Act 1993*.

**Occupation Certificate** means a certificate issued under Division 6.3 – Clause 6.9 of the *Environmental Planning and Assessment Act 1979*.

**Public Swimming Pool or Spa Pool** has the same meaning as in the *NSW Public Health Act 2010*.

**Swimming Pool Register** means the online state run register found at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

**Tourist and visitor accommodation** has the same meaning as in the Queanbeyan-Palerang Regional Local Environmental Plan 2022.

## LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

Council complies with the following legislation and legislative instruments impacting on local government operations.

1. Further detail on each of the following items can be found within Appendix 1.
  - NSW Swimming Pools Act 1992 and Regulations;
  - National Construction Code(NCC) Series;
  - Australian Standard 1926 parts 1 and 2: Swimming Pool Safety;
  - Guideline 8: Cardiopulmonary Resuscitation;
  - NSW Conveyancing (Sale of Land) Regulation 2010 and Regulations;
  - NSW Residential Tenancies Act 2010 and Regulations; and
  - NSW Public Health Act 2010 and Regulations.

# Swimming Pool Inspection Program

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## CONTENT

Inspections will be carried out based on the availability of resources and the priorities indicated below in relation to the types of or reasons for inspections.

### Priority 1 - Investigation of Complaints and Concerns

If a member of the community raises concerns with Council that any private or public swimming pool barrier allegedly does not meet the requirements of the Swimming Pools Act or Regulations, Council will as far as is practicable, commence investigation of the concern within two working days after it is received.

The inspection will be carried out regardless of whether a valid Compliance Certificate or Occupation Certificate is in force for the pool. There will be no charge for complaint inspections. If following an inspection, the complaint is found to be substantiated Council may begin enforcement proceedings.

Council reserves the right to decline to investigate a concern that it considers to be vexatious, misconceived, frivolous or lacking in substance. Council will notify the complainant in writing if it decides not to investigate a concern.

### Priority 2 - Owner Requested Compliance Inspections

As of 29 April 2014 owners of properties on which a private swimming pool is located are required under the Residential Tenancies Act and the Conveyancing (Sale of Land) Regulations, to obtain a Compliance Certificate under the Swimming Pools Act prior to the lease or sale of any property on which a swimming pool is located.

The property owner may request Council to undertake an inspection of a pool at their premises whether for the purposes of leasing, sale or simply peace of mind. Requests will need to be made in writing and a fee will be charged to carry out the inspection. Council will, as far as is practicable, commence inspection of the pool within 10 working days after the inspection has been booked and paid for.

If, following the inspection, the pool is found to be compliant and registered on the state government pool register, a Compliance Certificate will be issued in respect of the pool, this will be completed within two working days.

Where the pool fence is found to have a minor non-compliance then the applicant may elect to receive a Certificate of Non-Compliance, which requires the non-compliances to be corrected within 90 days of the settlement of the property.

Where the pool fence is found to have major non-compliances then Council may begin enforcement proceedings.



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## Priority 3 – Applications for Exemptions

Section 22 of the Swimming Pools Act provides for a swimming pool owner to make application to Council for an Exemption from all or any of the requirements of Part 2 of the Act, in certain circumstances. On receipt of an application and the appropriate fee, Council will undertake an inspection of the swimming pool. After the inspection, a report shall be prepared to assess the justification for granting the exemption and the assessing officer shall make a recommendation as to how the application should be determined. The final decision on whether to accept the recommendation shall be carried out by the assessing officer's Portfolio Director.

If further works are necessary to make the swimming pool barrier compliant, Council may commence enforcement action.

## Priority 4 - Mandatory Swimming Pool Barrier Inspection Program

Where pools are situated on premises where there is a movable dwelling, tourist and visitor accommodation, or more than two dwellings, Council will inspect premises once each calendar year. This includes, but is not limited to:

- Motels;
- Hotels;
- Caravan parks;
- Boarding houses;
- Multi unit developments; and
- Residential flat buildings

A fee will be charged for these inspections.

If, following the inspection, the pool is found to be compliant, a Compliance Certificate will be issued in respect of the pool. If the pool is not compliant Council may begin enforcement proceedings.

## Priority 5 - Public Swimming Pool Water Quality Inspection Program

Swimming pools have the potential to have serious impacts on the health of its users if water quality is poorly maintained. In pools used by the public the potential impacts are far greater because of the number of people who use them and because many of these can be susceptible users (e.g children). Council therefore considers inspections of pool management practices and processes should be conducted of all public swimming and spa pools.

Council will aim to undertake the inspection of all public swimming pools at least once annually. The frequency of inspection will be dependent on available resources. A fee will be charged for inspections and any analysis of samples required to be taken.

Inspections will include testing of:

- Chemical parameters for both cold and warm water pools, and spas; and
- Microbiological parameters of warm water pools, spas and any cold water pools which fail the chemical tests.

# Swimming Pool Inspection Program

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Pool water quality will be assessed against the provisions of the Public Health Act 2010. Non compliances with the Act may result in Council taking enforcement action.

## **Priority 6 – Free on-demand advisory inspections**

Where the owner or occupier of a premises within the QPRC local government area requests, Council shall undertake an inspection of the swimming pool safety fencing for compliance with the NSW Swimming Pools Act 1992. This will be undertaken at no cost.

Compliance Certificates will not be issued for these free on-demand Advisory Inspections. Council will advise pool owners of one of the following:

- That at the time of inspection there were no discernible reasons for Council to take further action; or
- That they should carry out specified maintenance to bring the pool onto compliance with the Act; or
- That there were significant departures from the requirements of the Act identified and that enforcement action will be commenced to bring the pool into compliance.

# Swimming Pool Inspection Program

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## EDUCATION AND AWARENESS

Council will run proactive community awareness programs with regard to swimming pool safety in the area. This may include media releases at the start of the swimming season, mail outs of information to pool owners, website and social media promotion, self-assessment checklists and provision of advice to the public.

The key messages to be delivered by the program are the importance of barrier maintenance and adult supervision of young children around water and will be triggered and guided by the outcomes of all inspections conducted.

## REPORTING

Council must include in its Annual Report the number of private pool safety fencing inspections undertaken and the level of compliance with the requirements.

Council is required to report annually to the NSW Ministry of Health on all enforcement action taken against public swimming pools and spa pools under the Public Health Act.

## FEES AND CHARGES

Council charges fees for inspections as detailed in its annual Fees and Charges which may be viewed online or by visiting Council's offices. These fees cover the costs associated with the implementation and running of the program.



# Swimming Pool Inspection Program

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## Appendix 1 – Relevant Legislation & Standards

In the event that the Legislation, Guidelines, or Australian Standards are revised post the adoption of this Program, the revised documents are to replace the repealed documents specified.

- **Swimming Pools Act 1992 and Regulations**
- **National Construction Code and the Building Code of Australia**
- **Australian Standards 1926: Swimming Pool Safety**
- **Conveyancing (Sale of Land) Regulation 2010**
- **Guideline 8 Cardiopulmonary Resuscitation**
- **Residential Tenancies Act 2010**
- **Public Health Act 2010 and Regulations**

### WANT TO KNOW MORE?

A copy of these documents can be found online free of charge at

[www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)