




Murrumbidgee
COUNCIL

Swimming Pool Inspection Program Policy (Revision 1)

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community and Development		28 June 2023
Authorised By	John Scarce	General Manager		28 June 2023

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Contents

- 1. Policy Statement..... 3
- 2. Introduction..... 3
- 3. Definitions..... 3
- 4. Procedures 4
 - 4.1 Inspection Frequency Procedure..... 4
 - 4.2 Inspection & Compliance Certificate Fees..... 5
- 5. Legislation and Related Documents 5
- 6. Policy Review 5

1. Policy Statement

To implement an inspection program that effectively meets Council's obligations under Division 5, Section 22B of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*, to increase pool safety awareness and reduce the potential of infant drownings and near drowning events within Murrumbidgee Council Local Government Area.

2. Introduction

This policy applies to the owner/s of premises within Murrumbidgee Council Local Government Area on which a swimming pool is located. This includes all portable swimming pools and spas installed under the *exempt development* provisions which meet the definition as a swimming pool.

3. Definitions

Certificate of Compliance	means a certificate issued under section 22D of the <i>Swimming Pools Act 1992</i> .
Exempt Development	means portable swimming pools installed in accordance with the exempt provisions of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . Note: Exempt swimming pools, which meet the definition of a swimming pool, are included in the following inspection program and pool isolation fencing must be provided in accordance with the requirements of the <i>Swimming Pools Act 1992</i> and reference standards.
Multi-Occupancy Development	is a building, or buildings that is, or are, situated on premises that consist of more than two dwellings.
Relevant Occupation Certificate	in respect of a swimming pool, means an occupation certificate issued under the <i>Environmental Planning and Assessment Act 1979</i> that is less than 3 years old and that authorises the use of the swimming pool.
Residential/Private Swimming Pools	for the purpose of inclusion in the inspection program, relates to all swimming pools located on privately owned land.
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 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 <i>Swimming Pools Act 1992</i> .
Tourist and Visitor Accommodation	means a building or place that provides temporary or short term accommodation on a commercial basis and includes back packers accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments.

4. Procedures

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

4.1 Inspection Frequency Procedure

- 4.1.1 At least once every 3 years Council will inspect any swimming pool situated on a premises where there is a tourist and visitor accommodation or more than two dwellings.
- 4.1.2 Council shall inspect a minimum of 10 other privately owned swimming pools at least once every 3 years. Owners will be issued with a compliance certificate stating the property complies with Part 2 of the *Swimming Pools Act 1992* and inspection details updated in the register.
- 4.1.3 Appropriate notice shall be given in advance to the property owner on which a private swimming pool is situated prior to inspection.
- 4.1.4 Any property with a valid and current Swimming Pool Compliance Certificate (valid for 3 years) or relevant Occupation Certificate issued by Council is exempt from the inspection program.
- 4.1.5 Council will only issue a Swimming Pool Compliance Certificate where the swimming pool barrier complies with the appropriate legislation as determined by an authorised officer and upon payment of the appropriate fee.
- 4.1.6 Under Section 428 of the Local Government Act 1993, Council shall 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 and Compliance Certificate Fees

The *Swimming Pools Act 1992* provides that Council may charge a fee (see table) for inspection conducted by an authorised officer, being a fee that is not greater than the maximum fee prescribed under Part 5, Clause 19 of the *Swimming Pools Regulation 2018*.

Title of Fee	Fee (GST Exclusive)
NSW Swimming Pool Register	\$10.00
Application for Certificate of Compliance for Swimming Pool Including Inspection	\$77.00
Second and consequent inspections	\$100.00
First Inspection for new owner	\$150.00
Resuscitation Chart	\$17.00

Note 1: 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 2: No fee shall be charged for a second inspection if non-compliances identified in the initial 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 3: The fees outlined above are the maximum amount prescribed by clause 19 of the *Swimming Pools Regulation 2018*, being \$150 for a first inspection and \$100 for a second inspection.

5. Legislation and Related Documents

- Swimming Pools Act 1992 No. 49
- Swimming Pools Regulation 2018

6. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).