



BERRIGAN SHIRE COUNCIL

SWIMMING POOL INSPECTION PROGRAM

A comprehensive review of swimming pool legislation has been undertaken by the NSW Division of Local Government. The change in legislation has been brought about because of the rate of preventable drownings and near drownings in privately owned swimming pools and the high rate of non-compliance of swimming pool barriers in NSW.

The resulting amendments to the Swimming Pools Act requires NSW councils to develop and implement a locally appropriate swimming pool barrier inspection program for privately owned swimming pools in consultation with the community.

Council will implement an inspection program that effectively meets Councils obligations under the Swimming Pools Act and Regulation, that increases pool safety awareness and reduces infant drowning and near drowning events within the Berrigan Shire Local Government area.

Council will inspect swimming pools as set out in the Berrigan Shire Swimming Pool Barrier Inspection Program.

Definitions

Certificate of Compliance- in respect of swimming pools means a certificate issued under section 22D of the Swimming Pools Act.

Multi-occupancy development- a building or buildings that are situated on premises that consist of two or more dwellings.

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 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.

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 and serviced apartments.

Inspection Program Requirements

- a) As of and from 29 April 2014, Council shall inspect all swimming pools associated with tourist and visitor accommodation and multi-occupancy developments at a maximum of 3 yearly intervals (inspection fees apply).
- b) As of and from 29 April 2014, when requested by the property owner or on behalf of the property owner, Council shall inspect within a reasonable time, all properties which have a swimming pool prior to their sale or lease (inspection fees apply).

- c) When requested by the owner of a private residential pool, Council will inspect pool barrier fencing within a reasonable time and, if necessary, provide direction to the owner about areas of non-compliance (fees may apply).
- d) Council shall inspect and take appropriate regulatory action in respect of swimming pools that have been constructed without development consent, or that are installed or are being used in contravention of conditions of development consent or other legislative requirements (inspection fees apply).

Note: *This action will commonly occur as a result of complaint or review of Council files.*

Inspection Fees

The *Swimming Pools Act* provides that Council may charge a fee for inspection conducted by an authorised officer, being a fee that is not greater than the maximum fee prescribed by the Swimming Pools Regulation.

Council will charge a fee of \$105 for an initial inspection (which includes the issue of a certificate of compliance for complying pool fences) and \$100 for one follow up inspection. Council will not charge additional fees for the conduct of subsequent inspections.

Requests for inspection by the owners of private residential swimming pools shall be undertaken at no cost, except where a compliance certificate is requested. Should the owner require a compliance certificate the fee shall be as per Council's schedule of fees and charges.

Inspection fees will be reviewed annually and determined as per Council's schedule of fees.

Enforcement

Council aims to achieve compliance through effective education and engagement of pool owners and the community. Council acknowledges the ultimate effectiveness of any pool safety barrier relies upon the awareness of the property owner and their willingness to ensure compliance and ongoing maintenance.

The *Swimming Pools Act* does provide mechanisms, such as notices, directions and penalty provisions, which are used to actively encourage compliance where deemed necessary and appropriate.

Education and Awareness

Pool owner education and awareness is essential in contributing to the success of the inspection program.

An ongoing and complementary community education and awareness program will be delivered through community publications, media releases, web site information, owner self-assessment pool fence checklist and pool safety officer interaction with the public.

The importance of pool barrier maintenance and adult supervision are key measures to be delivered within the program.

The rates of pool barrier compliance are expected to progressively increase as a result of the inspection program and the gradual improvement of the level of community education and awareness.