



Swimming Pool Inspection Program



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Document Control

Policy	Swimming Pool Inspection Program	Policy Number	TBA
Author/Reviewer	Manager Building Services	Review Period and Date	Reviewed within 12 months of election/4 yearly - September

This policy shall be reviewed: -

- This policy shall be reviewed within 12 months of an election, and thereafter at four yearly intervals at least, to ensure it meets all statutory requirements and the needs of council. It may also be reviewed at other times as determined by council.
- This policy commences as from the last date of adoption by Council as listed in the document history and replaces all previous versions.

Document History

Date	Status	Version	Resolution	Description
26 July 2017	Draft	0.1		Presented to Hilltops Council for endorsement, public exhibition 28 days
26 July 2017	Draft	0.2	17/198	Placed on public exhibition 28 days
25 October 2017	Draft	0.3		Presented to Council for adoption
25 October 2017	Final	1.0	17/283	Adopted



INTRODUCTION

With the adopted provisions of the Swimming Pools Amendment Act 2012, NSW Councils are required to have a Swimming Pools Inspection Program. This program has been developed in consultation with the community and reflects the requirements of Section 22B of the Swimming Pools Act 1992.

1. Purpose and objectives

The Swimming Pool Inspection Program has been developed to meet the following objectives;

- To ensure that pool owners comply with relevant Acts, Regulations and Australian Standards for swimming pools.
- Assist and guide the community in its responsibilities to the NSW Governments Swimming Pool Register
- To meet Councils obligations under the Swimming Pools Act 1992.
- To outline the program structure and method of operation.

2. Responsibility

Council as the Local Authority has responsibilities under the Act to inspect pools so as to maintain compliance in accordance with the requirements of the Act. This role is undertaken by Councils Accredited Certifiers or by an Authorised officer of Council as set out by Section 27 of the Swimming Pools Act 1992.

3. Pools this program applies to

To swimming pools that are situated, or proposed to be constructed or installed, on premises on which residential buildings are located or tourist and visitor accommodation facilities.

4. Legislation and referenced documents

Relevant legislation is as follows:

- Swimming Pool Act 1992
- Swimming Pools Regulation 2008
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Environmental Planning and Assessment Act 1979
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Australian Standards which relate to swimming pools are:

- AS 1926.1-2012: Swimming Pool Safety – Safety barriers for swimming pools
- AS 1926.2-2007 (R2016): Swimming Pool Safety – Location of safety barriers for swimming pools
- AS 1926.3-2010: Swimming Pool Safety – Water recirculation systems
- AS 2610.2-1993: Spa Pools – Water quality
- AS 2783-1992: Use of reinforced concrete for small swimming pools
- AS 2820-1993: Gate units for private swimming pools
- AS 3633-1989: Private swimming pools – Water quality
- AS/NZS 1838-1994: Swimming Pools – Premoulded fibre reinforced plastics design and fabrication
- AS/NZS 1839-1994: Swimming Pools – Premoulded fibre reinforced plastics Installation



5. Applications for Swimming Pools

Prior to constructing or installing any pool, an applicant must obtain either:

- A development consent and associated construction certificate; or
- A complying development certificate, and
- A BASIX Certificate must be provided with an application for the installation of any swimming pool where the capacity is 40,000 litres or more. The details provided on this BASIX Certificate are to be reflected on the plans and checked by Council at final inspection.

Prior to Council undertaking an inspection for the issue of a compliance certificate:

- Submit a completed application for a compliance certificate
- Pay the required fees for the application
- Supply a copy of the NSW Swimming Pools Register, registration certificate

6. NSW Swimming Pool register

Under Section 30B of the Swimming Pools Act 1992, all swimming pool owners in NSW are required to:

- promptly register their swimming pools on the statewide on-line register at www.swimmingpoolregister.nsw.gov.au
- self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool. **Note:** there is a self-assessment checklist to be completed at the time of registering the pool. A copy of a self-assessment checklist, applicable at the time the pool was installed, can be downloaded when registering the owner's pool.
- provide a valid swimming pool compliance certificate before selling or leasing a property with a pool.

7. Inspection Program

Swimming Pools and Spa's are part of the required inspection program as defined and set down by section 22B of the NSW Swimming Pools Act 1992.

Council as the *Local Authority* has responsibilities under the Act to inspect certain pools to ensure compliance in accordance with the requirements of the Act. The swimming pools and spas requiring these mandatory inspections are:

Sold or leased property	-	All swimming pools that are part of properties to be sold, leased or tenanted must have a current compliance certificate.
Tourist & visitor premises	-	All visitor and tourist accommodation are required to have a current swimming pool certificate at all times.
Multiple occupancies	-	All properties with a pool and having more than two occupancies are required to have a current compliance certificate.

Council is also required to operate a compliance program for all other domestic swimming pools. These are the private pools that are part of a dwelling that is owned by the occupant. Council will undertake to complete a scheduled inspection program as follows;



Non-compliant pools	-	Where Council becomes aware of a swimming pool that is not compliant or that it believes is not compliant, Council will undertake an inspection of that pool in accordance with this program as well as any regulatory enforcement as required.
Unregistered pools	-	When Council becomes aware of a swimming pool that is not registered, Council will undertake a compliance inspection in accordance with this program as well as any regulatory enforcement as required.
Registered pools	-	Council will endeavour to undertake a representative inspection sample each year of the registered pools in its area. These are pools that are registered and where the owner is responsible to ensure that the swimming pool is compliant

8. Non-compliance

Swimming pools are regulated through various Legislative tools in NSW. Compliance with these laws is mandatory and there are many offences that carry fines under the appropriate Regulations. These are:

- Failure to comply with an Order issued under the Swimming Pools Act 1992
- Failure to register a swimming pool under the Swimming Pools Act 1992
- Failure to adequately fence a swimming pool under the Swimming Pools Act 1992
- Failure to receive development consent for a swimming pool prior to installation, Environmental Planning and Assessment Act 1979

9. Fees and Charges

Council's fees and charges for pool inspections and certificates are set out in the Fees and Charges schedule of Council's annual Operational Plan, available on Council's website.

10. Inspections

Where Council is required to undertake inspections by this program, the following procedure will be followed;

Notification

The pool owner will be notified in writing a minimum of 48 hours before the scheduled inspection is to take place. It is the responsibility of the property owner to ensure that if the property is tenanted, that they have notified the tenant or made alternative arrangements with Council in regards to access for Councils Inspector to the subject swimming pool.

The notification will identify a date and whether the inspection will be undertaken in the morning or afternoon. Councils notification procedures are in compliance with Section 28 of the Swimming Pools Act 1992 along with powers of entry in given circumstances.

Inspection

Councils authorised officers will conduct inspections of swimming pool safety barriers in accordance with section 22B of the Act at the time notified. The owner does not have to be present for this inspection but it is always preferred where possible.



Spa and swimming pool safety barriers will be inspected to the performance standard as set out in Australian Standard *AS1926 Safety Barriers for Swimming Pools*, as called up by the NSW Swimming Pools Act 1992.

Outcomes

Council will notify the owner of the property where the pool safety barrier is installed of the outcome of the inspection. This will take the form of the appropriate response for the inspection outcome. These are as follows;

- Issue of a compliance certificate.

Where Councils Inspectors have assessed the pool and spa safety barrier and found it to be in compliance with the provisions of the NSW Swimming Pools Act 1992, Council will issue a compliance certificate in accordance with Section 22D of the Act.

- Compliance works required

Where it is found that works are required to be undertaken for the swimming pool or spa to achieve compliance, Council will issue a Notice issued under clause 18B of the Swimming Pools Regulation 2008 requiring that the works be completed and reinspected. If compliance is not found to have been met within the specified time, Council may issue an Infringement Notice or take further action at law.

- Issue a certificate of non-compliance

Where the inspection has been requested by the owner, Council may issue a certificate of non-compliance under clause 18BA of the Swimming Pools Regulation 2008. This certificate will allow for the sale of the property to proceed but compliance will be required and the responsibility will transfer to the new owner.