BACKGROUND

The *Swimming Pools Act 1992* requires Council to develop and adopt a program for the inspection of swimming pools in its area. To fulfill its legal obligations under this Act, Council is required to inspect swimming pools in accordance with this Policy and the overarching *Swimming Pools Program*.

OBJECTIVES

The objectives of this policy are:

(a) To ensure Council complies with its statutory obligations under the *Swimming Pools Act*;

(b) To ensure that swimming pools within the Liverpool Plains Shire local government area are surrounded by a child resistant barrier in accordance with the applicable legislative framework;

(c) To establish guidelines for the local inspection program to encourage compliance with the relevant legislation; and

(d) To promote awareness within the Liverpool Plains local government area of the requirements of the *Swimming Pool Act*. 
POLICY STATEMENT

Liverpool Plains Shire Council will:

• be proactive in terms of pool safety and follow up complaints about non-compliance in a timely manner.

• cooperate with the NSW Department of Premier and Cabinet (Division of Local Government) in meeting its statutory and community obligations under the Swimming Pools Act.

• implement a swimming pool barrier inspection program.

• acknowledges that where this Policy is inconsistent with and of the provisions of the Swimming Pools Act and commensurate Regulation, then the Act and Regulation shall prevail.

To What Properties Does this Policy Apply?

This Policy applies to swimming pools (both indoor and outdoor) and spas that are situated or installed on premises on which a residential building, a moveable dwelling, or, tourist and visitor accommodation is located. This Policy does not apply to swimming pools or spas that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

Development & Initial Implementation of a Pool Safety Barrier Audit Program

The development and initial implementation of a swimming pool barrier inspection program will be as follows:

• Staff resources:

Wherever practicable existing suitably qualified and experienced Council staff will oversee the Program and ensure that Council complies with its legal obligations. From time to time, specialist contract staff may also need to be engaged to provide high level safety advice to Council and the community. Council will provide ongoing training to staff, as required.

• Inspection Program Components

(i) As of, and from 29 April 2014, Council shall inspect all swimming pools associated with tourist accommodation and multi-occupancy developments at a maximum of three (3) yearly intervals.

(ii) As of, and from, 29 April 2014, where requested by the property owner, or on behalf of the property owner, Council shall inspect all properties which have a swimming pool prior to their sale or lease within a reasonable time frame.

(iii) Council shall inspect any swimming pool, that is the subject of a customer, staff or owner request, to ensure that the pool barrier is installed in accordance with the requirements of the Swimming Pools Act.
(iv) 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 relevant legislative requirements.

(v) As of, and from 29 October 2013, Council shall inspect other non-mandatory residential properties that contain swimming pools as part of a proactive inspection program. This program will aim to improve the level of compliance of safety barriers and reduce the incidence of drownings or near drownings.

The proactive inspection program will incorporate a risk-based approach whereby unauthorised pools, and authorised pools with outstanding final inspections, will have a high priority.

Wherever practicable, and as part of the overall risk-based approach, inspections will focus on more densely settled and urbanised areas. Such areas would normally include those properties on lands zoned R1 General Residential, R5 large Lot Residential and RU5 Village under the adopted Local Environmental Plan (LEP). These land use zones are generally reflective of existing settlement patterns.

(vi) This inspection program does not mandatorily require the inspection of a swimming pool of which there is in force a valid certificate of compliance, or, a relevant occupation certificate. Such certificates are generally considered valid for a period of three (3) years.

- **Inspection Fees:**

  The *Swimming Pools Act* provides that Council may charge a fee for inspection(s) conducted by an authorised officer, being a fee that is not greater than the maximum fee prescribed by the *Swimming Pools Regulation*. In such cases, Council may not charge a separate fee for issuing a certificate of compliance.

  In addition, the *Swimming Pools Act* provides that Council may charge a fee for one (1) reinspection.

  In accordance with current statutory fee schedules, as established by the Division of Local Government, Council will charge a fee of $150 for an initial inspection (which includes the issue of a certificate of compliance for complying pool fences) and $100 for one (1) follow-up inspection. Council will not charge additional fees for the conduct of any subsequent inspections.

- **Enforcement:**

  Council aims to achieve compliance through implementation of an effective community education program and engagement of pool owners and the community. In this regard, Council acknowledges that the ultimate effectiveness and success of any pool safety barrier relies upon the awareness of the property owner or occupier and their willingness to ensure ongoing maintenance and compliance.

  The *Swimming Pools Act* provides for a range of enforcement mechanisms including Notices, Directions and Penalty provisions which are used to actively encourage compliance, where deemed necessary and appropriate.
• **Education & Awareness:**

Pool owner education and awareness-raising is an essential component contributing to the success of an inspection program. An awareness-raising program will be delivered by the corresponding *Swimming Pools Program (2013)* which was considered and endorsed at the March 2013 Ordinary Meeting of Council. As part of this overarching Delivery Program, an ongoing and complementary community education and awareness program will be disseminated in accordance with a Project Communications Strategy. Such a Communication Strategy may encompass, for example, media releases, website updates, social media, community information, owner self-assessment and face-to-face interaction with the public.