



## **P&R – SWIMMING POOL INSPECTION PROGRAM**

Adoption Date:	22 October 2013
Review Date:	As required
Responsible Officer:	Director Planning and Regulatory Services

### **OBJECTIVES:**

The objectives of the Walgett Shire Council swimming pool inspection program are to:

- Increase public awareness of swimming pool safety.
- Reduce the potential for infant drowning and near drowning events within the Walgett Shire.
- Implement an inspection program that effectively meets Council's obligations under the Swimming Pools Act and Regulation.

### **BACKGROUND:**

The NSW Division of Local Government implemented a number of changes to legislation regarding the operation of private swimming pools during 2013. The changes were prompted by ongoing significant numbers of preventable drowning, and near drowning, incidents in privately owned swimming pools in NSW. In part the drownings have been associated with a relatively high rate of non-compliant swimming pool barriers.

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

### **PROGRAM ELEMENTS:**

#### **Swimming Pool Inspections**

Council staff will inspect properties with swimming pools under the following circumstances:

##### **i. Inspection as a result of a complaint (Section 29A)**

Section 29A of the Swimming Pools Act requires Council to commence an investigation within three working days of a written complaint being made.

**ii. Inspection at the request of a pool owner – General (section 22C(1))**

Section 22C (1) of the Swimming Pools Act requires Council to carry out an inspection of swimming pool upon request of a pool owner.

**iii. Inspection at the request of a pool owner – sale or lease (Section 22C(3))**

From 29 April 2014, Section 22C (3) of the Swimming Pools Act requires Council to carry out an inspection of a swimming pool that is being sold or leased where a compliant inspection hasn't been undertaken in three years.

Such an inspection is to be undertaken within ten working days of a written request.

**iv. Inspection of tourist, visitor, multi occupancy development (Section 22B(2))**

From 29 April 2014, Section 22B(2) requires Council to inspect swimming pools on premises on which there is Tourist and Visitor Accommodation, or more than two dwellings, every three years.

**v. Inspections prompted by a review of aerial photography.**

Periodically, Council obtains recent aerial photography of urban and/or rural areas. This can be used to indicate whether there is a swimming pool present on a given site. Council will review new aerial photography, within twelve months of it becoming available, to check for evidence of unauthorized pools. Letters will be written to the owners of any unauthorized pools reminding them of their obligation to comply with swimming pool safety standards and subsequently a compliance inspection will be undertaken where the pool remains in place.

Council shall also issue a Certificate of Compliance where a swimming pool has been found to comply with the Swimming Pools Act.

**Community Engagement Strategy**

1. Council will place regular advertisements regarding swimming pool safety in local newspapers, especially during spring and summer.
2. Council will provide and maintain publicly accessible information on its web site regarding current swimming pool safety standards.

**Enforcement**

Enforcement action relating to non compliant pools shall be carried out in accordance with Council's Enforcement Policy.

## Program Reporting

Details of regulatory functions undertaken in accordance with this policy will be included in Council's Annual Report.

## PROGRAM IMPLEMENTATION PROCEDURES, GUIDELINES AND DOCUMENTS

- NSW Swimming Pools Act 1992
- NSW Swimming Pools Regulation 2008.
- NSW Division of Local Government Circular to Councils, titled Swimming Pool Amendment Act 2012 Circular No. 12-40.

## RELATED WSC POLICIES

Enforcement Policy.

## VERSION HISTORY

Version	Date	Author	Section	Page	Changes
Draft	Aug 2013	EHBS	All	All	Draft policy created after a review of similar policies maintained by other NSW Councils.
1.0	22-10-2013	WSC	All	All	Adopted by Council after public exhibition of draft program completed.