



Burwood ^{Inc.1874}

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SWIMMING POOL BARRIER INSPECTION PROGRAM

Swimming Pool Barrier Inspection Program:

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Purpose

The *Swimming Pools Act 1992* ("the Act") requires all NSW Councils to develop and implement a Swimming Pool Barrier Inspection Program.

The Swimming Pool Barrier Inspection Program aims to support Council's Swimming Pool Policy (the Policy) by defining the scope of the program to ensure compliance with the Act and relevant standards while increasing pool safety awareness and compliance in the Burwood Local Government Area (LGA).

Inspection Program

From October 2013, all Councils are required to have in place and to implement a program of swimming pool inspections. The purpose of the inspection program is to identify swimming pool for inspection scheduling under the program.

Inspections under the program are to ensure that the pool barrier effectively restricts access to the swimming pool in accordance with the provisions of the *Swimming Pools Act 1992*. Council applies a risk base approach to the Procedure.

The following inspections will be attended to in order of priority:

1. High Risk Pools

The legislation requires certain properties considered as a high risk to have the pool inspected every 3 years. This includes pools associated with:

- a hotel, motel, tourist/ visitor accommodation and other multi-occupancy developments;
- backpackers, bed and breakfast, hotel, motel, serviced apartments (includes short term rental accommodation) and residence of more than 2 occupancies;
- childcare centre/ family day care or premises accessed regularly by children for other than domestic purposes.

2. Council identified High Risk Pools

Non-compliant pools listed on the NSW Swimming Pool Register are a priority, with re-inspections and compliance enforcement actively pursued.

3. Reports of Unsafe Pools

- a. Council receives complaints from the public in relation to unsafe pool barriers. Council staff who carry out other local government functions may also identify pools with inadequate pool safety barriers. Once reported to City Development, Council will consider investigation processes through Community Safety officers.
- b. Inspection in receipt of a (Section 22E) notification - notice by an accredited certifier if swimming pool does not comply. Section 22E requires that an accredited certifier notify Council in writing of any swimming pool that the accredited certifier has inspected if it remains non-complaint six weeks after the inspection date.

Before entering the property for an inspection, Council will aim to notify the owner or occupier of the premises about the complaint to arrange a time that is convenient for conducting an inspection.

4. Applications for Certificates of Compliance

Inspection at the request of an owner - General (Section 22C (1)). Section 22C (1) of the *Swimming Pools Act 2012* requires that a Local Authority or an accredited certifier may carry out an inspection of a swimming pool upon request from an owner. This will be undertaken via an application for a Certificate of Compliance.

Where an application is lodged and the relevant fees paid Council or its engaged contractor will aim to inspect within 10 days subject to operational requirements.

5. Exemptions

Inspection at the request of an owner for an exemption certificate - In limited circumstances, Council can issue exemptions under Section 22 of the Act. This allows Council to grant exemptions for swimming pools situated on complex sites, in the particular circumstances of the case:

- That it is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements; or
- That alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

When granting an exemption Council may impose conditions, including timeframes on the validity of the exemptions.

For an Application for Exemption seeking exemption from barrier requirements that are impracticable or unreasonable. Application must include sufficient reason for seeking an exemption.

6. Random checks

As resources permit Council may randomly select properties from the state-wide Swimming Pool Register that do not have a current Certificate of Compliance (or relevant Occupation Certificate). Priority will be given to inspecting older swimming pools that have never had a Certificate of Compliance (or relevant Occupation Certificate). Once a property has been selected, Council will write to the owner and request that they make arrangements for an inspection either by a Council Officer or an accredited certifier.

Education Program

Council will maintain the webpages related to swimming pool safety and compliance including pool barriers.

Updated information and documents assisting the community in achieving pool safety will be published on a regular basis.

In August 2024, the Standards Australia issued AS1926.1-2024 to replace the previous AS1926.1-2012. When NSW swimming pool legislation adopts the new Australian Standards, Council will release a knowledge-sharing program to inform the community on the changes made. The program will utilise a variety of media and publication options.

Workplace Health and Safety

All duties are to be carried out in accordance with Council WHS policies and procedures.

Review

The program is to be reviewed within four years unless governed by legislation.

Contact

Manager City Development and Executive Building Surveyor