

# SWIMMING POOL COMPLIANCE CERTIFICATE

## FREQUENTLY ASKED QUESTIONS

### 1. What is the definition of a Swimming Pool?

The Swimming Pool Act describes a swimming pool as an excavation, structure or vessel:

- That is capable of being filled with water to a depth of greater than 300 millimetres
- 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 activity

A spa pool is classified as a swimming pool by the Act. The definition of a spa includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like, but not a spa bath.

### 2. Who will need a current Compliance Certificate?

All tourist, visitor and multi-occupancy developments (such as hotels, caravan parks and residential unit blocks). Also all pools on private properties that are for sale or lease after 29 April 2016.

### 3. I have a swimming pool. Do I need a Compliance Certificate?

Not necessarily. However, if your property is for sale or lease after 29 April 2016, and the Final Occupation Certificate for your pool is more than three (3) years old you are required to have one. A valid Swimming Pool Certificate of Compliance must be attached to the contract of sale from 29 April 2016.

### 4. How long is a Compliance Certificate valid?

A Compliance Certificate is valid for a period of three (3) years, unless a subsequent inspection finds the pool to be non-compliant.

### 5. Can I still apply for a Compliance Certificate if I have not registered my pool?

All home owners were required to have their pool registered by 29 October 2013. If you have not registered your pool, please do so immediately at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Alternatively, Council can register the pool on your behalf for a fee of \$10.00. Please note that fines of \$220.00 may apply to any unregistered pools.

### 6. How much does a Compliance Certificate cost?

The following fees apply as stated in Clause 18A of the Swimming Pool Regulation 2008:

- \$150.00 - If Council has requested a Compliance Certificate
- \$100.00 - Pensioner Fee
- \$100.00 - Re-inspection Fee

### 7. Can someone else apply for my Compliance Certificate?

No. The owner must apply for the Certificate or provide written consent to the person applying on their behalf.

### 8. Do I need to be home when Council inspects my pool?

It is always best that you are home at the time of the inspection. However, if this is not possible, an inspection can still be completed provided that Council officers are assured safe access to and around the swimming pool area.

### **9. Where can I find the Swimming Pool Compliance Certificate Application Form?**

Application forms are available at Councils Administration Centre at 86 Avoca Rd, Wakeley or alternatively can be downloaded from Councils website at [www.fairfieldcity.nsw.gov.au](http://www.fairfieldcity.nsw.gov.au).

### **10. What will happen if my pool does not comply?**

You will be advised in writing of any issues to be rectified. A Building Surveyor will then re-inspect your pool which will incur an additional fee of \$100.00. If your pool is still non-compliant Council will commence appropriate action and your application may be refused.

### **11. What is the Legislation that governs swimming pools?**

Private swimming pools are controlled by the Swimming Pools Act 1992 and the Swimming Pools Regulation 2000. This Legislation also relates to swimming pools associated with Motels, Hotels and multi-occupancy buildings (flats and multi-storey residential towers). The Act prescribes the fencing requirements of private swimming pools. Additional requirements are also specified in the Act relating to the display of CPR signage facing inside the pool area.

The Regulation calls up AS 1926.1, which details the requirements for non-climbable zones, mesh sizes for fences, retaining walls that form part of a barrier and balconies that project into a pool area.

### **12. I am not sure when my swimming pool was built. How do I find the date that it was built to determine what Standard I need to comply with?**

You can call Council to find out what date your pool was built, which will help you when you register your pool.

### **13. I want to install an inflatable pool in my yard for just a few hours. Do I need to comply with these new requirements?**

If the pool meets the definition of a swimming pool under the Act, it will need to comply with the Act, Regulation and prescribed standards irrespective for the proposed length of time of installation. The pool installation will also need prior approval from Council or a privately accredited certifier.

### **14. I don't want my in-ground swimming pool anymore. Can I just fill it in?**

No, a Development Application would need to be lodged seeking Councils approval for the demolition of the pool. Once approval is obtained, the swimming pool would need to be properly demolished.

### **15. My resuscitation chart has faded. Where can I buy a new chart?**

New CPR charts are available at Councils administration building for a fee. The Royal Life Saving Society of Australia also sell CPR signage via their website.

### **16. The Council officer took photos or video of my fence even though it was fully compliant. Why?**

As part of Councils inspection program, a video and/or photos of the fence will be captured for records purposes on completion of the inspection.

## **For further information**

Should you require additional information or advice, please contact Council's Customer Service team on 9725-0222.

Copies of forms and checklists are available at Council's Administration Centre or alternatively, visit Council's website to access forms, checklists and DCP's.