

# FACT SHEET

## Obtaining a Swimming Pool Compliance Certificate

### Important Information (before you proceed)

- Swimming Pool Compliance Certificates can also be issued by **private accredited certifiers** who are registered by the Building Professionals Board. A detailed list of **private certifiers** can be located at [www.swimmingpoolregister.nsw.gov.au/inspection](http://www.swimmingpoolregister.nsw.gov.au/inspection)
- To avoid unnecessary delays and expense, pool owners are strongly encouraged to obtain professional advice from a suitably qualified pool barrier installer and complete any necessary repairs prior to making the application for a compliance certificate and booking a barrier inspection.
- If you proceed with this application it should be noted Council is only being contracted as an **accredited certifier** and will assess your child resistant barrier and determine whether it complies with the requirements of the *Swimming Pools Act, Regulations* and associated Australian Standards.
- The application fee provides for two inspections, the "Swimming Pool Barrier Assessment Report" and the issuing of Certificates. *(If a second inspection is not required, Council will refund \$100)*
- As the contracted **accredited certifier** under the provisions of the Building Professional Act 2005, Council is unable to provide comprehensive professional advice, beyond the information provided in the "**Swimming Pool Barrier Assessment Report**". Staff may not be available to specify how any identified non-compliances are to be rectified unless additional professional fees are paid.(see additional fees)
- The swimming pool must be registered on the NSW State Swimming Pools Register before an inspection can occur.

### Council's Application Process

Pool owners who engage Council, as an **accredited certifier**, with an intention to obtain a Swimming Pool Compliance Certificate, must first sign a contract and pay the \$250 application fee.

*Note: A contract is a mandatory requirement of the Building Professionals Board.*

There are two ways to make an application:

1. Attend Lismore City Council's Corporate Centre, sign the contract and make payment of the \$250 application fee.
2. Download the contract online and lodge electronically by emailing [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au) and a cashier will contact you for payment.

## Council's Inspection Process

Council will endeavour to conduct the initial inspection within 10 working days of the application being validated. You are encouraged to attend the initial inspection and gain a full understanding of any non-compliances, if any, that need to be addressed.

If you wish to be in attendance during the inspection you should indicate this to customer contact centre or on the application form during the application process, otherwise the inspection may be conducted in your absence. (please include your contact number on the contract)

The inspection will determine the condition of the child resistant barrier and result in either of the outcomes identified below.

### 1) The “*child resistant barrier*” is compliant

A *Swimming Pool Compliance Certificate* will be issued within two working days of the inspection being undertaken. The *compliance certificate* will be emailed or posted to the applicant.

### 2) The “*child resistant barrier*” is not compliant

Council is unable to issue a *compliance certificate* and in these circumstances a pool barrier assessment report and a *certificate of non-compliance* will be provided to the applicant.

## The Pool Barrier Assessment Report

In circumstances where the child resistant barrier does not comply, Council will provide a written **Pool Barrier Assessment Report** referencing the non-compliances with specific sections of the Swimming Pools Legislation, Regulations or the relevant Australian Standard.

It remains the sole responsibility of the applicant and property owner to obtain separate professional advice and ensure the entire enclosure complies with the requirements within the legislation or Australian Standard prior to organising the re-inspection.

## Council's Statutory Enforcement Responsibilities

Council is obliged under the *Swimming Pools Act* to undertake specific actions, within designated timeframes, to ensure every child resistant barrier is made compliant. These actions may commence at the same time the Pool Barrier Assessment Report is provided and may include issuing a **Notice of Direction and/or Directions**, which will require you to undertake rectification works within specified timeframes if the non-compliance is deemed a ‘danger’ to the public.

Once the Pool Barrier Assessment Report, Certificate of Non-Compliance or Direction are issued, the applicant is legally responsible for achieving compliance and finalising the Certification process within the legislated timeframes.

## The Applicants/ Owners Responsibilities

- 1) **You need to advise** Council within a 45-day period, to indicate the non-compliances have been addressed. Council will endeavour to conduct the re-inspection and if appropriate issue the compliance certificate within 10 working days.
- 2) **If you do not advise Council** within the 45-day period, the works have been completed or in circumstances where the child resistant barrier is still not compliant, by the conclusion of the re-inspection process, Council may commence an enforcement process, issue a *Penalty Infringement Notice* and/or initiate legal action to finalise the process.
- 3) **If the property is sold and you, as the new owner** do not advise Council within 90 days of settlement the works have been completed and/ or in circumstances where the child resistant barrier is still not compliant, by the conclusion of 90 days, Council may commence an enforcement process, issue a *Penalty Infringement Notice* and/or initiate legal action to finalise the process.

## **Further Important Information**

- **To avoid any unnecessary enforcement action you should always inform Council of your progress towards achieving compliance as concession can be made in certain circumstances.**

## **Other Fees**

If the owner/occupier wishes to obtain additional or ongoing professional advice and/or an inspection beyond what is detailed above, Council will charge a professional services fee. This is in addition to the application fees.

## **Further Assistance**

Council's website has useful links to barrier checklists, legislation, Australian Standards and videos demonstrating how to achieve swimming pool compliance.

For more information phone Council's Customer Contact Centre on 1300 87 83 87, email [council@lismore.nsw.gov.au](mailto:council@lismore.nsw.gov.au) or visit our website at [www.lismore.nsw.gov.au](http://www.lismore.nsw.gov.au).

