

Swimming Pool and Spa Safety Barriers Policy



Policy type	Council
Adopted by	Council
Responsible General Manager	General Manager Infrastructure
Responsible officer	Municipal Building Surveyor
Date adopted	22 July 2020
Scheduled for review	This policy will be reviewed four years from the date of adoption, or sooner if required.

PURPOSE

- To minimise the risk of drowning or near drowning of young children in swimming pools or spas that do not comply with the relevant Building Regulations.
- To outline the approach Council and the Municipal Building Surveyor (the “MBS”) will take to achieve compliance of swimming pools and spas with safety barrier requirements.

SCOPE

This policy applies to all domestic swimming pools and spas within the municipal district of Moira Shire Council.

DEFINITIONS

Domestic – includes all pools/spas that are appurtenant to a Class 1, 2, 3, & 10 building or a Class 4 part of a building as defined by the National Construction Code.

POLICY

Council will take the following approach:

1. Education

Council will make available to the community sufficient information to understand the legal requirements, owners responsibilities and reasons for those requirements through the following:

- a) Distribution of information brochures through Council’s service centres and agencies.
- b) This policy will be posted on Council’s website.
- c) At least one article on swimming pool safety will be prepared for media release each year.
- d) Enforcement action will be publicised to create greater public awareness of the consequences of non-compliance.

2. Proactive

Inspect swimming pool and spa safety barriers each time a council building officer is on site for other inspections to ascertain level of compliance.

3. Reactive

In accordance with legislative requirements, the MBS, upon becoming aware of any domestic swimming pool or spa within the municipality that may not have complainant barriers, will take action to bring about compliance through the following:

- a) That building officer must provide details of the non-compliance including photographs to the MBS

Swimming Pool and Spa Safety Barriers Policy



- b) A Building Notice and/or Order as determined appropriate in the circumstances by the MBS, will be issued to the property owner pursuant to the enforcement provisions as set out in Part 8 of the Act.
- c) At the expiration of time stated in the appropriate Building Notice and/or Order, a follow-up site visit will be carried out by an authorised officer to check for compliance or otherwise of the swimming pool and/or spa safety barriers.
- d) Should the requirements of the Building Notice and/or Order be satisfied, no further enforcement action will be taken and the owner and/or occupier will be advised in writing as soon as possible.
- e) Should the requirements of the Building Notice and/or Order not be satisfied, the matter is to be referred to the MBS.
- f) If the MBS is satisfied that the Building Notice and/or Order has not been complied with, prosecution action will commence.

RELATED LEGISLATION

Building Act 1993

Building Regulations 2018 or any preceding/subsequent legislation

Local Government Act 2020

Charter of Human Rights & Responsibilities Act 2006

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