

SWIMMING POOL/SPA INSPECTION PROGRAM

Frequently asked questions

Is this program voluntary?

No, the program is mandatory within Lake Macquarie City and is subject to NSW law, which is enforceable by Council. We aim to work with you to achieve compliance voluntarily in the first instance without needing to resort to the available enforcement options.

How soon after receiving my initial letter will Council inspect my swimming pool?

Generally, we will wait at least a month after you have received your initial letter to carry out our inspection. This ensures you have enough time to undertake a self-assessment, and plan and complete any works that may be required for your swimming pool to pass inspection. You don't need to have all works completed, and we prefer to be able to assist prior to you going to unnecessary expense – it's all included in the initial fee. You can ask us to inspect your swimming pool sooner, if you are confident it will pass inspection. In exceptional circumstances, such as if there is an urgent safety concern or a complaint received, an inspection may need to be undertaken within the month.

Do I have to pay for the inspection?

Yes, we will send you an invoice for \$150 after the final inspection. This fee includes the cost of the Compliance Certificate for your swimming pool.

Where our staff are conducting a courtesy call, including following up on works to rectify a minor non-compliance, no fee applies.

A reinspection fee of \$100 may apply for any further in-depth or repeat inspections where no progress towards compliance has been made.

If this invoice remains unpaid, we will contact you to provide further information on how you can meet your payment obligations.

Do I have to be home?

No, but we prefer you are. If you cannot be at home, anything you can do to help facilitate the inspection, such as clearing entry paths and securing animals, is appreciated. You can contact Council on (02) 4921 0333 to advise of any additional information that we should be aware of, such as access instructions or potential obstacles we might encounter.

Can I book a specific time on the day of the inspection?

Generally, no, because we are undertaking multiple inspections a day and it is very hard to predict how long each one will take. Should you have exceptional circumstances that you feel Council should consider, like a medical condition, a contractor travelling from out of the Hunter or you require an interpreter service, please contact us on (02) 4921 0478. For general requests, Council can help by providing a time range such as morning, 7am-noon, or afternoon, 1pm-4pm.

Do I have to secure my animals?

It is preferred that you secure your animals to facilitate an easier inspection for us and for your animals. While all due care is taken, we would hate for your animals to escape. Securing them ensures they are kept safe.

How will you advise me of what non-compliances are outstanding?

We will provide verbal information if you are present, but will also send you a letter listing the non-compliances.

Can a swim spa comply with just a lockable lid?

No, unlike spas, swim spas require an actual compliant barrier around them.

Are Council staff allowed to enter my property without my consent?

We will seek consent to enter your property in the first instance by way of Council's introductory letter. Council's Swimming Pool Barrier Compliance Officers are authorised under the Swimming Pools Act 1992 and the Local Government Act 1993. They are authorised to enter the outdoor portions of your property in some cases, however, we will always attempt to seek your consent or otherwise contact you before we enter your property. This also applies when Council is investigating complaints from the community about swimming pool barriers, which is separate from the Swimming Pool Safety Inspection Program.

What happens if I do not make any contact with Council?

As outlined above, our Swimming Pool Barrier Compliance Officers are authorised to enter outdoor portions of your property in some cases without consent to undertake an inspection.

Can I be issued with a fine?

We may issue fines as a last resort for failing to comply with a direction or cautions.

If you are issued with a fine and you believe it was incorrectly issued or extenuating circumstances apply, please visit revenue.nsw.gov.au for available options and more information.

Can I use a Private Certifier to get a Compliance Certificate?

Yes, however, please be aware that unless a Private Certifier has already issued a certificate, Council will follow up to ensure compliance, which may include undertaking inspections under the program.

We may give you more time before inspecting, to allow you to undertake works or to be issued a certificate by a Private Certifier, if you put your request in writing. Your request must reference the property, reasons for your request and clearly set out a reasonable period for the extension of time, along with any other supporting information.

How long will it take to receive my Compliance Certificate once it has passed?

Including delivery time via mail, it may take up to two weeks for you to receive your certificate once paid for and the pool barrier is confirmed compliant.

Do I have to upgrade my pool barrier to a newer standard?

The standard to which your pool barrier needs to comply depends, initially, on when your pool was completed. For more information on standards, visit lakemac.com.au/development.

What if I am selling my house?

If you are selling or leasing your house, NSW law requires you obtain a Compliance Certificate. You are encouraged to contact Council as soon as possible on (02) 4921 0333 if you require a certificate for sale or leasing. This is separate to the Swimming Pool Safety Inspection Program.

Is it okay to have plants in the pool area?

We do not recommend planting vegetation within the pool area. The vegetation requirements relating to swimming pool barriers can apply to any type of plant, and will be determined by many factors including the density (including how close together they are planted), maturity, maintenance, health and location (there are different requirements that apply inside a boundary fence than inside or outside an internal barrier) of the vegetation.

Does my neighbour have to comply with the same rules?

Not necessarily. There may be differences in how compliance is achieved for two seemingly identical pools. These differences include when the pools were built, how the owner chooses to install the barrier, the materials used, the location and design of nearby structures and the land on which the pools are situated.

Who can I contact if I have questions regarding my inspection?


Please contact Council's Customer Service Centre on (02) 4921 0333.

For more information

 02 4921 0333

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