



Camden Council

Attachments

Ordinary Council Meeting
14 May 2019

Camden Council
Administration Centre
70 Central Avenue
Oran Park



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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SWIMMING POOL INSPECTION PROGRAM P2.0238.2

Swimming Pool Inspection Program
Adopted by Council:

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SWIMMING POOL INSPECTION PROGRAM

DIVISION: Planning and Environment
BRANCH: Waste and Compliance Services
CATEGORY: 1

PART 1 – INTRODUCTION

1. BACKGROUND

1.1 This program has been developed to reflect the requirements of the *Swimming Pools Act 1992*, which stipulates that Councils are required to have a Swimming Pools Inspections Program. This program also reflects the provisions of the *Swimming Pool Regulation 2018*.

2. OBJECTIVES

- 2.1 The objectives of this policy are to outline:
- a. The role of Council conducting swimming pool barrier inspections for the purpose of issuing Certificates of Compliance and subsequent fees.
 - b. The role of Accredited Certifiers conducting swimming pool barrier inspections for the purpose of issuing Certificates of Compliance and certificates of non-compliance.
 - c. The requirements for properties with a swimming pool that are being sold or leased.
 - d. Definition of a mandatory swimming pool and Council's role in ensuring compliance with the *Swimming Pools Act 1992*.

3. SCOPE

- 3.1 This policy applies to every premise within the Camden Local Government Area (LGA) which contains a swimming pool for private use and pools identified as mandatory under the Act.
- 3.2 The policy provides information for Council staff, Accredited Certifiers, pool owners and the wider community.
- 3.3 The policy outlines Council's role and responsibility in ensuring swimming pool barriers are compliant and the issuing of Certificates of Compliance.

4. DEFINITIONS

- 4.1 **Accredited Certifier** means an accredited certifier within the meaning of the *Building Professionals Act 2005* holding:
- a. Category A1, category A2 or category A3 accredited under that Act, or
 - b. If the regulations prescribe alternative qualifications, those alternative qualifications.
- 4.2 **The Act** means the *NSW Swimming Pools Act 1992*.
- 4.3 **Certificate of Compliance** (in respect of swimming pools) means a certificate issued under section 22D of the *Swimming Pools Act*.
- 4.4 **Multi-occupancy Development** means a building or buildings that is, or are, situated on a premises that consists of more than two dwellings.
- 4.5 **The Regulation** means the *Swimming Pool Regulation 2018*.
- 4.6 **Relevant Occupation Certificate** (in respect of a swimming pool), which means an occupation certificate issued under the *Environmental Planning and Assessment Act 1979* that is less than three years old and that authorises the use of the swimming pool.
- 4.7 **Spa Pool** means any excavation, structure or vessel in the nature of a spa pool, floatation tank, tub or the like. A typical spa pool contains only seating and water jets.
- 4.8 **Swimming Pool** means an excavation, structure or vessel:
- a. That is capable of being filled with water to a depth greater than 300 mm, and
 - b. 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 aquatic activity, and includes a spa pool but does not include a spa bath, anything that is situated within a bathroom or anything declared by regulations not to be a swimming pool for the purposes of this Act.
- 4.9 **Swim Spa** means any excavation, structure or vessel that may include a combination of seating, water jets and an area for swimming and/or water play. Swim spas may include jets designed to swim against, an attachment to aid in swimming or an area that does not contain seating, that may be used for water play. Swim spas may be used in the same manner as a pool and therefore are to be surrounded by a compliant pool fence. *'Attachment' may include but is not limited to swim pole, harness and floatation devices.*
- 4.10 **Tourist and Visitor Accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis and includes backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation and serviced apartments.

PART 2 – POLICY STATEMENT

5. THE INSPECTION PROGRAM

- 5.1 From October 2013, all councils have been required to have in place and implement a program of swimming pool inspections. The purpose of inspections is to issue a Certificate of Compliance, indicating the pool barrier in place complies with the pool safety legislative requirements.

6. PROPERTIES BEING SOLD OR RENTED/LEASED

- 6.1 From 29 April 2016, new laws were introduced applying to properties for sale or lease within NSW.
- 6.2 Properties to be leased with a pool must have: a Certificate of Compliance; or a relevant occupation certificate and certificate of registration.
- 6.3 Properties to be sold with a pool must have: a Certificate of Compliance, or a relevant occupation certificate and certificate of registration, or a certificate of non-compliance.
- 6.4 A property may be sold with a non-compliance certificate attached to the contract of sale. The Regulation allows the new owner a period of 90 days to rectify the barrier. (non-significant risk).
- 6.5 The 90-day grace period does not apply to the new owner if the contract for sale contained a certificate of non-compliance that stated the pool 'poses a significant risk'.
- 6.6 The owner of the premises on which a swimming pool is situated must ensure that the swimming pool is at all times surrounded by a child-resistant barrier in accordance with the Act.
- 6.7 Council may issue an order to bring the pool into compliance at any time, regardless of whether the premises are for sale. The decision to issue an order shall be determined by; whether the pool poses a significant risk, any representation received by Council in response to a Notice of Proposed Order and the safety risks to the public.

7. MANDATORY POOLS INSPECTED EVERY THREE YEARS

- 7.1 The Act requires premises on which there is tourist and visitor accommodation or more than two dwellings to have their pool inspected at least once every three years.

This includes:

- Tourist/visitor accommodation, serviced apartments, hotels, motels, backpackers accommodation, bed and breakfasts, farm stay accommodation, Airbnb and any other accommodation of this nature.

- Multi-occupancy Developments, serviced apartments and premises with more than two dwellings.
- 7.2 In accordance with the Act, premises with a valid Certificate of Compliance or a Relevant Occupation Certificate are considered compliant and will not be inspected by Council.
- 7.3 Council will keep a register of the pools within its area that require mandatory inspection.
- 7.4 Premises with mandatory pools will be required to engage Council or an Accredited Certifier for the purpose of obtaining a Certificate of Compliance.
- 7.5 For a Certificate of Compliance to be issued by Council, the relevant application form and fee will need to be lodged engaging Council to complete the certification work.
- 7.6 Council will take appropriate steps to inform owners of premises requiring mandatory inspections of their responsibility under the Act and the process for obtaining a Certificate of Compliance.
- 7.7 The approved provider of a family day care service must ensure that any swimming pool at a family day care residence or approved family day care venue is fenced in accordance with the requirements for fencing a new swimming pool under the Act. Operators of family day care in the Camden Council Local Government Area are required to ensure that any pool or spa on their premise is assessed every three years to ensure compliance with the Act.
- 8. WHAT IS A POOL CERTIFICATE OF COMPLIANCE?**
- 8.1 A Certificate of Compliance will only be issued once the pool has been inspected by Council or an Accredited Certifier and all requirements have been met. Prior to inspection, the swimming pool must be registered on the NSW Swimming Pool Register.
- 8.2 The Pool must fully comply with the Act, including Part 2 – Access to Swimming Pools.
- 8.3 A Certificate of Compliance remains valid for a period of 3 years from the date on which it is issued. The certificate becomes invalid if an order is issued under section 23 of the Act in respect of the swimming pool.
- 8.4 A pool may be inspected if a complaint has been received with respect to pool safety or there is good reason to suspect the pool no longer complies with the pool safety requirements.

9. WHAT HAPPENS IF A POOL CERTIFICATE OF COMPLIANCE CANNOT BE ISSUED?

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- 9.1 A Certificate of Compliance cannot be issued if the pool does not meet the requirements of the Act. In such a case, either Council or the Accredited Certifier must issue a notice specifying the works required.
- 9.2 If the works are not undertaken within the required timeframe, Council may take regulatory action to bring the pool into compliance. Regulatory action may include serving a formal order under section 23 of the Act, issuing a penalty notice or, where appropriate, regulatory or legal action.
- 9.3 Under section 23A of the Act, where there is non-compliance with an order or if the Council considers that the requirements of the order need to be carried out urgently as there is a significant risk to public safety, Council or persons engaged by the Council may enter the land and carry out some or all of the requirements of the order. The reasonable costs of carrying out the work may be recovered as a debt by Council.

10. INSPECTIONS CARRIED OUT BY ACCREDITED CERTIFIERS

- 10.1 An Accredited Certifier may inspect a swimming pool to issue a Certificate of Compliance. If the pool has not met all the requirements the certifier must provide a written notice to the owner of the pool.
- 10.2 The written notice must set out why the pool has not met the requirements, the steps that need to be taken in order to meet those requirements and whether the pool poses a significant risk to public safety.
- 10.3 An Accredited Certifier must forward Council a copy of the notice:
- a. Immediately, if the Accredited Certifier is of the opinion that the swimming pool poses a significant risk to public safety, or
 - b. Six weeks after the date of inspection, if a Certificate of Compliance is not issued for the swimming pool before that time.

11. SECTION 22E NOTICES RECEIVED BY COUNCIL

- 11.1 Pools will be prioritised and actioned based on whether the pool has been deemed to pose a significant risk or non-significant risk and the non-compliances noted within the report received by Council.
- 11.2 Pools identified as a significant risk shall be inspected by Council's authorised officer. The officer shall issue an order under section 23 of the Act to address the significant safety risks.
- 11.3 When Council's authorised officer inspects the pool, it is for the purpose of addressing the significant safety risks. A Certificate of Compliance will not be issued.
- 11.4 For a Certificate of Compliance to be issued by Council, the relevant application form and fee will need to be lodged, engaging Council to complete the certification work.

11.5 Any inspection carried out by Council's authorised officer is independent of any other inspections undertaken by an Accredited Certifier.

12. INSPECTIONS CARRIED OUT BY COUNCIL

12.1 Council will undertake the inspection of swimming pools in compliance with the Act. Swimming pools which will be inspected by Council as follows:

- Mandatory pools in compliance with section 22B of the Act.
- Notices received by an Accredited Certifier where the pool is identified as a significant risk.
- Complaint received alleging contravention of the Act.
- Applications received by Council.

13. FEES

13.1 The Act provides that Council may charge a fee for the inspection conducted by an authorised officer, being a fee that is no greater than the maximum fee prescribed by the Regulation. Council's fees and charges for pool inspections and certificates are set out in the annual Fees and Charges Schedule, available on Council's website.

14. EDUCATION AND AWARENESS

14.1 Pool owner education and awareness is essential in contributing to the success of the program.

14.2 An ongoing community education and awareness program will be delivered through community publications, media releases, website information, owner self-assessment pool fence checklists and pool safety officer interaction with the public.

* * *

RELEVANT LEGISLATIVE INSTRUMENTS:

Swimming Pools Act 1992
Swimming Pools Regulations 2018
 Building Code of Australia

RELATED POLICIES, PLANS AND PROCEDURES:

Compliance and Enforcement Policy
 Education and Care Services National
 Regulations

RESPONSIBLE DIRECTOR:

Director Planning and Environment

APPROVAL:

Council

HISTORY:

Version	Approved by	Changes made	Date	EDMS Number
1	Council	New	14/07/2015	15/165459
2	Council	Minor amendments		

Draft Narellan Sports Hub Masterplan – Summary of Submissions

Submission	Key Issues	Response
Camden Athletics Club	Support the project – aligns with club strategic plan and future needs for the sport	Noted.
Camden Athletics Club	Seeks inclusion of: a) Shaded grandstand on western side of track b) Lighting to competition standard c) Power and data provisions on and off the track d) Access to water (long jump pits and steeple chase hollow) e) PA system f) Fencing around the track (3 foot) and security fencing	- The site is constrained and the athletics facilities provided are consistent with dedicated facilities at other sites (a) - To be included in detailed design (b, c, d and e) - 1.2m fence around perimeter of athletics track is supported and will be included in detailed design. Perimeter security fence (1.8m) is not supported to enable the facility to be open to the community (f)
Skate NSW	Support the project and identified potential use for speed skating training and competitions. Potential venue for national and international events.	Noted.
Skate NSW	Inclusion of a shorter course with an additional link road between the netball courts and multisports area.	The inclusion of this road would require significant earthworks in the flood plain and is not supported.
South Western Sydney Local Health District	Acknowledges the potential these facilities have in creating healthy, liveable and connected communities	Noted and agreed.
South Western Sydney Local Health District	Ensure that all facilities are physically connected by a well designed pathway to promote walkability / circulation	To be included in detailed design.
South Western Sydney Local Health District	Develop a wayfinding strategy and associated signage	To be included in detailed design.
South Western Sydney Local Health District	Conduct an access mobility and movement audit and link to best practice	To be included in detailed design.

Draft Narellan Sports Hub Masterplan – Summary of Submissions

Submission	Key Issues	Response
South Western Sydney Local Health District	Ensure equitable access in accordance with the Disability Discrimination Act	An access audit will be completed during detailed design.
South Western Sydney Local Health District	Ensure the path network responds to pedestrian desire lines	To be included in detailed design.
South Western Sydney Local Health District	Ensure the path network and associated landscaping is designed and maintained for CPTED	CPTED review to be undertaken as part of detailed design.
South Western Sydney Local Health District	Ensure there is adequate: <ul style="list-style-type: none"> a) Visibility between pedestrians and vehicles b) Physical and non-physical barriers between pedestrians and vehicles and encourage a slow speed vehicular environment c) Crowd control elements d) Clear evacuation processes e) Parking and associated pedestrian transit zones f) Appropriate and accessible wayfinding signage g) Waste management h) Appropriate road markings and identification of pedestrian crossings etc. 	These elements will be included in the detailed design of the facility.
South Western Sydney Local Health District	Support public access to non-structured physical activity by discouraging fences above 1.2m unless required by sporting code guidelines	To be included in detailed design.
South Western Sydney Local Health District	Ensure infrastructure is designed to optimise participation through the provision of seating, shade access, amenities and female friendly facilities	To be included in detailed design.

Draft Narellan Sports Hub Masterplan – Summary of Submissions

Submission	Key Issues	Response
South Western Sydney Local Health District	Provide adequate paths and amenities to support access and utilisation by broad range of community	To be included in detailed design.
South Western Sydney Local Health District	Future planning of sports infrastructure should be informed by the physical activity needs of the community	Council has received data from the NSW Office of Sport to inform the development of the facility.
South Western Sydney Local Health District	Incorporate treatments that reduce the potential impacts of heat within the facility including shade, increased tree canopy, materials that are reflective and permeable, heat refuges, passive/informal green spaces, WSUD, water stations	Inclusion of trees, canopy and other heat mitigation measures will be considered as part of detailed design.
South Western Sydney Local Health District	Adopt an innovative approach to open space design	To be considered as part of detailed design.
South Western Sydney Local Health District	Incorporate trees and landscape treatments within carpark to break up hard surfaces and reduce the impact of heat	Opportunities to include trees and canopy within carparks and other areas will be considered as part of the detailed design.
Multiple residents (13)	No speed bumps in criterion circuit or other obstacles	Speed bumps area required in parking areas but use will be reviewed and options considered to minimise impact as part of detailed design.
Multiple residents (13)	Use of roll kerb and gutter as much as possible throughout site	Sufficient width (6m) provided on criterion track to allow for events. Roll kerb and gutter not supported.
Multiple residents (13)	One-way cross fall in the hot mix surface	To be included in detailed design.
Resident	Cross fall in the correct direction so that camber suits high speed cornering during cycle races	To be included in detailed design.
Resident	Request a gate across road access to/from hockey/rugby league fields to prevent vehicles entering criterion track when in use	To be included in detailed design.

Draft Narellan Sports Hub Masterplan – Summary of Submissions

Submission	Key Issues	Response
Resident	Bike racks for securing bikes when not in use	To be included in detailed design.
Resident	No centre line marking on road using for criterion racing	Centre line marking is required. Alternative paint / line marking material will be used to reduce slippage.
Multiple residents (2)	Suggest alternate access to proposed parking north of new rugby league field to enable access whilst criterion track is in use	The site is constrained. Alternate access is unable to be provided. Use of the facility for criterion racing will need to be managed to ensure safety of riders and others.
Multiple residents (2)	Suggest a dedicated velodrome at the northern end of site (multi-purpose fields) for track cyclists and children to learn to ride	This is outside of the scope of Stage 2. A Community and Road Education Scheme (CAPES) is being considered for other sites in future development areas.
Resident	Raised whether an additional 14 netball courts are required and whether 10 could be constructed with additional space provided to athletics facility	The delivery of 44 netball courts is consistent with advice from Camden and District Netball Association and the original Masterplan for Narellan Sports Hub.
Multiple residents (2)	Concerned about the security of the new athletics facility and suggest security fencing	Security fencing is not supported. Security of the site will be a consideration in the management of the facility.
Multiple residents (2)	Seeks athletics facility capable of hosting state events	The athletics facility has been designed and will be delivered as a district level facility.
Resident	Concerned that the athletics facility is hemmed in by other uses of the site and Council is underestimating interest in the athletics facility	The site is constrained. The athletics facilities being provided are consistent with dedicated athletics facilities at other sites.
Multiple residents (2)	Seeks inclusion of shaded grandstand on western side of track	The site is constrained. The athletics facilities provided are consistent with dedicated facilities at other sites.
Multiple residents (2)	Athletics facility to be provided with access to its own canteen, club house and storage	A club house and canteen for athletics is included in Stage 2. The BBQ shelter will be shared between netball and athletics. Storage for athletics is provided under the existing building.

Draft Narellan Sports Hub Masterplan – Summary of Submissions

Submission	Key Issues	Response
Multiple residents (2)	Athletics facilities should be provided similar to what they have at existing site; separate 100m track, 2 x areas for shot put/discus, 4 x long jump pits	The site is constrained compared with the existing facility. Discussions have been held with the club who are supportive and will look at alternate ways to manage competition nights.
Resident	Concerned that parking for athletics relies on existing parking for other sporting codes	Parking has been designed to be shared. Parking and traffic will need to be managed as part of the operation of the facility.
Resident	Seeks inclusion of lighting to competition standard for athletics facilities	To be included in detailed design.



ORDINARY COUNCIL

ORD06**SUBJECT: RESIGNATION AND APPOINTMENT OF NEW MEMBERS CAMDEN
BEP COMMITTEE****FROM:** Director Sport, Community & Recreation**TRIM #:** 19/64196

PURPOSE OF REPORT

The purpose of the report is to:

- inform Council of Councillor Paul Farrow's resignation as a primary Councillor representative on the Camden Bicentennial Equestrian Park Management Committee;
- seek a nomination for a Councillor representative on the Camden Bicentennial Equestrian Park Management Committee;
- inform Council of the resignation of two members of the Camden Bicentennial Equestrian Park Management Committee; and
- obtain Council endorsement for the nomination of new representatives to the Committee.

BACKGROUND

The Camden Bicentennial Equestrian Park (BEP) Committee is appointed in accordance with the provisions of Section 355 and Section 377 of the *Local Government Act 1993*. Under the requirements of the Section 355 Management Committee Manual (the Manual), Council may appoint a Councillor representative to the Committee. Council's previous practice has seen two Councillors appointed as primary representatives and 1 Councillor as an alternate.

The Manual also outlines that where a member of a Management Committee who represents a user group resigns, nominations from that user group with whom the resigning member was affiliated will be referred to Council for concurrence.

Council has been advised by the Camden BEP Management Committee of two resignations from members of the Committee and that Wollondilly Polocrosse Club, County of Cumberland Camp Draft Club and Cobbitty Pony Club have submitted nominations for alternate delegates to the committee.

In addition, Council has received a resignation from Councillor Paul Farrow who was a primary Councillor representative to the committee. Council has previously resolved Councillor Farrow and Councillor Morrison (Primary) with Councillor Ashleigh Cagney (alternate) as delegates to the committee.

MAIN REPORT

In accordance with the Manual, Council is responsible for the approval and appointment of committee members to the BEP Committee. The Committee is to have a minimum of four and a maximum of 15 members and should reflect the community organisations who use the facility and is open to representatives of user groups and interested community members.

This is the report submitted to the Ordinary Council held on 23 April 2019

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Councillor Representation

Councillor Paul Farrow has formally advised Council of his resignation from the BEP Management Committee effectively immediately.

It is therefore recommended that Council nominate a new primary delegate to the committee. It is noted that should the nominated Councillor be the current alternate (Councillor Ashleigh Cagney), then Council will need to resolve a new alternate delegate to the committee.

Changes to User Group Representation

The Camden BEP Management Committee has notified Council of the following changes to the nominated representatives of the identified user groups:

- resignation of James Norris as alternate delegate for Camden Men's Shed;
- resignation of Lillian Greenslade as delegate for Wollondilly Polocrosse Club;
- note that Tatiana Secombe moves from alternate delegate for Wollondilly Polocrosse Club to delegate;
- nomination of Vanessa Baxter as alternate delegate for Wollondilly Polocrosse Club;
- nomination of Mitch Payseno as alternate delegate for County of Cumberland Camp Draft Club; and
- nomination of Elysha Sargent & Kate Hogan as alternate delegates for Cobbitty Pony Club.

The Camden BEP Management Committee have reviewed the above changes as part of a committee meeting and they have advised Council that they are in support of the proposed changes to representation.

The above changes are in accordance with the Section 355 Management Committee Manual.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

CONCLUSION

Councillor Paul Farrow has advised Council of his resignation from the BEP Management Committee and it is recommended that Council nominate a new Councillor representative for the BEP Management Committee to maintain two primary and one alternate Councillor representative.

The Camden BEP Management Committee has also notified Council of two resignations of members to the Committee and that Wollondilly Polocrosse Club & County of Cumberland Camp Draft Club and Cobbitty Pony Club have submitted nominations for alternate delegates.

These nominations are supported by the BEP Management Committee and are recommended to Council for endorsement.



RECOMMENDED

That Council:

- i. note the resignation of Councillor Paul Farrow as a primary Councillor representative on the BEP Management Committee;
- ii. nominate a Councillor representative to be a primary representative to the BEP Management Committee and if required an alternate delegate;
- iii. note the resignations of James Norris & Lillian Greenslade from the BEP Management Committee;
- iv. note that Tatiana Secombe moves from alternate delegate for Wollondilly Polocrosse Club to delegate;
- v. endorse the appointment of Vanessa Baxter as alternate delegate on the BEP Management Committee for Wollondilly Polocrosse Club;
- vi. endorse the appointment of Mitch Payseno as alternate delegate on the BEP Management Committee for County of Cumberland Camp Draft Club;
- vii. endorse the appointment of Elysha Sargent & Kate Hogan as alternate delegates on the BEP Management Committee for Cobbitty Pony Club;
- viii. write to the BEP Committee to advise of Council acceptance of the nominated representatives;
- ix. write to the Camden Men's Shed, Wollondilly Polocrosse Club, Council of Cumberland Camp Draft Club and Cobbitty Pony Club to advise the outcome of this report; and
- x. write to resigning members of the BEP Committee and thank them for their efforts.

Ordinary Council Resolution

AMENDMENT

Resolution: Moved Councillor C Cagney, Seconded Councillor Symkowiak that Council defer this matter to the next Ordinary Council Meeting.

ORD55/19 THE MOTION ON BEING PUT WAS CARRIED

(Councillors Sidgreaves, Symkowiak, Fedeli, C Cagney, A Cagney, Farrow, Mills and Morrison voted in favour of the Motion. No Councillors voted against the Motion.)