

**NORTHERN TERRITORY OF AUSTRALIA**

**PALMERSTON (PRIVATE SWIMMING POOLS) BY-LAWS**

As in force at 10 March 1999

**Table of provisions**

1	Citation .....	1
2	Crown to be bound .....	1
3	Definitions.....	1
4	Application .....	1
5	Fencing of private swimming pools.....	2
6	Permit required to install pool .....	2
7	Council to be advised when pool complete .....	3
8	Notice to comply with By-laws .....	3
9	Inspection on sale of property.....	4
11	Pool to be maintained.....	4
12	Repeal .....	4

**ENDNOTES**



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## PALMERSTON (PRIVATE SWIMMING POOLS) BY-LAWS

### By-laws under the *Local Government Act*

#### 1 Citation

These By-laws may be cited as the *Palmerston (Private Swimming Pool) By-laws*.

#### 2 Crown to be bound

These By-laws bind the Crown in right of the Territory.

#### 3 Definitions

In these By-laws, unless the contrary intention appears:

**barrier** means a fence, wall or building.

**council** means the Palmerston Town Council.

**fence** does not include a hedge or growing vegetation.

**private swimming pool** means a place, structure, building or excavation (including a spa pool) installed, constructed or maintained for the purpose of swimming, wading or similar activities, but does not include such a place, structure, building or excavation installed, constructed or maintained by the council for use by the public or the pools located in the Palmerston Leisure Centre.

**small child** means an infant who has not attained the age of 5 years.

#### 4 Application

(2) These By-laws do not apply to a private swimming pool:

(a) the surface of the water in which, when filled, is less than 5m<sup>2</sup> in area;

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(b) that cannot be filled with water to a depth greater than 300 mm; and

(c) that is of a portable nature.

## **5 Fencing of private swimming pools**

- (1) Subject to this by-law, the owner of a private swimming pool shall cause that pool to be enclosed by a fence, wall or building, or combination of them, of such a construction or nature as to provide a reasonably effective barrier against a small child gaining access to the pool.

Penalty: \$1,000.

- (2) For the purpose of clause (1), a reasonably effective barrier is one that, in the particular circumstances of the case, complies with Australian Standards 1926.1-1993 "Swimming pool safety Part 1: Fencing for swimming pools" and 1926.2-1995 "Swimming pool safety Part 2: Location of fencing for private swimming pools".
- (3) Copies of the Australian Standards referred to in clause (2) are available for inspection free of charge at the Palmerston Town Council offices.
- (5) Where the council or an authorised person is satisfied that, for reason of general safety (for example, where it is not generally desirable to have permanently barred windows), the Australian Standards referred to in clause (2) should be amended to suit the circumstances of the case, those standards may be amended accordingly.

## **6 Permit required to install pool**

- (1) Where a person proposes to install or construct a private swimming pool on land owned or occupied by him or her, the person or a person authorised in writing by the owner of the land on which the private swimming pool is to be installed or constructed shall apply to the council for a permit, and shall not commence the installation or construction unless a permit to carry out the work has been issued under clause (2).

Penalty: \$1,000.

- (2) Where an application is made under clause (1), the council may issue a permit authorising the installation or construction of a private swimming pool, subject to such conditions as the council thinks fit.

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- (3) Where the owner or occupier of land is required to obtain a permit under this by-law a person shall not install or construct a private swimming pool before the person has sighted the permit or, after being authorised in writing, has obtained the permit on the owner's or occupier's behalf.
  - (4) A permit remains in force for 12 months and authorises the commencement of work to which it relates only while it remains in force.

Penalty: \$1,000.

## **7 Council to be advised when pool complete**

Where a permit has been issued under by-law 6, the person to whom it has been issued shall give notice, in the approved form, to the council within 14 days after the construction or installation of the pool is complete in accordance with the conditions of the permit or when the pool is first filled to a depth of 300 mm or more at its deepest point.

Penalty: \$1,000.

## **8 Notice to comply with By-laws**

- (1) The council or an authorised person may serve a notice:
  - (a) on the owner of a private swimming pool; or
  - (b) on the owner or occupier of land on which a private swimming pool is situated,if the council or authorised person is not satisfied that the private swimming pool complies with these By-laws.
- (2) The notice may require the person to execute and carry out work and do anything else for the purpose of complying with these By-laws by the time and in the manner specified in the notice.
- (3) If a person on whom a notice under clause (1) is served fails to comply with the notice within the time specified, the council may carry out the work or cause it to be carried out.
- (4) If the council carries out or causes to be carried out work, the cost of the work is a debt due and payable to the council by the person required under clause (1) to carry out the work.

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**9 Inspection on sale of property**

- (1) Where the council receives a notice under section 222 of the *Local Government Act* (which relates to the disposition or acquisition of estates or interests in land) and there is a private swimming pool on the land to which the notice relates, then, whether or not an inspection has previously been made or a permit issued, the council may inspect the pool to ascertain whether the requirements of these by-laws are met, notwithstanding that the requirements may be more onerous than when the pool was first inspected (if at all).
- (2) After conducting an inspection, the council:
- (a) may issue a notice stating that the pool complies with these By-laws at the date of inspection; and
  - (b) may take any other action or issue any notice that the council thinks necessary.

**11 Pool to be maintained**

The owner of a private swimming pool shall ensure that:

- (a) the pool is maintained in a clean and sanitary condition; and
- (b) the barrier, and any gate incorporated in the barrier, is maintained in good working order and in compliance with these By-laws and any condition specified in the permit.

Penalty: \$1,000.

**12 Repeal**

The *Palmerston (Private Swimming Pool) By-laws*, being regulations 1986, No. 46, are repealed.

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**ENDNOTES**

**1 KEY**

Key to abbreviations

<b>amd = amended</b>	<b>od = order</b>
<b>app = appendix</b>	<b>om = omitted</b>
<b>bl = by-law</b>	<b>pt = Part</b>
<b>ch = Chapter</b>	<b>r = regulation/rule</b>
<b>cl = clause</b>	<b>rem = remainder</b>
<b>div = Division</b>	<b>renum = renumbered</b>
<b>exp = expires/expired</b>	<b>rep = repealed</b>
<b>f = forms</b>	<b>s = section</b>
<b>Gaz = Gazette</b>	<b>sch = Schedule</b>
<b>hdg = heading</b>	<b>sdiv = Subdivision</b>
<b>ins = inserted</b>	<b>SL = Subordinate Legislation</b>
<b>lt = long title</b>	<b>sub = substituted</b>
<b>nc = not commenced</b>	

**2 LIST OF LEGISLATION**

***Palmerston (Private Swimming Pool) By-laws (SL No. 21, 1996)***

Notified	31 May 1996
Commenced	31 May 1996

***Amendments of Palmerston (Private Swimming Pool) By-laws (SL No. 5, 1999)***

Notified	10 March 1999
Commenced	10 March 1999

**3 LIST OF AMENDMENTS**

bl 3	amd No. 5, 1999, bl 2
bl 4	amd No. 5, 1999, bl 3
bl 5	amd No. 5, 1999, bl 4
bl 6	amd No. 5, 1999, bl 5
bl 7	amd No. 5, 1999, bl 6
bl 8	sub No. 5, 1999, bl 7
bl 9	amd No. 5, 1999, bl 8
bl 10	rep No. 5, 1999, bl 9