

Swimming Pools Policy

1. Purpose

To define how HOME in PLACE will manage requests from tenants to make alterations to their rented premises, specifically, the installations of a portable or inflatable pool or spa.

2. Scope

This policy applies to all properties owned and/or managed by HOME in PLACE where HOME in PLACE is authorised to allow alterations. In circumstances where HOME in PLACE is not authorised to allow alterations, the application will be referred to the relevant authority, for example, the NSW Land and Housing Corporation (LAHC). This policy does not apply to leasehold properties or properties managed on a fee for service basis.

3. Policy Statement

Due to strict legislative requirements HOME in PLACE does not promote the installation of portable or inflatable pools or spas and will not approve in-ground swimming pools or the installation on any common area. However, subject to meeting all legal requirements HOME in PLACE may consider the installation of portable or inflatable pools or spas.

Pool safety requirements apply to all pools, including spa pools, that are capable of being filled with water to a depth greater than 300mm.

Tenants must apply to and receive written permission from HOME in PLACE before installing one of the approved pool types and must agree to the following conditions:

- Installation of a pool safety fence and gate (child resistant barrier) as required by legislation. Please note, spa pools require either a child resistant lockable lid or a pool safety fence and gate;
- Installation of a resuscitation warning sign, as required by legislation;
- Prior development consent guidance from local council before installing 2000 litre capacity portable/inflatable pools with filtration systems;
- Registration of the pool (on the NSW Government Swimming Pool Register) confirming compliance with legal safety requirements and council regulations;
- Provide evidence of compliance and registration to HOME in PLACE;
- Pay all costs associated with the installation including fencing, signage, drainage, registration and inspection and compliance certification;
- Pay all ongoing maintenance costs;
- Cover any damage costs to property caused by the installation during the life of the tenancy;
- Ensure the overflow of any water is limited;

- Cover all costs associated with removing the pool/spa and all associated equipment and restoration of the area at the end of the tenancy.

If a tenant is relocated they will not be compensated for the costs of relating the pool/spa.

All responsibility for pool safety lies with the pool owner, that is, the tenant. This includes responsibility for adequate supervision of young children around pools/spas.

Approving/declining applications

Each application will be assessed on its merit based on the information provided by the applicant, the applicant's circumstances and the inspection conducted by a HOME in PLACE Technical Officer. HOME in PLACE will assess the application and advise the tenant of the outcome in a timely manner.

Following the assessment of an application, the applicant will be notified of the outcome in writing including any conditions attached to the approval or the reasons for declining the application.

When HOME in PLACE is not authorised to approve or decline an application

In circumstances where HOME in PLACE does not have authority to approve or decline an application, for example, properties managed by HOME in PLACE on behalf of the NSW Land and Housing Corporation, such applications will be forwarded to the agency who has the right to approve or decline the application.

Unapproved pools and spas

If HOME in PLACE becomes aware a pool or spa has been installed without HOME in PLACE approval, the tenant will be asked to remove it. If the tenant doesn't remove the pool/spa within the timeframe given, HOME in PLACE will apply to the NSW Civil & Administrative Tribunal (NCAT) for an order that the pool/spa be removed.

Review of decisions

If a tenant is dissatisfied with a decision made by HOME in PLACE, they are encouraged to speak with a Tenancy Relations Officer in the first instance. If a tenant is still dissatisfied, they may seek a formal review of the decision by submitting an Appeal Request.

4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services (GESAdmin@homeinplace.org) to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to [SharePoint Company Documents Policy and Procedure site](#) for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- Alterations to Property Policy
- Appeal Request form

Related legislation/standards

- Residential Tenancies Act 2010 (NSW)
- Swimming Pools Act 1992 (NSW)

7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Appeals	A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’ An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;
Compass	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC) .
Complainant	Person with a Complaint ongoing with HOME in PLACE.
Complaints	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: <ul style="list-style-type: none"> • Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service; • Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures. • Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information • Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.
Director	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation .
Employee	A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.
Executive Manager	Many positions within HOME in PLACE include the title “Executive Manager”. Regardless of whether an Executive Manager heads a Business Unit, the delegated authority of each Executive Manager depends on the functions and reporting relationship of the Business Unit

Term	Definition
	for which the Executive Manager is responsible. Executive Managers should refer to the document HOME in PLACE Organisational Chart in Terms of Levels of Delegated Authority for confirmation of the band of authority they hold.
HOME in PLACE	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.
HOME in PLACE (New Zealand)	HOME IN PLACE (NEW ZEALAND) LIMITED (formerly Compass Housing Services (NZ) Co Ltd) is registered in New Zealand under the Companies Act and as a charity registered with Charities NZ under the Charities Act
HOME in PLACE Group	The corporate structure that includes HOME in PLACE (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.
Independent contractor	means a party engaged directly by HOME in PLACE pursuant to a contract for services. In the context of workforce engagements, this includes sole traders, companies, or partnerships with whom HOME in PLACE enters into an agreement for the provision of specified individuals to supply specific skills, services, or consultancy arrangements. It does not include individuals engaged through labour hire agencies. Independent contractors are not employees of HOME in PLACE.
Officer	Has the same meaning as defined in the Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary in Australia and as defined in the Companies Act 1992 Part 1 Section 2 Interpretation in New Zealand
Parent Board	The current directors of HOME in PLACE.
Parent Company	HOME in PLACE
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
Subsidiary Boards	The appointed board of directors of a Subsidiary Company.
Subsidiary Company	A company in which HOME in PLACE owns all or at least a majority of the shares.
User	any person or entity that use HOME in PLACE Information or ICT Assets.
Worker (HOME in PLACE)	has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.
Worker	is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953

Term	Definition
(HOME in PLACE QLD)	(Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.
Worker (HOME in PLACE VIC)	<p>A worker is defined as an individual:</p> <ul style="list-style-type: none"> • who <ul style="list-style-type: none"> – performs work for an employer or – agrees with an employer to perform work • at the employer's direction, instruction or request, whether under a contract of employment (whether express, implied, oral or in writing) or otherwise or • who is deemed to be a worker by the legislation.

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