

For complete information on this subject please read the Swimming Pools Act 1992 and AS1926-1986 Fences and Gates for Private Swimming Pools

DO I NEED AN APPLICATION TO INSTALL A POOL?

Pools, both in-ground and aboveground, require consent. Consent may be in the form of:

- a a Complying Development Certificate if the proposal complies with Council's Development Control Plan for complying development; or
- b Development Consent, where the proposal does not satisfy (a) above.

DO I NEED TO FENCE MY POOL?

Where a swimming pool, being an excavation, structure or vessel capable of being filled to a depth of 300 mm or greater and is **proposed to be used primarily for swimming, wading, paddling or any other human activity**, the swimming pool **must** at all times be surrounded by a child-resistant barrier. The barrier must:

- a separate the swimming pool from any residential building situated on the premises and from any place (public or private) adjoining the premises; and
- b be designed, constructed, installed and maintained in accordance with the standards set out by the Swimming Pools Act 1992, the Swimming Pool Regulations 1998 and Australian Standard AS1926 - 1986.

(this information can be accessed via the Internet at www.legislation.nsw.gov.au)

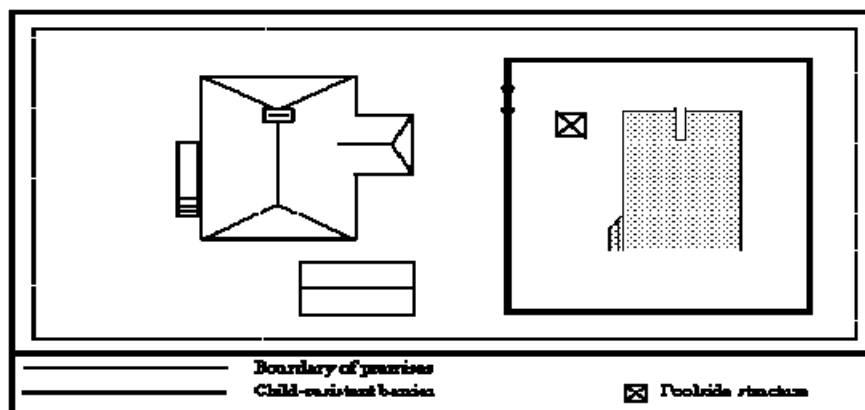
Ponds and water features in rear and/or front yards should not be greater than 300 mm deep to minimise the risk to children. However, they do not form part of the Swimming Pool Act 1992.

HOW MAY THE BARRIER BE FORMED?

A child resistant barrier surrounding a swimming pool is to be designed, constructed, installed and maintained in accordance with the requirements of AS1926-1986 – Fences and Gates for Private Swimming Pools.

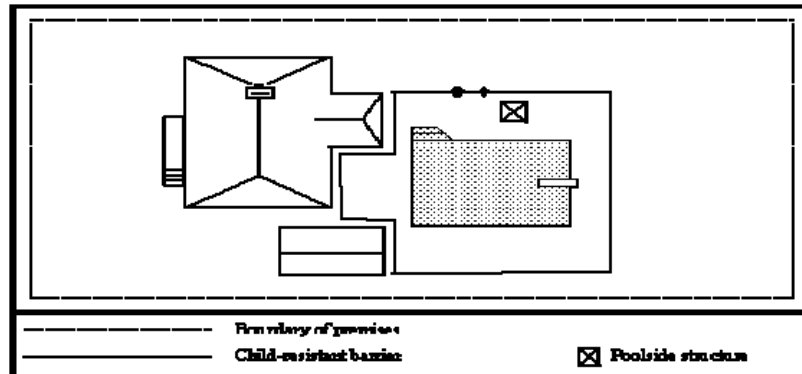
Option 1 - Isolation fencing

This option is **preferred** and results in the swimming pool being completely surrounding by fencing that isolates the pool from all other aspects of the rear yard, including boundary fences.



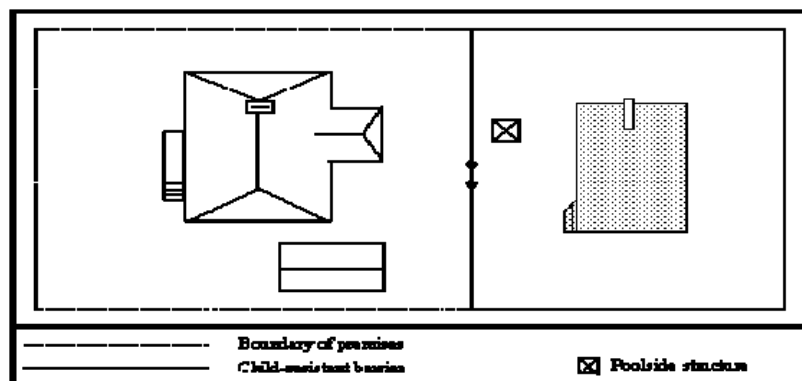
Option 2 – Part isolation fencing and child-resistant barriers

This option separates the pool from the house and fencing that isolates the pool from other aspects of the rear yard.



Option 3 – Part isolation and boundary fence

This option separates the pool from the house and incorporates boundary fences provided they are child resistant. (The standard 1.5 m or 1.8 m paling or colourbond fences generally comply.)



WHAT FENCING IS CONSIDERED ACCEPTABLE?

Fencing surrounding a swimming pool including boundary fencing shall comply with the provisions of AS1926-1986. The following information is an extraction from the standard for assistance with the design and installation of pool fencing. The fencing is to be designed taking into consideration the following:

- a An effective perpendicular height from the ground level of a minimum of 1.2 m measured from the outside the pool fencing.
- b The height of the opening between the bottom of the fencing and the ground level immediately below shall not exceed 100 mm.
- c Any horizontal rails, rods, wires or bracing that could be used as a foothold for climbing should be placed on the inside of the fence.
- d The spacing between any adjacent members such as palings, rods or wires shall not exceed 100 mm at any point.
- e The gate(s) are to be outward swinging and self closing with the latching device a minimum of 1.5 m above finished ground level.
- f An indentations or projection from the fence shall not exceed 10 mm as it acts as a foothold for climbing.

DO I NEED WARNING SIGNS?

Warning signs must be provided in a prominent position in the immediate vicinity of the swimming pool. It is preferable this be displayed adjoining the shallow end of the pool, containing the words 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL' together with details of resuscitation techniques associated with infants, children and adults.

WHAT IF I DON'T HAVE ANY CHILDREN LIVING AT MY HOUSE?

All swimming pools capable of being filled to a depth of 300 mm or greater **must** comply with the Swimming Pools Act 1992 and the Swimming Pools Regulation 1998 and must be fenced as detailed above.

WHAT IF IT IS ONLY A TEMPORARY OR INFLATABLE POOL?

All pools capable of being filled to a depth of 300 mm or greater are required to have a child-resistant barrier, including temporary and inflatable pools. It is the responsibility of the owner(s) to ensure a child-resistant barrier is **provided and maintained** to the pool. Failure to do so can not only lead to a child's life being put at risk but also an on-the-spot fine.

WHAT IF IT IS A SPA POOL

A spa pool is not required to be surrounded by a child-resistant barrier so long as access to the water is restricted by a cover secured by a child-safe structure such as a door, lid, grill or mesh that is fastened to the spa pool by a child-resistant device.

GENERAL CHECKLIST

ALL POOLS - excluding those on large allotments (ie 2 hectares or more) and/or waterfront properties

Pool Gates

- Is the pool gate at least 1.2 m high?
- Is the pool gate never propped open or tied back?

Does the pool gate:

- Close by itself from any open position?
- Latch by itself when it closes?
- Open outwards, away from the pool?
- Never get propped open or tied back?
- Have a latch release at least 1.5 metres above ground or shielded (so that a small child cannot open the gate)?

Resuscitation Sign

- Is there a resuscitation sign in the immediate vicinity of the pool area? (Where possible erected adjacent to the shallow end of the pool.)
- Is the chart legible, complete and up to date?
- Does it require replacing?
- Does it say 'Young children should be supervised when using this swimming pool'?

Note: These notices are available from the Royal Life Saving Society, St John Ambulance, or your local swimming pool equipment shop.

Disclaimers

This information was believed to be correct at the date of its publication.

This information is for general information purposes only and should not be relied upon for legal advice.