



## **Installation and Maintenance Requirements for Private Swimming Pool Compliance**

There are specific requirements regarding how a private swimming pool and its surrounds are to be installed and maintained to be compliant with relevant standards. These standards include the:

- *Swimming Pools Act 1992 No. 49*
- *The Swimming Pools Regulation 2008*
- *AS1926.1-2007 Swimming Pool Safety, Part 1: Safety barriers for swimming pools*

All three documents are available to be viewed by the public at the Tenterfield Shire Council office. This legislation is applicable to any property where a swimming pool is located including hotels and motels.

It is critically important that swimming pools are installed and maintained in compliance with the legislation and Australian Standard, as drowning is a highly accountable cause of accidental death to young children. The most contributing factors to fatalities relating to privately owned swimming pools is largely due to either an inadequate barrier to the pool area or human error, examples of this could include the pool gate being left open or a poorly maintained fence around the pool, allowing an unsupervised child to enter the pool area.

The *Swimming Pools Act 1992 No. 49* defines a swimming pool as:

**swimming pool** means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, 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 the regulations not to be a swimming pool for the purposes of this Act.

Please note that it is the responsibility of the owner to ensure that the pool barrier and gate are to be installed operated and maintained in accordance with *AS1926.1-2007 Swimming Pool Safety, Part 1: Safety barriers for swimming pools*. Further to this Council

officers carry out routine inspections on the private swimming pools within the shire, and serious penalties ranging up to **\$5500** apply for non-compliance with the legislation.

Tenterfield Shire Council advises that prior to the installation of any swimming pool consultation be carried out with Council regarding the proposed installation.

The three key areas which the requirements of a swimming pool are focused on:

- Fence/Barrier around the swimming pool;
- The Gate allowing access to the swimming pool; and
- The area around the pool.

The essential requirements for these three areas are briefly outlined below:

### **Part 1 Fence/Barrier:**

- A Fence/Child barrier separating the pool from the house & adjoining properties must be constructed;
- The Fence/Child barrier must be at least 1200mm high surrounding the entire pool;
- A property boundary may be used as a barrier to the Pool providing it is at least 1800mm in height;
- The gap at the bottom of the Fence/Child barrier must not exceed 100mm;
- Any potential hand holds/foot holds in the fence/child barrier must be more than 900mm apart;
- The fence is to be well maintained so there are no holes or broken rails in the barrier and must be clear of any objects which a child could climb over such as a BBQ or tree;
- If a building forms a part of the fence/child barrier, there are to be no openings such as doors or windows where a child can gain access to the pool area from; and
- The spacing between the barrier must comply with the following;
  - a. If the barrier uses vertical or near vertical rails as part of the barrier the rails are to be no less than 100mm apart;
  - b. If the barrier is perforated mesh the holes must be of a diameter of 13mm or less; and
  - c. If the swimming pool is located indoors the access is to be restricted at all times.

### **Part 2 Gate:**

- The gate must swing freely and latch by itself from any open position;
- The gate latch must be in a condition so that once closed it cannot be pulled open;
- The Gate must open outwards away from the pool area;
- The gate must not be propped open at any time;
- The gate latch may be located inside or outside of the Pool area providing it complies with the below requirements;
  - a. If located outside is the latch located 1500mm above ground level.

- b. If Located inside is it 1200mm above the ground level & 150mm below the top of the gate, and covered by an appropriate shield.

### **Part 3 Pool Area:**

- An appropriate warning sign displaying details of CPR must be clearly displayed in the immediate vicinity of the pool area;
- A permanent resident (such as an owner, manager or caretaker) at the property must have CPR and First Aid Skills;
- Adult supervision must be provided for young children in and around the pool at all times;
- All pool fixtures (such as the skimmer box and filter) are to be designed so that a child could not become trapped;
- Are pool chemicals must be stored where children cannot access them; and
- A conductive earthing system bonded to all conductive equipment to prevent electric shock must be installed.
- If the swimming pool is existing, Tenterfield Shire Council requests to be notified of the pools existence.

### **Useful Links:**

Swimming Pools Act 1992 No 49

<http://www.legislation.nsw.gov.au/maintop/view/inforce/act+49+1992+cd+0+N>

Swimming Pools Regulation 2008

<http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+399+2008+cd+0+N>

Swimming Pool Laws

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Swimming%20Pool%20Laws%20Brochure.pdf>

Home Swimming Pool Safety Checklist

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Information/Home%20Swimming%20Pool%20Safety%20Checklist.pdf>

Department of Local Government Backyard Pools

<http://www.dlg.nsw.gov.au/dlg/dlghome/PublicTopicsIndex.asp?mi=0&ml=10&id=12>

The Australian Resuscitation Council - Life Support Flow Chart

[http://www.resus.org.au./public/arc\\_basic\\_life\\_support.pdf](http://www.resus.org.au./public/arc_basic_life_support.pdf)

The Australian Resuscitation Council - Online Resuscitation Guideline

<http://www.resus.org.au./>