

# POOL SAFETY BARRIERS

## New South Wales

Edition 1



NSW has in excess of 350,000 private swimming pools. This booklet is provided to assist with understanding the pool safety requirements of the Swimming Pools Act and other related relevant requirements.

The information provided are state requirements that apply throughout NSW. You should check with your council for any specific requirements that may apply to your property (see comments on Part 5 of the booklet).

All pool owners are responsible for safety in and around their pool. Unfortunately too many children drown or suffer severe health and physical damage as a consequence of near drownings in backyard pools. Simple key actions can prevent a child drowning: supervise children, restrict their access to the pool, educate them in water awareness and ensure someone has resuscitation and first aid skills.

This booklet was produced on behalf of the following councils.



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## ACKNOWLEDGEMENT

Acknowledgement is made to Sutherland Shire Council and in particular Bruce Begnell who initiated and developed the Pool Safety Information Booklet. Council generously shared the information in the booklet in order to assist other organisations to develop suitable educational material to promote awareness of the Swimming Pools Act and pool barrier requirements. Demand for this information resulted in transforming the original booklet into the Pool Safety Barrier NSW booklet. The booklet will assist in providing a more uniform approach to the safety of young children around pools throughout NSW.

## DEFINITIONS USED (*Swimming Pools Act 1992*)

**Swimming Pool** is an excavation, structure or vessel:

- that is capable of being filled with water to a depth greater than 300 millimetres, and
- 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 Swimming Pools Regulation not to be a swimming pool for the purposes of this Swimming Pools Act.

**Residential Building** includes any structure (such as a garage, shed, boatshed, clothes line, barbeque, entertainment structure) that is ancillary to the residential building. This does not include a shed that is ancillary to a pool only and the primary purpose of which is to store equipment that is used in connection with the swimming pool.

NOTE:

- AS1926.1 - the use of the term AS1926.1 in this document relates to AS1926.1-2012.
- For the purpose of simplicity, in this document, the use of the term 'pool' has the same meaning as 'swimming pool', as defined in the Swimming Pools Act.
- Due to copyright laws, copies of AS1926.1 are unable to be provided however AS1926.1 is available for viewing at your local council.

# 1. INTRODUCTION

The purpose of this information booklet is to provide guidance as to the safety issues applicable to pools. This booklet contains requirements relating to pool child-resistant barriers and existing pools sections 8, 9, 10 exemptions.

The Swimming Pools Act 1992 (commenced 1 August 1992, amended 14 December 2009, 29 October 2012) and the Swimming Pools Regulation 2008 (commenced 1 September 2008, amended April 2010, 1 May 2011, 29 April 2013) applies to all types of pools (both indoor and outdoor) on premises where there is a residential building, a moveable dwelling (such as a caravan), a hotel, a motel, tourist/visitor accommodation and other multi-occupancy developments (either as a common area pool or private pool).

This information is also of assistance for new pool installation, renovation of pools and should be read in conjunction with your local council's requirements.

# 2. SWIMMING POOL INFORMATION

Council is required to be notified of the installation of a pool. This notification is achieved via the pool approval and certification process. In addition pools are required to be recorded in the NSW Swimming Pool Register (see pool registration title in this booklet).

A note from Kids Health, the health promotion unit of The Children's Hospital at Westmead website: small pools should only be used where you empty and store away after each use. Visit <http://kidshealth.schn.health.nsw.gov.au/projects/drowning-prevention>.

(Images courtesy of Westmead Kids Health)



## 2.01 SWIMMING POOLS ACT AND REGULATIONS

Pool safety legislation has been developed to enhance the safety and security of children under 5 years old around private pools. Safety and security measures, including signage, access and barriers (fencing) for pools are required to be complied with under the provisions of the Swimming Pools Act 1992 and Swimming Pools Regulation 2008.

Swimming Pools Act (NSW) 1992: the owner of a swimming pool has the responsibility to ensure that the pool is at all times surrounded by a complying child-resistant pool safety barrier. Pool safety barriers must be maintained in a good state of repair as an effective and safe barrier restricting access to the pool. The Swimming Pools Regulation sets out, in more detail, the requirements for pools in keeping with the Swimming Pools Act.

The Swimming Pools Regulation has been amended over the years. The current regulation is the Swimming Pools Regulation 2008 which commenced on 1 September 2008. This was last amended by the Swimming Pools Amendment (Consequential Amendments) Regulation 2013. Previously, the Swimming Pools Regulation made reference directly to Australian Standard AS1926.1-2007. This has been amended and now refers to the Building Code of Australia (BCA). In turn, the BCA now makes reference to the applicable Australian Standards.

Note: Some exemptions remain allowing retention of existing child-safe/child-resistant doors and some properties with residence separation only - see this booklet section 2.01.03 Swimming Pools Act Sections 8, 9, 10 exemptions.

These exemptions do not come under the Swimming Pools Regulations reference to the Building Code of Australia but are referred directly to AS1926.1-2007.

These exemptions under the Swimming Pools Act 1992 ceased on 30 June 2010.

### Pool Registration

All pools are required to be recorded in the NSW Pool Register. Registration can be carried out:

- online at [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au), or
- completing and lodging a Pool Registration form at your local council.

Existing pools are required to be registered by 29 October 2013. New pools are required to be registered prior to the issue of an occupation certificate.

### Swimming Pools Amendment Bill 2012 - passed 29 October 2012

A number of amendments have been made to the Swimming Pools Act aimed at increasing the safety of very young children around backyard swimming pools and reducing associated drowning and near-drowning incidents. These:

- require pools to be registered in the NSW Swimming Pool Register by the 29 October 2013

- provide for the introduction of a pool inspection program by councils to commence by 29 October 2013
- provide for the issue of certificate of compliance by either council or Accredited Certifiers
- extend the legislation to include tourist and visitor accommodation
- cover changes to make the legislation consistent with the other related requirements
- amendments to the Conveyancing Regulation 2012 and Tenancies Regulation 2012 commencing 29 April 2014.

### 2.01.01 Typical outdoor pool barrier location

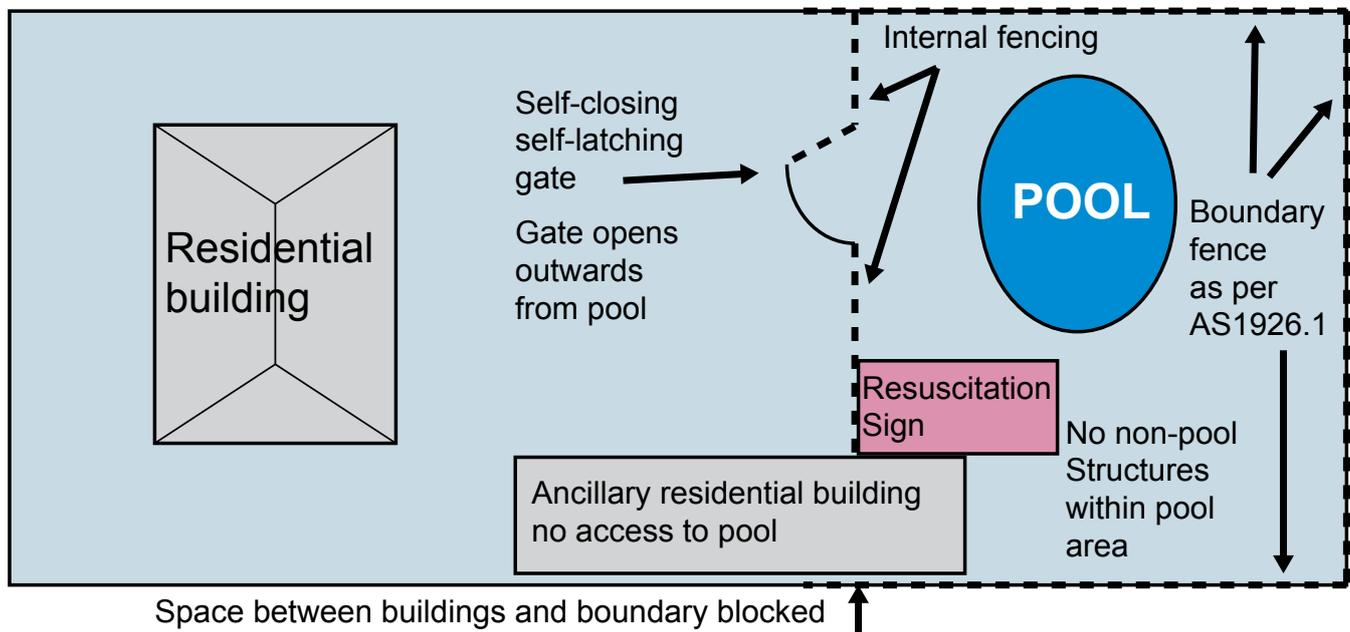
In reference to the Swimming Pools Act requirements and Schedule 1, these are current requirements that apply to new pools, pool renovations or alterations and existing pools where the existing pool:

- barrier or means of access to the pool is altered or rebuilt, or
- exempt barrier is no longer applicable - see part 2.01.03 for more information.

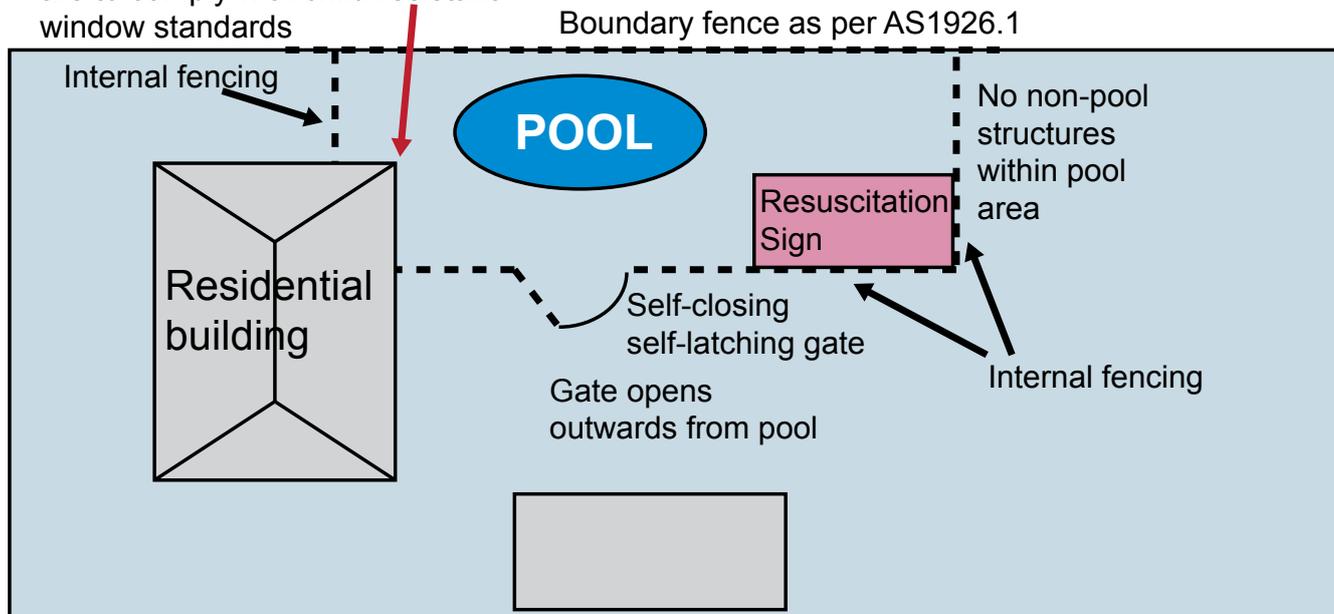
Pools are required to be surrounded at all times by a child-resistant barrier that separates the swimming pool from any residential building, moveable dwelling, hotel or motel situated on the premises and from any place (whether public or private) adjoining the premises.

A door is not permitted to be used as part of a barrier for an outdoor pool.

Note: Existing pools that have retained section 8, 9 or 10 exemption may vary from the location requirements in this part.

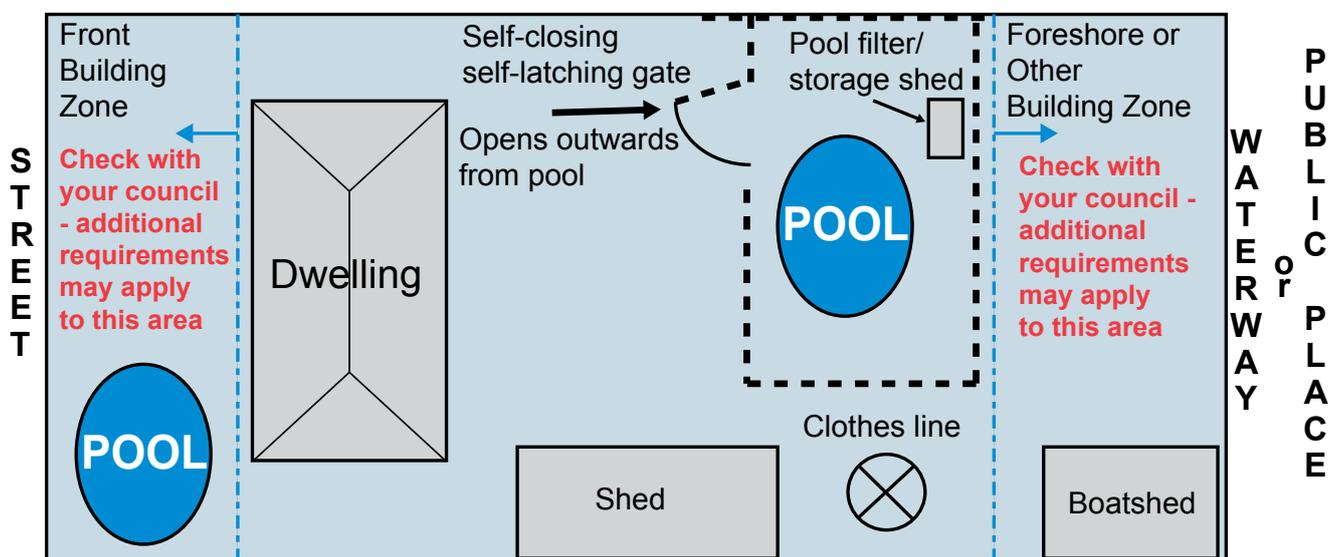


Windows that provide access to pool are to comply with child-resistant window standards



Buildings not associated with the pool, such as garage, carport, shed, boatshed, pergola clothesline or the like, are to be separated from the pool ie. outside the enclosed pool area child-resistant barriers. See diagram below..

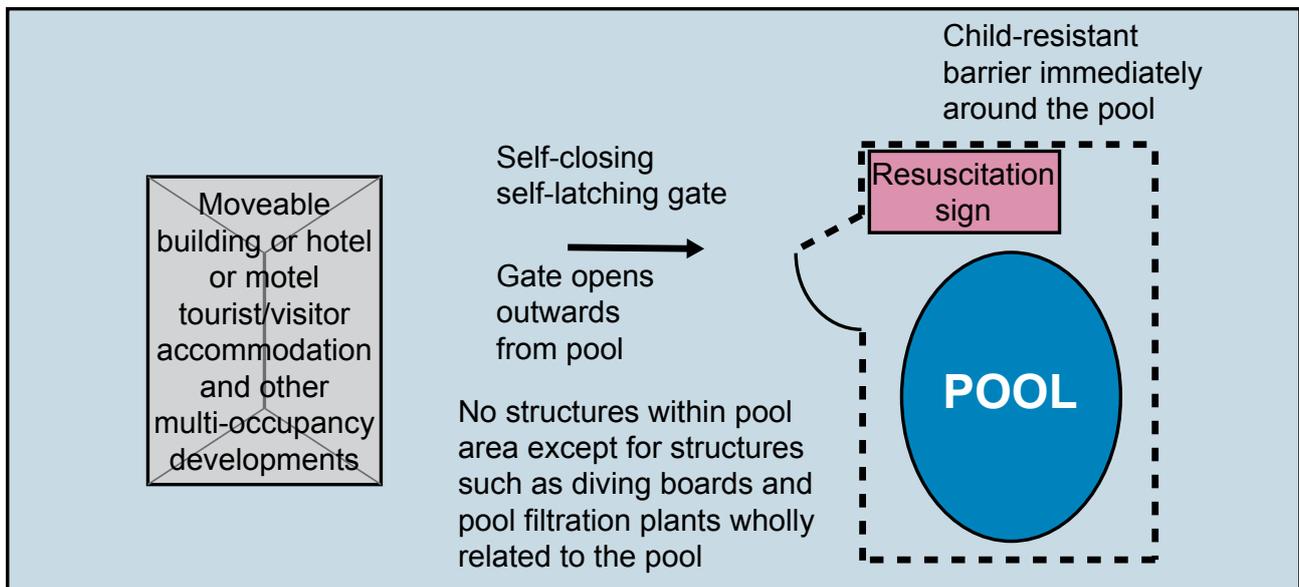
In line with the objective to safeguard children by restricting access to a pool and the requirements restricting non-pool structures from the pool enclosure, it is recommended that the enclosed pool area is only to be accessed for pool use and not as an accessway to other structures, the residence, or adjoining public place. See diagram below.



## 2.01.02 Moveable dwelling, hotel, motel tourist/visitor accommodation and other multi-occupancy developments

Pools associated with a moveable dwelling, hotel, motel, tourist/ visitor accommodation and other multi-occupancy developments (either as a common area pool or private pool)

require child-resistant barriers to be located immediately around the swimming pool. The pool area is not to contain any structure except for the swimming pool and other structures, such as diving boards and pool filtration plants that are wholly ancillary to the swimming pool.



The pools under this part are sometimes referred to as high risk pools - being pools used by non-related persons, often short-term occupants unfamiliar with the premises or have a higher number of young children in the locality. As such the legislation requires these pools to be inspected every three years and have a current pool certificate of compliance for the pool.

**Tourist and visitor accommodation** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation
- (b) bed and breakfast accommodation
- (c) farm stay accommodation
- (d) hotel or motel accommodation
- (e) serviced apartments (this includes short-term rental accommodation).

**Multi-occupancy developments** includes townhouses/villas, residential flats, apartments, and common pools in housing estates, community estates, caravan parks, camping grounds etc.

### 2.01.03 Section 8, 9, 10 exemptions, barrier upgrade and maintenance

#### Past requirements

Prior to 1990 each council set its own pool requirements. This changed with the introduction of the Swimming Pools Act 1990 which set state-wide requirements for NSW. The Swimming Pools Act 1990 was replaced by the Swimming Pools Act 1992 which introduced barrier location exemptions under section 8, 9 and 10.

The Swimming Pools Act (1 August 1992) set the minimum standard required for pools within the Swimming Pools Regulation 1992. The Swimming Pools Regulation included requirement for doors and windows and required compliance with Australian Standard 1926.1 1986. All existing pools were required to be upgraded to this standard by 1 January 1993. At the time this resulted in additional barriers, doors and windows to be made child-safe and pool gates to open outwards from the pool.

### **Section 8, 9, 10 exemptions**

Between 1 August 1992 to 30 June 2010 the Swimming Pools Act 1992 provided an alternative to the general requirements as to the location of pool child-resistant barriers. These are referred to as exemptions.

These exemptions under the Swimming Pools Act apply to the following pools:

- pools constructed prior to 1 August 1990
- pools on waterfront properties constructed before 1 July 2010
- pools on properties having an area less than 230 m<sup>2</sup>, constructed before 1 July 2010
- pools on properties having an area of 2 hectares or more, constructed before 1 July 2010.

**Some pool owners are of the opinion that an exemption applies for the life of their pool. This is not correct.**

The exemption provisions and standards vary depending on the type of exemption and date of works. For more information, contact your council or request a pool inspection. A satisfactory pool barrier inspection results in the issue of a Pool Certificate of Compliance – see details within item 4 of this booklet for more information on pool certificates.

### **Exemption retained**

The exemption is retained so long as the means of access to the pool are at all times restricted in accordance with the standard set by the Swimming Pools Regulation.

Where a pool fails to meet the terms of the exemption standards, the benefit of the exemption is lost and no longer applies. The pool is required to comply with the current general requirements of the legislation as explained under part 2.01.01.

### **Barrier required to be upgraded to current standards**

The term barrier under the legislation refers to the whole barrier enclosure.

The NSW swimming pool legislation is designed for pool barriers to be updated to current standard over time. The NSW legislation has a number of triggers which require the barrier and means of access to be upgraded to current standards. These include the following.

1. Where a barrier or means of access is found to be non-compliant with the standard applicable, the whole barrier enclosure is required to be upgraded to comply with the current standard. However, this does not apply to maintenance of existing barrier (refer to maintenance information on page 10).

2. When a barrier or means of access are found to be:

- not provided as required in 1992 (see note), or
- removed

the pool is required to be enclosed with a barrier to comply with current standards.

Note: The Swimming Pools Act (1 August 1992) set the minimum standard required for pools within the Swimming Pools Regulation 1992. The Swimming Pools Regulation included requirements for doors and windows and required compliance with Australian Standard 1926.1-1986. All existing pools were required to be upgraded to this standard by 1 January 1993 with barriers. At the time this resulted in additional barriers, doors and windows to be made child-safe and pool gates to open outwards from the pool.

3. Where restricted access to a pool or pool barrier is not maintained or is not in accordance with the terms of the exemption (exempt standard applies so long as the means of access to the pool are at all times restricted in accordance with the exemption). Then the exemption no longer applies and the whole barrier enclosure is required to be upgraded to comply with current standard.
4. When relocating the pool barrier, carrying out work that impacts on the pool barrier or intrudes into the pool area. Such works are to comply with the current standards applicable when carrying out the works. At this time all other barriers and means of access are required to be upgraded to meet the current standards.



5. When access to a pool or pool barrier is substantially altered or rebuilt, the whole barrier enclosure is required to be upgraded to comply with the standard applicable at the time when it was altered and/or rebuilt. Some examples:
  - the building or part providing the barrier is demolished - prior to removing any existing barrier the pool must be provided with temporary compliant barriers in accordance with the current standard until such time as the new barrier is provided
  - the existing child-safe/child-resistant door is removed or replaced
  - additions/alterations to an existing residence where such works provide an opening or access into the pool area.
6. When the pool is fenced voluntarily, once fenced the exemption cannot be reinstated. Where an existing pool with an exemption is fenced voluntarily, such fencing must meet the Swimming Pools Act requirements for a compliant, four-sided barrier (effectively 'dis-applying' or removing the exemption). Once in place, the fence cannot be removed or altered to a lesser (older) standard.
7. New structures such as a garage, carport, shed, boatshed, pergola or the like are required to be outside the enclosed pool area child-resistant barriers. Child-resistant doors are no longer permitted; thus door exemptions do not apply for new structures even though the property may have a complying existing barrier exemption. Introduction of such structures often results in new barriers being required to be provided to separate the new structure from the pool. Such works then require the whole barrier enclosure to be upgraded to comply with the current standard.

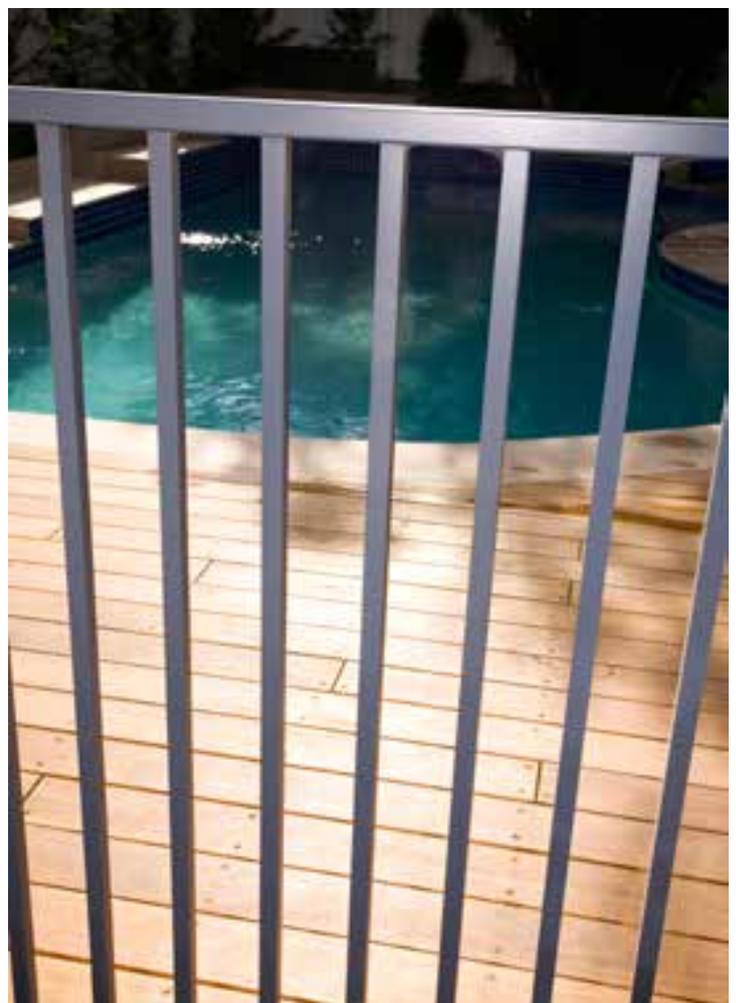
### **Maintenance of existing barrier**

The legislation allows maintenance of barriers to a good state of repair as an effective and safe child-resistant barrier, and therefore does not require those barriers to be upgraded to current standards.

The inspection officer carrying out the site-specific assessment determines as to what are classified as repairs to a compliant barrier or means of access and what is non-compliant, requiring upgrading to current standard. Where the barrier remains sound the following are some areas that may be taken as being maintenance items:

- loose fence palings, defective post
- locking mechanism out of line and not latching
- weakened springs
- removal of material or objects encroaching within NCZ
- removal of material built up against bottom of fence to reinstate barrier height.

(Image courtesy of Royal Life Saving Society)



## 2.02 BUILDING CODE OF AUSTRALIA (BCA)

The BCA is structured to provide:

- objectives (provides a guide and an aid in interpretation)
- functional statement (provides a guide and an aid in interpretation)
- performance requirements (containing the deemed to satisfy details) and building solution (building solution must comply with performance requirements).

### **Objective**

To safeguard young children from drowning or injury in a swimming pool by preventing access of young children to swimming pools.

### **Function**

A swimming pool is to be provided with the means to restrict access to the pool by young children.

Controls are to provide protection from illness, injury or death resulting from unsupervised access to a swimming pool.

### **Performance**

A barrier must be provided to a swimming pool and must:

- be continuous for the full extent of the hazard
- be of a strength and rigidity to withstand the foreseeable impact of people
- restrict the access of young children to the pool and immediate pool surrounds with regard to:
  - i. the height and rigidity of the barrier
  - ii. any horizontal climbable members
  - iii. openings and footholds in the barrier
  - iv. the operation of self-closing and latching gates
- have any gates and doors (indoor pool) fitted with latching devices not readily operated by young children, and constructed to automatically close and latch.

### **Pool safety provisions deemed to be satisfied**

The BCA swimming pool provisions are deemed to be satisfied where pool safety barriers are installed in compliance with Australian Standard AS1926 part 1 and part 2 with the NSW exception that walls of out-of-ground pools and above ground pools (including inflatable pools) are not considered an effective barrier

## 2.02.01 Other health and safety issues under the BCA to be aware of

### **Natural ventilation**

Restricting the opening of a window or having fixed pane windows need to ensure that this does not compromise the natural ventilation requirements of the BCA.

Ventilation must be provided to a habitable room, vanity compartment, bathroom, shower room, laundry and other room occupied by a person for any purpose.

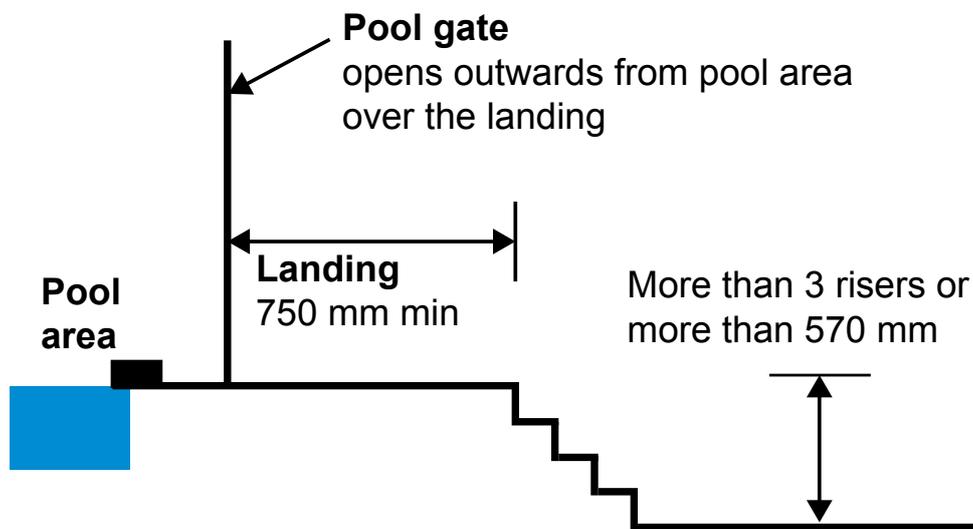
Generally, such natural ventilation is provided by windows or doors which can be opened to a size not less than 5% of the floor area of the room. Adjoining rooms may complement the natural ventilation provided to a room. Where windows are to form part of the pool safety barrier they can be fitted with permanently fixed security mesh or grills, thus satisfying both pool safety and ventilation requirements.

### Stair landings

In situations where there are:

- stairs leading to a pool gate on the outside of the pool
- more than three stairs or a rise/fall of more than 570 mm

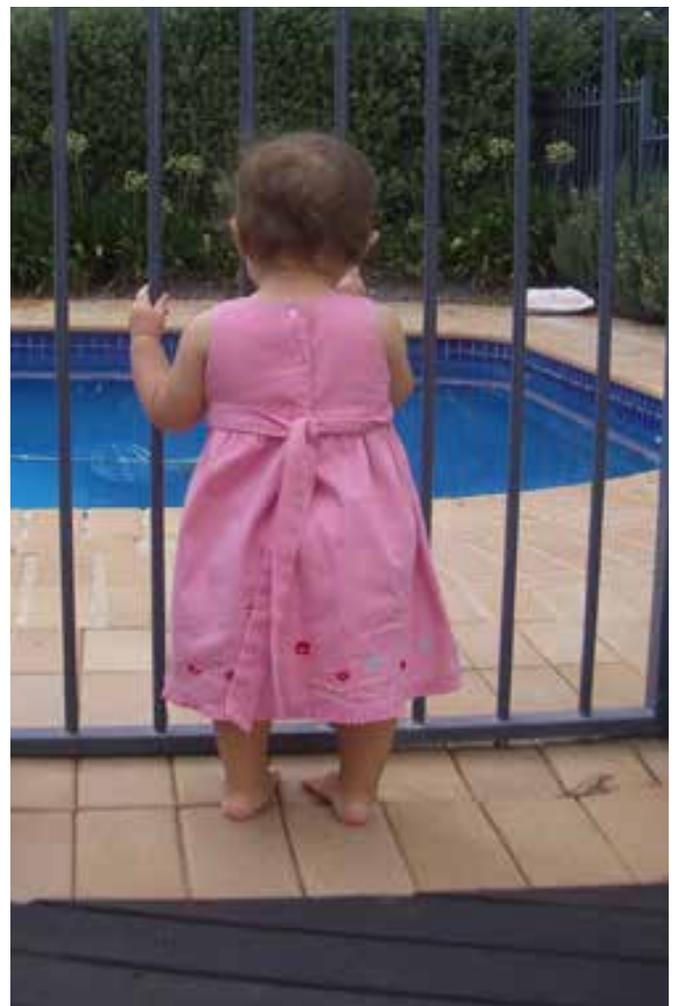
a 750 mm level landing is required to be provided to enable the gate to safely open outwards from the pool area.



## 2.03 CHILD-RESISTANT BARRIERS

A barrier means a fence or wall and includes a gate or door set into the fence or wall and any other structure declared within the Swimming Pools Regulation to be a barrier. The view provided by the NSW Division of Local Government (DLG) is that the pool structure itself does not constitute a child-resistant barrier for the purpose of the Swimming Pools Act, and is therefore unable to be used as a barrier unless a specific exemption is granted by the council under section 22 of the Swimming Pools Act. This is confirmed in the BCA NSW reference where walls of out-of-ground pools and above ground pools (including inflatable pools) are not considered an effective barrier.

A barrier is required to be provided that separates the pool structure (following the DLG instructions this includes any out-of-ground sections of pool such as the wall of a pool, wet edge, overflow pit and the like), from any residential building (see definition at front of this booklet). Therefore these out-of-ground pool structure sections cannot be accepted as a child-resistant barrier under the terms of the legislation. The legislation overrides requirements contained within Australian Standard 1926.1.



(Images courtesy of Royal Life Saving Society)

The Swimming Pools Act permits the walls of a residential building to be a child-resistant barrier so long as the wall contains no openings through which access can be gained to the pool (maximum opening 100 mm). Windows where the height from the sill of the lowest opening panel of the window to the finished ground level is 1800 mm or greater have no pool barrier requirements. Other windows are required to be made child-resistant by restricting the window opening to a maximum of 100 mm or replacing the openable panel with a fixed panel or installing permanently fixed metal mesh or fitting a grill over the openable area of the window as per AS1926.1 to prevent access into the pool area

As stated earlier a barrier is required to separate a residential building from the pool structure. A detached or attached garage, laundry, shed, boatshed, clothes line or any structure not solely associated to the pool is included under the legislation definition of a residential building and required to be separated from the pool structure. Such structures are not to be located inside the pool barrier. A shed used to contain pool filter equipment, pool chemicals and the like, solely associated to the pool operation/use, is permitted within the pool area.

### **2.03.01 General child-resistant barrier requirements**

Outdoor pools must be surrounded by a child-resistant barrier that separates the pool from any residential building situated on the premises and from any adjoining public or private properties.

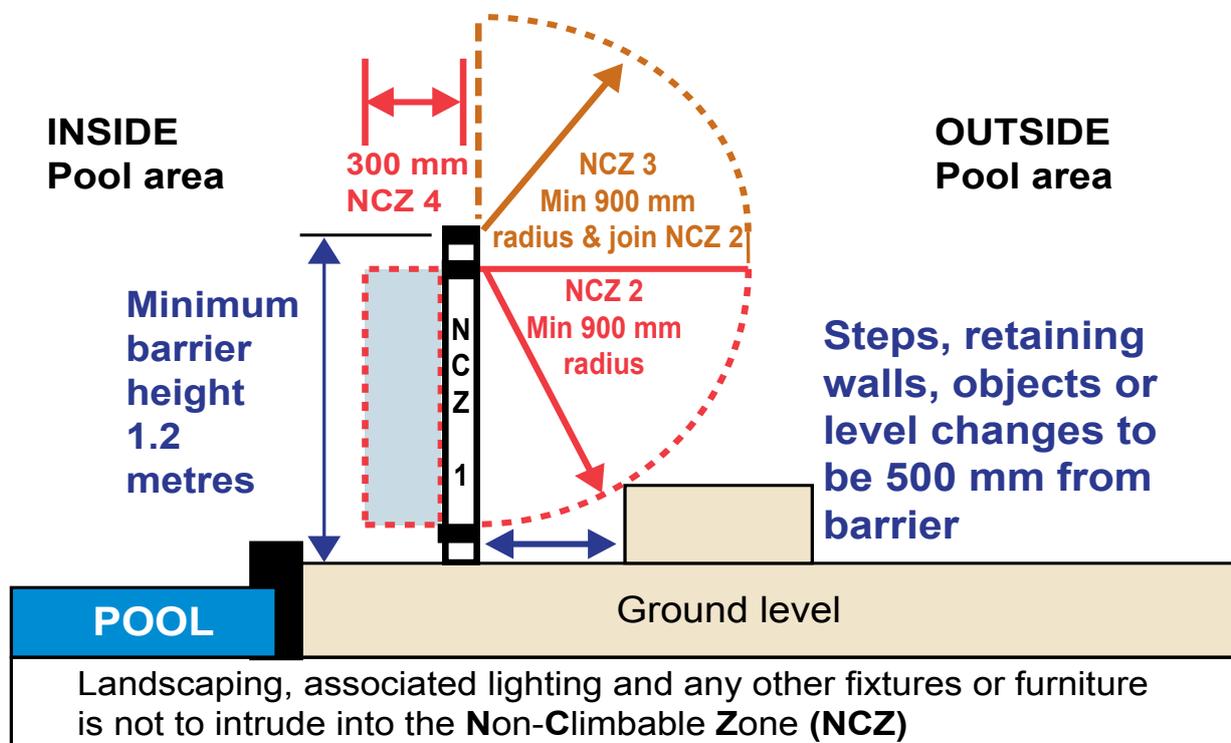
It is encouraged that access to and from residential buildings be outside the pool enclosure, not through the pool area. Subject to provisions under the Swimming Pools Act, Swimming Pools Regulation and BCA, the child-resistant barrier must be designed, constructed, installed and maintained in accordance with Australian Standard AS1926.1. (see typical barrier location diagrams)

The child-resistant barrier requirements, in general, are:

- minimum height 1200 mm (measured outside pool area)
- minimum 900 mm separation between the upper and lower horizontal components to maintain a non-climbable zone.(NCZ 1)
- maximum 100 mm gap under the fence
- maximum 100 mm gap in barrier components, allowing for any flex in the component material
- non-climbable zone extends from the barrier 300 mm into pool area (NCZ 4) and 900 mm outside pool area (NCZ 2 and 3)
- steps, retaining wall, objects or level changes are to be 500 mm from the barrier
- landscaping, associated lighting and other fixtures or furniture are not to intrude into the non-climbable zone
- boundary fence to be 1800 mm in height (measured inside the pool area). See part 2.03.03 in this booklet.

## 2.03.02 Internal pool safety barrier - open form pool fence

### Internal Fence Barrier Section



### NON CLIMBABLE ZONE (NCZ)

Fence barriers required to maintain a **MINIMUM 900 mm** non-climbable zone



Where a barrier is sloping the measurements are perpendicular to the top of the barrier to maintain the integrity of the required NCZ and barrier height.

### INTERNAL BARRIER (FENCE) HEIGHT

Fence barriers required to maintain a **MINIMUM height of 1200 mm**

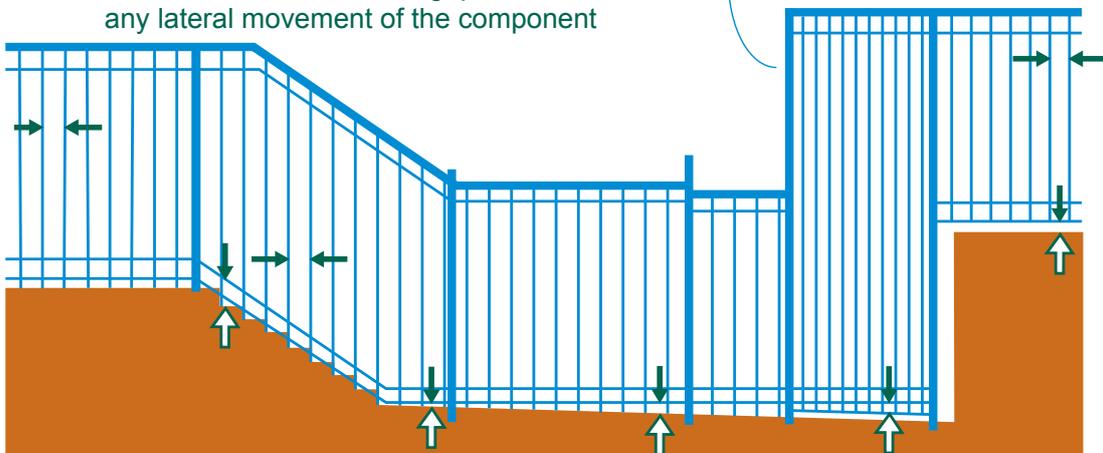


### BARRIER GAP

Fence barrier gap between components to be a **MAXIMUM of 100 mm**

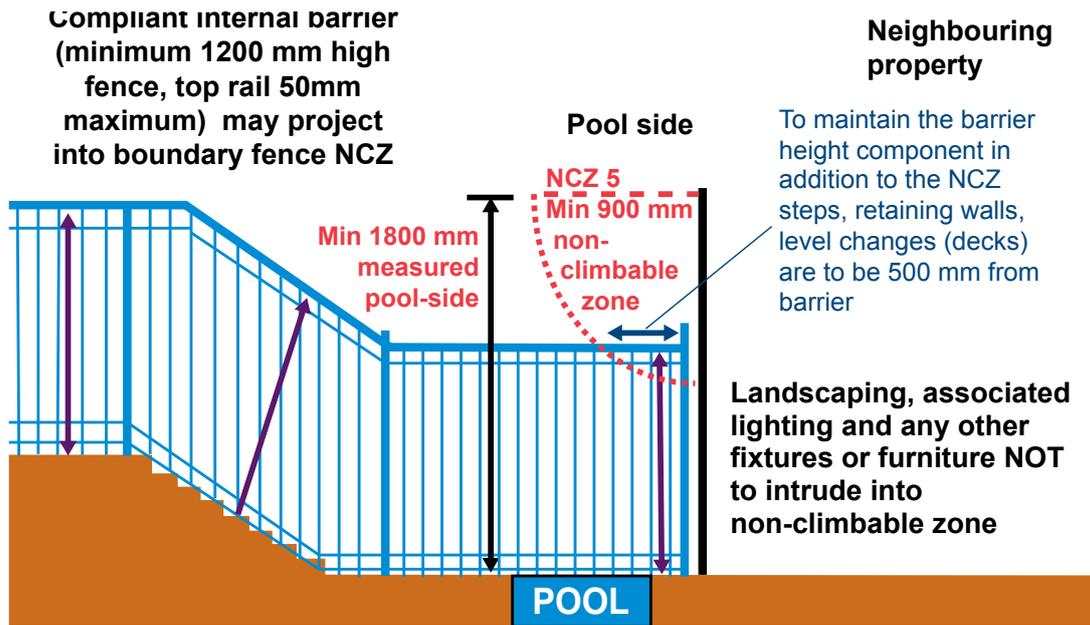
Note: the maximum 100 mm gap is to include any lateral movement of the component

Note: Longer vertical bars require to be closer together or a solid panel to control flexing and maintain max 100mm gap



Landscaping, associated lighting and any other fixtures or furniture are NOT to intrude into the Non-Climbable Zone.

### 2.03.03 Boundary fence pool safety barrier minimum height 1800 mm

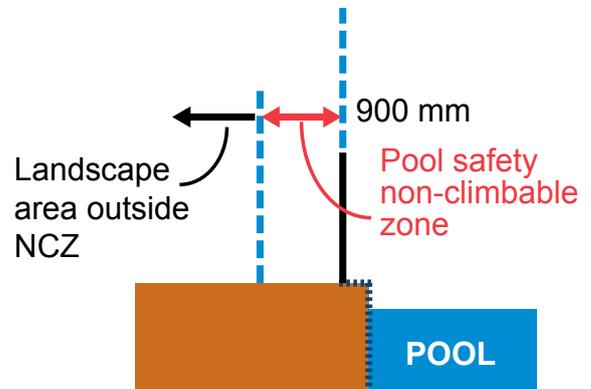
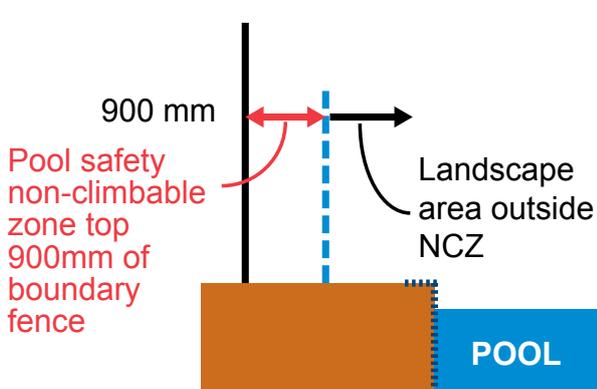


### 2.03.04 Landscaping adjacent to pool barrier

Landscaping, associated lighting and any other fixtures or furniture are NOT to intrude into the non-climbable zone.

Pool Boundary Setback where BOUNDARY FENCE used as Pool Safety Barrier

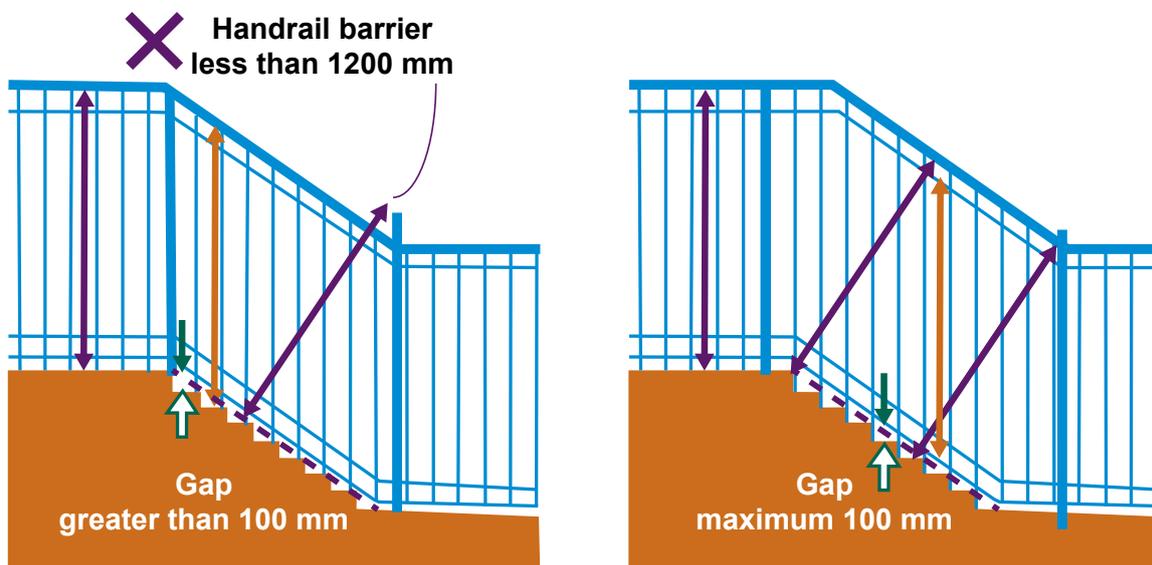
Pool Boundary Setback where INTERNAL FENCE used as Pool Safety Barrier



### 2.03.05 Barrier for stairs

The table is provided to highlight a common error where a stair barrier is provided under the pool barrier requirements.

Stair barrier	For comparison purpose only General Stair (BCA)	Pool Barrier Stair (AS1926.1)
Barrier height	1000 mm taken vertically	1200 mm taken perpendicular to top of barrier
Handrail height	865 mm taken vertically	1200 mm taken perpendicular to top of barrier
Gap/opening	125 mm	100 mm
Gap includes stair riser (115–190 mm)	No	Yes



### 2.03.06 Barrier Gates

Gates, irrespective of type or scale, and their fittings must comply with the requirements below.

Gates must be installed so that:

- they swing outwards only, away from the pool area
- they are clear of any obstruction that could hold the gate open
- when a gate is lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate, or provide a ground clearance greater than 100 mm.

Double gates are not acceptable to ensure operation and maintaining of self-closing and self-latching function.

Gates within a boundary fence are not acceptable.

Gates are to be of minimal width for pedestrian access only (recommended no more than 1 metre wide). This will ensure a reasonable life expectancy to the self-latching mechanism. Wide or heavy gates are more likely to drop and fail to self-latch.

Gates must be fitted with a device that will automatically return the gate to the closed position and operate the latching device.

Gates to the pool area must be kept effectively latched closed when not in use.

Gates shall be fitted with a self-latching device that will automatically operate on the closing of the gate, and will prevent the gate from being re-opened without manually releasing the mechanism. The material, design and erection of child-resistant barriers should be such that a reasonable life can be expected with a minimum of maintenance.

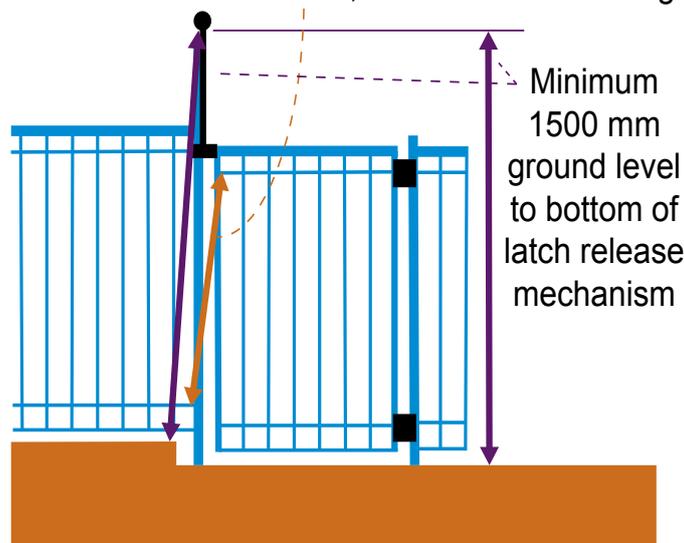
Barriers should be free of sharp edges, projections and the like, that would constitute a safety hazard.

To maintain the integrity of the NCZ, the minimum distance between lowest of the top horizontal barrier members and the highest of the bottom horizontal barrier members is 900 mm (as indicated on the diagram below)

The bottom of the latch release is required to be positioned a minimum 1.5 metres above ground level.

Alternatively, when a solid panel (glass) or a shield is used the latch is positioned on the pool side near the top of the gate. The solid panel/shield makes it necessary for a person to reach over the gate to release the latch mechanism. See AS1926.1 for more information.

Minimum 900 mm distance between 1. the lowest of the top horizontal barrier member and 2. the highest of the bottom horizontal barrier, to maintain NCZ integrity



### **Manufactured pool gate units**

Pool gates are required to be supplied with maintenance instructions including any special requirements for maintaining the latching mechanism and hinges.

Each gate unit shall be clearly and permanently marked on at least one of the gate posts or on the gate or on some other component of the gate unit with the registered trademark or the name and address of the manufacturer.

For additional design and construction details concerning pool gates see the Australian Standard AS1926.1.

## 2.04 WARNING/RESUSCITATION SIGN

All types of pools are required to display a Warning/Resuscitation Sign, under section 17 of the Swimming Pools Act. Part 3 of the Swimming Pools Regulation sets out the required warning statement that is to be contained within the Resuscitation Sign:

- I. "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL"
- II. "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES"
- III. "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MM CLEAR OF THE POOL FENCE AT ALL TIMES".

The required sign must be maintained and clearly legible from a distance of at least 3 metres and must be within the immediate vicinity of the pool. It is recommended that the resuscitation sign be displayed at the shallow portion of the pool near an open area as this is most likely the area where resuscitation would be carried out.

For more information regarding resuscitation techniques, view Guideline 8 Cardiopulmonary Resuscitation available at the Australian Resuscitation Council website [www.resus.org.au](http://www.resus.org.au).

## 2.05 SPA POOLS

A spa pool is required to be surrounded by a child-resistant barrier and subject to the same requirements as a pool. However, an owner of a spa pool may choose an

(Image courtesy of Westmead Kids Health)



alternative barrier in the form of a child-resistant lid being a substantial structure that at all times restricts access to the spa when the spa is not in actual use. When in place the child-resistant lid is to be securely fastened to the spa pool by a child-resistant device.

## 2.06 INDOOR POOLS

The owner is to ensure that the means of access to an indoor pool area is restricted as required by the Swimming Pools Act, 1992. The standard for restriction is set out in the BCA and AS1926.1. The barriers used are primarily child-resistant windows and child-resistant doors. The means of access to the indoor pool must be restricted at all times and comply with the following:

- door must be self-closing and self-latching and must be closed at all times when not in actual use
- the door knob/latch release, located on the outside face of the door, is to be a minimum 1.5 metres above the floor
- a NCZ of 900 mm is to be provided to the outside face of the door with the NCZ positioned a maximum 1200 mm above the floor
- doors shall open outwards from the pool enclosure
- no pet door openings are allowed in the door

Operational and safety recommendations:

- door width to be kept to a minimum (no more than 1 metre) to minimise the failure of the door self-closing, self-latching operation
- provide a glass viewing insert within the door to enable viewing into the pool area and for safety when the door is being opened.

### **Indoor pool window**

Windows where the height from the sill of the lowest opening panel of the window to the finished ground level is 1800 mm or greater have no pool barrier requirements. Other windows are to be made child-resistant by restricting the window opening to a maximum of 100 mm or replacing the openable panel with a fixed panel or installing permanently fixed metal mesh or grill over the openable area of the window as per AS1926.1 to prevent access into the pool area.

## 2.07 OTHER BARRIER INFORMATION CAN BE OBTAINED FROM AS1926.1

The Australian Standard content of this booklet is restricted due to Standards Australia copyright and thus does not contain all information in relation to pool safety barriers. For more information contact your local council or accredited certifier or you may choose to purchase a copy of the Australian Standard. Australian Standards are distributed by SAI Global. To search and buy a standard:

- Online - [www.standards.org.au/SearchandBuyAStandard/Pages/default.aspx](http://www.standards.org.au/SearchandBuyAStandard/Pages/default.aspx)
- Phone - (from Australia): 131 242
- Email - [sales@saiglobal.com](mailto:sales@saiglobal.com)
- Mail - SAI Global Information Services, GPO Box 5420, Sydney NSW 2001

## 2.08 POOL AND BARRIER DEVELOPMENT

When carrying out development work involving a pool or pool barriers, confirm with your Principal Certifier as to the requirements to satisfy the Swimming Pools Act prior to carrying out such works.

Complying Development and Construction Certificate plans are to clearly indicate BCA requirements and should include child-resistant barrier type, height and location.

Your Principal Certifier is the person required to inspect and record pool safety barrier construction/installation details that are submitted to council with the development occupation certificate. All new pools within NSW are required to be recorded in the NSW Swimming Pools Register prior to the pool being used.

In other situations, upgrading an existing pool or applying for a Pool Certificate of Compliance, contact your local council.

**Note:** A pool safety barrier must be installed or existing fences brought up to the required standard, as soon as possible upon the pool being filled with water. Where temporary fencing is used in relation to a pool it is to provide the same level of protection as that provided by child-resistant fencing.

(Images courtesy of Westmead Kids Health)



## 3. TEMPORARY FENCING

Construction of a pool or building works where an existing barrier is removed may present hazards prior to the works being completed. There is a danger of injury from falling into the excavation or empty pool or drowning if the excavation/pool contains water (eg. after rain).

During any pool construction/renovation works, access to the pool is required to be restricted. Providing suitable fencing to the swimming pool construction area for the period that the hazard exists will reduce the risk of someone falling into or drowning in the excavation/pool.

Attention is directed to the existence of State legislation and regulations requiring temporary fencing of excavations during building works. The builder is usually the best person to erect a temporary fence and is generally responsible for the safety of the site. Prospective pool owners should therefore ensure suitable temporary fencing is constructed, and the person who is to construct the fencing should be clearly identified in the pool construction contract. Owing to the method of constructing most pools, the pool builder may be away from the site for periods of several days and thus the person having the pool constructed should ensure that the temporary fencing is not tampered with.

## 4. POOL CERTIFICATES UNDER THE SWIMMING POOLS ACT 1992

### 4.01 SELLING, PURCHASING OR RENTING A PROPERTY WITH A POOL

#### **Contracts for sale and pools - what's currently required**

Under the Conveyancing (Sale of Land) Regulation 2010 a warning notice is required within the contract of sale stating the owner of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the Swimming Pools Act 1992.

Prospective purchasers considering a property with a pool should get the pool inspected prior to purchasing. At the very least, if purchasing a property with a pool after 29 April 2013, ensure the pool is recorded in the NSW Pool Register.

#### **What's changing with contracts of sale**

From 29 April 2014 it will be compulsory that properties with a pool that are for sale have a current pool certificate of compliance or occupation certificate in the contract of sale.

#### **Renting/Leasing a residential property with a pool - what's currently required**

Under the Residential Tenancies Regulation 2010 residential tenancies agreement the landlord agrees to ensure that the requirements of the Swimming Pools Act 1992 have been complied with in respect of the swimming pool on the residential premises.

#### **What's changing with leasing agreements**

From 29 April 2014 pool owners will be required to include a current pool certificate of compliance in the leasing agreement before being able to lease a property with a pool.



(Images courtesy of Westmead Kids Health)

## 4.02 POOL CERTIFICATE OF COMPLIANCE

Under the Swimming Pools Act 1992 the owner of any premises on which a swimming pool is situated may make application to either their local council or an Accredited Certifier to carry out an inspection of the pool barrier. Fees may be payable for such pool barrier inspection - check with your local council or certifier.

Where the council/certifier is satisfied that the swimming pool complies with the requirements of the Swimming Pools Act 1992, and the pool is recorded in the NSW Swimming Pools Register, a pool certificate of compliance will be issued to the effect that, as at the date on which the certificate of compliance is issued, the swimming pool complies with the Swimming Pools Act 1992.

Subject to no changes to the pool barriers, the Pool Certificate of Compliance is valid for three years.

## 4.03 POOL EXEMPTION CERTIFICATE

Under Swimming Pools Act 1992 Section 22, the owner of any premises in or on which a swimming pool is situated or proposed to be constructed may apply to council for an exemption for the subject pool from all/any requirements of the Swimming Pools Act 1992. Fees may be payable when lodging an application for an exemption under

section 22 - check with your local council. For an exemption to be granted the council must be satisfied in the particular circumstances of the case:

a) that it is impracticable or unreasonable

- because of the physical nature of the premises, or
- because of the design or construction of the swimming pool, or
- because of special circumstances of a kind recognised by the Swimming Pools Regulation as justifying the granting of an exemption

for the swimming pool to comply with those requirements

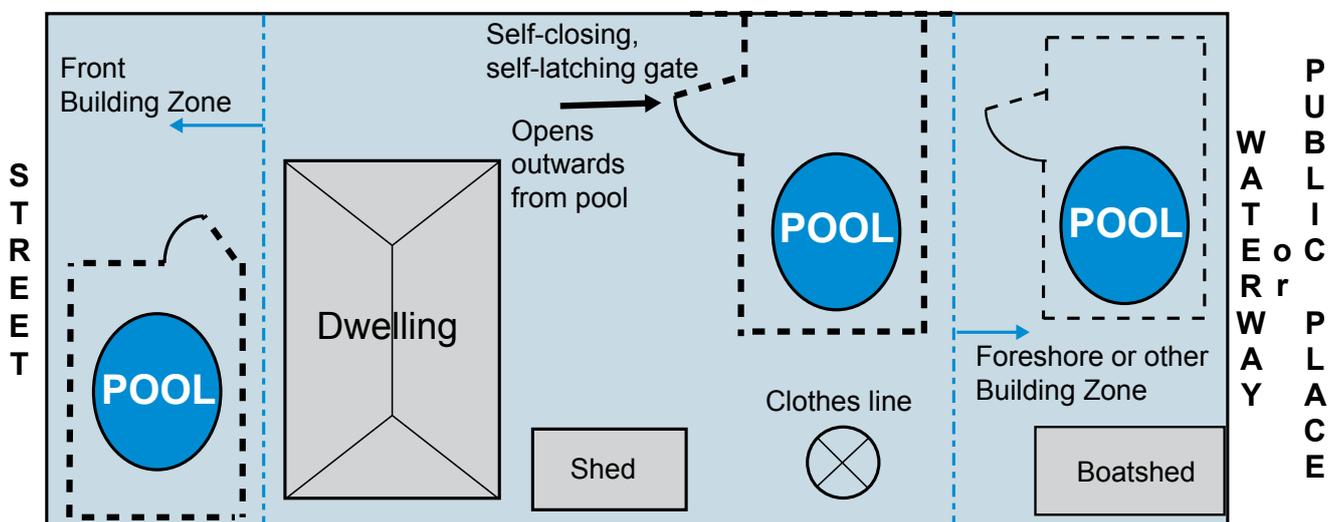
b) that an alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

An exemption may be granted unconditionally or subject to such conditions as council considers appropriate to ensure that effective provision is made for restricting access to the swimming pool.

## 5. LOCAL COUNCIL SITE-SPECIFIC REQUIREMENTS

Check your property for easements or restrictions that may impact on the child-resistant barriers you can provide to secure your pool. These are some of the restrictions that apply to some properties that may restrict the location, height, design, material and style of the fence barrier you can use:

- bushfire prone land
- front building zone
- foreshore building zone or additional public place setback restrictions
- heritage sites, building or structures
- land subject to flooding
- land subject to sea level change
- land subject to drainage easements with overland flow paths
- rights of carriageway or walkway.



Check with your council as pool fences within certain areas such as front building zone or foreshore building zone may have restrictions, such as fence height requiring the boundary barrier to be setback from the property boundary by a minimum of 900 mm. Check also with your local council for site-specific requirements that may apply to your property/pool.

## 6. ENVIRONMENTAL NOISE

### 6.01 HOURS OF OPERATION OF POOL/SPA PUMP

In accordance with the Protection of the Environment Operations (Noise Control) Regulation 2008, the use of pool/spa pumps may be restricted to:

- between 8am and 8pm on any Sunday or public holiday, and
- between 7am and 8pm on any other day

if the pump emits noise that can be heard within a habitable room in any other residential premises.

## 7. POOL REMOVAL

This information does not apply to pools or pool fencing or associated structures that have heritage significance - consult your local council.

When you are considering removal of the pool and installation of a deck or the like at the pool coping level, additional requirements may apply or the works may not be permitted due to the elevated level or closeness to boundaries. This work may require complying development approval and you need to consult with your local council or accredited certifier as to the requirements.

### **Is approval required to remove a pool?**

The basic guide is: if you require approval to build it then you need approval to demolish it.

So yes, pools require approval to be removed/demolished. Approval can be obtained from either your local council or an accredited certifier as complying development. Complying development is a quick approval process that usually takes around seven days to obtain. This is under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, Part 7 Demolition Code.

### 7.01 ABOVE GROUND POOLS INCLUDING INFLATABLE POOLS, PREFABRICATED POOLS NOT EXCEEDING A DEPTH OF 600 MM IN THE GROUND.

The removal of the above mentioned pools is generally accepted without requiring formal approval (check with your council) subject to the following standards being met:

- disassemble the pool and remove all materials from the site
- restore the ground level to its natural level and grade
- where filling is required use only clean drainable fill; filling is to be suitably compacted and graded to natural contours so as not to create a drainage nuisance

- suitable erosion control or grass disturbed areas to prevent silt run off into neighbouring properties
- advise your local council of the pool removal to enable updating of the NSW Swimming Pool Register and council records - it is suggested to include two photos: one showing the pool and the second with the pool gone and land reinstated, otherwise council may require an inspection of the site to confirm the removal prior to updating the records.

## 7.02 FIBREGLASS, MASONRY, CONCRETE OR SIMILAR POOLS, POOLS IN THE GROUND MORE THAN 600 MM

The removal of these pool types require approval from your local council or accredited certifier prior to commencement of any works.

The following general information is provided for your assistance. Additional requirements may apply and would be contained within your approval. For more information contact either your local council or accredited certifier.

- The development must be carried out in accordance with AS 2601—2001, The demolition of structures.
- The site of the swimming pool must be filled (if necessary) so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site, and
  - the fill must be compacted, and
  - any piping or similar material must be removed from the site before the site is filled.
- Run-off and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on the land surrounding the development must be implemented by:
  - diverting uncontaminated run-off around cleared or disturbed areas, and
  - erecting a silt fence to prevent debris escaping into drainage systems and waterways, and
  - preventing tracking of sediment by vehicles onto roads, and
  - stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot
- Your complying development approval may require a structural engineer's report to detail the pool structure removal while maintaining support to the adjoining ground and/or structures.
- Advise your local council of the pool removal to enable updating of the NSW Swimming Pool Register and council records. It is suggested to include two photos: one showing the pool and the second with the pool gone and land reinstated. Otherwise council may require an inspection of the site to confirm the removal prior to updating the records.



## USEFUL LINKS

### **NSW Division of Local Government: [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)**

The Division is responsible for administering the Swimming Pools Act 1992, and has information available on its website including a swimming pool laws brochure and home pool safety checklists in other languages.

### **NSW Fair Trading: [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)**

NSW Fair Trading safeguards rights of all consumers and advises business and traders on fair and ethical practice. Read what to know when building a new swimming pool, dangers of skimmer boxes and inflatable pool safety.

### **Children's Hospital Westmead: [www.chw.edu.au/kidshealth/pool\\_fencing](http://www.chw.edu.au/kidshealth/pool_fencing)**

View the hospital's 'Protect your Pool, Protect your Kids' video, which visually demonstrates basic pool fencing requirements in the Swimming Pools Act and gives other key water safety messages. View part or all of the 25 minute video depending on your need. The site also has other resources on pool safety.

### **Safewaters: [www.safewaters.nsw.gov.au/fencepools.htm](http://www.safewaters.nsw.gov.au/fencepools.htm)**

Provides further information on: fencing backyard pools; frequently asked questions; information in community languages; checklists for pool owners.

### **Swim and Survive: [www.dsr.nsw.gov.au/swimandsurvive](http://www.dsr.nsw.gov.au/swimandsurvive)**

NSW Office of Communities' information regarding swimming lessons.

### **The Samuel Morris Foundation: [www.samuelmorrisfoundation.org.au](http://www.samuelmorrisfoundation.org.au)**

The Foundation, established in March 2007, is Australia's only charity which supports children disabled by near drowning or other hypoxic brain injuries, and provides education and awareness on preventing future drowning deaths and disabilities.

### **Keep Watch: [www.homepoolsafety.com.au](http://www.homepoolsafety.com.au)**

Home Pool Safety - Royal Life Saving Society information including checklist, fact sheets and other resources.

### **NSW Government's Water Safety Initiative—[www.watersafety.nsw.gov.au](http://www.watersafety.nsw.gov.au)**

Includes a section with information on pool safety and pool fencing.

## REFERENCES

- |   |   |
|---|---|
| Swimming Pools Act 1992   | Building Code of Australia                                    |
| Swimming Pools Regulation 2008  | Standards Australia   |
| Swimming Pools Amendment Act 2012   | AS1926.1-2012, Safety barriers for swimming pools             |
| Conveyancing (Sale of Land) Regulation 2010                                 | AS1926.2-2007, Location of safety barriers for swimming pools |
| Residential Tenancies Regulation 2010                                       | AS 2601—2001, The demolition of structures                    |
| Protection of the Environment Operations (Noise Control) Regulation 2008    |   |
| Environmental Planning Policy (Exempt and Complying Development Codes) 2008 |   |

# YOUR SITE MAP

Draw your site map here; include location and type of child-resistant barriers around your pool.

Address: \_\_\_\_\_

NSW Pool Registration Number: \_\_\_\_\_

# YOUR NOTES AND RECORDS

Use this space to keep all your notes and records concerning your own pool, and draw a site map on the previous page.

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### A GUIDE TO CPR

# KEEP WATCH

[www.royallifesaving.com.au](http://www.royallifesaving.com.au)

- YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL.
- POOL GATES MUST BE KEPT CLOSED AT ALL TIMES.
- KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES.

## DANGER

### CHECK FOR DANGER

TO SELF • TO BYSTANDERS • TO CASUALTY • REMOVE HAZARDS

## RESPONSE

### CHECK FOR RESPONSE

- CAN YOU HEAR ME
- OPEN YOUR EYES
- WHAT'S YOUR NAME
- SQUEEZE MY HANDS

## SEND

### SEND FOR HELP – CALL 000

ASK BYSTANDER TO ASSIST IF NECESSARY

## AIRWAY

### OPEN AIRWAY

1. CHECK AND CLEAR MOUTH (ON SIDE IF DROWNING OR BLOCKED)
2. TILT HEAD AND LIFT CHIN

## BREATHING

### BREATHING NORMALLY?

- YES, PLACE IN RECOVERY POSITION
- NO, COMMENCE CPR

## CPR

### COMMENCE CPR / 30:2

#### 30 CHEST COMPRESSIONS

1. LOCATE COMPRESSION POINT ON CENTRE OF CHEST
2. PLACE HEEL OF HAND ON COMPRESSION POINT, WITH THE OTHER HAND ON TOP
3. 30 COMPRESSIONS DELIVERED AT A RATE OF 100 PER MINUTE
4. COMPRESS 1/2 OF THE CHEST DEPTH



#### 2 RESCUE BREATHS

1. TILT HEAD AND LIFT CHIN TO OPEN AIRWAY
2. GIVE 2 RESCUE BREATHS, ALLOW FOR CHEST TO RISE AND FALL



CONTINUE CPR AT 30 COMPRESSIONS : 2 RESCUE BREATHS UNTIL NORMAL BREATHING OR RESPONSIVENESS RETURNS

#### RECOVERY POSITION

IF NORMAL BREATHING RETURNS, PLACE THE CASUALTY ON THEIR SIDE AND MAINTAIN CLEAR AIRWAY



FOR INFANTS (BIRTH - 1 YEAR) DO NOT TILT HEAD. COVER BOTH NOSE AND MOUTH FOR RESCUE BREATHS. USE 2 FINGERS TO COMPRESS CHEST 1/3 OF DEPTH.

## DEFIBRILLATION

ATTACH DEFIBRILLATOR (AED) AS SOON AS AVAILABLE  
FOLLOW AED PROMPTS



THE INFORMATION CONTAINED IN THIS POSTER IS RECOMMENDED FOR AQUATIC RELATED EMERGENCIES. IT IS NO SUBSTITUTE FOR FORMAL INSTRUCTION. ENROL IN A CPR COURSE AND UPDATE YOUR SKILLS ANNUALLY. © RLSA 2012/2

FOR MORE INFO CALL:  
**1300 737 763**

(Image provided with assistance from Royal Life Saving Society. Posters for sale at council.)