



Warringah Council

All about swimming pool safety

Statistics show that half the children under the age of five that drown do so in private swimming pools or spas. The Swimming Pools Act 1992 covers all residential pools and the requirements that pool owners must follow. The purpose of the Act is to reduce the risk of accidental drowning and give clear guidelines on safety for pool-owners to follow.

This fact sheet tells you about your obligations as a pool-owner under the law. If you have any questions that are not covered by this fact sheet, contacts for more information are listed at the end.

Is my swimming pool covered by the Act?

All swimming pools - both outdoor and indoor - that are existing or proposed for residential premises (including caravans, hotels or motels) are covered by the Swimming Pools Act 1992.

If your pool was installed on or after 1 August 1990, your pool is classified as a **New pool**.

If your pool was installed before 1 August 1990, your pool is classified as an **Existing pool**.

Does my pool need to be fenced?

As the pool owner, you must ensure that the swimming pool is at all times surrounded by a child-resistant barrier. Fences must be designed, constructed, installed and maintained in accordance with the Australian Standard for Fences and Gates for Private Swimming Pools (AS 1926-1986).

Pool owners must ensure that all doors and gates providing access to the swimming pool are kept securely closed at all times when they are not in use.



What kind of fence is appropriate?

The type of fencing will depend on when the pool is built.

New Pools

Pool fencing is to be completely separate from the walls of the dwelling and any other associated buildings. The fence should be built a minimum of 1 metre from the pool at any point. You must be able to see through or over the fence to the pool from commonly used areas of the house or yard. There should be nothing overhanging the fence that could be used as a climbing aid ie. tree branches, roofing, play equipment, patio furniture, BBQ.

Existing Pools

Existing pools are not required to have a child-resistant barrier between the pool and the house as long as the yard is enclosed and entry to the pool is restricted. However, any access doors must be child-safe and open AWAY from the pool enclosure. There are regulations relating to child-safe windows and doors, which are set out in the Swimming Pools Act.

Pools under construction

If you are constructing a new pool, you must have suitable temporary fencing during the construction period. The temporary fence must give the same level of protection as the permanent fence and the permanent fence must be installed as soon as the pool is filled.

Pools covered by exemptions

Exemptions on pool fencing apply to some existing and new swimming pools. Spas, indoor pools or outdoor pools on very small properties (less than 230 square metres), on large properties (2 hectares or more) or on waterfront properties all have special requirements regarding fencing.

For more information on these exemptions contact Warringah Council's Compliance team on (02) 9942 2111 or email council@warringah.nsw.gov.au



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Please note that fencing is required for all pools capable of being filled with water to a depth of 300 millimetres or more. This can also apply to some inflatable swimming pools so please be aware of this if you already own one or are thinking of purchasing one.

How high must the fence be?

In accordance with the Australian Standards for Fences and Gates for Private Swimming Pools (AS 1926-1986), the major requirements are that the ground clearance of the fence is not to exceed 100mm and fence and gate height be not less than 1.2 metres. Pool gates should be mounted so as to swing away from the pool area and be fitted with a self-closing device.

Fences and gates must be designed and constructed so that they stop small children entering the pool area. For this reason, there are requirements to limit entry under, over and through the fencing.

Further requirements regarding pickets, rails and fencing materials can be obtained from the Australian Standards for Fences and Gates for Private Swimming Pools or by contacting Council's Compliance team.

Are there any other safety requirements?

Pool owners must ensure that a safety notice is displayed in a prominent position in the immediate vicinity of the swimming pool, which gives a supervision warning and details of resuscitation techniques.

Durable, weatherproof PVC posters outlining the step-by-step procedures for CPR are available from the Royal Life Saving Association. The posters are easy to read and the design meets all legal requirements.

What are my responsibilities as a property-owner when installing a new pool?

The construction of a pool is considered a development, so you **MUST** lodge a development application with the Council before installation. For more information on the requirements for lodging your development application, please contact Warringah Council's planning staff on (02) 9942 2111 or visit www.warringah.nsw.gov.au.

If your pool meets the requirements of the Act, Warringah Council can grant you a certificate of compliance for a fee. To check the Council's current fee for this certificate, visit our website at www.warringah.nsw.gov.au

Important!

Council is responsible for ensuring that all privately owned swimming pools comply with the Swimming Pools Act. Failure to do so by the pool owner can result in penalties ranging from \$33 to \$1100 per offence.

Need help or more information?

A checklist developed by the NSW Water Safety Taskforce in consultation with local Councils is available at www.safewaters.nsw.gov.au or by contacting the NSW Department of Sport & Recreation on (02) 9006 3707. The checklist is a valuable tool to assist pool owners in identifying any compliance issues.

The Department of Local Government has also issued an information brochure on swimming pool laws which is available on the Department's website at www.dlg.nsw.gov.au under Publications or by calling (02) 4428 4100.

The Swimming Pools Act 1992:
www.dlg.nsw.gov.au under Acts & Regulations

Warringah Council's Compliance Department:
Ph: 9942 2111 or council@warringah.nsw.gov.au