



SWIMMING POOL SAFETY



What is a Swimming Pool?

The Swimming Pools Act 1992 (NSW) defines a swimming pool as an excavation, structure or vessel that is capable of being filled with water to a depth greater than 300 millimetres, and that is principally used or designed for the purpose of swimming, wading, paddling or any other human aquatic activity (includes spa pools and temporary pools). This covers both privately owned and public pools and spas

Registering your Pool

All property owners with a swimming pool located on their property must register their swimming pool details to the Office of Local Government. Registrations may be completed through the swimming pool register website. A paper application is available from City of Parramatta and incurs a \$10 administration fee.

Selling or Leasing a property?

As of 29 April 2016 properties sold with a swimming pool must now have either an occupation certificate, a Certificate of Compliance or a Certificate of Non-Compliance issued from the NSW Swimming Pool Register. If a property is being leased then the owner is required to have either an Occupation Certificate or a Compliance Certificate issued from the NSW Swimming Pool Register.

This means the:

- Vendor of a property with a swimming pool is able to transfer to the purchaser the requirement to make a pool barrier compliant or non compliant through the attachment of a Certificate of Non-compliance or a Certificate of Compliance to the contract for sale
- Purchaser of a property with a swimming pool has 90 days from the date of settlement to address any issue of swimming pool barrier non-compliance or be subject to current penalties
- Properties with 2 dwellings or less are required to have a certificate of compliance before entering into a lease



Compliance Certificates

Compliance and Occupation Certificates relating to swimming pools are current for 3 years from date of issue. Swimming pool barriers can be assessed under different standards depending on when the swimming pool barrier was installed or modified. These certificates may be issued by City of Parramatta or an Accredited Private Certifier. To apply for a compliance certificate with City of Parramatta, please complete and return the standard form which is located on the City of Parramatta Council website.

Inspections

Swimming pool barrier inspections are conducted by City of Parramatta if:

- A complaint is received
- Council reasonably suspects a swimming pool barrier to be non-compliant
- An application is made for a compliance certificate
- An application is made for an occupation certificate
- A non compliance certificate has been issued for the purpose of sale, in which 90 days from settlement has lapsed and swimming pool barrier is still non compliant.
- They are located on tourist or accommodation premises or have more than two dwellings as part of our mandatory inspection program

During the inspection, an officer will require access to all areas on the premises that form part of the child resistant barrier. That may include parts of a house, garage or other dwelling. The officer will take measurements of dimensions of the barrier, take photos of the barrier and pool area and test strength of gates, doors and other openings.

Enforcement Action

If non compliances are found with the child resistant barrier during an inspection, Council may issue a Notice of Intention to give a Direction or an Emergency Direction, in extenuating circumstances, to comply with the Swimming Pools Act 1992, requiring the owner of the premises to carry out works to the barrier to bring it up to compliance.

Fence Requirements

Swimming pools must be surrounded by a child resistant barrier that:

- Separates the swimming pool from any residential building situated on the premises and from any public or private place adjoining the premises
- Is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations.
- The specific requirements for child resistant barriers are detailed in the Swimming Pools Regulation 2008 and Building Code of Australia. Copies of the Swimming Pools Act and Regulations can be viewed on the NSW legislation website.
- Copies of the Australian Standards, Building Code of Australia, and cardiopulmonary resuscitation (cpr) guideline are available for review at parramatta library, 1-3 Fitzwilliam Street, Parramatta. The CPR guideline can also be viewed online.

Internal fence and gate

Pool fencing (and gates) need to be a minimum height of 1.2 metres above ground level with the height measured from outside the pool area.

Pool Boundary fence

Where a boundary fence is used as part of the swimming barrier, the boundary fence is required to be a minimum 1800mm in height when measured from ground level on the inside of the pool area. The boundary fence is also required to have no climbable objects within the top 900mm of the boundary fence, as show below:

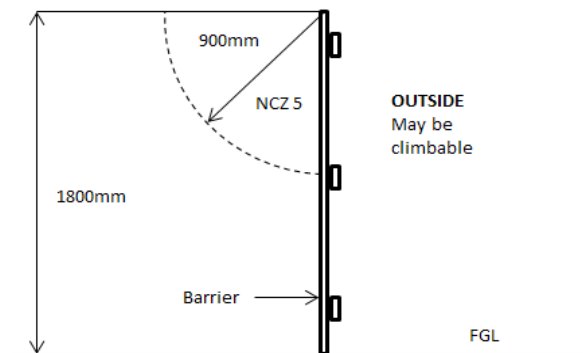


Diagram above is in reference from the Australian Standard AS 1926.1 – 2012

Gaps

Gaps in pool fences or gates must be less than 100mm.

Gates

Gates and other means of access to the pool are the most common failure for young children to gain access to the pool. Gates must be self closing and self latching and closed at all times.

Gates to open away from the pool area

The latch release needs to be positioned a minimum 1.5 metres above ground level.

Where the latch release is less than 1.5 metres above ground level, a shield is to be used with the latch positioned on the pool side a minimum 150mm from the top of the gate. The shield makes it necessary to reach over the gate to reach the latch release mechanism.



This internal Diagram below shows minimum latch height when measure from finished ground level.

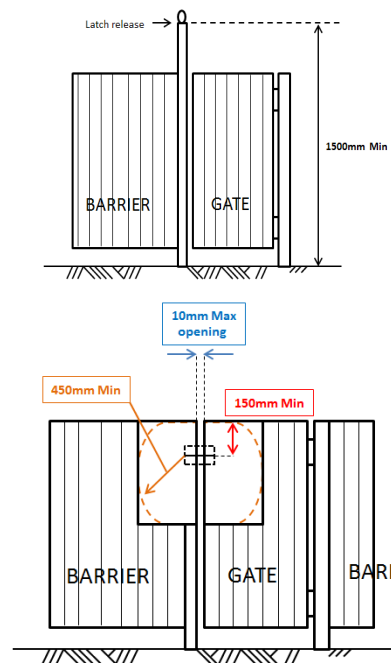


Diagram above is in reference from the Australian Standard AS 1926.1 – 2012

Digram below shows all locations in which there must be no objects that a child could use to climb into the swimming pool area, also known as the non climbable zones.

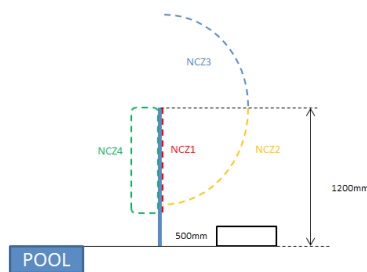


Diagram A - Australian Standard - 1926.1 - 2012 image 1

NCZ 1 – The non climbable zone where the distance between the upper and lower horizontal components must be kept at 900mm, this is also the case when swimming pool hinges are less than 900mm apart.

NCZ 2 – The non climbable zone 900mm from the outside of the barrier and below the internal swimming pool barrier.

NCZ 3 – The non climbable zone 900mm from the outside of the barrier and above the internal swimming pool barrier.

NCZ 4 – For barriers with openings greater than 10mm, non climbable zone also extends 300mm inside the barrier.

NOTE – Swimming pool requirements may vary dependent on whether the swimming pool barrier complies and continues to comply with the standard it was assessed under when installed/constructed.

Indoor pools

Means of access to an indoor pool must always restrict the entry of young children. Any other use within the indoor area such as a gym, entertaining areas etc, are to be separated from the indoor pool component of the area by a suitable child resistant barrier and gate.

Access to an indoor pool is to comply with the following:

- Doors must be closed at all times when not in use to ensure restricted access for children.
- Child resistant windows must be installed. This is usually achieved by the placement of security mesh or grill permanently fixed over the opening of the window.
- Where the indoor area is separated into pool area and non pool activity area, the requirements for fences and gates stated above applies.

Child resistant doors:

- The door is to be side hung door forming part of a barrier for an indoor pool.
- The door must be self-closing and self latching.
- The door must open outwards from the pool area.
- The door knob/latch release must be located on the outside face of the door and be a minimum of 1.5 Metres above the floor.

A non climbable zone of 900mm applies to the outside face of the door. This zone is to be positioned no more than 1200mm above the floor.

No pet flap or openings are permitted within the door. The door release must be a manual operation to ensure any power failure does not render the door openable. The door width must be a minimum of 1 metre to ensure durability to the self latching operation.

It is recommended that a glass viewing insert be provided within the door to enable viewing into the pool area and for safety when the door is being opened.

Portable/inflatable and baby pools

Standard barriers rules apply if these pools are capable of being filled to a depth greater than 300mm. For pools less than 300mm in height always empty the pool immediately after use and pack it away where it cannot collect rainwater.

Spas

Spa pools are required to be surrounded by a child resistant barrier the same as a pool or a child resistant lid that is secured to the spa can be used.

It is to be kept locked in place when the spa is not in use.

A child resistance lid is not an option for spa pools that contain other uses such as a swim spa or plunge pool spa.

GENERAL INFORMATION

Further information can be found on the Councils website (www.cityofparramatta.nsw.gov.au) or view copies of the Swimming Pools Act 1992 and Regulations online at the NSW Legislation website (www.legislation.nsw.gov.au).

A copy of the Australian Standard 1926 can be viewed at Parramatta Library (1-3 Fitzwilliam Street, Parramatta).

You can also register your swimming pool and obtain further information on the NSW Swimming Pool Registry (www.swimmingpoolregister.nsw.gov.au)

