

swimming pools fact sheet 3

legal requirements - pool safety barriers



legal requirements

Every year, a number of children drown in backyard swimming pools and many more suffer brain damage and other serious injuries.

As part of Council's commitment to community safety and through its Swimming Pool Safety Education Program, a series of fact sheets have been developed which incorporate important information regarding pool safety and fencing requirements.

The Swimming Pool Act 1992, which requires the provision of safety barriers for swimming pools, was introduced to improve pool safety for children. However, the provision of pool barriers and warning notices are only part of this.

The most important aspect is competent supervision of young children in and around swimming pools. Swimming classes for children and the training of adults in resuscitation techniques are other important aspects of water safety.

A swimming pool may be defined as any excavation or structure containing water to a depth greater than 300mm and used primarily for swimming, wading, paddling or the like, including a bathing or wading pool or spa.

In NSW, the Swimming Pools Act 1992 requires that all swimming pools have an appropriate child resistant barrier that restricts access between the residence and the swimming pool.

Under this legislation, Council may direct owners to upgrade a pool fence or child resistant barrier to comply with requirements of the Act. Penalties or fines may apply where an owner fails to comply with a Swimming Pool Act direction.

The Act, Swimming Pools Regulation 2008 and Australian Standard AS 1926 - 2007 Swimming Pool Safety, contain more detailed technical information and the requirements of these documents do take precedence over the information contained within this guide.



New and non-exempt pools

Pool safety fencing must satisfy the following criteria:

Generally a child resistant barrier surrounding a swimming pool is to be designed, constructed, installed and maintained in accordance with the requirements of AS 1926.1-2007, Safety Barriers for Swimming Pools.

A pool safety barrier is a permanent structure that includes fencing, gates, doors, windows, walls and balconies intended to form a barrier that will restrict the access of young children to swimming pools.

The effective barrier height shall not be less than 1200mm and shall include a continuous non-climbable zone (NCZ)

Note 1.

The non-climbable zone (NCZ) may be located anywhere on the vertical face of the barrier.

In this zone, the distance between any hand and foot hold shall be not less than 900mm.

The barrier shall be free of sharp edges, sharp projections, entrapping spaces and similar hazards.

The location of the NCZ shall be on the outside of the fencing, except for boundary fencing. A boundary fence shall be not less than 1800mm high. The NCZ may be located at the top on the inside of the fencing.

Note 2:

Any fencing shall be designed and installed to be vertical or, where specifically designed to lean away from the pool, it must not do so by more than 15

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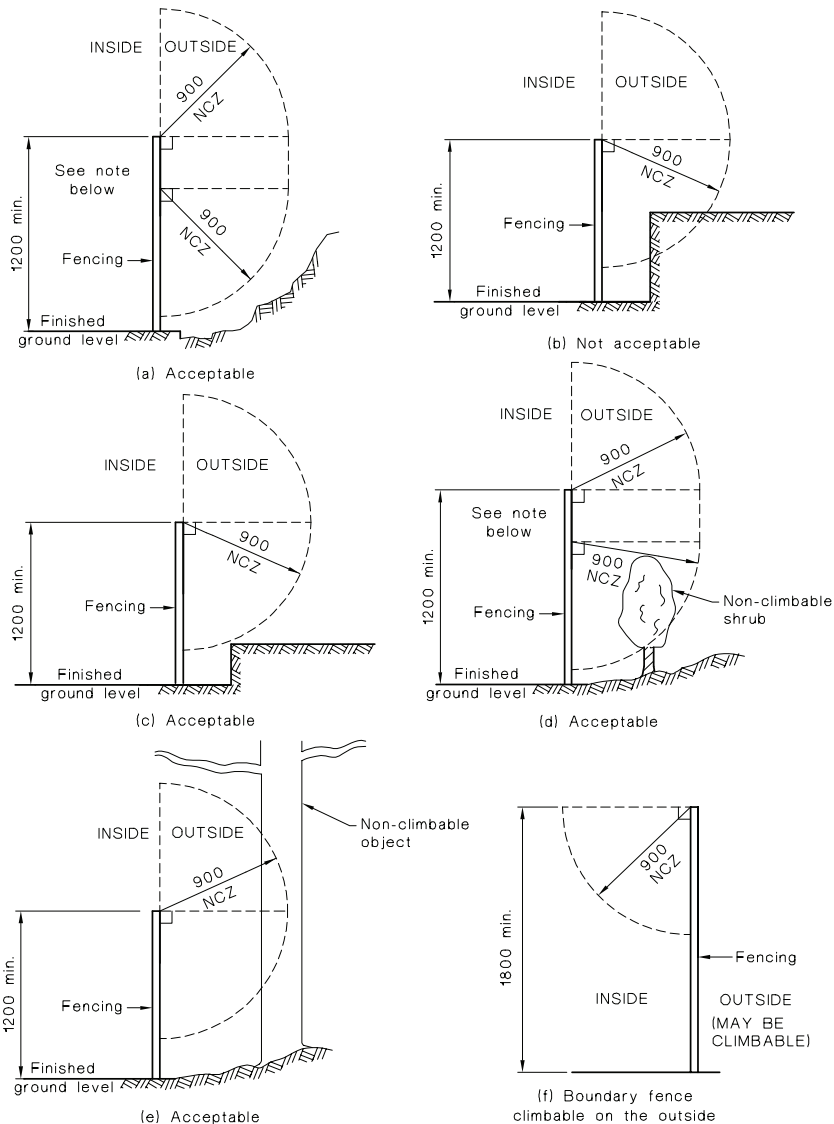
degrees to the vertical and must be maintained at a minimum height of 1200mm measured vertically from the top of the fence.

Fencing using perforated materials or mesh with openings not greater than 13mm must have an effective fencing height not less than 1200mm.

Fencing using perforated material or mesh with openings greater than 13mm but not greater than 100mm must have an effective fencing height of not less than 1800mm.

Perforated material with openings greater than 100mm must not be used.

Fencing using mesh must include a strainer wire or rail at the top and the bottom of the fencing.



NOTE: The lower radius point may be anywhere on the fence at least 900 mm above the ground or the highest lower rail or foothold.

Dimensions in millimetres

Examples of non-climbable zones (NCZs)

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Location - must separate the pool from any residential building on the premises and from any place (whether public or private) that adjoins the premises.

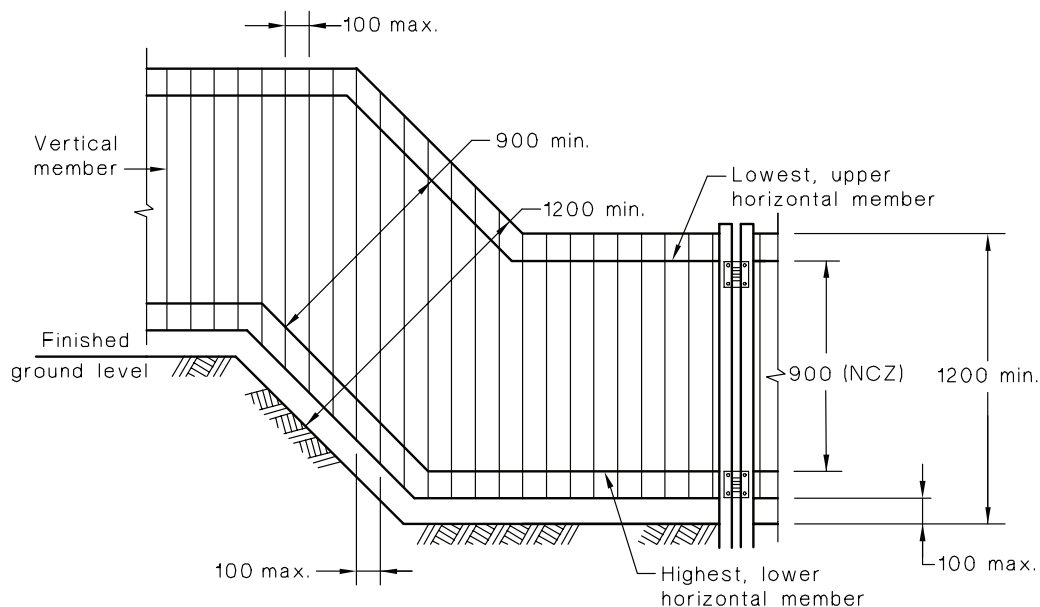
Exemptions apply for very small, large or waterfront properties (see section on existing and exempt pools for more details).

Gaps - must be no greater than 100mm either between vertical fencing members or below the base of the fence. The space between the horizontal members must not be less than 900mm.

Latches and locks - must be situated a minimum of 1500mm above the adjacent ground level or be located on the inside of the gate and be shielded from outside the pool area.



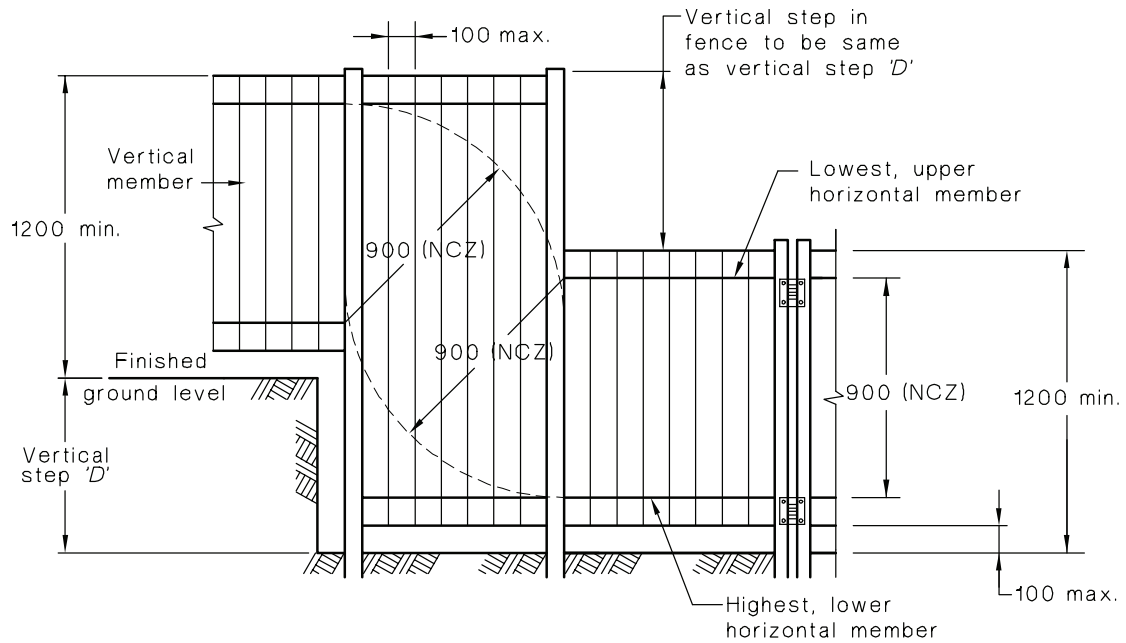
Gates - to pool enclosures must swing outwards from the enclosure, be free from any obstruction and be fitted with a self closing and self latching device that allows the gate to self close from any open position.



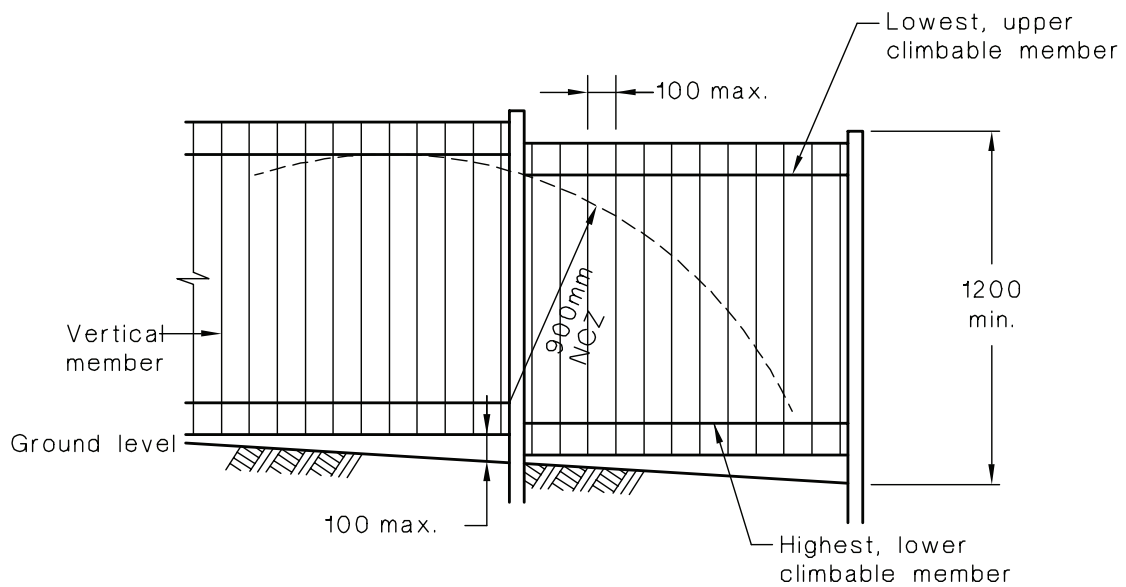
NOTE: On sloping sites, the fence height is to be measured perpendicular to the ground line.

(a) Sloping ground

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(b) Stepped ground



(c) Slightly sloping ground

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Distance to objects outside the pool area - must be a minimum of 1.2 metres so that the object does not compromise the effective fence height. This does not apply to allotment boundary fences that comply as pool safety barriers. Such objects may include changes in ground level, retaining walls, barbecues, filter housings, etc.

Walls - such as courtyard walls and walls of buildings may be used as part of a pool safety fence provided that the portion of the wall being used does not contain any windows or doors and does not provide any footholds.

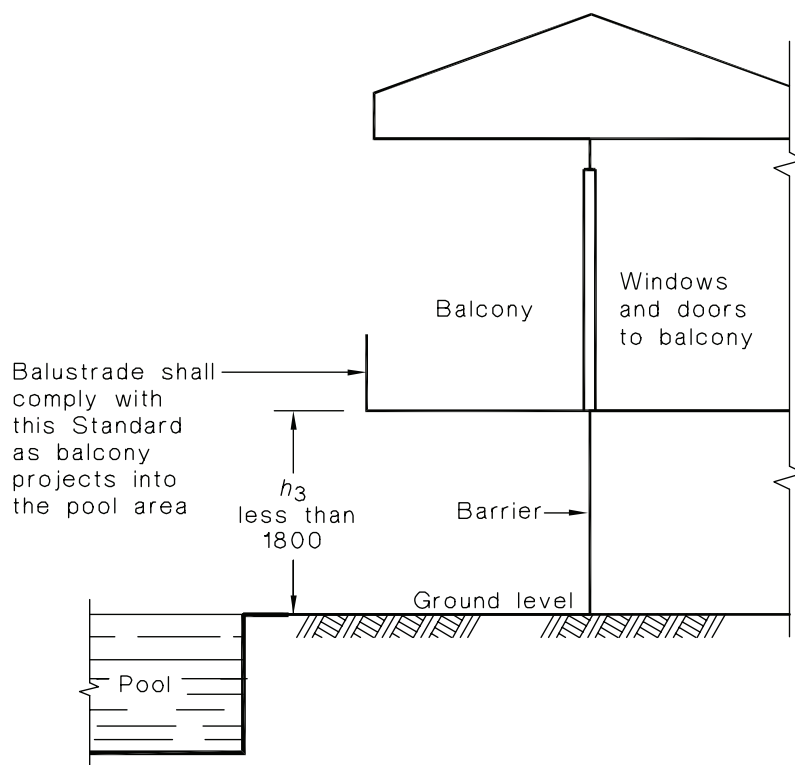
Balconies - can project into the pool area providing they comply with Australian Standard AS 1926.1-2007.

A balcony shall include a balustrade that complies with the requirements for a barrier in AS1926.1-2007 where:

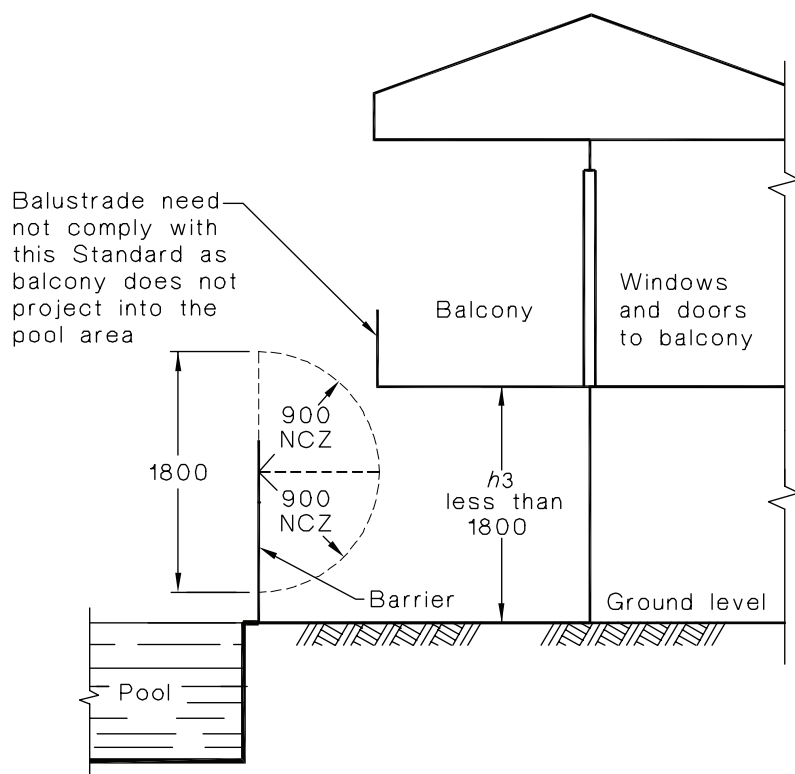
- (a) the balcony projects into the pool area, and where the distance from the floor of the balcony to the finished ground level of the pool area is less than 1800mm
- (b) any part of the perimeter of the balcony floor is within 900mm of the top of the pool barrier.

Retaining Walls - may be used where they comply with Australian Standard No 1926.1-2007.

A retaining wall above pool level shall have an effective height of not less than 1800mm including the non-climbable zone and shall not slope away from vertical by more than 15 degrees.



(a) Balcony projecting into pool area



(b) Balcony adjacent pool area

Dimensions in millimetres

Balcony at pool areas

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A retaining wall below pool level shall not slope towards the pool by more than 15 degrees from vertical and shall have either:

- (a) an effective height of not less than 1200mm and shall include a continuous non-climbable zone
- (b) an effective height of not less than 1800mm including the non-climbable zone.

Note: It is recommended a fence or some other suitable barrier be installed on top of the wall to prevent risk of falling.

Doors - must not open into enclosures for new pools.

Spa pools - access may be restricted by covering and securing the spa pool by a lockable, child-safe structure (such as a lid, door, grille or mesh) that is of substantial construction, has no opening greater than 100mm in diameter and that is fastened to the spa pool by a device having no opening greater than 100mm in diameter.

Indoor pools - each doorway and openable window giving access to the pool must be made child resistant in accordance with the requirements of AS 1926.1 - 2007, Safety Barriers for Swimming Pools.

Above ground pools - for above ground pools, including inflatable pools, the walls of the pool shall be considered an effective barrier provided they comply with Clauses 2.3.1, 2.3.3, 2.3.4, and 2.3.5 of AS 1926.1-2007.

A barrier shall be placed around ladders at the access point to an above ground pool.

Ladders and filters shall be located away from the non-climbable zone (NCZ) so as not to compromise the barrier.

NOTE: Above ground pools pose a particular hazard because of the tendency to install climbable objects against the pool, which may be used for access into the pool.



Existing and exempt swimming pools

Existing approved and complying swimming pools constructed and completely installed before 1 September 2008 may continue to comply with earlier standards unless the child resistant barrier is substantially altered or rebuilt. Further advice in respect of standards or requirements applicable to these pools should be obtained from Council.

Where pools existed before 1 August 1990 ("existing pools") and were approved by Council or where pools are installed on very small properties less than 230 square metres, the child resistant barrier surrounding the pool is not required to separate the pool from the residential building provided that the means of access to the pool is restricted in the following manner:

Doors - may open into pool area provided these doors are made child resistant in accordance with the standards prescribed in AS1926.1.2007 (or AS1926.1-1993 for existing and approved pools installed before 1 September 2008). For a door to be child resistant, it must be solidly built and kept locked, latched, bolted, chained or otherwise secured.

There must be no footholds wider than 10mm within one metre of the floor level, either in the door or in its frame. The door must also be fitted with a self closing device and a self latching device that automatically secures the door upon closing from any open position. The release mechanism for the self latching device must be located no less than 1.5m above the floor on the internal (building) side of the door. Pet doors shall not exist within a child resistant door set.

Windows - each opening portion of a window that gives access to a swimming pool must be made child resistant in accordance with Clause 6 of the

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Swimming Pool Regulation 2008 and AS1926-1-2007 (or AS1926.1-1993 for existing and approved pools installed before 1 September 2008). Where the height from the sill of the lowest opening panel to floor level (h2) is less than 1200mm, windows may open into the pool area providing they are made child resistant in accordance with AS 1926.1-2007 (or AS1926.1-1993 for existing and approved pools installed before 1 September 2008).

Where the height from the sill of the lowest opening panel of the window to the finished surface level of the pool deck or surround area (h1) is less than 1800mm, the openable portion of the window shall comply with one of the requirements:

(a) where a height from the sill of the lowest opening panel of a window to the floor is not greater than 900mm, then either one of the following shall apply:

i. the openable portion of the window shall be totally covered by bars or a rigid mesh screen that complies with the strength and rigidity requirements of AS 1926. The bars or mesh screen shall be fixed to the building with fasteners that can only be removed by the use of a tool (eg a screwdriver or spanner).

NOTE: Covering a window with bars or a mesh screen limits egress from the building in an emergency, and rescuers from entering the building.

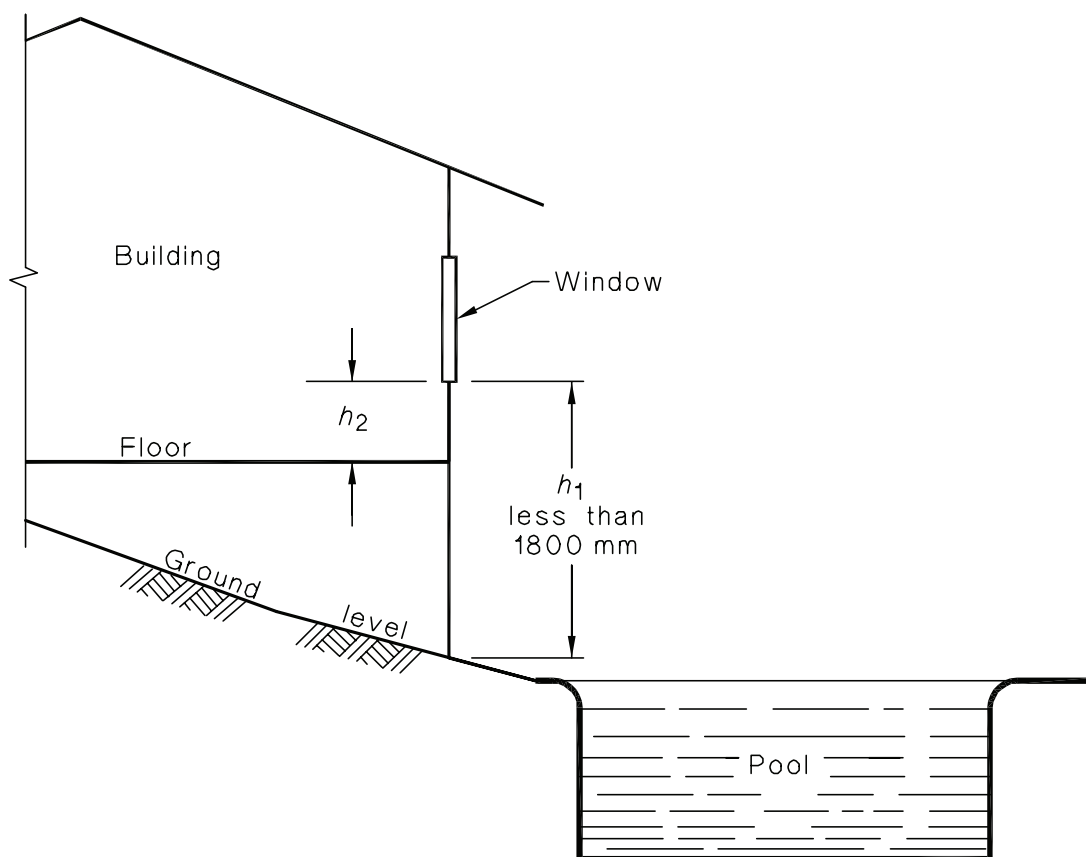
ii. windows shall be fixed to the building with fasteners that can only be removed by the use of a tool (eg a screwdriver or spanner), and will only open to a maximum of 100mm.

NOTE: Restricting the window opening to a maximum of 100mm may not be permissible if a greater window opening is required for the provision of natural ventilation.

- (b) where a height from the sill of the lowest opening panel of a window to the floor is greater than 900mm and less than 1200mm, then the openable portion of the window shall comply with item (a) above or shall be fitted with a securely fixed flyscreen. The flyscreen shall be fixed to the window or building with fasteners that can only be removed by the use of a tool (eg a screwdriver or spanner).
- (c) a window not complying with items (a) or (b) shall be located at such a height that the distance from the floor to the sill of the lowest opening panel is 1200mm or greater.



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Height limitations on child-resistant windows

Large or waterfront properties

Swimming pools located on parcels of land greater than two hectares in area or on waterfront properties are not required to be surrounded completely by a child-resistant barrier, so long as the means of access to the pool from any residential building is restricted in the same manner (as indicated above) as for exempt pools.



further information

If your pool does not comply with the requirements of the Swimming Pools Act 1992, Council can advise you what steps you need to take in your particular circumstances.

For a fee, Council can also issue a certificate of compliance if your swimming pool complies with the requirements of the Act.

For more details on pool safety, see the link to Safewaters on Council's website at www.campbelltown.nsw.gov.au or call Council's Planning and Environment Division on 4645 4608.

Note: The information presented in the fact sheet series is intended to serve as a guide. The information provided does not exclude the necessity to meet the specific requirements of the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 or Australian Standard AS 1926 Swimming Pool Safety as these requirements take precedence over information contained within this guide and should be referenced in conjunction with the fact sheet information.

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