

# LITHGOW CITY COUNCIL

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## Swimming Pool Safety

The Swimming Pools Act 1992 applies to swimming pools (both outdoor and indoor) that are situated, or proposed to be constructed or installed, on premises on which a residential building, a moveable dwelling, a hotel or a motel is located. It does not apply to swimming pools that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

The Act requires Council to take such steps as are appropriate to ensure that it is notified of the existence of all swimming pools to which this Act applies that are within its area. The Act also requires Councils to promote awareness within their area of the requirements of this Act.

The core provisions of the Act require that a swimming pool be surrounded at all times by a barrier that separates the pool from any residential building and that complies with standards set in the regulation (certain exemptions are provided for in the Act). In addition standards for access to spa pools and indoor pools are set in the Swimming Pool Regulation 2008.

The Swimming Pools Regulation 2008 supports the powers of Councils under the Act. The laws have changed over time and depending upon the date your pool was approved and built the requirements will be different.

## Frequently Asked Questions

### Do I need a pool fence?

This depends on when your pool was built.

If your pool was built before 1 August 1990 then you do not have to have a swimming pool fence as such, but the pool **MUST** be isolated from access from the street or from adjoining properties. The pool does not have to be separated from any residential building on the land provided the means of access from the building to the pool is restricted at all times.

If your pool was built after 1 August 1990, then you are required to have a child resistance pool fence that complies with Australian Standard 1926-1986 "Fences and Gates for Swimming Pools"

If your pool was built after 1 September 2009, then you are required to have a child resistance pool fence that complies with Australian Standard 1926-2007 "Fences and Gates for Swimming Pools".

## **What are my responsibilities if I am a tenant in a property on which there is a swimming pool?**

Under the Residential Tenancies Act 1987, it is usually the landlord's responsibility for providing and maintaining the premises in a reasonable state of repair, however the tenant is not to intentionally or negligently damage the premises and the tenant must notify the landlord of any damage.

## **What is my local Council's role in relation to swimming pool fencing?**

Your local Council is responsible for the enforcement of the Swimming Pools Act 1992 and can advise on the standards required. Councils can grant exemptions from the requirements of the Act in certain circumstances. There is a right of appeal against a refusal to grant an exemption.

## **I have a backyard swimming pool. What are some of the safety issues I need to consider?**

Owning and operating a home pool or spa is in some respects no different from running a public pool. You are still aiming to provide a safe, clean environment for your family and friends. The major issue for you as a pool owner is children – your own, your friends and your neighbours. If you own a pool you should consider the following safety issues.

- Have you ever practised dealing with a mock injury?
- Do you have a regular maintenance plan for your pool plant (pumps and filters)?
- Do you know what practices you would adopt in the case of a minor aquatic emergency (lack of water clarity, chemical irregularities)?
- Do you know what procedures you would adopt in the case of a major emergency (near drowning, spinal injury, chemical spill)?
- Do you have any rescue equipment such as rescue poles or rescue tubes?
- Is the rescue equipment in easy reach and in good order?
- Do you keep electrical equipment away from the pool?
- Are all outlets or the main circuit fitted with earth leakage protection?

## **What are some of the things I need to consider when dealing with pool chemicals?**

In order to maintain your pool at the standard of cleanliness to prevent infections and disease, you will need to sanitise the water. In most home pools this is done using a pump, a series of filters and chemical treatment of the water. There are a number of simple safety issues you should remember when using and handling chemicals, these include:

- Keep pool chemicals away from fertilizers and petroleum products. They may explode.
- Use only clean, dry and impervious scoops (not wood) when transferring chemicals.
- Water should not be poured over chemicals, pour the chemicals into the water.

- Do you know what your local government health regulations recommended as safe levels for swimming pool water?
- How regularly do you monitor the clarity and quality of your pool water?
- Are chemicals stored out of reach of children?
- Are your chemicals stored in a cool dry area away from sunlight?
- Do you use protective equipment (gloves and eyewear) when handling pool chemicals?

If your pool fails a water test at any stage DO NOT allow anyone to swim in it until it is corrected.

### **Why are the laws so tough?**

It is in the public interest. Council will not repeat what has already been published. The Regulatory Impact Statement of the proposed Swimming Pools Regulation 2008 sets out the reasons why the NSW Government regulates swimming and spa pools.

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### **Further enquires.**

Building and Development Department  
180 Mort Street Lithgow NSW 2790  
Ph 6354 9919 Fax 6351 2927