

Frequently asked questions

Swimming Pool Inspections



I don't have a pool, why have I received a letter and what should I do?

Not all swimming pools have been installed with Council approval, so it has been necessary for us to use aerial photography to help identify backyard pools. Some of the aerial photography used is quite dated so this method of identifying pools is not always accurate. Also, a pool that may have been previously on your property could have been removed or filled in.

Your cooperation and patience is appreciated. In order to update swimming pool details, the owner of the property will need to confirm in writing that there is no pool or spa located on the property. Alternatively a Council Officer can inspect the property for confirmation.

My pool has never been inspected, why is Council inspecting my pool now?

In response to an increased incidence of accidental drowning in backyard swimming pools the NSW Government has legislated changes to the *Swimming Pools Act 1992* which requires all councils to adopt and undertake a swimming pool safety inspection program.

Council has approved my swimming pool, why is it being inspected again?

NSW Government has legislated changes to the *Swimming Pools Act 1992* which requires all councils to adopt and undertake a swimming pool safety inspection program, Councils program was adopted in 2014, Details of the Swimming Pool Barrier Inspection Program can be viewed at www.bmcc.gov.au, Swimming pool barriers require ongoing maintenance to ensure that they are effective, Areas that are often neglected include the operation of the gate, vegetation growing near the fence and construction adjacent to the fence such as decks and BBQ's. A regular inspection program will help keep pool safety barriers compliant and also keep pool owners educated, particularly where properties are purchased with an existing swimming pool.

When can Council inspect my pool?

Inspections are carried out Tuesday to Thursday between the hours of 10.00am and 2.00pm, or by arrangement for an alternative time.

I have dogs and/or locked gates and Council will be unable to access my pool.

Please ensure that any dogs are contained away from the swimming pool area during the inspection to insure safety.

How long will the inspection take?

On average, inspections take approximately thirty minutes.

Who will be inspecting my pool?

An authorised Council officer carrying photo identification and authorisation under the Swimming Pools Act 1992 signed by the General Manager. You may ask to see these authorisations before an officer enters your property.

Will the officer need to come inside my home?

Generally the officer will only need to inspect the pool area.

However, if your home has windows and doors opening directly into the pool area the inspector will need to go inside the home to inspect these windows and doors to ensure they meet safety requirements.

How will I know if my pool has been inspected?

If you have given permission for Council to enter and inspected the swimming pool barrier and you are not home, a business card and or inspection report will be left at the property indicating the date and time Council inspected. **It is important that you contact Council prior to the indicated inspection date and confirm.**

What happens if my pool is satisfactory?

Upon payment of the inspection fee/s the details will be entered on the NSW Government Swimming Pool Register and a Certificate of Compliance will be issued.

What happens if my pool barrier does not comply?

The inspection report will provide details of any required work along with a reasonable timeframe to complete the work. Once the timeframe has lapsed, a Council Officer will re-inspect the pool barrier. If the re-inspection is satisfactory a Certificate of Compliance will be issued upon receipt of all fees. If the re-inspection shows that the required work has not been undertaken or has not been completed satisfactorily, Council will issue a Direction Notice to the owner/s of the property. A Direction Notice is a legal document that formally directs you to complete the required work within a specified time period and which carries a penalty of up to \$550 for each offence if it is not complied with.

How long have I got to complete the required work to my pool barrier?

A reasonable timeframe will be given to address any defects found and will depend upon potential risk and your personal circumstances. This may be discussed during the inspection.

What legislation and Standards apply to pool inspections and my fencing requirements?

- Swimming Pools Act 1992
- Swimming Pool Amendment Act 2012
- Swimming Pools Regulation 2008
- Australian Standard 1926.1 (Safety Barriers for Swimming Pools)
- Building Code of Australia

What are the safety requirements for pool barriers?

Details of the safety requirements for pool barriers are contained within Australian Standard 1926.1–1986, Australian Standard 1926.1-2007 and Australian Standard 1926.1–2012. These can be viewed at Council's Katoomba and Springwood Offices or can be purchased from Standards Australia.

Where can I get a pool warning sign that includes guidelines for CPR (Cardio Pulmonary Resuscitation)?

Blue Mountains City Council has charts available to purchase from either our Katoomba or Springwood Offices. They may also be purchased at local swimming pool shops, some hardware stores and the Royal Life Saving Society of Australia.

What things will the officers be checking?

- The pool is completely surrounded by a child resistant barrier.
- Whether windows and doors opening into the pool area are permitted and made to be child safe/child resistant.
- The height of the fencing is at least 1.2 metres from ground level on the outside of the pool fence.
- Boundary fencing is at least 1.8 metres in height for pools installed from 2006 onwards.
- The fence has no obstructions that provide foot or hand holds to young children such as horizontal tree branches, boulders, pot plants, barbecues, chairs, tables, toys, chicken wire etc. Vertical tree trunks are often acceptable. Vines growing on the fence must be removed.
- The fence has adequate distances (minimum of 900mm) between horizontal rails including hinges and for example if the fence has stepped panels because of sloping ground.
- The fence is in good repair (e.g. no holes, broken palings).
- A **current** warning/resuscitation chart is displayed in a prominent position within the pool area, is in good condition and not deteriorated by the sun.
- Any gates accessing the pool area open away from the pool and have the ability to self close and self latch from all distances and from a stationary position, without force being applied to close the gate. The self closing device needs to engage at any position from resting on the latching mechanism to fully open.
- The gate release mechanism is to be 1.5m above ground level or alternatively, located inside the gate where to release it would require one to reach 1.2m above ground level and then 150mm down the inside of the fence. If the gate release mechanism is located inside the gate it needs to be shielded or covered by an approved shield so that there are no access points to the latch which are greater than 10mm.
- That any gaps between the bottom of the fence and the ground are less than 100mm. Ensure that the method used to reduce any gaps is done in a permanent way so that materials cannot be easily removed (e.g. cementing bricks in place).
- Any vertical gaps are less than 100mm.
- Water quality is maintained so that the bottom of the pool is visible at all times and does not harbour mosquitoes or pathogens. Pool water with poor visibility inhibits identification and rescue of children under the water's surface.

Please note that it is Council's preferred approach to cooperate and work with pool owners in achieving compliance. By using the enclosed checklist, conducting a thorough audit of your pool barrier and undertaking any works needed to bring the safety barrier into compliance prior to an inspection taking place, will, if all work is completed satisfactorily, result in only one inspection being required and only one fee being charged.