

REQUIREMENTS FOR NEW DOMESTIC SWIMMING POOLS (Swimming Pools Act, 1992)

The purpose of this pamphlet is to inform the community about the requirements of the Swimming Pools Act, 1992.

The requirements of the Act places an obligation on the owners of premises to ensure that child resistant barriers are provided and maintained and on the occupier to 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.

If you require any further information regarding the information contained within this pamphlet, please contact Council's Development Assessment team on (02) 6660 0300 for further information between the hours of 8:15am to 5pm Monday to Friday.

All Swimming Pools must be registered with the NSW Swimming Pool register. This will be actioned as part of your Development Application approval with Council.

LODGING A SWIMMING POOL DEVELOPMENT APPLICATION

Council requires the submission of a either a Development Application & Construction Certificate or Complying Development Application for all swimming pools and spa pools. The only exemption to lodging an application is a pool that is considered to be exempt under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The following items are required when lodging your Development Application.

3 Copies of the plans including:

- Site plan that is drawn to scale and shows:
 - Legal description of the site i.e. Lot and DP numbers
 - Plan to show full property boundaries
 - Location of all existing structures on the property
 - Distance of the proposed pool to all adjacent structures and boundaries
 - Location of pool overflow and backwash drainage lines
 - Location of the pool fencing
- Pool plans / specifications showing:
 - External dimensions of the pool
 - Full details of Swimming Pool fencing. This must be compliant with the Swimming Pools Act 1992 & AS 1926.1-2012.
 - Location of pool pump / filtration system and housing
 - Ground level contours and cross sections where earthworks are required for cut and fill
 - BASIX Certificate for pools over 40,000 litres
 - Soil Classification report
 - Statement of Environmental Effects (see fact sheet attached to Development Application form
 - 2 Copies of Structural Engineering details i.e. shell structure, copings, all reinforced concrete elements
- Application for Section 22 Exemption Swimming Pools Act, 1992 required where an opening is to be restricted in accordance to the standard.

FENCING REQUIREMENTS FOR NEW SWIMMING POOLS BUILT OR INSTALLED AFTER 1 MAY 2013.

- The pool fence must be at least 1200mm high all the way around measured from the outside of the pool
- If a boundary fence forms part of the pool fence, it must be at least 1800mm high measured from the inside of the pool area
- The gap between the bottom of the fence and the ground is no more than 100mm.
- The gap between all vertical or near vertical rails on the fence is less than 100mm.
- There are no potential hand holds or foot holds within 900mm of the top of the pool fence in any direction.
- There must be a 300mm clearance from the barrier inside the pool area
- If perforated or mesh fencing is used, the holes must be 13mm or less
- Your pool fence must be well maintained and in a good state of repair (eg no holes, broken rails or palings)
- The gate must be self closing and latch by itself from any position
- The gate latch must be working well so that the gate is secure and, once closed, can't be pulled open
- The gate must open outwards, away from the pool.
- The gap between vertical barriers of a gate must be no less than 100mm
The gate latch must be 1500mm above ground level, **OR**
- If located inside the gate, 1200mm above ground level and at least 150mm below the top of the gate
- Are you aware that it is dangerous and against the law to prop the gate open.
- If a wall forms part of the barrier, there are no openings greater than 100mm
All windows can only open to a maximum of 100mm **OR**
- The windows must be totally covered by bars or a mesh screen
- The height from the sill of the lowest opening panel of a window (to the pool area) has to be 1800mm from the floor
- There must be an appropriate warning sign, including details of resuscitation (CPR) techniques, in the immediate vicinity of the pool area and which can be easily read from a distance of 3 metres
- Your pool fence must be clear of any objects such as BBQs, trees, rocks, shrubs and deckchairs that could help a small child climb over the fence

INFLATABLE POOLS

Owners of premises with swimming pools, including inflatable swimming pools, must ensure their pools comply with fencing laws. A Development Application is required for all Swimming Pools that cannot meet the below planning controls for Exempt Development.

- Must be located in the rear yard
- Minimum distance of 1m from any boundary
- Maximum capacity of 2,000 litres
- Child resistant barrier must be installed in accordance with requirements of the Swimming Pools Act 1992

Further enquiries regarding this type of pool should be discussed with a Development Officer.

INDOOR SWIMMING POOLS

Window Restrictions

- The windows can only open to a maximum of 100mm **OR**
- The windows are totally covered by bars or a mesh screen **OR**
- The height from the sill of the lowest opening panel of a window (to the pool area) is at least 1800mm from the floor

Doors that have access to pools

- There is a latch on the door at least 1500mm above floor level
- Doors open away from the pool area and are self-latching
- There are no pet doors or openings greater than 100mm

Wall restrictions for indoor pools

- There are no wall openings greater than 100mm

Around the pool

- There is an appropriate warning sign, including details of resuscitation (CPR) techniques, in the immediate vicinity of the pool area which can be easily read from a distance of 3 metres.

WARNING NOTICES

It is a requirement under the Swimming Pools Act that a poster be placed near the swimming pool with resuscitation details and a notice stating that:

***"YOUNG CHILDREN SHOULD BE SUPERVISED WHEN
USING THE SWIMMING POOL"***

Resuscitation posters may be obtained From Council's Offices at Casino and Evans Head for a small fee.

OFFENCES AND PENALTIES

Under the Swimming Pools Act, penalties apply and can be served by way of an on-the-spot-fine or by summons, in relation to a number of offences under the Swimming Pools Act.

Offences that attract on-the-spot penalty notices include:

1. Failure to provide and maintain a child-resistant barrier;
2. Failure to maintain restricted access for indoor swimming pools;
3. Failure to ensure that all doors and gates providing access to the swimming pool are kept securely closed at all times when they are not in actual use;
4. Failure to display notice/resuscitation instructions in immediate vicinity of swimming pool;
5. Failure by the owner of a swimming pool to comply with any direction issued by the by the Council to comply with written notice issued in relation to any matter arising under the general provisions of the Swimming Pools Act.

APPEALS

Appeals may be made against certain decisions made by local authorities. Appeals must be made within 28 days after the date on which the decision was made or is taken to have been made. Further information regarding appeals may be obtained from Development Assessment team.

PREVENTION OF NUISANCE

1. Backwash - Backwash water must be disposed of to Council's Sewerage System. If the property is not sewered the discharge must be properly constructed absorption trench or as otherwise approved by Council.
2. Noise - To prevent complaints arising from noisy filtration plant, pool filters and pumps are to be housed in a suitable structure designed to minimise noise and it is recommended that the filtration unit only operate during daylight hours. The plant should be located as far as possible from adjoining boundaries and in particular

bedrooms of neighbouring homes. The position of motors and pumps are to be shown on the building plans and submitted to Council for approval.

IMPORTANT DEFINITIONS

"**Restricted Access**" in relation to doors and windows means the following -

1. Doorways

Restricted access in relation to each doorway giving access to the swimming pool;

- (a) the door must be a child-safe door (see definition) and must be kept child safe by means of a lock, latch, bolt, or other child resistant device located at least 1.5 metres above finished floor level; and
- (b) there must not be any footholds on the door, or on the door frame, wider than 10mm between the door latch and any point 100mm above finished floor level.

Richmond Valley Council recommends in respect of (a) above that the door be self-closing. This will assist in ensuring that *"access to the swimming pool is kept securely closed"*.

2. Windows

In relation to each window giving access to the swimming pool:

- (a) the bottom of the window must (when measured closed) be at least 1.2 metres above finished floor level; and
- (b) there must not be any footholds wider than 10mm between the bottom of the window and any point within 1.1 metres below the bottom of that panel.

(N.B: *If the window is a child safe window (see definition) or is a window that is fitted with a fixed security grille you do not need to comply with this requirement*).

"**Swimming Pool**" means – An excavation, structure or vessel:

- a) that is capable of being filled with water to a depth of 300mm or more, and
- b) that is solely or principally used, or that is designed, manufactured or paddling or any other human activity. **AND**
- c) includes a spa pool, but does not include a spa bath or anything that is situated in a bathroom or anything declared by the regulations not to be a swimming pool for the purpose of the Swimming Pools Act 1992.

"**Spa Pool**" Includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

"**AS 1926**" means the standard published by the Standards Association of Australia and Titled "Fences and Gates for Private Swimming Pools".

"**Child Safe**" means:

- a) in the case of a door, when the door is locked, latched, bolted or otherwise secured, having no opening below 1.5 metres above finished floor level (either in the door or between the door and the doorway) through which it is possible to pass a standard test bar; and
- b) in the case of a window, being fixed by means of a keyed locking device or other child resistant device that it has no opening through which it is possible to pass a standard test bar; and
- c) in the case of a window, having vertical sides and having a height of at least 1.2 metres and (in the case of a wall which has above its top a gap of 105mm or more) having no footholds wider than 10mm within 1.1 metres of the top of a wall; and

d) in any other case, having no opening through which it is possible to pass a standard test bar.

"Standard Test Bar" means a round bar having a diameter of 105mm, plus or minus a millimetre.

"Barrier" means a fence or a wall, and includes any gate or door set in the fence or wall, and also includes any other structure or thing declared by the regulations to be a barrier for the purposes of the Act.

"Private Swimming Pool" means any privately owned excavation or structure capable of being filled with water to a depth greater than 300mm, and primarily intended to be used for swimming, wading or paddling.

ADDITIONAL LINKS AND INFORMATION

- NSW Swimming Pool register - <http://www.swimmingpoolregister.nsw.gov.au/information>
- Royal Life Saving Australia - <http://www.royallifesaving.com.au>
- NSW Government Fair Trading - http://www.fairtrading.nsw.gov.au/ftw/Consumers/Product_and_service_safety/Pool_safety/Pool_fencing_requirements.page?