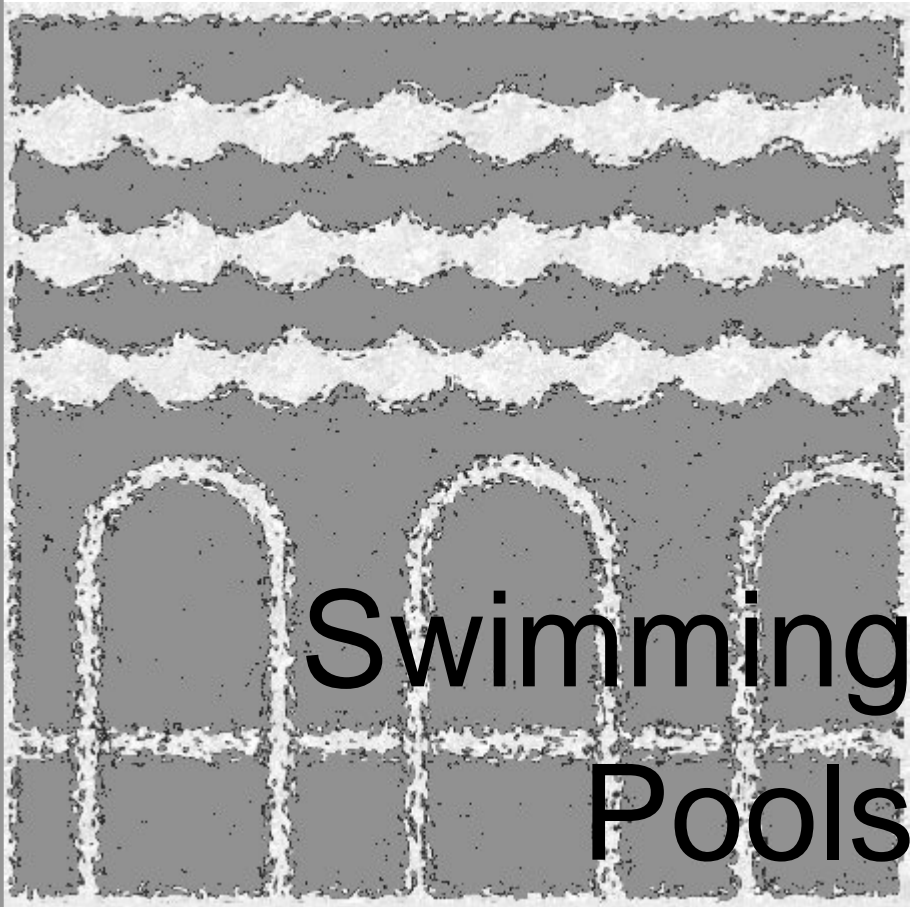


Development Control Plan



Swimming Pools

Sutherland
Shire
Council



9.2/07
edition 2

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1. Where does the Plan apply?

The plan applies to all land within Sutherland Shire where swimming pools are situated, or that are proposed to be installed, on premises on which a residential building, moveable dwelling, hotel or motel are located, to which the following plans apply:

- (a) Sutherland Shire Local Environmental Plan 2000,
- (b) Sutherland Shire Local Environmental Plan - Menai Town Centre 1992,
- (c) land at Sandy Point administered under the County of Cumberland Planning Scheme being Sandy Point Suspension Area, and
- (d) Sydney Regional Environmental Plan No.17 - Kurnell Peninsula (1989).

Note: Sutherland Shire Local Environmental Plan (clause 20) states that only in-ground pools no higher than 300 millimetres above ground level at any point may be erected on land between a foreshore building line and the tidal water.

2. What is the purpose of the Plan?

The purpose of this plan is to:

- (a) Inform the residents of Sutherland Shire of their responsibilities under the Swimming Pools Act 1992 and Regulations.
- (b) Ensure new pools are constructed so as to minimise impact on residential properties public spaces and the environment.

The plan provides useful advice for property owners wishing to build and maintain a pool.

3. What are the objectives of the Plan?

The objectives of this plan are:

- (a) To minimise the risk of small children, particularly pre-school children, drowning in swimming pools;
- (b) To permit pools to be constructed which:
 - i) Prevent unauthorised access by young children, particularly children under five (5) years of age;
 - ii) Discourage children from climbing fences to jump or dive into the pool;
 - iii) Minimise detrimental impacts to the amenity of adjoining properties, roads and waterways, particularly in relation to noise, privacy, drainage, visibility of pools and lighting.
- iv) Ensure pool location and design minimises the impact upon the environment and preserve existing trees.

4. Can the Plan be varied?

Objectives and standards have been set for all aspects of the plan. Each application will be considered on the individual circumstances and merits of the case in terms of achievement of the stated objectives. The standards are the guidelines to achieving the stated objectives and an applicant may request a variation to any standard, provided the objectives are still achieved.

An applicant who seeks a variation to this plan, must with the application for approval, show that the proposal:

- Will not increase the impact on adjoining residential properties, public spaces or the environment generally
- Will not unnecessarily result in destruction of any natural site features, flora and fauna habitats
- There is a demonstrated need for the development that is proposed ie. there are no other reasonable/viable alternatives available.

Landscape area requirements of Sutherland Shire Local Environmental Plan have been met.

5. Public Notification

Before considering an application for development, Council must advertise or notify in accordance with Council's adopted DCP for Notification of Development Applications. Council will advise adjoining property owners and those who, in the Council's opinion, may be affected by the proposed development should it proceed.

Those notified are invited to comment within 14 days, or 28 days if the advertising occurs during December.

Proposals must also be advertised in the local press for comment within the same 14 or 28 day period. An advertising fee is required to be paid at lodgement of development applications.

In assessing and determining an application, Council will take into account matters raised in any submission received.

6. Content and assessment of an application

Development Applications

A development application is required before installing any swimming pool or spa, unless classified as complying development under the Sutherland Shire Local Environmental Plan. Complying development refers to minor types of ancillary development, such as swimming pools, which may not require development consent from Council, but may be approved by Council's Building Certification Unit or by a private accredited certifier. Specific development standards and conditions must be complied with in order to be complying development. If these standards and conditions cannot be met, then a development application is required. You should refer to the Sutherland Shire Local Environmental Plan 2000 and the Development Control Plan for Complying Development Conditions, available from Council's Customer Service Counter.

Physical construction cannot commence unless a complying development certificate or construction certificate is current for the pool.

A. Contents of Applications

Development Applications shall consist of:

1. A completed application form with appropriate fees;
2. A minimum set of two (2) copies of the plans, plus two (2) copies of the site plan and one (1) elevation on an A4 sheet for neighbour notification;
3. Plans must include:
 - i. Height of the pool coping, decking and the like above natural ground levels, with all levels relating to a fixed datum point;
 - ii. Fully dimensioned general plan, elevations and sections, to a minimum scale of 1:100;
 - iii. A site plan detailing the child-resistant fencing (barrier), distances to boundaries, easements, right-of-ways, sewers, manholes, etc.;
 - iv. Dimensions of the allotment and the location of all existing structures;
 - v. Where applicable, the distance from Mean High Water Mark to the outer edge of the pool coping for pools proposed to be located on waterfront allotments;
 - vi. Where the pool is adjacent to a drainage easement, the invert level of the stormwater pipe within the easement relative to the fixed datum point;
 - vii. The extent and type of any landscaping works, filling, etc. which are proposed in conjunction with the pool;

Note: Excavated material must be removed from the site unless it forms part of the approved associated works.

- viii. A calculation of the total landscape area on the property excluding the pool;
- ix. A landscape submission is required for all swimming pools proposed within the foreshore building line or where the pool exceeds 500mm above ground level.;
- x. The proposed discharge point of the backwash;
- xi. External floodlighting;
- xii. Filtration pump and chlorination equipment and its location on site.

4. Two (2) copies of engineering details designed by a practising civil or structural engineer (where the application is combined with a construction certificate application).
5. Where excavation for the proposed pool will be into rock or located adjacent to the property boundary (and as such may damage the adjoining building or property), a geotechnical engineer's report will be required by Council, the report must detail precautions to be adopted during the excavation and construction of the pool.

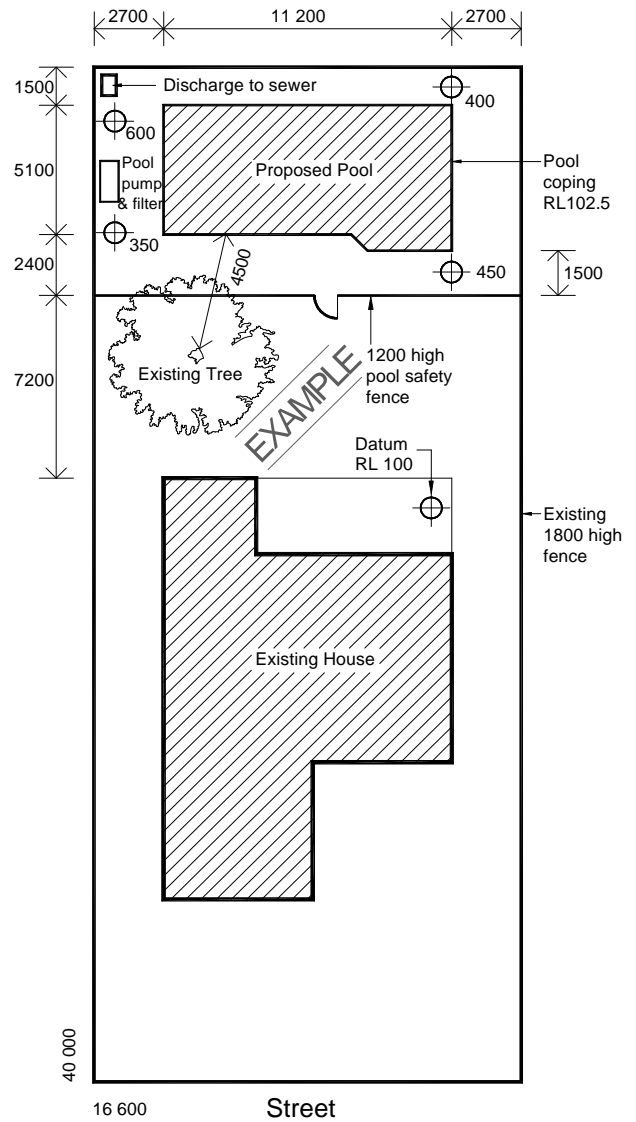
B. Heads of Consideration

To ensure that the objectives of this Plan are met, the Council, when assessing a development application for a swimming pool, will have regard to the following matters:

- a. Relevant matters under s79C (1) of the Environmental Planning and Assessment Act, with particular regard to the effect on the amenity of the adjoining owners and upon adjoining development;
- b. The slope of the land;
- c. Height of pool coping above ground;
- d. Distance from the edge of the pool surround to any boundary;
- e. Amount and position of any proposed filling;
- f. Location of existing trees;
- g. Preservation of trees;
- h. Area available for landscaping;
- i. Encroachment of the street building line;
- j. The visual effect from waterways, public reserves, roads and the like;
- k. The height, design and location of proposed child resistant fencing;
- l. The method of drainage of the back-wash of the pool filter, stormwater overflow and pool splash containment within the property;
- m. Impact of the pool on the natural drainage through the property.

Typical Site Plan

1. Pool in rear yard.
2. Enclosed by fencing.
3. Separated from dwelling, outbuilding and rest of yard.
4. Visible from dwelling.
5. Distances from boundaries, (see following drawing).



Plan shows:

- i) Position of pool;
- ii) Distances for, boundaries;
- iii) Position and height of existing and proposed fencing;
- iv) Assumed datum;
- v) Levels at corners of pool above natural ground level;
- vi) Position of pump and filter;
- vii) Discharge point to sewer;
- viii) Gate opening out from pool area
- ix) Location of existing trees

7. Landscaping

Objectives:

1. To ensure that the pool design retains trees and provides for new tree planting.
2. To ensure that landscape works provide for privacy to and from adjoining properties.
3. To ensure that pool proposals do not adversely impact upon the environment or visual amenity.

Controls:

- a. Tree and shrub planting is to be provided along the adjoining properties with respect to privacy. The minimum height of screening to be provided is 1.8 metres. Refer to the Landscape Development Control Plan - Appendix E - Sutherland Shire Plants, for species.
- b. Paved areas are to be minimised and designed to provide stormwater and pool overflow infiltration.
- c. In circumstances where a pool adjoins an existing tree, elevated decks are preferred as the pool coping for minimal root damage.
- d. Pools are to be designed to ensure the retention of existing trees.
- e. Pool water discharges must not in any circumstances be directed through bushland areas located on private or public land.

Note: Council does not approve trees to be removed based upon leaf drop or lack of solar access to a pool.

In addition to the above controls you should refer to Council's Landscape Development Control Plan.

8. What are the standards?

8A. General requirements

1. The filter pump shall be positioned so that it does not cause an offensive noise nuisance to any neighbours.

Note: Should Council be satisfied that a nuisance exists due to the noise of a pump associated with the pool, then the nuisance is to be rectified as directed by Council.

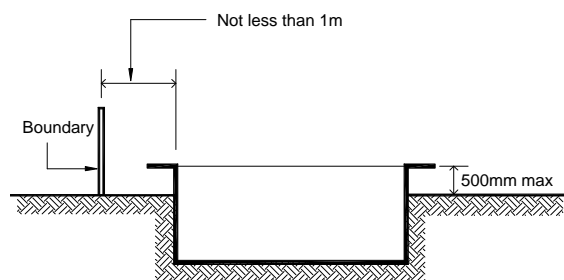
2. The drainage of spill water from the pool shall be designed so that it does not affect adjoining properties.
3. An approved warning notice is required to be installed in a prominent position in the immediate vicinity of the swimming pool;
 - a) The notice should be legible from a distance of several metres and contain the warning: **"All Children Should be Supervised When Using this Swimming Pool."**
 - b) The notice must provide details for resuscitation techniques (for adults, children and infants) set out in accordance with the relevant provisions of the Australian Resuscitation Council's document, "Cardio Pulmonary Resuscitation."

8B. Location and height of pools and associated structures.

Siting the pool

The following requirements will meet the objectives of the policy.

- a. Pools are to be sited within the rear yards of properties where practical;
- b. Where the pool stands no more than 500 mm above natural ground level, the water line of the pool should be no less than 1.0 m from the site boundaries.

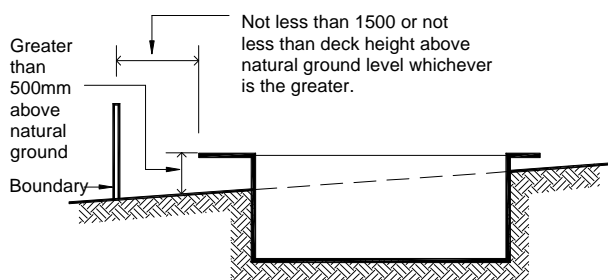


Site Boundary clearance for Pools less than 500mm above natural ground

Note: Applications, where the foregoing 1.0 m setback cannot be achieved, will be considered on their merit. Lesser setbacks will only be considered on merit where it can be demonstrated that a lesser setback is reasonable and will not create a nuisance to adjoining properties.

- c. Pool surrounds and decking, where greater than 500mm above natural ground level, shall stand clear of the site boundaries by a distance equal to or greater than the height of the surround or deck, and shall not be less than 1.5 m clear of the site boundary (see drawing below).

Note: Lesser setbacks may be considered on merit where it can be demonstrated that no adverse impact is created to neighbouring properties.



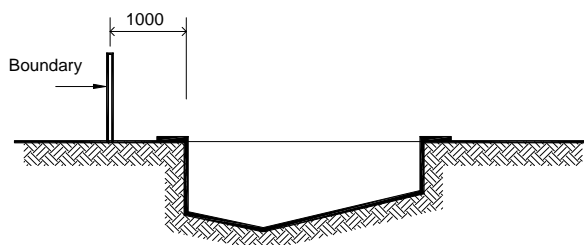
Site Boundary clearance for Pools greater than 500mm above natural ground

Height of pools above natural ground level

To meet Council's objectives, in-ground pools shall be built so that the top of the pool is as close to the existing ground level as possible. On sloping sites this will often mean excavation of the site on the high side to obtain the minimum out of ground exposure of the pool at the low side.

Level land

Pools are to be constructed so that the top of the bond beam is as close to ground level as possible (Section 1).



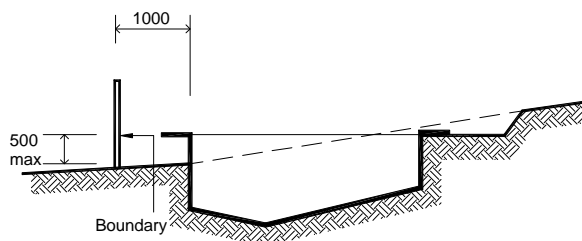
Section 1

Level Sites

Sloping sites

Provided one point on the pool or one side of the pool is at or below existing ground level, then one other point or one other side may be up to 500 mm above existing ground level, (Section 2).

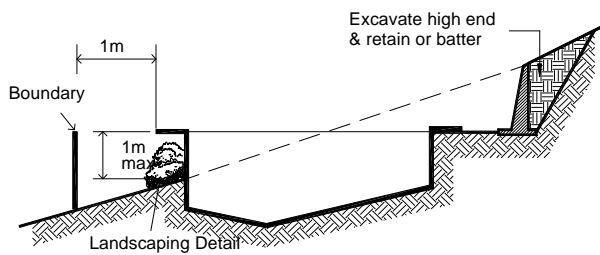
Note: Filling is not permitted between the pool and the boundary.



Section 2

Sloping Sites

On steeply sloping sites, Council may consider allowing the top of the pool at one point or along one side to extend more than 500mm above natural ground level, provided that the exposed face of the pool wall is treated to an environmentally acceptable standard to minimise its impact. Such a variation must be justified by the applicant in the application. (Section 3).



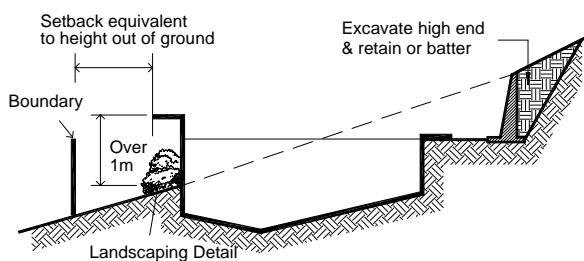
Section 3

Steep sloping site

Council will only consider granting approval for a pool to be out of ground by more than 1 m in exceptional circumstances, and only when it can be demonstrated that the objectives of this Plan will be met (Section 4).

Any application for the installation of a swimming pool with a height above natural ground level in excess of 1 m shall be supported by appropriate landscaping details, together with any other proposals in relation to the treatment of the pool to minimise its impact. In such cases, a minimum distance equivalent to the height above natural ground level from the boundary to the outside edges of the bond beam or walkway will normally be required (see "Siting the Pool" in this Plan).

When consent is granted for a swimming pool having a height above natural ground level in excess of 500mm, a condition of that consent will be that any landscaping treatment must be completed before the pool is filled with water.



Section 4

Steep sloping site - pools greater than 1m above natural ground level

Demountable pools

- Demountable above ground type pools will be permitted up to 1.2 m out of the ground, provided no decking or walkway is proposed. The impact of decks around above ground pools will be considered on merit;
- Demountable above ground pools are not permitted under the Sutherland Shire Local Environmental Plan below the Foreshore Building Line, nor in the area known as Woronora Garden Estate, Stages 10 and 11 at Bonnet Bay.

Pools - waterfront properties in Sylvania Waters

Special consideration needs to be given to the construction of pools on waterfront lots at Sylvania Waters to ensure that the stability of sea walls is not adversely affected. The location of tie bars and anchor blocks supporting the sea wall should be established before the submission of an application, and professional engineering advice sought, to verify feasibility of the construction.

Pools within the Foreshore Building Line

The Sutherland Shire Local Environmental Plan 2000 states that in-ground swimming pools, no higher than 300 millimetres above ground level at any point may be erected between a Foreshore Building Line and Mean High Water Mark, subject to Council consent.

Pools within front yards

Pools will only be considered forward of the Building Line to a road where it can be demonstrated that it is not physically possible to locate them somewhere else on the site, or where there are other exceptional circumstances. Siting pools within front yards will be considered on their merits.

Drainage easements and easements to drain water

- a) Where a site is affected by a drainage easement (in favour of Council) or an easement to drain water (in favour of another lot), the pool and ancillary structures and equipment are to be located clear of the easement. Council may require the easement boundary to be delineated by a registered surveyor before determination of the application or before the start of construction, so that Council may satisfy itself that an encroachment will not occur.
- b) It should be noted that the placement of spoil from excavations onto drainage easements or into natural watercourses will not be approved by Council as it may:
 - i) Affect the structural adequacy of the pipeline within the easements;
 - ii) Increase the difficulty of Council undertaking maintenance work within the easements;
 - iii) Affect the overland flow of stormwater which could be concentrated within the easement or natural watercourse;
 - iv) Lead to pollution of waterways as a result of erosion.
- c) Generally, landscaping provided to screen the pool should be located clear of any easement to eliminate any likelihood of root penetration into pipelines and possible ultimate destruction of landscaping should Council carry out maintenance works within the easement.

Council will not accept responsibility for improvements placed within easements which are affected by maintenance works

- d) Pools located adjacent to easements are to be designed so as to withstand all design loadings should the easement be excavated to existing pipe invert levels.

8C. Safety fences and gates

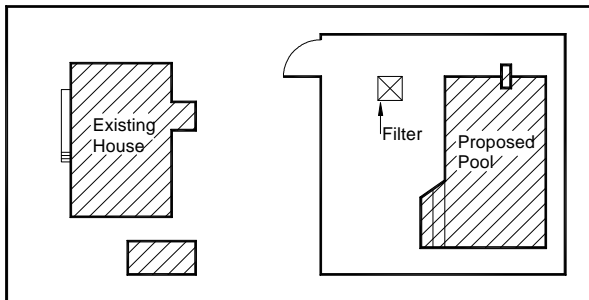
This Plan is designed to incorporate the provisions of the Swimming Pools Act, 1992, and safety features for the benefit of pool users, with particular consideration given to safety of children under the age of five (5) years.

8C.1 Location, design and construction

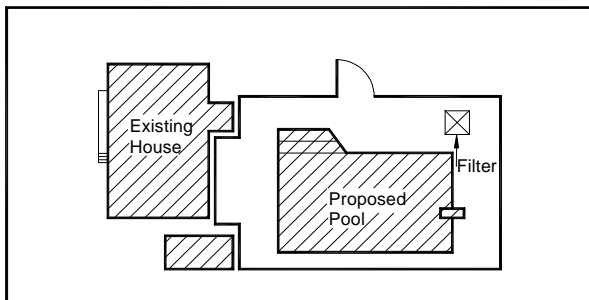
New outdoor swimming pools

The owner of any premises in or on which a new outdoor swimming pool is situated, must ensure that the swimming pool is surrounded by a fence (unless exempted by the Swimming Pools Act.)

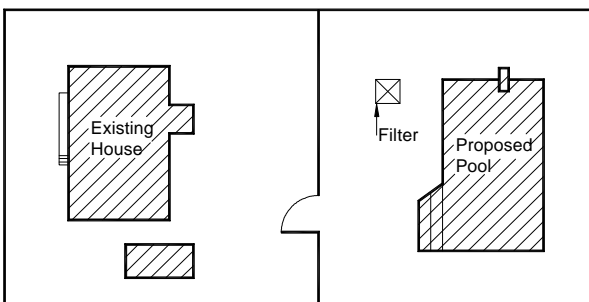
- a. That forms a barrier between the swimming pool (together with its immediate surroundings) and:
 - i) any residential building on the premises;
 - ii) from any place (whether public or private) adjacent to or adjoining the premises;
- b. That is designed, erected and maintained in accordance with AS 1926-1986, Fences and Gates for Private Swimming Pools, and the provisions of this Plan;
 - i) Where the walls of the dwelling are used as pool fencing no openings will be permitted unless they are fixed glass panels, or an openable window with permanently fixed open metal grille, i.e. non-grilled openable windows irrespective of sill height are not permitted in dwelling walls used as pool safety fencing unless exempted by Council;
 - ii) Separate or attached garages, laundries and large sheds, are not permitted within the pool area and must be securely fenced from the pool;
 - iii) Small garden sheds, tool sheds, pool sheds, etc. are permissible within the pool area provided it is not a structure that would be considered to be a residential building or building that is ancillary to a residential use;
 - iv) Freestanding pergolas, cabanas, screened outdoor entertaining areas, which are approved as ancillary to the use of the pool and not the residential dwelling, are permissible within the pool area.



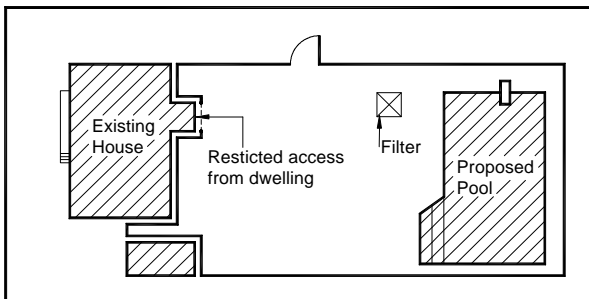
Pool Fencing Independent of Boundary Fencing



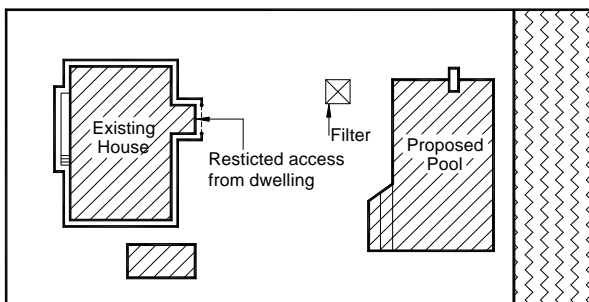
Pool Fencing Independent of Boundary Fencing



Pool Fencing Dependent on Boundary Fencing



Fencing on Small Blocks Indicating 'Restricted Access' from Dwelling



Swimming Pools on Waterfront Properties and Properties Larger than 2 Hectares.

New pools on waterfront properties, or properties larger than 2 hectares

A swimming pool that is situated on premises;

- Having frontage to any large body of water (such as a permanently flowing creek, a river, canal, pond, lake, reservoir, estuary, the sea or any other body of water, whether natural or artificial); or
- Having an area larger than 2 hectares; are not required to be surrounded by a child resistant barrier, so long as the means of access to the swimming pool from any residential building situated on the premises is at all times restricted by child-safe doors and windows. (See definition "Child Safe")

New pools on properties less than 230 square metres

A new pool on properties less than 230 m² must have a child resistant barrier surrounding the pool that separates the swimming pool from any place (whether public or private) adjoining the premises. The child resistant barrier is not required to separate the swimming pool from any residential building situated on the premises, provided the means of access to the swimming pool from the building is at all times restricted by child safe doors and windows.

(See definition "Child Safe")

Spa pools

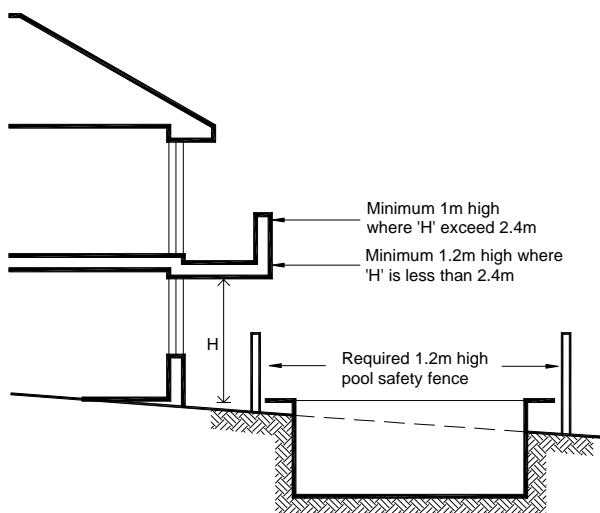
A spa pool is not required to be surrounded by a child-resistant barrier, provided access to the water contained within the spa pool is restricted by covering and securing the spa with a child-safe structure (such as a door, lid, grille or mesh) that is fastened to the spa pool by a child-resistant device. (See definition "Child Safe")

New indoor swimming pools

The owner is to ensure that restricted access to an indoor pool is provided as required by Section 14 Clause 7 (1), (2), (3) and (4) of the Swimming Pools Act 1992 - Regulations. (See definition "Child Safe")

Fencing of balconies protruding over pool areas

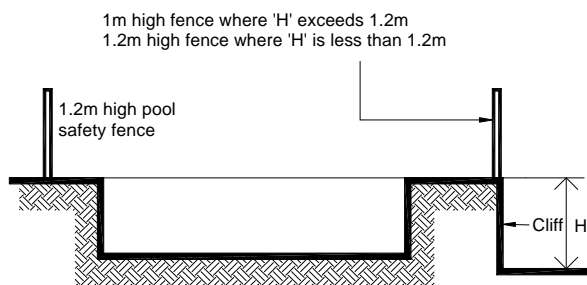
Balconies elevated more than 2.4 m above (and not directly connected to) an enclosed pool area may be provided with a balustrade or railing which does not comply with AS 1926-1986. However, a balustrade having a minimum height of 1 m must be provided, for safety purposes.



Fencing of Balconies
Protruding over Pool Area

Fencing of inaccessible cliffs or the like

Where the pool adjoins a cliff, ledge or the like, which is in excess of 1.2 m in height, and does not provide footholds for climbing, child-proof fencing complying with AS 1926-1986 need not be provided. However, a balustrade having a minimum height of 1 m must be provided for safety purposes.



Fencing of Balconies
Inaccessible Cliff or the Like

Exemptions - fencing to restrict access

An owner of any premises may make an application to Council for an exemption to the requirements of Part 22 (1) of the Swimming Pools Act, 1992.

Application forms are available at Council's Customer Services Counter and a fee is payable.

Council may only grant an exemption if it is satisfied that:

- a) It is impractical or unreasonable for the swimming pool to comply (because of, the physical nature of the premises, the design, construction of the swimming pool, or because of special circumstances that justify exemption for the swimming pool to comply) with those requirements e.g. the fact that an adult occupier of a premises has a physical disability or impairment which would significantly impair gaining access to the pool is a special circumstance that may justify exemption; and
- b) Alternative provisions, no less effective than those requirements, exists for restricting access to the swimming pool.

8C.2 Fencing height

Fences and gates shall have an effective height of at least 1.2 m at any point along their length, measured on the outside of the fencing.

8C.3 Ground clearance

The height of any opening between the bottom of the fencing and finished ground level shall not exceed 100 mm. (See Figure 1)

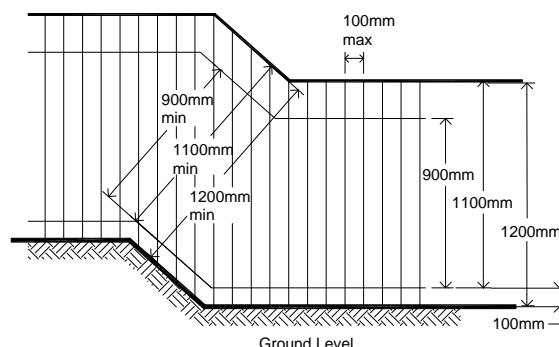


Figure 1. Perpendicular fencing on sloping ground

8C.4 Outside surface

Projections from, or indentations into, the outside surface of the fence or gate, or any combination of projections or indentations, shall not form a substantially horizontal surface having a depth greater than 10 mm unless they are spaced at least 900 mm apart and provided that the lower of any projections or indentations is at least 1.1 m below the top of the fence or the fence shall be vertical, or shall lean away from the pool. (See Figure 2)

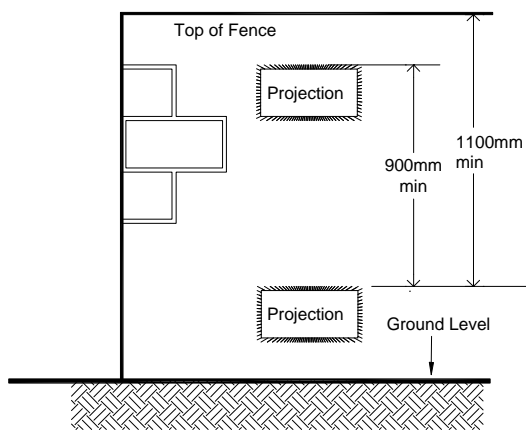


Figure 2. Fencing with projections such as ornamental brick or stonework

8C.5 Horizontal members

All fencing components providing a substantially horizontal surface, such as rails, rods, wires or bracings, that could be used for climbing, should be placed on the inside of the fencing.

Where such parts are located on the outside of the fencing, or where vertical members are spaced and provide openings of more than 10 mm in width, the following requirements shall apply:

- The horizontal members shall be a minimum of 900mm apart. Where there are two or more horizontal members, this measurement shall be made from the top surface of the highest lower member to the top surface of the lowest upper member (See Figure 3);
- The top surface of the highest lower horizontal member shall be at least 1.1 m below the top of the fence or gate (See Figure 3);
- Any nearby horizontal surfaces permanently located near the inside of the fencing shall be separated from the fencing by a distance of at least 300 mm.

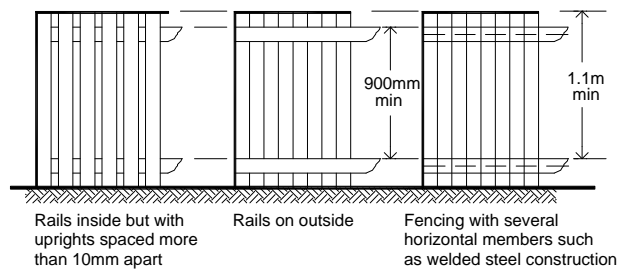


Figure 3. Spacing of accessible horizontal members or projections or indentations

8C.6 Vertical members

The spacing between any adjacent members, such as palings, rods or wires, shall not exceed 100 mm at any point. (See Figure 4)

8C.7 Gates and fittings general

In addition to meeting the requirements of fencing specified in Clauses 7C.5 to 7C.6, gates irrespective of type or scale, and their fittings shall comply with the requirements of Clauses 7C.8 to 7C.11 below.

8C.8 Mounting and closing of gates

Gates shall be mounted so that:

- They swing outwards only, away from the pool area;
- They are clear of any obstruction that could hold the gate open;
- When lifted upward or pulled downward, movement of the gate does not release the latching device, unhinge the gate, or provide a ground clearance greater than 100 mm.

All gates shall be fitted with a device that will automatically return the gate to the closed position and operate the latching device.

The closing device shall be capable of meeting these requirements from a stationary start at an open position having a maximum distance of 150 mm between the gate post and the locking stile of the gate, under the following conditions:

- Under the natural weight of the gate;
- When a mass of 25 kg supported by the top rail is placed at a point not more than 100 mm from the outer edge of the locking stile of the gate.

Gates to the pool area are to be kept effectively closed when not in use.

8C.9 Latching device

Gates shall be fitted with a self-latching device that will automatically operate on the closing of the gate, and will prevent the gate from being re-opened without manually releasing the mechanism. The latching device shall be located and shielded in accordance with Clauses 7C.10 and 7C.11.

8C.10 Location of the latching device

Where the release of the latching device is located at a height less than 1.5 m above finished ground level or where the latch itself is located at a height less than 1.5 m above finished ground level and is capable of being released at the mechanism, the location of the latching device and its release shall:

- Not be on the outside of the fencing;
- Be in such a position that to release the mechanism from the outside, it will be necessary to reach over or through the fencing at a height greater than 1.2 m above finished ground level;
- Be at least 150 mm below the top of the fencing where a hand hole is not provided, or at least 150 mm away from the edge of any hand hole opening where a hand hole is provided.

The latching device and parts of the fencing to which it is attached, shall be capable of retaining the gate in a closed position when tested as prescribed in Clauses 3.4 and 3.5 of AS 1926-1986.

8C.11 Shielding of latching devices

Where the release to the latching device is located at a height less than 1.5 m above the finished ground level, or where the latch itself is located at a height less than 1.5 m above finished ground level and is capable of being released at the mechanism, the latch and its release shall be shielded so that no opening greater than 10 mm occurs within an area bounded by:

- A horizontal line 1.2 m above finished ground level;
- A circular or near circular area with a radius of 450 mm from the operating parts of the latch.

Note:

The 10 mm limitation on openings includes the horizontal distance between the gate stile and post. Where it is necessary to have a hand hole in the fence or gate, the bottom of the opening shall be at least 1.2 m above finished ground level, and the shielding shall be extended up to a horizontal line through the top of the hand hole, or 150 mm above the top of the latch, whichever is the higher.

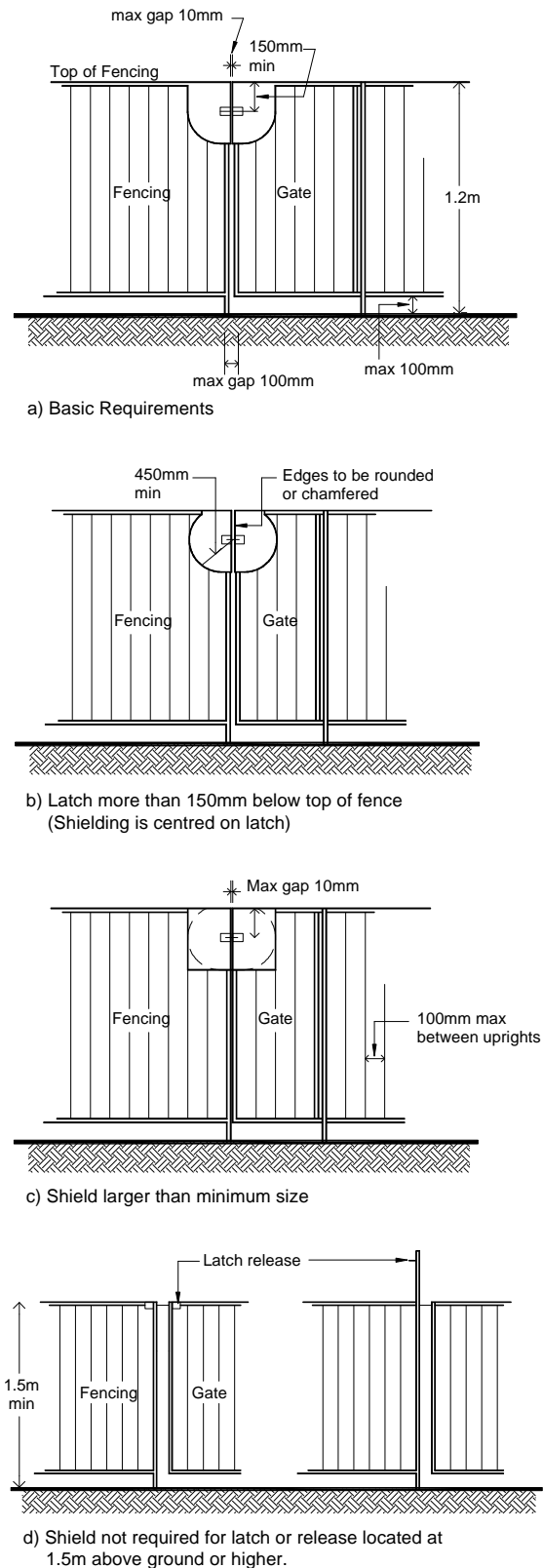


Figure 4. Latch Shielding Pool Fences of open construction

9. Definitions

For the purpose of this plan, the following definitions apply:

AS1926 means the standard published by the Standards Association of Australia numbered AS1926 - 1986 titled "Fences and Gates for Private Swimming Pools" as published on 4 August, 1986. (Note date)

Building includes any structure or part thereof.

Child Resistant Barrier means a barrier designed and constructed to comply with Australian Standard 1926-1986.

Child Safe means:

- a) In the case of a door, being of substantial construction and (when the door is locked, latched, bolted, chained 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 round bar having a diameter of 105mm; and
- b) In the case of a window, being of substantial construction and being so 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 round bar having a diameter of 105mm; and
- c) In the case of a wall, being of substantial construction, 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 105 mm or more), having no footholds wider than 10mm within 1.1 metres of the top of the wall; and
- d) In any other case, being of substantial construction and having no opening through which it is possible to pass a round bar having a diameter of 105mm.

Existing Swimming Pool swimming pools whose construction or installation had begun or completed, before 1 August 1990.

Fence means the assembly of components, natural or otherwise, which forms the intended barrier to the pool, exclusive of any gates.

Note: The fence includes items such as posts and panels, constructed or natural walls, and sides of buildings, where they form part of the intended barrier, and any structure declared under the Swimming Pools Act, 1992 to be a fence.

Fencing means the fence and associated gate(s).

Gate means any portion on the fencing that is designed to provide an accessway through the barrier.

Ground Level is the ground surface of a site as it was prior to any cutting, filling or grading of the site.

Inside of the Fencing refers to that side of a fence or gate facing the pool area, conversely the outside of a fence or gate is that side facing away from the pool area.

New Swimming Pool means a swimming pool whose construction or installation was begun on premises on or after the 1 August 1990.

Pool Area refers to the area immediately surrounding a pool, in which an activity related to the use of the pool generally takes place.

Residential Building means a building (such as a dwelling house, residential flat building or boarding house) that is solely or principally used for residential purposes, and includes any structure (such as a garage or shed) that is ancillary to such a building, but does not include:

- a) A building that merely forms part of a complex of buildings (such as a school or recreation centre) that is principally used for non-residential purposes;
- b) A movable dwelling, a hotel or a motel.

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

Swimming Pool means an excavation, structure or vessel that is:

- a) Capable of being filled with water to a depth of 300 mm or more; and
- b) Solely or principally used, or that is designed, manufactured or adapted to be solely or principally used for the purpose of swimming, wading, paddling or any other human aquatic activity; and includes a spa
- c) pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of this Act.

10. Origin

Reference: : File No.98/0925

Edition 1:

Adopted by Council on 3 May 1999.
In effect from 18 May 1999.

Edition 2:

Minor alterations which make the document consistent with Sutherland Shire Local Environmental Plan 2000

Action	Date
Council Endorse Plan	5 February 2001 (EHC 213-01)
Public Notice in Newspaper	20 February 2001
Exhibition - Start	20 February 2001
Exhibition - Finish	20 March 2001
Council Decision	30 April 2001
Public Notice (final)	8 May 2001
In Effect from	8 May 2001

Advisory information

A. Swimming pool safety

Means of exit from the pool

Pools should be provided with a ready means of exit from within the pool, e.g. steps in an inground pool or an internal ladder in an above ground pool, to enable children to leave the pool without difficulty. The treads of steps and ladders should have a non-slip surface. A ladder or steps should be provided at the deep and shallow areas of the pool. The top surface or edge of the pool structure or coping, (i.e. that part which a pool user would attempt to hold in order to leave the pool at any point where there was neither steps nor ladder) should be designed to provide adequate hand grip for children.

Pool surrounds

Pool surrounds, including coping and adjacent, paving or decking, should have a surface finish that is not slippery when wet.

B. Handling and storage of pool chemicals

The chemicals used in pool maintenance, in common with most other chemicals, require care in their handling and use if potential hazards are to be avoided. Chlorine compounds should be treated with care since they may react explosively with other substances. They should be kept away from petroleum products (grease, oil, petrol, etc.), acids and alcohols, and should be handled only with a clean, dry, non-combustible scoop. Pool test chemicals also should be used carefully.

The hazards presented by pool chemicals can be reduced by observing the following precautions:

- a) Read the instructions on the chemical container and follow them carefully.
- b) Don't mix different swimming pool chemicals together.
- c) Avoid contact with pool chemicals and in any event wash your hands after using the chemicals.
- d) Don't empty test samples of pool water and chemicals into the pool.
- e) Don't store large quantities of pool chemicals.
- f) Don't let children purchase or handle pool chemicals.
- g) Store the chemicals in their original containers and never change the chemicals from one container to another.

C. Pool water maintenance

The water in the pool should be maintained at the correct pH level (7.2 to 7.6) and properly treated with chlorine compounds or other suitable treatment, and should be properly filtered.

Note: *Professional advice should be sought for the correct pH levels for your pool. Failure to ensure that these requirements are met, may result in the rapid reproduction of organisms in the water which may be dangerous to health. A further hazard is that organic build-up can cause the water to become turbid, which can be a danger when swimming, since the bottom and sides of the pool cannot easily be seen.*

The following procedures are recommended:

- a) Follow the instructions provided by the chemical supplier with your pool chemicals regarding water treatment and pH levels.
- b) Clean the pool regularly to keep it free of leaves, dirt, etc.
- c) Filter the pool daily for the recommended period of time and service the filter at regular intervals to maintain its efficiency.
- d) Ensure that all pool users visit the toilet before entering the pool.

D. Electrical safety around the pool

Because bare feet, minimum clothing and wet skin effectively lower the body's electrical resistance, the effects of an electric shock on a person in or near a swimming pool, are likely to be even more serious than in other locations.

Under some fault conditions, the water and wet surrounds of the pool may become alive and even a small electric current can produce an electric field in the water of sufficient intensity to cause loss of muscular control.

Therefore, it is vital for safety that any electrical equipment associated with the swimming pool be installed correctly and maintained in first class condition.

The following points should be observed to promote electrical safety:

- a) All electrical installations installed within the wet zone of the pool must be in accordance with AS 3000. Section 6 refers to swimming pools.

Note: *Metal lights are not to be installed within the wet zone of the pool.*

- b) Ensure that any overhead wires are well clear of any diving board areas and are out of reach of long handles of pool cleaning equipment.
- c) Do not use mains operated electrical appliances (such as TV, radios, record players or food preparation equipment) in wet location or near the pool. These items should be used in dry areas only.
- d) The use of extension cords should be avoided where possible and instead, properly installed power points provided at suitable locations.
- e) Do not allow extension power lead plugs and sockets to lie on damp ground, or in low-lying areas of the pool area where water may collect. Keep them as far as possible from the pool and clear of access paths.
- f) Maintain in good condition any flexible power leads used in the vicinity of the pool.
- g) Never make or break connections in power leads with the power switched on.
- h) Ensure that protective and water proof covers, where necessary on electrical equipment, are kept in place at all times except when maintenance is actually being undertaken.
- i) The electrical installation can suffer deterioration due to chemicals used in the pool water. It is recommended that a safety inspection be carried out by a licensed electrician at intervals not exceeding 2 years.
- j) If it is proposed to install underwater lighting, Council recommends the Electricity Authority be consulted.

E. Safety in pool use

To make a pool as safe as possible for exercise, relaxation and enjoyment, the following recommendations should be followed in the day-to-day use of a pool:

- a) Don't leave objects near pool fences, that children could stand on, to climb over the fence.
- b) Don't leave children unattended in a pool, even when they are using flotation toys or swim aids.
- c) Provide some means with which a non-swimmer can give help to a person in difficulty in the pool. A pole with a blunt hook or a buoyant aid on a rope is suitable, and should be kept near the pool.
- d) Ensure every adult person in the household has working knowledge of resuscitation methods and first aid to be applied in cases of apparent drowning.
- e) A durable resuscitation instruction chart shall be prominently located in the pool area, and in addition, a list of emergency telephone numbers (doctor, ambulance, police) should be kept on hand.
- f) Don't leave floating objects in the pool; they can attract children.
- g) Don't use or leave glass objects near the pool; broken glass is very difficult to locate in a swimming pool.
- h) Don't swim alone, and don't mix alcohol and swimming.
- i) Deep breathing before swimming (hyper-ventilation) can cause loss of consciousness when swimming. Don't try to swim long distances underwater and don't hyper-ventilate before swimming.
- j) Don't swim too soon after a large meal.
- k) Don't swim when you are overheated or overtired or when the water is very cold.
- l) Don't prop open self-closing and latching gates.
- m) Maintain the security of the pool by regularly checking and oiling the gate latch and self closing mechanism, and making sure that the fence is in good condition.
- n) Always empty splasher or wader pools when they are not being used, and leave them in a position that will not allow water to accumulate in them.
- o) Don't allow running or rough play in pool areas; these may be slippery when wet.

F. More fencing information - workmanship

The design and erection of fencing should be such that a reasonable life can be expected with a minimum of maintenance.

Fencing should be free of sharp edges, projections and the like, that would constitute a safety hazard.

Temporary fencing during installation of a pool

The construction of a pool may present hazards before the pool is complete because of:

- a) The danger of injury from falling into the excavation or empty pool;
- b) The danger of drowning if the excavation contains water, e.g. after rain.

Persons having a pool constructed should ensure that the pool construction site has suitable temporary fencing.

Attention is directed to the existence of State legislation and regulations requiring the temporary fencing of excavations during building. The builder is usually the best equipped party to erect a temporary fence, and is generally responsible for the safety of the site. Prospective pool owners should therefore ensure suitable temporary fencing is constructed, and the person who is to construct this fencing should be clearly identified in the pool construction contract. Owing to the method of constructing most pools, the pool builder may be away from the site for periods of several days and thus the person having the pool constructed should ensure that the temporary fencing is not tampered with.

It also follows that the permanent fence must be installed, or existing fences brought up to the required standard, before water is put into the pool.

Temporary fencing should provide the same level of protection as that provided by a safety fence complying with this development control plan.

Approved types of pool fencing

Post and rail construction:

Fences constructed of palings or galvanised steel, compressed fibre cement, aluminium or similar profiled or flat wall material provided that the rails, if located on the outside of the fencing, are not less than 900 mm apart, and the lower rails at least 1100 mm from the top of the fencing.

Picket fences:

These also must meet the requirements if pickets are spaced more than 10 mm apart, or if the rails are on the outside, the rails should meet the above requirements. The pickets must not be spaced more than 100 mm apart.

Perforated materials, wire mesh or fabric:

The materials must be firmly fixed and tightly strung and where material having openings greater than 10 mm is used, the construction described in this plan is to be followed. Material with openings greater than 50 mm should not be used.

Fabricated metal fences:

Fences fabricated from small section steel, aluminium or similar metals shall have vertical members, spaced not more than 100 mm apart, and the horizontal members placed a minimum of 900 mm apart. Measurement should be made from the top surface of the highest lower member (assuming the horizontal members to be grouped at the top and bottom of the fence) to the top surface of the highest lower horizontal member should be at least 100 mm below the top of the fencing.

Brickwork or masonry fences:

Fences constructed of bricks, blocks or masonry subject to any projections or indentations or combinations of these having a depth greater than 10 mm being spaced at least 900 mm apart, with the lower of any such projections or indentations at least 1100 mm below the top of the fencing.

Natural features such as rock face forming part of the fence shall be subject to the requirements of this standard.

Brushwood fences:

The following specification relates to the construction of a brushwood fence consisting of a basic framework construction of galvanised steel piping supporting approximately 25 kg per sqm or brushwood between strands of wire. (See Figure 5)

Vertical support poles:

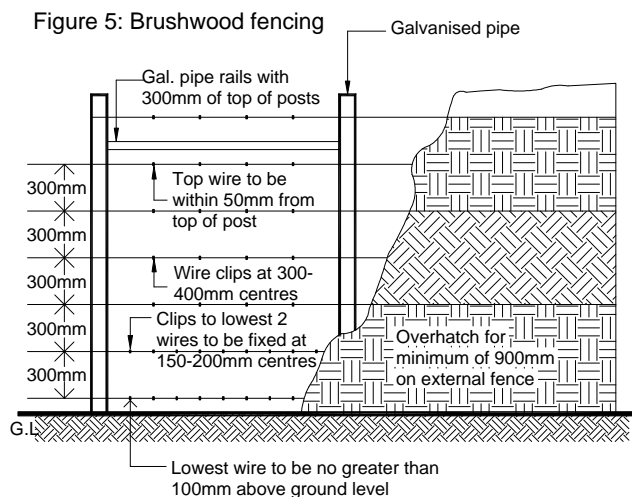
- a. Refer to Table 1. for specification.
- b. Rails:
 - i) For fencing up to a height of 2.4 m. Rails are to be secured to the posts by wiring and fixed 300 mm from the top of the post;
 - ii) For fencing greater than 2.4 m, an additional rail is to be provided at even spacing between the top rail and the ground level. These rails are to be welded to the vertical support posts.
 - iii) For all specifications refer to Table 1.

Horizontal wires:

- a. The top wire is to be placed within 50 mm from the top of the vertical support posts.
- b. The lowest wire is to be placed at a distance not exceeding 100 mm above the finished ground surface.
- c. All intermediate wires are to be spaced at distances not exceeding 300 mm and clipped at 300 - 400 mm prevent the movement of the brushwood thatching.
- d. The lowest two wires are to be securely clipped at 150 - 200 mm centres.
- e. All wire is to be galvanised and not less than 2.5 mm in diameter.

Elimination of foot and hand holds:

Intermediate horizontal wires on the outside of the fence are to be covered with an overhatch of brushwood so that the distance between the exposed wires is not less than 900 mm.



Fence Height	Vertical Gal. Pipe Supports I.D. mm	Vertical Support Centres	Depth of Concreting Posts in Firm Ground	Rails I.D.
0 - 2400mm	40mm	2400mm	600mm	1@20mm
2400 - 3000mm	50mm	2400mm	600mm	2@25mm
3000 - 3500mm	65mm	2100mm	750mm	2@25mm

G. Special requirements

Bushfire prone land

Owners of pools adjoining bushland areas should give consideration to the provision of a fire service line and hose reel incorporated into the pool design.

Certificates of compliance

An owner of any premises on which a swimming pool is situated may make an application to Council for a certificate to the effect that the swimming pool complies with the relevant requirements of the Swimming Pools Act, 1992.

Application forms are available at Council's Customer Services Counter and a fee is payable.

H. Environmental noise

Location of pool/spa pump;

To minimise the impact of noise from the pump to the occupants of adjoining buildings, consideration should be given to the position of the pool pump on the property in relation to a room in any other residential premises.

Note: Hours of operation of pool/spa pump;

The Noise Control (Miscellaneous Articles) Regulation 1995 restricts the use of pool/spa pumps to:

- (a) Between 8am and 8pm on any Sunday or public holiday; or
- (b) Between 7am and 8pm on any other day, if the pump emits noise that can be heard within a room in any other residential premises.