

Town of Gawler Swimming Pools and Outdoor Spas



Do I need approval to construct a swimming pool or outdoor spa?

The Development Regulations and the Building Code of Australia define a swimming pool as any excavation or structure that contains water and used principally for swimming, wading, paddling, or the like, including a bathing or wading pool, or outdoor spa. A swimming pool requires Development Approval if its depth exceeds 300mm and it has a filtration system - this includes inflatable pools, outdoor spas and above ground pools.

How do I apply for approval for a swimming pool or outdoor spa?

Providing Council with clear and accurate information will help to avoid delays with the assessment of your application. Unless otherwise advised by Council staff, the following information must be submitted with all development applications for minor residential structures. Applications that do not contain this information will take longer to assess or may not be accepted for lodgement. It is recommended that you use the checklist below to ensure that all relevant information is provided.

- ☐ Fully completed Development Application Form - form is available at Council offices or can be downloaded from Council's website.
- ☐ Payment of Development Application Fees - fees will be advised when lodging your application. Please contact Council if you wish to know which fees will apply beforehand.
- ☐ Current Certificate of Title for the Subject Land - Refer to Applying for Development Approval Fact Sheet for how to obtain a copy of your Certificate of Title if you do not already have one.
- ☐ Site Plan - 3 copies, drawn to a scale of 1:100 or 1:200, showing the following information:
 - North point
 - Boundaries and dimensions of the entire site as per the current Certificate of Title Location and dimensions of any easements on the land (the Certificate of Title will show any easements that apply to your land)
 - Location of proposed pool/spa on the land and all safety barriers/pool fencing
 - Location and use of all existing buildings (i.e. dwelling, sheds)
 - Distance between the proposed pool/spa and other structures on and, and distances to the site's boundaries

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- Location of any Significant or Regulated Trees on the site or adjoining land, which could potentially be affected by, or affect the works.
- ❑ Drawings and Specifications - 3 copies, drawn to a scale of 1:100 or 1:200 (where applicable), showing the following information:
 - The dimensioned overall height/depth of the proposed pool (depending on whether above-ground or in-ground pool is proposed)
 - A sectional drawing of the structure showing in detail how the structure is fixed to the foundation (soil) and also how it is to be attached to other buildings in more detail.
 - The materials, finishes and colours of the proposed pool.

Please note that most pool companies will apply to Council on your behalf or at least provide you with all relevant drawing and specifications needed for Council approval when you order the pool.

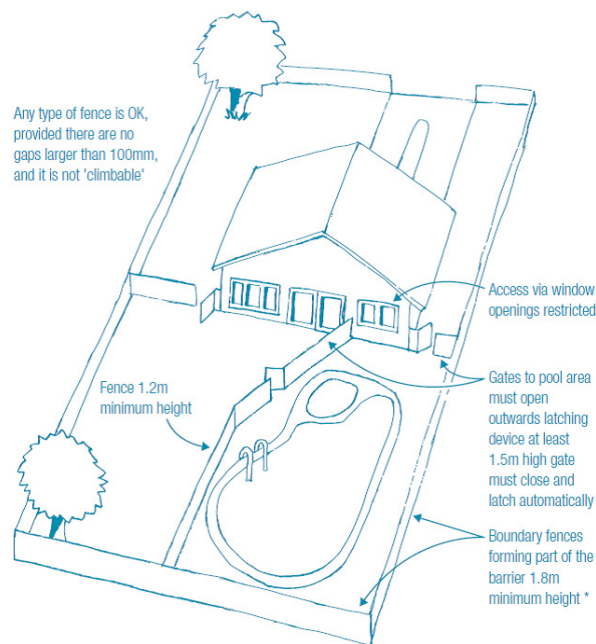
Requirements for pool fencing and safety barriers

In the interests of child safety there are very specific standards that apply to safety barriers and fencing for all pools and spas that require development approval.

The Building Code of Australia (BCA) provides details and examples of safety barriers and also refers to Australian Standard AS1926.1 Swimming Pool Safety - Fencing for Swimming Pools.

There are many different ways to provide a complying safety barrier that do not involve the traditional 'pool fence', and many different styles and materials may be used. Regardless of what materials are used to provide a barrier, the fence, gate, latch, hinges etc - all components of the safety barrier must meet the strength requirements of AS1926.1.

For privacy or as a wind break, a fence constructed of a frame with a fibre cement sheet either painted or rendered may be used along with corrugated iron or similar materials. Alternatively, a fence that can be seen through is preferable for adults to be able to adequately supervise children if they are not ideally located within the pool area.



* Boundary fences forming part of the barrier must be 1.8m high, with a 900mm non-climbable zone which can be located at the top on the pool side of the fence

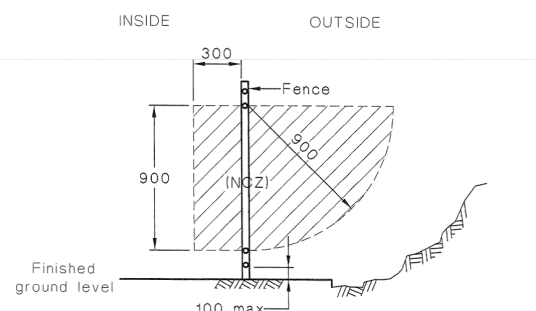
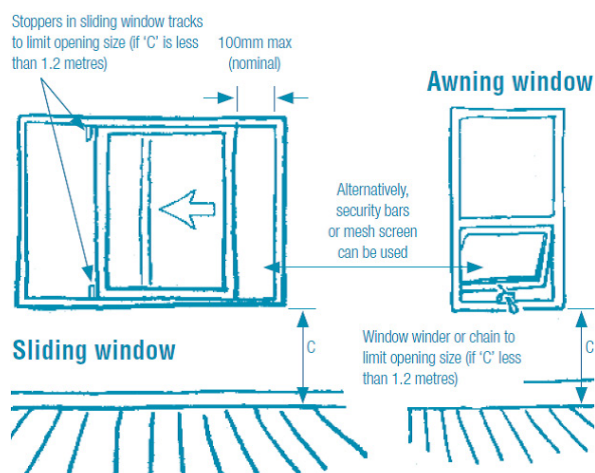


FIGURE 2.5 FENCING WITH HORIZONTAL MEMBER PROJECTIONS OR INDENTATIONS THAT MAY ACT AS A HOLD FOR CLIMBING



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All Pool fencing and safety barriers must comply with the following criteria:

- Minimum height 1200mm.
- No gaps greater than 100mm between any vertical pickets or below the fence.
- Rails spaced sufficiently such that the fence is not able to be climbed.
- The height of the fence is measured from any object that may be used to climb or gain access over the fence such as a retaining wall, landscaping rocks or similar.
- The fence must not provide access for young children to crawl under or to climb over by using foot and hand holds.
- The fence must be permanent.
- The Non Climbable Zone (NCZ) must be a minimum of 900mm.
- Boundary fences must be a minimum of 1.8 metres high with a no rails or footholds on the pool side. (This removes the onus on the pool owner to ensure their neighbour also complies with the safety barrier requirements).

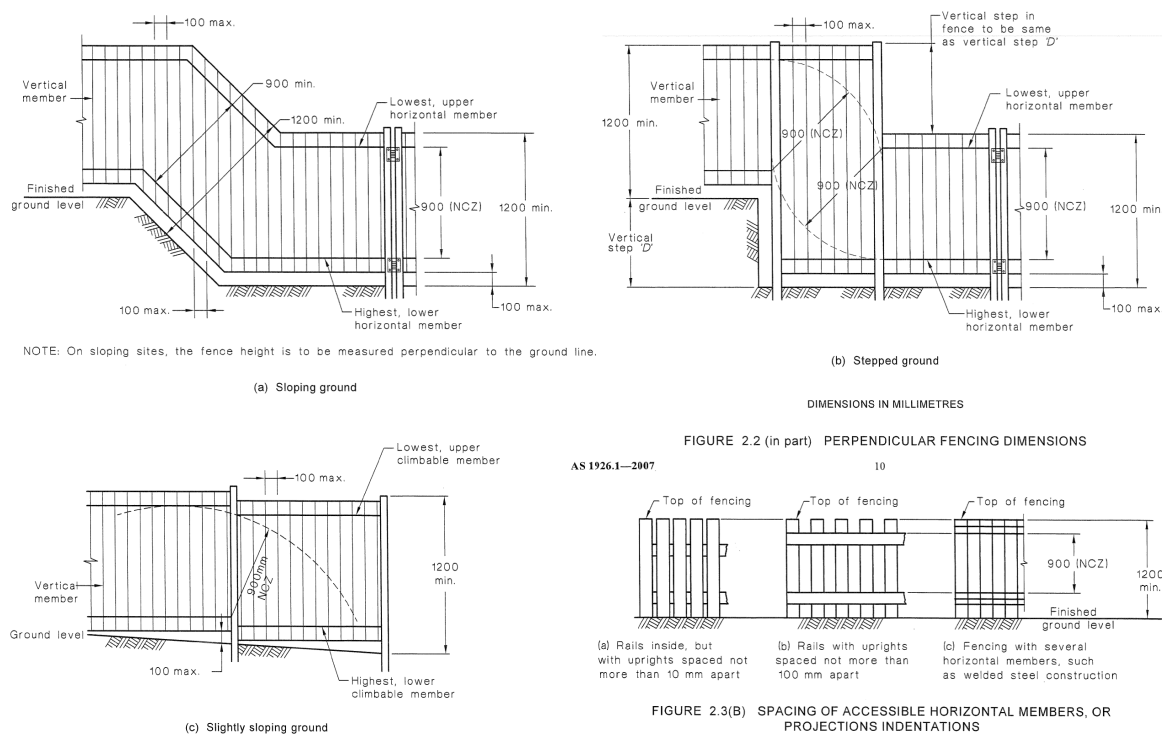
Gates associated with pool fencing:

- Must be self-closing from any position.
- Must only swing outward from the pool area.
- Must be fitted with a latching device that is out of reach of small children (i.e. a minimum height of 1500mm).

Doors and windows associated with pool fencing:

- Doors from a dwelling into the pool area are not acceptable to form part of the safety barrier. A complying barrier / fence must separate a building and a swimming pool.
- Where the openable part of any window is less than 1200mm from the floor and provides direct access to a pool area, it must be fitted with a mechanism limiting the size of the window opening to no more than 100mm or be provided with a secure screen such as a security screen or security mesh.

Some Fencing Design Standards (taken from appropriate Australian Standards):



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Filtration system

All pools must be fitted with a filtration system that has two suction points that are at least 800mm apart (or 600mm for spas). This is to relieve the pressure and reduce the seriousness of any injuries if a child blocks a suction point. Some pools are sold with adaptors to make them comply.

Wherever a manual shutoff valve is fitted to a secondary outlet from a swimming pool, it is recommended that a permanent label be fixed to the valve. The label should be in capital letters not less than 25mm high, in a colour contrasting with the background and printing that is resistant to ultraviolet light, water and pool chemicals, and state the following:

WARNING

**Re-open this valve immediately after using a vacuum cleaner.
The pool must not be used while a vacuum cleaner is in use.**

Legislation applying to existing swimming pools in South Australia

The Development Act 1993 and associated Development Regulations 2008 set the swimming pool safety provisions for swimming pools built since July 1993. The Swimming Pools (Safety) Act 1972 sets out requirements for swimming pools built before July 1993. The responsibility of enforcement of swimming pool safety requirements is vested with the local Council.

Swimming Pools Built Before 1 July 1993

If the property on which a swimming pool is located is not for sale, the swimming pool can continue to comply with the old Swimming Pools (Safety) Act 1972, which requires the swimming pool owner to ensure that the swimming pool is enclosed by a fence, wall or building or any combination of these, to restrict access by young children to the swimming pool. Whenever an existing property title is being transferred and the property has a swimming pool built before 1 July 1993, you will need to ensure that all swimming pool barriers are in accordance with the requirements which apply to pools built on or after 1 July 1993. Fencing or barriers may need to be upgraded to meet the current safety requirements.

Swimming Pools Built On or After 1 July 1993

All swimming pools built from 1 July 1993 must comply with the Development Act 1993 and the Building Code of Australia - which restricts access to the swimming pool from the house, garage, street, and adjoining properties. Council undertakes periodic inspections of all swimming pools to ensure they comply with legislation.

Frequently Asked Questions

Can I get somebody to inspect my pool and tell me if the child-safety barriers comply?

Planning SA keeps a register listing people who can offer this inspection service. Council's Building Officer and Compliance Officer can also inspect pools.

Do I need to get Council approval of any upgrading work on child-safety barriers?

You should advise Council of any upgrading work on child-safety barriers.

How much will it cost to upgrade child-safety barriers to make them comply?

The cost of upgrading child-safety barriers should be minimal - the owner of a pre-July 1993 swimming pool should already comply with the old requirements, so the safety barriers should already be established.

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My pool was constructed before July 1993 - do I need to upgrade the pool recirculation system before selling my house?

No. The Development Act requires upgrading of the child-safety barriers before sale of properties - but doesn't require upgrading of pump safety. However, the Development Act does require that all of the existing swimming pool safety features (including pump safety) be maintained in good order at all times.

Can I use a roller door as part of a swimming pool safety barrier?

No.

Are there any ways to make bi-fold doors child-resistant in accordance with the Standards?

No. Where you have bi-fold doors, you will need to install a safety fence between the doors and the swimming pool.

What about double french doors/patio doors?

The same requirements for child resistant doors apply i.e. the doors must automatically close and latch. This is not easy to achieve with double French/ patio doors, however there are mechanisms available which make it possible to comply. It may be necessary to contact a specialist architectural hardware supplier to enquire about product availability and how to design it.

What are suitable barriers for above ground pools?

The sides of an above-ground pool can be accepted as being part of a pool safety barrier of 1200mm minimum height, provided they comply with the Australian Standard 1926.1. However a barrier must also be provided around the ladder (it's not good enough to say the ladder will be removed when an adult is not present).

Can I use a child-resistant hard cover as the safety barrier instead of a fence for above-ground spa pools?

No. The main reason for this is that there is no standard for covers on spa pools. Also, any time the cover is off the spa pool, there is no barrier. Remember, it is a legal requirement that Development Approval be obtained for the installation of an above-ground spa pool. There are important safety reasons for this.

How do I dispose of excess pool water?

Backwash from swimming pools must be disposed of into the sewer, not the stormwater drain to pollute our creeks and rivers. Hefty fines will apply if this occurs.

Where can I find the appropriate standards for swimming pool safety?

The relevant Australian Standards are:

- AS 1926 Swimming Pool safety
- Part 1: Fencing for swimming pools
- Part 2: Location of fencing for private swimming pools
- Part 3: Water recirculation systems