



SWIMMING POOLS, SPA POOLS & POOL FENCING

As a swimming pool or spa pool owner you are responsible for the safety of others. You can reduce the risk of accidents occurring in your swimming pool or spa pool by adequately fencing your pool and ensuring young children are supervised at all times.

Do I need Council approval to install a swimming pool or spa?

In most circumstances swimming pools or spa pools will require development approval.

Pools meeting the following criteria **do not require** Development Approval:

- Is not located within Hills Face Zone or Watercourse Policy Area 19;
- Is not a State or Local Heritage listed property;
- Depth does not exceed 300mm; and
- Does not have a filtration system.

Spa pools that have a maximum capacity less than 680 litres do not require approval (under certain circumstances).

Above Ground or Inflatable Pools

Where an above ground or inflatable swimming pool requires approval, a safety barrier will need to be installed prior to the pool being filled with water (even if this is for a temporary period of time).

The sides of an above ground swimming pool can be a suitable safety barrier if they are non-climbable and are at least 1200mm in height. An additional barrier must be placed around the ladder (even if it is removable) and around anything else that may be climbed on.

Safety Barrier Requirements

A swimming pool safety barrier is necessary to stop young children from gaining access to a pool. The National Construction Code Series provides details of safety barriers and also references

Australian Standard AS1926.1 Swimming Pool Safety – Safety Barriers for Swimming Pools.

There are many different ways to provide a complying safety barrier and many different styles and materials which may be used. The type of safety barrier you intend to install should be discussed with a qualified building surveyor to ensure compliance.

A Safety Barrier must include, but is not limited to, the following requirements:

- Minimum height of 1200mm;
- Spacings between vertical members not exceeding 100mm;
- Distance from the ground to the base of the fence not exceeding 100mm;
- Gates for safety barriers must:
 - Swing outward from the pool;
 - Be self closing from any position; and
 - Be fitted with a latching device at least 1500mm above ground level.

As a swimming pool or spa pool owner you must make sure that all required pool safety features are maintained in working order at all times. Gates should never be propped open.

Filtration Systems

Swimming pools and spa pools must have a water recirculation and filtration system installed that complies with Australian Standards. This reduces the risk of a young child being trapped by suction or hair entanglement.

Windows and Doors

Windows can adjoin a pool area provided the openable portion of the window does not exceed 100mm or the window has a security screen or mesh fitted. Fly wire is not permitted.

Doors from a dwelling directly into a pool area are not permitted. A complying safety barrier must separate a building and a swimming pool.

Pools Built Before 1 July 1993

If you are selling your property with a swimming pool or spa pool, you are responsible for making sure that current safety requirements for swimming pool safety are met. This may mean upgrading fencing or barriers.

If the property is not for sale, the pool can continue to comply with the old legislation.

Pools Built on or After 1 July 1993

Swimming pools or spa pools built on or after 1 July 1993 must comply with the rules that were current when the application for construction was submitted.

This includes the provisions of the Development Act 1993, the Building Code of Australia (now known as the National Construction Code) and relevant Australian Standards to restrict access to the pool from the house, garage, street and any adjoining properties.

Making an Application

Council will be able to determine the type of assessment required (development plan consent and/or building rules consent) and the applicable fees upon lodgement of your application.

The information required to be provided with your application includes (but is not limited to):

- A completed development application form;
- A completed Electricity Act Declaration;
- A current copy of the certificate of title;
- CITB payment evidence (if applicable);
- Indemnity Insurance Certificate (if applicable);
- A scaled site plan detailing existing and proposed development with distances to all boundaries and existing development;
- Details and locations of safety barriers;
- Details and locations of filtration systems;
- Manufacturers/engineers design details.

Notifications during Construction

The owner or builder must make compulsory notifications to Council during the construction of a swimming pool or spa pool. Council is required to inspect 100% of all new swimming pools in accordance with the Development Act 1993.

Notifications required to be given to Council:

- Prior to the commencement of any building work on site;
- After completion of steel reinforcement prior to the pouring of concrete (where applicable);
- At the completion of the construction of the swimming pool (before the pool is filled with water); and
- At the completion of permanent safety barrier installation (within 2 months of the pool being filled with water).

Want to know more?

The above information is advisory only and intended as a guide to give you a general understanding of the key points associated with the development assessment system. It is recommended that you seek professional advice or contact the City of Victor Harbor regarding any specific inquiries or for further assistance concerning the use and development of land. Being properly prepared can save you time and money in the long run.

While care has been taken to ensure the accuracy of material contained in this publication, no responsibility will be accepted for any errors or omissions.

City of Victor Harbor – Contact details

1 Bay Road
PO Box 11, Victor Harbor SA 5211
Telephone: (08) 8551 0500
Facsimile: (08) 8551 0501
Email: localgov@victor.sa.gov.au
Website: www.victor.sa.gov.au