



CITY OF
TEA TREE GULLY

Naturally Better

Swimming pool & spa safety barriers

When do swimming pools and spas need council approval?

The National Construction Code Series defines 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 spa.

Swimming pool and spas in South Australia require Development Approval from Council in any of the following instances:-

- When its depth exceeds 300mm (including inflatable pools and above ground pools)
- The swimming pool incorporates a filtration system
- The swimming pool is located within the Hills Face Zone or a flood plain
- A spa pool that is not constructed in association with a dwelling or has a maximum capacity exceeding 680 litres

Safety barrier requirements

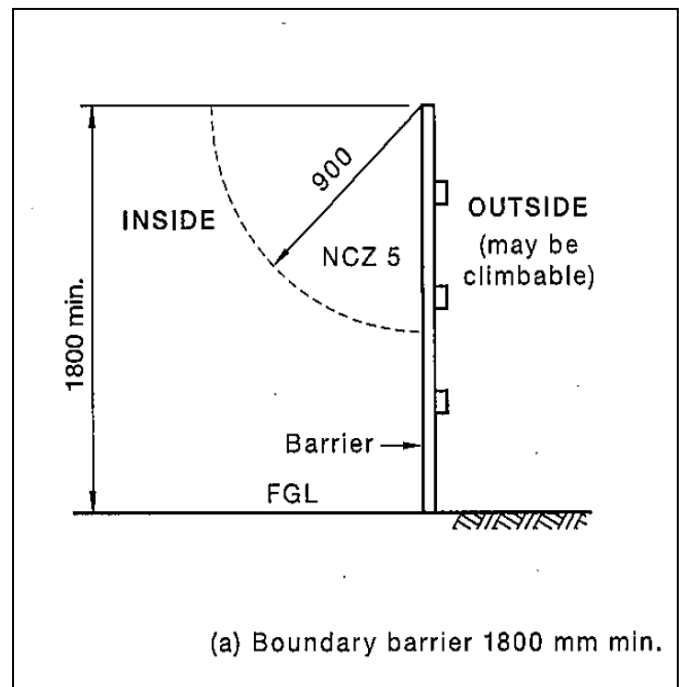
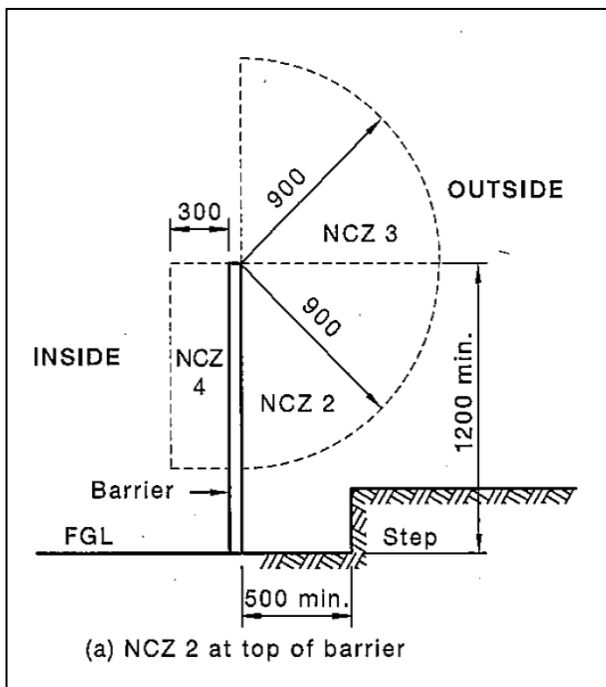
The National Construction Code Series provides details of safety barriers and also refers to Australian Standard AS1926.1 Swimming Pool Safety – Fencing for Swimming Pools.

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 which 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.

The type of safety barrier fencing that is acceptable to be used should be discussed with a Council Building Officer to ensure appropriate selection.

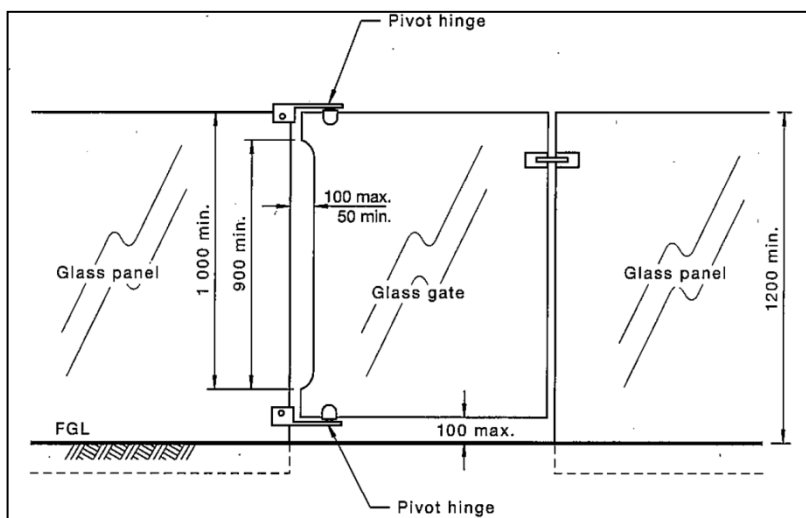
Fences

- Must be a minimum height of 1200mm
 - Have no gaps greater than 100mm between any vertical pickets or below the fence
 - Have rails that are spaced at a 900mm minimum 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 from the top of the fence
 - Boundary fences must be a minimum of 1.8 metres high with a no rails or footholds on the pool side.
- (This removes the responsibility on the pool owner to ensure their neighbour also complies with the safety barrier requirements)



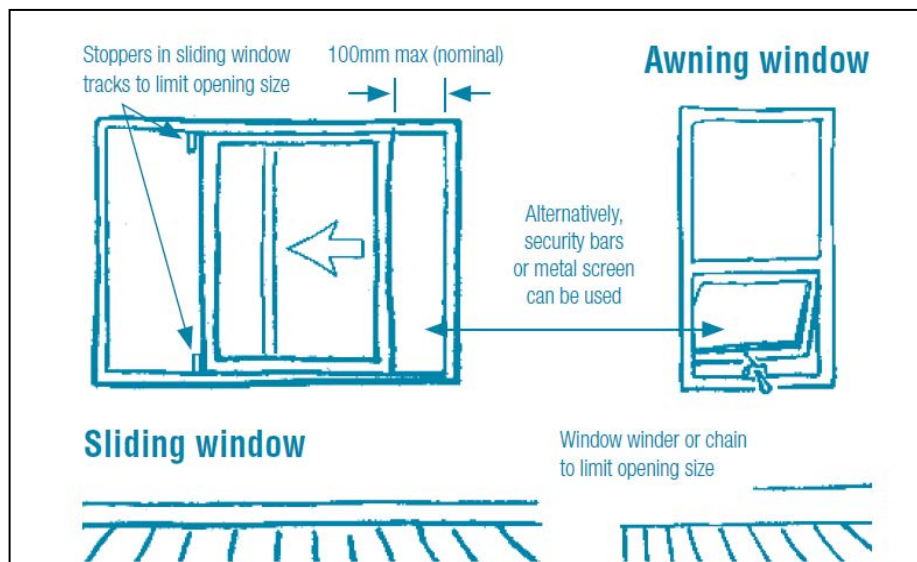
Gates

- Must be self-closing from any position
- Only swing outward from the pool area
- Be fitted with a latching device that is out of reach of small children (i.e. a minimum height of 1500mm or 150mm below the top of the barrier on the inside of the barrier)



Windows and doors leading in to the pool area

- A door leading directly from a house into the pool area is not acceptable to form part of the safety barrier. A complying swimming pool safety barrier must separate the door and the swimming pool
- Where the openable part of any window is less than 1800mm from the finished floor level 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



Filtration system

It is important that all pools are fitted with a filtration system that has two suction points that are at least 800mm apart (600mm for spas) to comply with Australian Standard AS 1926.3 Swimming Pool Safety – Water Recirculation Systems. This is to relieve the pressure and reduce the seriousness of any injuries if a child blocks a suction point.

Who is responsible to notify at different stage of construction?

It is important to note when undertaking the construction of your swimming pool and safety barrier it is a requirement to notify Council of completed stages.

From 1 January 2014 amendments to the Development Regulations 2008 required:

- The builder or owner to notify their local council when the construction of a new swimming pool is completed, before it is filled with water. Councils will not be required to inspect the swimming pool at this stage.
- The builder or owner to notify their local council when construction of the approved swimming pool child-safety barriers has been completed. Council is required to inspect the swimming pool safety barrier and ensure it is constructed in accordance with the approved plans and Australian Standard AS1926.1 – 2012 Swimming Pool Safety.

If no notification of the above mentioned stages is received by Council within the required time frames under the Development Regulations 2008 this may result in an expiation fee.

Selling a house with a swimming pool which was installed prior to 1 July 1993

Under the Development Act 1993 it is a requirement that if a land owner is selling a property (a Prescribed Event) with a swimming pool installed before 1 July 1993 (Prescribed Swimming Pool), the land owner is responsible for making sure that the swimming pool safety barrier on the property will meet current legislative requirements for swimming pool safety barriers. This may require the owner of the pool to upgrade the safety barrier, boundary fence and/or windows or doors leading in to the pool area. These upgrades to swimming pool safety barriers are exempt from requiring Development Approval. However, please note that all other swimming pool safety barriers require Council Approval.

Safety barriers must meet current legislative requirements at the time of property handover. The responsibility is on the previous land owner to upgrade the safety barriers and provide certification to the real estate agent showing that the safety barriers comply with current legislation.

Council does not provide certificates for Prescribed Events or Prescribed Swimming Pools, and does not inspect these pools and safety barriers unless there is a particular safety concern identified. The above mentioned certificates should be sought from private swimming pool safety barrier consultants.

Swimming pools built on or after 1 July 1993

Swimming 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, Building Code of Australia and Australian Standard for Swimming Pool Safety (AS1926) which were applicable at the time to restrict access to the swimming pool from the house, garage, street and any adjoining properties.