

# Swimming Pools And Spas



## Introduction

This brochure explains:

- what types of pools and spas require Council approval
- how to make an application to the Council for approval to build a pool or spa
- Council's requirements for the location of swimming pools
- Council's requirements for fences and barriers around pools and spas
- Other issues associated with swimming pools

If you are considering other structures associated with your pool or spa, such as a deck, shade house or change rooms, these are also likely to require Council Approval. Refer to the Information Brochure titled "*Minor Domestic Structures*" for further information on some of these associated structures.

## What requires approval?

A swimming pool does not require Council Approval provided that:

- the property is not zoned Hills Face Zone or Watercourse Policy Area 19
- the associated house is not a State or Local Heritage Place
- the depth does not exceed 300mm
- for aboveground or inflatable swimming pools, it does not incorporate a filtration system

A spa pool does not require Council approval provided that:

- it is associated with a house and is used by occupants of that house only
- the associated house is not a State or Local Heritage Place
- it has a maximum capacity less than 680 litres

In the cases where Council Approval is required a Development Application must be lodged with and approved by the Council before construction commences.

## How to make an application

When you lodge a Development Application for a swimming pool or spa, the following should be submitted to the Council:

- A completed Development Application Form

- The relevant fees (*refer to the fee schedule on page 3 of the Development Application Form*)
- A current copy of the Certificate of Title for the property
- A site plan, clearly showing:
  - the location of the proposed pool and/or spa and how far it is proposed to be from the boundaries and other buildings on the site
- The location and extent/height of any proposed cut/fill and retaining walls, relevant to existing contours of the land or the level of another existing site feature.
- Elevations of the pool or spa if it is above (or partially above) ground or if decking is proposed around the pool or spa
- For a concrete pool, the engineers structural design and calculations
- For above ground pools and spas, the manufacturers certified design and structural calculations
- Details of safety fencing
- Details of compliant skimmer boxes
- Details of connection of pool pumps to separate outlets (one of which may be the skimmer box) spaced at least 800mm apart.

## Swimming Pools and Outdoor Spas

Swimming pools, outdoor spas and associated ancillary equipment and structures should be sited to protect the privacy and amenity of adjoining residential land.

Swimming pools, outdoor spas, and associated structures (other than fencing) should be setback from site boundaries by a minimum distance of 1 metre.

Pool or spa equipment should be contained within a sound reducing enclosure and located at least 5 metres from a dwelling on an adjoining property, or where not within a sound reducing enclosure, at least 12 metres from a dwelling on an adjoining property.

## Pool fencing/barriers

A swimming pool safety barrier (fencing or other similar barriers to entry) is necessary to stop young children from gaining access to a pool. Most drowning victims in private pools are under the age of five years and are residents of the home or are invited visitors to the home.

Generally, all fences, gates, retaining walls and other such barriers must comply with Australian Standard

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1926.1. This Australian Standard covers the requirements for:

- The location of pool fences/barriers, their materials of construction and effective height
- Windows that open into a pool area and
- Self-closing mechanisms and latches for gates

Some of these requirements are discussed in brief below, however in preparing an application, contractors, designers, builders or potential pool owners will find it necessary to refer directly to the Australian Standard.

## Location of Pool Fencing

In simple terms, a pool fence/barrier must surround a pool so that young children are prevented from entering the pool area. The pool fence/barrier can take any one of the following forms:

- A purpose built pool safety fence that entirely surrounds the pool area.
- A purpose built pool safety fence used together with existing boundary fences (that meet AS1926.1) and/or the wall of the house or other building that has no windows (including windows where the sill of the lowest opening panel is at least 1.8m above the pool surround) or doors in it
- A purpose built pool safety fence used together with existing boundary fences (that meet AS1926.1) and/or the wall of the house or other building which, if it contains windows that those windows are "child resistant"

**Note: From the 2<sup>nd</sup> December 2010, the use of child resistant doors as part of a swimming pool safety barrier is no longer permitted.**

The fence barrier should be located at least 900mm clear of any structures, trees, overhanging projections or the like that could be used to climb or jump the fence. Fences built on sloping surfaces require special consideration to ensure compliance.

It is recommended that the fence/barrier is located a suitable distance away from the pool to discourage diving and jumping from the structure into the pool. If space is available between the fence/barrier and the pool, the space can then be used by adults when supervising children in the pool.

Where possible, sheds, barbeques and clotheslines should be located outside of the fenced pool area. If these items are located within the fenced pool area, there is an increased risk of self-closing gates being

propped open to make access easier (for example, people will be likely to prop open a gate while they carry a load of washing to the clothes line or take the lawnmower out from the shed).

Any balcony projecting into a pool area must also comply with AS1926.1.

## Fencing

Australian Standard 1926.1 discusses the effective height of a fence. Generally speaking, the effective height of a fence made of solid material (i.e. with apertures less than 13mm) must be 1.2m. A fence's effective height is however affected by the ground level around the fence, other objects in close proximity to the fence, and what the fence is constructed of. For specific detail regarding this, please refer directly to the Australian Standard.

Vertical fencing members must be spaced at no more than 100mm. Horizontal members must be spaced at least 900mm apart and the top surface of the highest lower climbable member must be at least 1 metre below the top of the fence. Gaps between the bottom of the fence and the ground can be no bigger than 100mm, and the ground below the fence must be solid type ground.

## Boundary Fence Height

If a boundary fence is used as part of the swimming pool safety barrier, Australian Standard 1926.1 requires a boundary fence to be at least 1.8m high.

## Windows that form part of a pool barrier

Where a window forms part of a pool barrier and it has an openable portion less than 1.8m above the lowest point of the pool surround, Australian Standard 1926.1 has specific requirements about how the window can be made 'child resistant'. This can include the fitting of permanent screens or bars to the window, and/or the restriction of its opening by fitting stoppers\* to the window so that it cannot open more than 100mm. When considering this option, it is important to remember that restricting the ability of a window to open will also restrict the ability for people to escape through that window in the case of an emergency. For specific detail regarding this, please refer directly to the Australian Standard.

\* The Standard requires stoppers to be permanent (not locks) i.e. that can only be removed by the use of a tool.

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Accordingly, this option should be used with caution and primarily only where circumstances prevent other options being possible.

## Gates and Fittings

Gates must be hung so that they only swing outwards (i.e. away from the pool) as this helps to prevent young children from opening them from the outside (by pushing in on the gate). Australian Standard 1926.1 also requires gates to be fitted with self-closing devices and self-latching devices. The release to the latching device must be located at least 1.5m above ground.

## Materials of construction

Any material may be used to construct a pool fence/barrier provided that the material is durable and suitable for its intended purpose under the prevailing conditions. The material must have a long natural life when exposed to the weather, pool chemicals, decay, insects and salt spray.

The type of fence or barrier used and the location of a pool within the fenced area should however ideally permit viewing through or over the fence from commonly used areas in the house or yard in order to increase safety.

## Pool Equipment & Noise

Excessive noise from pool equipment is a complaint often received by Council. Excessive noise is regulated by the Environment Protection Authority (EPA) pursuant to the Environment Protection Act 1993 and by Environment Protection Policies. Pool equipment, including filters and pumps, should therefore be sensibly located and should be operated at reasonable times, to minimise nuisance to neighbours.

Further information on maximum permissible noise levels is available within the EPA brochure "*Environmental Noise*" or you can contact the EPA on 8204 2000 or at [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

## Water Quality & Mosquitoes

Water quality and chemical levels of pools and spas should be maintained within recommended concentrations to prevent ear, eye, throat and gastro infections. The chemical levels should be in accordance with Australian Standard 3633-1989.

If your pool is not used for a period of time, it could become a breeding site for mosquitoes. If you notice larvae (wigglers) within the water, you can add chlorine to kill them.

Further information on maintaining water quality can be obtained by phoning Council's Environmental Health Section on 8375 6600.

## Backwash Water

It is an offence to discharge your backwash water into the stormwater system. Backwash water should be discharged to the sewer system or to your garden if appropriate.

## Safety, Supervision and Maintenance

It is most important for pool owners to remember that the provision of fencing does not eliminate the need for proper adult supervision. Adult supervision is essential whenever young children are near a pool. Swimming pool owners should be aware that where death or injury to any person occurs in their pool, a legal liability may fall upon them or upon the person responsible for the pool at the time of any such incident.

It is equally important to remember that a pool fence/barrier can be made ineffective if objects that young children can climb are left or located nearby (e.g. pot plants, outdoor seats, pool filter equipment etc), if gates, latches, and self closing mechanisms are not maintained, or if gates are left propped open.

## Swimming Pools built before 1 July 1993

From 1 October 2008, if your property contains a swimming pool that was built prior to 1<sup>st</sup> July 1993 and you are placing your property up for sale, you will need to ensure that your swimming pool barriers comply with current requirements. This may require upgrades to the swimming pool barrier prior to settlement.

Fencing or barriers may need to be upgraded to meet current safety requirements

It is the responsibility of the party selling the property to ensure that the swimming pool safety is in line with the current requirements (AS1926.1).

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## Easements and Encumbrances

The Certificate of Title for a property contains information regarding the location and nature of any easements and the details of any encumbrances that apply to the land.

If an easement or encumbrance exists on your property, documentation must be submitted to the Council demonstrating that the authority controlling the easement (e.g. SA Water, ETSA etc) or the person(s) holding the encumbrance have approved the proposed pool and/or spa.

## Regulated and Significant Trees

Any work that may substantially damage or affect a regulated or significant tree or trees requires approval from the Council. For clarification on what a regulated/significant tree is and what are considered to be tree damaging activities, please refer to the separate Information Brochure "*Regulated & Significant Trees*".

As construction of a swimming pool or spa typically involves excavation, they should be located well away from any regulated or significant tree that is located on the same property and/or a neighbouring property. This will ensure that the health of the tree is not affected by the excavation for the pool and also that the pool or spa is not affected in the future by growth of the tree's roots.

## Want to Know More?

The above information is advisory only. It is intended to provide a guide and a general understanding of the key points associated with the particular topic. It is not a substitute for reading the relevant legislation or the Development Plan.

It is recommended that if you are intending to undertake development, you seek professional advice or contact the Council for any specific enquiries or for further assistance concerning the use and development of land.

## Contact Details – Development and Regulatory Services Division

245 Sturt Road                      PO Box 21  
Sturt SA 5047                      Oaklands Park SA 5046

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