



Young Shire Council

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PLANNING, ENVIRONMENT & STRATEGIC SERVICES DEPARTMENT

FACT SHEET 6

SWIMMING POOL APPLICATIONS & POOL SAFETY

INTRODUCTION

In NSW, swimming pools in private residences, hotels and motels, are legislated by the *Swimming Pools Act 1992* and the *Swimming Pool Regulation 2008*. Under the Act, it is the responsibility of the pool owner to ensure that their swimming pool is registered on the NSW Swimming Pools Register. Council has a responsibility under the Act to have a Swimming Pool Inspection Program in place. This program is available on Council's website or at Council's offices.

All proposed Swimming Pools installed in the Shire require approval before construction, except for portable pools with a capacity of less than 2000litres and a depth less than 300 millimeters as set out by the Codes SEPP (*State Environmental Planning Policy—Exempt & Complying Codes 2008*).

All pools are required to comply with child resistant fencing requirements of the *Swimming Pool Act 1992*.

APPLICATION REQUIREMENTS

- Submission of a completed application form (as applicable - Development Application or Complying Development) provided by Young Shire Council, with the consent of ALL the property owners. See Fact Sheet 2 or 3 for further information.
- The following additional information:
 - Two (2) complete sets of plans with their application, preferably on A3 paper, including an accurate site plan detailing existing structures, location of pool fencing, and manufacturers specifications and construction detail plans for the pool. **Please Note: Plans cannot be accepted on graph paper, drawn in pencil or showing a previous Council stamp**
 - An additional five (5) plans on A4 paper are required for neighbour notification.
 - Two (2) copies of a BASIX Certificate for the development if required.
 - Completed application form to connect to Council's sewer system for backwashing of the pool filter.

A staff member from the Planning, Environment and Strategic Services Department is available for consultation at the Customer Service area between 8.30am and 11am weekdays.

At other times Staff (and in particular other professional staff like Building Surveyors, Planners & Engineers) are available via phone or by appointment (02) 6380 1203.

POOL SAFETY

The *Swimming Pool Act 1992* prescribes pool safety requirements of backyard pools in NSW, including fencing and the display of CPR posters. The Regulation calls up **AS1926.1-2007, Australian Standard Swimming Pool Safety Part 1: Safety barriers for swimming pools**, which includes requirements for non-climbable zones, mesh fences, retaining walls and balconies that apply to all new pools and some existing pools. Due to copyright reasons, Council is unable to supply copies of this Standard however the document can be viewed at Council Offices and the library.

Older pools may not need to comply with the current requirements, but may be exempt under the Act or may be able to comply with the Regulations and Standards in force at the time of the pools construction. These exemptions are as follows:

- Pools built or installed **before** 1 August 1990 must either be surrounded by a child-resistant barrier or access to the pool from the dwelling must still be restricted at all times in accordance with the standards prescribed by the Regulations.
- Pools built or installed **after** 1 August 1990 but **before** 1 September 2008 must be surrounded by a child-resistant barrier that separates the pool from any residential building situated on the premises and from any place adjoining the premises as required by the *Swimming Pool Regulation 1998*. The child-resistant barrier must be designed, constructed, installed and maintained in accordance with Australian Standard 1926-1986 *Fences and Gates for Private Swimming Pools*.

If the child resistant barrier has been substantially altered or rebuilt the pool must comply with current Standards.

- Pools on small properties (less than 230 square metres) or large properties (minimum 2 ha) where the development was or is commenced before 30 July 2010, must be either surrounded by a child-resistant barrier or access to the pool from the dwelling restricted at all times in accordance with the standards prescribed by the Regulations.

It is important to remember that while fencing may assist in reducing drownings in backyard pools, the most effective way to prevent drownings is for children to be adequately supervised by a parent or another responsible adult.

FURTHER INFORMATION

For further information of recent changes to the Act through the Swimming Pools Amendment Act 2009, and links to fencing and pool safety checklists and www.homepoolsafety.com.au, please refer to the Dept of Local Government Website at www.dlg.nsw.gov.au

Copies of Council's Application Forms are available from the Customer Services Area at Council's Offices or on Young Shire Council's website at www.young.nsw.gov.au
- go to Council Forms - Planning & Environment.

If you have any you have any questions regarding this information sheet, please contact Council's Planning, Environment & Strategic Services Department on (02) 6380 1203.

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