Swimming
Pool
Guidelines

Blacktown City Council
These Guidelines relate to the installation of a private or semi-public swimming pool within the City of Blacktown.

The objective of the Guidelines is to provide general information for the pool owner and occupier to:

1. minimise the risks of unsupervised access to the pool by young children (ie: under the age of 5 years),

2. minimise any impact of a pool or its use upon the amenity of neighbours, and

3. maintain pool water quality.

There is no substitute for constant adult supervision of children in and around swimming pools to prevent drowning and other accidents.

Swimming pool occupiers and users should be familiar with first aid and resuscitation techniques.

An approved resuscitation poster should be prominently displayed and maintained within the pool area. Such a poster may be purchased from the Royal Life Saving Society or Council.
Additionally, no part of a privacy screen located outside the pool area shall be constructed within 900mm of any child-resistant barrier (safety fence).

The information regarding decks and privacy screens is current at publication, but the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 may be changed by the NSW State Government from time to time. Proponents should make their own separate enquiries prior to commencing any construction.

Require more information?

Please contact
Council’s Development Services Unit
Telephone: 9839 6000
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For the purposes of this Guidelines booklet, the following definitions apply:-


“existing swimming pool” means a swimming pool whose construction or installation had begun before 1 August 1990.

“new swimming pool” means a swimming pool whose construction or installation had begun on or after 1 August 1990.

“occupier” means any person who, for the time being, is in charge of the premises in which a pool is installed, including the owner, tenant, leasee, proprietor or operator of the premises.

“pool” means a “swimming pool” defined in this Guidelines booklet.

“private pool” means a swimming pool to which residents and their guests may have reasonable access, including a dwelling, dual occupancy, flats, strata title residential premises, retirement village and the like.

“Regulation” means the Swimming Pools Regulation 2008.

“semi-public pool” means a swimming pool on private premises where members of the public may gather or associate for social, educational or recreational purposes and where members and their guests, customers and patrons may have reasonable access to the pool as part of a service or workplace, including premises such as a club, gymnasium, sports centre, motel, hotel, hospital, school, health resort and the like.

“spa pool” includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

“swimming pool” means a permanent or temporary excavation, structure or vessel:

(a) that is capable of being filled with water to a depth of 300mm or more; and

(b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of the Act.

Notes


2. Dimensions depicted or expressed in this Guidelines booklet are millimetres (mm).
PART 1 - INSTALLATION APPROVAL

1.1 Application, Plans and Specifications

(a) Prior to constructing or installing a swimming pool, a Construction Certificate or Complying Development Certificate shall be issued by Council or a private accredited certifier.

(b) Small portable swimming pools (such as a wading pool) may be installed without approval provided such pools are fenced in accordance with the Act and comply with the development standards of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(c) A Construction Certificate can only be issued after a Development Consent for the work has been issued by Council (generally required where the pool design or location may be unusual or of a commercial nature and the proposal is notified to adjoining property owners).

(d) A Complying Development Certificate can be issued where the pool proposal complies with the complying development criteria adopted under the Blacktown Local Environmental Plan 1988 (until February 2010) or the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

(e) The nature of plans and specifications required to accompany any application to Council for approval is detailed on Council’s General Development Application form. This is available from the Blacktown City Information Centre, telephone 9839 6000, or Council’s web site www.blacktown.nsw.gov.au.

1.2 Structural Design

(a) A constructed or pre-fabricated pool shall comply with the relevant Australian Standard, including:-
   • AS 2783-1992; Use of reinforced concrete for small swimming pools.
   • AS/NZS 1838-1994; Swimming pools - Premoulded fibre-reinforced plastics - Design and fabrication.
   • AS/NZS 1839-1994; Swimming pools - Premoulded fibre-reinforced plastics - Installation.

(b) A pool shall be constructed of inert and durable materials and, where the pool is constructed of reinforced concrete, it shall be finished to a surface suitable for the designed finish.

(c) A hydrostatic pressure relief valve shall be incorporated in rigid pool shell designs.

(d) Structural designs prepared by a professional engineer shall comply with the relevant Australian Standard.

(e) The structural design shall incorporate the soil classification of the site.
PART 2 - GENERAL SAFETY, HEALTH AND AMENITY REQUIREMENTS

2.1 Safety Requirements

(a) The pool shall not be filled, or allowed to be filled, with water until the pool is enclosed by a child-resistant barrier (safety fence) installed in accordance with AS 1926.1 - 2007; Swimming Pool Safety - safety barriers for swimming pools. Figures 2.1-2.9 give examples of acceptable safety fence types.

(b) All doors and gates providing access to the swimming pool shall be adequately maintained and kept securely closed at all times when they are not in actual use.

(c) Adequate means of egress from a pool shall be provided (e.g. steps, swim out, ladder).

(d) A poster distributed by the Royal Life Saving Society depicting expired air resuscitation methods shall be displayed and maintained in a prominent position adjacent to the pool. The poster shall include the words “Young children should be supervised when using this swimming pool.”

(e) Details of suitable first aid courses of instruction can be obtained from any of the following organisations:

   • Royal Life Saving Society, ......................... telephone 1300 737 763
   • St John’s Ambulance Service, ............... telephone 1300 360 455
   • Australian Red Cross, .............................. telephone 1300 367 428

(f) Care should be taken to ensure that any pool chemicals are stored and handled in accordance with the manufacturer’s recommendations.

2.2 Noise Control

Any potential noise-generating motor, equipment or machinery associated with or forming part of a swimming pool water treatment system, shall be located so as not to cause a noise nuisance for neighbours. These items must be capable of being operated in accordance with the noise requirements of the Protection of the Environment Operations Act 1997.

Should the noise-generating item not be located an adequate distance from adjoining occupancies, the item shall be acoustically treated to reduce noise levels to an acceptable level.
2.3 **Access to Swimming Pools**

2.3.1 **New Swimming Pools**

The swimming pool must at all times be surrounded by a child-resistant barrier that separates the swimming pool from any building on the land and from any public or private place adjoining the land.

Any fencing used for this purpose shall conform to AS 1926.1 - 2007 and Part 2.4 of this Guidelines booklet.

2.3.2 **Existing Swimming Pools**

A child-resistant barrier surrounding the pool must separate the pool from any private or public place but is not required to separate the swimming pool from the house, provided the doors and windows leading to the pool area comply with the Regulation.

These details are outlined in Part 2.4.1 of this Guidelines booklet.

However, it is always desirable to provide a child-resistant barrier that entirely separates the pool (isolation safety fence) from any building on the land.

2.3.3 **Indoor Swimming Pools**

The access doorways to indoor pools are to be kept securely closed at all times and are to be fitted with approved closers and latching devices as outlined in Part 2.4.2 of this Guidelines booklet.

2.4 **Fencing**

(a) Fences and gates shall be so designed and constructed that at any point along their length the fence will present an effective barrier to young children.

(b) A gate incorporated in a child-resistant barrier (safety fence) must be a minimum 1200mm high, be fitted with a device which will return the gate to a closed position and then operate the latching device from any position with a stationary start, without the application of manual force.

Each gate shall be fitted so it will only swing outwards away from the pool area.

(c) Double gates are not acceptable construction for a self-closing and self-latching gate.

(d) A padlocked gate is not an acceptable alternative for a self-latching gate.

(e) The maximum allowable gap between the base of the child-resistant barrier (safety fence) and the finished ground/pavement surface level is 100mm.

(f) Each child-resistant barrier (safety fence) shall be inspected and approved by Council’s Building Surveyor or private accredited certifier (as applicable) prior to the pool being filled with water.

(g) Dividing/boundary fences forming part of the child-resistant barrier shall also comply with the requirements of AS 1926.1 - 2007.

(h) Where the rails of any dividing/boundary fence are located on or face the adjoining property, the pool owner must ensure that a minimum 900mm high non-climbable zone (NCZ) from the top of the fence is maintained on the pool side of the fence. Any dividing/boundary fence forming part of the child-resistant barrier is to be a minimum 1800mm high.
2.4.1 Existing Swimming Pools

(a) Any door providing access to the pool area from a building must have no openings below a height of 1500mm above the floor through which a round bar 105mm in diameter can be passed.

(b) The door must be kept closed at all times when not in use and kept child-safe by means of a lock, latch, bolt or other child-resistant device located at least 1500mm above finished floor level.

(c) The door or door frame must not be provided with any footholds wider than 10mm between the release mechanism of the door and any point 100mm above finished floor level.

(d) Although the Regulation does not specify the use of self-closing devices on doors, it is recommended one be fitted as an additional safety measure to ensure the door will remain closed when not in use.

(e) Windows giving access to the pool area must be made child-safe and comply with the following:

   (i) the bottom of the lowest opening panel of the window must (when measured in the closed position) be a minimum 1200mm above finished floor level; and

   (ii) have no footholds wider than 10mm between the bottom of the lowest opening panel of the window and any point within 1100mm below the bottom of that panel; or

   (iii) be key locked or fixed by other approved means allowing no opening through which a round bar 105mm in diameter can be passed

However, if such windows are required for the ventilation of the room in accordance with the Building Code of Australia, they must be protected by way of a child-safe grille, unless satisfactory alternative provision is made for ventilation.

2.4.2 Indoor Swimming Pools

The access doors and windows to indoor swimming pools must comply with the provision of Part 2.4.1 (a)-(e) of this Guidelines booklet.

2.4.3 Spa Pools

A spa pool is not required to be surrounded by a child-resistant barrier providing access to the water is restricted whereby the spa pool is covered or secured by a child-safe structure (such as a door, lid, grille or mesh) that is fastened to the spa pool by a child-resistant device at all times when the pool is not in use.

2.4.4 Barrier/Fencing Maintenance

The occupier of any premises on which a child-resistant barrier is installed in relation to a swimming pool, whether or not it is required by the Act, must, so long as the swimming pool exists, maintain the barrier/ fence in a state of good repair as an effective child-resistant barrier.
There must be a minimum 900mm high non-climbable zone (NCZ) on the outside and 300mm on the inside of the fencing to the finished ground level or to any projection or objects on the ground. This requirement extends to pot plants, trees, landscaping, retaining walls, window sills, pool pumps etc, which could provide climbing access by children and render ineffective the 1200mm safety fence.
Figure 2.2 Perpendicular Fencing Dimensions on Sloping or Retained Ground.
(refer AS, clause 2.3.1)

NOTE: On sloping sites, the fence height is to be measured perpendicular to the ground line.

(a) Sloping ground

(b) Stepped ground

(c) Slightly sloping ground
Figure 2.3  Spacing of Accessible Horizontal Members or Projections or Indentations (refer AS, clause 2.3.1)

(a) Rails inside, but with uprights spaced not more than 10 mm apart
(b) Rails with uprights spaced not more than 100 mm apart
(c) Fencing with several horizontal members, such as welded steel construction

Figure 2.4  Fencing with Projections such as Ornamental Brickwork on Stonework (refer AS, clause 2.3.3)

(a) Section
(b) Front view

NOTE: The 900 NCZ may be between any two (2) points at any level on the outer face of the wall.
Figure 2.5  Fence with Horizontal Members, Projections or Indentations Not Acting as a Hold for Climbing. (Note: This requirement does not apply to lapped fences.) (refer AS, clause 2.3.5)

Figure 2.6  Cranked Chain Wire or Mesh Materials having Apertures Greater than 13mm but Less than 100mm. (refer AS, clause 2.3.2)
Figure 2.7  Latch Shielding for Fences of Open Construction (refer AS, clause 2.5.4)
Provide panels to the full height of the dividing/boundary fence to protect footholds created by the fence rails. The panel is 300mm wide on the inside and 900mm wide on the outside of the intersecting child-resistant barrier (safety fence).
Figure 2.9  Balcony Adjacent to Pool  
(refer AS, clause 2.9)

NOTE: The lower radius point may be anywhere on the fence at least 900 mm above the ground or the highest lower rail or foothold.
Figure 2.10 Site Plans
The following site plans indicate where child-resistant barriers are to be provided.

FENCING - NEW POOL ON RESIDENTIAL BLOCK

[Diagram of site plans showing boundary of premises, child-resistant barrier, and poolside structure]
FENCING - EXISTING POOLS

--- Boundary of premises
---- Child-resistant barrier
\[\] Poolside structure

--- Boundary of premises
---- Child-resistant barrier
\[\] Restricted access from building
\[\] Poolside structure
FENCING - SWIMMING POOLS ON LARGER PROPERTIES
2.4.5 Swimming Pool on Large or Waterfront Properties

The Swimming Pools Amendment Act 2009 requires swimming pools constructed on very small (<230m²), large (>2ha) and waterfront properties after 1 July 2010 to be isolated by a child-resistant barrier.

2.5 Backwash/Used Water Disposal

All backwash, used or waste pool water shall be discharged to the sewers of Sydney Water Corporation (where available) or, if the sewer is unavailable, to an adequate rubble pit located a minimum 4000mm from any property boundary or building on the land. Backwash water must not be discharged into a stormwater drainage line or septic tank. Check with Sydney Water Corporation regarding any requirements to discharge to sewers. (Phone 13 20 90)

2.6 Position of New Pools

(a) A pool is to be located a minimum 1500mm from its water line to a side and/or rear boundary, a dwelling or other permanent structure on the land (including a wall, fence and retaining wall). This distance may need to be increased where a deep pool excavation may undermine the footings of an adjacent building or structure. This should be assessed before a Construction Certificate or Complying Development Certificate is issued.

(b) A minimum clearance of 1200mm should be provided from the water line to the pool fencing (to provide ready access to the pool for cleaning and recovery of items from the water), or such lesser distance (but not less than 1.0m) approved by Council’s assessing officer where it can be demonstrated that there would not be any deleterious affect on any adjacent structure, the amenity of any adjoining land or access to or maintenance of the pool.

A pool will not generally be granted consent within the existing building line setbacks. Where the land has an irregular shape or is a corner allotment, an encroachment on the building line may be considered on its merits.
2.7 Exemptions

Council may, under section 22 of the Act, exempt a swimming pool from complying with the barrier requirements of the Act, if Council is satisfied, in the particular circumstances of the case, that:

(a) It is impracticable or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool, or because of special circumstances of a kind recognised by the Regulation as justifying the granting of an exemption) for the swimming pool to comply with those requirements; or

(b) An alternative provision, no less effective than those requirements, exists for restricting access to the pool.

Any such application must be made by the land owner in writing (Council can provide an application form) and be accompanied by the prescribed fee. It is advisable to discuss any proposal with Council’s Building Surveyor prior to lodging such an application.

PART 3 - PRIVATE POOL REQUIREMENTS

3.1 Water Quality

The pool is to be provided with filtration and disinfection equipment that will maintain the water in a clean and hygienic condition.

Generally, mechanical filtration and disinfection (e.g. chlorination, ozone) equipment is installed. Such equipment must be capable of an adequate turnover rate for the pool’s capacity.

The filtration and disinfection equipment is to be maintained in good condition and operated in accordance with the manufacturer’s instructions.

Water quality for spa pools is to be in accordance with AS 2610.2 - 1993; Spa pools - Private spas and for other pools shall be in accordance with AS 3633 - 1989; Private swimming pools - Water quality.

Should any additional information be required concerning the treatment of swimming pool water, please contact Council’s Environmental Health Unit.
PART 4 - SEMI-PUBLIC POOL REQUIREMENTS

4.1 Approval

A Development Application is to be lodged with Council in accordance with Part 1 of this Guideline.

Such an application must be accompanied by the following details, where applicable:
(a) Floodlighting,
(b) Water heating equipment,
(c) Sound-proofing of all mechanical equipment,
(d) Sound amplifying equipment, and
(e) Water treatment equipment.

4.2 Registration

Each semi-public pool is to be registered by Council’s Environmental Health Unit.

4.3 Pool Operations

(a) Council may, by conditions of consent, limit the hours (including the hours on any particular day) during which the pool may operate.

(b) Council may, by conditions of consent, require the provision of life saving equipment, and the attendance of a suitably qualified attendant/operator (e.g. the holder of a Senior First Aid Certificate, Senior Resuscitation Certificate or Bronze Medallion).

(c) Appropriate toilet, shower and change facilities shall be provided and maintained in accordance with the Building Code of Australia.

(d) All semi-public spa pools, swimming pools and saunas are required to comply with the requirements of the Public Health Act 1991 and the Public Health (Swimming Pools & Spa Pools) Regulation 2000

4.4 Water Quality Maintenance

(a) The occupier of a semi-public swimming pool or spa pool must disinfect the pool water in accordance with the Department of Health NSW - Public Swimming Pool and Spa Pool guidelines so as to prevent the transmission of scheduled medical conditions to the users of the pool.

(b) The occupier of a semi-public swimming pool or spa pool must disinfect the pool water in accordance with the NSW Department of Health - Protocol for minimising the Risk of Cryptosporidium Contamination in Public Swimming Pools and Spa Pools.

(c) The operator of a semi-public swimming pool or spa pool must maintain the pool surrounds, including toilets and change rooms, in a clean condition in such a way as to prevent the transmission of scheduled medical conditions.
(d) An Environmental Health Officer employed by the NSW Department of Health or Blacktown City Council may enter and inspect any premises containing a semi-public swimming pool or spa pool for the purpose of inspecting the premises, carrying out field tests of the pool water or collecting samples of pool water for laboratory analysis.

(e) Should a semi-public swimming pool or spa pool become a risk to public health, the Director-General of the NSW Department of Health may direct the pool to be closed for use by patrons or members of the public until the order is revoked.

**PART 5 - POOL DECKS AND PRIVACY SCREENS**

5.1 Certain decks may be “exempt development” (ie: do not require approval if the design complies with specific development standards - size, location, height and so on) under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Prior to constructing any deck that is not “exempt development”, the proponent must obtain a Construction Certificate or Complying Development Certificate for the work. This approval can be issued in conjunction with the relevant Certificate for the swimming pool (refer Part 1.1 of this Guidelines booklet).

5.2 Privacy screens that comply with each and every development standard for “exempt development” under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 do not require the separate approval of Council.

Privacy screens on a typical private residential premises, in order to be “exempt development”, must comply with the development standards summarised below:-

(a) comply with the Building Code of Australia,
(b) not be erected on land listed in the State Heritage Register,
(c) not involve the removal or pruning of a tree,
(d) not higher than 2500mm above existing ground level,
(e) not longer than 5000mm,
(f) located at least 900mm from each lot boundary,
(g) located in the rear yard, and
(h) be constructed of lattice, bamboo, canvas or the like.