

Swimming Pool and Fencing Installation

What are the requirements for the installation of a new swimming pool?

Written Bayside Council approval is required for the installation of an above ground or in-ground swimming pool. Therefore home owners are required to submit a Development Application form, Construction Certificate or a Complying Development Certificate and obtain approval from Bayside Council prior to any works commencing.

Where can I build a swimming pool?

All applications for a swimming pool will be considered on their merits, having regard to the siting, design and size of the proposed structure. A swimming pool should be located a minimum of one (1) metre from the side boundary. In exceptional circumstances Bayside Council may approve a lesser distance. Bayside Council will also take into consideration the possible effect on the natural lighting and/or ventilation of the applicant's property or adjoining properties. Consideration may be given to a proposal to construct a swimming pool in front of a home subject to there being no adverse impact on the adjoining properties or the streetscape.

Pool fencing requirements

Bayside Council administers the Swimming Pools Act (1992, No 49) and its Regulations (2006). That means that Bayside Council must:

- ▶ Ensure it is notified of all swimming pools within its Local Government Area.
- ▶ Have a swimming pool inspection program to assist in ensuring owner compliance.
- ▶ Investigate safety concerns and complaints.

A pool structure capable of being filled with 300mm of water or more and is used for swimming and other activities including:

- ▶ Concrete and fibreglass swimming pools.
- ▶ Inflatable swimming pools.
- ▶ Temporary or wading pools.
- ▶ Above ground pools and spas.
- ▶ In-ground pools and spas.

** These pools must be registered on the NSW Pool Register.*

Important note

If you are selling your property, a current Compliance Certificate or Non-Compliance Certificate will need to be obtained from Bayside Council or an Accredited Pool Certifier. If you are leasing your property, a current Compliance Certificate will need to be obtained from Bayside Council or an Accredited Pool Certifier. Visit our Customer Service Centre or website for information or forms in this regard.

Fences

Pools must be surrounded at all times by a child resistant barrier that separates the swimming pool from any residential building and from and adjoining public or private properties. Barriers and gates must remain in good repair and working condition. Non-compliance can result in penalties.

Internal fence and gate

Pool fencing (and gates) need to be a minimum height of 1200mm (1.2 metres) above ground level with the height measured from outside the pool area.

Pool boundary fence

Where a boundary fence is used as a barrier restricting access to a pool it needs to be a minimum 1800mm (1.8 metres) with the height measured from inside the pool area. This may vary for older pools that have maintained full compliance with an older Australian Standard.

Gaps

Gaps in pool fences or gates must be no greater than 100mm (10 centimetres).

Gates

Gates and other means of access to the pool must meet the following requirements:

- ▶ Gates must be self-closing and self-latching and closed at all times.
- ▶ Gates to open outwards from the pool area.
- ▶ The latch release needs to be positioned a minimum 1500mm (1.5 metres) above ground level.
- ▶ Where the latch release is on the inside of the tubular style gate, a shield of 450mm radius is to be used with the latch positioned on the pool side a minimum 150mm from the top of the gate. The shield makes it necessary to reach over the gate to reach the latch release mechanism. The gap between the gate and the fixed pool fence must be no more than 10mm.

Non-climbable zone

Non-climbable zone is an area on a barrier or in the space adjacent to a barrier that is to restrict climbing of the barrier by young children.

- ▶ The non-climbable zone extends 900mm within, outside and above the fence and gate barrier.
- ▶ For barriers with openings greater than 10mm, non-climbable zone extends 300mm inside the barrier.
- ▶ For boundary fences used as a barrier the non-climbable zone is located on the inside (pool side) and extends 900mm from the top and outwards from the barrier. Landscaping, decks, retaining walls, steps, associated lighting and other fixtures or furniture are not to intrude into the non-climbable zone.

Features and objects near a barrier

To maintain the required height of a barrier steps and retaining wall, level changes are to be 500mm from the barrier.

Warning notice/resuscitation chart

Pools must have a warning notice with resuscitation chart in a prominent place in the immediate vicinity of the pool (facing the pool and not within a landscaped area). The notice must be legible from 3 metres away and well maintained.

These can be purchased from Bayside Council's Customer Service Centre.

Demountable, portable and baby pools

- ▶ Standard barrier rules apply if these pools are capable of being filled to a depth greater than 300mm (30 centimetres).
- ▶ Pools with less than 300mm (30 centimetres) in height should always be emptied immediately after use and be packed away where it cannot collect rainwater.

Spa pools

Spa pools are required to be surrounded by a child resistant barrier the same as a pool or a child restraint lid that is secured to the spa can be used.

It is to be kept locked in place when the spa is not in use.

Use of a lid/cover does not apply to a spa pool that contains other uses such as a swim spa or plunge pool spa.

Indoor pools

- ▶ Means of access to an indoor pool must always restrict the entry of young children.
- ▶ Any other use within the indoor area such a gym, entertaining etc., are to be separated from the indoor pool component of the area by a suitable child resistant barrier and gate.

Access to an indoor pool is to comply with the following:

- ▶ Doors must be closed at all times when not in use to ensure restricted access for children.

Child restraint doors

- ▶ The door is to be a side hung door forming part of a barrier for an indoor pool.
- ▶ The door must be self-closing and self-latching.
- ▶ The door must open outwards from the pool area.
- ▶ The door knob/latch release must be located on the outside face of the door and be a minimum of 1500mm (1.5 metres) above the floor.
- ▶ A non-climbable zone of 900mm applies to the outside face of the door. This zone is to be positioned no more than 1200mm above the floor.
- ▶ No pet flap or openings are permitted within the door.
- ▶ The door release must be a manual operation to ensure any power failure does not render the door openable.
- ▶ The door width must be a minimum of 1 metre to ensure durability to the self-latching operation.

It is recommended that a glass viewing insert be provided within the door to enable viewing into the pool area and for safety when the door is being opened.

Child restraint windows must be installed. This is usually achieved by the placement of security mesh or a grill permanently fixed over the opening of the window.

Where the indoor area is separated into pool area and non-pool activity area, the requirements for fences and gates stated above applies.

Fees

Fees for all development within the Bayside Council area are calculated on a sliding scale dependent on the cost of the work.

Notification

Adjoining neighbours may be notified in writing of any proposed development where there is a potential or likelihood to impact on the amenity of the surrounding neighbours in accordance with Bayside Councils notification policy.

What details are required?

Visit our Customer Service Centre or website to see our checklist.

Further information

Rockdale Customer Service Centre
444-446 Princes Highway
Eastgardens Customer Service Centre
152 Bunnerong Road

Phone: 1300 581 299 | 9562 1666

Email: council@bayside.nsw.gov.au