

# SWIMMING POOLS FACT SHEET

March 2014



## STRUCTURES WITHIN POOL ENCLOSURES

A child-resistant barrier is required by the *Swimming Pool Act 1992* to separate a residential building from the swimming pool at all times. A detached or attached garage, laundry, shed, boatshed, clothes line or any structure not primarily associated to the pool is included under the legislation definition of a residential building and is required to be separated from the swimming pool. Residential buildings, as defined by the legislation are not to be located inside the swimming pool barrier.

The purpose of separating the swimming pool from residential buildings is:

- To ensure that the pool enclosure is solely used in relation to the pool use and not for any other purpose. This results in the frequency of entering and leaving the enclosed pool area being restricted to the actual use of the pool and not with other uses.
- To have available areas, outside the pool area, for residential purpose and other outdoor recreation.

### WHAT IS ALLOWED?

Woollahra Council has taken a position that allows certain structures within the pool area, provided the structure is ancillary to the pool and primarily used in connection with the pool. The following structures are allowed in the enclosed pool area:

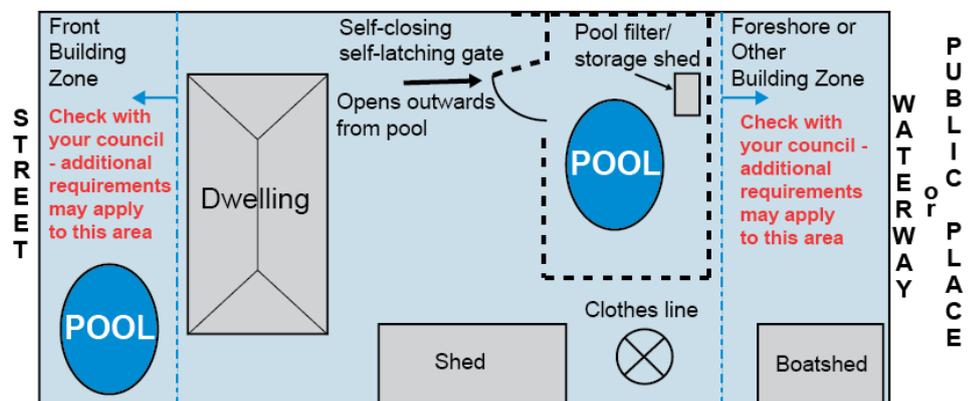
- A shed ancillary to the swimming pool with the primary purpose of containing pool filter equipment or storing equipment that is used in connection with the swimming pool.
- A free standing pergola or similar open, small shade structure, primarily associated to the use of the pool and not the residential building.
- Similar structures that have a combined use for shade, housing filtration equipment, storage of pool equipment, chemicals, pool furniture and the like, used in connection with the swimming pool.

Critically, the size of such structures within the pool enclosure is to be in keeping with the size of the pool and not be for any other use.

### WHAT IS NOT ALLOWED?

The following structures are **not** allowed in the enclosed pool area and are to be located and accessed outside the swimming pool enclosure:

- Any residential building,
- Any WC, shower room, change room, laundry or clothes line,
- Any structure with cooking and food storage facilities,
- Enclosed gazebos, cabanas and pool houses,
- Boat sheds and garages and sheds not associated with the swimming pool.



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## ACCESSWAYS AND PATHS OF TRAVEL

In keeping with the above it is recommended that the enclosed pool area is only accessed for pool use and not as an accessway to other structures and places. Therefore, it is preferable that access to the residence from the street, waterfront or other public place is outside the pool enclosure and not through the pool area.

## IMPACT OF EXEMPTIONS

Some pools obtain exemptions in relation to structures and how structures are to be separated from the pool area. The table below summarises the variances that apply. The sections referred to are as per the *Swimming Pools Act 1992*.

Situation	Pool constructed or altered	Ancillary structures/buildings within pool enclosure
Section 8: Pre-1/08/1990 separation continues to apply	Pre 1-Aug-1990	Allowed with restricted means of access to pool
Section 8: Small property continues to apply	Pre 1-Jul-2010	Allowed with restricted means of access to pool
	Post 1-Jul-2010	Pool structures only
Sections 9 and 10: Waterfront, large property continues to apply	Pre 1-Jul-2010	Allowed where not for residential purpose
	Post 1-Jul-2010	Pool structures only
Moveable dwellings, hotels and motels	Pre 1-Jul-2010	Allowed if not moveable dwelling, hotel or motel structure
	Post 1-Jul-2010	Only structure wholly ancillary to the pool
Tourist and visitor accommodation	Pre 1-May-2013	Allowed if not a tourist and visitor accommodation structure
	Post 1-May-2013	Only structure wholly ancillary to the pool
Other outdoor pools	Current standard	Pool structures only
Indoor pool		Non-pool activities to be separated from pool

### Note:

- Where pre-1/08/1990, small property, waterfront, large property **have not taken up** the barrier exemption, the pool is required to be separated from the residential building this includes ancillary structures/ buildings as per 'other outdoor pools' in the table above.
- Once the Sections 8, 9 or 10 **exemption is lost**, the pool is required to be separated from the residential building this includes ancillary structures/ buildings as per 'other outdoor pools' in the table above
- Barriers in place separating structures from the pool are not permitted to be removed, irrespective of the exemption that may have applied.
- All new structures/buildings are required to be outside the pool enclosure with the exception of a pool structure/ building.
- Alterations/additions to structures/buildings - such works are to comply with current standards and be separated from the pool.