

STRUCTURES WITHIN POOL ENCLOSURE

STRUCTURES WITHIN POOL AREA - What Is Allowed, And What Is Not?

A child-resistant barrier is required to separate a residential building from the pool structure.

The Swimming Pools Act provides a definition:

“*residential building*” means a building (such as a dwelling-house, residential flat building or boarding house) that is solely or principally used for residential purposes, and includes any structure (such as a garage or shed) that is ancillary to any such building, but does not include;

- (a) a building that merely forms part of a complex of buildings (such as a school or recreational centre) that is principally used for non-residential purposes, or
- (b) A moveable dwelling, or
- (c) A shed that is ancillary to a swimming pool and the primary purpose of which is to store equipment that is used in conjunction with the swimming pool (but not a shed of a kind prescribed by the regulations), or
- (d) A building or structure of a kind prescribed by the regulations.

Therefore, only a limited number of structures other than the pool are permitted within the pool enclosure for most residential lots. For example: storage of pool equipment, shade structures or pergola style structure. (refer to diagram over page)

The requirement to separate the pool from residential buildings is;

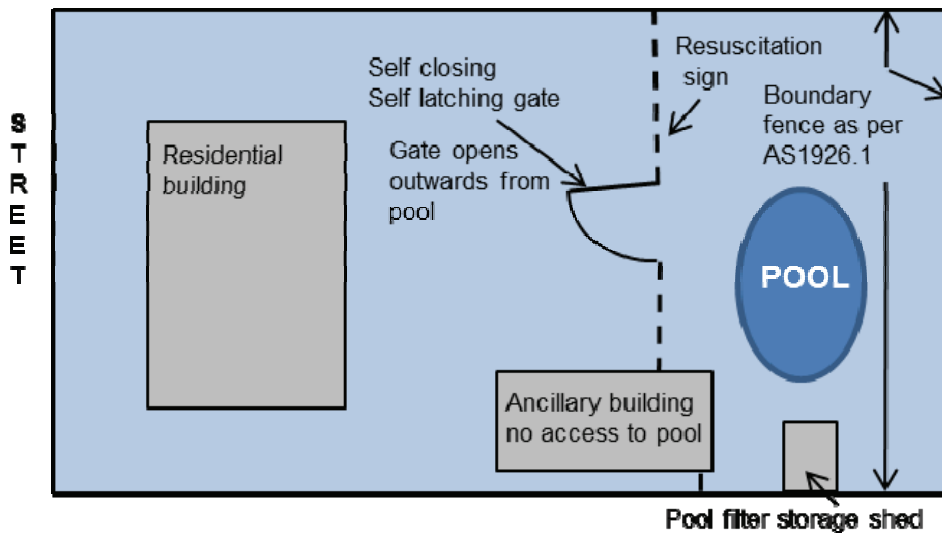
- to ensure that the pool enclosure is solely used for pool use and not for any other purpose. This results in the frequency entering/ leaving the pool enclosed area being restricted to the actual use of the pool and not with other uses.
- to have available areas, outside the pool area, for residential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

Exemptions

Some pools contain exemptions in relation to structures and how structures are to be separated from the pool area. Check with your local council or accredited certifier to clarify the situation.

Note

- Where the pool was constructed pre 1/08/1990, small property up to 230m² in area, waterfront or, large properties being 2 hectares or larger have not take up the barrier exemption at the time of construction, the pool is required to be separated from the residential building and this includes ancillary structures/ buildings as per ‘other outdoor pools’ in table above.
- Once the abovementioned circumstances of an exemption provided under Sections 8,9 or 10 of the Act is lost, the pool is required to be separated from the residential building this includes ancillary structures/ buildings.
- Barriers in place separating structures from pool are not permitted to be removed irrespective of exemption that may have applied.
- All new structures/ buildings are required to be outside the pool enclosure with exception of pool structure/ building.
- Alterations/ additions to structures/ building. Such works are to comply with current standards and be separated from the pool.



Note: The information in this Fact Sheet is for general guidance only and may not contain all requirements necessary to comply with mandatory provisions of the swimming pool legislation. Pool owners should refer to the Swimming Pools Act and AS1926.1-2012. Shoalhaven Libraries provide online access to the Australian Standard. Hard copies are available [for viewing](#) at Council Administrative Offices—Nowra and Ulladulla. **Please note due to copyright restrictions, copies of the documents are unable to be made.** Copies can be purchased from Standards Australia.