

**POLICY NAME:** Private Swimming Pool Barrier Fencing  
**POLICY REF:**  
**MEETING ADOPTED:** Resolution No.  
**POLICY HISTORY:** Initial Policy



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**OBJECTIVE**

The objectives of this policy are to:

- (a) Identify Council's approach to meeting its legal obligations under the *Swimming Pools Act* and the associated Regulation; and
- (b) Provide operating and decision making parameters to support the implementation of swimming pool barrier requirements under relevant legislation.

**POLICY**

*Overview*

This policy outlines how Council manages the monitoring and enforcement of private swimming pool barrier requirements in line with the *Swimming Pools Act 1992* (NSW), the associated Regulations, the *Building Code of Australia* and the applicable Australian Standards.

In particular, this policy addresses the following areas in relation to private swimming pools:

1. Issue of Occupation Certificates for approved swimming pools;
2. Swimming barrier inspection and issuing of Certificates of Compliance;
3. Public awareness of the requirements of the *Swimming Pools Act* that relate to pool safety;
4. Swimming pool registrations and associated Council management systems;

5. Assessment of compliance with the prescriptive provisions of the Australian Standards relating to pool barriers;
6. Applications for, and assessment of, exemptions from swimming pool barrier requirements;
7. Management of investigations and complaints regarding swimming pool barriers.
8. Enforcement action in relation to swimming pool barrier non-compliances.
9. Reporting.

Overall, the policy is based on the balancing of key issues including compliance with legislation, interpretation of provisions and practicality. Fundamentally, the policy is founded on principles that seek to achieve optimal safety outcomes, which typically results in the policy focussing on the achievement of compliance. That is, the policy is based on minimal risk tolerance.

### *Policy Elements*

#### 1. Occupation Certificates

The issue of an Occupation Certificate is a key step in the construction and ultimate completion and use of private swimming pools.

With the aim of ensuring that appropriate inspections are completed and Occupation Certificates are issued where appropriate, Council aims to ensure that Occupation Certificates do not remain outstanding for a prolonged period of time.

To ensure that Occupation Certificates are issued in a timely manner for pools where Council is appointed as the certifier (or action is taken on matters requiring remedy at the Occupation Certificate stage of pool development), Council conducts regular reviews of outstanding Occupation Certificates for private pool developments based on the following:

- Target to complete final pool inspections and issue Occupation Certificates within four months of the commencement of construction.
- Review of pool approvals where there is no Occupation Certificate issued on a six monthly basis to identify inspection, reinspection and outstanding certificate requirements.

Council's fees and charges for pool inspections and certification include fees for inspections to be carried out. These fees are based on the ability for Council staff to carry out timely and efficient inspections.

In cases involving private certifiers where Council identifies that an Occupation Certificate has not been issued with six months of the issue of a development consent for a pool, Council may request that the certifier undertakes the necessary steps to complete the Occupation Certificate process or otherwise advise Council why the certificate process is not able to be completed (e.g. construction has not commenced).

Enforcement action may be taken in cases involving private certifiers where swimming pool barriers do not meet required standards.

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*Note: The above approach to Occupation Certificates will replace a previous process applied by Council since 2012.*

### 2. Barrier Inspection Program and Certificates of Compliance

Council's swimming pool barrier inspection program is based on four pool types as summarised in Table 1. Pool types 1, 2 and 3 are currently inspected as part of Council's previously adopted Pools Inspection Program.

Pool Type	Summary	Inclusions	Minimum Inspection Frequency
Type 1 - High Risk	High risk private swimming pools.	<ul style="list-style-type: none"> <li>Tourist, visitor and multi occupancy developments (such as hotels, caravan parks, residential unit blocks).</li> <li>Pools in high risk locations such as childcare or family day care premises.</li> </ul>	Every three years.
Type 2 – Property Rental	Private swimming pools located at premises that are rented.	<ul style="list-style-type: none"> <li>Pools at properties being tenanted (or proposed for lease) where the owner has requested a certificate of compliance.</li> <li>Pools at properties that are newly leased or rented that do not have a current certificate of compliance.</li> </ul>	Every three years or on application for a certificate of compliance.
Type 3 – Property Sale	Private swimming pools located at premises that are for sale or recently sold.	<ul style="list-style-type: none"> <li>Pools on properties being sold where the owner has requested a certificate of compliance.</li> <li>Pools at properties that are newly sold that do not have a current certificate of compliance.</li> </ul>	On application for a certificate of compliance.
Type 4 – Residential Pools	Private swimming pools at residential premises other than those classed as type 1, 2 or 3.	See details below about future program implementation.	These pools are not currently inspected on a programmed basis. See details below about future program implementation.

#### ➤ Pool Types 1, 2 and 3 - Program Implementation

Type 1 pools require inspections on a triennial basis in accordance with the Act and Regulations. Type 2 pools are inspected by Council on a triennial basis having regard for the Swimming Pools Act and Regulations as well as the *Residential Tenancies*

*Regulation 2010.* Both pool types will also be inspected on application for a certificate of compliance.

*Note: Short term rental accommodation (STRA) may require inspection in line with the requirements of pools located at rental premises. As further information about State Government policy for STRA becomes available, Council will seek to integrate required inspections into the framework adopted under this policy.*

For type 3 pools, Council will undertake an inspection of a private swimming pool barrier when an application for a Certificate of Compliance is lodged with Council.

Fees for all inspections will be charged as prescribed by the Regulation.

In circumstances where a second inspection is not required (and a second inspection fee has been charged), Council will refund the second inspection fee to the landowner.

If a barrier is found to be non-compliant, Council staff will advise the property owner of the issue or issues and issue a non-compliance certificate and a defect report, which:

- (i) identifies the issue or issues; and
- (ii) references the Act and/or Regulations that apply; and

The defect report will also provide a period of time to rectify the issue or issues in accordance with timeframes specified in applicable legislation.

Council will re-inspect at the expiry of the nominated period within the defect report to ascertain whether compliance has been achieved.

Ongoing non-compliances will result in the issuing of directives under the Act and may attract penalty infringement notices or local court prosecutions to ensure compliance.

Any additional inspections resulting in such actions may attract additional charges as set out in Council's adopted fees and charges.

Once a pool is deemed to be compliant, Council will issue a pool Certificate of Compliance.

#### ➤ Pool Type 4 – Future Program

Council does not currently undertake programmed inspections of residential pools that are not classed at type 1, 2 or 3 pools. This is on the basis that Council's programmed inspections are undertaken to meet the minimum inspection requirements required under current legislation.

Where the delivery of a program to include type 4 pools in regular inspections is proposed, Council will need to consider resourcing levels and formal amendment to its endorsed inspection program. Amendment to the inspection program would also be subject to community engagement about proposed inspection program changes in line with the Act and Regulation.

In principle, if a program to inspect type 4 pools is to be implemented in future, it is anticipated that consideration will be given to the application of an annual fee through Council's rating system that is based on inspections being carried out on a five yearly cycle or other frequency as may be adopted following public consultation.

### 3. Public Awareness and Community Education

- Inspection Program Public Engagement

Council undertook community engagement regarding its swimming pool barrier inspection program in accordance with Clause 16 of the Regulation in 2013 and 2014. This policy is based on the inspection program adopted at that time. Proposed changes to the scope of the inspection program will be subject to community engagement in line with the requirements of the Regulation.

- Community Awareness and Education

At least once every 18 months, Council will undertake a media campaign that seeks to raise community awareness and understanding about swimming pool safety and Council's inspection program using a variety of media platforms. Media platforms to be considered in relation to community awareness and education include social media platforms, Community Connect, Council's website, local print media and flyers.

Where practical to do so, Council's program could include engagement with local pool builders.

- Special Awareness Measures

From time to time, Council may identify a certain issues relating to swimming pool barriers and implement a special awareness initiative. Such initiatives are to be recorded and documented in Attachment 1 to this policy as part of the periodic review of this policy.

*Note: At the time of commencement of this policy, Council has one special awareness measure in place being the issue of a letter addressing temporary fencing of pools under construction. This letter includes advice about the installation of fibreglass pools and pools in areas of high water table and associated barriers.*

### 4. Swimming Pool Registrations and Council Management Systems

Swimming pool registration and inspection information is to be maintained in a database.

As part of the management of the database to ensure accuracy and currency, Council will periodically compare records held in the NSW State Register with Council records, review aerial photography and undertake community awareness and education programs (as noted above). The primary aim of these measures is to identify pools that have been constructed or approved but have not been registered.

### 5. Assessment of Compliance with Relevant Legislation and Standards

- Applicable Standards

In determining whether a private swimming pool complies with the Act and Regulations, Council will assess the private swimming pool for compliance with the relevant Australian Standard as shown in the table below.

The Act, the Regulation, the *Building Code of Australia* and the relevant Australian Standard that relate to a swimming pool is dependent on when the pool was installed or



constructed. The following table indicates what standard applies to which pools. It is important to note the relevant standard is when the swimming pool was constructed.

<b>Date Construction Commenced</b>	<b>Applicable Standard</b>
Prior to 1 August 1990	AS1926-1986
1 August 1990 to 31 August 2008	AS1926-1986
1 September 2008 to 30 April 2013	AS1926.1-2007
1 May 2013 to date	AS1926.1-2012

*Note: It is anticipated that a new standard will come into effect in 2019. It is not yet known what impact this new standard will have on Council's approach to swimming pool barrier fencing as set out in this policy. Consideration will be given to the application of the new standard and the need to review this policy once the new standard is introduced.*

- **Inconsistency Between Approval Documentation and Australian Standard**

From time to time, an inspection arising from an application for a Certificate of Compliance for a private swimming pool may identify a non-compliance with the Australian Standard. However such defect may have been considered approved by a certifying authority.

Rectification of any such defect identified will take precedence over any prior development approval issued. This is on the basis that safety is the overriding factor of importance to be considered in the implementation of Council's inspection program and this policy.

Council recognises that such a strict interpretation of the legislative framework could pose a significant cost to a landowner and in such situations an exemption application under Section 22 of the Act can be considered.

- **Upgrading of Barriers to Current Australian Standard**

The majority of private swimming pools within Ballina Shire were originally installed under the Australian Standard AS 1926-1986.

Due to normal wear and tear over time and with the proximity of coastal conditions these barriers deteriorate. Council is aware that landowners undertake regular maintenance of pool barriers, which may include the replacement of some barrier components to ensure that the barrier remains effective.

Council must determine the difference between ongoing maintenance and replacement of the swimming pool barrier fence and the need to upgrade a swimming pool barrier to the current Australian Standard.

In circumstances where more than 20% of a swimming pool barrier needs to be replaced, where parts of the swimming pool barrier fence are permanently removed (for example removal of self-closing and self-latching door closures on doors providing access to a swimming pool), where Council identifies a particular safety issue associated with the barrier replacement, or Council is of the view that the alteration is otherwise considered to be substantial, Council will require that the swimming pool barrier is to be upgraded to the current Australian Standard.

In circumstances where a swimming pool barrier is substantially altered or rebuilt, Council will form the view that the swimming pool barrier must be upgraded to the current Australian Standard. In determining what a substantial alteration is, consideration will be given as to whether or not the alteration is of 'considerable size or extent'.

For example the change in a small section of fence from aluminium pool fencing to glass pool fencing may not be large in its extent and not require additional upgrade works to the remainder of the barrier provided it is compliant with the standard to which it was built. However, changes to a considerable length of barrier may require upgrade works to the entire barrier.

- Interpretation of Standards

There are a number of elements with the applicable legislation and standards relating to swimming pool barriers that require interpretation. To promote consistency in this interpretation having regard for risk, practicality industry conventions, common interpretations are to be recorded and documented in Attachment 2 to this policy as part of the periodic review of this policy.

*Note: At the time of commencement of this policy, Council has one common interpretation that is applied.*

- Determination of a Significant Risk to Public Safety

When assessing defects and non-compliances, Section 22E of the Act requires a certifier to form an opinion as to whether or not the swimming pool poses a significant risk to public safety. Whether or not the issue is deemed a significant risk has a bearing on the period of time for notices to be issued.

Council acts on the basis that a defect to a gate system is a significant defect as a fully compliant gate (or door if permitted) is critical to maximising pool safety.

In relation to all other aspects of the barrier, only minor defects that do not require immediate or urgent attention may be classified as not being a significant risk.

Defects that are deemed to be significant risks are required to be rectified within 24 hours wherever possible and in no more than 7 days where the circumstances warrant a longer timeframe. Other defects are required to be rectified within 42 days.

*Note: References to public safety encompass both the safety of the general community as well as the safety of pool users and property occupants.*

### 6. Exemptions to Standards

Section 22 of the Act provides that a local Council may provide an exemption from full compliance with the requirements of any or all parts of the Act including the relevant Australian Standard for a swimming pool barrier.

Council recognises that full compliance, especially for older pools approved under previous legislation, could pose a significant cost to a landowner and in some situations. Council may be prepared to consider an Exemption Application under Section 22 of the Act on a merit based assessment of the particular case.

In these circumstances, the landowner may request an exemption to certain standards by making a Section 22 Exemption Application. Such applications are to be accompanied by the applicable fee and suitable supporting documentation including clear justification for the requested exemption.

The application is to be submitted on Council's standard form and include all necessary information to be able to adequately assess the application. At a minimum the exemption application must address the following:

- The applicable Act and Regulation.
- The applicable version of the Australian Standard.
- The Part of the Act and/or Clause of the Regulation and/or Australian Standard that is proposed not to be complied with.
- The extent of the non-compliance.
- The reasons why compliance with the standard is impracticable or unreasonable in this particular instance, or with reference to a similar issue within the standard or other compensatory measure, how the alternative provision is no less effective than those requirements, of the Act, Regulation or Standard for restricting access to the swimming pool.

Council may require applications for an exemption to be accompanied by a report from a suitably qualified building professional with a Building Professionals Board Accreditation level A3 or higher.

By way of guidance, examples of instances where an exemption may granted include:

- Permitting self-closing doors on older pools, when it is not practical to replace them, where the barrier needs to comply with the current standard and the new standard does not permit doors.
- Permitting boundary barriers to be non-climbable on the outside (in lieu of the inside top) when adjoining a road or space where climbable structures on the outside are unlikely to be constructed or placed.
- Permitting pool walls forming part to the barrier where the pool wall is at least 1800mm high and non-climbable.

### 7. Management of Investigations and Complaints

In accordance with Section 29A of the Act, Council will far as is practicable, commence investigation of a complaint within 72 hours after it is received and in accordance with Section 29A.

Complaints will be addressed by Council as follows:

- Pools under construction (i.e. an Occupation Certificate has not been issued) where Council is the appointed Principal Certifying Authority will be addressed with reference to the relevant development approval.
- Pools under construction (i.e. an Occupation Certificate has not been issued) where a Private Certifier is the Principal Certifying Authority will be addressed by directing the Private Certifier to ensure the development is not inconsistent with the development approval. If compliance with the direction is not achieved in timely manner the matter may be reported to the Building Professionals Board.



- Pools where an Occupation Certificate or previous Certificate of Compliance or Certificate of Non-Compliance has been issued will be addressed by Council with reference to the relevant approvals and/or certificates.

In addition to the above, Council may take other enforcement action to achieve compliance.

The above process does not prohibit actions being taken under alternate or additional legislation to that described above.

### 8. Enforcement Action

Where non-compliance and safety issues are identified by Council, Council will initially seek compliance based through the provision of information (unless a matter is deemed to pose a significant risk requiring immediate action).

Where satisfactory action is not taken by pool owners to address identified non-compliance and safety issues, Council may take enforcement action in accordance with Council's enforcement policy. Such action may include but is not limited to the issue of notices and orders, the issuing of penalty infringements (fines) and Court action.

### 9. Reporting

In accordance with the requirements of the Regulation, Council will include the following information relating to private swimming pool barriers in its annual report:

- The number of inspections (relating to compliance certificates) carried out under Division 5 of Part 2 of the Act that:
  - (a) were of tourist and visitor accommodation, or
  - (b) were of premises on which there were more than 2 dwellings, or
  - (c) resulted in the council issuing the following:
    - (i) a certificate of compliance under section 22D of the Act,
    - (ii) a certificate of non-compliance under clause 21 of this Regulation.

## BACKGROUND

### *Context and Legislative Requirements*

With more than 4200 private swimming pools being granted approvals within the Ballina Shire, private swimming pool safety is an important community issue. Private swimming pools are a significant responsibility particularly as drowning, especially in the case of young children, can happen quickly and silently.

The consequences of an accidental drowning can affect many people and leaves a painful, lifetime legacy for all those involved.

While fencing and barriers may reduce drowning of young children in swimming pools, there is no protection or safety equipment that can completely replace adequate, active supervision of children by a parent or a responsible adult.

Research on child drownings in backyard swimming pools indicates that the most common contributing factors are inadequately fenced pools (for example, gates not self-closing and self-latching, or fences not being maintained in good condition), human

error (deliberately causing a gate to remain open) or the lack of adequate adult supervision.

It is the responsibility of the property owner and occupants to keep the pool fence in a state of good repair, and ensure all gates providing access to the swimming area are maintained so they are self-closing and self-latching.

Early in 2013 the NSW government introduced new laws affecting swimming pools which aimed to improve pool safety. The new laws resulted in a number of changes to the *Swimming Pools Act 1992* (NSW) including:

- the creation of a state-wide web-based swimming pool register; and
- requiring post construction swimming pool barrier inspections and the issue of compliance certificates.

Under Section 22B of the Act, Council is required to develop and implement a swimming pool inspection program in consultation with the community. In 2013 and 2014, Council received Reports on the introduction of a swimming pool barrier fence inspection program. At that time it was determined that Council would conduct triannual inspections of pools identified to be a high risk (that is, tourist and visitor accommodation and multi-unit accommodation buildings). These inspections are mandatory under the Act.

Under Section 5 of the Act Council is also required to:

- take such steps as are appropriate to ensure that it is notified of the existence of all swimming pools to which this Act applies;
- promote awareness within its area of the requirements of this Act in relation to swimming pools; and
- investigate complaints about breaches of this Act.

In addition to the State Government Swimming Pool Register, Council has established its own Swimming Pool Register to assist in the administration of Council's responsibilities relating to swimming pool barrier fencing.

### *Rhodes Coronial Inquest*

Following the tragic death of a child at Wardell the Rhodes Coronial Inquest held in 2018 made recommendations as follows:

1. Correspondence relating to the granting of development consent for a swimming pool, including the conditions, is sent directly to the swimming pool owners.
2. Pool builders include explicit written instructions within their Client Acknowledgement that a pool is not to be used until a Final Occupation Certificate has been issued.
3. The Swimming Pools Act and Regulation 2008 be amended to require warning notices to be erected and maintained during the construction of a swimming pool, which stipulate that a swimming pool is not to be occupied or used until a Final Occupation Certificate is issued.

Council commenced sending all relevant documents to pool owners in accordance with recommendation one soon after the accident at Wardell. This practise is policy of Council.

Recommendation two is applicable to pool builders.

The Regulation has been amended to include the provisions that address recommendation three.

#### **DEFINITIONS**

<b>AS 1926</b>	means Australian Standard 1926 which applies to child resistant barrier fencing for a private swimming pool.
<b>AS 1926-1986</b>	means Australian Standard 1926-1986, which applies to all private swimming pools built before 31 August 2008.
<b>AS 1926.1-2007</b>	means Australian Standard 1926.1-2007 which applies to all private swimming pools constructed between 1 September 2008 and 30 April 2013.
<b>AS 1926.1-2012</b>	means Australian Standard 1926.1-2012 which applies to all private swimming pools constructed since 1 May 2013
<b>Barrier</b>	means a fence or a wall, and includes: <ul style="list-style-type: none"> <li>(a) any gate or door set in the fence or wall, and</li> <li>(b) any other structure or thing declared by the regulations to be a barrier for the purposes of the Act.</li> </ul>
<b>Certificate of Compliance</b>	means a certificate issued under section 22D of the Act.
<b>Certificate of Non-Compliance</b>	means a certificate issued under Clause 18BA of the Regulation.
<b>Direction</b>	The local authority may, by order in writing served on the owner of any premises in or on which a swimming pool is situated, direct the owner to take, within such reasonable time as is specified in the direction, such measures as are so specified to ensure that the swimming pool or premises comply with the requirements of Part 2 of the Act.
<b>Emergency Direction</b>	A Direction given where there is serious risk to safety. An Emergency Direction can require immediate action without service of a notice of intention beforehand.
<b>Notice of Direction</b>	Before giving a Direction, the local authority who gives the direction must give notice to the person to whom the direction is proposed to be given of the intention to give the direction.
<b>Mandatory Inspection</b>	means a mandatory inspection to be undertaken by Ballina Shire Council officers as provided for in Section 22B of the Act.
<b>Occupation Certificate</b>	in respect of a swimming pool means an occupation certificate issued under the <i>Environmental Planning</i>

	<i>and Assessment Act 1979</i> that is less than three years old and that authorises the use of the swimming pool.
<b>Spa Pool</b>	includes any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like, which utilises air or water injection into the water, but does not include a spa bath.
<b>Short Term Rental Accommodation</b>	means the commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation.
<b>Swimming Pool</b>	means an excavation, structure or vessel: <ul style="list-style-type: none"> <li>(a) that is capable of being filled with water to a depth greater than 300 millimetres, and</li> <li>(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 Swimming Pools Act.</li> </ul>
<b>The Act</b>	means the <i>Swimming Pools Act 1992</i> (NSW)
<b>The Regulation</b>	means the <i>Swimming Pools Regulation 2018</i> (NSW) or its replacement.
<b>Tourist and Visitor Accommodation</b>	means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following: <ul style="list-style-type: none"> <li>(a) backpackers' accommodation,</li> <li>(b) bed and breakfast accommodation,</li> <li>(c) farm stay accommodation,</li> <li>(d) hotel or motel accommodation,</li> <li>(e) serviced apartments, but does not include: <ul style="list-style-type: none"> <li>i. camping grounds, or</li> <li>ii. caravan parks, or</li> <li>iii. eco-tourist facilities.</li> </ul> </li> </ul>

*Note: Land use definitions are sourced from the Ballina Local Environmental Plan 2012. In the event of an inconsistency between definitions in this policy and the LEP, the definitions in the LEP prevail.*

*Where there is inconsistency between the definitions in this policy and the applicable Swimming Pools Act and Regulations, the Act and Regulations prevail.*



### SCOPE OF POLICY

This policy applies to the post construction investigation, monitoring and enforcement of private swimming pool barrier fencing and associated potential unlawful activity or failure to comply with terms or conditions of development approvals.

This policy does not apply directly to the issuing of the development approval to construct a swimming pool or the construction phase for the pool other than in relation to the timing for the issue of the an Occupation Certificate, exemption applications and as a means of providing guidance to assessment officers in relation to the inspection approach and standards to be applied by Council once a pool has progressed beyond the development assessment and construction certificate phases. The development approval process is addressed by Council and/or private certifiers in accordance with the *Environmental Planning and Assessment Act*.

This Policy applies to all private swimming pools within the Ballina Shire Local Government area but does not apply to swimming pools and spas that are situated, or proposed to be constructed or installed, on any premises occupied by the Crown or by a public authority.

The policy applies to Council employees, Councillors and swimming pool owners.

### RELATED DOCUMENTATION

This policy should be read in conjunction with:

- *Environmental Planning and Assessment Act 1979 (NSW)*;
- *Environmental Planning and Assessment Regulation 2000 (NSW)*;
- *Ballina Shire Council Enforcement Policy*;
- *Swimming Pools Act 1992 (NSW)*;
- *Swimming Pools Regulation 1998 (NSW)* (since repealed);
- *Swimming Pools Regulation 2018 (NSW)* and any subsequent remake of this Regulation;
- *Relevant Australian Standards for Private Swimming Pools*.

### REVIEW

The Private Swimming Pool Barrier Fencing Policy is to be reviewed every four years.

**Attachment 1 – Special Awareness Measures**

Measure Applied	Reason	Measure Details
Temporary fencing requirements during pool construction information letter	<p>Reinforcement of the need to consider installation of temporary fencing as part of the construction of a pool.</p> <p>The letter includes particular reference to fibreglass pools and pools within areas with a high-water table where pools need to be filled to prevent deformation of the fibreglass pool or to prevent the pool from being forced from the ground.</p>	Letter to landowners providing information about temporary fencing and safety barrier requirements including the management of fibreglass pools and pools in areas of high water table.

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8.3 **Policy (New) - Private Swimming Pool Barrier Fencing.DOC**

**Attachment 2 – Common Interpretations**

Issue	Council Interpretation	Reason
Minimum distance a pool can be from a boundary barrier	500mm	2.3.1- refers to 500mm distance for changes in level to achieve barrier height. 1.3.2- height measurement refers to ground level. 1.3.6- ground level refers to a stable surface (i.e. not water surface).

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