



FACT SHEET

Portable Swimming Pools & Spas

What is a portable swimming pool?

Under the NSW *Swimming Pools Act 1992*, a **swimming pool** means: an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth greater than 300 millimetres, 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 or anything situated within a bathroom.

A portable swimming pool or spa is a structure or vessel that is not permanently installed, is portable and is only utilised for a short period of time.

Is Council Development Approval required?

Unlike permanent in ground or above ground swimming pools, some portable swimming pools and spas do not always need Council Development approval.

Under Subdivision 30 of the *State Environmental Planning Policy (SEPP) 'Exempt and Complying Development' Codes 2008*, a portable swimming pool or spa is defined as "Exempt Development" meaning their installation does not require Council Development Approval **BUT** these pools or spas must:-

- be for residential uses only, and
- be located in the rear yard, and
- be located at least 1m from each lot boundary, and
- not exceed 2,000 L in capacity, and
- not require structural work for installation, and
- not impact on the structural stability of any other building.
- A child-resistant barrier must also be constructed or installed in accordance with the requirements of the *Swimming Pools Act 1992*.

If the portable swimming pool **fails** one or more of the requirements listed above, then a Development Approval will need to be obtained from Council before you install the swimming pool.

What about pool fencing and child resistant barriers?

Under the NSW *Swimming Pools Act 1992*, all swimming pools must be protected by a child resistant barrier or pool fence, complying with Australia Standard AS1926-2012.

This requirement applies to all permanent and portable swimming pools and spas that exceed 30cm in depth. For many portable swimming pools there is also a requirement to register the pool on the NSW Swimming Pool Register.

It is the property owner's responsibility to ensure that a swimming pool is protected by a child resistant barrier and will need to consent to any Development Application being lodged.

NOTE – Please ensure that appropriate adult supervision is always provided to young children when swimming or exposed to open water sources.

I want to install a portable swimming pool or spa.

The process involved with the installation of a portable swimming pool or spa will depend on a number of factors mainly concerning the water volume and depth of your pool.

1. Small Pools - If the pool is a very small toddler wading pool that cannot be filled with more than 30cm of water and doesn't hold more than 2000 litres and will be located in the rear yard etc. the swimming pool does not need Council Development Approval or a child-resistant barrier (pool fence).
2. Medium Pools - If the pool can be filled with water to a depth greater than 30cm and are located in the rear yard etc. but the pool doesn't hold more than 2000 litres. These swimming pools do not need Council Development Approval **BUT** this type of pool does need to be protected by a child-resistant barrier. Council can provide free advice on how best to erect a child resistant barrier on your property and will issue you with a Swimming Pool Compliance Certificate once the barrier has been adequately installed.
3. Large Pools – These are the larger type of pools that can be filled with water to a depth greater than 30cm and hold more than 2000 litres. They usually contain a pump and filter and sometimes an external support frame. These swimming pools must first obtain Council Development Approval for their installation and must also be protected by a child-resistant barrier.

What will it cost me?

It's important to know that the costs of doing the right thing far outweigh the cost of getting it wrong.

THE RIGHT WAY

If you require a Development Application for your pool it will cost you around \$110.

For portable pools requiring a child-resistant barrier, the Council can provide free onsite advice as to the most economical way to meet the requirements and will undertake **one** swimming pool compliance certificate inspection free of charge (additional inspections will cost \$100).

The fencing, gate or other barrier works may cost as little as \$100 or as much as \$2000 depending on the size, type or location of the barrier.

You will also need to purchase and install an appropriate resuscitation sign costing around \$25.00

Online Registration of your pool on the NSW Swimming Pool Register is Free of Charge.

THE WRONG WAY

In addition to Council ordering you to remove or demolish the swimming pool, there are significant penalties that can be served on those who install portable swimming pool or spas and **don't** obtain the proper approvals or provide a compliant child-resistant barrier. These can include:

- \$750.00 for not obtaining a development approval.
- \$550.00 for not providing a child-resistant barrier.
- \$220.00 for not registering the pool on the NSW Swimming Pool Register.
- \$110.00 for not having an appropriate resuscitation sign.
- \$1,500.00 for not complying with order to demolish or remove the pool

Further Information

For more information on the requirements for portable swimming pools and spas, please contact Cootamundra Shire Council during normal office hours on 02 6940 2100.

Diagrams



Small Pool

Water depth **less** than 30cm

Holds **less** than 2000L of water

Does **not** require a child resistant barrier (fence)

Council development approval **not** required



Medium Pool

Water depth **greater** than 30cm

Holds **less** than 2000L of water

Must be protected by child resistant barrier (fence)

Must be registered on NSW swimming pool register

Need Resuscitation Sign

Council development approval **not** required



Large Pool

Holds **more** than 2000L of water

Water depth **greater** than 30cm

Council development approval required

Must be protected by child resistant barrier (fence)

Must be registered on NSW swimming pool register

Need Resuscitation Sign

Basic Fencing Information

The actual design specifics of a compliant child resistant barrier can be complex and it is advised that you consult with Council prior to purchasing or installing a barrier on your property.

The following diagrams give you some options as to where a child resistant barrier can be located on your property.

