



SWIMMING POOLS & SPAS

Thinking of installing a swimming pool or a portable swimming pool?

Make sure you have the right information before you start.

WHAT IS A SWIMMING POOL?

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

- that is capable of being filled with water to a depth greater than 300 millimetres, and
- 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.

DO I NEED DEVELOPMENT APPROVAL FOR A POOL?

You need Development Approval to install a permanent swimming pool or spa.

However, 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"

If your development can not meet all the requirements of the CODES SEPP, Development Approval is required before you install your pool or spa.

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.

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.

It is the property owner's responsibility to ensure that a swimming pool is protected by a child resistant barrier.

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

INSTALLING A PORTABLE SWIMMING POOL OR SPA

Not all portable swimming pools and spas are exempt from Council approval. To erect a portable pool without Approval you need to meet **all the relevant requirements of the CODES SEPP.**

GENERAL REQUIREMENTS

- Works must be structurally adequate, installed in accordance with manufacturer's specifications and comply with the Building Code of Australia (BCA).
- Works must not involve the removal or pruning of a tree or other vegetation
- Works must not be on land that is;
 - A declared area of outstanding biodiversity or a critical habitat,
 - or part of a wilderness area,
 - on which there is, an item that is listed on the State Heritage Register or that is subject to an interim heritage order,
 - Identified as an item of environmental heritage in the LEPs.

(There are some exemptions to the above. Please contact Council if you have any queries)

SUBDIVISION 30 REQUIREMENTS

- ◇ Works must not be constructed or installed on or in a heritage item or draft heritage item.
- ◇ It must be;
 - 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](#).

THE RIGHT WAY

There are some costs to getting it right. You may need a Development Approval, a child-resistant barrier, and a resuscitation sign costing. 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 - up to \$1,500 - 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.

INSTALLING A TODDLER WADING POOL

- Water Depth **less** than 30cm
- Holds **less** than 2000L water
- Does not require a child resistant barrier (fence)
- Development Approval not required



DO NOT LEAVE ANY CHILD UNATTENDED OR UNSUPERVISED NEAR WATER. EMPTY THE POOL WHEN NOT IN USE

INSTALLING A SMALL PORTABLE POOL

- Water Depth **greater** than 30cm
- Holds **less** than 2000L water
- Meets requirements of CODES SEPP
- Requires a child resistant barrier (fence)
- Must be registered on NSW Pool Register
- Need Resuscitation Sign
- Development Approval not required



INSTALLING A MEDIUM-LARGE PORTABLE POOL

- Water Depth **greater** than 30cm
- Holds **more** than 2000L water
- Requires a child resistant barrier (fence)
- Must be registered on NSW Pool Register
- Need Resuscitation Sign
- Development Approval required**

