

SWIMMING POOLS & SPAS

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

Make sure you have the right information before you start.

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.

DO I NEED DEVELOPMENT APPROVAL FOR A POOL?

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

Some portable swimming pools and spas may be exempt under [Subdivision 30 of the State Environmental Planning Policy \(SEPP\) 'Exempt and Complying Development' Codes 2008 \(CODES SEPP\)](#).

To install a portable pool without approval you need to meet all the requirements of the CODES SEPP.

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.

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

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**



REGISTRATION

Pool owners must register their pools online on the NSW Government's Swimming Pool Register.
<https://www.swimmingpoolregister.nsw.gov.au/>

CPR SIGNAGE

In case of an emergency the law requires that you have a cardiopulmonary resuscitation (CPR) sign displayed near your pool.

CERTIFICATE OF COMPLIANCE

Owners who are renting or selling a property with a swimming pool or spa pool have additional obligations to meet. When selling a property with a swimming pool or spa pool, you must ensure the contract for sale includes:

- a Registration Certificate issued from the Swimming Pool Register, and a valid swimming pool certificate of compliance, or
- a relevant occupation certificate issued within the last 3 years, or
- a valid certificate of non-compliance.

When a residential tenancy agreement is entered into for a property with a swimming pool or spa pool, the landlord or real estate agent must provide the tenant with a copy of the valid certificate of compliance or occupation certificate.

INSTALLING A PORTABLE SWIMMING POOL OR SPA UNDER THE CODES SEPP

To install a portable swimming pool without Approval you **must** meet all 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.

REQUIREMENTS OF SUBDIVISION 30 - Portable swimming pools, spas and child-resistant barriers

- 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](#).

As the weather warms up, it can be very tempting to grab one of the affordable portable swimming pools. What most people don't realise is that depending on the pool's water depth and volume a portable swimming pool may be treated the same under NSW Swimming Pool and Planning law as a permanent in-ground swimming pool. This means that planning approval from Council and a pool safety barrier, resuscitation sign and inspection for compliance may be required. Whilst this may sound very bureaucratic and "over the top" there is good reason to have these controls in place – portable pools that are not appropriately secured present a real danger to young children.

Need help?

Council provides building certification services that are flexible and personalised.

If you have any further questions, please contact Council's Planning, Building and Compliance team on 6930 1800 or council@coolamon.nsw.gov.au