Complying Development Checklist
Swimming Pools
(Applicable to Zones 1 - 4 & 12, 13 & 15 only)

Under the Sutherland Shire Local Environmental Plan 2006 (SSLEP) Sutherland Shire Council has continued to make provision for a new form of development consent for minor works. This form of consent is called a Complying Development Certificate (CDC).

Complying Development, under the SSLEP, is one of the options available for consideration for applications for a complying development certificate. The NSW General Housing Code also contains provisions for complying development.

Checklists for the NSW General Housing Code, as it applies to Sutherland Shire, are available from Council’s Customer Services Centre or from our website at:

www.sutherlandshire.nsw.gov.au

A Complying Development Certificate can be issued for developments such as dwellings, swimming pools, garages, carports, fencing and the like that meet pre-determined standards. A construction certificate is not required when a Complying Development Certificate is issued.

The following checklist includes boxes that you can use to identify which of the standards are applicable to your proposed development and whether the proposal complies with the standards.

If the proposal does not comply with all the relevant standards and you wish to submit a complying development application – you will need to amend the proposal so that it complies or review the proposal against the NSW General Housing Code. If an application does not comply with all the relevant standards – it cannot be approved as complying development. In these cases you will need to lodge a development application and an application for a construction certificate instead of a complying development certificate application.

When you submit your complying development certificate application you should submit this completed checklist to demonstrate that you have fully considered all the standards in respect to your proposal.
## Swimming Pools Checklist

- For all new swimming pools, having a volume of 40,000 litres or greater, a BASIX Certificate is required to be submitted with the complying development certificate application. All commitments in the BASIX Certificate must be included on the submitted plans.

- Must be constructed in the rear or side yard, behind the building line.

- Must be setback from the side and rear boundaries at least 1.5 metre to the waterline of the pool in zones 1 – 3 and where the pool, surrounds or decking is more than 500 mm above ground level. In any other case, 1 metre.

- Height must not exceed 1 metre above ground level in the case of an inground pool and 1.2 metres above ground level for a pre-fabricated above ground pools where any coping width is less than 250 mm wide.

- Pool pump and equipment associated with the pump must be designed so as to be sound insulated or isolated so that the noise emitted does not exceed an LAeq of 5 dB(A) above background noise level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard AS 1055.1—1997, Acoustics—Description and measurement of environmental noise—General procedures.

- Pool, surrounds and decking must be screened by plants if more than 500 mm above ground level.

- The pool and all child resistant barriers must comply with the Swimming Pools Act, 1992 and Sutherland Shire Council’s Environmental Specification – Swimming Pools.

- The development does not involve the carrying out of works described in the Table to Clause 23(2) of the SSLEP on land that contains acid sulfate soils.

- Must not be carried out on bush fire interface land except if fencing is non-combustible.

- Must not be carried out on contaminated, flood liable, foreshore building line affected or heritage item land.

- The development will not result in a lesser landscaped area than is provided for in clause 36.

- The development will not result in the redirection of surface storm water or run-off onto adjoining land, and storm water from the development will be discharged:
  1. by gravity feed to a road gutter,
  2. to an existing drainage structure within a lawful easement, or
  3. to an on-site drainage management system.
- The development will not result in the removal, pruning, lopping or damage trees which would require the consent or permission of Council under the Sutherland Shire Local Environment Plan, unless the prior permission or consent of Council is obtained.

- The land is not a habitat for endangered or vulnerable ecological species or an ‘aboriginal place’ under the NPW Act 1974.

- The land is not a wetland, an aquatic reserve or marine park or within 100 metres of such land.

- The development complies with the deemed to satisfy provisions of the Building Code of Australia.

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If you answered “Complies” to all questions, you may lodge a Complying Development Application for assessment by Sutherland Shire Council. If the full assessment of the application identifies your work as not being complying development, you will then need to lodge a Development Application.

If you answered “Does not Comply” to any of the above questions you should not lodge a Complying Development Certificate Application but a Development Application.