



FACT SHEET

PORTABLE SWIMMING POOLS AND SPAS

WHAT IS A PORTABLE SWIMMING POOL?

Under the NSW *Swimming Pools Act 1992*, a swimming pool is defined as: 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 APPROVAL REQUIRED?

Unlike permanent in ground or above ground swimming pools, some portable swimming pools and spas do not always need 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 approval, BUT these pools or spas must meet certain requirements.

SUPERVISION IS KEY!

Appropriate adult supervision is always the primary action to prevent drownings and near drownings. Restricting access to the swimming pool or spa is essential for those times where supervisions is missing. Restricting access includes separating the pool or spa from other outdoor activities and entertainment areas.

FOR A POOL TO MEET 'EXEMPT DEVELOPMENT' REQUIREMENTS, THEY 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 2,000L in capacity, and
- ◇ Not require structural work for installation, and
- ◇ Not impact on the structural stability of any other building, and
- ◇ A child-resistant barrier must also be constructed and installed in accordance with the requirements of the *Swimming Pools Act 1992*.

If the portable swimming pool or spa fails one or more of these requirements, then approval will need to be obtained *before* you install the swimming pool or spa.

POOL FENCING AND CHILD-RESISTANT BARRIERS

Under the NSW *Swimming Pools Act 1992*, all swimming pools and spas must be protected by a child-resistant barrier or pool fence, complying with the regulations and standards thereunder. 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 requirements to register the pool on the NSW Swimming Pool Register. (www.swimmingpoolregister.nsw.gov.au).

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

INSTALLING 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.

SMALL SPAS

Spa pools (or hot tubs) are small, heated and jetted pools that are a structure for a limited number of persons. They are not intended for swimming, wading or paddling. They are to have a limited water surface area of 6.5m² and no dimension greater than 3m. They are to have a water capacity less than 2,000L. These spas are able to have a lockable lid, which must be in place and locked at all times when the spa is not in use. A small spa does not need approval.



LARGE SPAS OR SWIM SPAS

Large spas or swim spas are generally larger in capacity holding greater than 2,000L, and can be used for swimming, wading, paddling or any other aquatic activity.

A swim spa does not meet the definition of a Spa Pool under AS2610.2 and does not qualify for the use of a lockable lid as a barrier. They require a 4-sided child-resistant barrier around the spa to restrict access.

Large spas and swim spas require approval before installation.



SMALL POOLS

A small pool is a very small toddler wading pool that cannot be filled to a depth more than 30cm of water, doesn't hold more than 2,000L and will be located in the rear yard etc.

A small pool does not need approval or a child-resistant barrier (pool fence).

A small pool MUST be emptied and put away immediately after each use.



MEDIUM POOLS

A medium pool can be filled with water to a depth greater than 30cm, and doesn't hold more than 2,000L and will be located in the rear yard etc.

A medium pool does not need approval BUT this type of pool does need to be surrounded by a child-resistant barrier prior to filling the pool with water. Council can provide advice on how to best erect a child-resistant barrier on your property. A swimming pool compliance inspection and certificate can be completed once the barrier is installed correctly. Fees will apply.



LARGE POOLS

A large pool can be filled with water to a depth of greater than 30cm and can hold more than 2,000L.

A large pool usually contains a pump and filter, and sometimes an external support frame.

A large pool must first obtain approval for their installation and must be surrounded by a child-resistant barrier prior to filling the pool with water. Council can provide advice on how to best erect a child-resistant barrier on your property. A swimming pool compliance inspection and certificate can be completed once the barrier is installed correctly. Fees will apply.



CPR (RESUSCITATION) SIGN

All pools which require a child-resistant barrier and all spas require a CPR sign to be displayed in a prominent position near the swimming pool or spa.

These signs are available for purchase at the Council Administration Building.



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

For portable pools requiring a child-resistant barrier, Council can provide onsite advice as to the most economical way to meet the requirements. Initial inspection fee is \$150, with additional inspections at \$100. Registered swimming pool inspectors are also able to provide advice. See NSW Fair Trading's website for more information.

Resuscitation (CPR) signs are around \$25 from your local hardware, pool equipment supplier, or Council Admin Building.

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

*Approval application costs vary depending on your site. Contact Council or a private certifier for more information.

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 pools or spas and don't obtain the proper approvals or provide a compliant child-resistant barrier.

These can include:

- ◇ \$1,500 for not obtaining a development approval.
- ◇ \$550 for not providing a child-resistant barrier.
- ◇ \$220 for not registering the pool on the NSW Swimming Pool Register.
- ◇ \$110 for not having an appropriate resuscitation sign.
- ◇ \$1,500 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 Sutherland Shire Council during normal office hours on 02 9710 0333, or visit our website www.sutherlandshire.nsw.gov.au.

