

# Swimming Pools & Spas

## Information Sheet 07

### What approvals are needed for a swimming pool and/or spa?

The development approval process typically involves two assessment stages, comprising a Development Plan Consent and a Building Rules Consent, prior to development approval being issued.

An application for a swimming pool or spa pool may be subject to a streamlined assessment process, in which the pool is exempt from the requirement for Development Plan Consent, but still requires Building Rules Consent before development approval can be granted. If the pool or spa does not qualify for a streamlined assessment, then Development Plan Consent will be required.

### Would a small paddling pool need development approval?

Development approval is required for the installation of a swimming pool (which includes any excavation or structure that contains water and is used principally for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa pool) which is:

- capable of being filled to a depth exceeding 300mm; or
- in the case of any above ground or inflatable swimming pool, incorporates a filtration system and is capable of being filled to a depth exceeding 300 mm.

Above ground or inflatable pools that have been previously approved and are dismantled and reinstalled in approximately the same location do not need any further approvals, unless more than two years has passed since it was last installed.

In addition, development approval would be required for a spa that has a maximum capacity exceeding 680 litres.

Ponds and water features do not usually require development approval.

### What if I would like to install a spa pool?

Development approval is required for the construction or alteration of (or addition to) a spa, if it:

- has a maximum capacity exceeding 680 litres; or
- is being constructed, added to or altered so that any part of the spa pool is within 1m of a boundary of the allotment; or
- is being constructed, added to or altered so that any part of the spa pool is situated in front of any part of the building line of the building to which it is ancillary that faces the primary street; or
- would have a filtration system located:
  - in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise, within 5 metres of a dwelling located on an adjoining allotment; or
  - in any other case, within 12 metres of a dwelling located on an adjoining allotment.

### What information do I need to supply with my development application?

An application for a swimming pool must include a site plan showing the location of the proposed pool or spa, and setbacks from boundaries and buildings, along with documentation detailing the following:

- Location and details of the pool safety barrier including door and window treatments located adjacent the pool area.
- Details of the pump and filtration equipment, including second suction point and method of draining the pool.
- The manufacturer's or engineer's design details and calculations.



## What safety barriers are required?

### Pool or spa fencing and gates

All pools must have suitable barriers to restrict access by young children to the immediate pool surrounds. Safety barriers must be constructed in accordance with the Australian Standard AS 1926.1 and fences constructed so that:

- the effective height is a minimum of 1.2m; and
- the clearance between the ground and the bottom of the fence, or the gap between vertical members of the fence rails, does not exceed 100mm; and
- horizontal fencing components are spaced a minimum of 900 mm apart.

Gates to the pool area must:

- swing outwards from the pool area; and
- be self-closing and self-latching; and
- be fitted with a latching device that is out of reach of small children (minimum 1.5m above ground level).

Child-resistant hard covers can't be used as safety barriers in place of a fence for above-ground spa pools, because there are currently no regulatory standards for spa pool covers and when the cover is off the spa, there is no barrier.

### Child resistant doors and windows

If a dwelling or outbuilding forms part of the swimming pool barrier, doors and windows which provide access from the building to the pool area must be provided with child resistant doorsets and child resistant windows. The treatments required for windows and doors are:

- Where the sill height of the openable part of a window is less than 900 mm the openable part must be fitted with a barred or mesh screen, or the winder shall restrict the window from opening more than 100 mm.
- Where the sill height of the openable part of a window is less than 1,200 mm but greater than 900 mm the openable portion must be fitted with securely fixed flyscreens or the winder shall restrict the window from opening more than 100 mm.
- Doors are to be self closing and self latching.
- Doors are fitted with a latching device that is out of reach of small children on the internal side (minimum 1.5 m above ground level).

## Would my pool be subject to a streamlined assessment process?

A streamlined assessment process, where the proposal is exempt from the requirement for Development Plan Consent, applies to the construction or alteration of (or addition to) a swimming pool that:

- is ancillary to a dwelling on the site; and
- is not being constructed, added to or altered so that any part of the pool is within 1 metre of a boundary of the allotment; and
- is not being constructed, added to or altered so that any part of the pool is situated in front of any part of the building line of the building to which it is ancillary that faces the primary street; and
- does not have a filtration system located:
  - in the case of a filtration system enclosed in a solid structure that will have a material impact on the transmission of noise, within 5 metres of a dwelling located on an adjoining allotment; or
  - in any other case, within 12 metres of a dwelling located on an adjoining allotment.

Please note that swimming pools associated with Local or State Heritage Places, or on sites located within the Historic (Conservation Zone), are not exempt from the requirement for Development Plan Consent.

## When do the pool safety barriers need to be completed?

The licensed building work contractor of the owner of the swimming pool must ensure that the construction of all relevant safety fences and barriers is completed within 2 months of the completion of the construction of the swimming pool.

A person must not, in relation to a swimming pool completed after 22 September 1994, fill the pool with water unless the pool is enclosed by a barrier that complies with the relevant Performance Requirement under the Building Code. A penalty of up to \$4000 can apply for failure to comply with this requirement.

### For further information:

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### What do I need for filtration systems?

The pump and filtration systems for swimming pools must comply with the requirements of Australian Standard AS1926.3, while overflow or drainage from the pool must be connected to the sewer. When submitting an application for Building Rules Consent, you should provide:

- The manufacturer and model of skimmer box certifying compliance with AS1926.3.
- Details of the skimmer box confirming a solid member no less than 100mm wide separates the pool from the leaf basket, the skimmer box has a vented lid, and the basket dimensions comply with the standard.
- Confirmation that each pool pump would be connected to at least two outlets (an outlet also being the skimmer box), which would remain operative at all times and be separated by a minimum distance of 800mm (or 600mm separation for a spa).

### Do I need to upgrade my current pool fencing?

For home owners with a swimming pool constructed prior to 1 July 1993 who are selling their property, you are advised that an upgrade of the barrier to the current requirements of the Building Code of Australia (BCA) is mandatory.

Responsibility for the upgrade rests with the current home owner, unless an agreement is entered into that transfers responsibility to the new owner and must be undertaken as soon as possible. While advisable, the upgrading of filtration systems is not required.

Upgrading of pre-1993 pool barriers will not require a development application, unless works include new child resistant door/window treatments and/or boundary fences that constitute a type of development. It is recommended that you provide details of the proposed changes to pool fencing and barriers to Council prior to commencing work, so that it can be determined whether or not development approval is required.

All swimming pools approved after 1 July 1993 must comply with the BCA, while all pools and pool safety barriers must be maintained in good condition.

### Do I need to notify Council when the pool is constructed?

Yes, you must provide written notice to Council no later than one business day prior to the following stages of construction, when installing or constructing a swimming pool or spa pool:

- The intended commencement of work on the site.
- The completion of construction of a swimming pool (before the pool is filled with water).
- The completion of construction of a safety fence or barrier for a swimming pool.
- In relation to some other form of building work where swimming pool safety features are relevant, the completion of that aspect or those aspects of the building work relating to the swimming pool safety features.

