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## Fact Sheet: Development Applications for Swimming Pools without Consent

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*This Fact Sheet is provided for the purposes of general advice only. Further advice can be obtained by contacting Council's Planning and Regulatory Services Section on 1300 292 442*

### **Do I need approval for my swimming pool?**

Yes - It is a requirement to obtain an approval under the Environmental Planning and Assessment Act 1979 for certain types of pool depending on the amount of water they hold and any restrictions that apply to the land. In general, any pool that can hold more than 2000 litres of water requires an approval. Detailed requirements are contained in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and Electronic Housing Code project.

Any pool that can be filled with more than 300mm of water must have installed child-resistant safety barrier that complies with the Swimming Pools Act 1992.

### **What is required with a Development Application?**

If you have installed a pool without a development approval; you will need to lodge a Development Application (DA) for "use of existing swimming pool". You also need to provide minimum information to council to process your application. This information is contained in the Development Application checklist and explained in detail in the Development Application Lodgement Guide.

In general, you will need to provide completed DA form, completed Statement of Environmental Effects form and provide a site plan showing the swimming pool location. Forms can be found on the Planning & Regulatory Services section of Council's webpage.

### **Where can I obtain forms and checklists?**

You can obtain all the forms and checklists in printed form at the customer service area in council civic centre located at corner of Baylis and Morrow Streets. Optionally, you can visit council web page [www.wagga.nsw.gov.au](http://www.wagga.nsw.gov.au) / planning / documents and download the forms yourself.

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### What other applications or approvals do I need to consider?

1. You will need to lodge with required fee and obtain Swimming Pool Compliance Certificate. This certificate is valid for three years and it will certify that child-resistant barrier is compliant with relevant legislation and standards. The certificate must be obtained in addition to the Development Application.
2. You will need to lodge with required fee an application and obtain Building Certificate (149D Certificate) if you have in-ground concrete swimming pool. The pool must be structurally sound and council may require you to obtain an engineer's certificate for the concrete shell.
3. You will need to lodge with required fee an application and obtain Section 68 approval if you have carried out any alteration to your internal sewer drainage to accommodate for the pool backwash water.
4. You will need to lodge with required fee an application and obtain build over approval if any part of your pool or child-resisting barrier is located over a Council easement.

### Do I need a Basix Certificate and how do I obtain one?

You will need a BASIX certificate if you are lodging a Development Application for a swimming pool or a spa that have a capacity of 40,000 litres or more and that has been constructed after 2006. A BASIX certificate is obtained after completing assessment of your project using the online BASIX assessment tool. This is usually done by the building professional. Once proposed swimming pool or spa has met BASIX requirements in respect to water saving targets and the fee has been paid, a certificate will be issued. For further information regarding BASIX please see [www.basix.nsw.gov.au](http://www.basix.nsw.gov.au).

This is a statutory requirement as per Environmental Planning and Assessment Regulation 2000 and the State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

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### Who can inspect my swimming pool?

Council officers or an accredited building certifier can issue a Swimming Pool Compliance Certificate once the pool fence is made compliant with AS 1926 "Safety barriers for swimming pools. You will be contacted to try and arrange suitable time and we will coordinate our inspection so that it causes minimal disruption. Council will need to re-inspect the swimming pool if the pool fence has been non-compliant and if additional work was required.

### What can I do to prepare my pool for council inspection?

As the owner, it is your responsibility to maintain swimming pool safety barrier compliant with legislation and in good condition at all times. Below is a link with useful information to ensure your pool fence is compliant.

[http://www.fairtrading.nsw.gov.au/ftw/Consumers/Product\\_and\\_service\\_safety/Pool\\_safety/Pool\\_fencing\\_requirements.page](http://www.fairtrading.nsw.gov.au/ftw/Consumers/Product_and_service_safety/Pool_safety/Pool_fencing_requirements.page)

The link provides information on the various standards which are applicable depending on the time of construction of the swimming pool.

### How much will approvals cost me?

Flat fee for Development Application is \$285.00. The Swimming Pool Compliance Certificate fee is \$150.00 for first inspection and additional \$100.00 if re-inspection is required. The Building Certificate fee is \$250.00; Section 68 approval costs \$330.00. For current fee structure please always refer to council fees and charges document.

**Note:** All attempts are made to ensure that the most current application fees are reflected, in the event of a discrepancy at time of payment, Council will rely on the most current schedule of fees in the adopted fees and charges.

### Who do I contact if I have questions in relation to these matters?

Please contact Building Services Section on 1300 292 442 for any further information about this check list or how to comply with legislative requirements.