



Swimming pools and spas

If you want to build or make changes to a pool or spa this sheet provides information on some of the regulations you need to consider. Swimming pools are considered Class 10b structures. Examples of swimming pools include reinforced concrete swimming pools, reinforced plastic liner pools, demountable swimming pools and inflatable paddling pools.

Under legislation, some smaller outdoor structures, called Class 10 structures, can be exempt from needing development approval or building approval if they meet certain provisions of the Planning and Development Regulation 2008 or Building (General) Regulation 2008, respectively.

Development and building approvals

Most swimming pools and spas generally don't require development approval—depending on factors such as the pool or spa's capacity and height and its location. Most pools require some building approval, to ensure compliance with laws aimed at reducing child-drowning risks. Some very small pools are exempt.

ESDD provides development approval, Private building certifiers (appointed by the owner) issue building approval.

A list of licensed certifiers is available on the ESDD website – www.actpla.act.gov.au

Exemptions from development approval

A swimming pool may be exempt from development approval if it meets certain criteria including:

- no part is between a front boundary and a building line for the block
- no part is within 1.5m of a side boundary or rear boundary for the block
- if it has an associated structure with an elevated floor, including a deck, landing, stairs or ramp for the pool, but not including a retaining wall or landscaping for the pool, the height of the finished floor level is not more than 1m above finished ground level
- the pool's reservoir is not more than 1.5m above natural ground level
- it complies with relevant general exemption criteria under the Planning and Development Regulation 2008, Schedule 1, Section 1.10. For information on the general exemption criteria see ESDD's website at www.actpla.act.gov.au

Exemptions from building approval

The development does not need building approval if it complies with relevant provisions of the Building (General) Regulation 2008, Schedule 1. In summary, the development is exempt provided:

- it can hold water no deeper than 300mm
- for a demountable swimming pool* that can hold water deeper than 300mm the development work is only the reassembly (not initial assembly) or taking apart the reservoir of the demountable pool, excluding fencing or barriers required by the Building Act 2004 to prevent access to water.

Pool fencing and barriers required under the Building Act 2004 to restrict access of young children to the pool and immediate pool surrounds are in place before the pool is able to hold water.

Also see www.legislation.act.gov.au/si/2008-3/ for relevant provisions relating to structures, fires and health.

Construction and use

The installation, assembling, taking apart or re-erecting of a demountable swimming pool or spa does not require a builders licence. Construction or installing other pool types can only be carried out by a builder who has endorsement on their licence authorising construction of the relevant kind of pool.

A swimming pool that requires building approval cannot be lawfully used until a certifier has checked the pool and associated safety fences and gates for compliance with the building approval and a Certificate of Use has been issued.

Fencing

Fencing and other safety barriers for a swimming pool or spa that requires building approval and that is associated with a residential building must comply with the Building Code of Australia (BCA).

Generally, a safety fence and gate may comply with the BCA if it is 1.2m high with non-climbable vertical supports and no gaps exceeding 100mm. However, land boundary fences that are part of the barrier must be at least 1.8m high. Other options may be acceptable but must comply with the BCA. An outdoor pool area must not be accessible through a door, a pool gate is required, and a hinged door accessing an indoor pool area must swing away from the pool area.



Gates

Generally, gates may comply with the BCA if they swing outwards from the pool or spa area, are self-closing and latch from any position with a stationary start may comply with the BCA. Other requirements for gates include that the gate's latch release mechanism should be 1.5m above ground level or, if lower, must be shielded in accordance with the BCA to restrict access to the mechanism by children.

Location of fencing

There are a range of options for safety fencing locations, including:

- separate fencing to isolate the pool in the backyard; this is safer than the other methods mentioned below
- using windows located in a wall of a building as part of a safety barrier, provided they restrict young children's access in accordance with the BCA
- using boundary fencing as part of the safety fence, provided they meet the BCA requirements

Pool and spa owners who use a boundary fence as part of the safety fence may later need to install a separate safety fence because the boundary fence can become an ineffective safety barrier.

For example, when neighbours place an object in their yard that causes the boundary fence to be ineffective. Certain objects are not permitted within a 1.2m arc swung from the top of the fence because a child could use them to climb over the fence.

ACT specific requirements

The ACT has other specific requirements for swimming pool construction, which are included in the ACT Appendix to the BCA.

Indoor or outdoor permanent bathing, wading and swimming pools which have a capacity of more than 10m³ must:

- have recirculation in which pumps maintain water circulation, and the water drawn from the pool is clarified and disinfected before being returned to the pool
- have an outlet sump with antivortex cover or grating and have a skimmer weir or overflow gutter or channel at high water level
- ladders or steps in the floor of the pool, or a ramp, to help people to get out of the pool
- be capable of being completely emptied any discharge or overflow and pool backwash filter is connected to the sewer drainage system.

Skimmer boxes

A skimmer box can be a hazard if recessed into the pool surrounds because it looks like a poolside seat when the maintenance access lid is removed. Some skimmer boxes have been banned in the ACT.

Owners of pools with hazardous skimmer boxes should have the box modified to include alternative pressure relief that will operate if the skimmer box is blocked, or should secure the maintenance access lid to the skimmer box, or replace the skimmer box.

Water restrictions

Water restrictions or permanent water conservation measures may be in force in the ACT and may prohibit or affect the filling of new pools, ponds and fountains using potable (tap) water drawn from ACTEW Corporation Limited's potable water supply system.

Applicants wishing to use water drawn from the potable water supply system to fill a new pool, pond or fountain are advised to first contact ACTEW's Water Conservation office on 02 6248 3131.

Where water restrictions or permanent water conservation measures would otherwise prevent or affect the filling of a new pool, pond or fountain it might be possible to obtain an exemption.

Information in this fact sheet was accurate at the time of publication.

Please note: The new Environment and Sustainable Development Directorate (ESDD) unites ACTPLA (ACT Planning and Land Authority) with environmental policy and protection, sustainability policy, the Government architect, heritage, transport planning and nature conservation.

The planning development provisions are taken from the Planning and Development Regulation 2008 and the Building (General) Regulation 2008. ESDD recommends you read these documents, which are accessible on our website, and understand that planning exemption does not affect the operation of other territory laws.

It is advisable to discuss any inquiry with the ESDD Customer Service Centre on 6207 1923 as requirements may have changed.

Website: www.actpla.act.gov.au

Email: actpla.customer.services@act.gov.au