

# REMOVAL OF A SWIMMING POOL

This information sheet may assist you should you be considering removing your swimming pool.

There are three basic swimming pool types.

- Above ground: where the pool is completely above the existing ground level. These pools are often purchased in kit form and can usually be assembled and dismantled with hand tools.
- In-ground: usually constructed of reinforced concrete or fibreglass.
- Semi-in-ground: where the pool is partially constructed within the ground and removal would require the use of filling material to restore the ground level.

A spa would fall within one of the above pool types and the relevant requirements for that pool type would apply to the removal of a spa.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (The SEPP) outlines the circumstances for demolition of structures as Exempt Development or Complying Development. In regard to swimming pool and spa structures only structures that are able to be constructed as Exempt Development may be demolished/removed without approval. If you have a portable swimming pool or spa that meets all of the exempt criteria under the SEPP then you may undertake demolition/removal of the structure without the need for formal consent. However removal of any ancillary structures such as decking or retaining walls may require a prior approval.

## WHAT SORT OF APPROVAL DO I REQUIRE?

Most swimming pool removal can be dealt with under the SEPP by lodging a [Complying Development Application](#).

If the works proposed do not fit within the criteria for complying development, a [Development Application](#) will be required. The following link gives information in that regard.

## CAN I PARTIALLY REMOVE THE POOL SHELL?

Ordinarily no, as removal and demolition of a swimming pool requires removal of the total structure and all associated materials from the site.

However in limited specific circumstances where it may be impractical or unsafe to do so Council staff may give consideration to retention of all or part of the pool structure. This may result in a notation on property title and would require the submission and consideration of a Development Application. The partial pool removal could not be done as Complying Development as it would not meet the complying development criteria.

## CAN I LEAVE THE PLUMBING, PIPEWORK, CABLING AND ANY SIMILAR MATERIAL IN PLACE?

Removal and demolition of a swimming pool includes the removal of all associated plumbing, pipework, cabling, filters and other material from the site. These materials can be taken to a licenced disposal facility.

### **CAN I USE THE POOL SHELL AND COPING AS FILLING?**

It is not permitted to leave remnants of the pool shell in the ground or to use portions of the pool shell and coping as filling within the pool excavation. These materials constitute demolition waste and must be removed from the site and taken to a licensed disposal facility. It is important that receipts for disposal of all demolition waste together with receipts for delivery of all clean fill, or Excavated Natural Material (ENM) used for filling, are kept as these may be requested by Council staff.

### **HOW MUST I COMPLETE THE FILLING OF THE POOL EXCAVATION?**

Once the pool shell has been removed the remaining excavation must be filled so as to restore the site to the ground level (existing) adjacent to the pool, taking into account any sloping of the site. The fill must be well compacted, and cannot contain any demolition waste or other contaminants.

### **WHAT MATERIAL CAN I USE TO PLACE IN THE EXCAVATION?**

Only clean fill, or Excavated Natural Material (ENM) can be used for filling of the pool excavation. The filling must be well compacted. It is not permitted to leave remnants of the pool shell in the ground or to use portions of the pool shell and coping as filling within the pool excavation. These materials constitute demolition waste and must be removed from the site and taken to a licensed disposal facility. It is important that receipts for disposal of all demolition waste together with receipts for delivery of all material used for filling are kept as these may be requested by Council staff.

### **CAN I LEAVE THE POOL SHELL IN PLACE AND JUST FILL IT IN?**

Ordinarily no, as removal and demolition of a swimming pool requires removal of the total structure and all associated materials from the site.

However in limited specific circumstances where it may be impractical or unsafe to do so Council staff may give consideration to retention of all or part of the pool structure. This may result in a notation on property title and would require the submission and consideration of a Development Application. Retention of the pool shell could not be done as Complying Development as it would not meet the complying development criteria.

If an approval is issued it may require you to leave the pool coping exposed above the ground to assist all subsequent owners and occupiers in identifying that a disused pool shell exists on the site.

### **CAN I DO OTHER FILLING ON THE SITE AT THE SAME TIME AS MY POOL REMOVAL?**

Any filling on site other than immediately within the pool excavation in accordance with this information sheet, and the issued approval, must comply with Council's separate [fill policy](#). In most circumstances a separate Development Application will be required.

### **DO I NEED TO KEEP ANY RECEIPTS?**

Yes, it is important to keep receipts for disposal of all demolition waste together with receipts for delivery of all material used for filling of the pool excavation. Council staff may request that you supply them as proof of the works undertaken. Your licenced demolisher will be familiar with correct waste disposal and will be able to provide the receipts to you. You should ensure that they are specific to the waste removed from your site, and show the address of the property.

### **HOW DO I REMOVE MY POOL FROM THE SWIMMING POOLS REGISTER?**

Once removal of your pool is complete, you need to ensure that it is taken off the government swimming pools register.

Our Regulatory Services Team can assist you with removal of your pool from the register if you supply them with the following information:

- Your name as property owner and a contact phone number.
- The property address, and the CDC/DA approval number (where demolition approval was required).
- Where no prior approval was required, you may be asked for proof (such as photographs) that the pool has been removed from the site.
- A brief statement that the pool has been removed/demolished and is no longer required to be on the Swimming Pool Register.

Please contact on 9843 0303 or [council@thehills.nsw.gov.au](mailto:council@thehills.nsw.gov.au)

### **FURTHER INFORMATION**

For further information please contact Council's Customer Service Centre:

3 Columbia Court, Baulkham Hills NSW 2153

Phone: 98430555

Hours: 8:30am to 4:30pm, Monday to Friday.

Website: [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au)

### **DISCLAIMER**

This fact sheet provides a summary of the major issues regarding removal of a swimming pool. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with relevant staff at Council's Customer Service Centre should be undertaken. This document is subject to change without notice.