

SWIMMING POOLS AND SPAS

Frequently Asked Questions (FAQ)

This FAQ is intended to provide general information and guidance to common questions regarding Swimming Pools and Spas.

Planning Framework and Legislation

For detailed information, please refer links to the key planning framework and legislation.

- [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)
- [City of Busselton Local Planning Scheme No. 21](#)
- [State Planning Policy 7.3 Residential Design Codes](#)

What should I consider when designing my Swimming Pool or Spa?

When considering the design or location of your Swimming Pool or Spa, landowner(s) should consider, but not limited to, the following:

- Design and location of development is compatible with the Objectives of the zone;
- Position development within areas clear of vegetation.
- Minimise environmental impact, including limiting removal of vegetation.
- Preserve the visual amenity and natural character of the locality.
- The extent, height, materials and colours of the proposed barrier(s).
- Minimise overlooking from any associated outdoor living areas to neighbouring properties.
- The natural topography of the land.
- Any associated site works, including retaining walls, cut and/or fill.
- Relevant provisions of the Scheme (eg Port Geographe Special Control Area).
- All development contained within the Building Envelope (if applicable).

Will a Swimming Pool or Spa require development (planning) approval?

Maybe. It depends on the zoning of the land where the Swimming Pool or Spa is proposed.

Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) exempts certain works from the requirement to obtain development approval.

- Residential zoned land
In accordance with the LPS Regulations, the development of a Swimming Pool on the same lot as a Single House or Grouped Dwelling is exempt from the requirement to obtain development (planning) approval where:
 - (a) *The R-Codes apply to the works.*
 - (b) *The works comply with the deemed-to-comply provisions of the R-Codes.*
 - (c) *The works are not located in a heritage-protected place.*

All Communications to:

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Notwithstanding the above, a Swimming Pool or Spa located on land identified within a Special Control Area on the Scheme maps (eg Special Character Area, Landscape Value Area etc...) is not exempt from the requirement to obtain development (planning) approval.

- All other zoned land

For all other zoned land, except as otherwise provided in the LPS Regulations, the *City of Busselton Local Planning Policy 4.11 Exempt Development* (LPP 4.11) establishes development that is exempt from the requirement to obtain development approval.

In most cases, a Swimming Pool or Spa, and associated barrier, on all other zoned land will require the prior development approval.

Will a Swimming Pool or Spa in a Special Control Area require development approval?

Yes. A Swimming Pool or Spa located on land identified within a Special Control Area on the Scheme maps (eg Special Character Area, Landscape Value Area etc...) is not exempt from the requirement to obtain development (planning) approval.

What details do I need to provide for a Swimming Pool or Spa?

A Site Plan, drawn to scale and must clearly detail the following:

- Show all existing and proposed development (as applicable);
- Setback(s) to Swimming Pool or Spa;
- Any associated deck areas, including height above natural ground level;
- Details of any vegetation proposed to be removed;
- Extent, height, materials and colours of the associated barrier;
- Where a modified Building Envelope is proposed in association with the Swimming Pool or Spa, all details as outlined in the *FAQ – Building Envelopes* will be required.

Does a Swimming Pool or Spa need to be contained within a Building Envelope?

Yes. Where a Building Envelope is required, all buildings and incidental development including a Swimming Pool or Spa, and associated barrier, is required to be contained within the Building Envelope.

Where a proposed Swimming Pool or Spa, and associated barrier, is located outside a designated or approved Building Envelope, an application to modify the Building Envelope will be required.

For further information regarding Building Envelopes please refer to the [FAQ](#) page on the website.

How do I find the zoning or density code of my land?

Please refer to the City's [Online Property Maps](#) to search general property information.

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If you need assistance navigating the Online Property Maps, please refer to the [How to Guide - Online Property Maps \(Search General Property Information\)](#).

What supporting information will I need to submit with my application?

Please refer to the [Planning Checklists](#).

How do I lodge an application for development (planning) approval?

Please refer to the [How-to Guide – Application for Development Approval](#).

What is the development (planning) application fees?

Please refer to the [Planning Fees and Charges](#).

How will my application for development (planning) approval be assessed?

In considering an application for development (planning) approval, the local government shall have due regard to the matters to be considered under cl 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions) and apply the principles of orderly and proper planning.

Other Legislations

Please be aware that this FAQ only refers to the planning framework. Additional requirements or approvals may be required under other legislations, such as the *Building Regulations 2012*.

Further Assistance

If you need further help, contact Planning at (08) 9781 1731 or lodge an enquiry request online:

<https://www.busselton.wa.gov.au/council/report-an-issue-or-request-assistance>

**** Disclaimer ****

This FAQ sheet is intended for general information purposes only and should not be relied upon as a comprehensive source of guidance. For accurate and official information, please consult the relevant planning framework, Local Laws and applicable legislation. The City of Busselton accepts no liability for any errors, omissions, or reliance on the information contained herein.

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