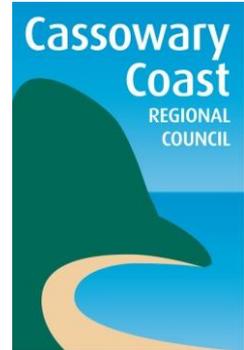


FACT SHEET

Swimming Pools and Fencing and Pool Safety Certificates



This fact sheet has been designed to provide general information about swimming pools and fencing. The State Government's pool safety laws have been implemented to reduce drowning and immersion injuries in swimming pools and spas, and apply across all Council Regions in Queensland. All regulated pools and spas in Queensland must be registered with the Queensland Building and Construction Commission (QBCC). This information sheet provides a brief guide to pool and spa regulations. Please refer to related websites for detailed standards and legislation.

Definition of swimming pool?

The *Building Act 1975* defines a swimming pool as an excavation or structure:

- a) capable of being filled with water to a depth of 300mm or more; and
- b) capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity; and
- c) solely or principally used, or designed, manufactured or adapted to be solely or principally used, for the purposes mentioned in paragraph (b) despite its current use;

and includes a spa pool, spa tub or similar thing (whether portable or fixed) and a wading pool (other than a portable wading pool), but does not include:

- d) a fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes;
- e) a dam or tank solely or principally used, or designed, manufactured or adapted to be solely or principally used, for aquaculture, marine research or storage of water;
- f) a watercourse;
- g) a portable wading pool;
- h) a spa bath situated in a bathroom, other than a spa bath continually filled with water to a depth of more than 300mm;
- i) a birthing pool used solely for waterbirths.

What are my responsibilities as an owner?

Pool safety laws require pool owners to construct and maintain a compliant fence around their swimming pool regardless of when the pool was installed. If you have a swimming pool, you may be required to undertake work to achieve compliance with current pool safety standards. For example self-closing and self-latching doors from the dwelling used as a swimming pool barrier are no longer permitted.

If you are wanting to install a new pool, you will need to lodge a building application for approval.

What are the regulations around pool fencing?

There is now one pool safety standard for Queensland – The *Queensland Development Code Mandatory Part 3.4*. This code is to be read in conjunction with *Australian Standard 1926.1*, the *Building Act 1975* and *Building Regulation 2006*.

Some of the main requirements for pool fencing include:

- The pool fence shall be a permanent structure;
- The effective pool fence height shall be not less than 1200mm and shall include a continuous non-climbable zone;
- The maximum distance under the pool fence to the ground level is not to exceed 100mm;
- The maximum gap anywhere in the pool fence is not to exceed 100mm;
- All objects inside the pool fence that may provide footholds shall be moved a minimum of 300mm away from the fence;
- Pool gates need to open outwards away from the pool enclosure, and be self-closing and self-latching from all open positions;
- Direct access from a dwelling into a pool enclosure is not allowable. All entry to a pool must be through an approved pool gate;
- A building with windows that open more than 100mm directly into a pool enclosure must have a permanently fixed security screen fitted.

Regulations regarding above ground pools

The walls of an above ground pool may form part of a pool barrier if they are a minimum of 1200mm above ground level and the sides of the pool do not have any climbable objects as defined in the pool standard. A designated swimming pool access point must be provided including an enclosed pool compliant barrier with a compliant self-closing gate.

Regulations regarding portable (inflatable) wading pools

A portable wading pool or spa tub must comply with the following criteria not to require a complying pool fence:

- It must not be capable of being filled with water to a depth greater than 300mm; and
- Have a volume of no more than 2000 litres; and
- Have no filtration system.

Regulations regarding dividing fences

Often boundary fences form part of the pool barrier. In these cases the pool safety standard still applies to the part of the boundary fence being used as part of the pool barrier.

The wall of a common boundary may also be used as part of a pool barrier if it complies with the pool safety standard. Pool owners are encouraged to discuss the fencing work with their neighbours before making any decisions.

Part 2A of Chapter 8 of the *Building Act 1975* provides the regime for pool owners who propose to use or construct a fence on a common boundary as a pool barrier. This should be read in conjunction with the *Neighbourhood Disputes Resolution Act 2011*.

Regulations regarding safety signage

A current resuscitation sign must be displayed prominently in the pool area. See *Building Regulation 2006* for specifications.

Pool Safety Inspections and Certificates

When selling or leasing a property with a pool or spa, a Pool Safety Certificate (Form 23) is required from a licensed pool safety inspector. Council is registered to provide this service. Further information for pool owners and pool safety inspectors can be found on the [QBCC website](#).

Pool safety inspectors determine whether or not pools comply with the pool safety standards. Inspectors issue a pool safety certificate or a non-conformity notice. The non-conformity notice outlines what needs to be done to make the pool compliant. An [Application for a Pool Safety Certificate](#) must be completed and returned to Council with the applicable fee to commence this process.

Note that Pool Safety Certificates are valid for one year for a shared pool and two years for a non-shared pool.

Pool inspections are carried out on the following days.

- Innisfail Shire Hall days (northern inspections): Mondays, Wednesdays & some Thursdays
- Tully Civic Centre days (southern inspections): Tuesdays, Fridays & some Thursdays

It is requested that 48 hours notice is given prior to scheduling inspections.

What if I'm building a new pool? What approvals are needed?

A swimming pool can be a great addition to your home; however the construction and maintenance process can be complex. A building approval is required and it can be lodged with Council for assessment and approval. See Council's *Building Application Guidelines and Checklist Factsheet* for information on what must be included in your application.

What happens when my pool is completed?

The building certifier who approved the building application will inspect and certify the pool safety barrier before the pool is filled to a depth of 300 millimetres or more. If the pool safety barrier complies, a Final Inspection Certificate (Form 17) will be issued.

How do I lodge an application?

To lodge an application for a Swimming Pool and Fencing or to apply for a Pool Safety Certificate, please use the following methods:

Email

If your application is for a property located to the south of El Arish and Bingil Bay (inclusive) please email it to buildingsouth@ccrc.qld.gov.au

If your application is for a property located to the north of Silkwood and Kurrimine Beach (inclusive) please email it to buildingnorth@ccrc.qld.gov.au

Post

PO Box 887
INNISFAIL QLD 4860

In Person

Innisfail Shire Hall (Northern Office)
Level 3, 70 Rankin Street
INNISFAIL QLD 4860

Tully Civic Centre (Southern Office)
Level 2, 38-40 Bryant Street
TULLY QLD 4854

Online through MyCouncil (for Pool Safety Certificate application only)

Please visit the [MyCouncil website](#).

What fees and charges will apply?

A link to view Council's schedule of fees and charges is [here](#).

Further Information

For any further queries in relation to swimming pools and fencing please contact the relevant Building and Plumbing Team on the details below:

- Tully Building and Plumbing Team on (07) 4043 9150 or by email at buildingsouth@ccrc.qld.gov.au
- Innisfail Building and Plumbing Team on (07) 4030 2242 or by email at buildingnorth@ccrc.qld.gov.au