



Western Downs Regional Council Swimming pool information sheet for residential dwellings

Pool fencing legislation is designed to protect children from 0 to 5 years from entering the pool area. While fencing does assist in this, supervision is the most effective means of protecting these young children. As a pool owner you must ensure your pool has a compliant pool barrier, the pool barrier is maintained and any damages or noncompliant issues with the pool barrier are fixed immediately.

What is a swimming pool?

A swimming pool is defined as a structure that:

- can be used for aquatic activities ie swimming, wading, paddling, bathing etc and
- has the capacity to being filled to a depth of 300mm or more.

This includes

- inground and above ground pools,
- spas,
- inflatable pools.

All swimming pools and spas in Queensland must be registered on the Queensland Building and Construction Commission (QBCC) pool register. Similarly, pools and spas which have been demolished or decommissioned must be removed from the register.

Does my pool or spa need a pool fence?

Yes, all pools and spas (whether fixed or portable) require a complying pool fence to the pool safety standard. However, spas which are located inside the dwelling, such as spa baths which are not kept continually full of water do not require a fence. Fishponds, dams, creeks, or ornamental ponds/fountains do not require pool fencing.

A lockable lid on a spa is **NOT** a compliant barrier, it must have a complying pool barrier.

All swimming pools and spas in Queensland which are located on private residential premises are required to comply with the Queensland Development Code MP3.4-Swimming pool barriers and Australian Standard AS 1926.1. If you are intending to install a swimming pool, you are required to have a building approval issued by either a Council Certifier or a Private Certifier.

Does my above ground pool need a fence?

The sides of the above ground pool can form part of the pool barrier, when they are a minimum of 1.2m high above natural ground level, and as long as the sides are free of bracing or projections, indents, climbable objects and filtration equipment. However, where there is a designated access to the pool, such as a ladder, steps or deck adjoining the pool is provided, these structures must have a complying pool barrier, with a self-closing, self-latching entry gate. Any filtration equipment or other objects which provide a climbing point, must also be fenced off with a compliant barrier. Any windows which are located within the side of a structure incorporated into the pool safety barrier must have a security screen.

Do I need a building approval for my pool?

Yes, all new swimming pools and spas require a building approval. Either a private certifier or Council's certifier can issue a building approval for the pool and barrier. Your pool builder will need to provide documentation to the certifier. Once a building application has been assessed and an approval has been issued, the certifier will inspect the pool fence for compliance and issue a final certificate at completion.

A plumbing approval may also be required depending on how the backwash will be discharged.

What are my responsibilities as the owner of a property with a pool?

As a pool owner you must

- ensure that your pool is registered with the QBCC;
- have a pool fence that meets the pool barriers safety standards;
- perform ongoing maintenance on your pool fence to maintain compliance ;
- have a current pool safety certificate if you are selling or leasing your property;
- keep pool gates closed;
- keep the pool area clear of objects that children could use to enter the pool unattended.

What will Council do if I don't have an approval for my pool or the pool fence?

As the owner of the pool, you must have an approval for your pool, and the pool fence/barrier. If Council becomes aware of a pool or non-compliant barrier, they may inspect the pool and issue fines.

All pools and spas in Queensland must be registered on the QBCC Pool Register on their website.

Does my inflatable wading pool or portable pool need a building approval?

If your inflatable wading pool or portable pool meet **ALL** the following criteria, then it does **NOT** require a pool fence.

- The pool must not be capable of being filled with water to a depth of more than 300mm.
- The pool must have a maximum volume capability of 2000litre.
- The pool must not have a filtration system or pump.

What do I need to do if I'm selling or leasing a property which has a pool and or a spa?

If you own a property which has a pool or spa and you decide to sell or lease the property, you must have a current Pool Safety Certificate (Form 23) in place prior to settlement of the property. If you do not have one, you must provide to the purchaser a Notice of No Pool Safety Certificate (Form 36), which will require the new owner to have the pool barrier inspected within 90 days of settlement date to confirm compliance and have a Pool Safety Certificate (Form 23) issued.

A rental property **MUST** always have a complying pool barrier, this is the responsibility of the property owner. The owner must have a current pool safety certificate prior to signing any lease.

Pool Safety Certificates

Council can carry out an inspection of your pool barrier. You will need to lodge an application with Council for this to occur. Otherwise, a private Pool Safety Inspector, who is licensed with the QBCC can carry out the inspection for you.

What if my pool barrier fails and a Form 26 Non-Conformity Notice is issued?

If the inspector finds your pool barrier is not compliant, a Form 26 Non-Conformity Notice will be issued. This means you will have 90 days to remedy the non-compliance. You will need to make sure you ask the inspector to carry out an inspection on or before the expiry date of the Form 26 to ensure compliance. Failure to comply with the Non-Conformity Notice, will result in the matter being referred to Council. Council can commence compliance action or issue fines for a non-complying pool barrier.

Pool fence exemptions

While exemptions are very rare, Council is obliged to inspect your pool barrier if you have lodged an application due to having a disabled person living at your premises. The exemption does not give approval for removing the pool fence. Instead, it is there for alternative solutions, which still comply with the pool safety standard.

Where can I get more information of Pool Safety in Queensland?

The QBCC website has a large volume of information relating to the Pool Safety Legislation. There are examples and diagrams of compliant and non-compliant pool fencing. It also provides a list of registered Pool Safety Inspectors and Building Certifiers in Queensland who may be able to assist with the building approval for your pool, should you choose not to use Council.

Please note, Pool Safety Inspectors do not issue building approvals, they are only licensed to inspect the pool barrier for compliance against the standard.

All pool areas must have on display a current complying Cardiopulmonary Resuscitation (CPR) sign in a location where it can be clearly read in case of emergency.