



Swimming Pools and Spas

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.

These laws affect new and existing pools.

All pools and spas in Queensland must be registered with the Queensland Building and Construction Commission (QBCC) in the Pool Safety Register – <http://www.qbcc.qld.gov.au/home-building-owners/pool-safety/registering-your-pool>

New Swimming Pools and Spas

All new swimming pools and spas require building approval from a Private Building Certifier.

The Private Building Certifier who issues the building approval must inspect and certify the pool safety barrier, and the pool must not be filled to a depth of 300 mm or more until a satisfactory inspection is carried out and a Final Inspection Certificate (Form 17) has been issued by the Certifier.

Before purchasing a swimming pool, including a portable pool or spa, you should ensure that you are aware of pool fencing requirements.

Existing Swimming Pools & Spas

When selling or leasing a property that contains a pool, a Pool Safety Certificate (Form 23) is required from a licensed pool safety inspector – fees apply.

A list of pool safety inspectors is provided by the QBCC website:

<http://www.qbcc.qld.gov.au/home-building-owners/pool-safety/pool-safety-inspectors>

Please note that if you are not selling or leasing your house, a pool safety certificate is not required.



For recently built pools, a Final Inspection Certificate (Form 17) issued by the Building Certifier can be used as a pool safety certificate for two years (one year for shared pools, such as in a multi-unit accommodation building).

Fencing Requirements

There is now one pool safety standard for Queensland, the Queensland Development Code Mandatory Part 3.4 (QDC MP3.4). A copy of which can be obtained from

<http://www.hpw.qld.gov.au/SiteCollectionDocuments/QDCMP3.4SwimmingPoolBarriers.pdf>

This Code is to be read in conjunction with Australian Standard 1926.1.

Pool owners have until 30 November 2015 to comply with these pool safety standards, or earlier if their property is sold or leased before this date.

Frequently Asked Questions

Council has compiled some frequently asked questions which may assist you to ensure that your swimming pool or spa complies with current standards.

Q. What is the definition of a swimming pool?

A. 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 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 (b), despite its current use.

The swimming pool definition also includes spa pools, spa tubs or similar (whether portable or fixed) and a wading pool but does not include:

- A fish pond (used, designed, manufactured or adapted for ornamental purposes); or
- A dam or tank (used designed, manufactured or adapted for aquaculture, marine research or water storage); or
- A watercourse; or
- A portable wading pool; or
- A spa bath situated in a bathroom, other than a spa bath continually filled with water to a depth of more than 300mm; or
- A birthing pool used solely for water births.

Please Note: if a structure meets the definition of a “swimming pool”, a compliant pool safety barrier must be erected in accordance with a development approval for building works, and a Form 17 Final Certificate must be issued by a Building Certifier prior to filling the pool to a depth greater than 300mm.

Q. What are the pool fence specifications?

A. For further information and downloadable guidelines / checklists pertaining to pools, spas and pool fencing standards visit the QBCC website:

<http://www.qbcc.qld.gov.au/home-building-owners/pool-safety/overview>

Q. Does an above-ground swimming pool require a fence?

A. Yes. The walls of the above ground pool may form part of a compliant pool fence as long as they are a minimum of 1.2m above ground level and as long as the sides of the pool are free of bracing, indents, projections, and filtration equipment. However, a designated swimming pool access point must be provided and must be enclosed by a barrier, including a compliant self-closing gate. This applies regardless of whether or not a permanent access ladder is installed.

Q. Does a spa require a fence?

A. Yes. A spa, whether portable or fixed and whether or not it has a lockable lid, comes under the definition of a swimming pool and so must have a compliant barrier. The only exception is if the spa pool is classed as an indoor swimming pool and is totally enclosed by building walls, or is on a roof top deck of a building and is only accessible from the inside of the building, in which case a child-resistant door-set may be used.

Q. What size portable (inflatable) wading pool does not require a building approval and pool fence?

A. A portable wading pool must meet all 3 of the following criteria so as not to require a building approval or a complying fence:

- a. It must not be capable of being filled with water to a depth of more than 300 mm; and
- b. It must have a volume of no more than 2000 Litres; and
- c. It must have no filtration system.

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