

Swimming Pools



Last Updated 01 July 2023

REGIONAL COUNCIL

CLASS 10B SWIMMING POOLS

APPLICATION REQUIREMENTS

1. Complete DA Form 2 - Building Work Details
2. Pool Details - scale 1:100
3. Site plan showing distances to boundaries and buildings - scale 1:200
4. Location of pool pump and filtration equipment
5. Pool reticulation system information
6. Stormwater and backwash discharge details
7. Structural Engineer's details & Form 15 (Engineer's Certificate)
8. Electrical earthing provision details
9. Fencing details
10. Location of any windows or openings incorporated in the wall of a building which forms part of the fencing

Council's preferred method of lodgement is via email to:

mailbox@lvrc.qld.gov.au

Please supply email addresses for applicant/owner or builder where possible.

LEGISLATION

Current Legislation requires all new swimming pools (including spas) on residential land to be fenced before the pool is intentionally filled to a depth of 300mm or more.

This fencing is to comply with Australian Standard AS 1926.1-2009, 1926.2-2009, The Queensland Development Code Part MP3.4 (<http://www.epw.qld.gov.au/services/building-plumbing>), the *Building Regulation 2021* and the *Building Act 1975*.

Before any person fills the pool with water to a depth of 300mm or more the person must ensure:

- a. Fencing complies with the design, construction and performance standards (AS1926.1, AS1926.2, Queensland Development Code Part MP3.4, The *Building Regulation 2021* and *Building Act 1975*) is constructed around the pool; and
- b. A building certifier has, after inspecting the pool and fencing, issued a certificate in the approved form stating the pool and fencing comply. (Form 17)

NOTE - This information pack is to help residents who are planning or in the process of installing a pool or spa. It is only provided as a general information package and may not provide a solution to every situation. For further information please call Council's Building Section on 1300 005 872

FEES AND CHARGES

Contact Council or refer to Council's website to verify your fee calculation

RESUSCITATION SKILLS & LIFE SAVING SKILLS

Take the time to learn CPR and keep your skills up to date.

A resuscitation instruction notice must be made of durable weather-resistant material and prominently displayed near every pool. The notices are available from your swimming pool contractors and pool equipment suppliers and may be placed on walls or fences of the enclosure.

For further information regarding pools and spas, please visit Queensland Building and Construction Commission's (QBCC) website:

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

FREQUENTLY ASKED QUESTIONS

What height does a fence need to be?

A pool fence needs to be a minimum of 1200mm high.

Where should I locate the pool pump?

The noise from swimming pool and spa pump equipment may be considered excessive under the *Environment Protection Regulations 2019*, so locate this equipment as far as possible from adjoining properties.

You may have to house the pool pump equipment in an acoustic enclosure to contain noise within the acceptable limits.

THE FOLLOWING IS AN EXTRACT FROM THE ENVIRONMENTAL PROTECTION ACT 1994:

Spa blowers and pool pumps

1. An occupier of premises at or for which there is a spa blower or a pump for a swimming pool or spa pool must not use or allow the use of the spa blower or the pump-
 - a. Before 7am or after 10pm on any day if it makes audible noise or causes audible noise to be made; or
 - b. From 7am to 7pm on any day if it makes noise or causes noise to be made of more than 5dB(A); or
 - c. From 7pm to 10pm on any day if it makes noise or causes noise to be made of more than 5dB(A) above the background noise level.
2. However, subsection (1)(a) does not apply if –
 - a. The audible noise is made or caused to be made at an educational institution; and
 - b. The noise is no more than 5dB(A) above the background noise level.

Water Quality

The water in a pool should be maintained in a condition suitable for safe swimming. Pool water must be sterilized (chlorinated) and properly filtered, and the correct chemical balance maintained.

An application may not be required for:

- A fish pond for ornamental purposes
- A river, creek, stream, canal or watercourse in which water flows permanently or from time to time, or a lake or other natural collection of water (whether permanent or not)
- A portable wading pool is a pool that:
 - Is capable of being filled with water to a depth of no more than 300mm and
 - Has a volume of no more than 2000 litres and;
 - Has no filtration system

What is the classification of a swimming pool that requires a building application?

A swimming pool means an excavation or structure:

- Capable of being filled with water to a depth of 300mm or more; and
- Capable of being used for swimming, bathing, wading, paddling or some other human aquatic activity; and
- 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)

Does a spa require a building approval?

A spa is just like a pool and requires a building approval and a complying fence even if it has a lockable lid.

Will there be any additional fees?

Additional fees may be required if Town Planning or Plumbing and Drainage requirements need to be met for the approval. Additional fees will apply for building inspections after the Building permit has lapsed.

What inspections will need to be carried out and what is the process?

Required Inspections are noted on the decision notice, which is issued upon approval of the permit. Council will require at least two working days' notice when booking in inspections, please note: Council's Building Application Number will need to be quoted when booking in inspections.

Can Councils issue on-the-spot fines for breaches of the pool fencing requirements?

Yes. Councils can issue on-the-spot fines for infringements of the swimming pool fencing requirements from 1 November 2003.

What type of swimming pools do the pool fencing laws apply to?

The new laws only apply to swimming pools on residential land. They do not apply to public swimming pools.

Can I build over infrastructure (sewer, water, stormwater)?

Building works located close to infrastructure may require a Build Over Or Near Queensland Urban Utilities Infrastructure Approval. Engineer's drawings (RPEQ) and a form 15 may be required showing piers to the slab or footings founded below the zone of influence on sewer main. A fee may be applicable with this application. Contact Queensland Urban Utilities on 13 26 57 for further information.