

Swimming Pool/Spas and Fences

INFORMATION SHEET



All existing and new regulated swimming pool/spas require a compliant pool safety fence. A new swimming pool and spa will also require a building approval. The Building Certifier must inspect the pool and pool safety fence to ensure compliance. In some instances, a Development Application may also be required for the swimming pool or spa. To see if your swimming pool or spa requires a Development Application, please contact Council's Duty Planner.



What is a Regulated Swimming Pool?

Under the Building Act 1975, the definition of a swimming pool is 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 principally used, for the purposes mentioned in paragraph b) despite its current use
- d. 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:
- e. A fish pond or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes, or 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; or
- f. A watercourse; or
- g. A portable wading pool (see definition below); or
- h. A spa bath situated in a bathroom, other than a spa bath continually filled with water to a depth of more than 300mm; or

- i. A birthing pool used solely for water births.

Owners Responsibility

The construction and maintenance of a swimming pool fence is the responsibility of the pool owner. It is also a requirement that the swimming pool/spa is registered with the Queensland Building and Construction Commission and a pool safety certificate is obtained from a Pool Safety Inspector when selling or leasing the property.

Swimming Pool Fencing Requirements

All regulated pools and spas in Queensland must be registered with the Queensland Building and Construction Commission (QBCC) and have a pool safety fence that compliances with The Queensland Development Code Mandatory Part 3.4.

Some of the main requirements for pool fencing include:

- The pool fence is to be a permanent structure;
- The pool fence should have a height of 1200mm and includes a continuous non- climbable zone;
- A temporary pool fence may be installed and used instead of a permanent barrier for a maximum period of 3 months and inspected by a building certifier:
- No gaps under the bottom of a fence greater than 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 to open outwards away from the pool enclosure, and be self-closing and self- latching from all open positions;
- No direct access is allowed from a dwelling into a pool. Access to a pool must be through an approve pool gate;



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Dividing Fences

A common boundary fence can be used as part of a pool safety barrier however it must comply with the pool safety standards. As it is difficult to regulate activities on the neighbouring property which may compromise the compliance of the pool safety fence, it is recommended that there are discussions with the affected neighbours before making any decision or changes to the boundary fence.

Remember, it is the responsibility of the owner of the pool to ensure that the pool safety fence is compliant at all times.

Above Ground Swimming Pools

A pool safety fence is required for most above ground swimming pools and or portable wading pools. It is important to be aware of fencing requirements prior to purchasing.

If the above-ground pool complies with the below, no fence is required:

- Pool is higher than 1200mm from the natural ground
- No footholds in the structure to allow a child to climb into the pool

However, where any fixtures (ladder/filter/structure, etc) are located within the climbable zone then a pool fence. For example, a fence around the ladders.

Portable (inflatable) wading pools

If **any** of the following are applicable, a fence is required:

- Capable of being filled with water to a depth greater than 300mm and
- Has a volume of more than 2000 litres and
- Has a filtration system



Submitting a Building Application

A building approval is required prior to installing or excavating for a swimming pool or spa.

Council will require a completed DA Form 2, plans and payment of the applicable fees in accordance with [Councils current fees and charges](#).

To ensure that your application is accepted at lodgement, please use the attached checklist to provide all of the required information and documentation.

Assessment

Building Applications are processed in accordance with the timeframes set by the Planning Act 2016. Council's Building Certifiers will assess all building applications against required legislation.

If you are required to provide Council with further information and or documents, the Building Certifier will issue a formal request for information.

Building Inspections

Building inspections are a mandatory process and must be conducted in accordance with the conditions of approval. All inspections should be arranged by the owner and/or builder when the stages of work are ready for an inspection

Please take note of the inspections stated in the approval and other conditions that are outlined to ensure compliance as stages of inspections vary.

Any changes to a building approval will require an amendment application submitted to Council prior to a final inspection certificate being issued.

Where to lodge your application

All building applications should be submitted using Councils [online services](#).

Other options for lodging an application:

- Email a copy of your application to DevAdmin@livingstone.qld.gov.au
- Customer Service at Town Hall, 25 Normanby Street Yeppoon

Please note additional fees and charges apply for lodgements outside of Councils online services.

Related Websites and Information

Livingstone Shire Councils Planning Scheme

<https://www.livingstone.qld.gov.au>

Queensland Building and Construction Commission

<https://www.qbcc.qld.gov.au>

Queensland Development Code (Mandatory Part 3.4)

<https://www.business.qld.gov.au>

Guidelines for Pool Owners and Property Agents

<https://www.hpw.qld.gov.au>

Swimming Pool/Spas and Fences Application Checklist



DA Form 2:	
• Current version of form is to be used	<input type="checkbox"/>
• All mandatory sections are to be completed	<input type="checkbox"/>
• Accurate site address and lot information	<input type="checkbox"/>
• Application declaration box ticked	<input type="checkbox"/>
• Builders details provided or box ticked	<input type="checkbox"/>
• Value of work provided	<input type="checkbox"/>
• Payment of the applicable application fee (As per Councils current fees and charges for building applications)	<input type="checkbox"/>
Site Plan including:	
• Proposed pool/spa and fence location	<input type="checkbox"/>
• Existing structures (e.g. house, shed)	<input type="checkbox"/>
• Site address	<input type="checkbox"/>
• Dimensions of the proposed development	<input type="checkbox"/>
• Setbacks (including setbacks of all existing buildings, furniture, plants etc)	<input type="checkbox"/>
• Gate and swing direction	<input type="checkbox"/>
• Location of windows (if applicable)	<input type="checkbox"/>
• Location of pump and equipment	<input type="checkbox"/>
Elevation Plans	<input type="checkbox"/>
Fencing Details:	
• Height of fences and gate latch information	<input type="checkbox"/>
• Materials	<input type="checkbox"/>
• Gap between palings	<input type="checkbox"/>
Pump/Filter Details (provided by pool manufacturer)	<input type="checkbox"/>
Form 15's including Engineered Drawings and Specifications	<input type="checkbox"/>
QBCC Home Warranty Insurance – for registered builders completing works over the value of \$3300.00. For more information please visit www.qbcc.qld.gov.au	<input type="checkbox"/>
PLSL Receipt (QLeave) – for value of works over \$150,000.00 For more information please visit www.qbcc.qld.gov.au	<input type="checkbox"/>
Owner Builder Permit For more information please visit www.qbcc.qld.gov.au	<input type="checkbox"/>