

Building Information

Swimming Pools & Spas

Class 10b

Info Sheet

3

This information sheet explains the requirements for a building permit to construct a swimming pool or spa.

A Building Permit -

is a Development Permit to 'Carry Out Building Work', and must be obtained for all building work proposed on any land within the Region. Building work is defined as -

- a) building, repairing, altering, underpinning (whether by vertical or lateral support), moving or demolishing a building or other structure; or
- b) excavating or filling—
 - i) for, or incidental to, the activities mentioned in paragraph (a); or
 - ii) that may adversely affect the stability of a building or other structure, whether on the land on which the building or other structure is situated or on adjoining land; or
- c) supporting (whether vertically or laterally) land for activities as in paragraph (a);
 - i) other work regulated under the building assessment provisions, other than Development Assessment Rules.
- 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 -**

CLASSIFICATION

Class 10b 'swimming pool' means an excavation or structure -

- a. capable of being filled with water to a depth of 300mm or more, and
- d. a fish pond, or pool solely or principally used, or designed, manufactured or adapted to be solely or principally used, for ornamental purposes; or
- 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 ; or
- f. a watercourse; or
- g. a portable wading pool; 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.

SUBMITTING AN APPLICATION

ALL PROPOSED SWIMMING POOLS (including fencing) require formal building approval under the *Building Act 1975*. Building application forms fully completed and lodged together with plans and specifications for the pool and pool fencing, along with the application fee are to be submitted by either yourself or a pool contractor. **Approval must be granted prior to the installation of the pool.**

The application is not deemed as being received unless all of the following information is received at the time of submission to Council:-

1. DA Form 2 (attached) completed in full.
2. Documentation as per attached checklist.
3. Fees are to be paid in full upon lodgement of the application in order for it to be assessed.

Inspections Required

The Builder/Owner is required to make arrangements with the Building Certifier to carry out inspections that form part of the approval. **The inspections will be at a time agreed between the Builder/Owner for the work and the Building Certifier inspecting the building work.** Only (1) inspection for each stage is included in the application fees.

Failure to notify may result in the commencement of enforcement proceedings. Where considered necessary, that stage of the work may be required to be taken down or uncovered for inspection purposes.

Generally, inspections are required to be made at the following stages of construction, but the actual inspections required for each project are detailed on the Decision Notice.

Inspection Stages

- Temporary Fencing
- Final (when all work is complete and all certificates are available)

Mandatory Signage

A pool must display a resuscitation sign. In accordance with the *Building Regulation 2006*. The sign must -

- a) be attached to the barrier for the pool, or displayed near the pool, so that the sign is conspicuous and easily visible to anyone near the pool; and
- b) be at least 300mm x 300mm in size; and
- c) be made of durable and weatherproof material; and
- d) include a statement that is prominent on the sign explaining to anyone reading the sign how to act in an emergency, including, for example, telephoning for an ambulance, staying with the injured person, calling for help and providing first aid; and

Example of what sign must state— 'In an emergency phone 000 and ask for ambulance. Stay with injured person, call for help and resuscitate.'

- e) show information about the procedures for providing first aid, including performing cardiopulmonary resuscitation in the way stated in the document called 'ANZCOR Guideline 8—Cardiopulmonary Resuscitation (CPR)' published by the Australian Resuscitation Council in January 2016. Your local swimming pool supply shop generally has resuscitation signage available for purchase .

The Pump

Where should the pool pump equipment be located?

The noise from swimming pool and spa pump equipment may be considered excessive under the *Environmental Protection Legislation*. It is suggested that the pump equipment is located as far as possible from adjoining properties, or housed in an enclosure, such as a pump shed.

POOL AND FENCING REQUIREMENTS

Any pool or spa capable of being filled to a depth of 300mm or greater must be enclosed by a compliant fence. For further information on compliant pool fencing refer to the MP3.4 Swimming Pool Barriers - Queensland Development Code.

This code is to be read in conjunction with Australian Standard 1926.1, *Building Regulation 2006* and the *Building Act 1975*.

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 minimum 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.
- The bottom of any latch release mechanism on the outside of a gate must be at least 1500 mm above the ground and 1400 mm above the top of the highest lower horizontal member
- Direct access from a dwelling into a pool enclosure is not allowable. All entry to a pool must be through an approve pool gate.
- A building with windows that open more than 100mm directly into a pool enclosure must have a permanently fixed security screen fitted.

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 barrier with a compliant self-closing gate

Portable (Inflatable) Wading Pools

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

1. It must not be capable of being filled with water to a depth greater than 300mm.
2. Must not have a volume of more than 2000 litres.
3. Have no filtration system.

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.



HOW LONG WILL IT TAKE FOR MY BUILDING APPLICATION TO BE APPROVED?

Your building application is assessed using the Development Assessment Rules. This system is **MANDATORY** for all local authorities to follow in assessing any type of development application. It is part of the Planning Act 2017, which is State Government Legislation.

Your BUILDING APPLICATION will be approved based on a number of matters such as:

- The information you provide as part of the application; and
- The relevant forms being completed correctly by you; and
- Payment by you of all the relevant statutory and local government fees; and
- The time lines included in the provisions of the Development Assessment Rules.

Council will follow the Development Assessment Rules process as follows:

1. You will submit your application with the necessary plans, application and statutory fees.
2. Council will check the application to determine if it is properly made and if so accept it. If it is not properly made you will be issued with an action notice and the stated items will need to be submitted. Council has 10 business days to issue this notice. The applicant has 20 business days to respond and lodge the required documentation otherwise your application will be deemed not properly made and will be returned to the applicant

with 80% of the paid fees. Council can accept an application if it is not properly made if there are only minor issues involved.

3. If the application is deemed to be properly made and the information that has been submitted is sufficient for the application to be assessed by our Building Surveyors, Council has 35 **business days** from the day it is accepted as a properly made application to make a decision. Provided there are no issues with the application **it should be approved within 35 business days** of being submitted.
4. If the application is deemed to be properly made application and assessment commences, but during this assessment further information is required, a request for information notice can be issued to the applicant. Council has **10 working days** from when the application is accepted to issue an Information Request. The assessment period pauses until the applicant has responded to the Information Request. The applicant has three (3) months to do so. If this time lapses and the applicant has not responded, Council will continue to assess the application, but it is extremely likely that the building application will NOT be approved. Once the information request has been satisfactorily responded to, the clock starts ticking again on the decision making period. Council has 35 business days less any time initially taken to issue the information request to the applicant to issue the decision notice.

Still need help?

This information sheet summarises the key matters to consider for people considering carrying out development. The process and legal aspects relating to property and development can be complex and confusing. Council's development services staff may be able to help.

Sometimes however it may be advisable for you to obtain your own professional help from a qualified practitioner such as a Lawyer, Surveyor, Town Planner, Architect, Building Designer, or Engineer.

Contact Us

Give us a call for more information about the planning scheme and making an application.

North Burnett Regional Council

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Disclaimer The onus is fully on the owner and/or builder to design, construct and maintain the building work in accordance with Manufacturer's specifications, Building Code of Australia 2019 and referenced Australian Standards, and Council's Policy Statements as issued from time to time. North Burnett Regional Council (and its officers and agents) expressly disclaim responsibility for any loss or damage suffered as a result of placing reliance upon this information.

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CONSULTANTS

The following is a list of consultants who have worked or are currently doing work in the North Burnett Region. Other consultants may be found online or in yellow pages business directory.

NOTE: This list has been compiled to assist applicants. Council does not take responsibility for any errors or omissions and consultants are **NOT** listed in any order of preference. Council does **NOT** offer advice or make recommendations about consultants.

ENGINEERS (STRUCTURAL, CIVIL, HYDRAULICS)

1. Tony Wright Building Design
SCARNESS QLD 4655
M: 0429 859 596
2. Brandon & Associates
CHINCHILLA QLD 4413
Ph: 4668 9351
3. Engage Consulting Engineers
MARYBOROUGH QLD 4650
Ph: 4121 4344 Fax: 4123 3144
4. Larkin Teys Consulting
TOOWOOMBA QLD 4350
Ph: 4639 3620 Fax: 4639 2487
5. Leddy Sergiacomi & Associates
BUNDABERG QLD 4670
Ph: 4152 9822 Fax: 4152 4114
6. Cardno
PIALBA QLD 4655
Ph: 4124 5455
7. Engineers Plus
HERVEY BAY QLD 4655
Ph: 4128 3955

SOIL TESTERS

1. Wide Bay Geotechnical Services
PIALBA QLD 4655
Ph: 4124 3677 Fax: 4128 3284
2. DIRTS (QLD) P/L
URANGAN QLD 4655
Ph: 4125 4862
3. CM Testing Service
WEST BUNDABERG QLD 4670
Ph: 4152 7644
4. CQ Soil Testing
ROCKHAMPTON QLD 4701
Ph: 4936 1163

RELATED WEBSITES

QBCC—Qld Building and Construction Commission

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

QDC MP3.4 – Queensland Development Code MP3.4

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

Guidelines For Pool Owners & Property Agents

<http://www.hpw.qld.gov.au/SiteCollectionDocuments/GuidelinesForPoolOwnersAndPropertyAgents.pdf>

Worksafe Queensland

<https://www.worksafe.qld.gov.au/injury-prevention-safety/safety-alerts/whsq/2006/public-spa-pools>

Building Regulation 2006

<https://www.legislation.qld.gov.au/view/whole/pdf/inforce/current/sl-2006-0227>

APPLICATION LODGEMENT CHECKLIST FOR DOMESTIC RESIDENTIAL SWIMMING POOL AND POOL FENCES

This form, completed by the Applicant, is to be lodged with the application. It is the responsibility of the Applicant to ensure that all these details are correct and provided to Council in order to ensure approval of your application. All fees associated with this application to be provided at time of lodgement. .

APPLICANT'S NAME:

BUILDING SITE ADDRESS:

This Application Checklist must be completed and the relevant documentation provided prior to the lodgement of an Application for a Swimming Pool or a Pool Fence.

<input type="checkbox"/>	Are relevant areas of DA Form 2 (Building work details) completed?
<input type="checkbox"/>	<p>FEES Have all fee's been paid in full? Fee's to be paid in full upon lodgement of this application in order for it to be assessed.</p>
<input type="checkbox"/>	<p>DRAWINGS: An accurately dimensioned Site Plan showing:</p> <ol style="list-style-type: none"> 1. Location of all property boundaries 2. Accurate location of the dwelling and other buildings or structures on the site 3. Accurate location of the swimming pool 4. Accurate location of the pool fence 5. Location of the outwards opening pool gate 6. Accurate location of the filter and pump 7. Accurate location of windows (including sizes) in the proximity of the swimming pool and pool fence. Windows located within the pool area, or within 900mm of the pool fence are required to be appropriately screened.
<input type="checkbox"/>	<p>Please note: Direct access from the dwelling to the swimming pool is not permitted. A complying pool fence must be provided between the dwelling and the swimming pool.</p> <p><input type="checkbox"/> Have you included the pool fence details including the size, height and design? A brochure from the pool fence supplier may be sufficient.</p> <p><input type="checkbox"/> Have you included the swimming pool design / construction details including a Form 15 Compliance Certificate from a Registered Professional Engineer of Queensland (RPEQ)?</p> <p><input type="checkbox"/> Have you included the pool pump and filter details? A brochure from the supplier may be sufficient. If the pool filter is a sand or DE filter and the pool is to be located on a property where sewer infrastructure is provided, a Plumbing Application may be required for the backwash to be connected to the sewer.</p>

A plan is a document that should contain enough information presented in such a way that it is possible to construct the building or structure from it. It should contain information (where applicable) as listed in the attached sheet entitled 'MINIMUM LEVEL OF DETAILS TO BE INCLUDED'.