

Building and Plumbing Newsflash 550

Changes to pool fencing laws for existing and outdoor pools associated with regulated pools

Purpose

As of 28 January 2016, changes to the pool safety laws for existing regulated outdoor associated with (class 1, 2, 3 and 4 buildings under the National Construction Code) have commenced.

Background

In July 2012, pool safety laws for existing outdoor pools associated with houses and townhouses were amended to permit pool owners, in certain circumstances, to perform building work without obtaining a building development approval. However, the amendments did not apply to pools associated with hotels, motels, hostels, apartments and other class 1b, 2, 3 and 4 buildings under the National Construction Code.

For these regulated pools, pool owners were required to have a building approval for pool fencing work except for prescribed minor repairs such as repairing, replacing or adjusting five metres of fencing or more than six fence posts. For a building approval, a building certifier is required to assess and approve the work.

Prescribed minor repairs are self-assessable (i.e. they can be done without a building approval) but must still comply with the relevant legislation and Queensland Development Code (QDC), including QDC Mandatory Part 3.4—Swimming Pool Barriers (pool safety standard).

Changes to pool fencing laws

Fencing work not requiring a building approval

On 28 January 2016, the Queensland Building and Construction Commission and Other Legislation Amendment Regulation (No.1) 2016 (the amendment regulation) amended section 5 in Schedule 2C (now entitled 'Work for barriers for regulated pools in particular circumstances') of the Building Regulation 2006 (BR). It provides that, in certain circumstances, building work for a fence forming the whole or part of an existing pool barrier for a regulated pool does not require a building development approval.

If the only work being performed is self-assessable building work or work to comply with the pool safety standard, the fencing work will not require a building approval if a pool safety inspector is engaged to inspect the pool for compliance with the pool safety standard.

If the pool owner has been issued a nonconformity notice, the work must be carried out during the reinspection period (3 months after giving the nonconformity notice) and the pool owner must arrange for the pool safety inspector to inspect the pool within the reinspection period.

If the pool is a complying pool then the pool owner must arrange for a pool safety inspector to inspect the barrier for compliance with the pool safety standard, within 3 months of arranging the inspection.

The regulation creates an offence for the pool owner to fail to have the pool inspected by a pool safety inspector as required.

Complying pools include pools for which a pool safety certificate has been issued, pools that have a valid building certificate and pools with no certificate, but which already comply with the pool safety standard.

Contact for further information

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