SOUTH GIPPSLAND SHIRE COUNCIL

Swimming Pools: Information Sheet

South Gippsland Shire Council

What is a pool?

For the purposes of this document, the term 'pool' refers to any in-ground or above-ground swimming pool, toddler pool, wading pool or spa which is capable of containing water at a depth of greater than 300mm.

What is the issue?

In 2019 the *Building Regulations 2018* were amended to introduce registration and regular inspection/certification requirements for pool safety barriers, to ensure they remain fit for purpose to restrict access for young children.

Whilst a safety barrier may have complied at the time of construction, the passing of time, vegetation growth, lack of maintenance and unpermitted alterations, often result in safety and compliance issues.

In the period between 2002 to 2018, 251 young children (0 to 4 years) drowned in swimming pools in Australia. Young children are more than five times more likely to drown in a pool, than in a dam or lake (*Royal Life Saving Australia 2018*).

What are your obligations as a pool owner?

Provide a Safety Barrier

All domestic pools must be provided with a safety barrier which complies with the relevant Australian Standard (AS1926.1) which applied at the time the pool or safety barrier was constructed.

Safety barriers are not required to be upgraded to the latest barrier standard unless they are replaced or substantially altered.

A barrier must be provided even if the pool is in a remote location, or if there are no children living at, or visiting the property.

Registration

All domestic pools must be **registered with Council**. You only need to register your pool once.

If you have multiple pools (commonly a pool and a spa) which do not share a common safety barrier, each must be registered separately.

Once you have registered, Council will respond with a Registration Confirmation Letter.

This letter will:

- Confirm that your pool has been registered.
- Detail the date of pool/safety barrier construction (as closely as can be determined).
- Specify the applicable safety barrier standard (based on the construction date).
- Specify the due date by which you must lodge a Certificate of Pool & Spa Barrier Compliance with Council (see below).

Barrier Inspection and Certification

Once registered, you must engage a registered swimming pool inspector, building inspector or building surveyor to inspect your safety barrier. The inspector will need a copy of the Registration Confirmation Letter. Once satisfied that the barrier complies with the relevant standards, your inspector will issue a *Certificate of Pool and Spa Barrier Compliance*.

You must **lodge the *Certificate of Pool and Spa Barrier Compliance with Council*** within 30 days of issue and by the due date which is specified on your Registration Confirmation Letter.

Once you have lodged your *Certificate of Pool and Spa Barrier Compliance* with Council, we will send you a confirmation letter which specifies the due date for the lodgement of your next certificate. The inspection, certification and lodgement process must be repeated every four years.

Barrier compliance inspections are conducted by private inspectors. A list of some inspectors who service the South Gippsland area is available **on our website**. Council does not conduct these inspections and cannot issue a *Certificate of Pool and Spa Barrier Compliance*.

If you would like to get a head start on the compliance of your safety barrier, self-assessment checklists are available from the **Building and Plumbing Commission**.

Decommissioning

Some pool owners have decided to decommission their pool, rather than go through the inspection and certification process.

To consider a pool as being decommissioned it must be removed, demolished, or have substantial holes cut in the bottom, so that it can no longer contain more than 300mm of water.

Once a pool is decommissioned it can be removed from Council's register and no further safety barrier inspection or certification is required.

Please contact Council's Building team for more information on decommissioning.

Non-Compliance

If you have a pool:

- Which does not have a compliant safety barrier, and/or
- Has not been registered with Council, and/or
- For which a *Certificate of Pool and Spa Barrier Compliance* has not been lodged with Council by the due date,

Council will engage with you in the first instance, to encourage voluntary compliance.

Council takes pool safety seriously. In circumstances where voluntary compliance cannot be achieved within a reasonable time frame, formal enforcement action is likely, which may include:

- Issuing of Building Notices and/or Building Orders.
- Issuing of infringement notices (fines).
- In extreme cases, prosecution in a Magistrates Court and/or seeking a court order for the demolition of the pool.

Resources

- South Gippsland Shire Website
  - More information regarding **Swimming Pools and Spas.**
  - **Application to register a pool or spa.**
  - **Lodge a Certificate of Pool & Spa Barrier Compliance.**

- Building Regulations 2018
  The obligations mentioned in this document are legislated through Part 9a of the **Building Regulations 2018**.

- Royal Lifesaving Australia
  More information relating to child drownings is available from **Royal Life Saving Australia**.

- Victorian Building Authority
  Barrier self-assessment checklists More information regarding pool safety barriers are available at the **Building and Plumbing Commission**.

- List of Registered Pool Inspectors
  A list registered private pool inspectors, who service the South Gippsland area is available **on our website.**

For more information, please contact Council's Building or Statutory Planning teams on 03 5662 9200 or via email at council@southgippsland.vic.gov.au

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