

DECOMMISSIONING/REMOVAL OR CONVERSION OF POOLS

FACTSHEET

This fact sheet provides information to owners of swimming pools, as defined under the Building Act 1975, on the process to decommission, remove or convert a swimming pool pursuant to requirements of the Building Act 1975.

The Law

Under the *Building Act 1975*, a swimming pool is defined as 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 or principally used, for the purposes mentioned in paragraph (b) despite its current use;

and includes a spa pool, spa tub or similar thing and a wading pool.

Generally, a regulated pool is any pool other than a public pool that meets the definition of a public pool under the Act. All regulated pools are required to comply with the pool safety standard and it is the responsibility of the pool owner to ensure this is the case. Additionally, all regulated pools are required to be registered on the Regulated Pool Register maintained by the Queensland Building and Construction Commission.

Where a pool is no longer required or to negate the need to comply with the pool safety standard, the owner of a regulated pool may decommission, remove or convert the swimming pool so as to no longer meet the definition of a swimming pool.

Decommissioning, Removal or Conversion of Pool

Prior to decommissioning, removing or converting a swimming pool, it is recommended that pool owners contact a licensed private Building Certifier to ensure all relevant approvals are obtained in accordance with the requirements of the *Building Act 1975* and the *Planning Act 2016*. The process for decommissioning, removing, or converting a swimming pool will vary depending on the type of pool, construction materials and how it was installed.



Inground pools constructed of fibreglass, masonry, concrete or similar materials must be decommissioned in a manner so as to result in the facility no longer being capable of holding water to a depth of 300mm or more.

Works may include the demolishing of a wall or the floor being demolished and/or holes punched through it to provide for adequate drainage and to prevent saturation and contamination of backfill material (see illustration). Backfill must consist of clean, non-toxic sand, gravel or similar fill and be compacted.

The engaged private Building Certifier will require a registered engineer to assess the pool and ensure appropriate works are undertaken to decommission the facility in a manner that prevents any future issues, particularly where the land may be built on at a later stage. A compaction certificate should be issued by the engineer upon completion of the works, certifying said works have been completed in a suitable manner to ensure integrity of the land. A copy of this compaction certificate is to be provided to Council and this will be maintained on file.

The decommissioning of the pool will also need to be undertaken in a way that does not impose any loads on adjoining buildings, structures, neighbouring properties or Council infrastructure due to the removal of the pool and any subsequent compaction of fill. The site where the swimming pool was installed must also be restored to the ground level adjacent to this area, having consideration to

any sloping of the site. All piping or similar material must also be removed from the site before backfilling occurs.

Where a pool is to be converted to an ornamental feature or fish pond, again appropriate works must be undertaken for the facility to no longer constitute a swimming pool, as defined under the *Building Act 1975*. A private Building Certifier will need to be engaged for the conversion works and to remove the 'swimming pool' classification applied to the excavation or structure. Council records will then be updated accordingly.

It is important to note, a swimming pool barrier must not be removed until such time as a Building Certifier has issued a demolition approval authorising these works to occur.

Decommissioning, Removal or Conversion of Spa Pools

The decommissioning, removal or conversion of a spa pool must also result in the facility being incapable of holding 300mm of water or more at all times.

Note: The removal of the drainpipe only would not be sufficient for decommissioning a spa pool as the facility may be reconnected.

Once again, prior to removing a pool safety barrier surrounding a spa pool, a demolition approval must be issued by a private Building Certifier.

Removal of Pool from the Regulated Pool Register

Upon completion of the required works to decommission, remove or convert a swimming pool, the owner of the pool must notify Council by completing the 'Notification of the Decommissioning/Removal/Conversion of a Regulated Pool Form'. On receiving this notification, an Authorised Officer from Council will undertake an inspection of the property to confirm that the swimming pool has been appropriately decommissioned, removed or converted so as to no longer constitute a swimming pool under the *Building Act 1975*.

Council Officers may enter the property at any reasonable time without the consent of the occupier, however if you wish to be present during this inspection, please contact Council's Development Compliance Section on 1300 79 49 29 within five (5) business days of lodging this notification to arrange an inspection time.

Where Council is satisfied that the swimming pool has been appropriately decommissioned, removed or converted, correspondence will be issued to the pool owner advising them of this. The owner of the pool is responsible for providing this correspondence to the Queensland Building and Construction Commission to request the removal of the swimming pool from the Regulated Pool Register.

For further information in relation to pool safety, please visit Council's [website](#) or contact Council on 1300 79 49 29.

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