

# POLICY



**Date adopted:** 30/05/2017  
**File no:** 391060-1  
**Minute number:** 148/2017

**Policy title:** **INFRASTRUCTURE AGREEMENTS WITH PROPERTY OWNERS TO INSTALL COMPLYING SWIMMING POOL FENCES**

**Directorate:** STRATEGY & SUSTAINABILITY

**Branch:** DEVELOPMENT ASSESSMENT

**Policy objective:** To encourage land owner participation in a Council initiative to achieve compliance with the *Building Act 1975* with respect to swimming pool fencing requirements.

**Policy scope:**

This policy applies to landowners who:

1. have received an enforcement notice from the Council under the provisions of the *Building Act 1975* to install a complying swimming pool fence
2. request in writing to be a party to an "Infrastructure Agreement in Respect of the Construction of a Swimming Pool Fence on the Property Owner's Land" (infrastructure agreement).

**Definitions:**

Not applicable.

**Policy statement:**

1. The following procedure is to be undertaken where a property owner requests to be a party to an infrastructure agreement. The request must be made on the approved form.
2. Requests for assistance are to be made by completing an official "infrastructure agreement" which also authorises entry onto the land pursuant to the *Local Government Act 2009*, performance of work to achieve compliance with the *Building Act 1975* and the repayment of the Council's expenses by a stated date or for expenses to be placed as a charge on the land.
3. To be an "eligible property owner", the owner must produce evidence that they:
  - (a) are the owner and occupier of premises where the swimming pool fence is to be installed and are a pensioner receiving a State Government pensioner concession on all rates and charges levied as described in the Council's 'Revenue' policy
  - (b) they have been served with an enforcement notice under the provisions of the *Building Act 1975* requiring that a complying swimming pool fence be installed.
4. Where the property owner accepts the quotation for the erection of the complying swimming pool fencing from the Council's services contractor, and consents to the terms and conditions of the infrastructure agreement, they must sign the same agreement.

5. Where the property owner signs the infrastructure agreement, the subject work for the erection of the complying swimming pool fencing will take place and comply with:
  - (a) Queensland Development Code (QDC) MP3.4 Swimming Pool Barriers
  - (b) AS 1926.1 2012 Swimming pool safety Standard - Part 1: Safety Barriers for swimming pools
  - (c) AS 1926.2 2007 Swimming pool safety Standard - Part 2: Location of safety barriers for swimming pools.
6. The infrastructure agreement with the property owner will have a term of two (2) years, over which period the service contractor's prices and the Council's service charges will be fixed. No interest will be charged during this period. Following expiry of the two year period, any outstanding amounts will be placed as a charge on the land. Alternatively where there is default on payment or sale of the premises the debt owing will become a charge on the land.
7. Specific requirements relating to the works to be performed by the contractor, the Council's obligations and landowner obligations are contained in the document "Infrastructure Agreement" (Doc ID: 2567190) obtainable from the Development Assessment branch.
8. This policy should be read in conjunction with the delegation of authority titled "Infrastructure Agreements with Property Owners to install complying swimming pool fences".

**Related policies/legislation/other documents:**

<b>DOC ID</b>	<b>DOCUMENT TYPE</b>	<b>DOCUMENT NAME</b>
-	Legislation	<i>Building Act 1975</i>
-	Legislation	<i>Local Government Act 2009</i>
-	Legislation	<i>Queensland Development Code MP3.4</i>
-	Legislation	<i>Australian Standard 1926</i>
<a href="#">2567190</a>	Procedure	Infrastructure Agreement for Swimming Pool Fences