

Swimming Pools/Spas and Safety Barriers Overview

Swimming pools and spas capable of holding water more than 300mm deep are required both to have a Building Permit and to have safety barriers, which also require a Building Permit. This also applies to temporary swimming pools such as above-ground blow-up swimming pools. Safety barriers need to comply with the Building Regulations 2012, as amended, and the Australian Standard 1926.1 – 1993 or 2012 where applicable.

The purpose of this State Government Legislation is to ensure safety barriers are effectively used and maintained so as to help prevent child injury or drowning in private swimming pools and spas.

All safety barriers must be inspected by one of the City's Authorised Officers prior to the swimming pool or spa being filled with water.



Once the safety barrier is deemed to comply, the City is required to reinspect the barriers at intervals of no more than four years. An inspection fee will be added to the property's annual Rate Notice.

When is Development (Planning) Approval Required?

Development Approval is generally required where the swimming pool or spa is:

- Located within a Special Development Precinct;
- Located in a heritage area designated under the City's Local Planning Scheme No. 15;
- Located on a lot less than 260m² in area;
- Is located on a lot which is within, or abuts, the Swan River Trust Development Control Area (DCA), or in the opinion of Council is likely to impact the quality of waters in the DCA (generally properties adjacent to the Swan River/Foreshore).

When is a Building Permit Required?

A Building Permit is required for all swimming pools and spas capable of holding water more than 300mm deep. A Building Permit is also required for the compliant safety barrier. These can be included on the same application or lodged separately.

It is an offence to install a swimming pool/spa and/or safety fencing without first obtaining a building permit. The only time a building permit and safety barrier is **not** required is when the pool is **not** capable of holding water more than 300mm deep (i.e. small paddle pool).

What do I need to submit to the City for approval?

Planning

When a Development Approval is required:

- A completed 'Application for Approval to Commence Development', associated documentation and payment of statutory fees are required on lodgement. Please refer to the City's website for further information on Planning Services requirements.

Building

- A completed BA1 Application for Building Permit – Certified* **or** BA2 Application for a Building Permit – Uncertified;

**A BA1 Application Form must be accompanied with a BA3 Certificate of Design Compliance issued by a registered Building Surveying Contractor. A BA2 uncertified application utilises the City's Building Surveyors to assess and process the application. Both forms are available on the City's website.*

- Payment of Statutory Fees (please refer to the Building Fee Schedule);
- Completion of a Construction Training Industry Fund levy form if the estimated value of works exceeds \$20,000;
- Two copies of the following documentation:
 - Site plan (minimum scale 1:200) showing the location of all existing and proposed structures, proposed setbacks, existing and proposed finished ground levels, easements etc;
 - Signed Engineers details certifying the structural integrity of the pool (excludes blow up pools);
 - Manufacturers brochure or specifications for the swimming pool or spa;
 - Details of the proposed safety barriers to demonstrate compliance with AS1926.1 – 2012 (or a separate building permit application is to be lodged).

Lodging Your Application

Applications can be lodged:

- In person at the City of Belmont, 215 Wright Street, Cloverdale.
- By mail to City of Belmont, Locked Bag 379, Cloverdale WA 6985.
- Online via the City's Planning & Building Online Application portal (please check the City's website for further information).

Fencing Compliance

Safety barriers must be compliant with Australian Standard 1926.1 – 1993 or 2012 as applicable.

Please note that all swimming pools/spas approved after the 1st of May 2016 are required to have a safety barrier complying with AS1926.1-2012.

Please refer to the Building Commission's Rules for Pools & Spas Guide or the Royal Life Saving website for more information about compliant safety barriers.



Frequently Asked Questions

I have a temporary blow-up swimming pool, do I require a building permit and compliant safety fencing?

Yes, a Building Permit is required for all swimming pools capable of holding water more than 300mm deep. You will need to comply with the requirements of the Building Regulations 2012 and AS1926.1 – 1993 or 2012 as applicable, the same as you would for any other permanent swimming pool.

How long after installing my swimming pool/spa before I need to erect a barrier?

A compliant barrier is required as soon as the swimming pool or spa contains water more than 300mm deep. If you cannot install the permanent barrier immediately (due to compaction, paving, landscaping etc.) a temporary barrier must be provided. Please contact the City's Building Services to discuss any proposed swimming pool barrier prior to lodging your building permit application.



How often will the Council inspect my safety barrier?

Once compliant, the local government authority is required to inspect swimming pool/spa safety barriers at intervals of no more than four years. It is the owner/occupier's responsibility to maintain the safety barrier at all times between inspections.

I have no children and wish to install a temporary above ground swimming pool in my back yard. There is no access from the street, do I still require a compliant pool barrier?

Yes. While the risk may appear to be minimal, once a swimming pool contains water more than 300mm deep, there is no exemption from complying with the requirements of the Building Regulations 2012 and AS1926.1 – 1993 or 2012 as applicable.

Useful Links

Swimming and Spa Pools – Building Commission

<http://www.commerce.wa.gov.au/building-commission/swimming-and-spa-pools>

Royal Life Saving Society WA

<https://www.lifesavingwa.com.au/>

For further information, please contact the City's Building Services on 9477 7425.

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