

Swimming Pools and Spas (new installations)

WA Building Legislation

Under the Building Act 2011, a building permit is required prior to the construction or installation of any swimming pool or spa that will contain more than 300mm (30cm) depth of water. This includes inflatable and/or portable above-ground pools.

In addition, a building permit must be obtained for pool safety barriers.

The National Construction Code (NCC) classifies swimming pools, spas and safety barriers as being a Class 10b. A Class 10b is defined as:

'Class 10b is a structure being a fence, mast, antenna, retaining wall, swimming pool, or the like.'

Your Responsibilities

All property owners and/or occupiers who have a swimming pool or spa on their property are required by law to provide and maintain a compliant safety barrier around the pool or spa.

Safety Barrier Requirements

Pool barrier and fences must comply with the provisions of the Building Code of Australia, Building Regulations 2012 and Australian Standards AS1926.1-2012.

For further information, please refer to the Department of Mines Industry Regulations and Safety publication: Rules for Pool and Spas

https://www.commerce.wa.gov.au/sites/default/files/atoms/files/195697_web_rules_for_pools_and_spas_a4_booklet_feb_2019.pdf

Frequently asked Questions

Is a Building Permit required for a swimming pool, spa or isolation barrier and fence?

A Building Permit is required for all swimming pools and spas that meet the definition of a private swimming pool including the isolation barrier and fence that forms part of the pool/spa security enclosure.

The following structures are not considered to be a swimming pool or spa:

- A "spa-bath" which has a drain and is intended to be emptied after each use
- A fishpond not intended for use as a swimming pool as described above
- A shallow wading pool not capable of containing water more than 300mm (30cm) in depth

Is Planning Approval required for a swimming pool (Development Approval)?

A Planning / Development Approval is required for development that does not comply with the Residential Design Codes or the Town's Residential Design Guidelines or located in a heritage-protected place. If you would like clarification if a proposal would require Development Approval, you can contact the Town's Planning Services on 9339 9339 and ask to speak with the Planning Officer.

Can I build or alter a swimming pool or spa as an Owner-Builder?

Yes, owner builders are allowed to construct or alter pools and spas regardless of the construction value.

Do I need a Structural Engineer's Certification for the proposed swimming pool?

Yes, you will need to have the proposed swimming pool or spa, checked, certified, and signed by a practicing, professional Structural Engineer.

Who can lodge the Building Permit application?

The property owner or the Builder / Agent can lodge the Building Permit application. The Builder must sign the application for a Building Permit.

Please note: If you are the owner of the property and sign the application form as the builder, you will be the responsible person for all of the building work. This is also including maintaining the temporary pool safety isolation barrier while the pool is under construction.

How long will my Building Permit application take to process?

Certified Applications must be processed within 10 working days of it being lodged with the Town. If additional information is required, the applicant will be given 21 calendar days to provide the information. The Town then has the balance of the remaining 10 working days in which to provide a determination.

Uncertified Applications must be processed within 25 working days of it being lodged with the Town. If additional information is required, the applicant will be given 21 calendar days to provide the information. The Town then has the balance of the remaining 25 working days in which to provide a determination.

What is the difference between certified and uncertified applications?

A Certified Application has had its assessment completed by a private Building Surveyor and has been issued with a Certificate of Design Compliance. Certified Applications must be submitted complete with all prior approvals (including Development Approvals). The Town will issue a Building Permit for the proposed structure.

An Uncertified Application is submitted to the Town for a full assessment. The Town will issue a Certificate of Design Compliance and a Building Permit for the proposed structure.

What do I need to submit if I need a building permit?

Certified Applications:

- Completed BA1 Application Form.
- Completed Certificate of Design Compliance that has been signed by the registered Building Surveyor.
- One copy of all referenced documents as stated in the Certificate of Design Compliance.
- Building and Construction Industry Training Fund and Levy (BCITF) form or copy of BCITF receipt (required where estimated costs of building or construction exceeds \$20,000 incl. GST)

Uncertified Applications:

- Completed BA2 Application Form.
- A copy of a site plan. The site plan must be drawn at a minimum scale of 1:200, clearly showing the location of the proposed pool/spa, the safety barrier to be installed around the pool/spa and the location of the pool filtration equipment.
- If installing a glass barrier, then you will need to provide engineers certification for the design and installation including spigot mounts and gate hardware.
- A copy of structural drawings of the pool signed and certified by a practising structural engineer
- A copy of elevation details for the pool safety barrier showing footing size, fixings, gate hinge and latch height from ground level.
- Building and Construction Industry Training Fund and Levy (BCITF) form or copy of BCITF receipt (required where estimated costs of building or construction exceeds \$20,000 incl GST)

NOTE: If the pool builder or spa installer is not going to install the required safety barrier, a separate building permit application must be submitted by the property owner or their nominated pool fence contractor for the proposed pool fence.

What are the fees for the Building Permit application?

The fee is based on the estimated value of construction, minimum \$171.65. If the value is more than \$20,000, please refer to the Fee Calculator – Planning & Building.

Payment of an Infrastructure Bond is required for all Building and Demolition Permits issued.

The Town's Responsibilities

The Town of East Fremantle has a legislative obligation to ensure that swimming pools and spas are inspected at least once every four years to ensure compliance of the barriers with legislative requirements.

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