

Swimming Pools/Spas & Safety Barriers – (In Residential Areas)

Date of Publication 18/06/2024

What are Swimming Pool/Spa Safety Barriers?

A swimming pool or spa is a structure, capable of holding water more than 300mm deep, used for swimming, wading, bathing or the like, that is associated with a Class 1a single dwelling multiple dwellings or Class 2 residential apartment building with not more than 30 sole occupancy units. Swimming Pools/Spas are required to have a Building Permit prior to installation. This applies to portable/temporary pools, such as small plastic or inflatables.

Safety barriers must comply with the Building Regulations 2012, as amended, and the Australian Standard (AS) 1926.1 – 1993 or 2012 where applicable. The requirement for a Building Permit prior to installation may be exempted. See below for more information on the requirements for building permit.

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.



An initial inspection of all safety barriers must be inspected by one of the City's Authorised Officers within 30 days of when the City:

- receives a notice of completion from the swimming pool/spa contractor or
- becomes aware that the safety barrier has not been inspected.

Inspection fees are applicable to carry out this initial inspection and any subsequent reinspection(s).

Once the safety barrier is deemed to comply, the City is required to reinspect the barriers at intervals of no more than four (4) years. An inspection fee will be added to the property's annual Rates Notice.

When is Planning Development Approval (DA) Required?

Development Approval is required when the swimming pool or spa:

- Is on a lot in a Special Development Precinct;
- Is in a heritage area designated in the City's Local Planning Scheme No.15;
- Is located on a lot which is within, or abuts, the Swan River Trust Development Control Area (DCA), or in the opinion of the City 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.

As of 21 June 2024, the Building Regulations 2012 is amended so that the installation of safety barriers may be exempted from a Building Permit UNLESS it falls into the following scenarios:

- Masonry Construction of more than 750mm high.
- Other materials of more than 1800mm high
- A safety barrier also acting as a fall protection barrier (balustrade) required under the Building Code of Australia.

Please note that an initial inspection of the safety barrier remains a requirement and it is important that they can meet loading requirements as specified in AS 1926.1. The following supporting documents will be necessary to demonstrate compliance:

- Test report/s from NATA Accredited testing laboratory.
- Structural engineer's assessment and statement of compliance.
- For glass safety barrier, glazing certificate from the manufacturer indicating Grade A Safety Glass manufactured to AS/NZS 2208.
- Installer's Statement of Compliance

Note that the initial inspection will have fee of \$118.00 and to a maximum of \$312.00 inclusive of any required re-inspections.

Note:

Where an application for a Building Permit is lodged that also requires Planning Development Approval, a Building Permit (where fully compliant) cannot be issued until the Development Approval has been granted and any relevant conditions have been resolved.

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

Where a Planning Development Approval is required:

- A completed 'Application for Approval to Commence Development', a Certificate of Title (not more than 6 months old), relevant plans and specifications and payment of statutory fees are required on lodgement. Please refer to the City's website for further information on Planning Services requirements.

Where a Building Permit is required:

- A completed Form BA1 Application for a Building Permit – Certified* (10 Business Days) or Form BA2 Application for a Building Permit – Uncertified (25 Business Days);

**A Form BA1 must be accompanied with a Form BA3 Certificate of Design Compliance issued by a registered Building Surveying Contractor.*

- 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 the works exceeds \$20,000.

- Relevant plans and specifications. For a Form BA1 application, this information will be determined by your Building Surveying Contractor. For a Form BA2 application, the City will expect the provision of the following:
- A 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.
- Structural designs certified by a practising registered Structural Engineer (excludes portable pools).
- Manufacturer’s brochure or specifications for the swimming pool or spa.
- Where safety barriers are exempted from Building Permit, the site plan to provide an indicative location of the safety barriers (including gates and boundary fences) to demonstrate layout compliance with AS1926.1. It is strongly recommended that as much information is provided on the safety barriers.

Lodging Your Application

Applications can be lodged.

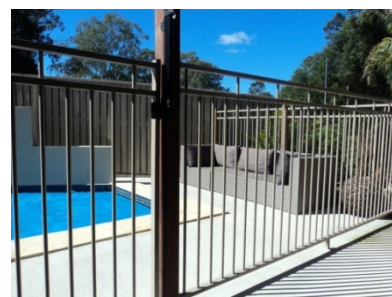
- In person at the City of Belmont, 215 Wright Street, Cloverdale
- By mail to City of Belmont, Locked Bag 379, Cloverdale WA 6985
- Online via the City’s Planning & Building Online Application portal (please check the City’s website for further information).

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 1 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.



Useful Links

DMIRS (Building & Energy) - Swimming and Spa Pools

<https://www.commerce.wa.gov.au/building-and-energy/swimming-spa-and-portable-pools>

Royal Life Saving Western Australia

<https://royallifesavingwa.com.au/professional-services/pool-maintenance/pool-barrier-assessment-service>

For further information, please contact the City of Belmont on 9477 7222