

## SWIMMING POOLS, SPAS AND SAFETY BARRIERS/FENCING

### (Class 10b Construction)

This publication's intention is to provide general information only. Exemption from requiring a Building Permit does not exempt compliance with the Building Code of Australia (BCA), Australian Standards, Local Laws, Planning (Development) Approvals and Conditions, Governing Legislation and Statutory Provisions.

**Note:** The applicant/builder is responsible for obtaining all necessary approvals, consents, and licenses required by law.

Swimming pools and spas hold a cherished place in the West Australian lifestyle, but ownership carries substantial responsibilities. The *Building Regulations 2012* (the Regulations) mandate that all private swimming, spa, and portable pools exceeding a water depth of 300mm (30cm) must have an AS1926.1:2012 compliant safety barrier. This barrier serves to restrict young children's access to the pool and its immediate surroundings.

A swimming pool, as defined, encompasses any excavation or structure containing 300mm or more of water, primarily used or designed for activities like swimming, wading, paddling, or similar pursuits, including bathing or wading pools and spas. This definition encompasses above-ground, in-ground, and portable swimming pools and spas.

To engage in the construction, erection, assembly, placement, renovation, alteration, extension, improvement, or repair of a swimming pool and its safety barrier, a valid building permit is mandatory. The same requirement applies to the assembly, reassembly, or securing of a relocated swimming pool and its safety barrier.

Owners bear the responsibility of ensuring the continual compliance of the pool safety barrier. This responsibility extends to the occupants of the property where the pool or spa is situated.

### What are the options for obtaining a building permit?

**Option 1 - Pool builder responsible for pool and safety barrier** - The pool builder oversees both the pool and safety barrier. The building permit includes safety barrier details, which can be installed by a separate party as arranged by the pool builder. This streamlines the process into one permit application and fee.

**Option 2 - Owner responsible for pool and safety barrier** - As the owner, you have the option to be the responsible person (builder) for the pool and safety barrier building permit. This lets you subcontract the work to your chosen pool builder and safety barrier installer. Taking on this role involves ensuring compliance with the Building Regulations 2012 and all other applicable legislation. This also simplifies the process into a single permit application and fee (**Owner Builder registration is required for work exceeding \$20,000**).

**Option 3 - Pool builder responsible for pool and another person responsible for safety barrier** - The pool builder can secure a permit for pool installation, while a different person obtains a separate permit for safety barrier installation, each following the Regulations. This involves two distinct permit applications and fees.



# General Information and Checklist Requirements for Building Approval

## BUILDING ACT 2011 FEES, BUILDING SERVICES LEVY and BCITF PAYMENTS

**BA2** - Uncertified application for a building permit (s.16(1))

- The fee is **0.32% of the estimated value** of the building work, but **not less than \$110.00**.

**Building Services Levy** - Building Permit Application Levy

- The levy is **0.137% of the estimated value**, but **not less than \$61.65**.

**Building Construction Industry Training Fund (BCITF)** - For all work \$20,000 and above in total value

- The BCITF Levy is calculated at **0.2% of the total value of construction** for all works with an estimated value of more than \$20,000.

Given the highly technical nature of the regulations and standards pertaining to safety barriers for pools and spas, the information and requirements mentioned above are not intended to be exhaustive but are provided for ease of reference. It is recommended to review this information in conjunction with the 'Rules for Pools and Spas,' which can be found on the Department of Mines, Industry Regulation and Safety website at: [commerce.wa.gov.au](http://commerce.wa.gov.au).

All payments are required to be made prior to issuing of the building permit and any construction works commencing.

**Note:** An application for building permit must be signed by the builder. Buildings with an estimated constructed value greater than \$20,000 must be constructed by a registered builder OR an owner-builder with a current approval from the Building Commission.

## CHECKLIST

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# General Information and Checklist Requirements for Building Approval

## BUILDING PERMIT APPLICATION MINIMUM REQUIREMENTS

This checklist should be read in conjunction with the *Rules for Pools and Spas* publication by the Building Commission, *The Building Code of Australia, AS1926.1:2012, AS1926.2:2007 and AS1926.3:2003.*

1.	<b>Form BA1 (Certified) or Form BA2 (Uncertified)</b> <ul style="list-style-type: none"> <li>Completed and signed Form BA1 – (Certified) or Form BA2 (Uncertified), to be signed by each owner of the land, unless exempt.</li> <li>Accurate estimated value of building work (including GST) on the Building Permit Application Form (<i>Building Regulations 2012 Schedule 1, Clause 1, 2 and 3</i>).</li> <li>Registered Builder's Details (if over \$20k) – Builder must provide their registration number.</li> <li>Builder's Details – Builder must sign the Building Permit Application Form.</li> </ul>	<input type="checkbox"/>
2.	<b>Construction Training Fund Levy Form (CTF)</b> <ul style="list-style-type: none"> <li>Completed Construction Training Fund Levy Form (CTF) if works exceed \$20,000 or CTF receipt as proof of payment.</li> </ul>	<input type="checkbox"/>
3.	<b>Building Permit Application Fee</b> <ul style="list-style-type: none"> <li>Building Permit Application Fee plus associated State levies must be paid at time of lodgement of the application (Refer to the <a href="#">Building Act Fees</a>).</li> </ul>	<input type="checkbox"/>
4.	<b>Owner-Builder Approval / Certificate (if applicable)</b> <ul style="list-style-type: none"> <li>Owner-Builder Approval / Certificate from the Building Services Board (Department of Mines, Industry Regulation and Safety) if works exceed \$20,000.</li> </ul>	<input type="checkbox"/>
5.	<b>Planning / Development Approval</b> <ul style="list-style-type: none"> <li>Planning Approval or written advice issued by the Shire of Denmark Planning Department for the proposed development (if applicable).</li> </ul>	<input type="checkbox"/>
6.	<b>Notice and Consent of Adjoining Landowners (if applicable)</b> <ul style="list-style-type: none"> <li>BA20 or BA20A Form - Consent from adjoining landowner where proposed works may encroach or adversely affect neighbouring properties, boundaries, structures and adjoining land.</li> </ul>	<input type="checkbox"/>
7.	<b>Signed Statement of Compliance for your proposed safety barrier</b>	<input type="checkbox"/>
8.	<b>Site Plan (1:200 scale), including:</b> <ul style="list-style-type: none"> <li>Street names, lot number, and title reference to the site.</li> <li>The size and shape of the site including property boundaries, their dimensions, and existing buildings and structures to be clearly shown.</li> <li>Soil/Site Classification (for below ground pools and spas).</li> <li>Wind Rating (if applicable).</li> <li>A feature / contour survey of the property showing a datum point, contour lines (min 500mm intervals), spot levels and relative levels of the site.</li> <li>The proposed finished floor level and natural ground levels to be shown.</li> <li>Setback distances from all property boundaries to the proposed, including setbacks from other existing or proposed buildings / structures on the property, all to be clearly indicated.</li> <li>Height and extent of existing and proposed earthworks - if applicable.</li> <li>Existing sewer connections or septic system, stormwater drains or easement locations.</li> <li>Location and sizes of stormwater drain / disposal system.</li> <li>Location and heights of stabilised embankments and/or retaining wall/s – if applicable.</li> <li>Clearly indicate the North point.</li> </ul>	<input type="checkbox"/>
9.	<b>Elevations (minimum scale 1:100)</b>	<input type="checkbox"/>

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# General Information and Checklist Requirements for Building Approval

	<ul style="list-style-type: none"> <li>• All elevations.</li> <li>• Existing and proposed ground levels and finished floor levels (FFL).</li> </ul>	
10.	<p><b>Fencing / Barrier Design (minimum scale 1:50)</b>  <b>Complete plans and specifications of materials to be used.</b>  <b>Include all measurements, and satisfy the following:</b></p> <ul style="list-style-type: none"> <li>• Permanent, rigid, made from durable material and well maintained.</li> <li>• Minimum height, ground to top - 1200mm</li> <li>• Maximum distance between vertical members - 100mm</li> <li>• Minimum distance between climbable horizontal members - 900mm</li> <li>• Maximum distance between ground and bottom of barrier - 100mm</li> <li>• Ground below the barrier is stable and not able to be eroded by children, weather, or animals.</li> <li>• Gates to open away from pool/spa, be self-closing from ALL positions with no force applied from a stationary start including resting on the latch.</li> <li>• Gate latch to be min 1500mm from ground level or be inside the gate/barrier and shielded.</li> <li>• Gate hinges protruding more than 10mm should be no less than 900mm apart or be non-climbable.</li> </ul>	<input type="checkbox"/>
11.	<p><b>Pool/Spa Certification</b></p> <ul style="list-style-type: none"> <li>• Structural detail drawings signed by practising engineer for structural adequacy or structural adequacy certificate as built, signed by a practising engineer.</li> <li>• Individual specification for each body type (if relevant).</li> <li>• Vinyl Lined Pools: Structural detail drawings signed by a practising engineer for structural adequacy showing concrete/brickwork specifications, footing dimensions, reinforcement size and location, wall thickness etc.</li> </ul>	<input type="checkbox"/>
12.	<p><b>Detailed Plans and Specifications (for any decking or incidental structure) if relevant</b></p> <ul style="list-style-type: none"> <li>• Material schedule</li> <li>• Member lengths, dimensions, spacings, and type</li> <li>• Span lengths</li> <li>• Hardware and fixings</li> <li>• Connection details</li> <li>• Footings, Slab detail</li> <li>• Evidence of compliance with all relevant Australian Standards and the National Construction Code.</li> </ul>	<input type="checkbox"/>

*This document serves as a helpful guide for applicants. While our goal is to maintain accurate and up-to-date content, we cannot be held responsible for any consequences resulting from the information provided. For any further information please contact the Shire of Denmark Development Services Team on 9848 0300.*

*Please note, additional information may be requested upon assessment of your application.*

