

Swimming Pools, Spas & Safety Barriers

What you need to know before you buy, build or install one

THE SHORT VERSION

If a private swimming pool, spa or portable pool can contain water more than 300 mm deep, it must have a compliant safety barrier. A building permit is required for the pool or spa itself before construction or installation starts. Most pool fences no longer require their own building permit, but they must still comply with the applicable requirements.

YOUR APPLICATION IN 5 SIMPLE STEPS

1	2	3	4	5
Check the rules	Plan the barrier	Get approval	Build safely	Inspect & maintain
Pool, spa or portable pool? Check the depth and barrier requirements.	Work out how children will be prevented from accessing the pool area.	Obtain the required building approval for the pool or spa before work starts.	Provide a compliant permanent or temporary barrier during construction.	Arrange the initial inspection and keep the barrier compliant at all times.

What counts as a swimming pool?

In WA, the rules apply to private swimming pools, spa pools and portable pools that contain water more than 300 mm deep. This includes above-ground, in-ground, inflatable and temporary pools. The requirements are about restricting access by young children - not simply whether the pool is permanently installed.

WATER DEPTH	POOL / SPA	BARRIER
> 300 mm A safety barrier is required.	Building Permit The pool or spa itself generally needs approval before work starts.	Generally no permit Most pool fences no longer need a separate Building Permit — but must comply.

Three things people often get wrong

- A portable or inflatable pool is not exempt simply because it can be emptied or moved.
- A pool fence not requiring a Building Permit is still required to comply with the applicable safety-barrier requirements.
- A compliant barrier is not optional after the pool is installed - owners and occupiers have an ongoing responsibility to maintain it.

NEVER PROP THE GATE OPEN

Pool gates are a common point of access for young children. Gates must remain closed and operate correctly. Regularly check the gate, latch, hinges and surrounding area.

Before you build

Planning the pool, spa and safety barrier together

1 Do I need a Building Permit?

A Building Permit must be in effect before construction, erection, assembly, placement, renovation, alteration, extension, improvement or repair of a private swimming pool or spa that is covered by the Building Regulations 2012. This also applies to assembling, reassembling or securing a relocated pool.

POOL FENCES ARE DIFFERENT

From 21 June 2024, most pool fences do not require a Building Permit. A permit is still required in certain circumstances, including where the barrier also acts as a fall-protection barrier, is masonry over 750 mm high, is a non-masonry barrier over 1.8 m high, or is in Wind Region C or D, subject to applicable local-law provisions.

2 Where should the barrier go?

The safety barrier must restrict access to the pool or spa from the street, adjoining properties and habitable buildings. A barrier can be made from a fence, wall, gate, window, retaining wall or combination of these, provided the overall solution complies.

- Think about the barrier location before the pool is installed - moving the barrier later can be expensive.
- Consider boundary/dividing-fence arrangements and who is responsible for each part of the barrier.
- Avoid locating objects, structures or landscaping where they can provide a climbing aid or undermine the barrier.
- Keep the pool area secure during construction as well as after completion.

3 What does a compliant barrier look like?

- Minimum barrier height is generally 1.2 m, measured from the finished ground level on the non-pool side.
- Maximum opening between vertical members is generally 100 mm.
- The barrier must be designed so young children cannot readily climb it.
- The gap between the bottom of the barrier and ground is generally no more than 100 mm.
- The barrier must be permanent, rigid, durable and securely fixed.
- Gates must open outwards, self-close and self-latch from all positions, including from a stationary start.

4 Gates, latches & hinges

The gate is one of the most important parts of the barrier. It must close and latch correctly every time and must not be capable of being easily opened by a young child.

- The gate must open away from the pool area.
- The latch must be located at least 1.5 m above finished ground level, or be suitably shielded inside the gate/barrier.
- Gate hinges, barrier extrusions and other fittings must not create climbing points.
- Do not place furniture, pot plants, toys or other climbable objects next to the barrier.

5 Old pools are different

THE DATE MATTERS

Pools installed or approved before 1 May 2016 may, in certain circumstances, use the earlier AS 1926.1-1993 requirements as an alternative pathway. Pools and barriers have different historical requirements depending on when they were installed or approved. Do not assume an old fence is compliant simply because it has always been there.

Your application checklist

Tick these off before submitting your Building Permit application

Application & approvals

- ☐ Completed BA1 (Certified) or BA2 (Uncertified) Building Permit application, signed by the required owners.
- ☐ Accurate estimated value of the building work, including GST.
- ☐ Builder details and registration information where required. For applicable building work valued at \$20,000 or more, registered builder/approved owner-builder requirements apply.
- ☐ Planning / Development Approval, or written confirmation from Planning that approval is not required, where applicable.
- ☐ Applicable Building Permit fees and State Government levies.
- ☐ CTF levy documentation/payment where applicable.

Site plan — generally 1:200 @ A3

- ☐ Street name, lot number and title reference.
- ☐ Property boundaries, dimensions and existing buildings/structures.
- ☐ Pool/spa location and all setbacks to boundaries and other structures.
- ☐ Existing and proposed ground levels, finished levels and relevant contours/spot levels.
- ☐ Soil/site classification for below-ground pools or spas, where required.
- ☐ Wind rating where applicable.
- ☐ Existing sewer/septic systems, stormwater drainage and easements.
- ☐ Earthworks, embankments and retaining walls where applicable.
- ☐ North point.

Pool, barrier & structural information

- ☐ Signed Statement of Compliance for the proposed safety barrier, where required.
- ☐ Barrier plans and specifications at a clear scale, showing all dimensions, openings, heights and fittings.
- ☐ Structural engineering/certification for the pool or spa.
- ☐ Structural details for vinyl-lined pools, including concrete/brickwork, footings, reinforcement and wall thickness.
- ☐ Details of any decking, retaining walls, platforms or other incidental structures associated with the pool.
- ☐ Evidence of compliance with the applicable NCC, Building Regulations 2012 and Australian Standards.

IMPORTANT

The Shire may request additional information, engineering, testing or certification where the proposed pool, barrier, site or associated structures create additional risks or the submitted documents do not demonstrate compliance.

After installation

Your responsibilities do not finish when the pool is handed over

The inspection process

1	2	3	4	5
Complete the pool The pool and long-term/temporary barrier are installed.	Notify completion The builder submits the BA7 Notice of Completion within 7 days.	Initial inspection The Shire must inspect the new barrier within 30 days of becoming aware it is complete.	Fix issues Any non-compliance must be rectified and may require re-inspection.	Keep it compliant Owners/occupiers remain responsible for ongoing compliance.

Ongoing owner responsibilities

- Keep the safety barrier in good condition and compliant at all times.
- Check gates regularly to make sure they self-close and self-latch correctly.
- Never prop a pool gate open.
- Keep climbable objects away from the barrier and maintain the ground around it.
- Repair damaged, loose, corroded or altered sections promptly.
- Do not make changes to the pool area that create a new way for children to access the water.

PERIODIC INSPECTIONS

Local governments must inspect existing private pool safety barriers at intervals of no more than four years. Inspection and re-inspection charges may apply.

Construction safety

A pool under construction can be more dangerous than a completed pool. The pool builder must manage the construction site safely, including preventing unauthorised access by children. A suitable temporary construction barrier must be installed and maintained until the permanent safety barrier is in place.

Ask the question before you buy

POOL SUPPLIER / BUILDER • Who is responsible for the Building Permit? • What is included in the permit - pool only, or associated structures as well? • Who is responsible for the safety barrier? • Will the builder provide the required completion documentation?	BARRIER SUPPLIER / INSTALLER • Can you provide evidence the barrier complies with AS 1926.1? • Is the barrier system tested/documentated? • How will the gate, latch and hinges comply? • Will you provide the compliance documentation to the owner?
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Need more help?

For Building and Planning Approval and/or application questions, please contact the Shire's Development Services Team.

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GUIDE ONLY This information sheet is intended as a plain-English guide only. Pool and safety-barrier requirements depend on the pool, barrier, site, installation date and applicable legislation. The formal requirements are contained in the Building Regulations 2012, NCC/BCA and relevant Australian Standards. Requirements depend on the site, proposed work and current legislation. Additional information may be requested during assessment. The applicant/builder remains responsible for obtaining all required approvals, permits, licenses and certificates.