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## Building Services Information Sheet

# PRIVATE SWIMMING POOLS & SPAS



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### Introduction

Private swimming pools and spas are bodies of water that are used for the purposes of swimming or wading.

This information sheet explains the requirements for the approval and general requirements relating to private swimming pools and spas.

### Definitions

A **private swimming pool** is defined under the WA Building Regulations 2012 as a swimming pool:

- (a) that is associated with-
  - (i) a Class 1a building; or
  - (ii) less than 30 sole occupancy units in a Class 2 building; or
  - (iii) a Class 4 part of a building; and
- (b) which has the capacity to contain water that is more than 300mm deep.

### Information and Advice

The WA Building Act 2011 requires that a Building Permit be taken out for a swimming pool or spa, prior to commencing any work on site. The Building Code of Australia (**BCA**), sets out the minimum requirements applicable to the location and construction of swimming pools and spas. The requirement to provide a suitable pool safety barrier around a swimming pool or spa, for the safety of young children, is required under the Building Act 2011 and the Building Regulations 2012. The laws applicable to pools and spas are relative to the installation date of the pool or spa. These requirements are further detailed in this information sheet.

### Is a Building Permit required for a swimming pool or spa?

**Yes.** A Building Permit is required for all swimming pools and spas.

### Who submits the application?

Either the property owner or the party contracted to construct/install the swimming pool or spa must submit the application.

### What plans and specifications do I need to submit with my application for a Building Permit?

One copy of the following plans and details are required:

- Site plan drawn to scale of the lot showing the location of all existing buildings and structures and the location of the proposed pool fence and gates.

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- Nominated fencing type, new and existing that will form part of the Pool Enclosure and noted any alterations required to make existing fencing compliant with AS1926.1-2012 and Building Regulations 2012.
  - Shire Pool Fencing Checklist (Available online or from the Shire's Administration Office).
  - Setback dimension of pool from any building or structure to ascertain if undermining will / could occur. If so details of any retaining structure or proposals to take imposed loads to be included on plan. Note: Pool depths to be shown on site plan as well.
  - Details of any remedial works to be undertaken to upgrade window openings in the pool enclosure if building walls form part of the enclosure. In accordance with AS1926.1-2012.
  - Manufacturers or Engineers details of proposed pool which will state the soil types that the design is suitable for. Note: For Masonry or Concrete pools the pool must be certified as suitable for soil type found on site and for Seismic Activity Coefficient of 0.12.
  - Details of proposed backwash disposal to be clearly shown on site plan.
  - Details of treatment to any object, structure or plant / tree that is within 900mm of pool fence that can be considered climbable under the provisions of the AS1926.1-2012.
  - Any new outdoor swimming pool or spa will be supplied with a cover, blanket or the like that;
    - a) Reduces Water Evaporation; and
    - b) Is accredited under the Smart Approved Watermark Scheme.

### **What materials must be used to construct a swimming pool or spa?**

A durable material that meets the structural requirements for use as a swimming pool is to be used. Generally, to meet these requirements, pools are constructed of fibreglass, concrete, brick and vinyl lined or steel framed for above ground pools.

### **Do I need a Structural Engineers design for the swimming pool or spa?**

**Yes.** You will need to have the design of the swimming pool or spa checked and certified by a professional Structural Engineer or supply manufacturers drawings for fibreglass pools and the like. The Engineer needs to state on the drawings that the swimming pool is suitable for use in the soil type relative to your property (below ground pools/spas only).

### **What is the maximum size swimming pool that I can locate on my property?**

The maximum area of a swimming pool is only restricted by the Structural Engineers design and the required setbacks from the boundaries and existing buildings on the property.

### **How far from the boundary of a property can I locate a swimming pool or spa?**

The swimming pool or spa must be located at least the depth of the pool/spa from the boundaries of the property. This means that you may have different minimum setbacks from the boundaries, dependent upon the depth of the pool relative to each boundary (unless the pool/spa is engineered to take the loads imposed).

### **How far from existing buildings on my property can I locate a swimming pool or spa?**

The swimming pool or spa must be located at least the depth of the pool/spa from any existing buildings on the property (unless the pool/spa is engineered to take the loads imposed).

### **Can I build a swimming pool or spa as an owner builder?**

**Yes.**

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## **Do I have to install a child protective barrier around a new swimming pool or spa?**

**Yes.** The Building Regulations 2012 require all new swimming pools and spas to be provided with a barrier that complies with the requirements of AS 1926.1-2012.

## **I have an existing swimming pool or spa, what barrier am I required to have?**

The Building Regulations 2012 have different requirements for the provision of barriers, dependent upon when the swimming pool or spa was installed. The "Rules for Pools and Spas" document produced by the WA Building Commission details the specific requirements relating to the installation date of the swimming pool or spa.

## **What happens if I purchase a property with an existing pool?**

When purchasing a property that has an existing swimming pool or spa, the following items should be checked through the real estate agent or through your own investigations:

- The swimming pool or spa requires the issue of a Building Permit. You may check directly with the Shire to determine if a Building Permit was issued;
- The swimming pool or spa barrier requires a suitable barrier for the protection of small children. You could check with the Shire to see when the barrier was last inspected to see if there were any outstanding orders or items still to be rectified;
- You should check with the Shire to see when the pool or spa was installed, to determine if you are responsible for upgrading the barrier, by law. This is detailed below.

## **Do I need to upgrade my swimming pool/spa barrier at any time?**

**Yes.** As from 17 December 2006 all owners of pools and spas installed before 1 July 1992 must upgrade their pool barrier to ensure it complies with the post 1 July 1992 requirements. If you are unsure you can consult the WA Building Commissions document, "Rules for Pools and Spas" or check with the staff at the Shire's Building Department.

## **Does The Shire inspect swimming pool/spa barriers?**

**Yes.** The Shire will carry out an inspection of the swimming pool or spa barrier prior to the pool or spa being filled with water. **Note: It is the responsibility of the pool builder to ensure that prior to filling the pool a complying pool safety barrier has been installed around the pool. This could be either temporary or permanent fencing but it must comply with the requirements of AS 1926.1-2012.** The Shire also conducts a check of all pool and spa barriers every 4 years to ensure that the standard of the barrier has been maintained. This is a State Government legislated mandatory inspection which the Shire has a duty to perform and carries with it an inspection fee.

## **How much does it cost to have my swimming pool/spa barrier inspected?**

An inspection fee of \$57.45 applies to the inspection of any newly installed fencing associated with a new swimming pool. A current fee of \$57.45 will be levied each year through your Rates Notice for the compulsory inspection as required during the 4 year inspection cycle.

## **Fees**

The fees for applying for a Building Permit to build a swimming pool or spa are as follows:

- Please see your Local Shire for an update of schedule of fees.

The costs of having the swimming pool/spa barrier inspected are as follows:

- Initial inspection of new pools, prior to pool/spa being filled: \$57.45.
- 4 yearly inspections – Please see your Local Shire for an update of schedule of fees.

## **Fines and Penalties**

- Failure to obtain a Building Permit for a swimming pool or spa is an offence under the Western Australian Building Act 2011. The Shire may choose to prosecute for failure to obtain a Building Permit. The maximum penalty for this offence is \$100,000. The Shire may also serve a Notice on the owner or builder to remove the structure. If you object to the local government's order you may have a right of review to the State Administrative Tribunal.
- If you do not have a suitable barrier, an authorised officer of the Shire may issue an on the spot \$750 infringement notice. Failure to comply with the infringement notice can attract a \$5000 penalty.

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## **Additional Information**

For detailed advice about swimming pools and spas, please call the Shire of Broome Building Services on 9191 3456.

Further information regarding swimming pool fencing (safety barriers) can be obtained from the following:

WA Building Commission publication: Rules for Pools and Spas, Ph: 1300 489 099.  
[www.buildingcommission.wa.gov.au](http://www.buildingcommission.wa.gov.au).

## **Requirement Checklist Notes**

- A Building Permit is required before commencing any work;
- A Building Permit is required for all swimming pools or spas;
- A Practising Structural Engineer's certified detail is required for a swimming pool or spa or manufacturers details;
- A full site plan, drawn to a scale of 1:200 minimum, is to be submitted with the Building Permit Application, showing the location of the proposed swimming pool or spa;
- Floor plans and elevations of the swimming pool or spa, drawn to a scale of 1:100 minimum, are to be submitted with the Building Permit Application;
- Swimming pools and spas are to be located the depth of the pool from the boundaries of the property or any existing buildings on site;
- The type of barrier that is to be provided to a swimming pool or spa is dependent upon the date in which the pool was installed or if the property is on-sold. Please refer to attached details specific to the installation date of your swimming pool or spa;
- Some swimming pool and spa barriers may need to be upgraded by the 17<sup>th</sup> December 2006 or when the property is on-sold. See details above.
- A separate Planning Approval may be required if the property is zoned other than 'Residential'.
- Details showing description for pool cover/blanket to be supplied.

## **Disclaimer**

This information sheet is provided as generalised information. While we aim to keep the content of this document current and accurate, we accept no responsibility or warranties for actions based on the information provided. The Shire of Broome encourages you to seek professional advice before acting on any information contained within this document. Please contact the Shire of Broome if you wish to comment on the forms provided and information contained within. Any reported errors will be amended.