



Thinking of installing a swimming pool or spa?

This fact sheet provides general information about the building approvals process for your new swimming pool or spa and its safety barrier.

In Western Australia, private swimming pools and spas with water that is more than 300mm deep must have a compliant barrier installed. This is intended to help prevent the drowning deaths and injury of young children under the age of five years. This requirement applies to:

- in-ground pools and spas;
- above-ground pools and spas (including inflatable and portable pools and spas);
- indoor pools and spas (but not spa baths that are normally emptied after each use); and
- wading pools (containing water that is more than 300mm deep).

Do I need a building permit?

Yes, generally a building permit is required under the *Building Act 2011* to construct or install a swimming or spa pool and its associated safety barrier.

What is the process for obtaining a building permit?

Prior to a building permit being granted by a permit authority (usually the relevant local government), a registered building surveyor is required to confirm that the proposed pool and its safety barrier comply with the applicable building standards by signing a 'Certificate of Design Compliance' (CDC). The applicable building standards include the:

- structural adequacy of the pool or spa;
- water recirculation system;

- energy efficiency for heating and pumping;
- water efficiency (ie a pool blanket or cover that is designed to reduce water evaporation and is accredited under the Smart Approved Watermark Scheme www.smartwatermark.org); and
- safety barrier.

Anyone can apply for a building permit, the owner, pool builder or barrier installer. Applicants can choose to submit either a **certified** or **uncertified** application for a pool and its safety barrier.

A certified application (Building Commission form BA1) is submitted to the permit authority accompanied by a CDC. This requires an independent building surveyor to certify the plans and specifications and provide a CDC. The permit authority has **10 business days** to decide on a certified application.

An uncertified application (Building Commission form BA2) is submitted to the permit authority without a CDC. The permit authority must appoint an independent building surveyor to check the proposal and provide the CDC. The permit authority has **25 business days** to decide on an uncertified application.

Can the local government grant a building permit for the pool if the safety barrier building permit application has not been submitted?

If the construction of the pool does not require it to be filled with water during construction, such as some concrete pools, then the permit authority may grant a building permit for the pool without a safety barrier permit application. However it is unlawful to fill the pool with water that is more than 300mm deep without a safety barrier that has been approved by the permit authority.

Who checks that my proposed pool and safety barrier will comply?

As part of the process for obtaining a building permit, a registered building surveyor assesses the plans and specifications and certifies that the pool and its safety barrier will comply with the applicable building standards prior to issuing a CDC. Also at the completion of the work, the person named as the builder on the building permit must provide the permit authority with a 'Notice of Completion' (Building Commission form BA7). This notice must be accompanied by an inspection certificate that confirms the safety barrier complies with the Building Regulations 2012 (the Regulations). This inspection certificate is separate to the four yearly pool inspection carried out by the relevant local government.

What are the options for obtaining a building permit?

Option 1: Pool builder responsible for pool and safety barrier

The pool builder takes responsibility for both the pool and the safety barrier. The building permit application should include the details of the safety barrier and the pool builder may arrange

for a separate person to install the safety barrier on his/her behalf. The application must show where the safety barrier will be installed and demonstrate how it complies with the Regulations.

This option means one building permit application and one application fee.

Option 2: Owner responsible for pool and safety barrier

You, as the owner, can choose to be the responsible person (ie named as the builder) in relation to the building permit for the pool and the safety barrier. This means that with one building permit you can contract out the actual work to your preferred pool builder and preferred pool barrier installer. If you are named as the builder on a building permit for the pool and safety barrier you take on the responsibility for ensuring the work complies with the Regulations. You don't need to be a registered builder to be named on a building permit as the builder for a pool, spa or safety barrier.

This option means one building permit application and one application fee.

Option 3: Pool builder responsible for pool and another person responsible for safety barrier

The pool builder can obtain a building permit to install the pool and another person obtains another building permit to install the safety barrier in accordance with the Regulations.

This option requires two separate building permit applications (one for the pool and one for the safety barrier) and two application fees.

Who is responsible for installing my safety barrier?

When you purchase a pool, you need to decide if you are going to organise your own safety barrier or you would like the pool builder to do this on your behalf. The responsibility for compliance of the safety barrier will depend on the person named as the builder on the building permit as outlined in the options above.

When do I need to install a safety barrier?

Prior to any pool being filled with water that is more than 300mm deep there must be a safety barrier (either temporary or permanent) in place that complies with the barrier requirements in the Regulations.

During the construction of some pools, the pool builder needs to fill the pool with water, for example a fibreglass pool. If you have purchased this type of pool it means there must be a safety barrier in place before the pool builder can fill the pool with water that is more than 300mm deep. A temporary barrier must not be removed until a permanent complying barrier is installed.

Check with the relevant permit authority as to any specific requirements they may have for temporary barriers.

Where can I find more information?

Visit the Building Commission at www.commerce.wa.gov.au/building-commission to:

- access our free publication 'Rules for Pools and Spas'
- download relevant forms including:
 - Application for Building Permit – Certified (BA1)
 - Application for Building Permit – Uncertified (BA2)
 - Notice of Completion (BA7)

To view the *Building Act 2011* and Building Regulations 2012 visit the State Law Publisher at www.slp.wa.gov.au

While owners and occupiers are responsible for ensuring that any safety barrier restricting access to a swimming or spa pool is maintained and operating effectively at all times, **there is no substitute for supervising young children around swimming pools and spas.**