

Building Fact Sheet:

Swimming Pools, Spas and Isolation Barriers and Fences – Class 10b

- **Application for Building Permit – Certified - Form BA1 and**
- **Application for Building Permit – Uncertified - Form BA2**

For more information on building a swimming pool and spa in the City of Melville, visit our [Residential Swimming Pools and Spas](#) page on our website.

Definitions

Private swimming pools and spas are defined under the Building Act 2011 and the Building Regulations 2012 as being a place or premises provided for the purpose of swimming, wading or the like activities, which the public are not entitled to use, which has the capacity to contain water that is more than 300mm deep.

Pool barriers and fences are defined under the Australian Standard AS 1926.1-2012 as the assembly of components, natural or otherwise, that restricts access to the pool. The barrier includes items such as fences, posts and panels, gate units, gates and doorsets, constructed or natural walls retaining or otherwise, sides of buildings, and balustrades on a balcony, where they form part of the intended barrier.

A Boundary barrier or fence is the dividing barrier between two adjoining properties that acts as a barrier to a pool or spa.

The [National Construction Code](#) (NCC) classifies these swimming pools, spas and barriers as being of Class 10b.

Frequently Asked Questions

Is a Building Permit required for a swimming pool, spa or isolation barrier and fence?

Yes, a Building Permit approval is required for all swimming pools and spas that meet the definition of a private swimming pool including an isolation barrier and fence that forms part of the pool / spa security enclosure.

The following structures are not considered to be a swimming pool or spa:

- A “spa-bath” which has a drain and is intended to be emptied after each use.
- A fish pond not intended for use as a swimming pool as described above.
- A shallow wading pool not capable of containing water more than 300mm in depth.

Is Planning Approval required for a Swimming Pool (Development Approval)?

A Planning / Development Approval may be required for a Swimming pool which is more than 500mm above the natural ground level or if the front fence that forms part of the pool fence is not visually permeable.



You may also apply for Written Planning Advice to confirm if your development requires a Planning Approval or not. Please discuss with the City's Planning Services if you are unsure if a development approval is required.

Call the City of Melville on 9364 0666 and ask to speak with a duty Planning Officer to assist you with your development.

Can I build or alter a Swimming Pool or Spa as an Owner-Builder?

Yes, owner builders are allowed to construct or alter pools and spas regardless of the construction value.

How far from the boundary of a property can I locate a swimming pool?

- The setbacks of swimming pools from buildings and property boundaries are generally determined by the structural loadings that the pool has been designed for by the structural engineer.
- For most pools the setbacks are generally a distance at least equal to the depth of the pool (at that point) away from any boundary or existing structure.
- The City may approve a swimming pool or spa with a lesser setback subject to consideration of the structural impact on the adjacent property by a certified structural practicing professional Structural Engineer.

Do I need a Structural Engineer's certification for the proposed Swimming Pool?

Yes, you will need to have the proposed swimming pool or spa, checked, certified and signed by a certified practicing, professional Structural Engineer.

Who can lodge the Building Permit application?

The property owner or the Builder / Agent can lodge the Building Permit application. The Builder and all owners must always sign the application for a Building Permit.

Please Note: If you are the owner of the property and sign the application form as the builder, you will be the responsible person for all of the building work. This is also including maintaining the temporary pool safety isolation barrier while the pool is under construction.

How long will my Building Permit application take to process?

- **Certified Applications** must be processed within 10 working days of it being lodged with the City's Building Services. If additional information is required, the applicant will be given 21 calendar days to provide the information. The City then has the balance of the remaining 10 working days in which to provide a determination.
- **Uncertified Applications** must be processed within 25 working days of it being lodged with the City's Building Services. If additional information is required, the applicant will be given 21 calendar days to provide the information. The City then has the balance of the remaining 25 working days in which to provide a determination.

What are the fees for a swimming pool, spa Building Permit application?

A swimming pool, spa or isolation barrier / fence (Class 10b) with a contract value less than \$20,000 will cost \$166.65.

For swimming pool application greater than \$20,000 in contract value, please refer to the "Building Permit Fee Schedule" on the City's website.



The current Verge Bond cost is \$1900 and an additional non-refundable Inspection Fee of \$100 applies to be paid for all swimming pool applications regardless of value.

The property owner or builder is required to pay both, upon lodgment of a building application where a Verge Bond is applicable.

Upon completion of all works, it is the responsibility of the bond payer (property owner or builder) to submit a [BA7 - Notice of Completion form](#) before an application for a refund of the Verge Bond can be processed.

What plans and specifications do I need to lodge with a certified application for a Building Permit?

A completed Application form for a Building Permit – Certified (Form [BA1](#)) along with:

- A Certificate of Design Compliance ([BA3](#)) that has been signed by the registered Building Surveyor;
- Copies of all the approved plans, specifications and technical documents as stated in the Certificate of Design Compliance;
- Any other approvals required.

How often is my pool or spa isolation barrier and fence inspected?

To ensure the ongoing suitability of pool fences, and in accordance with the requirements of the legislation, regulations and standards, the City operates a Swimming Pool Compliance program.

This program ensures that all swimming pool security / fencing are inspected at least once in every four year period. Where swimming pool or spa security barrier fencing is found to be deficient in terms of the regulations and standards, and where the safety of young children is therefore compromised, the City will, in consultation with pool owners, seek to ensure that such deficient security barrier fencing is modified or improved, and brought back within acceptable compliance limits.

If you have received a letter from the City of Melville, then it is important that you book an inspection with one of the City's Swimming Pool Inspectors within seven days of receiving the letter. [Book your Inspection here.](#)

Alternatively, you may call **1300 635 845 or 9364 0666** between 8.30am and 5.00pm to book with a City of Melville Customer Relations Officer.

You may also email us at melinfo@melville.wa.gov.au

For more detailed information regarding the City's Swimming Pool Inspection program, and the measures that are used by the City in pursuit of compliance with the safety objectives of the swimming pool regulations and standards, please see our Pre-May 2016 [Swimming Pool Compliance Requirements Flyer](#).

How do I remove or decommission my Swimming Pool or Spa?

Please notify the City of Melville in writing when a Swimming Pool or Spa is removed or decommissioned by completing our [Online Form](#) or by downloading and completing our [Notification of Swimming Pool/Spa Removal & Decommission Form](#).

If a property owner no longer wishes to use their swimming pool or spa, they may empty it of water and/or remove it from the site. Please refer to the [City of Melville - Rules for Swimming Pool and Spa Decommissioning and Removal Form](#) for further information.



One of our Swimming Pool Inspectors must conduct a site visit to confirm the swimming pool or spa has been correctly removed or decommissioned. See our [guidelines for correctly decommissioning swimming pools and spas](#).

Please note that Swimming Pool Inspection Fees still apply until we are formally notified of removal / decommissioning. If you notify us before your reminder then you will not be charged for that financial year.

Important Notes:

All swimming pools and spas require isolation barrier and fencing complying with the Building Regulations 2012. You may include the barrier and fencing with the application for the swimming pool or lodge the application for the pool barrier separately.

As the owner of a swimming pool or spa, as well as obtaining a [Building Permit](#) for its installation and construction, it is necessary to ensure that a barrier is erected around the pool. This barrier, or pool fence, is required in order to restrict access by young children to the pool, in the interests of their safety.

- **Pre-May 2016:** Private swimming and spa pools continue to require barriers which comply with the Regulations and Australian Standard AS 1926.1-1993 (incorporating Amendment No. 1 only) as the minimum standard for swimming and spa pool fencing (existing requirements – no change).
- **Post-May 2016:** Private swimming and spa pools are required to have barriers which comply with the Regulations and Building Code of Australia (BCA), which references Australian Standard AS 1926.1-2012 and Australian Standard AS 1926.2-2007 (incorporating Amendment Nos 1 and 2). See [Building Amendment Regulations \(No.2\) 2016 - Changes to Swimming Pool Barrier Laws](#).

For details about pool barrier requirements refer to the “Rules for Pools and Spas” publication from the Department of Mines, Industry Regulation and Safety (DMIRS).

What drawings, plans, and specification do I need to lodge with a certified or uncertified application for a Building Permit?

Note: The following is a list of the minimum requirements to lodge for a **Certified Building Permit Application “BA1”** or for an **Uncertified Building Permit Application “BA2”** to successfully pass the City’s validation process.

Please also use the Checklist provided to help you lodge your application.

You may later be asked for a formal request for additional further information by a Building Surveyor, in which you will have 21 calendar days to provide, to facilitate the audit process.

By providing this information you will enable the City’s Building Services to process your application in a timely and efficient manner.

1. **Application for Building Permit – Certified - Form BA1** – Application forms are available from the Department of Mines, Industry, Regulation and Safety (DMIRS) <https://www.commerce.wa.gov.au/publications/ba1-application-building-permit-certified>

OR



Application for Building Permit – Uncertified - Form BA2 – Application forms are available from the Department of Mines, Industry, Regulation and Safety (DMIRS) <https://www.commerce.wa.gov.au/publications/ba2-application-building-permit-uncertified>

Application forms are required when submitting your application online as well as over the Planning and Building Counter at the City or via the Post.

2. **Construction Trust Fund Levy Form (CTF) or CTF receipt** – The Construction Trust Fund (CTF) is only required to be paid for applications with a contract value that is over \$20,000 (cost of construction including GST). You may pay directly to CTF and provide a receipt as proof of the payment. CTF forms are available from CTF <https://ctf.wa.gov.au/>
3. **Certificate of Title and Diagram of Survey** – A copy of the Certificate of Title and Diagram of Survey is required for all applications. This is to include a copy of any Plan or Diagram depicting any easement on the property and must be no older than 12 months.
4. **Checklist for Swimming Pools, Spas and Isolation Barriers and Fences - Class 10b** – Attach a signed copy of the Checklist when lodging the application as proof that you have provided all the required information.
5. **Building Permit Application Fee** - The fees payable are based on the estimated value of the building work / contract price (including GST). The value of the works must include all material costs, labour costs, necessary services, fees payable, overheads, and profit margin (as stated in the *Building Regulations 2012 Schedule 1 and 2*). Building Permit Fee Schedule <https://www.melvillecity.com.au/CityOfMelville/media/Documents-and-PDF-s/Building-Permit-Fee-Schedule-2019-2020.pdf>
6. **Verge Bond Fee** – This fee payable is for Building Permit applications over \$20,000. The Verge Bond is required to be payable for all swimming pool and Demolition applications regardless of the value.
7. **Planning / Development Approval** – Planning Approval or Written Advice issued by the City of Melville’s Statutory Planning Services for the proposed development (if applicable).
8. **BA20**
 - a) Completed BA20 from the owners of the adjoining properties if the proposed building work adversely affects the land beyond the boundaries. This is to ensure that there is compliance with s 77 and 77 of the *Building Act 2011*.
AND / OR**BA20A**
 - b) Completed BA20A if building work affects a party wall, removal of fences and gates or access adjoining land to do the work in compliance with s 78, 79, 80, 81, 84 and s 85 of the *Building Act 2011*.
9. **Certificate of Design Compliance “BA3” for Certified BA1 Applications**
 - **Certified Application** - Provide a Certificate of Design Compliance (CDC) BA3 that is signed by a registered Building Surveyor specifying the relevant Drawings, Specifications and Technical Documents for each proposed structure and confirming compliance with the National Construction Code (NCC) / Building Code of Australia (BCA) and all referenced standards. Ensure that all documents stated on the Certificate of Design Compliance, (Drawings, Specifications and Technical

Certificates) are attached in order as stated on the CDC and lodged with the application. The CDC will need to accompany the application for a Building Permit Certified Form BA1.

OR

- **Uncertified Application** – An uncertified application is where your application is made directly to the City who will undertake the assessment for compliance with the Building Code of Australia and issue a Certificate of Design Compliance BA3. An uncertified application must be made with a BA2 form. A Certificate of Design Compliance BA3 is not required for an uncertified building application.

10. Architectural Plans / Drawings (with scale) – The plans to be submitted must be legible and to an architectural / draftsman standard. Plans are to include the following:

a) Site Plan (minimum scale 1:200) showing the following information:

- Street names, lot number, and title reference to the site;
- A feature / contour survey of the property showing the size and shape of the site including property boundaries and their dimensions;
- A datum point, contour lines, spot levels and relative levels of the site;
- Locations of all existing buildings and any structures on the site to be clearly shown;
- The dimensions of the swimming pool or spa;
- The distance of the proposed swimming pool or spa location, setback from the lot boundaries;
- The proposed finished levels to the top of the swimming pool or spa;
- The existing and finished ground levels around the pool or spa area;
- Location of existing sewer lines or drainage location in relation to the swimming pool or spa;
- The location of the proposed swimming pool or spa including setback dimensions from any existing building or structure (including retaining walls, planters). This is to ascertain if undermining or surcharging will / could occur. If so, details of any retaining structure or proposals to take the imposed loads are to be included on the plan;
- The location and setbacks of the proposed swimming pool safety isolation barrier and fence and gate locations must also be indicated on the site plan

OR

Noted that the pool barrier will be subject to a separate application;

- The height of the boundary fence forming part of the proposed swimming pool safety boundary barrier;
- The location of any retaining walls, steps, planters, objects or level changes at the boundary barrier / fence;
- Show structures on adjoining land (fences, retaining walls, buildings);
- Clearly indicate the North point.

b) Floor Plans (minimum scale 1:100) showing the following information in addition to the above:

- The swimming pool or spa floor plan;
- Dimensions of the swimming pool or spa;
- Details of any remedial works to be undertaken to upgrade window and door openings inside the pool enclosure if the building walls form part of the enclosure;

- Details of the nominated isolation barrier / fencing type, new and existing that will form part of the pool enclosure and details of any alterations required to make the existing barrier / fencing compliant with Australian Standard AS1926.1;
- Any other information that the building surveyor may require, all clearly figured and dimensioned.

c) Elevations (minimum scale 1:100) showing the following information in addition to the above:

- Elevations clearly showing the heights of the proposed swimming pool safety isolation barrier / fence and gates;
- Types of materials used.

d) Cross Sectional View (minimum scale 1:50) showing the following information in addition to the above:

- Height of isolation barrier and fence showing the finished ground level;
- Details of Non-Climbable Zones 1 to 5 of the pool isolation barrier / fence and boundary barrier.

The plans are required to be at scales of 1:50 or 1:100 (1:200 for site plans) and not less than A4 sheet in size.

Please do not re-submit stamped Planning / Development Approvals plans for Building Permit Applications. A new, matching set of plans are to be provided.

11. Specifications stating the following information in addition to the above:

- a)** A copy of the specifications detailing the construction materials of the pool, spa or barrier. (Generally swimming pool companies will supply the required specifications when lodging an application);

12. Technical Brochures / Glass Certification

- a)** Technical brochures, glass certification, manufacturer's specifications showing how the swimming pool or spa isolation barrier / fence comply with the relevant Australian Standards.

13. Temporary Barrier and Fence Details

- a)** Temporary barrier details to be used during and after the construction of the swimming pool or spa.

14. Structural Engineers Plans and Details (with scale) – A copy of the plans designed and endorsed (certified / signed) are to be provided from a practicing Structural Engineer.

These Engineer's plans are to include the following:

- a)** Certification for any below ground swimming pool or spa, including a second hand pool or spa;
- b)** Engineers details of the proposed pool or spa which will state the soil types for which the pool design is suitable;



- c) Certification for design variations or proposed locations that are in close proximity to boundary fences, dwellings or other structures where additional loads may be transferred to the pool structure or excavations causing surcharges on buildings on adjoining land;
- d) Footings for the pool or spa isolation barrier / fence (minimum scale 1:50).
- e) Details of underpinning, sheet piling, grout injection to existing structures – where applicable.

For further information, please contact Building Services on 9364 0666.

For further information please access the [City of Melville's](#) website or the [Department of Mines, Industry Regulation and Safety](#) website.

Disclaimer

This fact sheet is provided as generalised information and advisory in nature with all due care as to its accuracy. However, the City does not warrant or represent that it is free from error or omission. While the aim is to keep the content of this document current and accurate, the City of Melville accepts no responsibility or warranties for actions based on the information provided. The City of Melville encourages you to seek professional advice before acting on any information contained in this document. The City may make changes to the information at any time and without notice. Further information for the application may be required as part of the audit / assessment process and may be requested once the application has been lodged with the City. Please contact the City of Melville if you wish to comment on the forms provided and information contained within. Any reported errors will be amended. This fact sheet is considered to be correct as at June 2020.