

Building permits for private swimming pools and pool fences

This fact sheet provides guidance on the requirement for building permits for private swimming pools and fences that form part of their safety barrier (pool fences).

In Western Australia, private swimming pools with water that is more than 300mm deep must have a compliant safety barrier. Safety barriers help prevent the drowning deaths and injury of young children under the age of five years by restricting their access to the private swimming pool.

Private swimming pools

A building permit is required to be in effect prior to the construction, erection, assembly, placement, renovation, alteration, extension, improvement, or repair of a private swimming pool.

A building permit is also required to be in effect prior to the assembly, reassembly or securing of a relocated private swimming pool.

The definition of private swimming pool can be found in the [Building Regulations 2012](#).

Pool fences

From 21 June 2024, most pool fences will not require a building permit. A building permit will only be required where a pool fence:

- also acts as a fall protection barrier (balustrade) required by the [Building Code of Australia](#) (BCA) where people could fall 1m or more; or
- is constructed of masonry and over 0.75m in height*; or
- is constructed of a material other than masonry and over 1.8m in height*; or
- is located in Wind Region C or D (as detailed in AS/NZS 1170.2, as referenced in the BCA)*.

* unless constructed in accordance with a [relevant Local Government local law](#).

Exemptions

A building permit is not required for a private swimming pool or pool fence where they are:

- erected for a period of one month or less; or
- located in an exempt area of the State.

Some areas of the State do not require building permits for certain building work. These are typically areas located outside of townsites in some regional areas. More information can be found in the table in Schedule 4 clause 1 of the Regulations.

In addition, a building permit may not be required in certain circumstances where the private swimming pool or pool fence is undergoing renovation, alteration, improvement, repair, or maintenance.

More information can be found in item 2 in the table in Schedule 4 clause 2 of the Regulations.

For further details please contact your local government/permit authority.

Regardless of whether a building permit is required, private swimming pools and their safety barriers are required to comply with the applicable building standards (regulation 31C of the Regulations) on completion of the building work, and safety barriers with the specified building standards (regulation 50A of the Regulations) thereafter.

Table 1 – Does your pool fence require a building permit?

Pool fence	Complies with relevant local law	No relevant local law	
		Wind region A or B (AS/NZS 1170.2)	Wind region C or D (AS/NZS 1170.2)
Masonry >750mm high	No	Yes	Yes
Masonry ≤750mm high	No	No	Yes
Other material >1800mm high	No	Yes	Yes
Other material ≤1800mm high	No	No	Yes
A pool fence that also acts as a BCA required balustrade <u>will always require</u> a building permit.			
A pool fence that is erected for one month or less <u>will not require</u> a building permit.			
Some regional areas are exempt from building permits (Schedule 4, Building Regulations 2012).			

What is the process for obtaining a building permit?

Permit authorities (generally the relevant local government) are responsible for the consideration and granting of building permits for building work within their districts.

Anyone can apply for a building permit, including the owner, pool builder or safety barrier installer.

Applicants can choose to submit either a certified or uncertified application for a pool and its safety barrier:

- A certified application ([form BA1](#)) is submitted to the permit authority accompanied by a Certificate of Design Compliance (CDC). This requires an independent registered building surveyor to confirm that the proposed building work will comply with the applicable building standards and provide a CDC ([form BA3](#)). The permit authority has 10 business days to decide on a certified application.
- An uncertified application ([form BA2](#)) is submitted to the permit authority without a CDC. The permit authority must appoint an independent registered building surveyor to confirm that the proposed building work will comply with the applicable building standards and provide a CDC. The permit authority has 25 business days to decide on an uncertified application.

The person named as the builder on the building permit takes the responsibility for compliance with the [Building Act 2011](#) and the Regulations.

Building permit duration

Permit authorities are responsible for determining the period for which a building permit has effect. This is the period of time in which the building work must be completed. Where a permit authority does not set a specific time frame, the default is two years. For fibreglass private swimming pools, many permit authorities issue building permits with a reduced validity period of 12 months. These types of private swimming pools are typically completed in a shorter time frame than those made from other materials such as concrete.

Where a building permit is required to be in effect for a longer period, the applicant should discuss this with the permit authority when lodging the building permit application.

After a building permit has been granted, the applicant is able to apply for an extension, should this be needed to complete the building work ([form BA22](#)).

Within seven days of 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 ([form BA7](#)).

Minimum level of documentation: private swimming pool

An application for a building permit for a private swimming pool must include documentation that demonstrates how it will comply with the applicable building standards.

Table 2 – Suggested minimum level of documentation for an application for a building permit for a private swimming pool.

Documentation	Guidance
<p>Site plan, including:</p> <ul style="list-style-type: none"> • location of the proposed pool, pump and equipment; • dimensioned setbacks, and existing and proposed levels relative to a temporary benchmark (TBM) (including the depth of the pool); • indicative location of all proposed safety barriers and gates (not limited to pool fence); • locations of existing buildings and structures; and • compliance statements for safety barriers. <p>See example at the end of this document.</p>	<p>To the satisfaction of the building surveyor signing the certificate of compliance.</p> <p>Even though most safety barriers do not typically require a building permit, for a building surveyor to sign a CDC for the private swimming pool, the plans and specifications must demonstrate compliance with the applicable building standards. As the BCA requires private swimming pools to be provided with safety barriers, the safety barriers need to be detailed on the site plan at least indicatively.</p> <p>Compliance statements should be included and state that each part of the pool safety barrier will comply with the regulatory requirements, for example:</p> <ul style="list-style-type: none"> • Safety barriers to AS 1926.1-2012 and AS 1926.2-2007 incl. Amendments 1 and 2. • Boundary fence to be at least: <ul style="list-style-type: none"> • 1800mm high on the poolside with a 900mm NCZ5 at the top to AS 1926.1-2012; or • 1200mm high on the non-poolside, with no steps, retaining walls, objects or level changes that reduce the height of the barrier within 500mm of the barrier, with NCZ 1, 2, 3, and 4 (where required), to AS 1926.1-2012 as modified by regulation 15B, Building Regulations 2012. • Openable portions of windows to have either security screens or be restricted to open no more than 100mm, to AS 1926.1-2012. • Gates to open outwards and be self-closing and self-latching to AS 1926.1-2012. <p>The above applies to both temporary and long-term safety barriers, other than those used during construction.</p> <p>Locations of existing buildings and structures should include windows, doors, retaining walls, sheds, etc. (in proximity to the pool and safety barrier).</p> <p>Note: Safety barrier compliance is monitored by the local government at initial and periodic inspections against the specified building standards (regulation 50A of the Regulations).</p>

Documentation	Guidance
<p>Site design parameters:</p> <p>Nomination of the following, specific to the site:</p> <ul style="list-style-type: none"> • site classification (soil type); and • earthquake hazard design factor. 	<p>To the satisfaction of the building surveyor signing the certificate of compliance.</p> <p>Site classification report, as per the BCA.</p> <p>It may be considered acceptable to use a site classification report that has been previously used for other building work at the same property/location to reduce costs (building surveyor/geotechnical engineer to confirm).</p> <p>Local conditions, such as high water tables and flood prone areas, should also be considered.</p> <p>Earthquake hazard design factor as per the relevant edition of AS 1170.4.</p>
<p>Documentation to include:</p> <ul style="list-style-type: none"> • private swimming pool construction details and engineering; • drainage details (surface water and disposal of swimming pool water (BCA performance requirement)); • recirculation system details; • pool water heater details (if applicable); • pool cover/blanket details; and • soil retaining (retaining walls or the like, where required). 	<p>To the satisfaction of the building surveyor signing the certificate of compliance.</p> <p>Engineering to suit site conditions (earthquake hazard design factor, site classification).</p> <p>Specific fence information and details such as materials, fixings, footings, and engineering, are not required as part of an application for a building permit for a private swimming pool where a building permit for the fence is not required.</p> <p>Surface water drainage is commonly managed by grading paving away from the pool and any buildings on site.</p> <p>Pool water drainage:</p> <ul style="list-style-type: none"> • Sand filters are commonly backwashed to soak wells and garden beds. • Cartridge filters do not require backwashing and are commonly hosed out on garden beds. <p>Drainage requirements may vary between local governments. Pool builders and building surveyors should seek to understand these requirements prior to the submission of the application for a building permit.</p> <p>The Water Corporation and Department of Water and Environmental Regulation may be able to provide advice on disposal of pool water.</p> <p>Recirculation system, water heater, and pool cover/blanket requirements, as per BCA.</p> <p>Note: Compliance with Part H6 (Energy Efficiency) of BCA 2022 becomes mandatory from 1 May 2025 in WA (regulation 15C (8) and (10) of the Regulations). Until 1 May 2025, new swimming pools must comply with either Part 2.6 of BCA 2019 Amendment 1 or Part H6 of the BCA 2022.</p>

Minimum level of documentation: pool fence

This section applies where a building permit is required for a pool fence (refer to Table 1).

An application for a building permit for a pool fence to a private swimming pool must include documentation that demonstrates how it will comply with the applicable building standards.

The private swimming pool and pool fence can both be on the same building permit or can be applied for separately. An application for a building permit for a private swimming pool is not reliant on an application for a building permit for a pool fence.

Table 3 – Suggested minimum level of documentation for an application for a building permit for a pool fence.

Documentation	Guidance
<p>Site plan, including:</p> <ul style="list-style-type: none"> location of the private swimming pool, proposed fence and gates, and any other safety barriers; dimensioned setbacks; locations of existing buildings and structures, including features that may impact on safety barrier compliance; and compliance statements for safety barriers. 	<p>To the satisfaction of the building surveyor signing the certificate of compliance.</p> <p>For a building surveyor to sign a CDC for the fence, the plans and specifications must demonstrate compliance with the applicable building standards.</p> <p>While the certificate of compliance and/or application for building permit may be limited to the pool fence, the plans and specifications should demonstrate how the pool fence forms part of the safety barrier and as such should show locations of all other safety barriers.</p> <p>Compliance statements should be included and state that each part of the pool safety barrier will comply with the regulatory requirements, for example:</p> <ul style="list-style-type: none"> Safety barriers to AS 1926.1-2012 and AS 1926.2-2007 incl. Amendments 1 and 2. Boundary fence to be at least: <ul style="list-style-type: none"> 1800mm high on the poolside with a 900mm NCZ5 at the top to AS 1926.1-2012; or 1200mm high on the non-poolside, with no steps, retaining walls, objects of level changes that reduce the height of the barrier within 500mm of the barrier, with NCZ 1, 2, 3, and 4 (where required), to AS 1926.1-2012 as modified by regulation 15B, Building Regulations 2012. Openable portions of windows to have either security screens or be restricted to open no more than 100mm, to AS 1926.1-2012. Gate to open outwards and be self-closing and self-latching to AS 1926.1-2012. <p>Locations of existing buildings, structures, and features should include windows, doors, retaining walls, sheds, taps, etc (in proximity to the safety barrier).</p>

Documentation	Guidance
<p>Site design parameters:</p> <p>Nomination of the following, specific to the site:</p> <ul style="list-style-type: none"> • site classification; • site specific design wind speeds; and • earthquake hazard design factor. 	<p>To the satisfaction of the building surveyor signing the certificate of compliance.</p> <p>Site classification report, as per the BCA.</p> <p>It may be considered acceptable to use a site classification report that has been previously used for other building work at the same property/location to reduce costs (building surveyor/geotechnical engineer to confirm).</p> <p>Site specific design wind speeds calculated as per the relevant edition of AS/NZS 1170.2.</p> <p>Earthquake hazard design factor as per the relevant edition of AS 1170.4.</p>
<p>Documentation to include:</p> <ul style="list-style-type: none"> • Pool fence details. 	<p>To the satisfaction of the building surveyor signing the certificate of compliance.</p> <p>Pool fence details should include:</p> <ul style="list-style-type: none"> • fence type, material, design, and dimensions; • fixing details; • footing details; • engineering to suit site conditions (design wind speeds, earthquake hazard design factor, site classification); • compliance documents, where applicable: <ul style="list-style-type: none"> • AS 1926.1-2012 Section 3 Loading requirements compliance reports; and • AS 1288 Glass compliance. <p>Details should also be provided for temporary fences that will be used as part of a safety barrier to a private swimming pool that will be erected for a period greater than one month (not including during construction).</p>

Consequences for owners and builders

Failure to obtain a building permit may result in additional, otherwise unnecessary, expense for the property owner. The process for getting approval for existing structures can be significantly expensive, time-consuming, stressful, and troublesome.

Failure to have a building permit in effect, where a building permit is required, is an offence with the following associated penalties.

Prosecution resulting in a criminal conviction and court-imposed penalty of up to:

- (a) for a first offence, a fine of \$50,000;
- (b) for a second offence, a fine of \$75,000; and
- (c) for a third or subsequent offence, a fine of \$100,000 and imprisonment for 12 months.

Failing to comply with applicable building standards is a separate offence with the same penalties.

Failure to submit a Notice of Completion within seven days of completion of building work, where a building permit was in effect, is an offence with the following associated penalties:

- infringement notice of \$500; or
- prosecution resulting in a criminal conviction and court-imposed penalty of up to \$10,000.

Please note that permit authorities are encouraged to take enforcement action where a Notice of Completion has not been submitted within seven days, pending individual circumstances.

Consequences for suppliers

Where suppliers of private swimming pools and pool fences provide misleading representations to the consumer (with regard to the need for a building permit), Building and Energy encourages the consumer to report this to [Consumer Protection](#).

It is illegal for a business to engage in conduct that misleads or deceives, or is likely to mislead or deceive, consumers. This law applies even if it did not intend to mislead or deceive anyone, or if no-one suffered any loss or damage as a result of its conduct.

While a business is not required to disclose information in all circumstances, there will be situations where it must provide information to avoid engaging in misleading or deceptive conduct. A business should disclose additional information to consumers where it is likely that its conduct has created a misleading impression, or where it is reasonable to expect that this information will be disclosed.

It is the responsibility of the business to provide correct information to the consumer during negotiations and by not doing so, even if just remaining silent, could mean it is in breach of the Australian Consumer Law. A business must not provide false or misleading claims or statements and must not engage in conduct that is misleading or deceptive. A range of remedies are available under the Australian Consumer Law, including significant criminal and civil penalties.

Suppliers can protect themselves by correctly advising consumers of the requirement for a building permit and creating a subsequent record. This may be as simple as providing a copy of this fact sheet to the consumer prior to the sale of the product.

Further information

Further information, including information about the building permit process, is available from www.demirs.wa.gov.au/building-and-energy

Additional links:

[Industry Bulletin 158](#) – Building Amendment Regulations 2023 for swimming pool and safety barrier control.

[Swimming pool and spa safety barrier requirements](#).

Disclaimer – The information contained in this fact sheet is provided as general information and a guide only. It should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations, you should obtain independent legal advice.

Building and Energy | Department of Energy, Mines, Industry Regulation and Safety

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8.30am – 4.30pm

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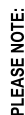
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SAFETY BARRIERS TO AS 1926.1-2012
AND AS 1926.2-2007 INCL. AMENDMENT
NO 1 AND 2.

BOUNDARY FENCE TO BE AT LEAST:

1800 MM HIGH ON THE POOL SIDE WITH A 900 MM NCZ5 AT THE TOP TO AS 1926.1-2012; OR 1200 MM HIGH ON THE NON-POOL SIDE, WITH NO STEPS, RETAINING WALLS, OBJECTS OR LEVEL CHANGES THAT REDUCE THE HEIGHT OF THE BARRIER WITHIN 500 MM OF THE BARRIER, WITH NCZ 1, 2, 3 AND 4 (WHERE REQUIRED), TO AS 1926.1-2012 AS MODIFIED BY REGULATION 159, BUILDING REGULATIONS 2012.

GATES TO OPEN OUTWARDS AND BE
SELF-CLOSING AND SELF-LATCHING TO AS
1926.1-2012.

SITE CLASSIFICATION:

SOIL TYPE: A – SAND
(REFER TO SITE CLASSIFICATION REPORT).

AS 1170.4: EARTHQUAKE HAZARD
DESIGN FACTOR (Z) IS 0.09.

AS/NZS 1170.2: WIND REGION A1.

POOL RECIRCULATION SYSTEM TO
AS 1926.3.

NO POOL HEATER PROVIDED.

POOL COVER TO REDUCE EVAPORATION
TO BE PROVIDED, ACCREDITED UNDER THE
SMART APPROVED WATERMARK SCHEME.

DO NOT SCALE FROM THIS DRAWING

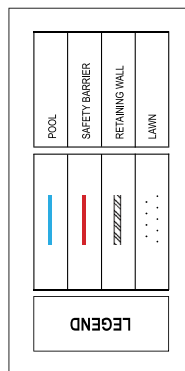
ALL SUB-CONTRACTORS TO CHECK DIMENSIONS AND NOTES PRIOR TO INITIATING WORKS. ANY DISCREPANCIES TO BE NOTIFIED TO THE SITE SUPERVISOR WITHOUT DELAY.

POOL FENCE TO BE DESIGNED TO
SUIT SITE WIND SPEEDS (AS/INZ
1170.2-2021).

BUILDER TO SUBMIT BA7 NOTICE OF COMPLETION WITHIN 7 DAYS OF THE POOL BEING COMPLETE.

POOL FENCE LOCATION IS INDICATIVE ONLY.

FALL OF PAVING AWAY FROM SWIMMING POOL: MINIMUM 1:100.



SITE PLAN



NO.	DESCRIPTION	DATE	AUTH	BUILDER: B. HAPPY	DATE: 3-4-2024	SCALE: 1:200	CHK. M/R	CLIENT: J. CITIZEN	PROPOSED CLASS 10B SWIMMING POOL	P & C	FOOTING AND CO.
					ISSUE: D	DATE: CS	SH No.: 1 of 1	LOCATION: 1003 SEVENOAKS ST			Ph: 1300 489 089
AMENDMENTS:				LIC. No. (IF APPLICABLE):	APP: M/R	JOB No.: 1248		CANNINGTON WA 6017			PO BOX 8342