

Swimming Pools SP 01 | Swimming pool standards and safety requirements

Audience

The audience/s for this Practice Note include/s:

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| <input type="checkbox"/> Architects/ Designers | <input checked="" type="checkbox"/> Owner Builders |
| <input checked="" type="checkbox"/> Builders | <input type="checkbox"/> Plumbers |
| <input checked="" type="checkbox"/> Building Surveyors/ Inspectors | <input type="checkbox"/> Real estate management agents |
| <input type="checkbox"/> Engineers | <input type="checkbox"/> Trades and Maintenance (inc. Electricians) |
| <input type="checkbox"/> Home Owners / Residential Tenants | |

Purpose

The purpose of this Practice Note is to provide guidance on swimming pool standards and safety requirements which must be adhered to ensure public safety.

The content and figures below provide guidance on:

- Building standards
- Swimming pool barrier requirements
- Building permit requirements
- Inspection of building works and testing requirements



For further information on swimming pool barriers and safety requirements, please refer to Building Practice Note SP-02: Swimming pool barriers and other requirements.

Abbreviations & Definitions

The abbreviations and definitions set out below are for guidance only. They are not intended to vary those set out in the Building Act 1993 or the Building/Plumbing Regulations 2018 or the National Construction Code.

- **AS** – Australian Standards
- **Act** – Building Act 1993
- **Barrier** – Assembly of components, natural or otherwise, that restricts access to the pool. The barrier includes fences, posts and panels, gate units, gates and door sets, constructed or natural walls (retaining or otherwise), sides of buildings, and balustrades on a balcony where they form part of the intended barrier.
- **BAB** – Building Appeals Board
- **RBS** – Relevant Building Surveyor



- **Regulations** – Building Regulations 2018
- **Swimming Pool** – Any excavation or structure (including a spa or a relocatable structure) that is capable of containing water to a depth of greater than 300mm, and principally used (or is designed, manufactured or adapted to be principally used) for swimming, wading, paddling, bathing or similar activities.

Introduction

Swimming pools can be dangerous if children are able to enter the water unsupervised. On average, according to Kidsafe Australia, six young children die in Victoria in home swimming pools each year, and many more are taken to hospital for near drownings. Active supervision of young children in and around swimming pools at all times is the first line of defence against drowning.

To prevent children under the age of 5 from gaining unsupervised access to a swimming pool, it is a requirement that an approved barrier is installed.

The excavation of a swimming pool shell can be a hazard, as it may hold ground or rainwater and also create a risk for falls. Precautions to alleviate these risks are important, both before and during construction.

Swimming Pool Barrier Requirements

All new swimming pools being constructed that will be capable of containing water to a depth of more than 300mm, must have a barrier that complies with the requirements in the Act and the Regulations. These requirements apply to all swimming pools associated with Class 1, 2, 3 buildings and a Class 4 part of a building, or a children's service.

These requirements include:

- indoor swimming pools and spas,
- outdoor in-ground and above-ground swimming pools,
- relocatable pools, and
- spas, jacuzzi, hot tubs and swim spas.

Barriers are not required for a:

- swimming pool (including relocatable swimming pool or spa) that is not capable of containing water to a depth of more than 300 mm,
- a pool or spa that is relocatable and does not require any assembly, and is not made up of several components such as a small inflatable pool,
- bath or spa used for personal hygiene (located in a bathroom or ensuite and emptied after use), and
- fishpond, fountain, or birdbath.

Building Permit Requirements

A building permit must be obtained to build a new or alter an existing swimming pool and barrier (unless exempt under Schedule 3 of the Regulations).

Regulation 28 states that an application for a building permit must include detailed drawings, specifications and information clearly showing the location of the swimming pool and the barrier on the allotment.



The building permit application must also include details of any precautions required to protect the safety of the public (regulation 116), as determined necessary by the Relevant Building Surveyor (RBS).

Issuing a Building Permit

The RBS can issue a building permit just for the barrier where building work will be undertaken to replace or modify an existing barrier. The RBS must be satisfied that sufficient information to demonstrate full compliance with the Act and the Regulations has been provided.

Where the building work is only for a proposed swimming pool within an existing approved barrier that satisfies AS 1926 Parts 1 and 2, the RBS can issue a building permit just for the swimming pool.

The RBS may refuse to issue a building permit if insufficient information is provided to demonstrate compliance with the Act and the Regulations. Where a barrier design is not clearly shown in the application for a building permit and does not show compliance, the RBS must refuse the application.

The RBS must ensure that the builder/s specified on the building permit covers all the building works authorised by the building permit. In some instances, the pool builder is not the builder who will build the barrier. In such instances, both builders need to be specified on the building permit.

Building Work Time Limits

Regulations 53 and 54 state that building work for a swimming pool and barrier must commence within 12 months of the issue date of the building permit and be completed within six months of the building work commencement. If the construction of a swimming pool and barrier is being carried out concurrently with other building work on the same allotment, this work can be completed within the time limits of the other work as referred to in regulation 54(1)(c).

Protection Work

When assessing an application for a building permit to construct a swimming pool and barrier, the RBS must consider whether protection work will be required to protect the adjoining property.

Where the RBS determines protection work is required, it must be provided before and during construction. The type of protection work required varies with considerations such as the location, nature and impact of the proposed building works on the adjoining property or any other considerations to the RBS's determination. However, the RBS must consider matters under regulation 112 when determining if protection work is required.

It is important to remember that it is the responsibility of the RBS to determine whether protection work is required for the construction of a swimming pool or barrier when deciding on an application for a building permit. For further information on practice note PW-02.

Protection of the Public

The RBS must consider the need for protection of the public during the construction of the swimming pool and barrier. Consideration for site fencing under regulation 116 must include provisions to restrict access during excavation, construction, and once the pool/spa can contain water to a depth of greater than 300mm. When determining whether precautionary measures are required, the RBS should give consideration to:

- the height of the barrier,
- whether there are any footholds or handholds that could facilitate climbing,
- the spacing of any horizontal or vertical members, and
- any loadings that could be placed on the structure.



AS 4687.4 – Temporary swimming pool fencing is a document that the RBS may choose to refer to when considering public protection requirements.

Inspection of Building Works and Testing Requirements

Mandatory Notification Stages

The mandatory notification stages relating to the construction of a swimming pool and barrier are prescribed in regulation 169.

The RBS may determine that a barrier complying with AS 1926.1-2012 is required for the excavation and also to protect the public under regulations 116 (1) and (3). If so, the barrier could be installed and inspected immediately after the excavation has been completed.

Barrier Testing Requirements

When undertaking a final inspection, the RBS may request evidence that the installed barrier has been tested in accordance with Section 3 of AS 1926.1. Alternatively, the RBS may require the testing to be conducted while present, to ensure the construction of the barrier meets the structural adequacy criteria and that the gate or door operates correctly.

Water Circulation

Builders should be satisfied that no blockages have occurred in the water circulation system prior to handover to the client and operation of the swimming pool. The RBS will need to be satisfied that the water recirculation system has been built in accordance with the approved documentation.

Building Work Completion

Where the swimming pool and the barrier have been completed in accordance with the building permit requirements, a final inspection can then be undertaken. Any non-compliant work may be the subject of a direction to fix, or a building order issued for minor works.



In addition to a Certificate of Final Inspection or Occupancy Permit, the RBS must also issue a Certificate of Pool and Spa Barrier Compliance (Form 23) for the owner to submit with the council pool registration.

Registration of Swimming Pool

Upon completion, the owner must register the swimming pool within 30 days of the date the owner receives the Certificate of Final Inspection or Occupancy Permit along with the Certificate of Pool and Spa Barrier Compliance (Form 23).

Related Documentation

- Building Act 1993
- Building Regulations 2018
- National Construction Code 2022
- Building Practice Note | Swimming Pools SP 02 | Swimming Pool Barrier and other requirements
- Building Practice Note | Protection Work PW 02 | Protection of Work Process
- Building Practice Note | Protection Work PW 03 | Protection of the Public



List of Amendments

- Made more concise
- Update format and content review

Document history

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