

FOR CONSUMERS THINKING ABOUT BUILDING A POOL OR SPA

Purpose

This Fact Sheet provides information for consumers who may be thinking of building a pool or spa, or installing or altering their pool barrier.

Building standards

In Victoria, the design, construction and installation of swimming pools, spas and safety barriers are subject to strict requirements under the *Building Regulations 2018* (the Regulations).

Swimming pools and spas, and their safety barriers must comply with several requirements including:

- being constructed by a registered domestic builder or an owner-builder; and
- have self-latching and self-closing pool gates.

Barrier requirements

Swimming pools and spas with a water depth of more than 300 mm (30 cm) must have safety barriers complying with AS 1926.1-2012 around them. This is to restrict access of young children to the pool area. Property owners and occupants are responsible for making sure pool barriers are maintained, repaired and kept in working order.

A new outdoor pool or spa must not have direct access from any building.

Barriers are required for:

- In-ground pools and spas
- Above-ground pools and spas, including inflatable pools, holding more than 300 mm (30 cm) of water
- Indoor pools and spas

- Bathing and wading pools containing more than 300mm (30cm) of water.

Barriers aren't required for:

- Bird baths
- Fountains
- Water supply/storage tanks
- Fish ponds
- Dams
- Baths used for personal hygiene and emptied after each use
- Pools or spas which cannot contain a water depth of more than 300 mm (30 cm)
- Inflatable swimming pools (typically toddler or wading pools) which cannot contain a water depth greater than 300 mm (30 cm)
- Spas inside a building used for personal hygiene (a spa bath in a bathroom that's emptied after each use).

Process

Swimming pool, spa and barrier building permits

A building permit is required before installing a pool, spa or safety barrier.

The owner of the property will need to appoint a registered Building Surveyor (Private or Municipal) to issue the building permit.

If you choose to be an owner-builder, you will need a certificate of consent from the Victorian Building Authority (VBA) for work over \$16,000 or you can engage a registered domestic builder.

For work on an existing safety barrier, a permit may need to be issued to alter the barrier. Work to alter an existing barrier will need to comply with the current Regulations.

In addition to obtaining a building permit you may need a planning permit or other permit.

You should check with your council as to the relevant local laws that may apply.

Building permit application

The building permit application must include detailed drawings and specifications of the proposed pool, spa, safety barrier and water recirculation and filtration systems.

These must show how the design complies with the relevant standards, including AS 1926 Parts 1, 2 and 3.

The building permit must list the building practitioners who prepared documents for the permit.

What happens once the permit is issued?

Building work on new pools, spas and safety barriers must start within 12 months of the date the building permit was issued.

After building work starts, it must be completed within 6 months.

If the pool, spa and safety barrier is being constructed at the same time as other building work on the same allotment, it must be completed in the same time frame as the other building work.

Extensions to permits

If the builder or property owner has started building work but don't believe they'll be able to finish within the set timeframe, they can seek an extension to the permit period. Any extension is at the Building Surveyor's discretion.

What happens if the permit lapses?

If a building permit lapses for a swimming pool, spa or barrier, building work must not continue.

If the owner wishes to continue with construction, they may seek a new building permit from the same building surveyor.

If construction has not begun, and the owner does not wish to start work, they should notify the VBA and the relevant local council that the work has been terminated.

If work is complete, the Building Surveyor must be notified.

Inspections

It is mandatory for building work on swimming pools and spas to be inspected by the RBS at specific stages during construction or installation.

These minimum requirements are:

- The completion of any excavation related to the installation of the swimming pool or spa.
- Before pouring any footing or in situ reinforced concrete member that is specified in the relevant building permit by the Relevant Building Surveyor.
- The completion of any precautions required by the Relevant Building Surveyor.
- The final inspection on completion of the swimming pool or spa and related safety barrier.

Once building work is complete, the owner or builder must notify the building surveyor. The building surveyor will conduct a final inspection of the work and ensure it complies with relevant regulations and any other conditions on the building permit. They may request evidence of testing or ask for tests to be conducted to ensure that the work meets the requirements.

Site safety

Precautions during construction

The Relevant Building Surveyor should specify any precautions the owner or builder must take during construction. This may include protection of adjoining properties, members of the public and anyone occupying the site during the construction of the pool.

This is especially important for excavation work where reduced soil stability, steep drops and groundwater in the bottom of the pit are all potential hazards.

The Building Surveyor can issue a direction to the builder or owner to make a work site safe.

Temporary barriers

During construction, if the new pool is filled with water more than 300 mm (30 cm) deep it must be guarded against being a danger to life and safety with a temporary safety barrier as required by the Relevant Building Surveyor.

A temporary barrier should be installed where a pool is not self-draining and could collect rainwater during construction.

This is especially important where the site is occupied during construction.

No pool or spa should be filled until the building surveyor has completed their final inspection.

Responsibility for maintaining temporary barriers

Property owner not living on site

When the builder responsible for the work has vacant possession (where nobody is living on the site), they must maintain the temporary pool barrier.

Property owner is living on site

If anyone is living at the property during the construction work, the pool builder is responsible for maintaining the temporary pool barrier while they're on site. The occupant may be responsible for maintaining the temporary barrier when the builder isn't on the site depending on responsibilities set out in the building contract.

Property owner is an owner-builder engaging contractors for pool construction

An owner-builder is responsible for the work and site safety. Hence they must ensure that the temporary barrier is installed and maintained.

Ongoing maintenance of pool and spa barriers

The owner of the pool or spa is responsible for ensuring that the barrier and any gates are operating effectively, and that the barrier is properly maintained once the certificate of final inspection has been issued.

Gates must be self-closing and latching and must not be propped open. No climbable objects should be located near the barrier and any gaps or weak spots in or around the barrier must be repaired.

Occupants of a rental property must take all reasonable steps to ensure that the barrier is operating effectively and should report any faults with a barrier to their landlord.

The VBA has produced checklists to help pool and spa owners check the compliance of pool barriers.

While these precautions go a long way to protecting children, always actively supervise children around water.

Want to know more?

If you have a technical enquiry, please email technicalenquiry@vba.vic.gov.au or call 1300 815 127.

Victorian Building Authority
733 Bourke Street Docklands VIC 3008

www.vba.vic.gov.au