



FACT FILE

Applicable Barrier Standard Guide - Part 2, Division 1 of the Building Regulations 2018

OVERVIEW AND GENERAL REQUIREMENTS

Pursuant to the Building Regulation 2018 (Regulations), it is a requirement that all swimming pools and spas have a safety barrier. There are different requirements as to how the barrier is constructed dependent on the construction date of the pool or spa. If your pool or spa was constructed before 8 April 1991, this Fact File is relevant to your safety barrier.

WHAT IS A SWIMMING POOL?

Swimming pool means any excavation or structure containing water and principally used, or that is designed, manufactured or adapted to be principally used for swimming, wading, paddling, or the like, including a bathing or wading pool, or spa. These controls apply when the structure is capable of containing a depth of water greater than 300mm.

AUSTRALIAN STANDARDS AND FURTHER READING

The Regulations require that all pools or spas constructed prior to 08 April 1991 have barriers that are installed to comply with Part 9a, Division 2 of the Regulations and/or Australian Standard 1926, Part 1 - 1993: Fencing for Swimming Pools and Spas.

LOCATION OF SAFETY FENCING/BARRIERS

The Regulations provide a number of options for the location of safety barriers. Options consist of enclosing the pool or spa area with an isolation barrier, completely separating the area from any other part of the allotment and any other building.

An area can be protected by having compliant barriers which may include:

- Boundary fencing; and
- Existing dwelling walls; and
- Existing dwelling doors; and
- Existing dwelling windows; and
- Etc.

All methods must comply with part Part 9a, Division 2 of the Regulations. Ideal locations of safety barriers are shown in **Diagram Examples 1 - Location of Safety Barriers** at the rear of this fact file.

REQUIREMENTS FOR EXISTING PERIMETER BOUNDARY FENCING / COMMON FENCING

Where using a perimeter boundary fence or common fencing, the barrier must consist of the following:

- Must be a minimum of 1.5 metres, measured at any point along the fence from the ground level on the approach side. i.e. Adjoining property.
- If the perimeter fence is not a paling fence, it must be imperforate (no openings) and must be a minimum of 1.5 metres, measured at any point along the fence from the ground level on the approach side.

For an illustrated detail of a boundary / common fence is shown in **Diagram Example 2 – Perimeter Boundary Fencing / Common Fencing** at the rear of this fact file.

INTERNAL ISOLATION SAFETY FENCING/BARRIER

Any isolation fencing or barrier must comply with the following requirements:

- Must comply with the requirements of AS1926.1-1993.
- Must be a minimum of 1.2 metres.
- Maximum gaps to any part of the fence must not exceed 100mm.
- If the space between horizontal cross rails is greater than 900mm, the space between vertical uprights may be up to a maximum of 100mm.
- If the space between horizontal cross rails is less than 900mm, the space between vertical uprights can not exceed 10mm.
- Where a pool / spa isolation fence meets common / perimeter fencing, it must be protected for a distance of 1.2 meters externally to the pool barrier and 300mm internally to the pool barrier.

Illustrated details of isolated safety barriers are shown in **Diagram Examples 3 – Isolation Safety Fencing / barrier** at the rear of this fact file.

GATES AND DOORS WITHIN A SAFETY BARRIER OR LEADING INTO A POOL ENCLOSURE

Any door leading from a building or gate forming part of a safety barrier must be constructed and operate as detailed below:

- Gates must be a minimum of 1.2m in height.
- Any door/gate must be provided with an opening device that is not less than 1.5 metres in height from the finished ground level
- Doors/gates must be fitted with a self-closing and self-latching device that will return the door or gate to the closed position from any opened position and without the application of manual force.
- If access is provided from a building to the pool/spa enclosure, any doors must be protected with a self-closing and self-latching device that is not less than 1.5 metres in height from the finished ground level

For illustrated details regarding the construction and operation of doors and gates forming part of a safety barrier please refer to **Diagram Examples 4 – Doors & Gates** at the rear of this fact file

WINDOWS

Any openable part of a window located in a wall forming part of a safety barrier must:

- Be located more than 2.4 metres above the ground or paving immediately external to the window; OR
- Is higher than 1.5 metres above the floor of the room containing the window; OR
- Be prevented from opening more than 125mm by a permanently fitted mechanism. I.e. Screw fitted chain; OR
- Has a securely fitted fly screen that is fixed in place with fasteners (screw or similar) that can only be removed by the use of a tool. I.e. screwdriver or spanner.

NOTE: Where using a securely fitted fly screen, the screen shall be capable of sustaining a force of 300 N applied in any direction with any part breaking, showing signs of fracture or becoming permanently deformed by more than 10mm over its length.

For illustrated details regarding the location of windows forming part of a safety barrier, please refer to **Diagram Examples 5 – Windows restricted from opening more than 125mm** at the rear of this fact file.

POOL AND SPA BARRIER MAINTENANCE & RESPONSIBILITIES

Having installed the safety barriers, it is necessary to ensure that all parts are well maintained and functional. The following provisions within the Building Regulations have been introduced to ensure that swimming pool and spa safety barriers are maintained and in good working order at all times, please read them carefully to understand your responsibility.

Building Regulation 147F:

The **owner** of the land on which a swimming pool or spa is located must take all reasonable steps to ensure that a barrier restricting access to the swimming pool or spa is properly maintained.

50 Penalty Units for Non-Compliance

Building Regulation 147G:

An **occupier** of the land on which a swimming pool or spa is located must take all reasonable steps to ensure that a barrier restricting access to the swimming pool or spa is operating effectively.

50 Penalty Units for Non-Compliance

Building Regulation 147H(1)&(2):

An **occupier** of land on which a swimming pool or spa is located must take all reasonable steps to ensure that any gate or door forming part of a barrier restricting access to the swimming pool or spa remains closed except when a person is entering or leaving the part of the land on which the swimming pool or spa is located.

50 Penalty Units for Non-Compliance

*A **person** who opens a gate or door forming part of a barrier restricting access to the swimming pool or spa must ensure that the gate or door is closed immediately after entering or leaving the part of the land on which the swimming pool or spa is located.*

50 Penalty Units for Non-Compliance

Please note that 50 Penalty units equates to in excess of \$8250.

WHO OWNS A POOL OR SPA?

The Regulations define the owner of a swimming pool or spa as:

- In the case of a swimming pool or spa on an allotment being purchased under a terms contract (within the meaning of the Sale of Land Act 1962) under which the purchaser has become entitled to possession or to the receipt of the rents and profits, the purchaser of that allotment; and
- In the case of a swimming pool or spa on an allotment, the owner of that allotment.

FURTHER INFORMATION





For more information, we recommend contacting any of the following:

- Building Services Team at Baw Baw Shire on 5624 2411; or
- Any registered Building Surveyor/Inspector offering services in swimming pool and spa safety; or
- The Victorian Building Authority on 1300 815 127.

IMPORTANT NOTE

This Fact File has been produced by Baw Baw Shire as a guide only. Please refer to the Building Act 1993, Building Regulations 2018 and relevant Australian Standard series of AS1926 for full, comprehensive and complete legislation.

DIAGRAMS

LEGEND I	
	GATE COMPLYING WITH AS1926.1
	CHILD RESISTANT DOOR OR WINDOW COMPLYING WITH AS1926.1
	FENCE, RETAINING WALL OR OTHER BARRIER COMPLYING WITH AS 1926.1
	ALLOTMENT BOUNDARY

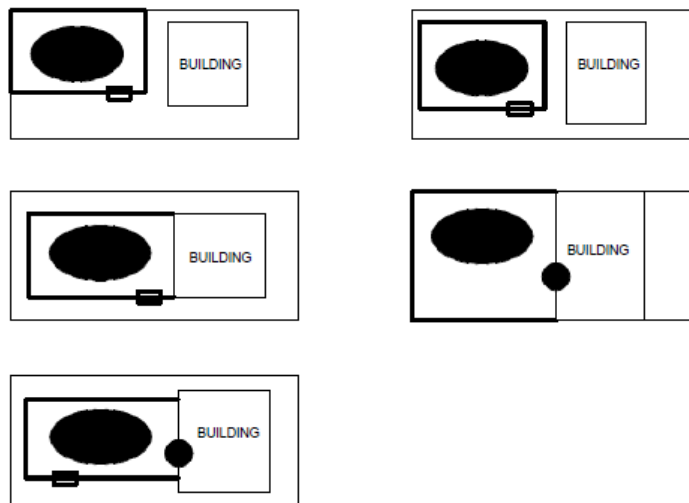


Diagram Examples 1 - Location of Safety Barriers

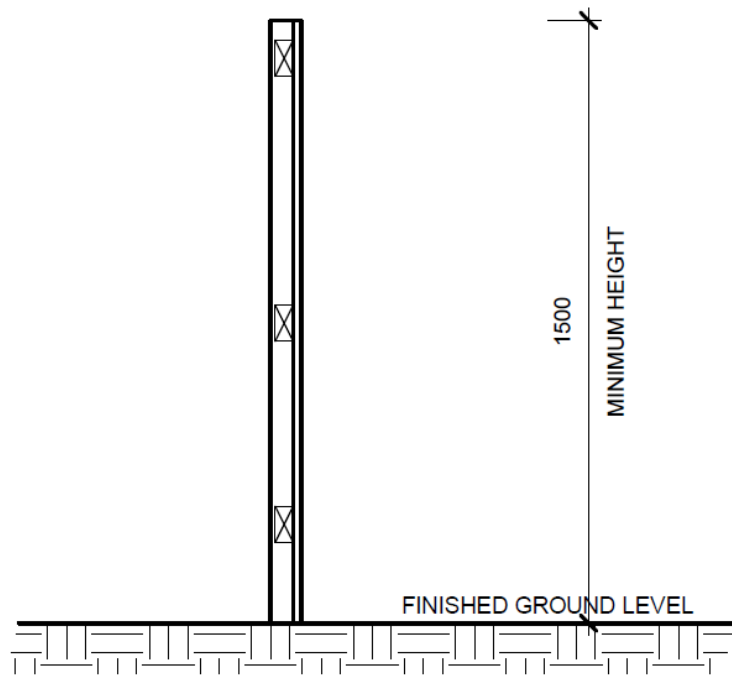


Diagram Example 2 – Perimeter Boundary Fencing / Common Fencing

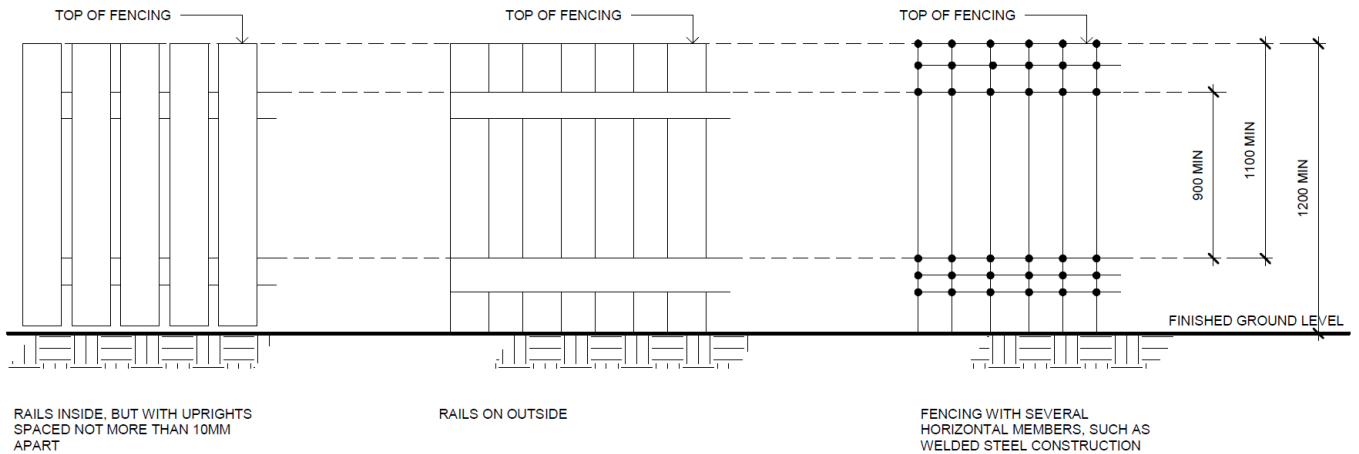


Diagram Examples 3 – Isolation Safety Fencing / barrier

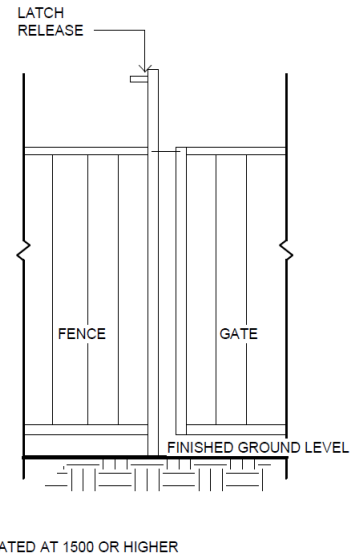
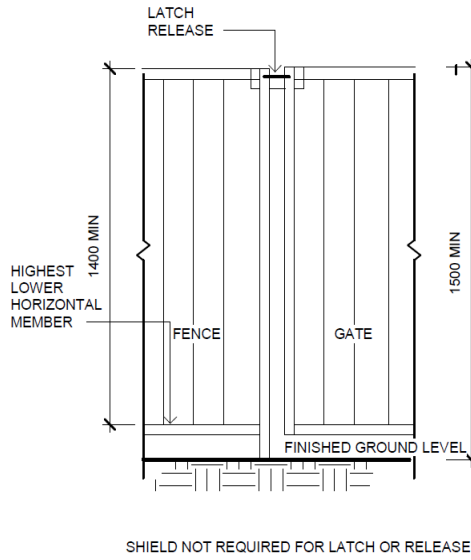
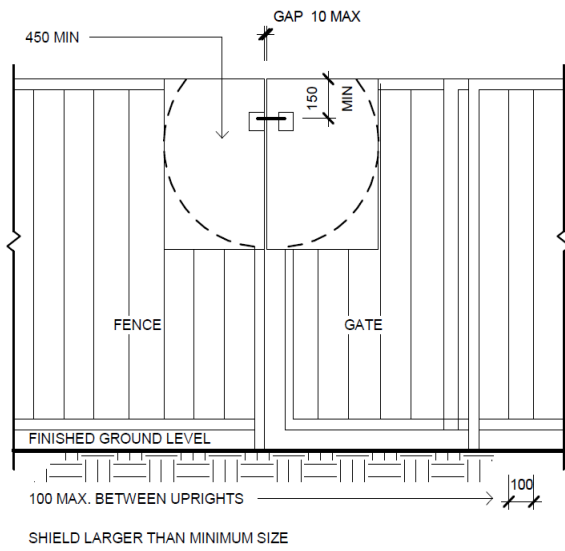


Diagram Examples 4 – Doors & Gates

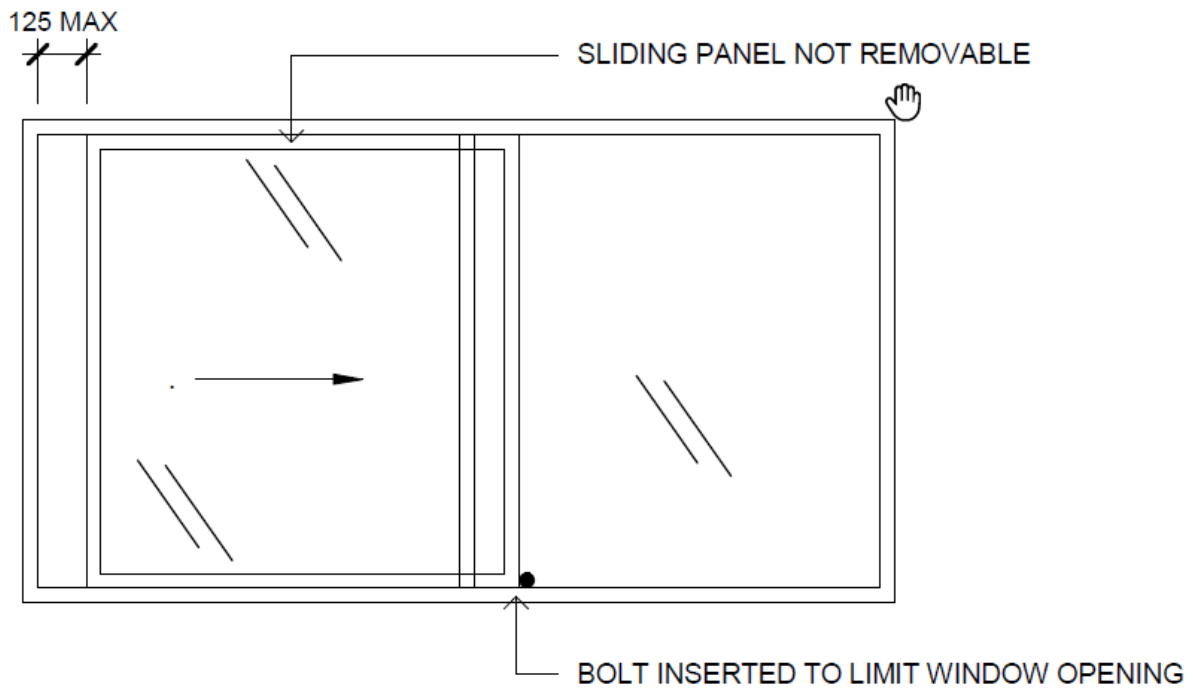


Diagram Examples 5 – Windows restricted from opening more than 125mm