FACT FILE

Swimming Pools & Spas constructed between 08 April 1991 and 01 May 2010

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 between 08 April 1991 and 01 May 2010, 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 National Construction Code (NCC) requires that all pools or spas constructed after 08 April 1991 have barriers that are installed to comply with Australian Standard 1926, Part 1: Fencing for Swimming Pools and Spas.

The current issue of the NCC includes standards for the construction of barriers around swimming pools and spas. The following documents can be read for construction requirements for swimming pools and spa where applicable:

- Acceptable construction practices as described in Part 3.10.1 of the BCA; OR
- Australian Standard 1926.1: 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 complaint 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 AS1926.1. Ideal locations of safety barriers are shown in ***Diagram Examples 1 - Location of Safety Barriers*** at the rear of this fact file.

Baw Baw Shire Council
T +61 3 5624 2411
F +61 3 5622 3654
E bawbaw@bawbawshire.vic.gov.au
W bawbawshire.vic.gov.au
PO Box 304
Warragul Victoria 3820

SAFETY BARRIERS

All swimming pools and spas are to have a compliant safety barrier that may consist of the following:

- The effective height of an isolated safety barrier must not be less than 1.2 metres, as measured from finished ground level.
- All safety barriers must consider the appropriate non-climbable zones (NCZ)
- Where a boundary fence is used, a boundary fence shall not be less than 1.8 metres high must not include the appropriate NCZ on the inside of the barrier.
- For barriers constructed of perforated materials with openings not more than 13mm, the effective height must not be less than 1.2 metres.
- For barriers constructed of perforated materials with apertures greater than 13mm but less than 100mm must either:
    - Have an effective height of not less than 2.4 metres; OR
    - The vertical section shall have an effective height of not less than 1.8 metres. Where a crank top is provided, the cranked top shall have apertures less than 100mm.
- Fencing using mesh must include a strainer or rail at the top and bottom of the fencing to ensure its continuous suitability and functionality.
- Gaps below and throughout a fence must be less than 100mm.
- Projection or indentations (including retaining walls) on the surface of the barrier must not exceed 10mm unless spaced at least 900mm apart. More information is shown in
- Where a safety barrier intersects with another structure (common fence, retaining wall, etc), no climbable objects are permitted to be located within 900mm (NCZ).
- Where a balcony projects into a swimming pool enclosure, the height of the balcony must be a minimum of 2.4 metres in height as measured to underside of the balcony. If less than 2.4 metres in height, measures in accordance with this fact sheet must be taken with regard to barriers, doors and windows.

For illustrated details regarding the construction of safety barriers/fencing, please refer to ***Diagram Examples 2a, 2b & 2c*** at the rear of this factfile.

RETAINING WALLS USED AS A BARRIER

Retaining walls may be used to form a swimming pool or spa barrier. Where used, a retaining wall shall be an effective barrier if the following is achieved:

A retaining wall located on the high side of the pool or spa must:

- Have an effective height of not less than 2.4 metres as measured to the outside surface and not slope away from the pool by more than 15 degrees to the vertical.

A retaining wall location on the low side of the pool or spa must:

- Have an effective height of not less than 1.2 metres and an outside surface projections with a depth not great than 10mm, unless they are more than 900mm apart; OR
- Have an effective height of not less than 2.4 metres.

For illustrated details regarding the retaining walls used as safety barriers, please refer to ***Diagram Examples 3 – Retaining walls used as a barrier*** at the rear of this fact file.

DOORS & GATES

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

- Gates must swing outwards from the swimming pool or spa enclosure and 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 100mm 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.
- Where a balcony is less than 2.4 metres
- Where a balcony projects into a swimming pool enclosure, the height of the balcony must be a minimum of 2.4 metres in height as measured to underside of the balcony. If less than 2.4 metres in height, windows with an internal sill height measures in accordance with this fact sheet must be taken with regard to barriers, doors and windows.

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*** at the rear of this fact file.

POOL AND SPA BARRIER MAINTENANCE & RESPONSIBLITIES

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 responsibly.

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 Building Regulations 2018 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

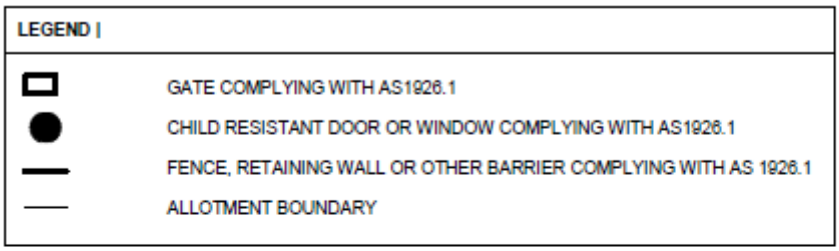
For more information, we recommend contacting any of the following:

- 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, compressive and complete legislation.

DIAGRAMS



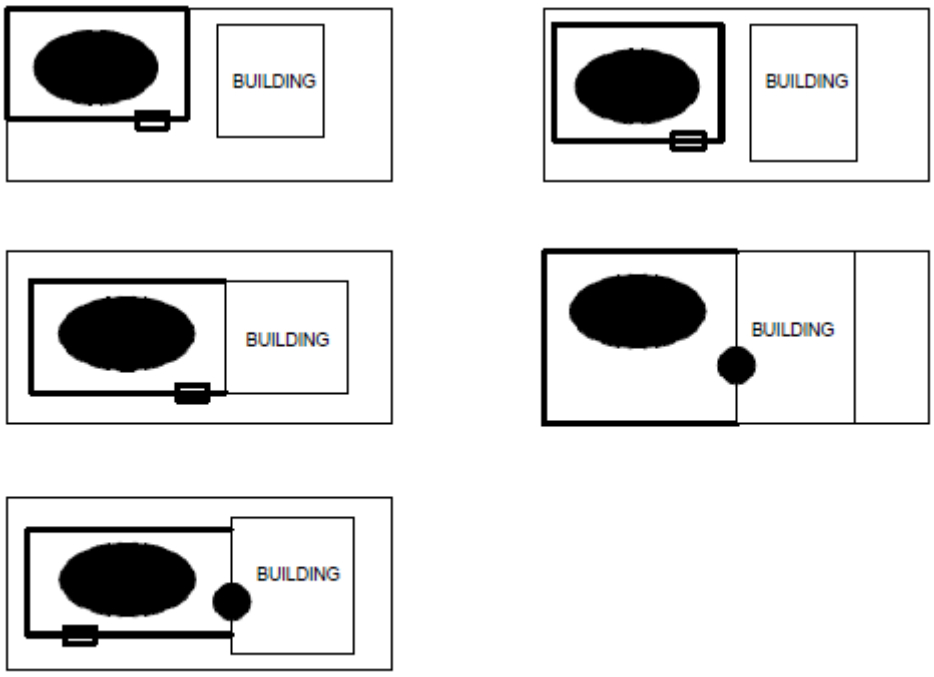


Diagram Examples 1 - Location of Safety Barriers

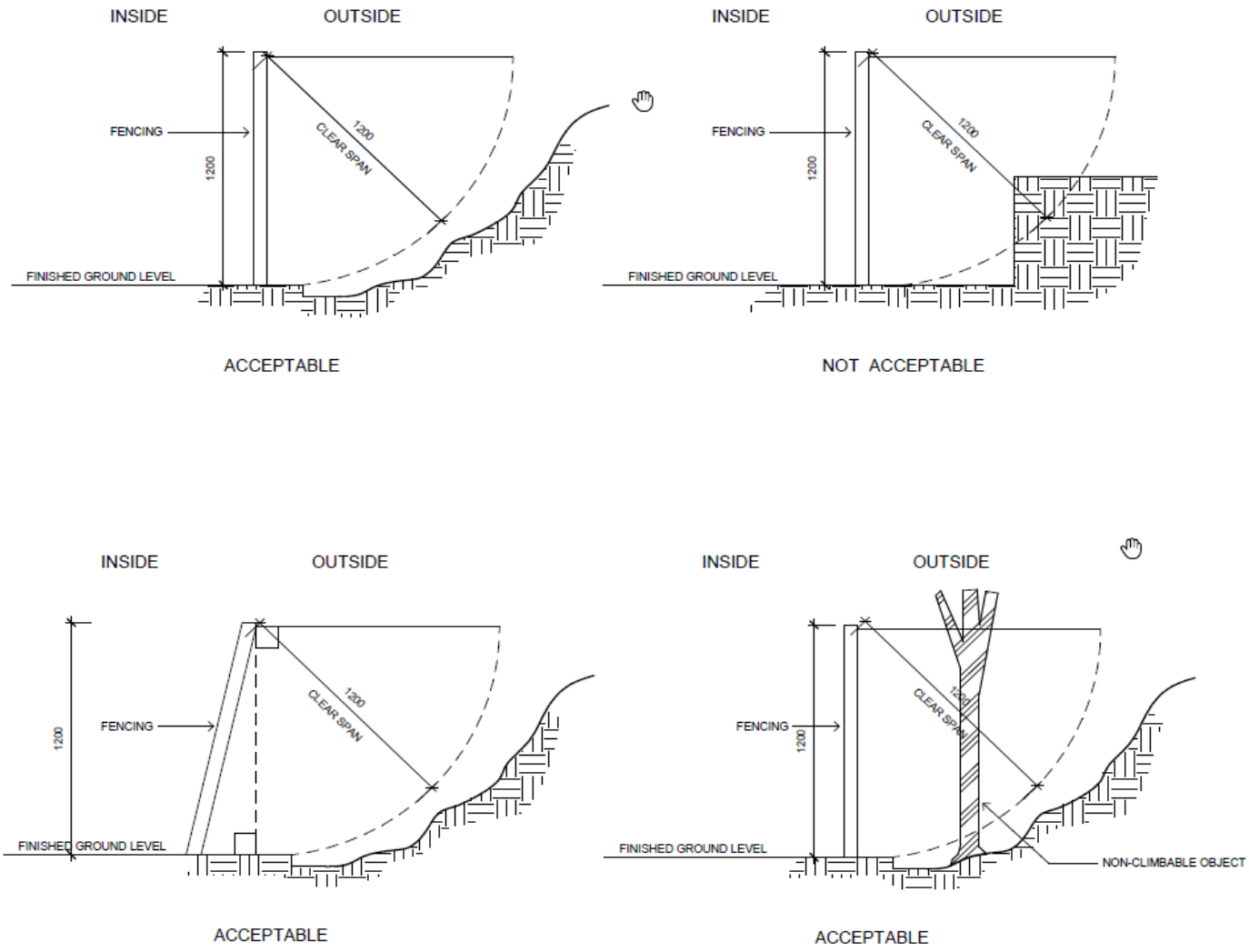


Diagram Examples 2a – Safety barriers

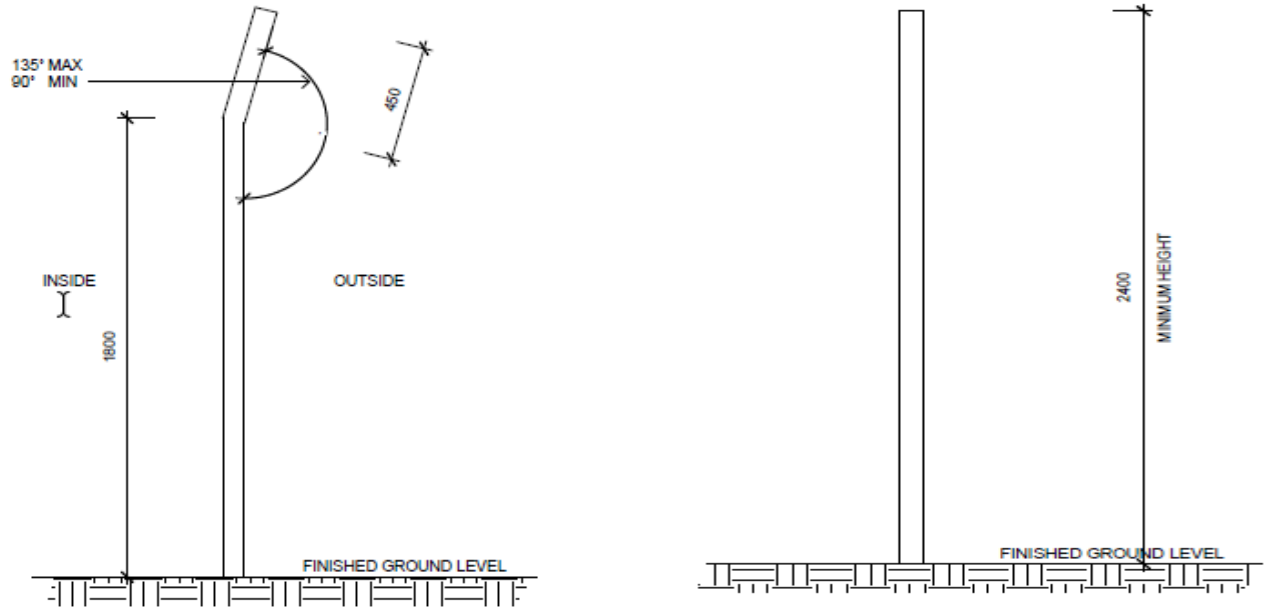
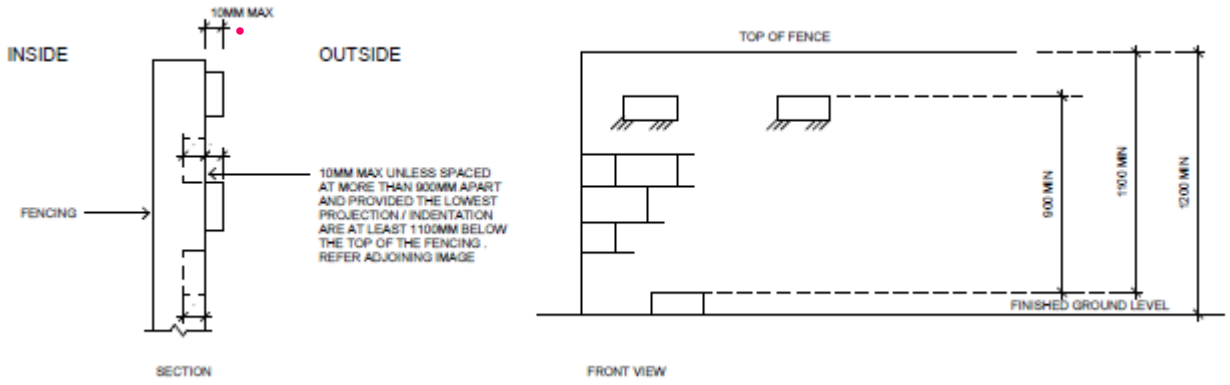


Diagram Examples 2b - Safety Barriers using mesh fencing (or similar) having aperatures greater than 13mm but less than 100mm



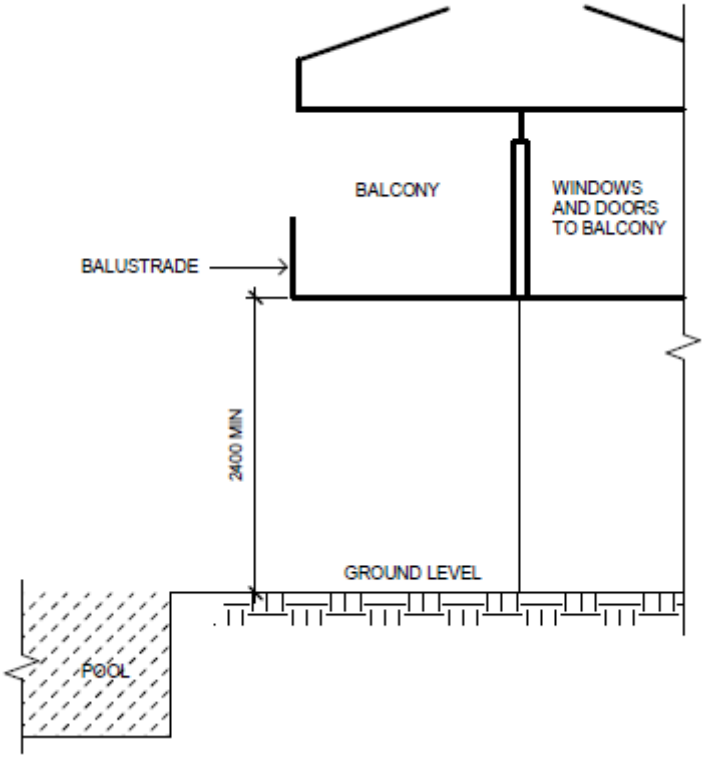
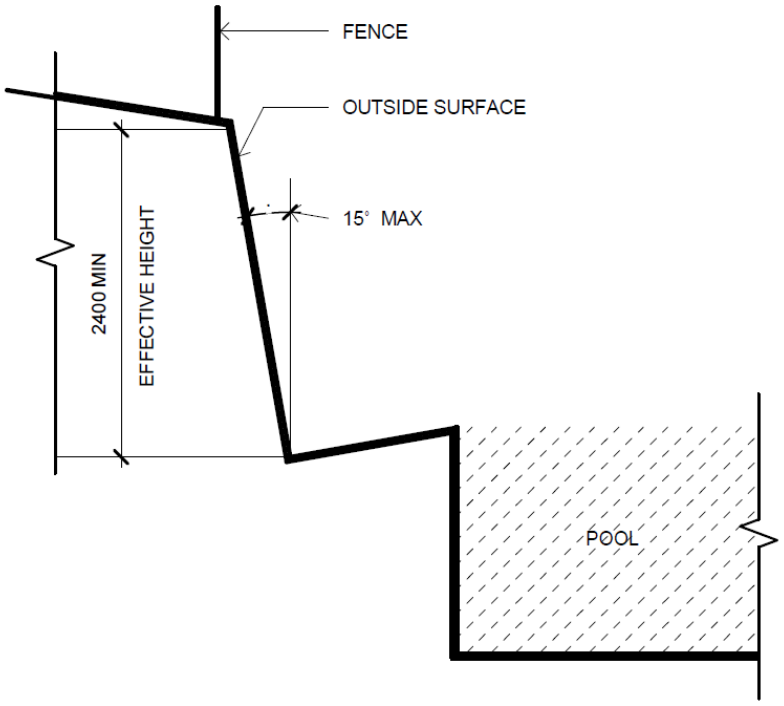
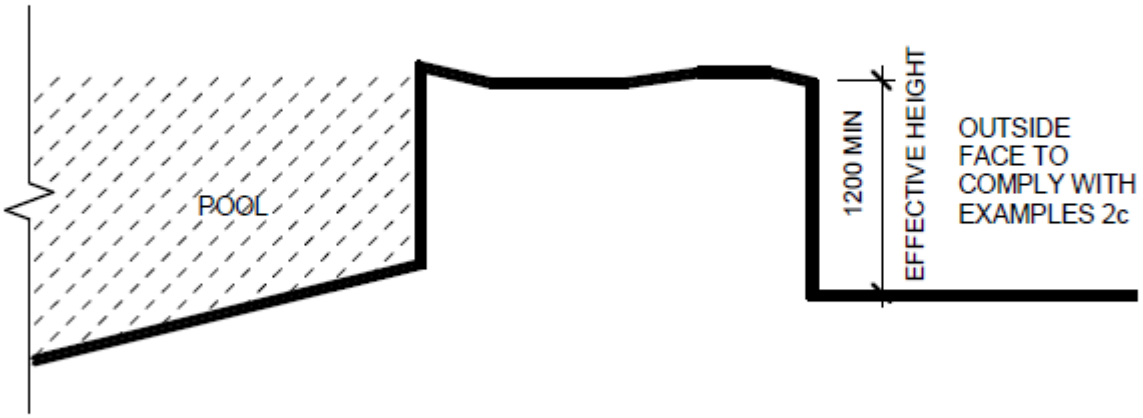


Diagram Examples 2c - Safety Barriers

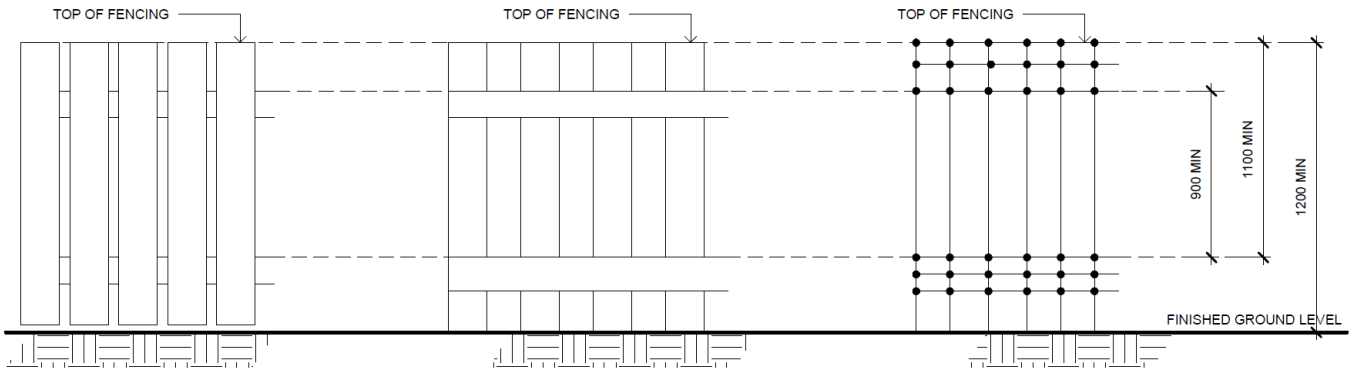


HIGH SIDE OF POOL



LOW SIDE OF POOL

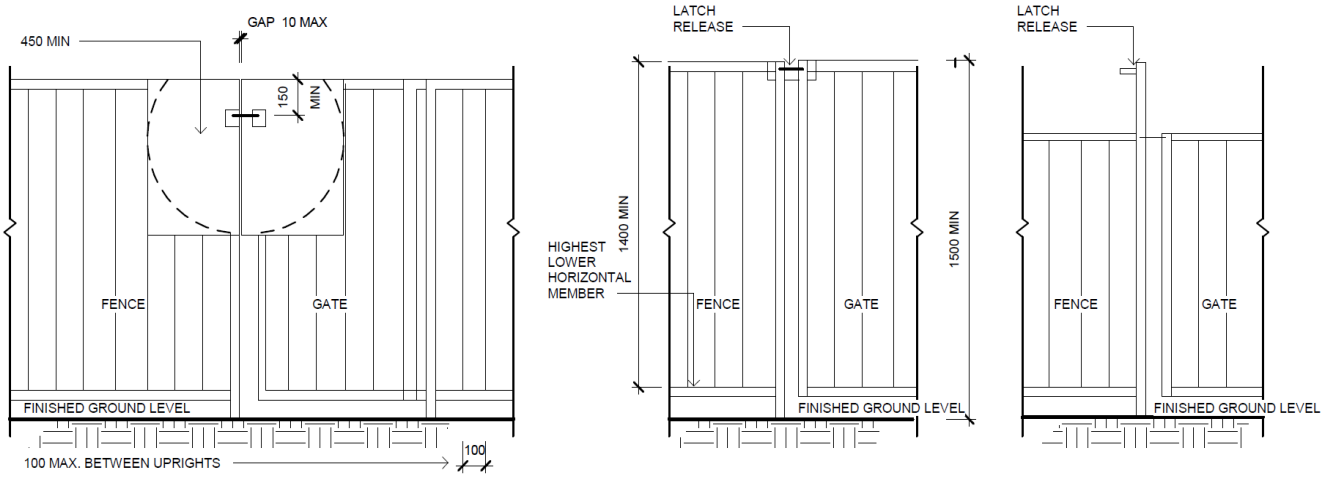
Diagram Examples 3 – Retaining walls used as a barrier



RAILS INSIDE, BUT WITH UPRIGHTS SPACED NOT MORE THAN 10MM APART

RAILS ON OUTSIDE

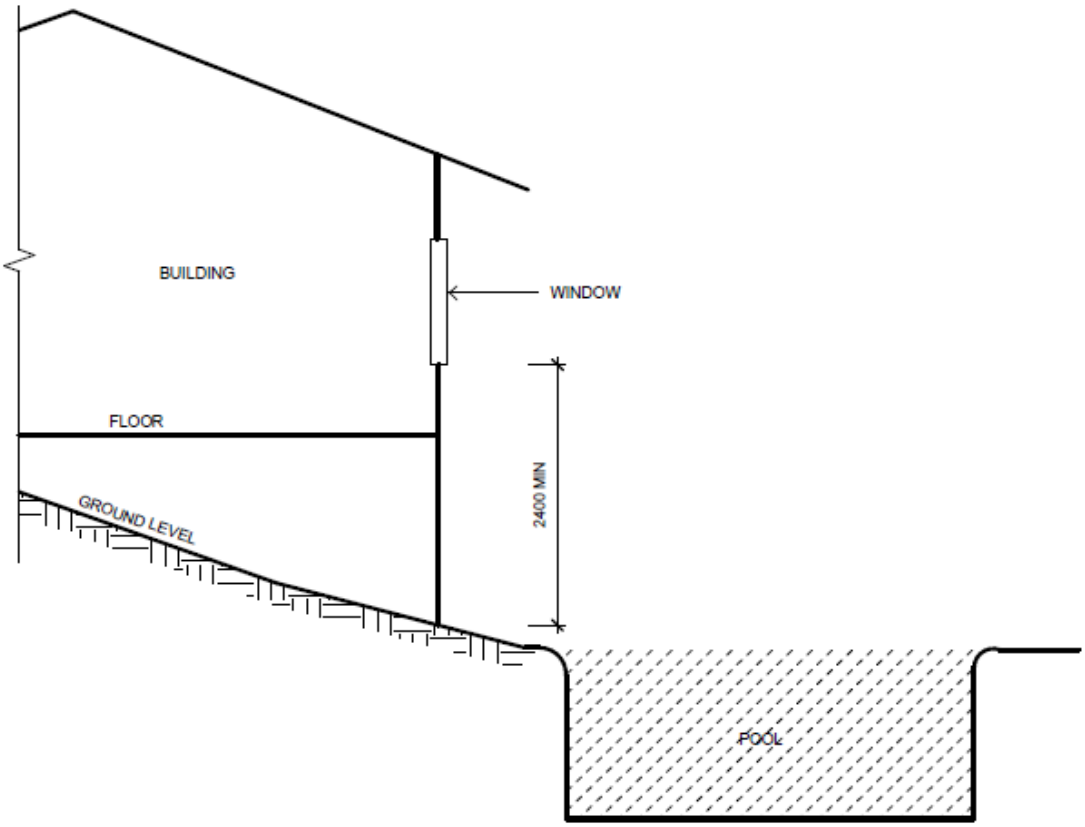
FENCING WITH SEVERAL HORIZONTAL MEMBERS, SUCH AS WELDED STEEL CONSTRUCTION



SHIELD LARGER THAN MINIMUM SIZE

SHIELD NOT REQUIRED FOR LATCH OR RELEASE LOCATED AT 1500 OR HIGHER

Diagram Examples 4 – Doors & Gates



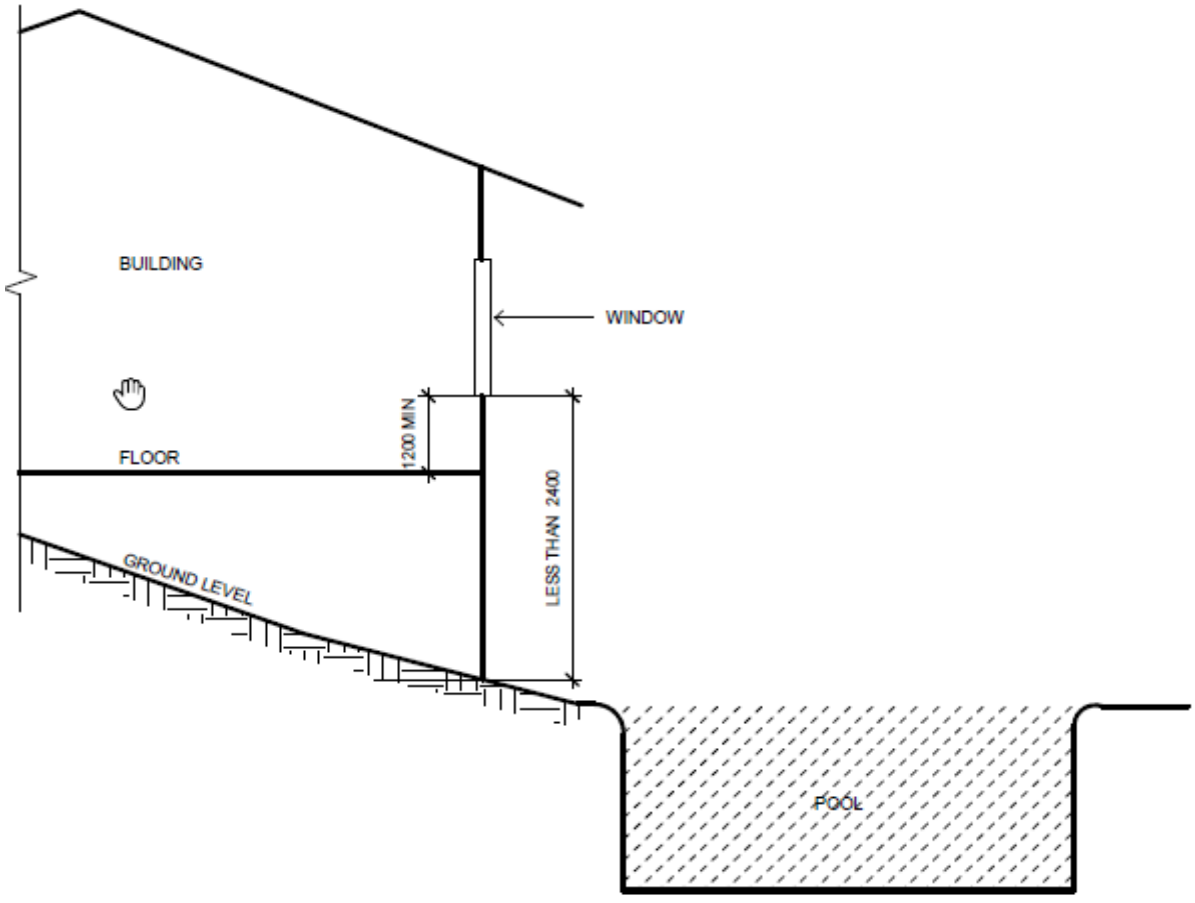


Diagram Examples 5 – Windows than open more than 100mm