Building Commission

2011-05

Swimming pool and spa safety barriers

This updates the previous Practice Note 2006-05 issued June 2006

GENERAL REGULATORY REQUIREMENTS

(1) SUMMARY

All swimming pools and spas with a depth of water more than 300mm associated with Class 1, 2 and 3 buildings and a Class 4 part of a building or a children's service must have safety barriers to restrict access of children under the age of five to the pool or spa area.

It is the responsibility of owners and occupiers of a property to ensure that the pool, spa and associated barriers to restrict access to the pool or spa area are maintained and in good working order.

From 1 May 2010 the *Building Code of Australia* (BCA) Volume Two referenced AS1926.1–2007, AS1926.2–2007 and AS1926.3-2003. Parts 1 and 2 introduce requirements for swimming pool and spa barriers while Part 3 relates to water recirculation and filtration systems. AS1926.1–2007 has been amended by the BCA, which prohibits the use of child-resistant doorsets in barriers for an outdoor swimming pool or spa. BCA 2011 references AS1926.3-2010.

Volume One of the BCA contains a Victorian variation that retains the previous editions AS1926.1-1993 and AS1926.2-1995. These editions will be applicable to children's services, Class 2 and 3 buildings and a Class 4 part of a building until the Victorian variation is removed with the introduction of BCA 2011 on 1 May 2011 as part of the National Construction Code.

Designers, building surveyors and other industry practitioners should obtain a copy of AS1926 as this Practice Note does not replace the Standard. Rather this Practice Note is a companion to the Standard and clarifies some issues with swimming pools and spas and their associated barriers. It does not cover all scenarios in complying with the *Building Act 1993* (the Act), *Building Regulations 2006* (the Regulations), BCA and associated Australian Standards.

(2) KEY DEFINITIONS

The introduction of AS1926.1–2007 brought with it some new key definitions as outlined below:

Fencing height
The height perpendicular to the finished ground level at any point along the length of the fencing, measured on the outside of the fencing.

Designers will need to consider any step, landing, finished ground level, retaining wall or other climbable objects, abutting (or adjacent to) a fence, so that the effective height of 1200 mm is not reduced when measured from the outside of the pool area.

Pool area
The area that surrounds the pool that is separated from the rest of the allotment by a safety barrier.

Young child
A child under the age of five years.

Contents

Non-climbable zone (NCZ)
A zone consisting of a barrier as well as the associated space within 900 mm of the barrier, intended to inhibit climbing of the barrier by children. This includes any point along the length of the barrier and its associated space.

The definition of swimming pool has also been further clarified in the Standard as:

Swimming pool
Any excavation or structure containing water to a depth greater than 300 mm and used primarily for swimming, wading, paddling or the like, including a bathing or wading pool, or spa.

(3) WHEN IS A SAFETY barrier required

Generally safety barriers are required for:

- In-ground swimming pools and spa pools
- Above-ground swimming pools, including inflatable pools holding more than 300 mm of water
- Indoor swimming pools and spa pools
- Bathing and wading pools
- Spas and swim spas
- Jacuzzis
- Hot tubs.

Safety barriers are not required for structures not used principally for swimming, paddling or wading, such as:

- Bird baths
- Fountains
- Water supply/storage tanks
- Fish ponds
- Dams
- Baths used for personal hygiene and emptied after each use
- Swimming pools or spas not containing a depth of water greater than 300 mm
- Inflatable swimming pools (typically toddler or wading pools) not containing a depth of water greater than 300 mm
- Spas inside a building used for personal hygiene, such as a spa bath in a bathroom or ensuite.

(4) BUILDING A SWIMMING POOL AND BARRIER REQUIRES A BUILDING PERMIT

The Act and the Regulations require that a building permit be obtained when proposing to build or alter a swimming pool or spa, and barrier.

There has been some confusion about the application of the building permit process when issuing building permits for pools and spas. The Relevant Building Surveyor (RBS) must not issue a building permit for a pool or spa without including adequate details of safety barriers as part of the one permit. Once building work has commenced the swimming pool, spa and safety barrier must be completed within six months.

If the pool / spa and the safety barrier are associated with a dwelling, and if the value of the work for the swimming pool and / or barrier is greater than $5,000 (including GST, labour and materials), the builder must be a registered building practitioner with the Building Practitioners Board (BPB). They must also enter into a major domestic contract with the owner. When the cost of building work is greater than $12,000, Domestic Building Insurance will also need to be provided.

(5) REQUIREMENTS FOR NEW SWIMMING POOLS AND SPAS

Swimming pools and spas associated with a Class 1 building must be provided with barriers that meet Performance Requirement P2.5.3 of the BCA Volume Two. This can be achieved by constructing safety barriers in accordance with the Acceptable Construction Manuals.

The requirements calling up the Acceptable Construction Manuals are set out in clause 3.9.3.0. Clause 3.9.3.0 provides that, for a Class 1 building, compliance with AS1926 Parts 1 and 2, subject to two exceptions, will satisfy Performance Requirement P2.5.3. The first exception is that a child-resistant doorset must not be used in a barrier for an outdoor swimming pool. Walls of a dwelling or other building and child-resistant openable portions of windows may still be used.

The second exception is that a side hung door forming part of the barrier for an indoor swimming pool must be hung so that, when opening, it only swings away from the pool area. AS1926.1-2007 also provides that doors must be self-closing and self-latching. Self closing sliding doors may still be used.

Swimming pools and spas associated with a Class 2 or 3 building or a Class 4 part of a building or a children's service must have safety barriers that meet Performance Requirement GP1.2 of the BCA Volume One. Performance Requirement GP1.2 can be met by complying with clause G1.1 and providing safety barriers in accordance with AS1926 Parts 1 & 2.

For Class 2 or 3 buildings or a Class 4 part of a building, where an Alternative Solution is proposed, BCA Performance Requirement GP1.2 must be complied with.

(6) BUILDING PERMIT DOCUMENTATION FOR SAFETY BARRIERS

When applying for a building permit, the designers of the pool or spa will need to include detailed plans and specifications of the proposed pool and safety barrier in accordance with Part 3 of the *Regulations*. Applications must include relevant details of the type and location of all barriers, fences, gates, windows, latches, catches, and self-closing gates and fly screens. Plans must also clearly show the location of all existing and proposed fixed objects on the property, such as BBQs, clothes lines, retaining walls and planter boxes that may impact the effectiveness of the safety barrier.

It is not appropriate that designers only use general notes, such as: "Pool barrier to be constructed in accordance with AS1926.1–2007". Statements like these do not provide sufficient detail for the RBS to issue a building permit or for the builder to construct the safety barrier correctly. Designers should not rely on the RBS or the builder to "guess" the compliance level they are trying to achieve.

Designers, builders, building inspectors and building surveyors also need to be aware that AS1926.1–2007 requires certain elements of the pool barrier to be tested to meet structural and operational criteria. The loading and testing criteria are outlined in Section 3 of AS1926.1-2007 and it is important that when applying for a building permit, the test data or certificates from the fence manufacturer are supplied as part of the application.

(7) KEY DOCUMENTATION TO SHOW COMPLIANCE WITH AS1926.3 - 2010

AS1926.3–2010 Water recirculation and filtration systems is to be introduced into the BCA 2011 on 1 May 2011. As with the introduction of AS1926.3–2003, the design requirements of the recirculation and filtration system need to be provided as part of the application for a building permit. To comply with Performance Requirements GP1.2 (b) this Standard was introduced to minimise the risk of entrapment or injury of people using the pool or spa and to provide for the safe operation of skimmer boxes and outlet systems.