

Safety Barriers for Private Swimming Pools and Spas

Drowning is the biggest single cause of accidental death among children under five years of age. It causes three out of four fatalities in Australia in this age group, and these occur mainly in private swimming pools. In 1992, the State Government established compulsory standards for pool security, which requires Local Governments to inspect all private swimming pools when they are installed. Inspections are then repeated at least once every four years.

What regulations apply to safety barriers?

Safety barriers are required to restrict children from unsupervised access to a swimming pool/spa from both off the property and from inside buildings on the property. The extent of swimming pool security required is determined by the age of the swimming pool/spa.

The requirements for safety barriers are set by:

- *Building Regulations 2012* – require a compliant barrier to be provided around the swimming pool/spa at all times.
- *Australian Standard AS1926.1-1993* and *2012: Fencing for swimming pools, Australian Standard AS 1926.2-2007* – Part 2 Location of safety barriers for swimming pools – defines the design requirements for swimming pool and spa pool barriers.

For detailed information on safety barrier requirements it is recommended that you view the Rules for Pools and Spas available on the Building Commission website.

Pool and spa barrier requirements

Owners and occupiers of a property with a private swimming pool/spa are required to maintain the barrier so that it is compliant with the regulations at all times. This means restricting access to the swimming pool/spa by a young child through the provision of a suitable barrier between the residence on the property and the swimming pool/spa.

Depending on when your swimming pool/spa was approved, different regulations apply.

There are three significant dates which determine the specific requirements for your swimming pool/spa barrier, they are:

Barriers for swimming pools and spas approved before 5 November 2001:

- Must have suitable barriers that may consist of a fence, wall or gate, as long as each part complies with the relevant requirements of the Australian Standards.

- May include walls that have doors and windows only if the doors and windows are designed, constructed and maintained in accordance with Section 2 of *AS1926.1-1993*.
- Access to a swimming pool/spa via a garage – a wall of a building that is used as part of the barrier may contain a door or window only if the door is designed, constructed and maintained in accordance with Section 2 of *AS1926.1-1993*.

Barriers for swimming pools and spas approved on or after 5 November 2001:

- Must have a suitable barrier that may consist of a fence, wall or gate, as long as each part complies with the relevant requirements of the Australian Standards.
- May include walls, however:
 - i) Any wall forming part of the barrier must not contain a door unless the door is permanently sealed closed. Note: All door hardware must be removed.
 - ii) Any wall forming part of the barrier may have a window, provided that the window complies with the requirements of the Australian Standards. The window must not be able to be opened more than 100mm and require a tool to be removed, or, have a security screen installed over the open portion of the window. Note: Key locks or finger loosened devices are not an acceptable form of window lock.
- Access to a swimming pool/spa via a garage – A garage door is not permitted to open directly to a pool area, either through a roller door or hinged door. A complying fence must be installed between the door and the pool or spa.

Barriers for swimming pools and spas approved on or after 1 May 2016:

- Must have a boundary fence between owner/occupier, the neighbour or public property that is a minimum of 1.8m in height with a non-climbable zone of 900mm from the top of the owner/occupier side of the fence if they form part of the security barrier. Note: Fences to public property must also meet the relevant planning requirements.

- Must have an internal barrier fence and gate accessing the part of the property containing the pool or spa in accordance with the Australian Standards.
- Access to a swimming pool/spa via a garage – A garage door is not permitted to open directly to a pool area, either through a roller door or hinged door. A complying fence must be installed between the door and the pool or spa.
- May include walls, however:
 - i) Any wall forming part of the barrier must not contain a door unless the door is permanently sealed closed. Note: All door hardware must be removed.
 - ii) Any wall forming part of the barrier may have a window, provided that the window complies with the requirements of the Australian Standards. The window must not be able to be opened more than 100mm and require a tool to be removed, or, have a security screen installed over the open portion of the window. Note: Key locks or finger loosened devices are not an acceptable form of windowlock.

Internal barrier fences and gates specifications for swimming pools and spas:

Fences and gates accessing the part of the yard containing a swimming pool/spa must conform to the following:

- Must be at least 1.2m high
- Gates must swing outward away from the swimming pool/spa
- Gates must have a closer that will make the gate shut from any position
- Must have a latch that self-engages when the spring closes the gate
- Must have the latch release at least 1.5m above the outside finished ground level or other permanent stable surface.
- Must not have rails or braces that would enable a child to climb towards the latch release
- Maximum spaces between vertical members of no more than 100mm
- Maximum space under a fence of no more than 100mm
- Fences, gates and balconies must not have any rails or other non-vertical parts (horizontal) closer together than 900mm.

The role of local government

Local governments are responsible for monitoring compliance with the requirements and approving the construction or installation of swimming pool/spa and their barriers.

Local governments carry out inspections of swimming pool/spa barriers at least once every four years. The fee for the inspection is incorporated in your rates.

In addition to the statutory swimming pool/spa inspection requirements, the Shire provides a swimming pool/spa inspection and report service upon request. The fee for an inspection is listed in the Shire's *Building Services Schedule of Fees*.

Penalties for non-compliance

Owners and occupiers face a maximum penalty of \$5,000 for non-compliance.

New swimming pools and spas

Building permit requirements

An owner is required to obtain a building permit from the Shire before constructing or installing a new swimming pool/ spa that will contain more than 300mm (30cm) of water.

A building permit is required for a swimming pool/spa barrier. This can include parts of the house acting as part of the barrier. This application may be submitted together with the swimming pool/spa, or as a separate application.

Building permit application forms (certified or uncertified) are available on the Building Commission's website buildingcommission.wa.gov.au

Certified building permit applications must be accompanied with a Certificate of Design Compliance.

Please refer to the Shire's Uncertified Building Application Checklist – Swimming Pools and/or Barrier (Class 10b) for information required to be provided with an Uncertified Building Permit Application (BA2 form). This checklist and further information on Building Permit Applications is available on the Shire's website.

Inspection requirements

Prior to adding water to the swimming pool/spa a compliant barrier must be installed.

It is the owner's responsibility to notify the Shire that the construction is complete and ready for inspection. A suitable time will then be arranged for an inspection.

Further information

Due to the highly technical nature of regulations and standards applicable to safety barriers for pools and spas, the information and requirements listed above are neither complete nor exhaustive but are provided on the basis for ease of reference. It is recommended that this information be read in conjunction with Rules for Pools and Spas available on the Building Commission website buildingcommission.wa.gov.au

Rules for pools and spas

For further information please contact the Shire on (08) 9920 5011.