



Swimming Pool & Spa Safety Barriers

Who is looking out for you?

Children love the water, but the question is, with summer coming does your pool or spa comply, and do you constantly supervise the children while they are enjoying the pool or spa?

Two important measures to prevent drowning or near drowning are compliant barriers around the pool or spa, and constant supervision of children. If you own a pool or spa the building regulations place responsibility on you to make sure that barriers are in place to restrict children from entering the pool area. If children are in the pool area, make sure that there is constant adult supervision, and if that adult is to leave the pool area the children should leave with the adult.

With compliant safety barriers and your supervision plan in place it is imperative that an ongoing maintenance program is undertaken to ensure that the barriers fulfil their intended purpose.

Key points to constantly check are:

- Are pool fences, fences, gates, doors and windows that form the barrier fitted and maintained to operate correctly?
- Are all safety barriers such as gates and doors not left open or propped open?
- Is landscaping maintained to ensure that tree branches, pot plants, etc. are not climbable by young children to gain access to the swimming pool/spa?
- Have you checked the general area surrounding safety barriers to ensure that chairs, boxes, ropes, pool pumps, clothes lines, dog kennels, children's play equipment etc. are not able to be climbed by young children to gain access to the swimming pool/spa?
- Have you inspected adjoining properties at the fence line to ensure that, over time, there has not developed potential hazards or climbable objects that may allow access by young children to the pool/spa?
- Have you a supervision plan to maintain constant visual contact of children in the pool/spa area? Remember "Never take your eyes off them or leave kids unsupervised".
- If you are the supervisor and you leave the pool/spa area do you take children with you?

Although summer is over pool and spa safety is all year round

Any time is a good time to check the safety barriers that guard your swimming pool and/or spa, in fact, safety barriers should be checked all year round. It is not enough to have barriers installed but not keep them maintained. If you have a pool and/or spa at the house where you live the Building Regulations require you to maintain the safety barrier, including all fences, gates, doors windows and walls forming that barrier. Regular checking against the following list will assist you in meeting your obligations:

- ? Do all gates and doors to the pool/spa area automatically return to the closed and latched position without assistance?
- ? Do fittings, such as hinges, self-closers, catches and bolts to gates, doors and windows to the pool/spa area operate effectively?
- ? Are fences, gates, fly-screens and other barriers to the pool/spa area in sound condition and functional as intended?
- ? Have climbable objects, such as tree branches, pot plants or other items within a 1200mm radius of a pool/spa barrier, been immediately removed?
- ? Where a boundary fence forms a barrier to the pool/spa area, could it enable a child to gain access to the pool area from the adjoining property. Has this been rectified?
- ? Have I made sure that a small child could not enter the pool/spa area at times where there isn't appropriate supervision?

If you have any technical questions regarding pool safety within East Gippsland Shire please call the above numbers for details on pool and spa barriers.



Pool & Spa Safety

Safety Barriers for Child Protection

Any excavation or structure containing water (rigid or flexible), and used primarily for swimming, wading, paddling, or the like, including a bathing or wading pool or spa, is defined as a swimming pool. Safety barriers **must** be provided to all swimming pools or spas capable of exceeding 300 mm (11¾ inches) depth of water.

Do I need a Building Permit

YES. A Building Permit must be obtained for a swimming pool or spa with a depth of more than 300 mm (11¾ inches). This permit must include the pool safety barriers.

YES. A Building Permit must be obtained for the construction of pool safety barriers for pools and spas with a depth greater than 300 mm (11¾ inches), including portable spas and small above ground swimming pools. The erection of any barrier requires a building permit.

These are requirements of the Building Regulations 1994, 2005 and 2006, which are designed to protect children from gaining access to the swimming pool or spa area. The requirements are designed to maximise the safety of children, especially those under the age of five years.

Safety barriers may be specially constructed fencing and buildings with doors, gates and windows constructed with fittings to prevent access by young children.

Door, Windows and Gates: Fittings and Latching Devices

Direction of opening

Gates shall be hung so that they only swing outwards, i.e. away from the pool area.

Gates & Doors

Self-latching and self-closing devices are required on all gates and doors that lead into the pool enclosure area.

Windows

Where the sill height of windows is at or below 1200 mm from floor level they must be provided with securely fixed screens, or limit the opening portion to 100 mm (approximately 4 inches).

Self-closing devices

All doors and gates leading into the pool enclosure must be fitted with a device that will return the gate to the closed position and operate the latching device from any position (including resting against the lock or latch) from a stationary start without the application of a manual force.

Self-Latching device

All doors and gates leading to the pool enclosure must be fitted with a device that will automatically operate on the closing of the gate or door and will prevent the gate or door from being opened without being manually released. The release for the self-latching device must be not less than 1500 mm above the floor or ground level

The **Self Latching** and **Self Closing** devices must also operate with a weight of 25 kg (eg. the weight of a child) suspended from the top rail of the gate at a distance of 100 mm in from the lock stile.

Clearance

There must be no climbable features within a 1200 mm quadrant from the top of the safety barrier (eg. trees, filter or heating equipment, fences, rails, play equipment).

Vision

Provide full vision into the pool enclosure area. There should not be any blind or hiding spots eg. behind sheds etc. It should be possible to see children at all times.

Types of Fencing

Fencing for pools and spas constructed or approved after 8th April 1991 **must** comply with the requirements of AS 1926.1, which is the national code – “Fencing for swimming pools”.

Boundary Fences

Title boundary fences (palings) can be used as safety barriers as follows:

- Be at least 1200 mm high, with the top of the palings not less than 1100 mm above the top of the plinth.
- Have palings on the approach side (outside the pool area), or the rails covered with material that will render them unclimbable (eg perforated material or mesh with apertures not greater than 13 mm with strainer wire top and bottom).
- The height of any opening between the bottom of the fence and the finished ground level shall be no greater than 100 mm.
- Be capable of sustaining a force of 300N applied in any direction without breaking or dislodging of palings.

Paling fences must be kept in good condition with no loose, cupped or rotted palings or rusted fixing nails which may make the fence climbable or unable to meet the strength requirements.

Fences made from other materials

Fabricated Metal Fences (small section steel, aluminium or other suitable metals:

Significant dimensions:

- Effective height of the fence must be at least 1200 mm.
- Vertical members are to be spaced not more than 100 mm apart.
- Horizontal members are to be placed a minimum of 900 mm apart vertically. Where there are two or more horizontal members the 900 mm measurement is made from the top surface of the highest lower member to the top surface of the lowest upper member.
- The top surface of the highest of the lower group of horizontal members must be at least 1100 mm below the top of the fencing.
- The height of any opening between the bottom of the fence and the finished ground level must be no greater than 100 mm.

Post and Rail Construction

Construction material: Palings, galvanized steel, fibre cement (fibro), aluminium or similar profile, or flat wall materials.

Significant dimensions:

- Effective height of the fence must be at least 1200 mm.
- Rails, if on the approach side or outside of fencing, are to be not less than 900 mm apart measured between the top surfaces of the rails.
- The top surface of the lower rail is to be at least 1100 mm from the top of the fencing.
- The height of any opening between the bottom of the fence and the finished ground level shall be no greater than 100 mm.

There must be a height of at least 900 mm clear of any potential handholds or foot holds and any footholds at the bottom of this clear distance must be at least 1100 mm from the top of the fencing.

Picket fences must also meet the above requirements if pickets are spaced more than 10 mm apart or the rails are on the outside. In any event pickets must not be spaced more than 100 mm apart.

Perforated materials, wire mesh or fabric fences

Significant dimensions:

- Where the material has openings greater than 13 mm but less than 100 mm - the effective height shall be not less than 2400 mm.
- Material with openings greater than 100 mm shall not be used.
- The height of any opening between the bottom of the fence and the finished ground level shall be no greater than 100 mm.
- Fencing using mesh shall include a strainer wire at the top and the bottom of the fence.

Infill Panel Fences

Construction materials: glass fibre reinforced plastics, reinforced glass, timber, plywood, exterior grades of hardboard or other sheet products in framed ledge or panel construction.

Significant dimensions:

- Any potential climbing holds to be at least 900mm apart vertically.
- The lower of any climbing holds between which the vertical distance of 900 mm is measured is to be at least 1100 mm below a height of 1200 mm and is not to exceed 100 mm.
- The height of any opening between the bottom of the fence and the finished ground level shall be no greater than 100 mm.
- It will be necessary to ensure that sheet material is sufficiently rigid and adequately attached to its frame.

Masonry Fences

Construction materials: bricks, blocks or other masonry.

Significant dimensions:

- Any projections, indentations, or a combination of these having a depth greater than 10 mm are to be spaced at least 900 mm apart vertically.
- The lower of any such projections or indentations is to be at least 1100 mm below the top of the fencing.

Brushwood Fences

Significant requirements:

- Brushwood must be tightly packed.
- Wires on the outside of the fence must be interwoven into the brushwood, in order not to provide a foothold for young children.

Fences with Horizontal Climbable Features

Features such as rails, rods, wires or bracings, that could be used as holds for climbing located on the outside of the fencing, or where vertical members are spaced such that they provide clear openings of more than 10 mm width must comply as follows:

Significant dimensions:

- Horizontal members shall be not less than 900 mm vertically between footholds. Where there are two or more horizontal members, this measurement shall be made from the top surface of the highest lower member to the top surface of the lowest upper member. Where the fence is for a sloping site, the distance between the top surface of the highest lower member and the top surface of the lowest upper member shall be not less than 900 mm, measured perpendicular to the finished ground level.
- The top surface of the highest lower horizontal member shall be at least 1.1 m below the top of the fence.

NOTE: Substantially horizontal surfaces such as rails, rods, wires, or bracings that could be used as holds for climbing, and which comply with the items above should be located on the inside of the fence.

Retaining Walls

Retaining walls are climbable objects when they comply with the provisions for masonry fences. Refer diagram. An additional child safety barrier may be required.

Pools & Spas Constructed or Approved before 8th April 1991

Title boundary fences

A paling or imperforate fence can be used with swimming pools and spas in existence prior to 8 April 1991 and must:

- be at least 1500 mm high measured on the approach side,
- be in sound condition with no loose, cupped or rotted palings, or rusted fixing nails.

Fences made from other materials.

Fences made from other materials that are not imperforate (i.e. with holes or openings) (e.g. mesh, picket etc) **must** comply with the requirements of AS 1926.1.

Doors and gates

All doors and gates in pool barriers must be fitted with Self Latching and Self Closing devices.

This requirement for self-closing devices also applies to existing pool barriers that were compliant under the old legislation.

All building work to construct or alter a pool safety barrier now requires a Building Permit. A Certificate of Final Inspection will provide the certification that the pool safety barrier is in compliance with the requirements of the new regulations.

Windows that open on to the pool/spa area must comply with one of the following.

1. Be limited to an opening distance of no more than 100 mm.
2. Have securely fitted flyscreens.
3. Be located with a sill not less than 1500 mm above the floor level of the room containing the window.
4. Have catches, locks or bolts located not less than 1500 mm above the floor level of the room containing the window.
5. Be not less than 2400 mm above the ground or paving immediately external to the window.

OBLIGATION ON PROPERTY OCCUPIERS

Legislation now places the responsibility for ensuring ongoing maintenance of the safety barriers directly upon the occupier of the premises. The building legislation also makes it an offence to leave a pool barrier door or gate open or to prop it open for any reason.

The state legislation now imposes a fine of greater than \$5,000.00 for breaches of these safety requirements.

Please note: The information contained herein is subject to legislative change. Please contact the Municipal or Private Building Surveyor prior to constructing the pool, spa and barrier.

Answers to Commonly Asked Questions

1) *What if I have an above-ground swimming pool or spa?*

All existing and new above ground pools and spa's require a barrier, even if the sides are greater than 1.2 metres high. When steps or other climbing objects (such as a pool ladder, pool filter and pump equipment) are within 1200 mm of the pool or spa, then a fully compliant barrier is required.

2) *I have recently purchased a house where there is no fence around the swimming pool or spa. Whose responsibility is it to install a fence?*

As the new owner, you are responsible for ensuring that the safety barrier is provided. If you own, or are purchasing a home with a swimming pool or spa, and are not sure that the swimming pool or spa fence or barrier complies, check with a private surveyor or your local council building surveyor.

3) *I have recently purchased an inflatable swimming pool. Does it require fencing?*

Yes. All inflatable swimming pools capable of containing 300 mm or more depth of water require a safety barrier. This may be typical swimming pool fencing, boundary fencing with additional consideration, and/or treatment to gates, fences, walls, doors and windows of the house, or any combination of these.

4) *I have recently installed a cover over the swimming pool or spa. Does it comply with the legislation?*

The placing of a cover or lid over the swimming pool or spa does not comply and is not acceptable. You are required to provide a safety barrier.

5) *How do I know if the barrier around my swimming pool complies with the law?*

Your local private building surveyor or municipal building surveyor can provide you with further written details of what is required for compliance usually on a fee for service basis.

6) *Can the pool be placed in the front yard?*

Yes the pool may be placed in the front yard but must comply with all safety barrier requirements. The need to provide the safety barrier does not override other fencing legislation.

7) *I have a doorway leading into a pool area, and the opening contains a solid door as well as a flywire door. Which door must comply with the Regulations?*

It is only necessary to fit child-resistant door latches and self closing devices to one of the doors. In choosing which door, you must ensure that access will be restricted to the pool area, and that the door will form part of the continuous pool barrier. In the case where the door chosen is a screen door, it is recommended that the door be of solid construction with securely fitted fly wire eg. a security screen. The door must be kept closed and latched or locked at all times, except when a person is in the act of entering or leaving the pool area.

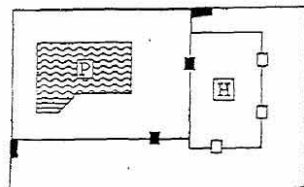
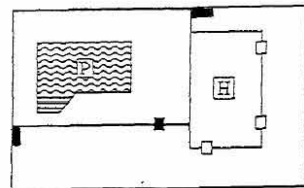
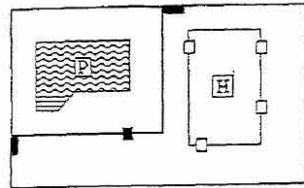
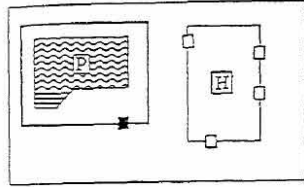
For more information see;

www.kidsafe.com.au/watersafety.pdf.

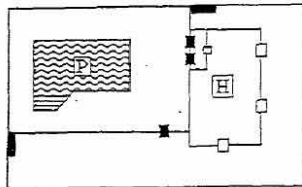
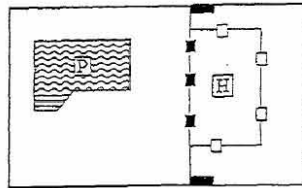
The Building Commission also has information on Pool Safety Barriers.
<http://www.buildingcommission.com.au/www/default.asp?casid=3593>

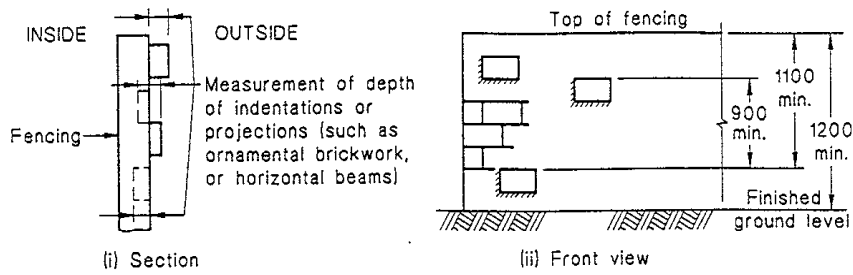
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ACCEPTABLE SOLUTIONS

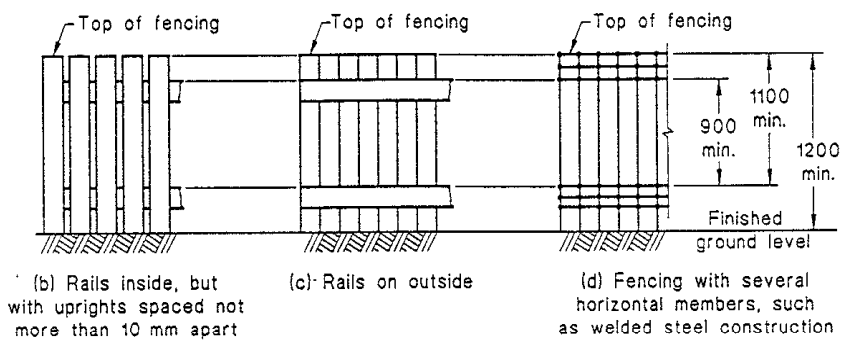


- H = House
- P = Pool
- = Ordinary Window/ Door
- ✕ = Door, Window, Gate or Fastening as approved.
- = Perimeter Fastener
- = Fence as suitable barrier or safety barrier
- = side / abutting fence to be rendered unclimbable



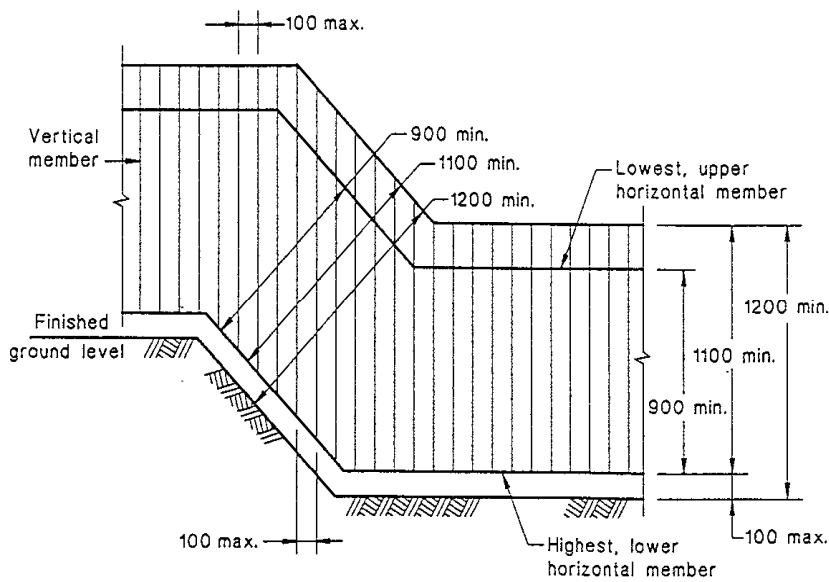


(a) Fencing with projections such as ornamental brick or stonework



DIMENSIONS IN MILLIMETRES

FIGURE 2.1 EFFECTIVE FENCING HEIGHT

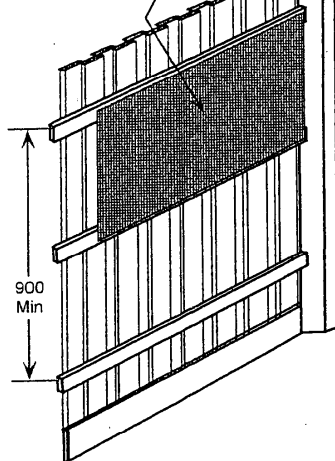


DIMENSION IN MILLIMETRES

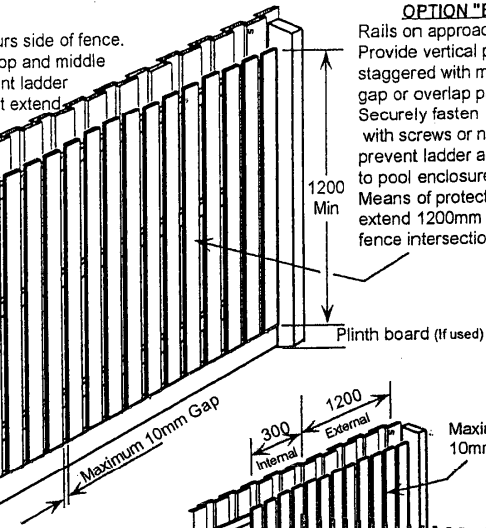
FIGURE 2.2 PERPENDICULAR FENCING DIMENSIONS ON SLOPING GROUND

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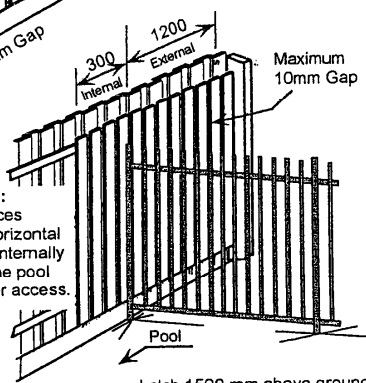
OPTION "C"
 Where Horizontal rails are on approach or neighbours side of fence. Place wire mesh with maximum 13mm apertures to top and middle rails to eliminate middle rail as a foothold and prevent ladder access to pool enclosure. Means of prevention must extend 1200mm beyond fence intersections. Securely fasten with screws or nails. Use OPTION "B" if fence not in "as new" condition.



OPTION "B"
 Rails on approach side. Provide vertical palings staggered with max. 10mm gap or overlap palings. Securely fasten with screws or nails, to prevent ladder access to pool enclosure. Means of protection must extend 1200mm beyond fence intersections.

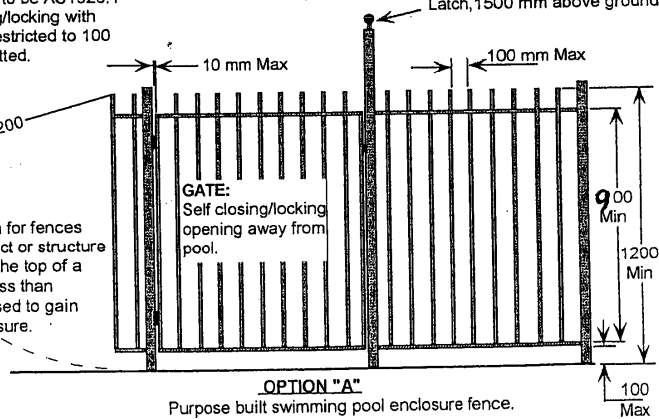


Intersecting Fences:
 All pool enclosure fences intersecting to have horizontal rails covered 300mm internally & 1200 externally of the pool area, to prevent ladder access.



OPTION "D": (not illustrated)
 Buildings adjacent to pool enclosure being used as a swimming pool safety barrier to be AS1926.1 compliant. Doors to be self closing/locking with latch 1500 high. Windows to be restricted to 100 max opening. Key locks not permitted.

NOTE:
 Typical of all types of construction for fences used for pool enclosures. No object or structure to be within a 1200 mm radius of the top of a swimming pool safety fence not less than 1200 mm in height, that can be used to gain ladder access into the pool enclosure.



FENCE OPTION DETAIL (SCALE: NTS)

DISCLAIMER- Fence options provided are examples of requirements as per the Australian Standard for swimming pool safety, AS 1926.1-1993.