Swimming Pool & Spa Safety Barriers

July 1994 saw the introduction of retrospective Building Regulations in Victoria for all pools built prior to 8 April 1991. The retrospective Regulation gave existing pool Owners 3 years to ensure compliance of their swimming pool or spa. Prior to this there was only a requirement under the Building Code of Australia for new pools to be provided with a compliant safety barrier.

Today, all pools and spas, either existing or new, must have compliant safety barriers. It is the responsibility of the building Owner to ensure compliant barriers are in place and maintained in proper working order.

What is a swimming pool?

A swimming pool or spa is any excavation or structure containing water and principally used, or designed, manufactured or adapted to be principally used for swimming, wading, paddling or the like, including a bathing or wading pool, or spa. This includes in-ground swimming pools, jacuzzis, indoor swimming pools, above-ground swimming pools, spas, bathing and wading pools and hot tubs.

What are safety barriers?

Safety barriers are designed to restrict unsupervised entry to the swimming pool or spa area by young children. “Safety barrier” refers to a fence, wall, gate or screen, and includes doors, gates, windows, locks, latches, hinges and self-closing devices attached to them.

From 1 May 2010 outdoor pools cannot be accessed directly from a building or adjoining property. This only applies for new Building Permits issued after 1 May 2010.

Safety barriers are not required for:

- Structures not used principally for swimming, paddling or wading, including bird baths, fish ponds, fountains, dams and water supply/storage tanks
- Swimming pools or spas not capable of containing a depth of water greater than 300 mm
- Inflatable swimming pools (typically toddler or wading pools) not capable of containing a depth of water greater than 300 mm
- Spas inside a building that are used for personal hygiene, such as a spa bath in a bathroom.

When is a Building Permit required?

A Building Permit is required for the construction of, and alterations to, all swimming pools, in ground and above ground; spas and associated safety barriers.

The Building Permit documentation must include details of

- The type and location of the safety barriers, including fences, gates, doors, windows, latches, catches, self-closing devices and mesh screens
- Water reticulation and filtration equipment.

Once a permit is issued for construction, safety barriers must be completed within 6 months of building work commencing on the swimming pool or spa.
Council Policy

It is Council’s responsibility to ensure the compliance of all existing pools within the Municipality once it has been made aware of any non-compliance. Where an existing pool is identified as non compliant, whether it be alterations or poor maintenance to existing safety barriers or no safety barriers provided at all, Council will take action to inspect the site and proceed with enforcement, as necessary.

Council currently operates a Proactive and Reactive Policy to monitor compliance of swimming pools and spas within the Municipality.

Proactive Policy

Council actively seeks out non-compliance of swimming pools and spas. The aim of this policy is to identify non-compliance while also providing an opportunity for education of property owners and provision of resources and information to assist in the long-term, effective maintenance of their pools and spas.

Re-active Policy

Council responds to non-compliance as it becomes aware of specific or potential circumstances. This may be from internal or external sources. Once aware of non-compliance, Council is responsible for undertaking an audit and inspection process to determine the level of non-compliance and commence enforcement action, as necessary.

How Can Owners and Occupiers Ensure Compliance of Existing Pool & Spa Barriers?

Owners

An Owner of an allotment that contains, or where it is proposed to construct, a swimming pool/spa and associated barrier are responsible for the following:

- Obtain a Building Permit for all new or significant alterations to a swimming pool and associated safety barriers.
- Provide a compliant safety barrier to the pool and/or spa.

Owners and Occupiers

An occupier of an allotment or building containing a pool must:

- maintain and ensure that the swimming pool barrier, door, gate lock, latch, catch, bolt or fly screen restricting access to the swimming pool or spa area is maintained and operating effectively at all times (50 penalty units i.e. $5,000 nominal per infringement for non compliance; and,
- ensure that any gate or door forming part of a swimming pool or spa barrier or fence that provides access to the swimming pool or spa is in the closed position except when a person is in the act of entering or leaving the swimming pool or spa. The gate must never be chocked ajar or tied back in the open position; and,
- Provide adequate supervision to young children at all times when the pool is in use and ensure the area is secure after each use.
- Follow a Maintenance Program- Regular inspection and maintenance of safety barriers is key to ensuring ongoing compliance and safe operation of barriers and their operational elements.
A Guide to Safety Barrier Compliance

When you are thinking about constructing new barriers or maintaining existing ones, how do you know what to look for to ensure your barrier complies with Victorian Building Regulations? The following guide has been provided to outline the major compliance areas of pool and spa safety barriers to assist with designing or maintaining a safety barrier.

Definitions

Fence—the assembly of components natural or otherwise, which form the intended barrier to the pool, exclusive of gates or doorsets. The fence includes items such as posts and panels, constructed or natural walls, sides of buildings, child-resistant windows, balustrades on a balcony, where they form part of the intended barrier.

Fencing—a barrier comprising a fence and associated gate or gates, or child-resistant doorsets.

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.

Gate—any portion of the fencing other than a child-resistant doorset that is designed to provide an access way through the intended barrier.

Inside of the fencing—that side of a fence or gate which faces the pool area.

Outside of the fencing—that side of a fence or gate which faces away from the pool area.

Swimming pool—any excavation or structure capable of 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.

Exclusions—temporarily erected children’s paddling pool (emptied after each use), domestic spa baths (emptied after each use), dams or other man-made bodies of water not principally used as defined under the definition of a swimming pool such as fountains, ornamental ponds and fish ponds.

Building a swimming pool and fence requires a Building Permit

The Building Act 1993 and Building Regulations 2006 require an owner to obtain a Building Permit for the construction of all pools (including above ground) and spas that are capable of containing a depth of water greater than 300mm. A Building Permit is required for installing and altering all swimming pool and spa safety fences and barriers including windows, doors and gates that provide access to a pool or spa area.

The circumstances where a swimming pool safety barrier/fence would require a Building Permit relate to building work involving the installation of isolation fencing around an existing unfenced swimming pool/spa or the relocation and/or extension of a swimming pool safety barrier/fence. This would be classed as new work as opposed to the repair or renewal of an existing safety barrier/fence.

The permit must be issued by a municipal or private Building Surveyor. An application for a Building Permit must include details of the type and location of all barriers, fences, gates, doors, windows, latches, catches, self-closing devices and fly screens.

Exemptions

If the building work falls into the category of repair or renewal of any part of an existing swimming pool safety barrier/fence exemption from a Building Permit for maintenance may apply.

In determining whether building work is exempt, the key criteria to consider are:

- The work is for maintenance purposes only;
- Similar materials to those being replaced are being used; and
- The work will not adversely affect the safety of the public or occupier of the building.
- It is assumed that the existing safety barrier/fence being replaced would have complied with the Regulations and that the repair or renewal work would not alter compliance with the Regulations.

If you are in any doubt, please contact the Building Services Unit of Maroondah City Council on 9298 4327 or a private Building Surveyor for further advice.
Use a Registered Building Practitioner

If the value of the work for the swimming pool and/or fencing is greater than $5,000 (including labour and materials) the Builder must be registered as a building practitioner with the Building Practitioners Board.

How to use this guide:

1. Identify the year of construction of your pool
2. Follow the sections outlined in this guide
3. Contact Building Services Unit on 9298 4327 for further information

There have been a number of changes to the standard over the years. The year in which your pool was constructed will dictate the specific compliance elements of your safety barrier. It is not possible to adopt compliance elements from different versions of the Standard. E.g. if your pool was constructed in 1998 then A.S 1926.1 – 1993 applies and the pool barrier must comply with the requirements of this standard alone.

The following key should be used to determine which parts of this guide apply to your pool.

- **Constructed Pre 1991 – Prior to 8 April 1991**
  (Regulation 702-705 and A.S 1926.1 – 1993 apply)

- **Constructed between 1991 and 2010 - 8 April 1991 to 30 April 2010**
  (A.S 1926.1 – 1993 applies)

- **Constructed between 2010 and 2012 –1 May 2010 to 30 April 2012**
  (A.S 1926.1 2010 applies)

- **Constructed after 2012 –after 1 May 2012**
  (A.S 1926.1 2010 applies)

Disclaimer

This guide has been prepared with the intention to assist on the interpretation of safety requirements regarding swimming pool access required under The Building Regulations 2006 (main regulations), the Building Code of Australia (BCA) and AS 1926.1-1993, 2007, 2010 and 2012 editions (the Standard). These documents spell out the minimum safety requirements for swimming pools constructed or for which a Building Permit was issued after 08/04/1991. This information is provided in good faith and no responsibility is accepted for any errors or omissions. A person obtaining information through this handout is not exempted from any requirement that may be part of the documents mentioned above, if this requirement is found not to be clearly explained or omitted from this handout.

For more information contact Maroondah City Council Building Services Unit 9298 4327 or the Victorian Building Authority on 1300 815 127.
### Height and Dimensions

<table>
<thead>
<tr>
<th>Constructed Pre 1991 (Regulation 702-705)</th>
<th>Constructed between 1991 and 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Paling or imperforate fence not less than 1.5m in height</td>
<td>- Minimum effective height above the ground surface level below of 1200mm</td>
</tr>
<tr>
<td>- Barrier may include a wall of a building with compliant doors and windows</td>
<td>- Minimum 1200mm quadrant of radius on the outside of the barrier</td>
</tr>
<tr>
<td>- Minimum 1200mm quadrant of radius on the outside of the barrier</td>
<td>- Non-climbable objects allowed to encroach in the radius</td>
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<td>- Non-climbable objects allowed to encroach in the radius</td>
<td>- No horizontal members or climbable objects within 300mm on the inside of the barrier</td>
</tr>
<tr>
<td>- Minimum 1200mm quadrant of radius on the outside of the barrier</td>
<td>- Vertical members spaced not more than 100mm apart</td>
</tr>
<tr>
<td>- Non-climbable objects allowed to encroach in the radius</td>
<td>- Min 900mm non-climbable zone between horizontal members</td>
</tr>
<tr>
<td>- No horizontal members or climbable objects within 300mm on the inside of the barrier</td>
<td>- Maximum 100mm gap between underside of fencing and ground level below</td>
</tr>
<tr>
<td>- Vertical members spaced not more than 100mm apart</td>
<td>- Mesh fence or the like to have aperture not greater than 13mm; or, where apertures greater than 13mm but not more than 100mm the effective fence height to be not less than 2400mm or be not less than 1.8m with a 450mm cranked section facing away from the pool enclosure at the top</td>
</tr>
<tr>
<td>- Min 900mm non-climbable zone between horizontal members</td>
<td>- Surface projections or indentations not to form a horizontal surface greater than 10mm</td>
</tr>
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<td>- Maximum 100mm gap between underside of fencing and ground level below</td>
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</tr>
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<td></td>
</tr>
</tbody>
</table>

![Image](image_url)
As for 1991-2010 pools with the exception of below:
- Minimum 900mm quadrant of radius on the outside of the barrier
- Min 900mm between the lowest of the top horizontal members and the highest of the bottom horizontal members
• Minimum effective height above the ground surface level below of 1200mm.
• Maximum 100mm gap between underside of fencing and ground level below
• 4 non-climbable zones incorporating 900mm above the top of the fence, below the top of the fence and across the perpendicular height of the fence and/or between horizontal members
• Barriers with an effective height above 1800mm are not required to have any non-climbable zones but must still comply with all other dimensional requirements
• Where a barrier with a height less than 1800 mm intersects with a barrier with a height not less than 1800 mm at an angle greater than 90° then the required 900mm NCZ on the lower barrier shall extend 900 mm beyond that intersection.

Perforated Materials & Mesh:
• Shall be not less than 1200mm with an aperture not greater than 13mm, or;
• Shall be not less than 1800mm with an aperture not less than 13mm but not greater than 100mm.

Glass Barriers:
• Glass will comply with A.S 1288
• If pivot hinges are use minimum Non-Climbable zones as per the adjacent figure will be provided.

Surface Projection or Indentations:
• No projection or indentation shall have a horizontal surface greater than 10mm in depth; otherwise it will comply with a minimum 900mm Climbable zone to any other projection, indentation or other horizontal component of the barrier.
Gates/Doors/Latches

**Constructed Pre 1991**
- Door or gate must be self-locking or self-latching
- Opening mechanism not less than 1.5m above ground level
- Door or gate to open away from the pool enclosure
- Fitted with a device that returns the door or gate to the closed position

**Constructed between 1991 and 2010**
- Door or gate to open away from the pool enclosure
- Fitted with a self-closing device
- All locks to be self-latching
- Latch release to be min 1.5m above the ground level or 1.4m above the highest lower horizontal member; or
- Latch to be mounted so that it will be necessary to reach over or through the fencing at a height not less than 1.2m above ground level and be at least 150mm below the top of the gate or 150mm away from the edge of any hand hole provided.
- Where the latch release is mounted less than 1.5m above floor level it shall be shielded by at least 450mm from the operating parts of the latch.

**Constructed between 2010 and 2013**
- As for 1991-2010 pools with the exception of below:
- No doors are permitted to access an outdoor pool or spa enclosure from an associated dwelling.

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Maroondah City Council – Building Services – Guide to Swimming Pool and Spa Safety Barriers
Latch release to be min 1.5m above the ground surface below, or;
- Not be located on the outside of the barrier, and;
- Be positioned so that the to release the latch from the outside it is necessary to reach over the fence at a height not less than 1200mm above the ground level or 1000mm above the highest lower horizontal member, and;
- Be at least 150mm below the top of the barrier if a hand hole is provided.

Shielding:
- No openings greater than 10mm will occur within a 450mm radius of the latch release with the exception of a hand hole that complies as outlined above.

**Windows**

**Constructed Pre 1991**
- Windows in walls used as barriers must be not less than 2.4m above ground level immediately external to the window; or
- Not less than 1.5m above the floor of the room containing the window; or
- Have a catch, bolt, lock or the like not less than 1.5m above the floor of the room containing the window that restricts its opening to not more than 125mm; or have a securely fitted fly screen

**Constructed between 1991 and 2010**
- For windows where the height of the sill of the lowest opening panel of a window to the safety barrier is less than 2.4m in height:
  - Where the height of the sill of the lowest opening panel to the floor is not greater than 900mm (h2) the openable portion must be protected by bars or mesh that can only be removed by use of a tool (e.g. screwdriver)
  - Where the height of the sill of the lowest opening panel of a window to the floor is greater than 900mm but not greater than 1200mm (h2) the openable portion shall comply as above or have a securely fixed flyscreen
  - Otherwise the distance from the floor to the sill of the lowest opening panel must be greater than 1.2m (h2), in which case no specific requirements apply.
For windows where the height of the sill of the lowest opening panel of a window to the safety barrier is less than 1.8m in height:

- Where the height of the sill of the lowest opening panel to the floor is not greater than 900mm (h2) the openable portion must be protected by bars or mesh that can only be removed by use of a tool (e.g. screwdriver), or;
- Windows shall be fixed to the building with fasteners that can only be removed by the use of a tool and will only open to a maximum of 100 mm.
- Where the height of the sill of the lowest opening panel of a window to the floor is greater than 900mm but not greater than 1200mm (h2) the openable portion shall comply as above or have a securely fixed flyscreen
- Otherwise the distance from the floor to the sill of the lowest opening panel must be greater than 1.2m (h2), in which case no specific requirements apply.

For windows where the height of the sill of the lowest opening panel of a window to the safety barrier is less than 1.8m in height:

- Be totally covered by bars or a metal screen that are fixed to the building with fasteners that can only be removed with the use of a tool. Openings in the mesh or bars must not be greater than 100mm; or
- The window to be fixed to the building with fasteners that can only be removed by the use of tool so that it will remain closed or will open to a maximum of 100mm.
<table>
<thead>
<tr>
<th>Retaining Walls</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Constructed Pre 1991 (Regulation 702 - 705)</strong></td>
</tr>
</tbody>
</table>
| **Constructed between 1991 and 2010** | On the high side of the pool:  
- Not less than 2.4m in height;  
and,  
- Slope away from pool not greater than 15° to vertical  
On the low side of the pool:  
- Does not slope towards pool greater than 15°; and,  
- Has an effective height of 1.2m and no surface indentations or penetrations greater than 10mm horizontal surface; or,  
- Has an effective height of not less than 2.4m. |
As for 1991-2010 pool barriers

**Constructed between 2010 - 2013**

On the high side of the pool:
- Slope away from pool not greater than 15° to vertical; and,
- If less than 1.8m in height must be compliant with effective height, non-climbable zones and projections/indentations.

On the low side of the pool:
- Slope towards the pool not greater than 15° to vertical; and,
- If less than 1.8m in height must be compliant with effective height, non-climbable zones and projections/indentations.

Steps, retaining walls or other objects that would otherwise reduce the height of a barrier not to be located closer than 500mm to the barrier.

**Constructed after 2013**

![Diagram of pool barrier requirements](image-url)
Property Boundary

**Construct Pre 1991** (Regulation 702 - 705)
- Paling or imperforate fence not less than 1.5m in height
- Can use boundary fence if it complies with the requirements of barriers outlined in this document (heights/ gates & latches)

**Construct between 1991 and 2010**
No mention of use of property boundary fence but acceptable as long as it meets all the construction requirements for pool barriers outlined above and in A.S 1926.1-1993

**Construct between 2010 - 2012**
Boundary fence allowed to form part of the pool barrier but must be minimum 1.8m high with no climbable zone on the inside of the pool enclosure

**Construct after 2013**
Boundary Barriers must have a height not less than 1800mm and:
- Have a Non-climbable zone (NCZ5) which is a quadrant of radius of 900mm down from the top of the fence on the inside.
- A barrier that intersects the boundary fence and has top rail with a width not greater than 50mm is allowed to overlap the NCZ5.
- A barrier that intersects the boundary fence and has a top rail with a width greater than 50mm that is located within the NCZ5 must be a minimum of 1800mm high for a distance of 900mm from the point of intersections.
### Above-ground Pools

| Constructed Pre 1991  
<table>
<thead>
<tr>
<th>Regulation 702-705</th>
<th>Barriers to comply with the construction requirements for Regulation 702-705 as outlined above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constructed between 1991 and 2010</td>
<td>Wall of the pool with an effective height of 1.2m are considered a compliant barrier. Non-climbable zones still apply.</td>
</tr>
<tr>
<td>Constructed between 2010 - 2013</td>
<td>As for 1991-2010 pool barriers</td>
</tr>
<tr>
<td>Constructed after 2013</td>
<td>Wall of the pool with an effective height of 1.2m are considered a compliant barrier; and, A fixed barrier complying with the requirements above must be provided around any fixed access ladders and around designated access points with removable ladders</td>
</tr>
</tbody>
</table>

### Balconies

| Constructed Pre 1991  
<table>
<thead>
<tr>
<th>Regulation 702 - 705</th>
<th>As per the Construction between 1991-2010 immediately below (A.S 1926.1 – 1993)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constructed between 1991 and 2010</td>
<td>Where a balcony projects into a pool area below and the height of the balcony is less than 2400mm above the finished surface of the pool area below, and where any windows and/or doors to the balcony do not comply with the requirements of the standard the balcony must be provided with a balustrade that complies with the requirements of a pool fence.</td>
</tr>
<tr>
<td>Constructed between 2010 - 2013</td>
<td>Where any part of the balcony is less than 1800mm above the finished surface of the pool area or any part of the perimeter of the balcony is within 900mm of the top of the barrier the balcony must be provided with a balustrade that complies with the requirements of a pool fence.</td>
</tr>
</tbody>
</table>
Things to Look for (Maintenance)

The following steps will ensure the safety barriers are appropriately maintained:

- Maintenance of safety barriers installed including gates, doors (when permitted) and windows to ensure they are still fitted correctly, and still operate correctly.
- Maintenance of fences to ensure they are still in an appropriate condition and are non-climbable.
- Maintenance of landscaping to ensure tree branches, pot plants etc. are not able to be climbed by young children to gain access into the swimming pool/spa area.
- Maintenance of the general area surrounding safety barriers to ensure chairs, boxes, ropes, pool pumps, clothes lines, dog kennels, children’s play equipment etc. do not enable a safety barrier to be climbed by young children to gain access to the swimming pool/spa area.
- For older pools, periodical inspection of adjoining properties to ensure that, over time, there has not developed potential hazards in the form of climbable objects that may allow access by young children to the swimming pool/spa.
- The occupier of the land which contains a swimming pool or spa and/or any person who enters or leaves the swimming pool or spa enclosure must take all reasonable steps to ensure any doors, gate or other openings forming part of the safety barriers are in the closed position at all times.

Where alterations or replacement of safety barrier elements are identified ensure that a Building Permit is obtained for these works and inspected by the Relevant Building Surveyor to ensure compliance.