



Building Amendment Regulations (No. 2) 2016 (swimming pool barriers)

The Building Amendment Regulations (No. 2) 2016 (the Amendment Regulations) were published in the Government Gazette on Friday 15 April 2016 to come into operation on Sunday 1 May 2016.

The Amendment Regulations will:

- adopt the safety barrier requirements of the Building Code of Australia (BCA), and thus the 2012 edition of AS 1926.1 (Safety barriers for swimming pools) and 2007 edition of AS 1926.2 (Location of safety barriers for swimming pools) incorporating amendments nos 1 & 2, for new private swimming pools from 1 May 2016;
- allow existing private swimming pools to continue to comply with their existing requirements;
- optionally, allow existing private swimming pools to comply with the new requirements; and
- maintain the requirement that alternative solutions to a private swimming pool safety barrier must be approved by the relevant permit authority.

Once the Amendment Regulations come into effect, Western Australia will no longer have any variations to the BCA.

Key changes

- **Amendment Regulation 2** provides that the Amendment Regulations come into effect on 1 May 2016.
- **Amendment Regulation 3** provides that the Amendment Regulations amend the Building Regulations 2012.
- **Amendment Regulation 4 (1)** deletes the existing definition of *private swimming pool* and replaces it with a new definition.
- **Amendment Regulation 4 (2)** inserts new definitions of *approved barrier solution*, *Building Code pool barrier requirements*, *pre-May 2016 private swimming pool*, *private swimming pool*, *sole-occupancy unit* and *swimming pool*.
- **Amendment Regulation 5** creates a new regulation 15B that modifies clause 2.3.5(a) and Figure 2.6 of Australian Standard AS 1926.1-2012. This corrects an error identified in the document in regards to the use of a 60 degree chamfer, limiting its use to barriers that have a maximum gap between vertical members of 10mm.

- **Amendment Regulation 7 (1)** replaces the provisions in regulation 31C (Applicable building standards for swimming pools) with new provisions that set out that the building standards in respect of building work that requires a building permit:

Type of swimming pool	Building standard
All swimming pools other than private swimming pools	The edition of the BCA that is in effect at the time the application for the building permit is made, or in effect 12 months prior (Regulation 31A(2)), except that the pool safety barrier requirements do not apply. For more information on the safety barriers for these swimming pools please refer to the Department of Health.
Private swimming pools other than pre-May 2016 private swimming pools	The edition of the BCA that is in effect at the time the application for the building permit is made (Regulation 31A(2)(a)), except that an alternative solution for pool safety barriers must be approved by a permit authority.
Pre-May 2016 private swimming pools (i.e. modification to the pool, new pool safety barrier for existing older pool)	<p>The edition of the BCA that is in effect at the time the application for the building permit is made (Regulation 31A(2)(a)) except that:</p> <ul style="list-style-type: none"> • the requirements for pool safety barriers set out in regulation 50 (Pre-May 2016 requirements) may be substituted for the Building Code pool barrier requirements (Post-May 2016); and • an alternative solution for pool safety barriers must be approved by a permit authority.

- **Amendment Regulation 7 (2)** replaces the provisions in regulation 31C (Applicable building standards for swimming pools) with new provisions that set out that the building standards in respect of building work that does not require a building permit:

Type of swimming pool	Building standard
All swimming pools other than private swimming pools	The edition of the BCA that is in effect at the time construction commenced (Regulation 31(E)) except that the pool safety barrier requirements do not apply. For more information on the safety barriers for these swimming pools please refer to the Department of Health.
Private swimming pools	The edition of the BCA that is in effect at the time construction commenced (Regulation 31(E)) except that an alternative solution for pool safety barriers must be approved by a permit authority.

- **Amendment Regulation 8 (1)** amends regulation 31D (relocated buildings and incidental structures) to clarify that it no longer applies to a relocated swimming pool. The correct applicable building standard for a relocated swimming pool is now regulation 31C.
- **Amendment Regulation 8 (2)** amends the table in regulation 31D to remove reference to the Building Code performance requirements for swimming pool water recirculation systems.
- **Amendment Regulation 9** amends regulation 31E(1) (building work done without a permit) to clarify that it no longer applies to a swimming pool. The correct applicable building standard for a swimming pool that does not require a building permit is now regulation 31C.
- **Amendment Regulation 10** amends regulation 31G in respect of the applicable building standards for unauthorised work to clarify that an alternative solution for pool safety barriers must be approved by a permit authority.
- **Amendment Regulation 12** amends the provisions in regulation 50 that prescribe the pool safety barrier requirements to an existing swimming pool:
 - Regulation 50(1) now includes the term 'barrier' to be consistent with language used elsewhere.
 - Regulation 50(1A) is inserted. This sets out that a barrier to a private swimming is suitable for the purposes of regulation 50(1) if:
 - it complies with the Building Code pool barrier requirement; or
 - for pre-May 2016 private swimming pools, the barrier complies with the Building Code pool barrier requirements (Post-May 2016 requirements) or the requirements set out in sub-regulations (2) to (5) (Pre-May 2016 requirements).
 - Regulation 50(1B) is inserted to clarify that for the purposes of regulation 50(1A) (a), an alternative solution for pool safety barriers must be approved by a permit authority.
 - Existing provisions in regulation 50(2) to (5) are amended to clarify that these existing provisions only apply in respect of pre-May 2016 private swimming pools.

Other changes

The key proposed Amendment Regulations are outlined below:

- **Amendment Regulation 6** replaces the provisions in regulation 28 (Required inspection of a barrier to a private swimming pool) with provisions that:
 - refer to 'a barrier to a private swimming pool' to be consistent with language used elsewhere in the Amendment Regulations; and
 - ensure the inspection is to assess that the barrier complies with the applicable building standards for pool barriers set out in regulation 31C instead of 50.
- **Amendment Regulation 11** replaces the existing definition in regulation 48 of **access through a building** with a new definition of the term that includes a reference to 'barrier' to be consistent with language used elsewhere.

- **Amendment Regulation 13** creates a new regulation 51(5) that an alternative solution for pool safety barriers must be approved by a permit authority.
- **Amendment Regulation 14** amends regulation 52(3) in relation to the concessions for pre-November 2001 private swimming pools to replace the reference to 'pool enclosure' with a reference to 'barrier' so that it is consistent with language used elsewhere.
- **Amendment Regulation 15** amends regulation 53(1) in relation to the inspections of pool barriers to replace the reference to 'pool enclosure' with a reference to 'barrier' so that it is consistent with language used elsewhere.
- **Amendment Regulation 16** replaces the provisions in regulation 54A (Temporary pool barriers) with provisions that replace the reference to 'enclosure' with a reference to 'barrier' so that it is consistent with language used elsewhere.
- **Amendment Regulation 17** amends regulation 54(2) (Transitional provisions - persons authorised to carry out inspections of private swimming pools) provisions that replace the reference to 'enclosure' with a reference to 'barrier' so that it is consistent with language used elsewhere.
- **Amendment Regulation 18** amends item 4 in Schedule 4 clause 2 (Description of building work for which a building permit is not required) to replace the reference to 'enclosure' with a reference to 'barrier' so that it is consistent with language used elsewhere.
- **Amendment Regulation 19** amends Schedule 6 (Prescribed offences and modified penalties) to replace the reference to 'enclosure' with a reference to 'barrier' so that it is consistent with language used elsewhere.

The new Standard

Western Australia has been using the 1993 version of AS 1926.1 for swimming and spa pool safety barriers for many years. With the amendments to the Building Regulations 2012, new swimming and spa pools will be required to comply with the 2012 version, as adopted in the BCA.

The following is a brief summary of the principal changes to the standard and is intended for local governments, building surveyors, builders, and industry members. The changes include:

- The use of the term 'barrier' throughout in lieu of 'fence' and 'fencing', as they represent only one of several types of swimming pool barriers.
- Definitions have been expanded to remove ambiguity from the document.
- The 1200mm arc within which climbable objects were prohibited has been replaced with a series of four 900mm non-climbable zones (NCZ) on internal barriers and one NCZ on the boundary barrier. Additional diagrams have been provided.
- Boundary barriers must be not less than 1800mm high.
- New provisions have been inserted for intersections of barriers, boundary barriers, and retaining walls.
- Internal barriers within the property not less than 1800mm high may be climbable.
- Basic dimensions of internal barriers and gates remain the same.
- Specific requirements for glass barriers and gates have been included.

- Openable portion of windows to be restricted where the window sill is less than 1800mm above the pool area ground level.
- Balcony intrusion into pool area changed.

	AS 1926.1 - 1993	AS 1926.1 - 2012
General		
Barriers to be permanent structures.	✓	✓
Min. fence height 1200mm.	✓	✓
Perforated materials with gaps between 13mm and 100mm min. height 2400mm or 1800mm with a 450mm cranked top.	✓	
Perforated materials with gaps between 13mm and 100mm min. height 1800mm.		✓
Max. 100mm ground clearance.	✓	✓
Projections, indentations, gaps exceeding 10mm deemed climbable footholds / hand holds.	✓	✓
60 degree chamfer on climbable members or other objects can be used to render a surface non-climbable, where the gap between vertical members does not exceed 10mm.*	✓	✓
Top surface of highest lower member to top surface of lowest higher member min. 900mm.	✓	
Top of pool fence to highest lower member min. 1100mm.	✓	
No handhold or footholds within NCZ 1, a 900mm vertical plane on the outside of the barrier. This can be located anywhere within the perpendicular height of the barrier.		✓
Max. gap between vertical members 100mm.	✓	✓
Climbable objects		
No climbable objects within 1200mm of the top of fence (outside).	✓	
No climbable objects or features are permitted within any non-climbable zone (NCZ) NCZs are on all barriers less than 1800mm high and run the full length of the barrier		✓
NCZ 1 is a 900 mm radius zone on the outside face of the barrier.		✓
NCZ 2 is a 900mm radius zone measured as a quadrant down from the top of NCZ 1 (9 O'clock to 6 O'clock).		✓
NCZ 3 is a 900mm radius zone measured as a quadrant up from the top of the barrier (12 O'clock to 9 O'clock). Where the top of NCZ1 is below the top of the barrier NCZ 3 extends down to the top of NCZ 1.		✓

	AS 1926.1 - 1993	AS 1926.1 - 2012
NCZ 4 is a 900mm x 300mm rectangle on the inside the barrier aligned with NCZ 1.		✓
No climbable objects within 300mm of the fence, on the inside of the fence, where gaps between vertical members exceed 10mm (inside).	✓	
No climbable objects on the outside of the barrier within 500mm of the barrier.		✓
Boundary fence		
Boundary fence must be at least 1200mm high with no climbable objects within 1200mm of the top of the fence on at least one side.**	✓	
Boundary fence must be at least 1800mm high with a 900mm non-climbable zone quadrant (9 O'clock to 6 O'clock) on the inside only (NCZ 5).		✓
Retaining walls		
Retaining walls on high side min. height 2400mm or a compliant barrier required on top.	✓	
Retaining walls on high side min. height 1800mm or a compliant barrier required on top.		✓
Retaining walls on low side min. height 2400mm if climbable.	✓	
Retaining wall on low side min. height 1800mm if climbable.		✓
Retaining walls on low side min. height 1200mm if non-climbable.	✓	✓
Gates		
Gates must open outwards, away from the pool area.	✓	✓
Gates must self-close and self-latch from any position, including fully open and resting on the latch.	✓	✓
Gate latch release shall be at least 1500mm above the finished ground level, unless shielded.	✓	✓
Gate latch release shall be at least 1400mm above the highest lower foothold, unless shielded.	✓	
Fencing shall be free of sharp edges, projections, etc.	✓	✓

	AS 1926.1 - 1993	AS 1926.1 - 2012
Windows		
Where an openable window sill is less than 900mm to the pool surround the opening shall be restricted by a security screen or a permanent device so that it cannot open more than 100mm.	✓	
Where an openable window sill is 900mm to 1200mm above the pool surround the opening shall be restricted by a securely fixed flyscreen, or a security screen, or a permanent device so that it cannot open more than 100mm.	✓	
Where an openable window sill is less than 1800mm to the finished ground level in the pool area the opening shall be restricted by a security screen or a permanent device so that it cannot open more than 100mm.		✓
Doors, where permitted ***		
Doors must be self-closing, self-latching, with latch release at least 1500mm high.	✓	✓
Doors may open in any direction, including sliding.	✓	
Doors may open in any direction, including sliding, other than towards the pool area.		✓
Balcony		
Where a balcony projects into a pool area the balustrade must comply with this standard if the floor of the balcony is within 2400mm of the pool area finished ground level.	✓	
Where a balcony projects into a pool area the balustrade must comply with this standard if the floor of the balcony is within 1800mm of the pool area finished ground level. ****		✓
Where a balcony projects into a NCZ of a pool barrier the balustrade must comply with this standard.		✓
Above-ground pools		
Walls of an above-ground pool that otherwise comply with the standard are considered to be an effective barrier, however a barrier is required around permanent access ladders and designated access points with removable ladders.		✓

	AS 1926.1 - 1993	AS 1926.1 - 2012
Walls of an above-ground pool that otherwise comply with the standard are considered to be an effective barrier.	✓	
Permanent water bodies		
A permanent body of water with a width greater than 1800mm is an effective barrier where at least 300mm deep (i.e. canal).		✓
Out of ground pool walls		
Walls of the pool that stick out of the ground that otherwise comply with the standard are considered to be an effective barrier.		✓

- * Refer to Building Regulations 2012 r. 15B.
- ** Refer to Building Regulations 2012 r. 50(5).
- *** The Building Regulations 2012 has a concession for pre-November 2001 pools, permitting the use of child-resistant doorsets.
AS 1926.1-2012 and AS 1926.2-2007, as referenced in BCA 2016, only permit child-resistant doorsets in certain circumstances including indoor pools, and indoor parts of indoor/outdoor pools.
Additionally the Building Regulations 2012 includes circumstantial approval processes for pools that wish to utilise a child-resistant doorset.
- **** The standard is silent as to this circumstance, however the retaining wall provisions are comparable and have been applied for the purpose of this document.

Disclaimer

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