



Building Newsflash

Amendment of pool fencing and siting requirements of the Standard Building Regulation 1993

Purpose

To provide details on and the intent of the recent amendment of section 60 and Schedule 13 of the *Standard Building Regulation 1993* (SBR).

Background

On 17 November 2005, section 60 of the SBR was amended to allow a pool fence, at least 1.80m high, to be used as an alternative to a 1.20m fence currently detailed in AS1926.1.

The amendments address a common problem involving boundary fences used as part of the pool fence. There have been numerous incidences reported to the Department of neighbours on the non pool owner's side making the fence non-compliant, by, for example, building barbecues, filling land, planting shrubs and trees, etc against or near the pool fence. The pool owner has no control over the actions of the neighbour and in many cases the problem cannot be resolved.

Schedule 13 of the SBR was also amended and now refers to new editions of Parts 11 and 12 of the Queensland Development Code (QDC – Siting Standards). The amendments to the siting requirements will enable swimming pools to be built up to the side and rear boundaries of a lot subject to certain conditions. There is also a minor change to the requirements of Parts 11 and 12 applicable to the front boundary setback for swimming pools, which address pools built above finished ground level.

Legislation

The pool fencing requirements of section 60 of the SBR require an outdoor swimming pool to have a fence complying with AS1926.1 to be placed around the pool. The location of the fence must comply with AS1926.2.

Section 60 of the SBR has been amended by inserting new subsections (2) and (3) to allow, as an alternative to the 1.20m fence, a 1.80m high fence subject to certain conditions. Details of the amendments are as follows:

- (2) However, the standards prescribed do not include clauses 2.3, 2.6 and 2.7 of the standard mentioned in subsection (1)(a) for any part of the fencing of the pool if -
- (a) the inside of that part of the fencing is at least 1.8m high above ground level; and
 - (b) the surface on which that part of the fencing is built is difficult for a young child to dig through or under to gain access to the pool; and
Examples of surfaces that are difficult for a young child to dig through or under – surfaces that consists of concrete, gravel, lawn or pavers
- (c) there is a clear span, measured as a radius, of at least 900mm at all angles from the top of that part of the fencing to -
- (i) anything that projects from the ground on the inside of the fencing; and
 - (ii) any part of the inside of the fencing that has a horizontal, or substantially horizontal, surface and is more than 10mm deep or wide; and

Examples of what may be a part of the inside of the fencing - a bracing, rail, rod or wire and an indentation into or projection from the surface of the inside of the fencing.
- (iii) the top of any other part of the fencing if the top is more than 50mm wide; and
- (d) if that part of the fencing is made of perforated materials or mesh, the apertures in the perforated materials or mesh are not more than 13mm.

(3) In this section -
inside, of the fencing, means the side of the fencing of the pool that faces the pool.

Interpretation

Pool fencing (Refer to Diagrams 2 and 3)

The SBR requires fencing around an outdoor swimming pool to comply with AS1926.1. Among other things, the Standard requires the fence to be least 1.20m high and constructed so that a young child cannot gain access to the pool from outside the pool area.

The new subsection (2) of the SBR will allow a fence, at least 1.80m high, to be used as an alternative to the 1.20m high fence specified in AS1926.1. For a 1.80m high fence, the SBR will override the Standard by deleting sections 2.3, 2.6 and 2.7 of the Standard, which relate to the fence height, projections and indentations and the spacing of horizontal climbable members, respectively.

The amendment will allow the non pool side of the fence to be constructed with no limit on the location of climbable objects. The maximum gap of any openings in the fence must still not exceed 100mm.

The following conditions also apply:

- For fences other than those constructed with mesh or perforated materials, there is no restriction on how the fence is constructed on the outside (non pool side) of the fencing.
- The inside surface (pool side) of the fencing must be constructed so that a young child cannot climb down it.

- No climbable objects, other than the top of a fence which is not wider than 50mm, can be within a radius of 900mm (measured from the top of the fence) of the pool side of the fence.
- For fences constructed with mesh or perforated material, the apertures must not exceed 13mm.
- Surfaces beneath the fence must be of a material that is difficult for a young child to dig through or under. For example, concrete, gravel, lawn and pavers are considered adequate. This list is not exhaustive and there may be other materials that are adequate.

Parts 11 and 12 of the QDC. (Refer to Diagram 1)

The acceptable solution in A1(d)(i)(B) has been amended to allow a solid wall or fence to be used where a swimming pool is constructed within the prescribed boundary clearances. The fence must be at least 1.00m above the coping of the pool if the 1.80m solid wall or fence option is used. This is to address the possibility of water splashing from an above ground pool or in ground pool on a sloping site.

Performance criteria P2 has been amended by including a new P2(c). The previous provision did not provide any criteria in which to assess alternative solutions for swimming pools.

The acceptable solution in A2 has been amended by inserting a new A2(e) which allows a swimming pool to be constructed up to the side and rear boundary of a lot provided a solid wall or fence is constructed between the pool and the boundary. The fence must also be at least 1.00m above the coping of the pool.

For consistency reasons, the definitions of “setback” and “side and rear boundary clearance” have been amended to refer to distance for swimming pools being measured from the water line.

Further Information

A copy of the amendment is attached.

For copies of the amendments to Parts 11 and 12 of the QDC, refer to <http://www.lgp.qld.gov.au/?id=247>

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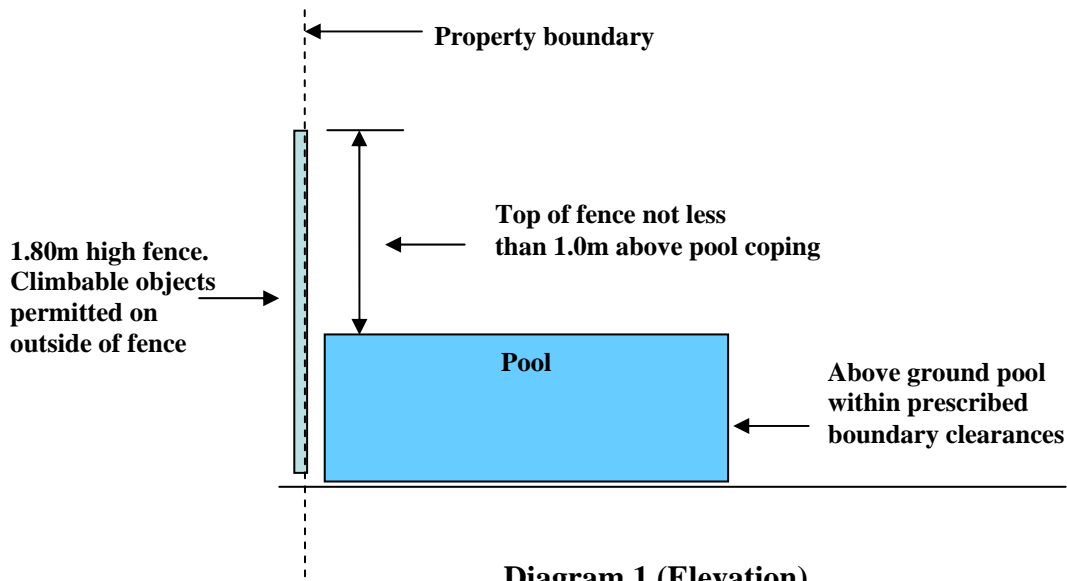


Diagram 1 (Elevation)
Splash proof fence

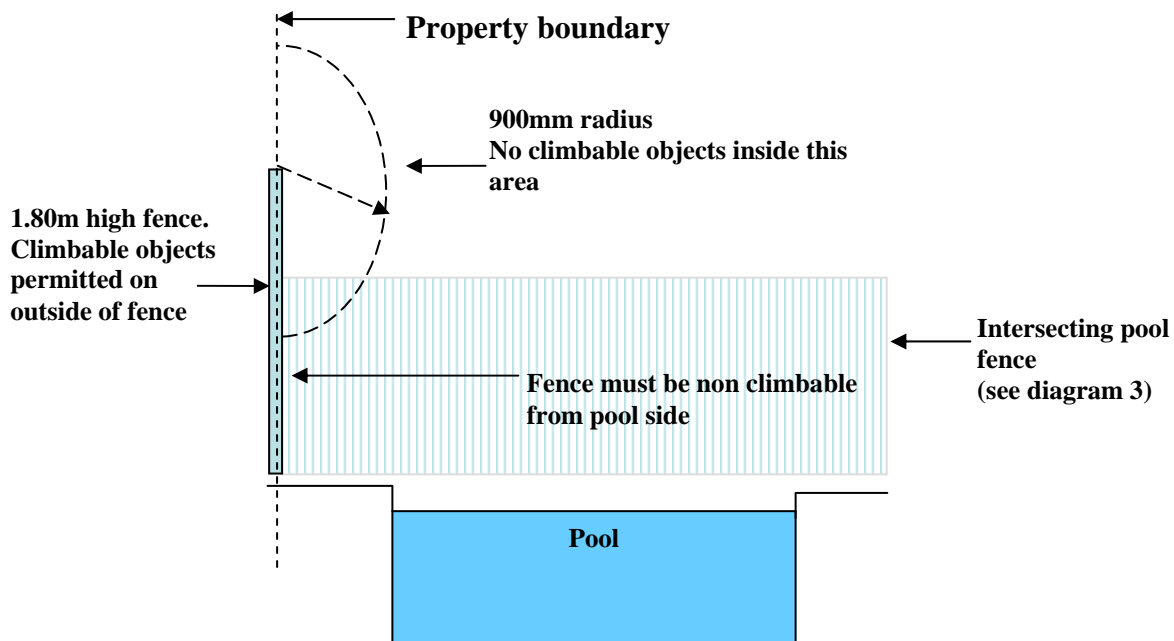


Diagram 2
(Elevation)

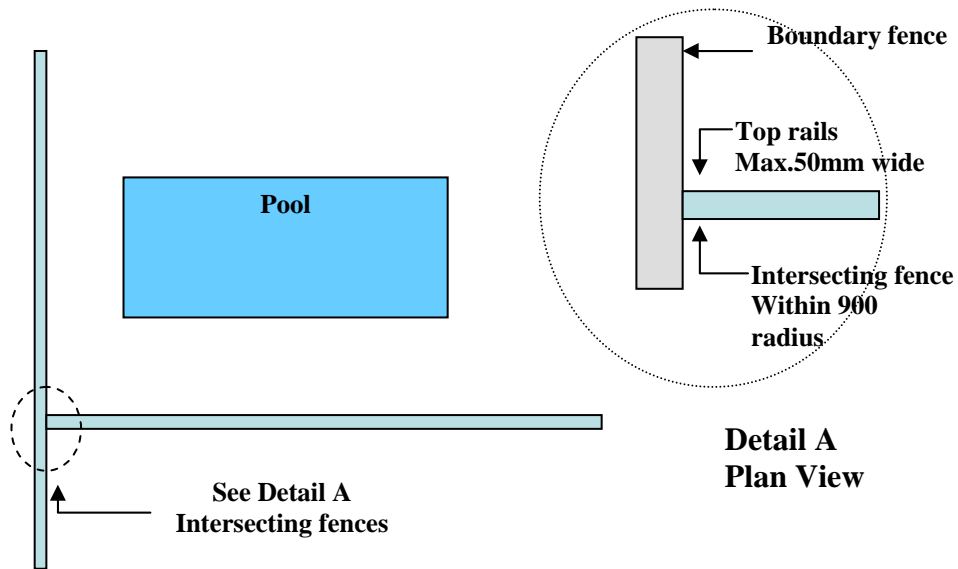


Diagram 3
Intersecting fences

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