

Swimming Pool Safety Barriers

Did you know your responsibilities as a pool owner have changed? The Building (Pools) Amendment Act 2016 took effect from 1 January 2017.

The new Act requires that Council ensures that all pool barriers within its jurisdiction are compliant, and requires that Council undertake scheduled inspections. Council will therefore need to inspect all pool safety barriers in this scheduled inspection programme even if they have been previously inspected and approved.

- See more at: <http://www.tauranga.govt.nz/council-a-z/swimming-pool-safety-barriers.aspx#sthash.7yHpEnnW.dpuf>

Does my pool need safety barriers?

If your pool has a minimum water depth of 400mm, it must have compliant safety barriers.

You do not need pool safety barriers if:

- The pool sits above ground with smooth vertical walls that are 1.2m or more high, with no permanent steps or objects that would enable a small child to climb into the pool.
- The depth of water in the pool is less than 400mm (such as a shallow paddling pool or an empty swimming pool). Note: A responsible adult should supervise the use of paddling pools at all times.
- People are employed specifically to supervise the pool when it is in use, and the entire pool facility is locked at all other times.

What sort of barrier does my pool need?

Pool Safety Barriers must fully enclose the pool area and should prevent young children from moving directly into the pool area from the house, other buildings, gardens or other parts of the property.

A boundary fence may suffice as a pool fence, providing it meets compliance requirements and there is nothing on the other side of the fence, such as close horizontal rails, a stack of firewood or trellis that a child could use to climb over the fence.

The safety barrier

- The fence must be at least 1.2m high at every point around the entire length of the outside of the fence.
- The fence must not be able to be climbed. Any perforated material (trellis, mesh or netting) must have gaps no wider than 10mm if the fence is 1.2m high, or gaps no wider than 50mm if the fence is 1.8m high. Any horizontal supports on the outside of the fence must be at least 900mm apart.
- The fence must be at least 1.2m higher than any permanent climbable object or protrusion that is within 1.2m of the fence.

- There must be no space greater than 100mm between the fence pickets or rails, or under the fence.

Gates in the barrier

- All gates must open away from the pool.
- All gates must be fitted with a self-closing and self-latching device that closes and latches from a static start of no more than 30cm.
- Any external latches must be at least 1.5m above the ground to keep them out of reach of small children.
- Any internal latch must not be accessible by reaching over or through the gate unless the hole in the gate is at least 1.2m above ground level.
- There must be no object or device near the gate that could be used to hold it open.

What if my pool is right next to a building?

The wall of a building may form part of the fence if it complies with the requirements of Clause F9 of the New Zealand Building Code.

- Any door(s) that provide direct access to the pool or pool area, must be fitted with a locking device at least 1.5m from the floor level **AND** must **EITHER** be self-closing and latching OR be fitted with an acceptable audible warning device (alarm).
- Any window(s) opening into the pool area must be constructed or positioned to restrict the passage of children.

What is the 'immediate pool area'?

The immediate pool area is the area that is directly related to the use of the pool and may include a pump shed, change rooms, decking or paving, pool furniture and a barbecue/dining area.

It should not include the whole section, or rear section even if the boundary is fenced. The pool area should not be a thoroughfare or accommodate other outdoor activities such as clotheslines, vegetable gardens or children's play equipment.

What about lockable spa pool covers?

Under the new legislation, Spa Pools and Hot Tubs are deemed to be 'small heated pools' and compliant pool covers are deemed to be a lawful pool safety barrier, so long as certain performance criteria are met. The pool cover must:

- Restrict the entry of children when closed; and
- Be able to withstand a reasonably foreseeable load; and
- Be able to be readily returned to the closed position; and
- Have signage indicating its child safety features.

However, these criteria can only be applied when the top surface of every wall of the small heated pool is at all points not less than 760 mm above the adjacent floor or ground and the walls of the pool inhibit climbing.

Drowning is quick and quiet

90% of children who drown in home pools are residents or visitors to the property. Supervision and education are not sufficient to prevent preschool drowning's. In many cases, drowning's occur with a parent or caregiver on the property who has only taken their eyes off the child for a few moments. Incidents of child drowning have reduced by more than half since the pool safety legislation was introduced in 1987.

Responsibilities

The new regulations confer responsibility for ensuring compliance with the new Building Code provisions on the following persons:

(a) The owner of the pool, (b) the pool operator, (c) the owner of the land on which the pool is situated, and (d) the occupier of the property in or on which the pool is situated.

The new Act also requires that Council undertakes scheduled inspections to ensure that all pool barriers within its jurisdiction are compliant. Tauranga City Council currently inspects pool safety barriers as required during the building consent process and is also proactive in undertaking a city-wide three-yearly scheduled pool safety barrier inspection programme that commenced in early 2016 and is ongoing.

[Pool Safety Barrier Checklist & FAQs](#) (80kb pdf)

The Building (Pools) Amendment Act 2016 amended the Building Act 2004, which means that pool safety barriers are now regulated by the Act, under the provisions of Clause F9 of the New Zealand Building Code (Building Regulations) and effectively repeals the Fencing of Swimming Pools Act 1987 (FOSPA).