

HOW TO FENCE YOUR POOL RESTRICT ACCESS, AND SAVE LIVES!

Everyone with a pool must restrict its access with barriers: that's the law.

Drowning occurs silently and can take less than a minute.

At home, it is not always practical to watch young children constantly without even a moment's distraction.

This is why **all residential pools** (including portable pools, indoor pools and small heated pools such as spa pools or hot tubs) **must have barriers** that restrict the access by unsupervised young children (i.e., under five years of age).

Pool barriers must comply with the pool safety legislation (Building Act 2004) and must either:

- surround the pool area (pool fence); OR
- **in the case of specific¹ small heated pools**, it can cover the pool itself (pool cover).

Please always remember that pool barriers are **not a substitute to the supervision of an adult or older person**.

WHO IS RESPONSIBLE FOR ENSURING COMPLIANCE?

- The owner of the pool
- The pool operator²
- The owner of the land
- The occupier of the property
- The purchaser of the pool
- The lessee of the pool
- The lessee of the premises

¹ For small heated pools, the sole use of a cover instead of a pool fence is subject to compliance with certain prerequisites. Please refer to our "Pool Checklist" for further information.

² A pool operator is a person who operates and maintains a pool on a day-to-day basis.

The persons mentioned as responsible for ensuring compliance, are required by law:

- to notify Council of their intention to construct or install a pool before the construction or installation commences;
- to Notify Council of the existence of the pool;
- to make sure that the pool has barriers compliant with the pool safety legislation;
- to make sure that the pool barriers get inspected at least once every three years³;
- to keep the pool empty of water at all times until Council is satisfied that the pool barriers comply with the legislation.

Note:

- A building consent is required prior to –
 - constructing a pool;
 - constructing and/or installing a pool fence⁴;
 - installing permanent drainage connections⁴.
- No building consent is required to install a small heated pool using a cover instead of a fence¹.

³ Council will send three-yearly reminders.

Note: three-yearly inspections not required for small heated pools such as spa pools or hot tubs when their access is restricted by a cover instead of a fence (see note 1)

⁴ Applies to any pool, including a small heated pool such as a spa pool or a hot tub.

PERIODIC INSPECTIONS OF RESIDENTIAL POOLS

The persons responsible for ensuring compliance of a residential pool must make sure that the pool fence gets inspected at least once every three years either by

- a Council officer; or
- an Independently Qualified Pool Inspector (IQPI)*

Council will send three-yearly reminders.

* Please refer to the section 'Booking a Pool Inspection' at the end of this document.

EXEMPTED WATER HAZARDS (NO BARRIER REQUIRED)

- Artificial lakes
- Garden ponds and stormwater retention ponds
- Pools which have no capacity of holding more than 40 cm of water
- Above-ground pools ONLY IF:
 - the pool is unclimbable (smooth vertical side walls are required); AND
 - the top of the side walls is at least 1.2m above the ground level; AND
 - the top of the side walls are at least 1.2m above any permanent projection from the ground outside the pool and within 1.2m of the walls of the pool; AND
 - the top of the side walls are at least 1.2m above any structure or object standing on the ground outside the pool and within 1.2m of the walls of the pool; AND
 - the means to access the interior of the pool (ladder, stairs, etc.) are removed or rendered inoperable whenever the pool is not in use.

POOL MANUFACTURERS AND RETAILERS

Manufacturers and retailers offering to sell pools in New Zealand are required by law to supply a notice explaining the responsibilities of owners, pool operators, and occupiers.

MEANS OF COMPLIANCE

POOL AREA

A pool fence must enclose only the “**immediate**” **pool area**: the pool itself, and a **confined** area around the pool in which occur activities carried out in relation to the pool or involving the pool.

Activities not carried out in relation to the pool or involving the pool, are required to be kept outside the pool area (activities such as vegetable gardens, clotheslines, children play areas and amenities etc.).

POOL FENCE & POOL GATES

Pool fences/gates must comply with the pool safety legislation (Building Act 2004). Please refer to our “Pool Checklist” for further information.

Note:

A pool that was fenced in accordance with the [repealed] Fencing of Swimming Pools Act 1987 will be deemed compliant with the Building Act 2004, if the fence still complies with the requirements of the Building Code that were in force when this fence was erected.

BOUNDARY FENCE(S)

When used as pool fence, boundary fences must comply with the pool safety legislation (Building Act 2004). Please refer to our “Pool Checklist” for further information.

If the boundary fence does not comply, two options are available:

- coming to an agreement with the neighbour(s) to make the fence comply; OR
- adding a pool fence, at least 1.2m away from the boundary fence.

Note:

A boundary fence that was built in accordance with the [repealed] Fencing of Swimming Pools Act 1987 will be deemed compliant with the Building Act 2004, if it still complies with the requirements of the Building Code that were in force when this boundary fence was erected.

DOORS & WINDOWS

Doors and windows giving access to a pool area must comply with the pool safety legislation (Building Act 2004). Please refer to our “Pool Checklist” for further information.

Note:

- The above only applies if the building can be accessed from outside the pool area (through doors or windows).
i.e. The above does not apply if the building can only be accessed by entering the pool enclosure.
- Doors and windows that were installed in accordance with the [repealed] Fencing of Swimming Pools Act 1987 will be deemed compliant with the Building Act 2004, if they still comply with the requirements of the Building Code that were in force when they were installed.

BALCONIES

Some balconies projecting into a pool area are required to comply with the pool safety legislation (Building Act 2004). Please refer to our “Pool Checklist” for further information.

CLIMBING HAZARDS

Children are inquisitive, and water especially excites their curiosity. Given the chance, they will find ways to defeat barriers.

That means that the people in charge of a pool must:

- always keep the cover locked on small heated pools ,when filled with water and not in use; AND
- always be on the alert for nearby objects such as sets, compost bins, stacks of firewood, even movable objects such as wheelbarrows, that could be used to climb over a pool fence; AND
- always be on alert for overhanging tree limbs that could be used to get over a pool fence.

PREVENTING CONTAMINATION OF THE WATER SUPPLY

Filling your pool with water

- In order to avoid chemicals being sucked back into the mains water supply, Council requires a backflow prevention device to be fitted to whatever means is used to fill the pool.
- For hose-filled pools, the most common device is a hose connection vacuum breaker which fits between the tap and the hose. This device can be purchased from hardware stores and plumbing outlets.

Emptying your pool

- Pool water must be drained into a sewer outlet; **never into the stormwater.**

BOOKING A POOL INSPECTION

Pool inspections can be carried out by Councils or by IQPIs.

- To book an inspection from a Council Officer, use our online form at: huttcity.govt.nz/pool-inspection.
- To book an inspection from an IQPI, please refer to the online ‘pool inspector public register’ administered by the MBIE: poolinspectors.tradingstandards.govt.nz/pool-inspector-public-register