



Ōpōtiki District Council
STRONG COMMUNITY STRONG FUTURE

What is the 'immediate pool area'?

This is defined as the area that is directly related to the use of the pool and as much of the surrounding area that is used for activities carried out in relation to the use of the pool.

This may well include a pump shed, change rooms, decking or paving, some pool furniture and a barbecue or dining area. It should not include the whole of the backyard, even if it is fully fenced. The pool area should not accommodate other outdoor activities such as clotheslines, vegetable gardens or children's play equipment.

Drowning is a major cause of accidental death of infants and young children. Many of these drowning's occur in private residential pools which have inadequate safety barriers.

What about lockable spa pool covers?

Under the new legislation, compliant child resistant pool covers are considered a lawful pool safety barrier, so long as the pool cover can:

- restrict the entry of children when closed
- be able to withstand a reasonably foreseeable load
- be able to be readily returned to the closed position
- have signage indicating its child safety features.
- However, these only apply when the top of every wall of the pool is at all points at least 760mm above the floor, and the walls of the pool inhibit climbing. There must not be any objects or protrusions within 760mm of the top of the pool which may be used to grant a small child access.

Responsibilities

Did you know your responsibilities as a pool owner have changed? Pool Safety Barriers are now regulated by Section 162 (A to E) of the Building Act 2004 and the new Building Code F9, which 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 every three years.

Council will therefore need to inspect all pool safety barriers in this scheduled inspection programme even if they have been previously inspected and approved.

FOR MORE DETAILS PLEASE READ – [Building \(Pools\) Amendment Act 2016](#)

Swimming pool and Spa pool safety barriers



Your responsibilities as a pool owner

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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 safety barriers if:

- The pool sits above ground with smooth vertical walls, a minimum 1.2m high and, which provide no opportunity for small children 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).
- Please note that a responsible adult should supervise use of paddling pools at all times.
- People are employed to supervise the use of the pool, and the entire pool facility is locked at all other times.

What sort of barrier do I need?

Pool safety barriers must fully enclose the pool or the immediate pool area.

The barrier should prevent children from moving directly into the pool area from the house or other buildings and from other parts of the property.

A boundary fence may act as a lawful pool safety barrier if it effectively restricts any access to the pool by ensuring a small child cannot climb over, under or through 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 the gate from a static start at any position. 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. Any gaps in the gate that may allow access to the latch below 1.2m must be covered by a shield of a minimum least 450mm in diameter.
- There must be no object or device near the gate that could be used to hold it open.



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 13mm if the fence is between 1.2m and 1.8m high, or gaps no wider than 35mm if the fence is a minimum of 1.8m and up to 3.0m high. Any horizontal or angled supports located on the outside of the fence must be at least 900mm apart, or be made non-climbable by the installation of a 60° fillet for example.
- 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.
- Alternatively, if the fence is on a boundary and the outside (neighbours' side) of the fence cannot be made compliant as outlined above, then so long as the fence is a minimum of 1.8m high it may still comply. It must have a 900mm clear zone on the inside of the fence (measured no more than 150mm from the top), to prevent a small child from scaling the fence internally. The fence would need to be located a minimum of 1000mm from the edge of the water in the pool, to prevent a small child jumping directly into the pool.

What if my pool is right next to a building?

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

All doors that provide direct access to the pool or immediate pool area must be fitted with a locking device at least 1.5m from the internal floor level. They must either be self-closing and latching from a static start of 150mm or more from the closed position, or be fitted with an acceptable pool door alarm to signal any unwanted entry into the pool area.

All windows opening into the immediate pool area, with an internal sill height of 1000mm or less, must be restricted to an opening of no more than 100mm, or be provided with shielding to the whole window, to restrict the passage of small children.

