



POOL BARRIERS

A guide to ensuring your pool barrier meets the Building Code



WHAT IS A POOL?

A pool is described as being any excavation, structure or product that is used for swimming, wading, paddling or bathing, with a minimum depth of 400mm. It does not include an artificial lake.

WHAT DOES THE LAW SAY?

The Building Act 2004 was amended on 1 January 2017 to include the Building (pools) Amendment Act 2016. Territorial Authorities are required by this legislation to carry out 3 yearly inspections of all pools in their area. All pool barriers must meet the requirements of the Building Code, specifically clause F9. Acceptable Solutions to meeting the requirements of the code are available at mbie.govt.nz. Determinations made under the Building Act 2004 clarify the way the law is applied. Details of determinations can be accessed at building.govt.nz/determinations.

Anyone intending to build a new pool, or new pool barrier, must apply for and uplift a building consent prior to commencing the work. Application forms are available at the Council Service Centre and online at nelson.govt.nz. A Building Consent Officer can assist you in completing this process. The pool owner, operator, land owner or property occupier are all responsible for ensuring compliance with the Act.

HOW CAN I FIND OUT IF MY POOL COMPLIES?

An audit by a Council Swimming Pool Officer can confirm if your pool fence complies. A fee applies for this service detailed in the Building Unit Fees and Charges. Council's records on your property represent its current status. You can enquire through the Council's Customer Service Team.



DON'T BECOME COMPLACENT

Even when your pool has a complaint certificate, continually safeguard your pool area by:

- Ensuring your gates and doors are self closing and latching correctly – do not prop them open.
- Ensure there are no climbable objects close to the fence, including flowerpots, firewood, or plantings that are climbable. Make sure that children don't leave bikes, or toys etc against the fence.
- Ensure the barrier is in good repair and is fit for purpose.

WHAT IS THE IMMEDIATE POOL AREA?

The land in or on which the pool is situated and so much of the surrounding area as is used for activities carried out in relation to or involving the pool. The immediate pool area must not include the whole of the outdoor living space (your boundary fence alone is not acceptable). You should only enter the pool area for activities related to the use of the pool. It must not be a thoroughfare. The pool barrier should prevent young children moving directly to the pool from the house, other buildings, garden paths and other areas of the property normally open to them. Areas such as vegetable gardens, clothes lines, children's play areas, and access to them, via the pool are to be excluded from the immediate pool area.

WHAT IS A PHYSICAL BARRIER?

All materials and components are of a durable nature, and the barrier is an appropriate height, rigidity, and strength to prevent any child under 5 years of age from climbing over, under, or through it from the outside.

BOUNDARY FENCES

The legislation from 1 January 2017 requires a boundary fence to be at least 1.8 metres and at least 1 metre from the water's edge. There must not be any hand/foot holds for 900mm from the top of the fence on the pool side that could assist a child climbing down into the pool area. If the boundary fence was the pool barrier prior to 1 January 2017, there must be nothing to assist children climbing from the outside of the fence into the pool area. Adding height to the boundary fence that meets the current requirements may be a way to limit the need to monitor what takes place on the neighbour's side.

CAN BUILDINGS BE PART OF A POOL FENCE?

They can when they comply with the Building Code clause F9.

WHAT ABOUT GATES, DOORS AND WINDOWS?

Gates

- Must open outwards of the pool area.
- Not be able to be readily opened by children.
- Automatically return to a closed position.

Doors

- Must not be readily opened by children.
- Must emit an audible warning when door is open, or
- Close automatically after use.

Windows

- Must restrict the passage of children. Consider position, size, width of opening or latches.



ARE ANY POOLS EXEMPT FROM PHYSICAL BARRIERS?

There are basically three types of swimming pools that do not require physical barriers:

1. An above ground pool where the side wall is high and smooth enough to restrict access to a child under 5 years and there are no climbable objects nearby. (Steps must be removed and stored away when the pool is not in use).
 2. A structure or product where the maximum depth of water does not exceed 400mm.
 3. A pool where people are employed to provide supervision while the pool is available for use and the pool is behind locked gates/doors, at other times.
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SMALL HEATED POOLS (SPA POOLS / HOT TUBS)

If the small heated pool is less than 5m², the top of the pool is at least 760mm above the surface it sits on all the way around and it has a hard lockable safety lid, that can support a reasonable weight which is in good repair it does not require a barrier in addition to the lid. The lid must be locked into place when the pool is not in use.

HOW TO AVOID ENFORCEMENT ACTION

Ensure that all of the immediate pool area has a barrier that meets the requirements of the Building Code at all times. If it does not comply and no attempt is being made to address non-compliance, there are enforcement tools available within the Building Act 2004 which the Territorial Authority can be used if necessary.

FILLING THE POOL

When filling the pool there is a requirement to have a backflow prevention device fitted to prevent contamination of the potable water supply. Backflow preventers are devices fitted into the pipe or hose system used to fill the pool to stop water from the pool being siphoned back into the pipe or hose if for example there is a fall in the mains water pressure. These small devices are generally attached to hose taps and in turn to an outlet such as a garden hose. You can get more information about these fittings from most pool supply, plumbing or hardware stores.

EMPTYING THE POOL

Water emptied from a pool must be discharged into the Council's sewerage system via a gully trap and never into storm water drains. In more rural areas it is not permissible to discharge pool water into storm water drains or waterways if the pool has been left untreated for at least 7 days. The filter backwash water may contain contaminants and so must also be put through a gully trap into the sewer not to stormwater drains, streams or rivers.