

- Where a cover is provided as a barrier to a small heated pool it must-
- (a) restrict the entry of children when closed; and
- (b) be able to withstand a reasonably foreseeable load; and
- (c) be able to be readily returned to the closed position; and
- (d) have signage indicating its child safety features.

Savings provision for existing residential pools

1) This section applies to a residential pool that was constructed, erected, or installed before 1 January 2017 (an **existing pool**).

(2) An existing pool is deemed to have barriers that comply with section 162C if the barriers-

(a) complied with the Schedule of the Fencing of Swimming Pools Act 1987 (as that schedule was in force) immediately before 1 January 2017; and

(b) continue to comply with those requirements subject to-

(i) any exemption that was granted under section 6 or clause 11 of the Schedule of that Act and that was subsisting immediately before 1 January 2017; and

(ii) the conditions of any such exemption.

3) Alternatively, an existing pool is deemed to comply with section 162C if all of the following apply:

(a) the outside surface of the side walls of the pool is constructed so as to inhibit climbing; and

(b) no part of the top of any side wall of the pool is less than 1.2 m above-

(i) the adjacent ground level; and

(ii) any permanent projection from the ground outside of the pool and within 1.2 m of the walls of the pool; and

(iii) any object standing on the ground outside of the pool and within 1.2 m of the walls of the pool; and

(c) any ladder or other means of access to the interior of the swimming pool-

(i) can be readily removed or made inoperable; and

(ii) is removed or made inoperable whenever the pool is not intended to be in use.

Websites

- [Water Safety New Zealand](#)
- [Ministry of Business, Innovation and Employment.](#)
- [Building \(Pools\) Amendment Act 2016.](#)

A Guide to

Fencing of Swimming Pools



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New pool safety legislation came into effect on 1 January 2017

On 20 October 2016 Parliament passed the Building (Pools) Amendment Bill, repealing the Fencing of Swimming Pools Act 1987 and including new pool safety provisions in the Building Act 2004.

Key changes include:

- A new requirement for mandatory three-yearly inspections of swimming pools
- Allowing safety covers to be used as barriers for spa pools and hot tubs not exceeding 5sqm and not less than 760mm above adjacent floor or ground.
- Introducing additional enforcement tools for territorial authorities, including notices to fix.

These changes took effect from 1 January 2017.

More information can be found on the Ministry of Business, Innovation and Employment's website.

Swimming pools

Residential pools with a maximum depth of water of 400 mm or more that are filled or partly filled with water must have means of restricting access that prevents unsupervised access by a child under 5 years of age.

Residential pools must have or be provided with physical barriers that restrict access to the pool or the immediate pool area by unsupervised

young children (ie, under 5 years of age). *In the case of a small heated pool, the means of restricting access referred to above need only restrict access to the pool when the pool is not in use.*

A building consent from Council is required for the installation of pools and, sometimes, pool fencing. Contact Building Control to find out if you need a consent.



Swimming pool fencing guidelines

Barriers must either-

- (a) surround the pool (and may enclose the whole or part of the immediate pool area); or
- (b) in the case of a small heated pool, cover the pool itself - *applies only to those small heated pools where the top surface of every wall of the pool is at all points not less than 760 mm above the adjacent floor or ground and the walls of the pool inhibit climbing.*

A barrier surrounding a pool must have no permanent objects or projections on the outside that could assist children in negotiating the barrier.

Any gates must-

- open away from the pool; and
- not be able to be readily opened by children; and
- Automatically return to the closed position after use.
- Where a building forms all or part of an immediate pool area barrier
- doors between the building and the immediate pool area must not be able to be readily opened by children, and must either—
 - emit an audible warning when the door is open; or
 - close automatically after use:
- windows opening from a building into the immediate pool area must be constructed or positioned to restrict the passage of children.

