

## To the Pool Owner

### Existing Swimming Pools and Spa Pools

This applies to swimming pools or spa pools erected or constructed before 1 January 2017.

If your swimming pool fence/barrier complied with the requirements of the Fencing of Swimming Pools Act 1987, then the fence/barrier will continue to comply.

## Requirements for Fences/Barriers Under the Building Act 2004

Compliance relates directly to the Building Act 2004, Building Code or NZS 8500:2006.

### Fencing/Barrier

1. The fence is at least 1.2m high at every point around the entire length of the outside of the fence/barrier.
2. There is a 1.2m wide clear-zone around the outside of the fence/barrier: no permanent projections or objects that children could use to climb over the fence/barrier.
3. There is no space greater than 100mm between the fence pickets or rails, or under the fence/barrier.
4. No horizontal supports on the outside of the fence/barrier. Any trellis construction is firmly attached to the framework.
5. Gaps in any perforated material (trellis, mesh or netting) are no wider than 10mm if the fence/barrier is 1.2m in height.
6. Gaps in any perforated material (trellis, mesh or netting) are no wider than 50mm if the fence/barrier is 1.8m in height.
7. Any clearance between the bottom of the fence and the ground level shall not exceed 100mm.
8. Any materials and components shall be of a durable nature and shall be erected so as to inhibit any person from climbing over or crawling under the fence/barrier from the outside.

### Gates

1. All gates/doors that access the pool area only open outwards away from the pool.
2. The gate self-closes and self-latches from a static start of 150mm/15cm.
3. The outside latches are at a minimum height of 1.5m from the ground/finished floor level.
4. The inside latches are not accessible by reaching through the gate (unless the hole in the gate/door is at least 1.2m from ground/finished floor level).
5. There is no object/s near the gate that could hold it open.
6. When lifted up or pulled down, the gate or door does not release the latching device, come off its hinges or provide a ground clearance of greater than 100mm.

## Doors and Windows that Form Part of a Swimming Pool Fence/Barrier

1. Where a building forms part of the fence/barrier for the pool, **all** doors must be fitted with an alarm or self-closing device.
2. Any windows that open into the pool area, lower than 1.2m from the inside floor level must have restrictors on them limiting the opening to 100mm.
3. A warning sign must be attached to the wall beside the door at a height of 1200mm to 1500mm. The lettering must be a minimum height of 4mm and consist of black letters against a yellow background. The sign must state:  
"This is a swimming pool safety door. Keep closed."
4. An audible warning alarm must:
  - a) Sound and continue to sound when the door is open for longer than 7 seconds;
  - b) Have an intensity of a minimum of 85dBA measured at a distance of 5m;
  - c) Be powered from, hard wired into, the building's mains electricity supply;
  - d) Have a different tone from other audible or warning devices in the house.
5. Alarms may be provided with a deactivation switch placed at a minimum height of 1.5m above floor level that provides deactivation for not more than 15 seconds.

## Spa Pool or Hot Tub

1. To gain compliance there must be a barrier/hard cover to restrict access to the spa pool or hot tub when the pool is not in use.
2. For a cover to be a compliant barrier, the top of the pool must be 760mm from the ground/finished floor level and have walls that inhibit climbing.
3. Have a water surface area no greater than 5m<sup>2</sup>.
4. Must restrict access by children to the water when closed.
5. Must be able to withstand a reasonably foreseeable load and be able to be readily returned to the closed position.
6. The cover must not be able to lift more than 100mm when locked in position and have hold down straps fitted with lockable plastic snap buckles with a width of 33mm, or metal padlocks.

## Definitions

**Residential Pool** means a pool that is in a place of abode; or in or on land that also contains an abode, or in or on land that is adjacent to other land that contains an abode if the pool is used in conjunction with that other land or abode.

**Abode or Place of Abode** means any place used predominantly as a place of residence or a home, including any appurtenances belonging to or enjoyed with the place; and includes a hotel, motel, inn, hostel, boarding house; convalescent home, nursing home or hospice; a rest home, retirement village, camping ground or any similar place.

**Swimming Pool** means any excavation or structure of a kind normally used for swimming, paddling or bathing. Any product (other than an ordinary home bath) designed or modified to be used for swimming, wading, paddling or bathing.

This does not include fish ponds, artificial lakes, small paddling pools emptied after each use or troughs, etc.

**Small Heated Pool** means a heated pool (spa pool or hot tub) that has a water surface area of 5m<sup>2</sup> or less and is designed for therapeutic or recreational use.

**Immediate Pool Area** means the land where the pool is situated and the surrounding area used for activities involving the pool. This is inside the fence/barrier.

**Self-Latching Device** means a latch or lock that automatically locks the gate/door after each use.

**Self-Closing Device** means a closer or spring on the gate/door that automatically closes it after each use.

## **Waiver**

1. A territorial authority may grant a waiver or modification of section 162C (1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) if the territorial authority is satisfied that the waiver or modification would not significantly increase danger to children under 5 years of age.
2. In deciding whether to grant a waiver or modification under subsection (1), the territorial authority must have regard to all of the relevant circumstances (including the particular characteristics of the pool and the land on which it is situated).
3. Please consult the Marlborough District Council website for fees/charges relating to a waiver from the Building Act 2004.