

Your guide to restricting access to pools

A guide to understanding your responsibilities as a pool owner.



the 1990s, the number of people in the world who are illiterate has increased from 1.2 billion to 1.5 billion.

There are many reasons for this. One is that the population of the world is growing so fast that the number of children who are illiterate is increasing. Another reason is that the number of people who are illiterate is increasing in many countries, especially in the developing world. This is because many of these countries do not have enough schools or teachers to teach all the children who are of school age.

There are also many people who are illiterate because they do not have enough money to go to school. In many countries, especially in the developing world, the cost of education is very high. This means that many children cannot go to school because their parents do not have enough money to pay for their education.

There are also many people who are illiterate because they do not have enough time to go to school. In many countries, especially in the developing world, the workday is very long. This means that many children cannot go to school because they have to work to help their parents.

There are also many people who are illiterate because they do not have enough interest in learning. In many countries, especially in the developing world, the culture is not very supportive of education. This means that many children do not want to go to school because they do not see the value of learning.

There are many ways to help people who are illiterate. One way is to build more schools and hire more teachers. Another way is to provide financial support for children who cannot afford to go to school. A third way is to provide education for children who have to work. A fourth way is to provide education for children who do not have enough interest in learning.

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One of the most important things is to make sure that everyone has access to education. This means that we need to build more schools and hire more teachers. We also need to provide financial support for children who cannot afford to go to school.

We also need to provide education for children who have to work. This means that we need to provide education in the evenings or on weekends. We also need to provide education for children who do not have enough interest in learning.

There are many other ways to help people who are illiterate, and it is important to find the best way for each country. We need to work together to make sure that everyone has access to education.

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Please note: The Building Act 2004 requires that all building work must comply with the functional requirements and performance criteria set out in the building code. The solutions suggested in this guide are taken from the relevant Code clause (F9 – means of restricting access to residential pools) and are intended to help pool owners understand how to ensure they meet their obligations under the Act.



Introduction to fencing your spa or swimming pool

Whether you own or rent a property with a pool, it's your responsibility to make sure it has a barrier that complies with the Building (Pools) Amendment Act 2017.

All pools must have a physical barrier that stops unsupervised young children from entering the pool or area around it.

Barriers must either:

- surround the pool and part (or all) of the area around it, or,
- in the case of a small heated pool like a spa or hot tub, cover the pool itself.

There must be nothing on the outside of the barrier that a child could use to climb over it.

Gates must open away from the pool, not be able to be easily opened by children, and close automatically after use.

The purpose of the Act

The Act is intended to provide protection for young children under five from the possibility of drowning in pools. It does this by requiring a barrier around pools.

Under the Act, pools must be inspected every three years by territorial authorities or independently qualified pool inspectors (IQPIs).

The Building (Pools) Amendment Act 2017 has repealed the Fencing of Swimming Pools Act 1987.

Who is responsible under the Act?

Councils

Territorial authorities (councils) are obliged to take all reasonable steps to make sure pools in their district comply with the Act. They do this by:

- approving and inspecting building consents for new pools and pool barriers;
- keeping a register of pools, spa pools, and hot tubs in their area; and
- regular auditing to make sure pool barriers continue to comply.

Pool owners

Property and pool owners are obliged to:

- let the Council know about the existence of a pool, spa pool, or hot tub, regardless of whether it was installed before the Act came into effect;
- obtain a building consent before installing or constructing a pool or pool barrier, and to comply with any conditions imposed under the consent; and
- ensure the pool and immediate pool area has a barrier that complies with the Act (this includes making sure the components of the barrier and gates are maintained effectively).

Tenants

Tenants and anyone with control of a pool also have an obligation to make sure the pool barrier complies with the Act.



Is your pool on our register?

To check whether your pool is on our register, to report a pool, or find out if a pool on the register has been removed, phone us on **04 296 4700**.

Definitions

Pool

a. means:

- i. any excavation or structure of a kind normally used for swimming, paddling, or bathing; or
- ii. any product (other than an ordinary home bath) that is designed or modified to be used for swimming, wading, paddling, or bathing; but

b. does not include an artificial lake.

Immediate pool area

means 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.

Small heated pool

means a heated pool (such as a spa pool or a hot tub) that

- a. has a water surface area of 5 m² or less; and
- b. is designed for therapeutic or recreational use.



I'm building a new pool – what do I need to do?

Because installing a pool barrier is considered building work under the Building Act 2004, you will first need to get a building consent.

Depending on the type of pool, the building consent may also cover the construction of the pool itself or other building work to ensure compliance with the building code.

Your building consent will list the stages when Council staff will need to inspect the barrier or pool work.

It is the owner's or building consent applicant's responsibility to notify the Council when the work is complete and to apply for a code compliance certificate (CCC) for the completed work.

It is important the pool is not filled until it has been confirmed the barrier complies.

In many cases, the construction of a pool will not require a building consent, but the barrier to prevent access to the pool will still require consent.

How and when will my pool barrier be checked?

Under the Building (Pools) Amendment Act 2017, Kāpiti Coast District Council is obliged to make sure pool barriers continue to comply. We do this by carrying out periodic audits of pool barriers. These audits are generally carried out every three years, but an audit

may be carried out sooner if we have reason to believe the pool barrier doesn't comply, or if an owner requests a visit (for example: a vendor or new owner may want to check that the barrier complies).

What happens during a pool audit?

Council staff will visit your property and inspect all aspects of the pool barrier, including:

- the barrier (making sure the barrier is clear of any climbable material);
- any gates; and
- any doors or windows opening into the pool area.

For routine audits, we notify the property owner before the inspection so arrangements can be made for them to be present at the visit.

How much does a pool audit cost?

You will be charged for the time spent during the audit at the current hourly rate for inspections (visit www.kapiticoast.govt.nz/services/A---Z-Council-Services-and-Facilities/Fees-and-Charges/General-Compliance-Fees/ for the current rates). Charges will include time for the staff member to travel to the property, time on site, and any research or administration directly related to the inspection.

The fees for an independently qualified pool inspector (IQPI) vary. If an IQPI carries out the inspection, Council may charge for the actual time spent on updating the pool register.

What if my pool barrier doesn't pass the inspection?

If your pool barrier doesn't comply, we will talk with you about what needs to be done to bring it up to standard and how long you will be given to carry out repairs or maintenance. You will also receive this information in writing. Once the repairs or maintenance have been done, you will need to contact us to arrange for a follow-up visit.

Failing to comply with the agreed actions may result in further enforcement actions including Council issuing a notice to fix which may result in a fine of up to \$5000 if non-compliance is ongoing or serious in nature.

Note: Your pool must be emptied and remain empty until Council is satisfied it meets the requirements of the Building (Pools) Amendment Act 2017. Before emptying water from your pool, you may need to take precautionary measures for in-ground pools where the groundwater table is high or may be of concern, or if there is a risk of someone falling into the empty pool.



Do I need to put a barrier around my spa or hot tub?

An initial inspection will be carried out to ensure that your spa has a cover that meets the functional requirements and performance criteria of Building Code clause F9. If it does, it will only need to be inspected every three years.

If you don't have a compliant cover, then you can either:

- Put a barrier around the pool. If you choose to barrier it, then the inspections every three years will apply.
- Empty the pool until either a compliant cover or barrier is installed.

How to make sure your pool barrier complies with the Act

Only the immediate pool area is to be included in the enclosed area, not the whole of the outdoor living space. It should not be used as a thoroughfare to other parts of the property.

Activities that may be carried out in the enclosed area are those that involve the pool or are in relation to it. For example, you could have a barbeque and outdoor furniture in the immediate pool area, but not a clothesline or vegetable garden.

The specifications detailed for the remainder of this guidance booklet are taken directly from the Acceptable Solutions F9:AS1 and F9/AS2 Guidance document available on www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety/

Barrier specifications, gates, doors, windows, and buildings

Pool barriers

Height and angle

- Your pool barrier must be at least 1200mm high measured on the outside and at least 1200mm high measured from any permanent projection or object placed on the ground outside the barrier (compare figure 1 and 2).
- It must not be angled more than 15° from vertical, and must slope away from the pool.

Openings and gaps

- Your pool barrier must not have any openings that a 100mm diameter sphere could pass through.
- Steel wire mesh with square openings may be used as an alternative, as long as the openings do not have a side dimension greater than 13mm (figure 3).
- Panels with steel wire mesh with openings measuring between 13mm and 35mm on a side must be at least 1800mm high, but may have a gap at the base of not more than 100mm (see figure 4).

Figure 1:
Method for determining
clearance height of
pool barrier

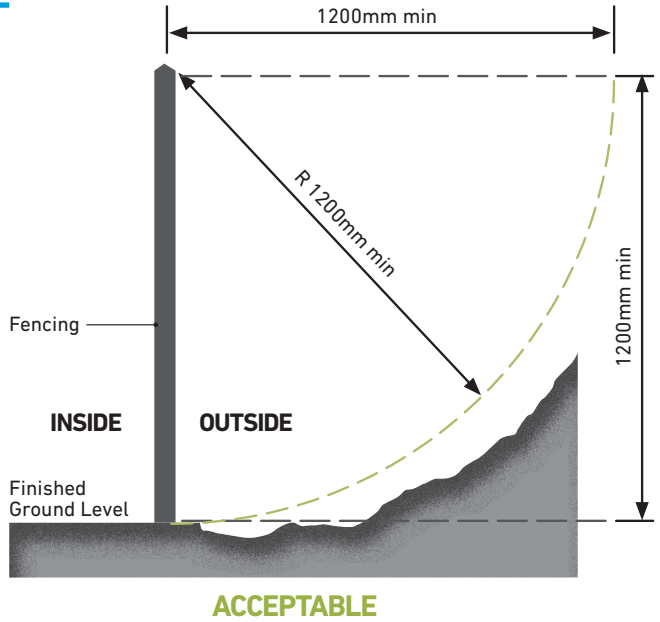


Figure 2:
Non-compliant
pool barrier

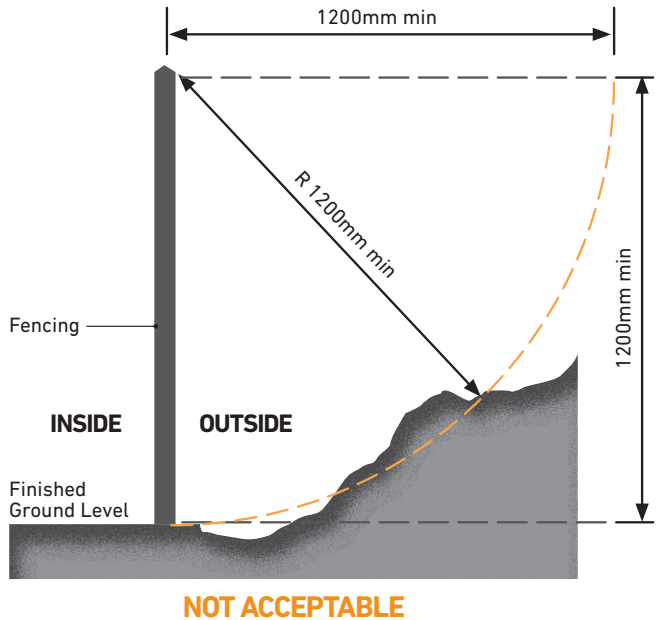


Figure 3:
Wire mesh barrier
with a maximum
opening of 13mm

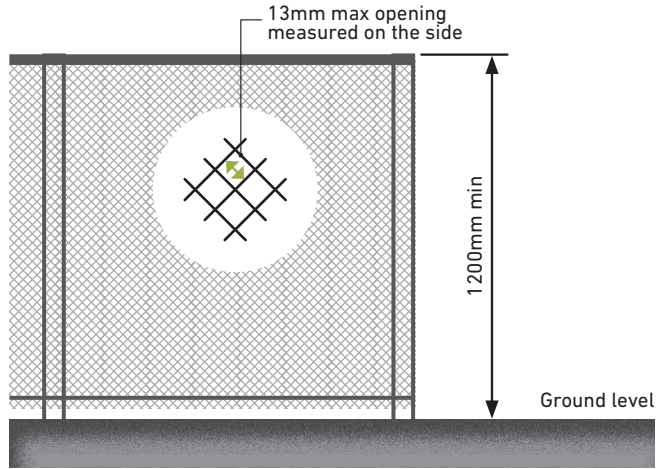


Figure 4:
Wire mesh barrier with
an opening between
13–35mm

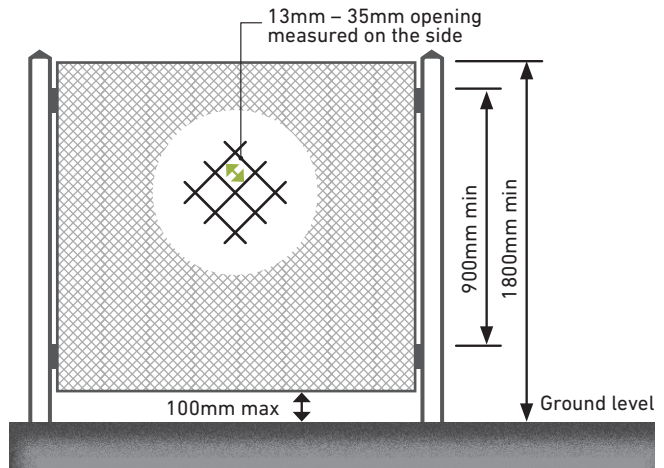


Figure 5:
Distance of horizontal
structures on a pool barrier

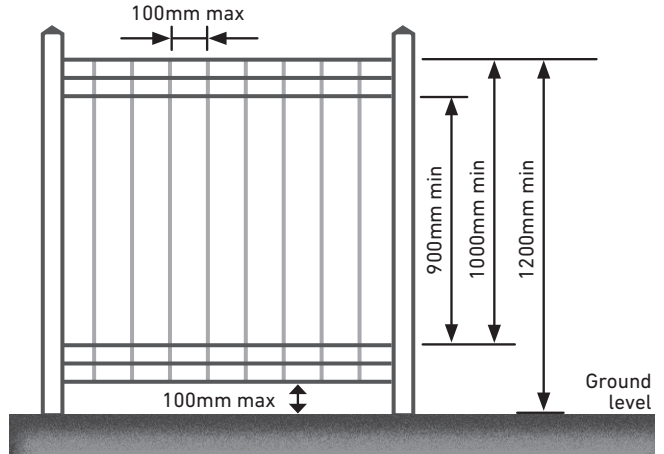
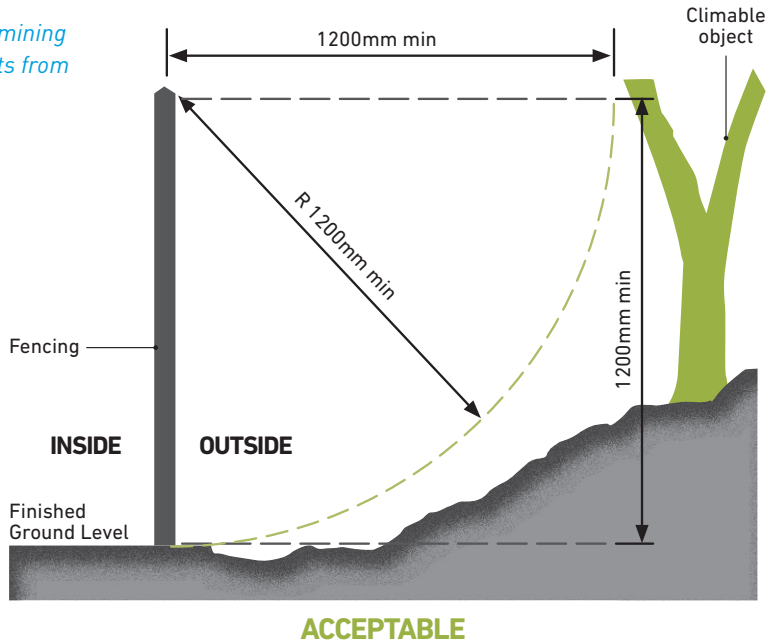


Figure 6:
Method for determining
distance of objects from
the pool barrier





Features to stop a child climbing into the pool or pool area

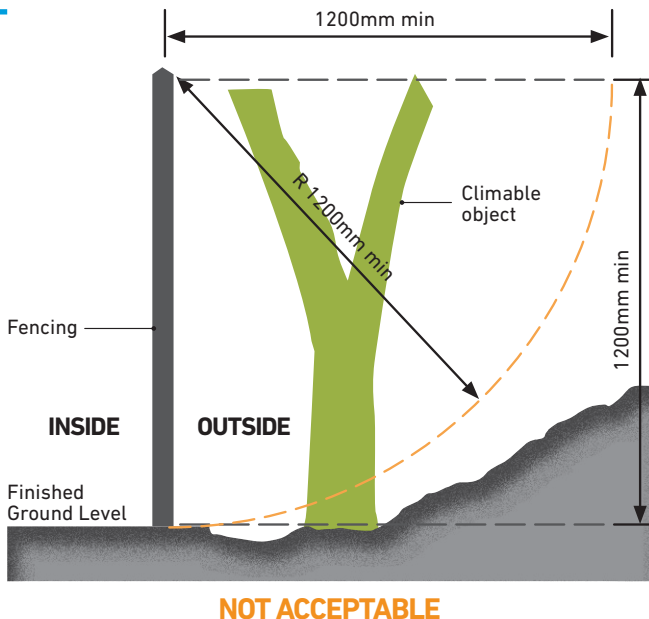
- Any rails, rods, or wires forming part of a pool barrier that aren't vertical must be at least 900mm apart vertically, to prevent a child from using the barrier as a ladder (figure 5).
- There must be no ground features or objects outside a pool barrier within 1200mm of the top of the barrier that a child could use to climb over the barrier (compare figure 6 and 7).
- Any projections or indentations on the outside face of a pool barrier must not have a horizontal projection from the face of the pool barrier greater than 10mm unless they are at least 900mm apart vertically (for an example of solid wall type panels see figure 10 and 11).

Pool barriers on a property boundary

Height, angle, and placement

- Any pool barriers on a property boundary must be at least 1800mm high, measured from the ground level on the pool side (figure 9).
- The barrier must be located at least 1000mm horizontally from the water's edge (figure 8).

Figure 7:
Non-compliant pool barrier



Openings, gaps, and barriers

- The barrier must have no openings that a 100mm diameter sphere could pass through.
- Any rails, rods, or wires forming a part of a pool barrier that aren't vertical must be at least 900mm apart vertically.

A pool wall as a barrier

- The outside face of a pool wall is an acceptable barrier if it is at least 1200mm high and complies with the requirements of a pool barrier listed above.
- When the top of a pool wall is 1000mm or more from the surrounding ground, clause F4 of the Building Code, *Safety from falling*, may apply if there is a potential hazard from falling over or off the top of the wall.
- Any ladder or other means of providing access to the pool must have a compliant enclosing barrier and gate.

Figure 8:
Pool barriers on
a property boundary

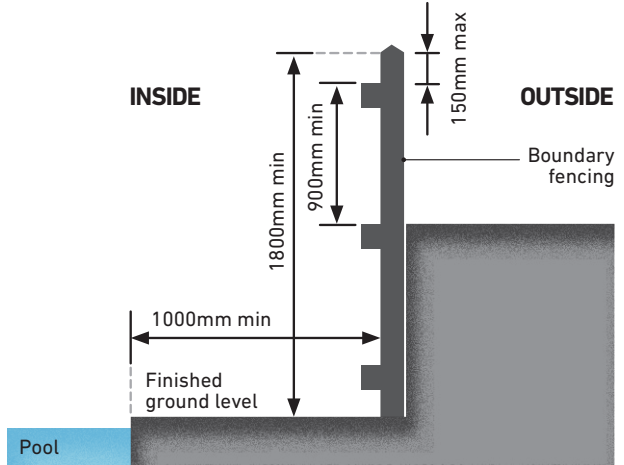


Figure 9:
Horizontal barrier with
spacing of not more
than 10mm

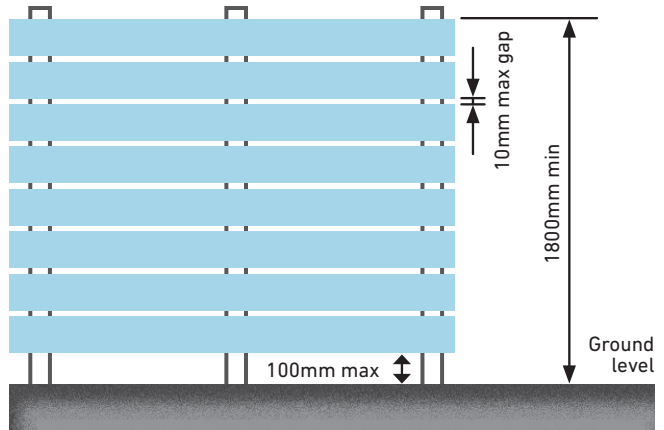


Figure 10:
Solid panel type barrier
with rails on the inside

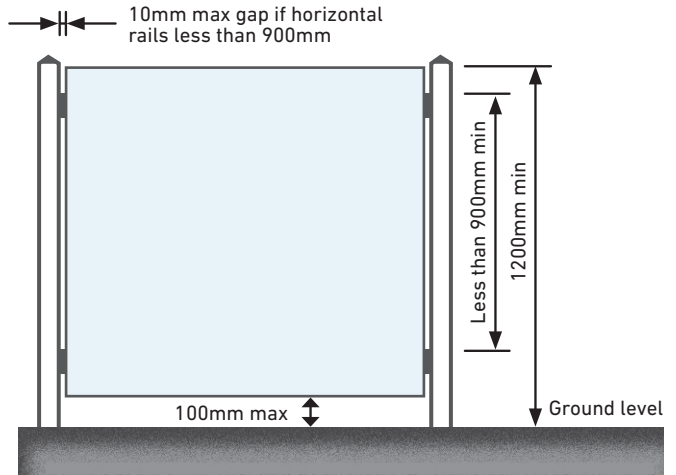
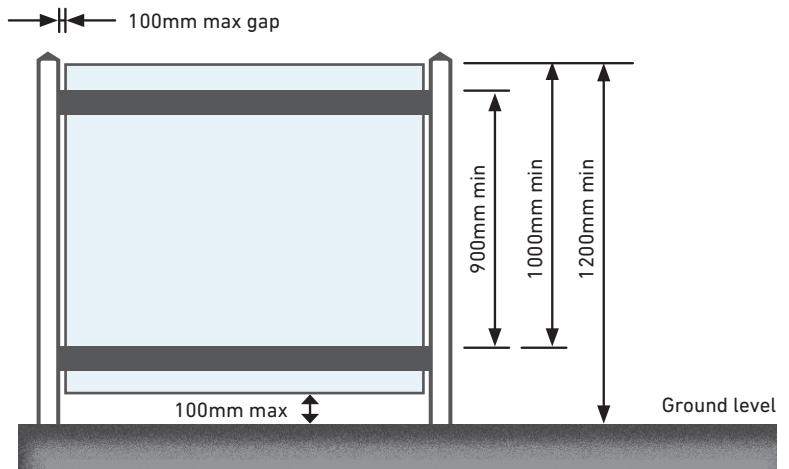


Figure 11:
Solid panel type barrier
with rails on the outside



Balconies projecting into the immediate pool area

- When the floor of a balcony is more than 2400mm vertically above the immediate pool area, a barrier complying with clause F4 of the Building Code may be used as long as there are no projections within 1200mm below the top of it (such as a wall or landscaping feature) that could assist a child to climb down.

Gates in pool barriers (figures 12-15)

A gate in a pool barrier must:

- be hinged;
- be at least 1200mm high, and comply with the requirements of a pool barrier listed above;
- open away from the pool;
- swing clear of any obstruction that might hold it open;
- have a self-closing device that will return the gate to the closed and latched position from any position with a stationary start; and
- have hinges arranged so that when the gate is lifted up or pulled down:
 - the latching device will not release;
 - the gate will not come off its hinges; and
 - the ground clearance under the gate will not allow the passage of a 100mm diameter sphere.

A latch on a gate in a pool barrier must:

- automatically operate when the gate closes so that manual operation is required to release it;
- be positioned so it cannot be reached by a child from outside the pool area; and
- not be capable of being released from outside the pool area by the insertion of a thin implement through any gaps.

Figure 12:
Gate latches for
barriers at least
1500mm high

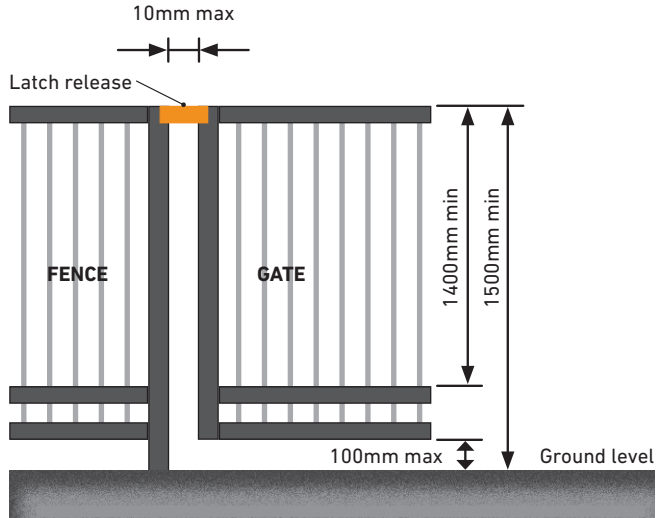
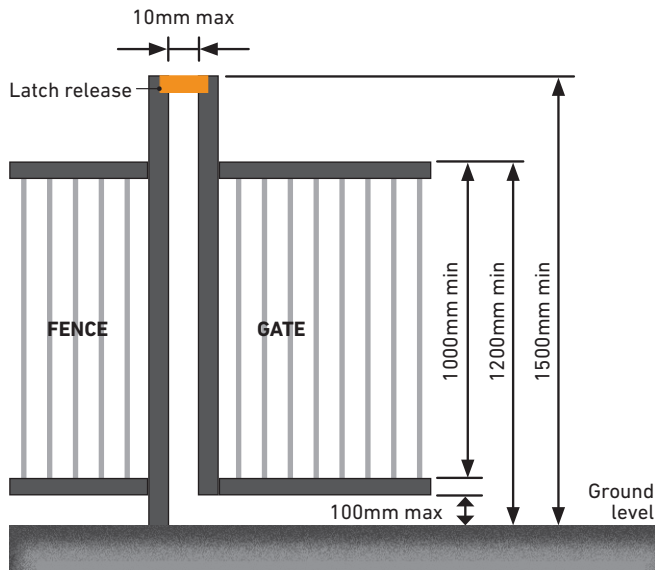


Figure 13:
Gate latches for
barriers less than
1500mm high



A building wall forming the pool barrier

Where there is a window that can open above and within 2400mm vertically of the immediate pool area, the window must have either:

- the lower edge of the opening no less than 1000mm above the floor inside the building with no projections underneath of more than 10mm;
- a restrictor limiting the size of the opening such that a 100mm diameter sphere cannot pass through; or
- a permanently fixed screen over the opening that a 100mm diameter sphere cannot pass through.

Doors in a building wall that provide access into the immediate pool area must be:

- single leaf doors that are not more than 1000mm wide and
- side-hinged or sliding.

Doors in a building wall providing access into the immediate pool area must have:

- either a self-closing device or an audible alarm;
- a self-latching device that automatically operates when the door is closed and must be released manually, with a release located at least 1500mm above the inside floor; and
- a sign that must be:
 - fixed next to the inside door handle at a height between 1200mm and 1500mm stating: "SWIMMING POOL. CLOSE THE DOOR." and
 - written in black letters of at least 5mm high, complying with paragraphs 2.2 and 3.2.2 of Building Code F8/AS1.

Signs on pool doors are not required in detached dwellings or in household units in multi-unit dwellings (such as apartment units). However, homeowners may choose to fit signs to their pool access doors as a reminder for visitors.

Doors will usually require two-handed operation – one to release the high level latch, and the other to operate the door handle lock set.

Doors enable the barrier to the pool to remain effective except when the doors are briefly used for access.

Figure 14:
Gate latches for barriers
less than 1500mm high
with a latch shield

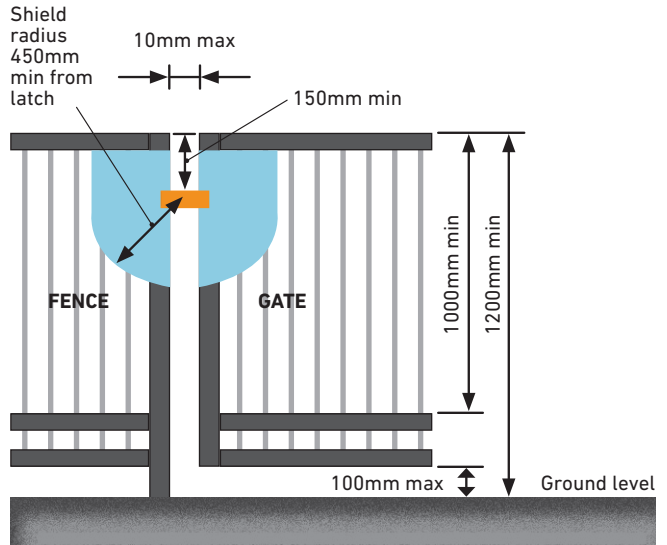
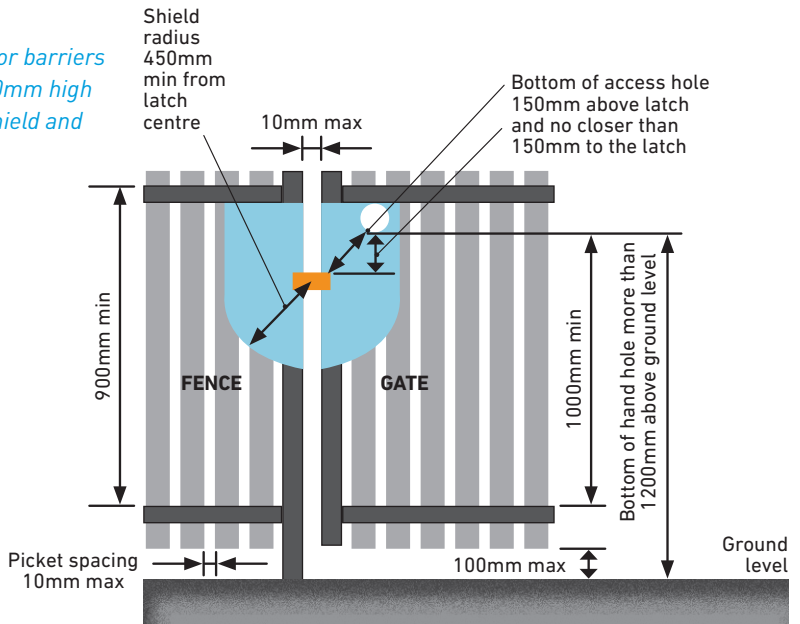


Figure 15:
Gate latches for barriers
less than 1500mm high
with a latch shield and
access hole.



For hinged doors that open towards the pool, a self-closing device must return the door to the closed and latched position from any position when the door is stationary. For all other doors, a self-closing device must return the door to the closed and latched position when the door is stationary and 150mm or further from the closed and latched position.

A door alarm must:

- produce an alarm tone of 75dBAL10 when measured at a distance of 3000mm that starts 7 seconds after the door's self-latching device is released;
- automatically return to a state of readiness when the door is closed and latched; and
- have a low battery charge warning that is visual or audible.

Door alarms may be provided with a deactivation switch placed not less than 1500mm above floor level, and that silences the alarm for not more than 15 seconds.

Keep your pool and pool area safe

Even when your pool has a barrier that complies with the Act, you need to make sure:

- gates or doors are not propped open or kept from latching and
- there is nothing close to the pool barrier that could be used by children for climbing; for example: bikes, trikes, flowerpots, deck chairs, firewood, boxes, or wheelbarrows.

For more information

Visit www.building.govt.nz or www.kapiticoast.govt.nz.

To book an inspection or to check that your pool is registered with the Council, phone **04 296 4700**.



