

# New legislation to improve pool safety and compliance

19 January 2017

A major overhaul of swimming pool safety requirements has been welcomed by the Rangitikei District Council.

Taking effect from 1 January 2017, The Building (Pools) Amendment Bill has been passed by Parliament to strengthen pool safety compliance and reduce the accidental drowning of children. It also widens the number of enforcement tools available to local authorities.

The Building (Pools) Amendment Act 2016 repeals the Fencing of Swimming Pools Act 1987 and includes new provisions in the Building Act 2004 relating to residential pools. This means the requirements will now stand alongside the other safety and building regulation powers contained within that Act.

The Bill introduces a compulsory nationwide requirement for all swimming pools to be inspected and certified every three years to ensure ongoing safety compliance. Under the previous regime, many local authorities carried out three yearly or periodic inspections, although there was no requirement to do so.

## Key Changes

- Any swimming or spa pool which is capable of holding 400mm or more depth of water requires a building consent. This includes kitset and inflatable pools (which are erected for a short period of time each season) and spa pools. Dependent on the size of the pool, there may not be a requirement for specific pool fencing. However, please check with the Rangitikei District Council first.
- Every territorial authority must ensure that the following residential pools within its jurisdiction are inspected at least once every 3 years by a IQPI (independently qualified pool inspector) and/or territorial authority
- Manufactures and retailers must supply notice with the pool notice approved by the chief executive setting out or summarising the responsibilities of the owners, pool operators, and occupiers.
- Allows safety covers to be used as barriers to restrict access on small heated pools such as spa pools and hot tubs. Safety covers can be used as barriers that restrict access to small heated pools where the water surface area is 5 m<sup>2</sup> or less and has no climbable sides of at least 760 millimetre high.
  - The cover must restrict entry of children under 5 years of age when closed
  - With stand a foreseeable load
  - Be readily returned to the closing position
- Water features, garden and drainage ponds are also explicitly excluded from swimming pool requirements
- Pools (including infinity pools) are no longer required to be fenced on all four sides, instead requiring physical barriers that restrict access to the pool by unsupervised children under 5 years of age.
- Additional enforcement tools
  - Territorial authorities can issue notices to fix.
  - Failing to comply with the notice to fix could receive an infringement notice or face prosecution.

The Council will be contacting pool owners in due course to organise an inspection of their pool's safety features as part of the changes.

While the new rules ensure greater compliance with safety requirements, the new law also relaxes safety requirements in certain key respects.

For more detailed information please go to the following websites

<http://www.legislation.govt.nz/act/public/2016/0071/latest/whole.html>

If you have a swimming/spa pool that has not been added to the Council's register, or if you have concerns about fencing, we encourage you to contact us on 06-327 0099.