



SWIMMING AND SPA POOL REQUIREMENTS



When did the new pool safety legislation come into effect?

01 January 2017

Why have the laws been changed?

Although accidental deaths per year from drowning have reduced significantly in the last 30 years since legislation first came into effect, we can reduce this even further by ensuring the steps taken at the completion of the swimming pool sign-off by Council remain in place during the lifespan of any pools and spa pools.

Am I required to have fencing for my temporary inflatable pool?

If the inflatable pool has the **capability** of being filled to **400mm or more** then you will be required to fence the pool as per the legislation to restrict access by young children. It remains important to watch your children closely while they are playing in the pool.

Manufacturers and retailers of swimming pools and spa pools must inform buyers of their responsibilities by providing notices with these products. Also refer to [MBIE Guidance](#) for pool owners.



Does my spa pool need a fence and/or a building consent?

As disclosed in the MBIE Guidance document **Building work that does not require a building consent**, specifically S21A, a building consent is **not** required for the means of restricting access where a safety cover is used on a small heated pool, such as a spa pool if it meets the following criteria:

- be less than 5m² surface area of the water
- be a minimum 760mm high
- have no steps
- have a complying lockable lid

If the cover used does not comply with Building Code clause F9.3.5, it is not considered to be a safety cover. For a safety cover to comply with F9.3.5 it must satisfy all of the following:

- Restrict the entry of children when closed
- Be able to withstand a reasonably foreseeable load
- Be able to be readily returned to the closed position
- Have signage indicating its child safety features

Closers or Locks:

Fastenings must be capable of maintaining the cover in place so that there is no opening that a 100mm sphere could pass through when a 10kg force is applied to the cover in any direction and at any location and;

- have hold down straps fitted with lockable plastic snap buckles, width of 33mm; or
- metal padlocks

If your small heated pool does not have all of the above then you will be required to fence it.

Where a small heated pool has a compliant safety cover, it also does **not** need to be inspected every three years as fencing to other residential pools are (section 162D of the Building Act 2004).

As of 1 September 2017, manufacturers and retailers of swimming pools and spa pools must inform buyers of their responsibilities by providing notices with these products. It is the owner's responsibility to ensure fences, self-closing gates and latches continue to operate correctly and are maintained.

Will the current fencing around my pool meet the new fencing requirements if it complied with the Fencing of Swimming Pools Act 1987?

If your fence already complied then you should not need to do anything further. You will need, however, to ensure your pool is inspected every three years.

Do I have to make my boundary fence comply on my neighbour's side to meet pool safety requirements?

No, as long as you maintain the height requirements to prevent access to your own pool.

What are the changes to doors opening into pool areas?

All doors must be self-closing or be fitted with alarms that go off if the doors don't close after someone goes through them.

I have an existing pool/spa and it doesn't comply with new legislation. What do I do?

Contact your local pool fencing supplier and/or window and door hardware supplier who will be able to supply and make adjustments to ensure your pool is compliant. Before commencing work, check with the Council to see if the extent of the work you are doing will require a building consent.

Are there any changes to the building consent process?

The process for applying remains the same, although you will need ongoing three yearly inspections.

Will I need to have my pool inspected and what are the costs?

Your pool will need to be inspected every three years, the first within six months before or after the anniversary date of your pool or spa pool. The anniversary date is the date of issue of the Code of Compliance Certificate, the Certificate of Acceptance or when Council became aware of the pool.

The new regulations introduce 'Independently Qualified Pool Inspectors (**IQPI**)'. An IQPI is someone who's been approved by MBIE to inspect and certify pools. MBIE has a list of [IQPI's available online](#) and will add to it when more register.

Once you receive your reminder letter for your pool inspection, you can choose to engage an IQPI in your area to inspect your pool, or to have Council officers carry out the inspection.

Costs for a pool inspection by a Council officer are \$80.00 for a three yearly inspection. If an inspection fails there may be a re-inspection charge based on the extent of the non-compliance. A copy of the current fees schedule is available from the Council website link below.

[Building Services Fees and Charges](#)

Where can I go for further information?

Helpful information is available by visiting the following websites:

- [MBIE Safety Guidance for pool owners](#)
- [Building Code Clause F9](#)
- [Residential pool safety MBIE](#)