

# Building (Pools) Amendment Act 2016



Photo courtesy of WaterSafe Auckland from the 'Your Pool Your Responsibility' campaign.

[www.building.govt.nz/poolsafety](http://www.building.govt.nz/poolsafety)



# In this presentation

## Why fence pools?

### Key changes:

- Mandatory inspections every three years
- Small heated pools with safety covers comply
- Access to the powers under the Building Act
- Unclear aspects of the law are clarified.



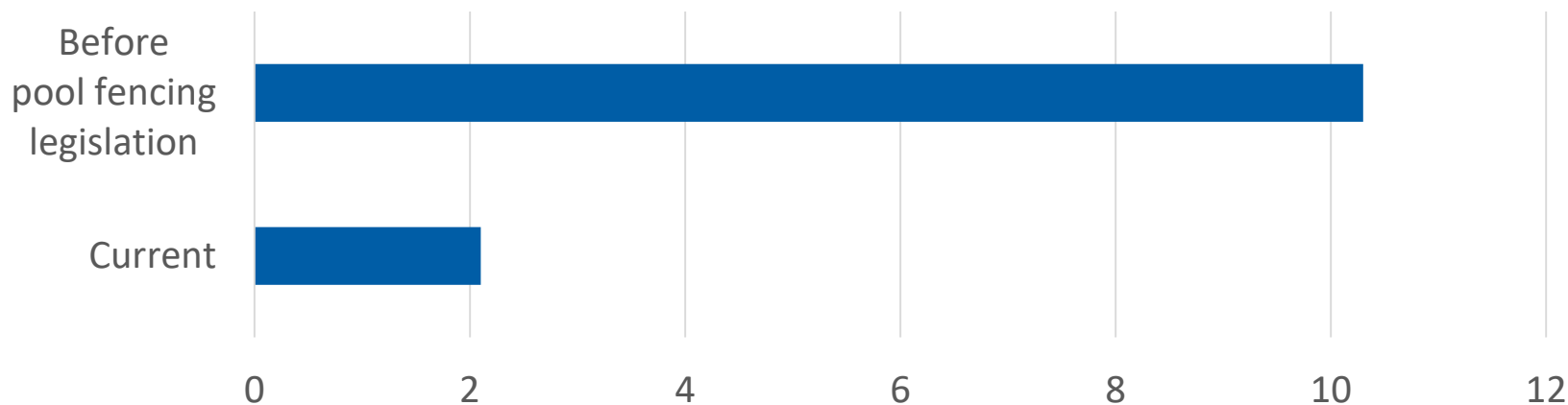
**Changes took effect  
1 January 2017**



# Why fence pools?

## Fencing reduces drowning

Average number of children under five drowning every year in home pools



Data Sources:

Local Bills Committee (1983) *Report on the Fencing of Private Swimming Pools*, AJHR I(10A). Drownings between 1973 and 1982.

Water Safety New Zealand submission to the Local Government and Environment Committee, 2015. Drownings between 2003 and 2014.





# Key changes

## Mandatory inspections every three years

Applies to

- Residential pools (excluding small heated pools where the barrier is a safety cover).

Inspected by

- Territorial authorities, or
- Independently qualified pool inspectors.





# Small heated pools with safety covers comply



Photo: [https://commons.wikimedia.org/wiki/File:Spa\\_jardin.jpg](https://commons.wikimedia.org/wiki/File:Spa_jardin.jpg)

## The pool

- Water surface  $\leq 5\text{m}^2$
- Side walls  $\geq 760\text{mm}$
- Side walls inhibit climbing

## The cover

- Restricts entry when closed
- Can be readily closed
- Can withstand a foreseeable load
- Has safety signage



# Access to the powers under the Building Act

Power	Fencing of Swimming Pools Act 1987	Building Act 2004
Enforcement tools	<ul style="list-style-type: none"><li>• Prosecution</li></ul>	<ul style="list-style-type: none"><li>• Notice to fix</li><li>• Infringement notice</li><li>• Prosecution</li></ul>
Special exemptions / Waivers and modifications	<ul style="list-style-type: none"><li>• Decided by councillors</li><li>• No right of appeal</li></ul>	<ul style="list-style-type: none"><li>• Delegated to officers</li><li>• Decisions can be appealed</li></ul>

# Unclear aspects of the law are clarified

## Doors

- Have a self-closer or a door alarm.



Photo: [https://commons.wikimedia.org/wiki/File:Upvc\\_Patio\\_doors.JPG](https://commons.wikimedia.org/wiki/File:Upvc_Patio_doors.JPG)

## Garden ponds

- Barrier requirements do not apply.



Photo: [https://commons.wikimedia.org/wiki/File:Water\\_Garden\\_01.jpg](https://commons.wikimedia.org/wiki/File:Water_Garden_01.jpg)



# BUILDING PERFORMANCE



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