

SWIMMING POOL GUIDANCE

BE WATER SAFE



September 2026

Safety guidance for pool owners

Residential swimming and spa pool safety

Be Water Safe

New pool safety legislation came into effect on 1 January 2017.

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.

Under the Building Act 2004, all residential pools must have compliant pool barriers to keep young children safe at all times. This includes spas and temporary pools.

Every residential swimming pool that is filled or partially filled with water more than 400mm deep must have physical barriers that restrict access to the pool by unsupervised children under 5 years of age.

The property owner and any tenants on a property where a residential pool is located are all responsible for ensuring these barriers remain compliant.

Council are required by the Building Act to ensure these residential pools are inspected at least every three years to determine they still have complying pool barriers.

If you have a residential pool, please ensure it is registered with the Council.

There is no charge to register your pool. Small heated pools that have an acceptable cover (more information on following pages) do not need to be registered.

Registration form on next page

Once registered, we automatically schedule safety checks of your pool barriers every three years. Let us know if you have removed a swimming pool from your property so we can update our records and stop inspections.

Regulatory Services

Clutha District Council

1 Rosebank Terrace, PO Box 25, Balclutha 9240

Email: RegulatoryCDC@cluthadc.govt.nz

Phone: 0800 801 350



Register your spa or swimming pool

All pools with water deeper than 400mm must be registered with the Clutha District Council, please complete the form below, and return by email or to our offices at 1 Rosebank Terrace, PO Box 25, Balclutha 9240.

Before you begin

Please read the swimming pool safety guidelines document

If you remove your pool, please let us know to stop inspections

Once registered, we automatically schedule safety checks of your pool barriers every three years.

Let us know if you have removed a swimming pool from your property so we can update our records and stop inspections.

Regulatory Services

1 Rosebank Terrace, PO Box 25, Balclutha 9240.

Email: RegulatoryCDC@cluthadc.govt.nz

www.cluthadc.govt.nz

Pool owner

Full name

Postal address, including

Phone

Email

Register your spa or swimming pool

Address of the pool

Street number and name

Suburb

Postcode

Property valuation number (if known)

Type of pool

☐

Spa pool

☐

Swimmingpool

Location of pool

☐

Indoor

☐

Outdoor

Placement of pool

☐

In the ground

☐

Above the ground

Construction material

☐

Concrete

☐

Plastic

☐

Other (please state)

Register your spa or swimming pool

Pool barrier

Type of pool barrier (select all that apply)

☐

Steel fence

☐

Wooden fence

☐

Colour steel fence

☐

House/building

☐

Other (please state)

Was a consent issued for the pool barrier?

☐

Yes

☐

No

☐

I don't know

Images and site plan

Please enclose a photo, site plan or both, showing the pool in relation to other buildings, fences etc on the site.

General

Please provide any other relevant details or comments

Knowing the rules

☐

I confirm that I have read and understand the pool safety legislation, obligations and guidance information for pool owners.

☐

I understand that there is a legal requirement for my pool to be audited for safety by a Council inspector or an independently qualified pool inspector (IQPI) every 36 months or less, and I will be liable for the associated fees.

☐

I will engage an independently qualified pool inspector and send their report to Council

☐

I agree to have Council inspectors audit my pool as required

Signed by

Print Name

Date

Building a new pool

If you are building a new pool, you will at least need a building consent for the barrier restricting access to the pool.

This includes any pool that sits above ground where the sides of the pool form a barrier. Note, installation of a small heated pool with a safety cover that complies with the building code does not require a building consent.

If you are thinking about installing a swimming pool or spa, or you have questions you cannot find the answer to on the MBIE website - <https://www.mbie.govt.nz/building-and-energy/building/residential-pool-safety/> you can discuss your installation with our Building Team. Phone 03 419 0200 or email RegulatoryCDC@cluthadc.govt.nz before you begin.

The acceptable solutions for meeting the building code for Means of restricting access to residential pools can be found on MBIE's website - <https://www.mbie.govt.nz/building-and-energy/building/residential-pool-safety/>

To ensure you have sufficient information when you apply for your building consent, refer to our pool barrier application check sheet (included in this guideline document or on our website www.cluthadc.govt.nz)

Building consents do incur fees so please check our website for more details.

Pool safety

Make sure your pool is always secure and safe by completing regular maintenance of your pool barriers and gates.

Pool barriers

Your pool barrier must:

- Restrict access to the pool and the immediate pool area.
- Be at least 1.2m above the ground and any permanent projections, such as steps, retaining walls, raised gardens, or objects placed on the ground within 1.2m of the barrier.
- Have no climbable features on the outside of the barrier or adjoining barrier that could be used for climbing unless they are spaced at least 900mm apart.
- Not have any gaps that exceed 100mm in or under it, including pet doors.
- Barriers using steel wire mesh up to 1800mm in height may only have a maximum size openings of 13mm, if the barrier is at least 1800mm high the opening dimensions may be a maximum of 35mm.

See acceptable solutions F9/As2 for further information. Go to www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety



Pool safety

Pool barriers

Inside the pool area

Non-pool related items and activities cannot be located inside the pool area.

This includes:

- clotheslines
- play equipment
- vegetable gardens
- dog kennels
- general storage areas

Gates

Gates into the pool area must;

- open away from pool area
- self-close and self-latch unaided from any distance
- comply with the rules for fences

The gate latch must:

- be a minimum of 1.5 metres above the ground and any objects within 1.2 metres of the barrier, if accessible from the outside of the pool barrier
- be inaccessible from the outside except by reaching at least 1.2 metres if mounted on the inside of the gate
- be at least 150mm from the top or be shielded, if the latch is accessible only by reaching over the gate

Around the pool area

- ensure there are no trees that could assist young children in climbing the fence
- external removable ladders must be disabled or removed after use
- for pools installed after 1 January 2017, ladders are not allowed unless they are surrounded by a complying barrier and gate



Pool safety inspections

Using a Council pool inspector

We automatically schedule an inspection for pool barriers, about once every three years.

We will contact you prior to the inspection and advise of a date. If an inspector has trouble accessing your property because of security restrictions or dogs, or if you want to be home when the inspector comes, you will need to contact us and book an inspection.

To book an inspection or enquire about a booked inspection for an existing pool, contact us on 0800 801 350 or email RegulatoryCDC@cluthadc.govt.nz

Commercial and Public pools have an inspection fee, contact us for more information.

Using an independently qualified pool inspector

You can choose an independently qualified pool inspector (IQP) by going to; <https://poolinspectors.mbie.govt.nz/>

The IQP will issue you a certificate of periodic inspection certifying the pool barrier complies.

You can email your certificate to RegulatoryCDC@cluthadc.govt.nz including your:

Full name

Address

Contact phone number

Failed pool inspection

If your pool barrier fails the inspection, we will automatically book to re-inspect it 21 days later. If it is considered particularly dangerous we will re-inspect it 48 hours later.

Notice to fix

If we consider it necessary we may issue a “notice to fix” under the Building Act 2004 for a non-complying pool barrier. This could incur a notice to fix fee.

If you do not comply with the 'Notice to Fix', you could receive a \$500 infringement notice, or be prosecuted with a maximum fine of \$20,000.



Small heated pools

Filling your pool

A small heated pool does not need an inspection every three years if it meets the following criteria:

- A water surface area of 5 square meters or less
- 760mm high unclimbable sides, including no steps

A complying lockable lid that must

1. be capable of supporting 20kg of weight at its center
2. have hold-down straps and fasteners capable of fixing the cover in place so there is no opening greater than 100mm
3. have fasteners with a minimum main width of 33mm
4. have a prominently displayed hazard warning notice, such as "Warning, this spa pool must be kept locked except when under adult supervision".
5. be constructed with a slope from the center to the outside to prevent water from collecting on the top

See acceptable solutions F9/As2 for further information www.building.govt.nz/building-code-compliance/f-safety-of-users/pool-safety



Filling and emptying your pool

Filling your pool

When filling your pool, it is really important you don't contaminate our water supply.

Backflow is one of the biggest risks to our public water supply and can seriously affect the quality and safety of our drinking water. As a property owner, you are legally responsible for making sure you do not contaminate the public water supply.

The potential risk of a backflow hazard from swimming pools to the public water supply are:

- Below-rim inlets
- Hoses left running and dropped into spas and pools
- Direct connections at chlorination equipment

Swimming and spa pools are considered medium hazards in the acceptable solutions of the building code. You will need to install one of the following devices to prevent backflow from your spa or pool to the water supply:

- A hose-tap vacuum breaker in the hose that feeds the pool
- A medium hazard backflow prevention device at the property boundary, where the water meter is located. A backflow prevention device of this type requires building consent before installation

Talk to your pool supplier or local plumber about the right options for your pool or spa.

For more information about backflow prevention see our Backflow information sheet, available at our Council offices.

Emptying your pool

Swimming and spa pools contain chlorine and other substances that are harmful to the environment and toxic to fish.

To protect our rivers, streams and wetlands, it is important that only rain water goes into our storm water network.

It is easy to do the right thing with your pool water.

When emptying swimming pools or spa pools, water must be dechlorinated and discharged to stormwater.

There are also these things to consider:

- If you empty your pool at the end of summer, please do it during dry weather, when the wastewater network is better able to cope with the extra flow of water
- If your pool is in-ground, you may need to take precautionary measures to address groundwater pressure on the empty pool.
- If you live in a flat rural property, your pool can be emptied directly to the ground. You will need to take care that it does not drain into a watercourse or impact another property. It should also not drain into a septic tank system. We suggest that you check your chemical levels, in particular chlorine, to ensure they are low before emptying the pool as these can have impact on plantings.



We are here to help

If you are thinking about installing a swimming pool or spa, or you have any questions about swimming pool safety and barriers that aren't answered in this guide you can contact us, details below.

For more useful information on Swimming Pool responsibilities this summer go to:

<https://www.mbie.govt.nz/building-and-energy/building/residential-pool-safety/>

Have a safe and fun summer!

The Regulatory Services Team

Clutha District Council

Ph: 0800 801 350

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