

**BUILDING ACT 2004 (Section 162C & 162D)**  
**POOL SAFETY BARRIER INSPECTION REPORT**  
Regulatory & Compliance



In New Zealand, all pool safety barriers, or means of restricting access to a residential pool, must meet the requirements of s. 162C Building Act 2004, and in order to do so, must comply with the requirements of the Building Code NZBC F9, and/or the requirements of the compliance schedule to the Fencing of Swimming Pools Act 1987. The means of restricting access to the residential pool on your property will be assessed in terms of whether they achieve compliance with those standards.

**Residential Pool** Yes

**Small Heated Pool (Spa Pool)** No

**Property Details**

**Address:** 19 Manson Street

**Owner:** Kristy Robinson

Shane Hawkins

**Phone:** 027 563 4323

**Email:** kristy@tmbl.co.nz

**Officer Details**

**Officer:** Joselyn Valenzuela

**Officer Title:** Compliance Officer

**Phone:** 027 2351946

**Email:** joselyn.valenzuela@tauranga.govt.nz

**Inspection Record**

**Pool Consented?** Yes

**Consent Number** 117834

**Date of Consent** 1972

**Is a s67a waiver or modification required for the pool barriers on this property:** No

**Time and Date of Inspection** 15/12/2022 9:20 a.m.

**Outcome** Non Compliant

**Accompanied Inspection with Owner/Occupier:** Yes

**Name:** Kristy Robinson

**Unaccompanied Inspection – Accessible Pool:** No

**Code Compliance Certificate Disclaimer**

This scheduled pool safety barrier inspection report may confirm that the pool barriers on this property have achieved compliance with S162C Building Act 2004 by meeting the requirements of the Fencing of Swimming Pools Act 1987 AND/OR the function and performance requirements of the Building Code F9. However should a Building Consent have been issued, but a formal Code Compliance Certificate (CCC) has not been issued, this report must NOT be taken as a Formal CCC issued pursuant to S95 Building Act 2004

**The Pool Safety Barriers**

Compliant

Not  
Compliant

N/A

- 1 **A** – The pool safety barrier is a minimum height of 1200mm (outside ground level), is no more than 15° from vertical, has no horizontal or angled rails, rods or wires on the outside which are less than a 900mm apart, or less than 900mm from the top of the barrier and has no protrusions or indentations over 10mm deep which may offer an opportunity for a small child to scale the barrier from the outside **AND/OR**
- B** – All pool safety barriers on a boundary are a minimum height of 1800mm (internal ground level) is no more than 15° from vertical, has no rails, rods, wires, platforms, protrusions or indentations over 10mm on the inside, (pool side) which are less than 900mm apart **AND** less than 900mm from the top of the barrier (measured no more than 150mm from the top) which may offer an opportunity to climb down into the pool area.
- 2 All pool safety barriers, (other than when **B** above applies) have no permanent climbable surfaces projections or objects located on the outside of the barrier and within a 1200mm arc from the top of the barrier which may offer an opportunity for a small child to scale the barrier from the outside.
- 3 The pool safety barriers are of a rigid and durable nature with no gaps or spaces exceeding 100mm and will effectively inhibit access to the pool area by a small child scaling or negotiating the barrier
- 4 The pool safety barriers enclose only the immediate pool area, which does not provide access to any other part of the dwelling or property, and does not contain any features or equipment that would not normally be used in conjunction with the use of the pool, such as a clothesline, play equipment, vegetable garden etc. (Barbecues & patio furniture are acceptable if used in association with the use of the pool).
- 5 The pool safety barriers do not enclose the whole of the property, thereby offering no opportunities for activities other than those normally undertaken in conjunction with the use of the pool.

**If the Pool Safety Barrier is of mesh construction;**

- 6 Spacing (measured along the side) does not exceed 13mm, for a barrier up to 1200mm in height
- 7 Spacing (measured along the side) does not exceed 35mm for a barrier over 1200mm in height but no less than 1800mm in height.
- 8 Spacing does not exceed 50mm for a barrier over 1800mm
- 9 All netting, mesh, shade cloth etc. is durable, rigid, and firmly attached to the framework and the framework is secure and firmly fixed in the ground, or to other sections of framework, with no gaps or spaces exceeding 100mm thereby offering no opportunity for a small child to access the pool

**Gates and Latching**

- 10 All gates that access the pool area only open outwards away from the pool, and there are no obstructions, apparatus or devices used to lodge the gate open.
- 11 The gate is hung in a permanent manner with no more than 100mm ground clearance and cannot be opened by moving the gate up, down or sideways.
- 12 An automatic closing device is fitted to the gate, and this device readily and firmly closes the gate automatically from a static start in any position.
- 13 The latching device is of a durable and permanent nature and automatically latches cleanly and remains firmly latched when the gate closes from a static start in any position.
- 14 Any latch that can be accessed from outside the gate CANNOT be accessed at a height less than 1500mm from outside ground level.
- 15 Any internal latch that can be accessed by reaching over the gate or through the gate CANNOT be accessed at a height of less than 1200mm from the outside ground level, OR is fitted with a compliant shielding device that effectively restricts a small child from accessing the latch.



## Building Exclusion Devices

16 **Any door** in a building, which gives access to the pool area,

**A** - Has a locking device installed at a minimum of 1500mm above indoor floor level, together with an audible warning device installed at a minimum of 1500mm above indoor floor level and which sounds immediately when the door is opened and therefore meets the performance requirements of NZBC F9.3.4(a)(i), **OR**



**B** – Has an automatic closing device and an automatic latching device installed above 1500mm from indoor floor level, so that the door automatically closes and cleanly latches from a static start of 150mm or more, **OR** has an automatic latching device and an alarm installed above 1500mm from indoor floor level, and the alarm meets the specific standards of NZBC F9/AS1.



17 **Any window** with a sill less than 1000mm from the indoor floor level is fitted with a device to prevent it opening more than 100mm **OR** is fitted with a permanent fixed screen **OR** is designed or constructed to prevent the passage of a small child under five (5) years into the pool area.



**This inspection determined that the Pool Safety Barriers are:** Non Compliant

## Notes on Inspection:

Any items that are determined to have not achieved compliance at this inspection will be summarised at the foot of this inspection report, together with remedial action required, and appropriate timeframes to achieve compliance.

The pool is located to the rear area of the dwelling, and is fully enclosed with a combination of 1300mm high aluminium barrier along two sides, 1800mm high iron barriers along two boundaries (rear and side), one small pump house without any doors or windows facing to the barrier. All barriers are non-climbable.

There are two 1300mm open bar aluminium gate opening outwards away from the pool.

1) The southern pool gate does not automatically self-close and self-latching, for this reason does not engage and retain the magna bolt latch. In addition, the latching device is not located above 1500mm, and this gate is not fully compliant.

2) The northern pool gate automatically closes from a static start in any open position, and cleanly engages and retains the magna bolt latch. However, the magna bolt latch release knob is not located above 1500mm, and this gate is not fully compliant.

## Summary of Non-Compliant items (if applicable) and Timeframes for Remediation

1) The southern pool gate does not automatically self-close and self-latching, for this reason does not engage and retain the magna bolt latch. In addition, the latching device is not located above 1500mm, and this gate is not fully compliant.

2) The northern pool gate automatically closes from a static start in any open position, and cleanly engages and retains the magna bolt latch. However, the magna bolt latch release knob is not located above 1500mm, and this gate is not fully compliant.

Please take remedial action to these non-compliant items. Please contact me before 15th January 2023, to organise a recheck pool inspection and confirm compliance.

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**Verbal Instructions if applicable (name of who discussion was with)**

I have mentioned to Kristy that she will need to keep an eye for the lemon tree that is growing close to the barrier. In the future, some tree branches can be considered a climbable projection.

**Any potential future risks identified** No (if yes, identify)

None

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**Signed:**

A handwritten signature in black ink, appearing to be 'J. B. B.', written in a cursive style.

**Date:** 15/12/2022

for Tauranga City Council









