

Memo:

To: NZ Pool Industry Association

Attn: For circulation to all members

Date: 8 March 2019

Swish Automation Ltd
PO Box 105 Silverdale
Auckland 0944 New Zealand
info@swishautomation.com
swishautomation.com
0800 279 474 0800 2SWISH
TEL +64 9 427 9470



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cc: NZPIA Executive

Subject: Setting the record straight – eNews updated to 18 December 2018

Confirming the current regulation NZBC F9 using NZS 8500-2006 approved solutions which allows the modification of door-sets (of any size and configuration) with pool access, will continue to be used as the compliance reference document by Swish...

The Swish Product Technical Statement: Design package which is both door-set and site specific, will therefore continue to confirm Swish systems have been successfully approved for pool compliance since 2005 and

- During this 14 year to date period, there have been no child (aged 6 years and under) injuries or drownings where Swish systems have modified door-sets for pool access...
- The Swish "Request for Clarification" in regard to Determination 2019-001 was submitted to MBIE on the 26 February 2019 and has been based on successful compliance facts rather than unsubstantiated opinions
- And repudiates the decisions made in this as yet unpublished document.

Meanwhile, Swish have taken on board MBIE opinions regarding the possibility modified doors for pool access could be operated by (irresponsible) adults and confirm revised Swish PTS: Design documentary...

- On specific client instruction confirming acceptance of a BCA demand
 - Will modify door-sets with pool access to conform to the non-mandatory AS1 schedule clause 4.2.1 ensuring only one panel will open...
 - Thereby eliminating any opportunity for (irresponsible) adults to use multiple panels as a hold-open device
 - As demonstrated by MBIE and Auckland council employees in May 2018
- Swish confirm we will be launching a retro-fit soft-close mechanism
 - Which will eliminate any possibility of panel bounce-back
 - Preventing (irresponsible) adult use as demonstrated by MBIE
 - And Auckland council employees during May 2018

However in the interim, to ensure any pool compliance delays are minimised, Swish recommend the following eNews be reviewed with the client prior to undertaking the pool consent process

Les J. Hole
Director
Mobile: 0274 77 9000

From: Swishautomation [mailto:admin@swishautomation.com]

Sent: Sunday, 8 July 2018 11:46 a.m.

To: leshole@swishautomation.com

Subject: Setting the record straight - Updated V2!

Innovative Solutions for Home-Pool Safety

Now we have a six month record for nonsensical pool compliance RFI's with most originating from Auckland Council... All correspondence advise our clients, "**door-sets specified are wider than 1000mm and therefore do not meet NZBC F9/AS1.4.2.1**" - Which is laughable **considering there is no such regulation** in the NZ Building Code!

Well, it would be laughable if BCA's picked up the cost of project compliance delays based on their "*lack of understanding of pool compliance regulation....*" But first let us review and understand current pool compliance legislation and regulation:

- **The Building Act 2004 requires:**
- **162A:** To prevent drowning of, or injury to, young children by restricting access to residential pools by children under 5 years of age
- **162C:** Every residential pool must have physical barriers that restrict access to the pool by unsupervised children under 5 years of age.
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- **The Building Code F9 / F9.2 / F9.3.1 / F9.3.4 requires:**
- Doors between the building and the immediate pool area must not be readily opened by children (*self-latching*) and must either:
 - (i) Emit an audible warning when the door is open or
 - (ii) Close automatically after use
- **Swish Confirm:** All Swish Pool Access Safety Systems *meet both legislation and the regulations for achieving pool compliance*
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MBIE advise pool compliance can be achieved by using:

- **The non-mandatory** AS1 and AS2 schedules to NZBC F9 which provide "*just one way compliance can be achieved*" - (MBIE advice in May 2017)
- **OR:**
- **Alternative Solutions** *based on a successful pool compliance history*
 - Such as provided by Swish Pool Access Safety Systems during 14 successful

- years plus providing pool door-set modification (MBIE advice in May 2017)
- **OR:**
 - **The cited document** for NZBC F9 regulation **NZS 8500-2006** which provides "*alternative solutions for pool compliance*" which include the International standard for door alarms (UL2017), walk-on pool covers (ASTMF) and provides clear pool fencing specification and constructional requirements
- **Special Note:**
- **This standard was endorsed in Determination 2017/045** with the statement "*it was approved by the Standards Council and must command respect as representing the consensus of major national bodies arrived at after a process of public consultation*" - **Referring to 3.7.1 child resistant door-sets.**
- **YET:**
- Some BCA's **are choosing to ignore alternative solutions** based on a successful pool compliance history **and/or**
- **as specified and provided for in NZS 8500-2006** originally published as a compliance document in November 2006 (clauses 2.3.2 / 3.7.1 / 4.6)
- **Why?**

The new pool safety legislation stated objectives were:

1. **To reduce the cost of pool compliance for the home-pool owner**
 2. To reduce the cost of pool safety compliance **administration** for BCA's
 3. To reduce under 5 year old pool drownings by at least 6 children in the first 10 years of operation... Surely, this is a worthwhile objective?
- Refer: Swish web page "*Guide to Poolside Supervision*" – *Child drowning submission*

Based on these projects and RFI's, **the intent of Parliament** appears to have been subverted by the very public servants who are **charged with administering** the Legislation and Regulation...

For **downloadable information** on both Swish systems and the legislation, click the banner link to the Swish web site. Take the opportunity to visit the project gallery to view the pool environments available under current home pool legislation and regulation... **Great client motivation for ensuring BCA's get pool compliance right...**

Les J Hole - Director - Swish Automation Ltd - 0800 279 474 - **+64 274 77 9000**