

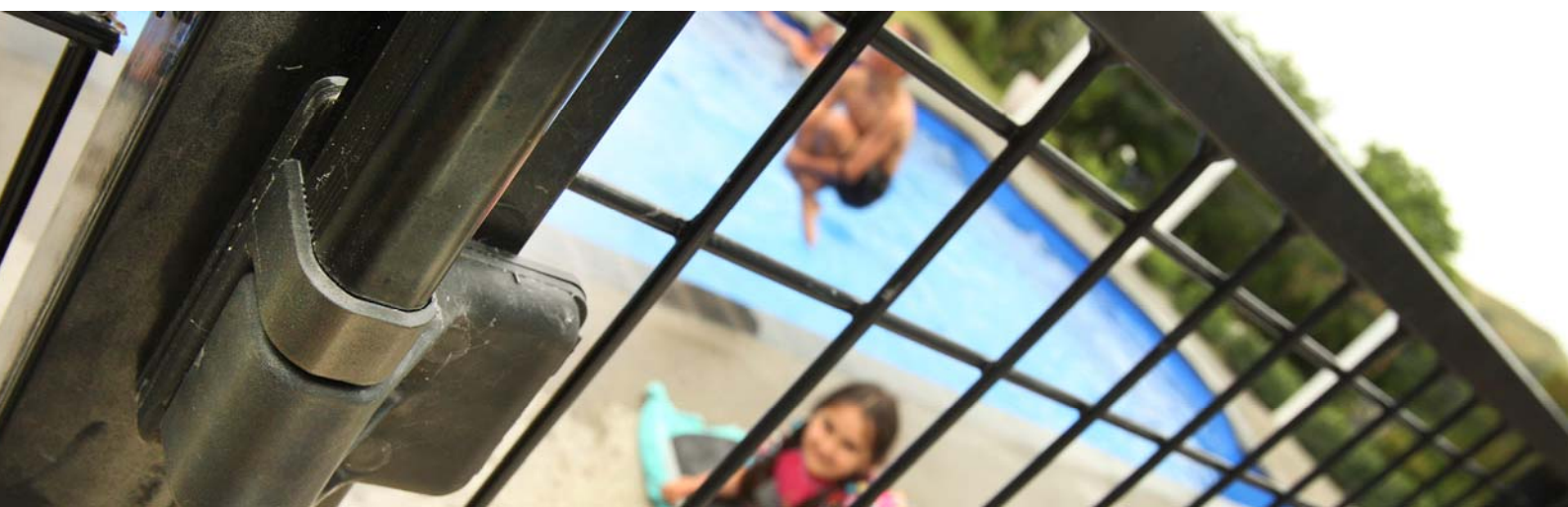
# Guide to fencing swimming and spa pools

September 2011



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## Do I need a building consent for my pool?

A building consent should be obtained before installing a pool and when adding or altering a fence around a pool. All pools must be fenced, regardless of when they were installed. An existing pool that is not fenced to the standards in the Act will require a building consent.

Pools include spa pools, hot tubs, ponds and any 'excavation' that is over 400mm deep and capable of use for swimming, wading, paddling or bathing.

## Do all pools need to be fenced?

All **private** swimming pools and spa pools must be fenced unless:

- When at maximum capacity, the pool is less than 400mm deep.
- The walls of the pool are 1200mm (1.2 metres) or more above the ground level, and have no climbable objects within 1200mm of the walls. This means no permanent means of access such as steps are allowed and temporary steps must be removed after use.
- The pool is indoors.

Check with our building staff for more information.

## Why do I have to fence my pool?

Pools are required to be fenced under the Fencing of Swimming Pools Act 1987.

The act exists to protect young children from the dangers of swimming pools and requires all owners to fence their pools to ensure young children can not access them.

Dr Ian Hassall, director of medical services for the Plunket Society said "Eighty percent of child pool death victims are children of the owner's or their invited guests, so this law is really to save your own loved ones."

## Who is responsible to fence the pool?

Pool owners and people with pools on their property including tenants, have duties under the act.

Pool owners must tell Council that they have a pool.

Anyone intending to install a pool must inform Council; a Building Consent is required before constructing any pool and may also be required if altering a fence around an existing pool.

## What happens if I have an unfenced pool?

Any person who owns or uses an unfenced pool commits an offence under the Act and may be prosecuted. Criminal charges can be brought against any person in control of a property where a child drowns due to an inadequately fenced pool.

## Fence requirements

### Your fence must be climb-proof (Figure 1)

The fence must be made of durable materials and constructed to prevent children under the age of 6 years from gaining access to the pool.

- The top of the fence must be at least 1200mm (1.2 metres) above the ground at all points measured from the ground level outside the immediate pool area. (Figure 2.)
- The 1200mm rule also applies to how close any climbable object must be away from the fence. This means that there must be no trees, hedges, or stacks of wood etc which can be climbed, within 1200mm of the outside of the fence. (Figure 8.)
- Any gaps under the fence or gate must not exceed 100mm. (Figure 7.)
- Any gaps between vertical palings, pickets and posts etc must not exceed 100mm. (Figure 4.)
- Any horizontal rails, supports, or rods that are accessible from the outside, must be at least 900mm apart. (Figure 4.)

## Gate and door requirements

Gates and doors must be constructed of durable materials that will prevent climbing. Gates must be a minimum of 1200mm high and have maximum gap of 100mm between verticals and at the base. (Figure 2.)

Gates and doors must:

- Open **away** from the pool.
- Be clear of anything that could prevent them from closing, and have no means of being held open.
- Not open when lifted up or pulled down, they must not release from the latch, come off the hinges or provide clearance of more than 100mm.

It is vital that gates and doors open away from the pool. If for any reason the gate is left unlatched, it will not open if a young child leans against it. It is more difficult for young children, especially those unsteady on their feet, to open a gate or door if they have to pull against it.

### Operation of gates and doors

- Every gate and door must have a device which will automatically close and latch it when it is stationary and 150mm from the closed position.

This is to ensure that the gate or door cannot be accidentally left open. A self-closing and latching gate or door is critical to the safety of a pool.

- Where the latch is on the outside of the fence, it must be at least 1.5 metres above the ground.

The reliable operation of a self-closing gate or door is critical to the safety of the pool.

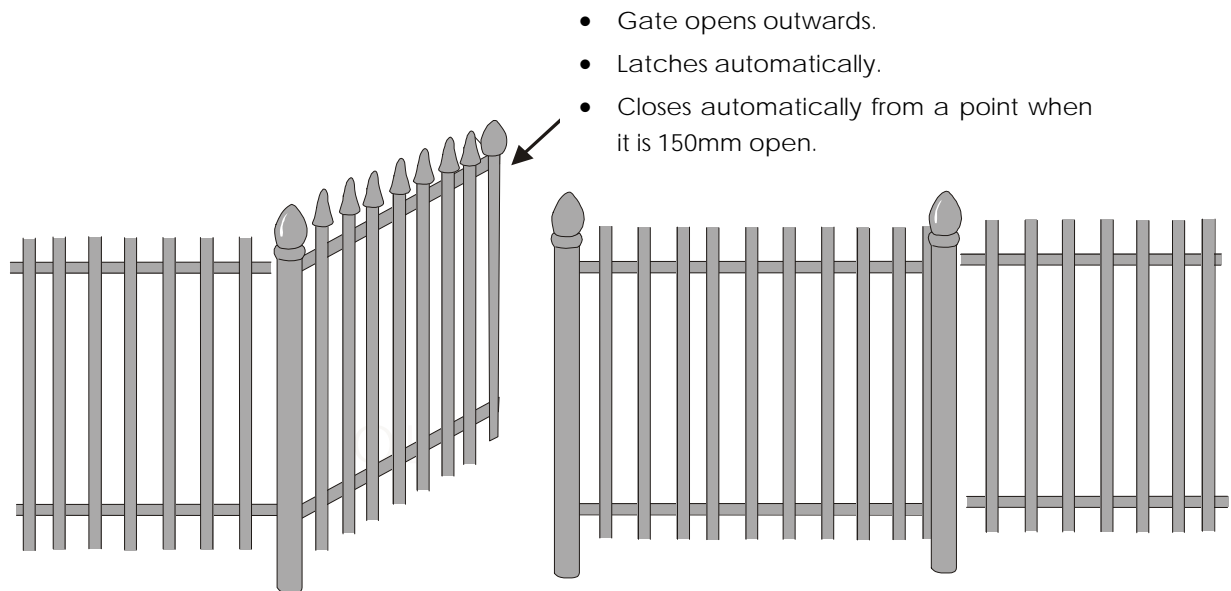
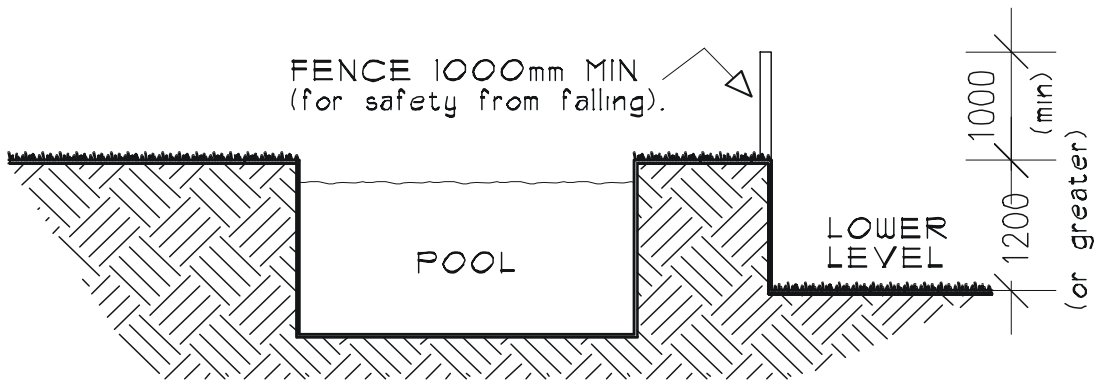
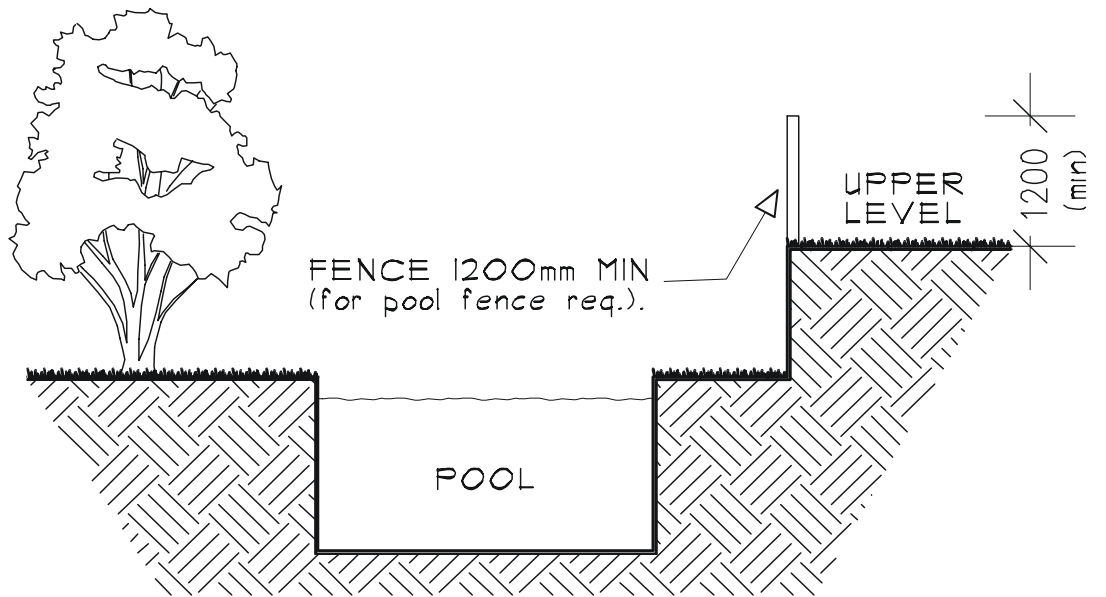
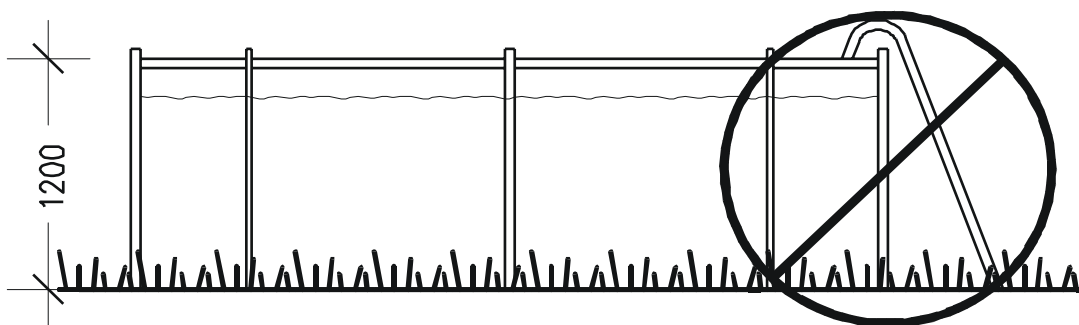


Figure 1



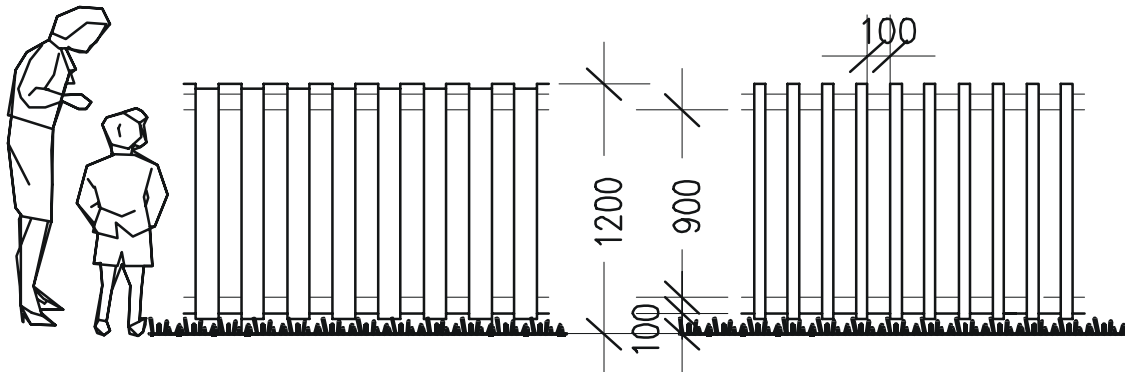
GARDEN FEATURES SUCH AS CHANGES IN LEVEL CAN PROVIDE THE REQUIRED BARRIER BUT CARE MUST ALSO BE GIVEN FOR SAFETY FROM FALLING.

Figure 2



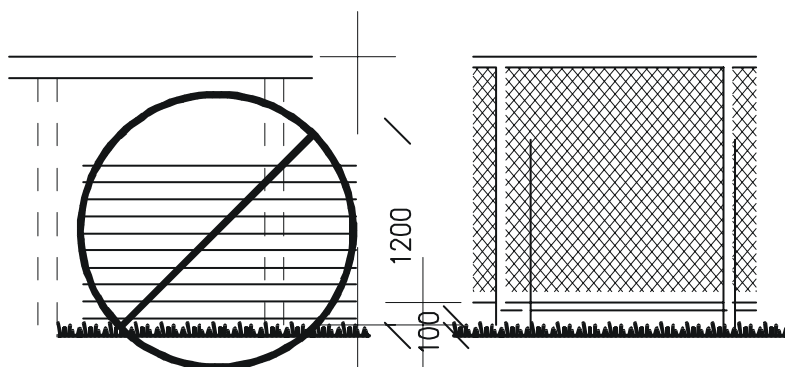
\* Freestanding above ground pools 'may' be a barrier PROVIDED no ladders are left in place.

Figure 3



\* Check rail separation and piling spacings.

Figure 4



\* Horizontal rails will not be suitable.

\* Mesh fences are permitted provided the mesh is smaller than 10mm or, if the fence is 1.8 m high, smaller than 50mm.

Figure 5

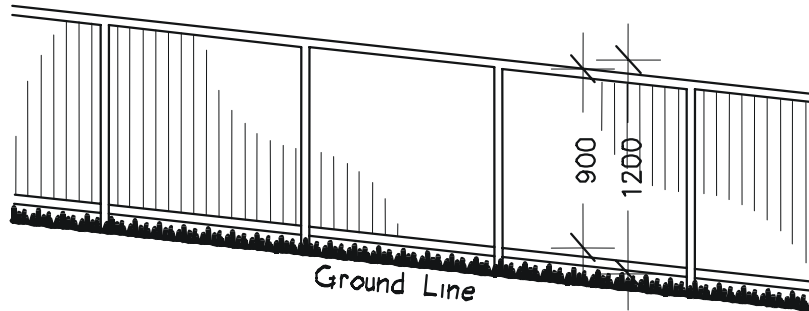


Figure 6

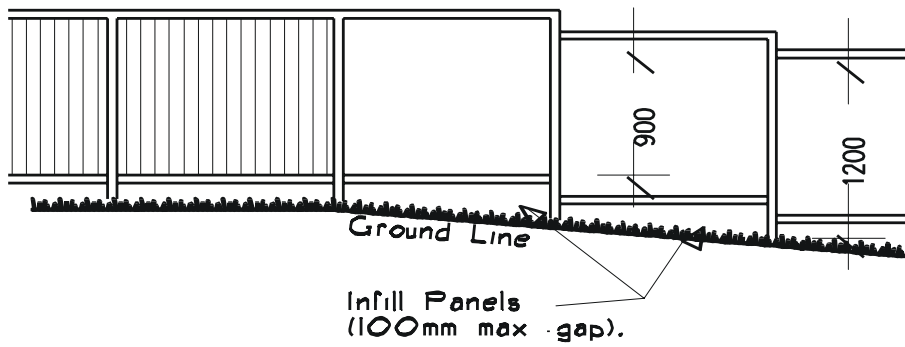


Figure 7

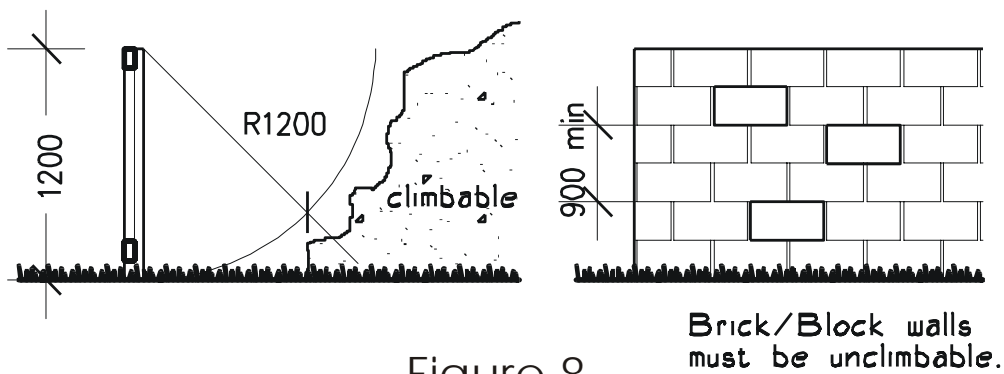


Figure 8

## Backwash disposal

Pools in urban areas must drain to the sewer via a gully trap and not to a stormwater drain. This is to prevent pool chemicals contaminating the environment.

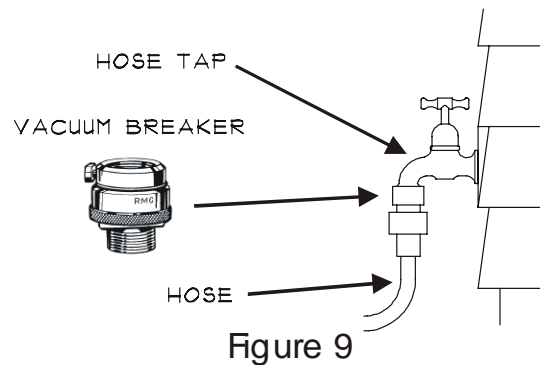
Pools in a rural areas can be drained into either a soak pit or to land. Pool water should not be discharged directly into streams or rivers.

The location of the existing septic system must be shown on swimming pool consent applications for rural properties. This is to ensure the septic system will not be near the pool or affected by backwash disposal.

## Pool filling point (backflow prevention)

When pools are filled or topped up, a backflow prevention device (vacuum breaker) must be fitted so the pool water cannot siphon back into the drinking water supply.

Most pools are filled from a hose, so it is easy to fit a backflow device to the tap as a permanent fixture. These are available at hardware or plumbing stockists. This requirement applies to both tank water supply and city water supply.



## Regular maintenance

Pool fences require a high level of maintenance and should be checked regularly. Parts like gate springs will weaken over time and may not operate effectively. A useful checklist is available on the back on this pamphlet.

The pool owner should use the checklist in this booklet to carry out annual checks.

## Frequently asked questions

### What is classed as a pool?

A swimming pool is defined in the Act as an excavation, structure, or product that is used or is capable of being used for the purpose of swimming, wading, paddling or bathing including spa pools, with a depth of 400mm or more.

### Do all pools need to be fenced?

All **private** swimming pools and spa pools must be fenced unless:

- When at maximum capacity, the pool is less than 400mm deep.
- The walls of the pool are 1200mm (1.2 metres) or more above the ground level, and have no climbable objects within 1200mm of the walls. This means no permanent means of access such as steps are allowed and temporary steps must be removed after use.
- The pool is indoors.

### What about an existing pool – does it need to be fenced?

All pools must be fenced to the standards in the Act, regardless of when it was installed.

An existing pool that is not fenced to the standards in the Act will require a building consent. This is for the fence only and would only require one inspection to check the fence and gates.

### Where must the pool fence be built?

The fence may only surround the pool and the area immediately around the pool. This pool area can only include things used in association with the pool, such as a sunbathing deck or a changing shed. It must not include the clothesline, barbecue area or vegetable garden. The area should have only one entry gate.

It may be possible to use a boundary fence as part of the pool fence, however this is subject to strict conditions.

With a boundary fence, there is a danger that a neighbour may unknowingly make the fence unsafe, such as by stacking timber against the fence so that it becomes easy for a child to climb over.

### Can the house form part of the fence?

Yes, but you have to meet certain requirements of the Act. Please check with our building staff for the requirements.

**If I fence the legal boundary does my neighbour have to share the cost of the fence?**

The Fencing Act 1978 sets out you and your neighbour's obligations for constructing a fence between your properties. See separate pamphlet – Fencing law – what you should know.

If you intend to use the boundary fence as part of your swimming pool fence, then you are totally responsible for the construction and maintenance costs. The fence must comply with the Fencing of Swimming Pools Act 1987. Please check with our building staff for advice.

If you have any questions or require further information  
Please contact Council's building staff.

## Pool Safety Checklist

### Is my pool safe?

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 1. Is the fence at least 1.2m high?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are the fence palings vertical and climb-proof?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any gaps greater than 100mm in the fencing?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do gates open outwards?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Do gates shut automatically? (As per <b>page 3</b> in this booklet.)   | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Are gate latches self locking?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Are there top bolts on ranch sliders that prevent access to the pool?  | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are steps for Para-type pools removed when the pool is not in use?   | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Are any climbable objects at least 1200mm away from the pool fence as per <b>Figure 8</b> in this booklet? If your pool fence is on a boundary, check the neighbour's side also. | <input type="checkbox"/> | <input type="checkbox"/> |

### General Safety Issues

- |   |                          |                          |
|---|--------------------------|--------------------------|
| 10. Does the pool surround have a non-slip surface? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Is there a first aid kit available?             | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Are pool chemicals stored safety?               | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Do you have safety signage for emergencies?     | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered 'no' to any of the first 8 questions please contact Council's building staff on 867 2049 extension 8555.

Repeat the above checks at least once a year.