



## ASHBURTON DISTRICT COUNCIL

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### CUSTOMER GUIDE TO

## FENCING OF SWIMMING POOLS

Your guide to Fencing your Swimming Pool

Including information about:

- Standard of documentation
- Some key requirements to be aware of

### Why do I Have to Fence My Swimming Pool?

- A private swimming pool becomes the centre of activities in summer where a number of people congregate. It can also be a deadly danger to small children. Water has a natural attraction to small children and the existence of private pools makes this a dangerous combination.
- The Swimming Pool Act 1987 exists to protect young children from the dangers of unfenced swimming pools and spa pools. It does this by requiring owners to fence their pools.

### Which Pools Need to be Fenced?

- The Act applies to all pools when filled or partly filled with water, regardless of when the pool was constructed.
- Pools existing at the date of coming into force of the Building Act 1991 should have had fences which complied with the schedule to the Fencing of Swimming Pools Act. New pool fences or alterations to existing fences must be constructed in accordance with performance standard of the building code under the Building Act.
- All private pools and spa pools have to be fenced unless:
  - The maximum depth is 400mm or less
  - The walls of the pool are 1.2 metres or more above the ground (or the pool's surrounds). This means no permanent means of access such as steps are allowed and temporary steps must be removed after being used
  - The pool is indoors

- Pools that do not need to be fenced include:

- Pools that do not meet the above
- Paddling pools administered by a territorial authority
- Public swimming pools

### Construction of the Fence

- The top of a fence must be at least 1.2 metres above the ground on its outside. There must be no trees, hedges, or stacks of wood, etc, which can be climbed, within 1.2 metres of the outside of the fence.
- The space between the bottom of the fence and the ground must not exceed 100 mm. The space between any vertical supporting posts must not exceed 100 mm. If the opening in any perforated material (netting or mesh) are more than 10mm the fence must be 1.8 metres high and an opening of more than 50mm is not permitted in any circumstance.
- The fence must be made of durable materials. The manner of construction should prevent children under the age of six from gaining access to the pool. Polypropylene netting, or mesh for fences requires support only from corner posts.
- Any fencing supports (rails, rods, wires, bracing) which are not vertical shall be inaccessible for climbing from the outside of the fence.
- Where a building forms part of a fence, a door in the building wall does not have to comply with the Act if the Territorial Authority is satisfied that the door is fitted with a lock that, when properly operated, prevents the door from being readily opened by children under the age of 6 years.

## Fencing Requirements

### Construction of the Gate

- Gates and doors must be mounted so that:
    - They cannot open inwards
    - There is no obstruction that could hold the door open, and nothing is provided so that the door can be held open
    - When it is lifted it does not release the latch and does not provide a ground clearance of greater than 100 mm.
  - Every gate or door must have a latch. The latch must be inside the fence, and can only be reached over the top of, or through a hole in, the fence, gate, or door. The latch and lowest point of the hole must be at least 1.2 metres above the ground on the outside of the fence. Where the latch is on the outside of the fence, it must be at least 1.5 metres above the ground.
  - Every gate and door must have a device which will automatically close and latch it when it is stationary and 150 mm from the closed position.
- The Fencing of Swimming Pools Act requires that ALL swimming pools are required to be fenced. This includes any swimming pools that were constructed prior to the act being put in place.
  - If you have an existing pool and you wish to be notified if it complies with the Act, or wish to know what is required to bring it up to the standard required in the Act, an inspection can be arranged for. A Building Official will be required to inspect the pool and surrounding fencing to ensure it complies with the respective Acts. A fee of \$120 is charged for this service.
  - If you have a pool on your property and it is found to be deficient in meeting the Act a Building Official can serve a Notice to Fix that will need to be complied with within 7 working days.
  - Any person who fails to comply with the Fencing of Swimming Pool Act can be issued with a fine of up to \$500 and a further fine of \$50 per day if the failure to comply continues. Offences include:
    - Failure to advise of the existence of a pool
    - Failure to advise the Territorial Authority of intent to construct a pool
    - Failure to fence a pool.