

# **POOL FENCING**



**A Guide to the Fencing of  
Swimming Pools Act 1987**

# SWIMMING/SPA POOL & FENCING CHECKLIST

## New Pool

Have you got your building consent?

The Consent will cover:

Your pool fencing requirements.

- Siting of the pool
- Registering the pool with Council
- Filling and drainage.

## Existing Pool

- Is the pool registered at the Council?
- Is the immediate pool area fenced?
- Has the pool been inspected within the last 2 years?

If the answer to any of the above is **NO** contact the Ashburton District Council

The Fencing of Swimming Pools Act 1987 requires that the pool is **NOT** filled or partly filled with water until such time as the pool or immediate pool area complies with the Act and compliance has been confirmed by a visit from the Council Officer.

Note: Standards New Zealand have published a new standard for Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs (NZS 8500:2006). This contains some useful additional information.

Please note: This booklet is a guide only. For further information refer to the Fencing of Swimming Pools Act or contact the Ashburton District Council.

## POOL FENCING

A pool is described as being any excavation, structure or product that is used or is capable of being used for swimming, wading, paddling or bathing and includes spa pools.

### What Exactly is the Law?

The Fencing of Swimming Pools Act was introduced in 1987, making territorial local authorities responsible for ensuring that pool owners comply with the legislation.

A schedule in the Act sets out the requirements for fences.

The Fencing of Swimming Pools Act establishes that a compliant fence meets the performance requirements of the Building Code in force under the Building Act 2004.

**Anyone intending to install a new pool, or new pool fence, must apply for and uplift a Building Consent prior to commencing the work.**

The Fencing of Swimming Pools Act requires pool owners to notify the Council of the existence of a pool. An application for building consent is an acceptable way of notifying the Council of the installation of a new pool or fence.

## Building Consents

Having determined that a new fence, part of a fence, or a gate is required it may be necessary to apply for and uplift a building consent.

A building consent is required for the installation of a spa pool.

### How Can I Find Out if My Pool Complies?

Only an inspection by a Council Officer can confirm if your pool fence complies. Council records on your property represent its current status. You can enquire through the Council's customer service team and then, if required, make an application for an inspection.

If your **existing** pool is not registered, ie; not on the Council's system, you will need to complete the application form and pay an inspection fee, for an officer to inspect your pool.

If this inspection results in the need to install a fence, or where a new fence is required, it will be necessary for a Building Consent to be issued prior to that work being done.

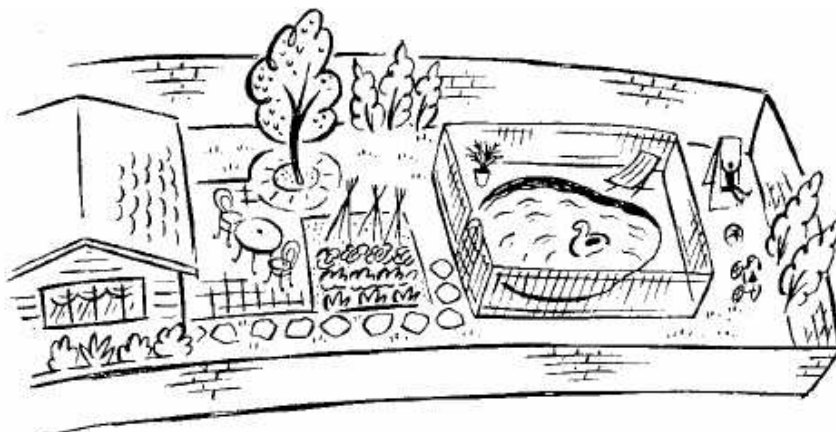
### Don't Become Complacent!

Even when your pool has a complying fence ~ **continually safeguard** your pool area by:

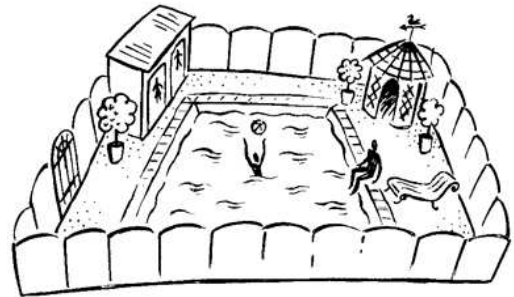
- Not propping open gates or doors or keeping them off their latches.
- Fencing off any door that is not self-closing and self latching.
- Making sure that children don't put or leave bikes, trikes, ride-ons etc against the fence
- Ensure signage is on doors
- Not placing objects such as flowerpots, deck chairs, firewood, boxes wheelbarrows etc against the fence.

### The immediate Pool Area is to be Fenced

'Immediate pool area' means the land in or on which the pool is situated and so much of the surrounding area as is used for activities or purposes carried on in conjunction with the use of the pool'. Spa pools require the same fencing as swimming pools. Lockable lids to spa pools are non-compliant.



The immediate pool area must not include the whole of the outdoor living space (your boundary fence alone is not acceptable) and/or thoroughfares. You should only enter the pool area for activities related to the use of the pool. Also the pool fence should prevent young children moving directly to the pool from the house.

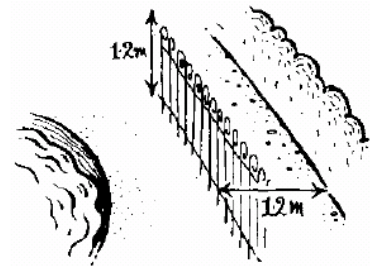


## WHAT FENCING IS REQUIRED?

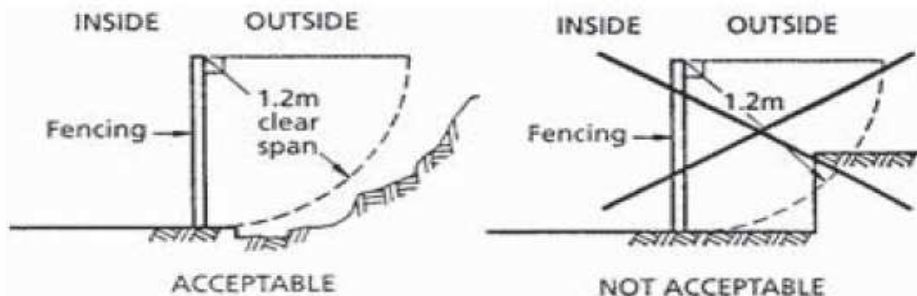
A fence that complies with the Fencing of Swimming Pools Act 1987 that prevents any child up to 6 years of age from climbing over, under or through it.

## WHAT TYPES OF FENCE COMPLY?

A fence that complies with the Fencing of Swimming Pools Act 1987, in that all material components shall be of a durable nature, the fence shall be a continuous barrier of appropriate height, rigidity and strength to prevent any child up to six years of age from climbing over, under, or through the fence from the outside.



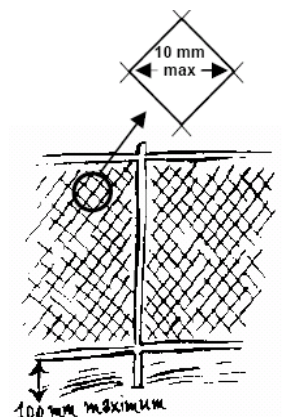
The fence shall extend 1.2 metres above the ground, or any object within 1.2 metres of the fence that could be used to climb the fence.



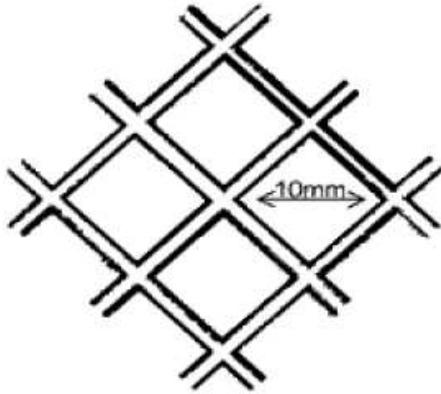
Ensure trees and vegetation do not assist climbing of a pool fence or restrict gates or door from closing.

- There shall be no gap between vertical components of the fence greater than 100mm.
- There shall be no gap under the fence greater than 100mm.
- Where the fence is constructed of perforated material, trellis, netting or mesh, gaps must be no greater than 10mm for a fence up to 1.8 metres high.

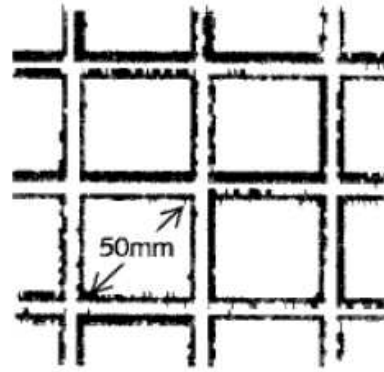
Note: This measurement is on a diagonal or widest part of the gap.



1.2m to 1.8m fence



Greater than 1.8m fence



Fences higher than 1.8 metres may have 50mm gap.

- Horizontal boarded fences have all the gaps filled, and
- All support rails, bracing, etc that are not vertical are made inaccessible for climbing from the outside, or
- The support rails are on the outside with the distance between any two of them being at least 900mm, and

The fence must surround the immediate pool area.

Any horizontal boarded fence with gaps greater than 10mm must have the gaps filled or covered.

All support rails, rods, or wires that are not vertical shall be inaccessible for use for climbing from the outside except if positioned horizontally and are spaced a minimum 900mm apart.

## **CAN A PALING FENCE BE USED?**

A close-boarded paling fence (boundary fence) may be used as a pool fence provided any rails, supports and bracing on the outside are vertical so children cannot climb them.

This means horizontal rails must be 900mm apart, which is not usually the case in most standard fences. They could be altered to make them inaccessible to climbing.

## **BOUNDARY FENCES**

If the pool fence is also a boundary fence be aware that you may have no control over any object placed against the neighbours side which might allow a child to climb into your pool area from next door.

## **CAN BUILDINGS BE PART OF A POOL FENCE?**

They can when they comply with all aspects of the Act and a Council Inspector has deemed them to be part of the immediate pool area.

## **IMPORTANT**

If you wish to include the building as part of a pool fence that includes doors, be aware the pool should be fenced in isolation; eliminating any direct access to the pool from the house.

## **WHAT ABOUT GATES AND DOORS?**

### **Gates Must:**

- Open away from the pool
- Be fitted with self-latching device and self-closing device capable of closing the gate from 150mm ajar.
- Have a latch:
- If placed on the pool side, must only be accessible by reaching over the top of the fence, gate or through a hole at least 1.2 metres above the ground from the outside. If on the outside of the gate, must be at least 1.5 metres above the ground.
- Be clear of anything that could hold them open.
- Not lift off their hinges or unlatch if pulled down or lifted up

### **Hinged doors must:**

- Open away from the pool
- Be fitted with a self-closing device capable of closing from an opening distance of 150mm
- Have a latch at least 1.5 metres above floor level
- Be clear of anything that could hold them open.

### **Ranch sliders and sliding/folding doors must:**

- Be fenced off from the pool area
- If deemed to be in the immediate pool area by a Council Inspector, must either self-close or self-latch or have a Special Exemption. If accepted, be fitted with a locking device, that when properly operated, prevents them from being readily opened by children under 6 years of age. These doors must remain closed and locked when the pool is not in use.

## **Windows**

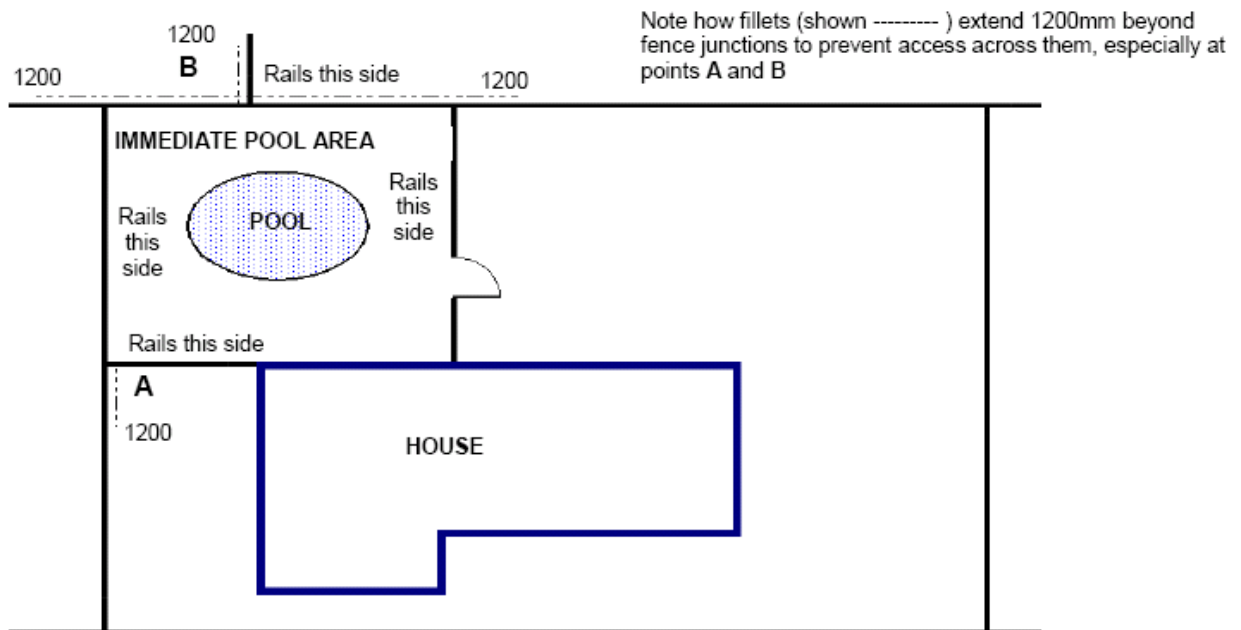
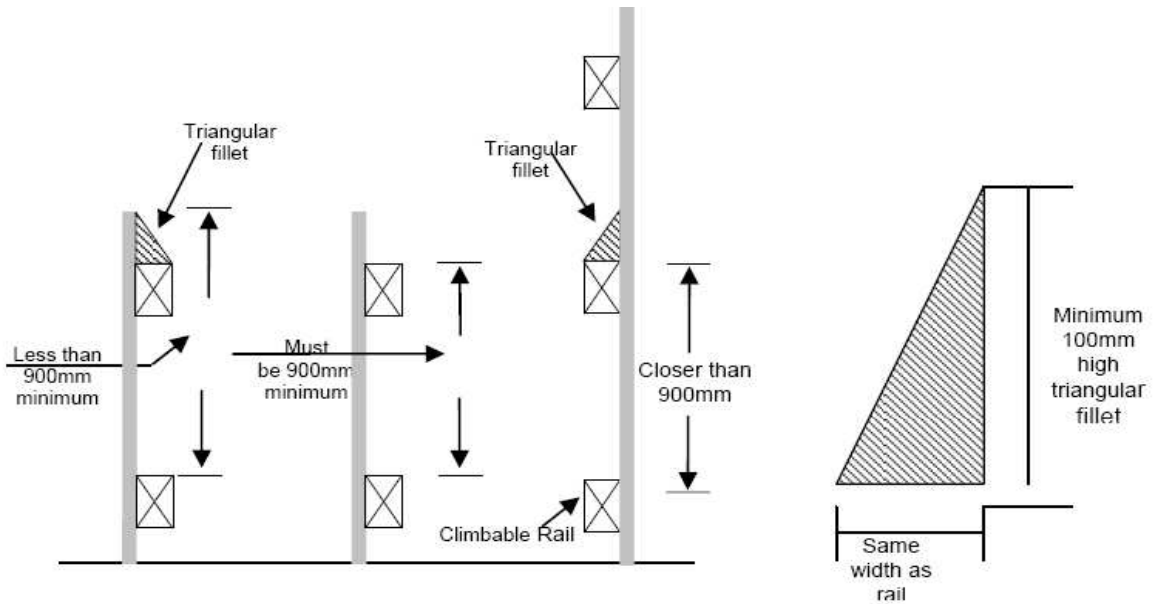
Any opening windows lower than 1.2 metres from floor level must be restricted to open no more than 100mm. You must also restrict the window if you have any climbing aids placed against the window, such as furniture and including a window ledge that reduces the required height.

<p><b>Pools must remain empty until they have an approved complying fence installed.</b></p>
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**SWIMMING POOL FENCES:** Alternative solutions for Paling or Corrugated steel fences

When the rails of closed paling or corrugated steel fences are on the outside of a pool fence and are closer than 900mm, the Council accepts, as an alternative solution to satisfy the Building Code and Fencing of Swimming Pool Act, the fixing of a triangular fillet on the top side of the centre rail.

The fillet must be H3.1 treated, be minimum 100mm high x width of rail, and fixed to the top of one or more rails so that the climbable rails are 900mm minimum apart.



## FILLING THE POOL

When filling the pool there is a requirement to have a backflow prevention device fitted to prevent contamination of a reticulated water supply.

**Backflow preventers** are devices fitted into the pipe or hose system used to fill the pool, to stop water from the pool being sucked back into the pipe or hose for whatever reason eg. A fall in mains water pressure and contaminating the water supply with pool water.

There are four basic types of devices that can be used, air gaps, vacuum breakers, both atmospheric and pressure type, double check valve assemblies, and reduced pressure zone devices.

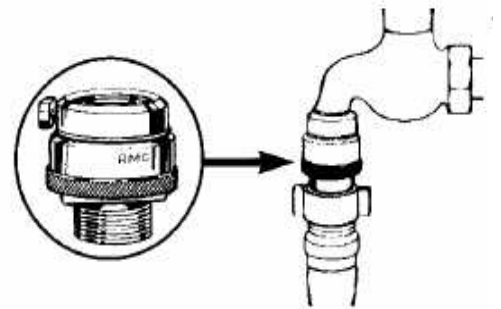
A wide choice of devices exist within these types.

For hose-filled pools, the most common device is the house connector vacuum breaker.



These small devices are specialised version of the atmospheric vacuum breaker. They are generally attached to hose taps and in turn to outlets such as garden hoses.

You can get more information on this from your pool supplier or local plumbing merchant.



## EMPTYING THE POOL

Water emptied from a pool must be carried out in accordance with the General Authorisation granted by Environment Canterbury to prevent pollution of our waterways.

All pool owners must comply with this, except those connected to the Council's sewerage system who can alternatively put this water down the sewer via a gully trap.

The filter backwash water may contain contaminants and so must also be put through a gully trap in the sewer not to stormwater drains, streams or rivers.

Note: It may be necessary to take precautionary measures for in-ground pools where the ground water table is high or may be of concern, before emptying water from the pool.

## **ARE ANY POOLS EXEMPT FROM FENCING?**

There are basically four types of pools that the Fencing of Swimming Pools Act does not apply to:

- An above ground pool where the top of the side wall is no less than 1.2 metres above the ground or any permanent object (removable ladder or steps)
- A structure or product where the maximum depth of water does not exceed 400mm
- A pool that is wholly enclosed within a building that is principally used for purposes other than the use of the pool.
- A pool where people are employed to provide supervision while the pool is available for use and the pool is behind locked gates at other times.

## **SPECIAL EXEMPTIONS**

In special circumstances the Council may grant an exemption from some or all of the requirements of the Fencing of Swimming Pool Act 1987.

However, exemptions will only be granted where they will not significantly increase the danger/risk to young children and the Council may impose other conditions relating to the property or pool as are reasonable in such circumstances.

Any exemption granted or condition imposed can be amended or revoked by the Council at anytime.

The Act provides that Council through a special committee may hear exemption submissions. You may attend the hearing and speak to your submission if you wish.

**PLEASE NOTE:** The value of aesthetically pleasing gardens cannot be placed above the value of human lives. The effect on the appearance of the property is not a reason for seeking an exemption.

## **HOW TO AVOID ENFORCEMENT ACTION**

Every swimming or spa pool owner is responsible under the Act for ensuring that all of the immediate pool area is fenced in a complying manner.

This means that the fence must be maintained in a complying manner and if for whatever reason, the fence does not comply, the pool must remain empty of water until such time as the pool fencing requirements have been met.

## OWNERS CHECKLIST

- |   | YES                      |
|---|--------------------------|
| 1. The height of the fence is not less than 1.2m  | <input type="checkbox"/> |
| 2. There is no gap or space in the fence greater than 100mm   | <input type="checkbox"/> |
| 3. The fence rails are on the pool side   | <input type="checkbox"/> |
| 4. The rails are on the outside but are more than 900mm apart or they are made unclimbable.   | <input type="checkbox"/> |
| 5. The fence is netting, mesh or trellis, with no opening greater than 10mm for a fence up to 1.8m high                                     | <input type="checkbox"/> |
| 6. All gates and doors into the pool enclosure comply with the requirements of the Fencing of Swimming Pools Act                            | <input type="checkbox"/> |
| 7. The gate latch is on the inside, or is 1.5m above the ground   | <input type="checkbox"/> |
| 8. The pool is not fenced but has sides 1.2m high with no climbable places and the ladder or steps are removed when the pool is not in use. | <input type="checkbox"/> |
| 9. The filter backwash and pool discharges to the sewer   | <input type="checkbox"/> |
| 10. A backflow prevention system is installed.  | <input type="checkbox"/> |
| 11. The Council has a record of a pool and fence.   | <input type="checkbox"/> |
| 12. The pool fence has had an inspection within the past 2 years.   | <input type="checkbox"/> |

**NOTE:** This is a checklist for your convenience, but does not cover every situation. If you require advice, please contact the **Ashburton District Council. 5 Baring Square West, PO Box 94, Ashburton 7740.**