



Information Sheet 6 - Pool Fencing

Why do I have to fence my swimming pool and spa?

By making sure that your pool complies with the Swimming Pool Fencing Regulations you know that your pool will be safe. If you have an unfenced pool (without lawful excuse) and a child is drowned in it, you could be found guilty of culpable homicide.

These regulations are designed to protect children under 6 years of age by requiring that all swimming pools and spa pools are fenced in accordance with the Fencing and Swimming Pools Act 1987.

Who is responsible?

Under the Act there is an obligation on the owner and the persons in control of a pool (e.g. tenants) to ensure that the pool is fenced with a fence that complies with the requirements of the Act and to ensure that the pool is not filled with water unless the requirements for fencing have been met.

Wairoa District Council is required to enforce government legislation regarding the fencing of swimming pools. Council is required to maintain a register of all pools within the District, which are deeper than 400mm. We therefore ask all pool owners to notify Council of their pool/s and in the case of a new pool, we ask that fencing details are shown on a Building Consent application.

Does my pool require fencing?

All swimming pools are required to be fenced.

All pools deeper than 400mm must be fenced in accordance with the Act regardless of when they were installed. If in doubt contact us.

What is a Swimming Pool?

Any excavation, structure or product (including a spa pool) capable of being used for swimming, wading, paddling or bathing.

Exempted are domestic pools with less than 400mm of water or free standing pools with no ladders in place nor any object within 1200mm of the side of this type of pool on which a toddler could climb to gain access. Pools that are inside a building such as a spa in a gazebo are legal provided that they are only accessible through a door or gate which is locked when not in use.

Do I need consent to build a pool fence?

Yes. Building Control staff can provide help and advice on this.

Where must the fence be placed?

The fence must only surround the immediate pool area. The area can only contain items used with the pool such as diving board and swimming pool furniture. It should not include the clothes line, vegetable garden, children's play area etc.

Beware of including a boundary fence as part of the pool fence. Your neighbours may put trellis or a stack of wood, for example on the other side which could enable a child to climb over the fence. In such cases the fence would not comply with the Act.

What types of Fences are Legal?

All materials must be durable and erected in such a way to prevent young children from gaining entry by climbing over or under a fence from the outside.

- Your fence must be climb-proof:

Pool Fence Checklist

This is a checklist for your convenience, but does not cover every situation. For further advice for your specific situation please contact Council 06 838 7309 or email info@wairoadc.govt.nz

Immediate Pool Area: Should NOT contain any of the following:

- Washing Line
- Sand pits, play areas and equipment
- Garage, carport or vehicle access
- Vegetable garden
- The whole back yard

Immediate Pool Area can contain items used for pool activities: Assessment required in each case

- Changing Sheds
- BBQ cookers, tables & chairs, entertainment furniture- activities taking place in conjunction with pool use

Fence:

- Height – 1.2 m high min from the outside ground level
- Height – 1.2m high above any permanent projection from or object permanently placed on the ground outside and within 1.2m of the fence e.g. trees, hedges, decking, woodpile (check neighbours if pool fence is boundary fence) No climb points
- 900mm minimum gap between horizontal rails
- Ground clearance: Gaps under fence less than 100mm
- Mesh size no more than 13mm – fence must be at least 1.2m high – firmly attached top & bottom
- Mesh size no more than 50mm – fence must be at least 1.8m high – firmly attached top & bottom
- Picket fence gaps no wider than 100mm
- Materials to be durable

Hinged Gates:

- Latch on outside of gate to be 1.5m high min above ground on outside
- Latch on pool side to be 1.2m high min above ground on outside
- To open away from pool
- To be self closing and self latching
- When lifted up or pulled down the gate does not release latching device or come off hinges
- Ground clearance – Gap under gate less than 100mm

Doors in Walls of Buildings - Hinged doors giving access to Pool Area:

- Closes and latches automatically
- Latch/handle minimum of 1.5m from bottom of door
- No devices to enable door to be held open
- To open away from pool

Doors in Walls of Buildings - Sliding Doors/ bifolds giving access to Pool area:

- Latch, tower bolt, security lock at minimum of 1.5m from the floor

Windows giving Access to Pool Area closer than 1.2m from the Floor:

- Should be fitted with a limiter to prevent them opening more than 100mm

Para Type Pools (no fence required if):

- Sides to be 1.2m minimum from ground level
- Smooth vertical sides
- No climb points
- Ladder to be removable

Spa Pools

- Must have either a complying fence or Council approved childproof lockable cover

Ornamental Pools :(Ones not intended for swimming etc but are used in association with a house)

- Water depth must not exceed 400mm