



# WAIROA DISTRICT COUNCIL

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## INFORMATION SHEET 6

### POOL FENCING

New rules for swimming and spa pool fencing have been put in place by the Government and are effective from 1 January 2017. The new rules are aimed at reducing the number of children drowning in pools. It also provides consistent rules for the whole country. The rules are now part of the Building Act 2004, the Fencing of Swimming Pools Act 1987 is no longer applicable.

There are some important changes for pool owners to be aware of as you may need to build a new/additional fence, adjust a current fence or have a lockable cover. In addition, all pools in New Zealand will now need to be inspected every three years by the local Council or an independently qualified pool inspector (IQPI) to proactively make sure safety measures are correctly in place.

#### SWIMMING POOL FENCING GUIDELINES

All materials and components of a fence should be of a durable nature and constructed so as to prevent a child from climbing over or crawling under the fence from the outside.

Fences shall extend a minimum of 1.2m above the ground around the pool and any pool projections.

If a fence is to be constructed of perforated material, netting or mesh which has a dimension greater than 10mm, the fence shall extend 1.8m above ground level or pool projections. The maximum size opening of any perforated material, netting or mesh, excluding circumference or perimeter is 50mm.

This will include diagonal measurements. Pool projections also mean objects permanently placed on the ground within 1.2m of the fence, and includes trees etc.

Such materials must be fixed at the top and bottom, or be of such a nature, that the fence cannot be readily crossed by children under the age of six years.

Any clearance between the bottom of the fence and gate and ground level shall not exceed 100mm.

The spacing between adjacent vertical poles, panels or other posts shall not exceed 100mm at any point. All fencing supports, nails, rods, wires, bracing or other similar posts shall be on the inside of the fence and be inaccessible for use for climbing from the outside. Horizontal rails should be at least 900mm apart.

Gates shall not open into the pool area, and must be fitted with an automatic closer capable of returning the gate to the closed position and operating a child proof latching device. The latching device should be mounted on the inside of the gate at a height of 1.2m above ground level or on the outside of the gate at a height of 1.5m above ground level.

Where a building forms part of a fence and the pool is not contained within the building, any door that gives access to the immediate pool area will be required to be fitted with a locking device that when properly operated, prevents the door from being readily opened by a child under the age of six years.

This also applies to an opening window if any part of the sash is within 1.2m of the floor, and must be fitted with a window restrictor so that it cannot open more than 100mm or be lockable. The immediate pool area must not contain vegetable gardens, clotheslines, children's sand pits, slides, swings etc.

The fence should also be situated to prevent children moving directly to the pool from the house.

This is only a guide to the fencing requirements and does not cover all situations or aspects of the fencing requirements.

## **SWIMMING POOL FENCE FAQs**

### **Who is responsible for the compliance of a pool fence?**

The new rules place more emphasis on the pool owner being responsible for safety. The responsibility does depend on the type of pool you have and where it is (eg home, rental, commercial).

More specifically, responsibility sits with:

- The owner of the pool
- The pool operator
- The owner of the land the pool is on
- The occupier of the property the pool is on
- If the pool is available for hire, the person who is hiring the pool
- If the pool is on premises that are not subject to a tenancy (under the Residential Tenancies Act 1986) but the pool is subject to a lease or is part of premises subject to a lease, the lessee of the pool or the premises.

### **How do I know if my swimming and/or spa pool is affected by these rules?**

A pool is classified as any structure or excavation normally used for swimming, paddling or bathing. It also includes any product (that isn't a normal bath) designed or modified for swimming, wading, paddling or bathing.

#### **Swimming pool**

All swimming pools that are at a home or somewhere people would stay/be (eg campgrounds, hostel, hotels) are required to have fencing and be inspected under these new rules.

#### **Spa pool**

A spa pool (that is subject to these fencing rules) has a water surface area of less than 5m<sup>2</sup> and is designed for therapeutic or recreational use. Spa pools are also referred to as "small heated pools" in the new legislation.

### **Why do I have to fence my swimming pool?**

Previous pool fencing restrictions have seen a significant reduction in drownings across the country, but we still need to do more. Safety and consistency are the biggest drivers for the new rules. The rules are in place to protect you and anyone who may be in or around your pool.

### **Why do I have to fence my spa pool? Are there any alternatives to a fence?**

It all depends what size your spa pool is. You will either need to have a fence surrounding the spa pool or (if it meets a criteria) can be made safe by having a lockable cover.

If your spa's water surface area is less than 5m<sup>2</sup> and sides higher than 760mm which small children are unable to climb – you can have a lockable cover.

If your spa is larger or shorter, you will need to have a full fence around the spa.

### **When will my swimming and/or spa pool be inspected?**

All swimming pools are now required to be inspected by the Council or IQPI at least once every three years. These mandatory inspections do not apply to spa pools where the barrier is a lockable cover. Otherwise the Council will be working through all the pools in the city by geographic location. You will receive a letter prior to the inspection.

If the inspection is related to a building consent, the owner or agent will need to call the Council and book an inspection.

### **Will you contact me before you come and inspect my pool?**

Yes, you'll receive a letter from the Council when your pool is coming up for inspection.

### **Do I need to be home for you to inspect my pool?**

You don't need to be home for the inspection but if you would like to be there, call 06 838 7309

If you are not home, the inspector will leave you a calling card so you know someone has been around.

### **Are there costs?**

To minimise the impact on ratepayers, pool owners will be required to pay for the three-yearly inspections and any re-inspections.

### **What happens if I don't fence my pool or if it fails an inspection?**

All pool owners are strongly encouraged to proactively look at the details in the new fencing rules and make sure their fencing is up to standard.

If there is no fence or if your fence fails an inspection, depending on the problem, the Council may issue a notice for you to fix the issues (Notice to Fix) and/or ask you to drain your pool.

### **What am I allowed to have inside my pool fence?**

There are rules about what can and can't be included in the area within your pool fence (immediate pool area).

The following items are not allowed in the immediate pool area:

- Vehicle or pedestrian access ways
- Clotheslines
- Sandpits and playgrounds
- Slides
- Swings
- Vegetable gardens
- Other objects not normally related to using a pool.

### **What are the new specifications for fencing?**

To find out the exact specifications relating to swimming and spa pool fencing visit [building.govt.nz/pool-safety](http://building.govt.nz/pool-safety)

### **Where can I get more information?**

You can email [consents@wairoadc.govt.nz](mailto:consents@wairoadc.govt.nz) or call 06 838 7309 and speak to someone from the Council's building team.

The national building website has further information on the new rules: [www.building.govt.nz/pool-safety](http://www.building.govt.nz/pool-safety)

## SWIMMING POOL FENCE TECHNICAL FAQs

### What is counted as a fence or fencing?

A fence includes any part of a building and any gate or door that forms part of a fence. Fencing is any barrier used to enclose a pool to restrict or prevent access to the pool.

### My spa pool only needs a lockable cover, are there specific things the cover needs to have/do?

A lockable cover must have signage indicating its child safety features, and must be able to:

- restrict entry of children under six years of age when closed
- withstand a foreseeable load
- be quickly closed when the spa isn't being used
- no projections are to be present within 760mm of the spa – this includes steps.
- the spa must have a surface no greater than 5m squared
- the sides of the spa must be unclimbable.

### Do portable/inflatable pools need fencing too?

Yes, portable/inflatable pools are treated in the same way as other swimming pools. They must have barriers that restrict access by young children if they are filled or partly filled with water. Portable pools with sides lower than 400mm in height are exempt.

### Can I use a boundary fence as part of my pool fence?

Yes, although if the fence forming part of the pool area has horizontal rails on the outside of the pool area, the rails need to be more than 900mm apart so it's unclimbable for small children.

Alternatively you can install triangle fillets along the top of the horizontal rails or attach another 4x2 rail on top of each rail so it can't be gripped by hands and feet making it very difficult to climb. If you need to add fillets or 4x2 rails on your neighbours side of the fence, the Council recommends contacting your neighbour before you do any work.

If your neighbour plants a tree or builds a structure within 1.2m of the boundary fence and it provides a toehold or climbing point, your fence becomes non-compliant.

### Can I use my house as part of my pool fence?

Yes, but all windows and doors leading into the pool area must not be able to be readily opened by children. Doors must either have an alarm if the door is opened or automatically close. Windows need to be positioned so children are not able to get into the pool area.

### Can I report a non-compliant pool fence that isn't my own?

If you would like to raise an issue about a pool fence, call the Council on 06 838 6699 and they'll review the information and do a site inspection if required.

### I don't have small children, why do I need to do this?

Yes, there is a focus on safety for children under six but even if you don't have children the new rules apply as they create safety consistency across pools throughout New Zealand.

### I want to install a new pool, do I need a building consent?

Yes, any pool and its associated fencing, which is capable of holding more than 400mm depth of water requires a building consent; this includes kitset and inflatable pools, which are in place for a short period of time each season and spa pools.

### Can an Independent Qualified Pool Inspector (IQPI) do an inspection instead of the Council?

If an official IQPI completes a pool inspection and provides the Council with a certificate of periodic inspections, it may be accepted as the official pool inspection. If the Council does not accept an IQPI inspection, they will be notified in writing stating the reasons it wasn't accepted.

### **What happens if an IQPI inspection fails?**

If an IQPI inspector notices issues with the pool fencing, the inspector must, within three working days of the date of inspection, give the written decision to the Council, attaching any other information that's required.

The council will then follow up and if necessary, issue a Notice to Fix.