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# POOL FENCING

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





# Owner's Checklist

Yes

1. The height of the fence is not less than 1.2 m.
2. There is no gap or space in the fence greater than 100mm.
3. The fence rails are on the pool side.
4. The rails are on the outside but are more than 900mm apart or they are made un-climbable.
5. The fence is netting, mesh, or trellis, with no openings greater than 10mm for a fence up to 1.8m high.
6. All gates and door into the pool enclosure comply with the requirements of the Fencing of Swimming Pools Act 1987.
7. The gate latch is on the inside, or is 1.5m above the ground.
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.
9. The filter backwash and pool discharges to the sewer.
10. A backflow protection system is installed
11. The Council has a record of the pool and fence.
12. The pool has had an inspection within the past 2 years.

**NOTE:** This is a checklist for your convenience, but does not cover every situation. If you require advice, please contact the Buller District Council.

# SWIMMING/SPA POOL & FENCING

## CHECK LIST

### New Pool

### Existing Pool

**Have you got your building consent?**

Is the pool registered at the Council?

The Consent will cover:

Your pool fencing requirements.

Is the immediate pool area fenced?

Has the pool been inspected within the last two years?

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

If the answer to any of the above is **NO**, contact the Buller 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 a 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 but has **NOT** been incorporated in law (as at November 2007) and **DOES NOT** replace or over-ride the Fencing of Swimming Pools Act 1987.

Please note: This booklet is a guide only. For further information refer to the Fencing of Swimming Pools Act or contact the Buller District Council (details on back page of booklet).

# What is a Pool?

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 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 a 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.**

This can be done at either of the Council offices (Westport/Reefton) by completing form BAM002. Forms are available on-line or from a Council Service Centre.

A Building Inspector at the Buller District Council can assist you in completing this process.

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

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

**Note:** it may be necessary to take precautionary measures for in-ground pools where the water table is high or maybe 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:

1. 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).
2. A structure or product where the maximum depth of water does not exceed 400mm.
3. A pool that is wholly enclosed within a building that is principally used for purposes other than the use of the pool.
4. 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.

## 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.

## Filling the Pool

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

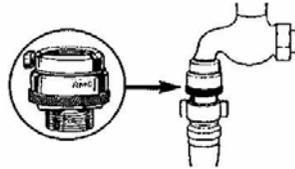
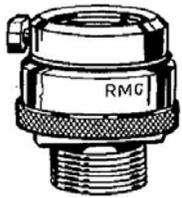
**Backflow preventers** are devices fitted into the pipe or hose system used to fill the pool, to stop water from the pool being sucked back into the pipe or hose for whatever reason e.g. a fall in the mains pressure and contaminating the water supply with pool water.

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 exists within these types.

For hose-filled pools, the most common device is the **hose connection vacuum breaker**.

These small devices are a specialized version of the atmospheric vacuum breaker. They are generally attached to the 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 the West Coast Regional Council to prevent pollution of our waterways.

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

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

Only an inspection by a Council Officer can confirm if your pool fence complies. Council's records on your property represents it's current status. You can enquire through the Council's Customer Services Team on 788 9111 and then, if required, make an application for an inspection through the Environmental Services department.

If your **existing** pool is not registered, i.e. not on the Council system, you will need to contact an inspector from Environmental Services to arrange an inspection, and to have your pool registered on Council's records.

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!

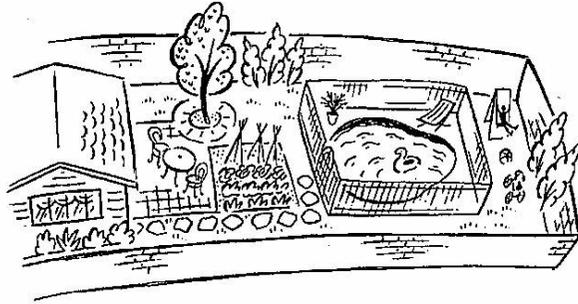
Even when your pool has a complying fence ~ **continually safeguard** your pool area by:

- 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.
- Ensuring signage is on doors.
- Not placing objects such as flowerpots, deck chairs, firewood, boxes, wheelbarrows etc against the fence.

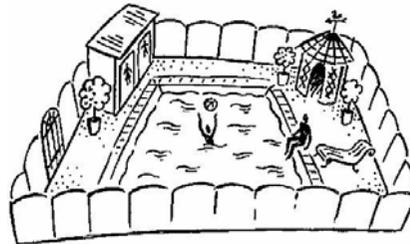
# Alternative Solutions for Paling or Corrugated Steel Fences

## 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.



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.

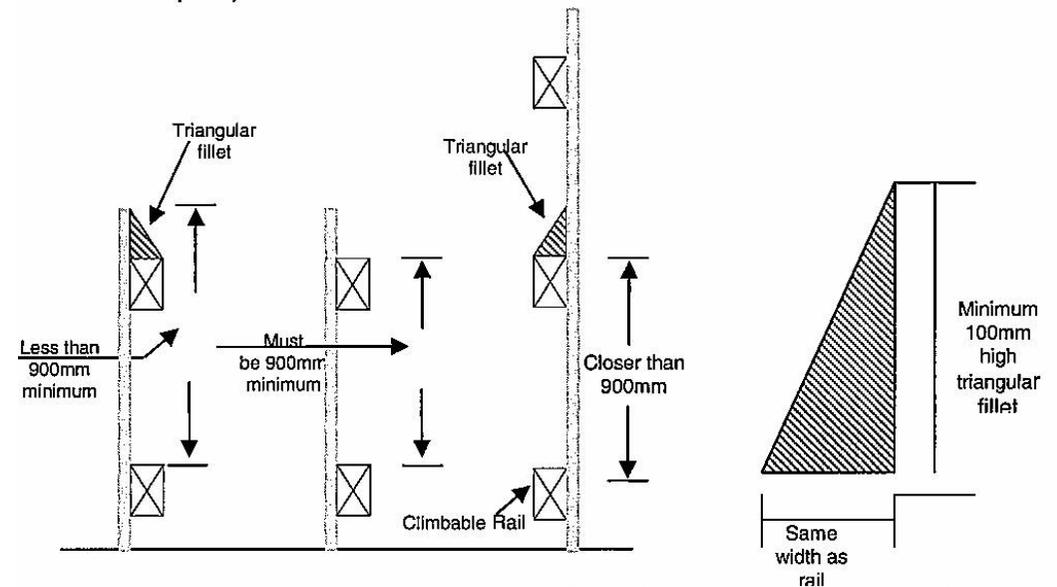


## What Fencing is Required?

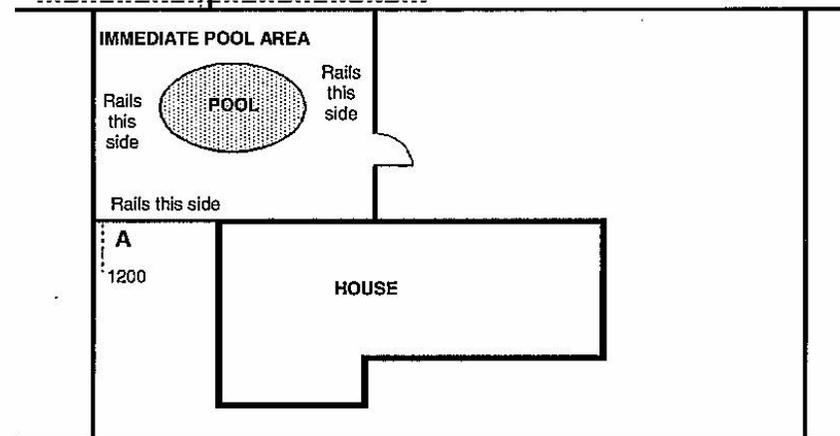
A fence that complies with the Fencing of Swimming Pools Act 1987 that prevents any child up to 6 years of age from climbing over, under, or through it.

Where 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 Pools 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 of the rails so that the climbable rails are 900mm minimum apart. (Refer to bottom sketch for examples.)



Note how fillets (shown -----) extend 1200mm beyond fence junctions to prevent access across them, especially at points A and B



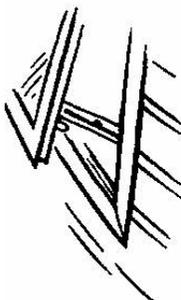
- Have a latch at least 1.5 metres above the floor level.
- Be clear of anything that could hold them open.

**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**

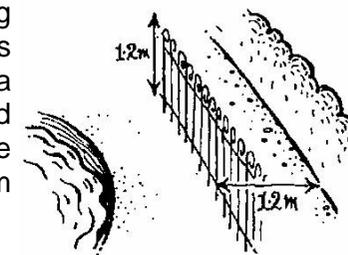
Any opening windows lower than 1.2 metres from floor level must be restricted to open no more than 100mm. You must also restrict the window if you have any climbing aids placed against the window, such as furniture and including a window ledge that reduces the required height.



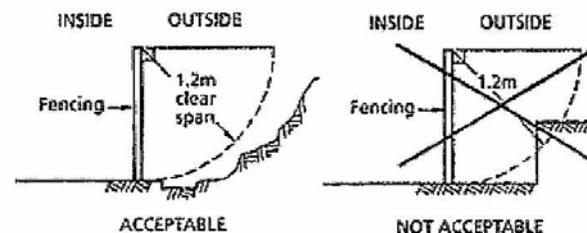
**Pools must remain empty until they have an approved complying fence installed.**

## What Types of Fence Comply?

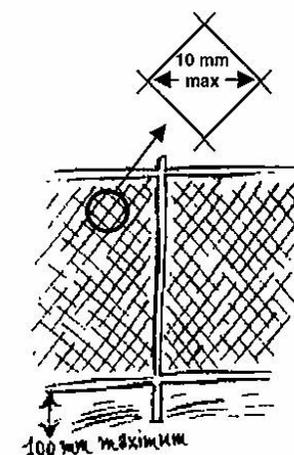
A fence that complies with the Fencing of Swimming Pools Act 1987; in that all materials and components shall be of durable nature, the fence shall be a continuous barrier of appropriate height, rigidity, and strength to prevent any child up to six years of age from climbing over, under, or through the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



- The fence shall extend 1.2 metres above the ground, or any object within 1.2 meters 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 doors 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 the diagonal or widest part of the gap.  
Fences higher than 1.8 metres may have 50mm gap.

# 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?

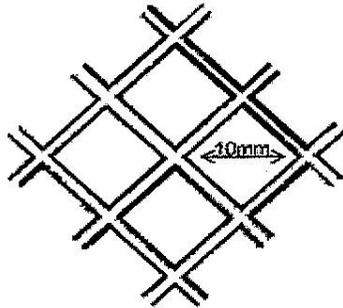
### Gates *must*:

- Open away from the pool.
- Be fitted with a self-latching device and a self-closing device capable of closing the gate from 150mm ajar.
- Have a latch: If placed on the 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 fitted 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.

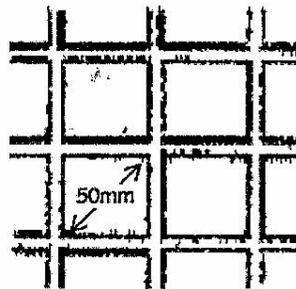
### Hinged doors *must*:

- Open away from the pool.
- Be fitted with a self-closing device capable of closing the door from an opening distance of 150mm

1.2m to 1.8m fence



Greater than 1.8m fence



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 fences 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 the 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.