The Fencing of Swimming Pools Act 1987 defines a pool as any excavation, structure or product (including a spa pool) capable of being used for swimming, paddling or bathing. It also requires all pools deeper than 400mm to be fenced, and that fences comply with all provisions.

What are my responsibilities as a pool owner?

All pool owners must notify the local Council of the existence of a pool, and ensure all requirements in terms of fencing materials, height, structures, gates and surrounds are met. If not, a swimming pool may not be filled with water. Council encourages pool owners to regularly inspect swimming pools and surrounding areas to ensure compliance, and to promptly attend to any safety maintenance. If you are unsure, Building Officers are available to conduct pool inspections for a small fee. Please contact the Building Unit of your local Council to make an appointment.

Fencing Specifications

Materials

- All materials and components of a fence must be durable, and should be erected so that a child may not climb over or crawl under the fence from the outside.
- Except where the fence is horizontally close-boarded or made of perforated material such as netting or mesh, the spacing between vertical pales, panels or other posts must not exceed 100mm at any point.
- All non-vertical supports, rails, rods, wires and bracing or other similar posts must be on the inside of the fence, so they are not able to be climbed up from the outside. Exceptions may occur when the distance between any two of the non-vertical supports is at least 900mm and when there is no other support of bracing between them.
- All perforated material such as netting or mesh shall be firmly attached - top and bottom - to a rail, pipe or similarly firm frame so that the fence cannot be crossed by young children.

Height

- Depending on the fencing method used, fences will be either 1.2 metres or 1.8 metres in height.
- The top of a fence must be at least 1.2 metres above the ground on its outside.
Height (continued)

- It must also be at least 1.2 metres above any pool projection that is within 1.2 metres of the outside of the fence. Pool projections include any objects permanently placed on the ground within 1.2 metres of the fence, and trees. Such materials must be fixed at the top or bottom or be of such a nature that children under the age of six years cannot readily climb the fence. (This includes projections on the neighbour’s side of a boundary fence that is used as part of the pool fencing).

- The height of fences constructed of a perforated material such as netting or mesh is governed by the size of the openings in the mesh:
  - For fences 1.2 metres high (the minimum height of any pool fence) the openings in the netting or mesh must not exceed 10mm.
  - If you wish to use a wider mesh than 10mm it cannot have an opening any larger than 50mm (including diagonal measurements) and the fence must extend at least 1.8 metres above the ground or any permanent projection from, or object placed on, the ground outside within 1.2 metres of the fence.

- Any gaps between the bottom of the fence or gate and ground level should not exceed 100mm.

Gates and Doors
For every gate or door;

- They must not open inward towards the pool area.
- They must be clear of any obstruction which could hold them open and that no other means of holding the gate or door open is provided.
- Mounting should be so secure that even if the gate or door is lifted up or pulled down, its latching device cannot be released; it cannot come off its hinges; and it will not create a ground clearance greater than 100mm.
- They must be fitted with automatic, child proof, and self-closing latching devices. The latching device should be mounted on the inside of the gate 1.2 metres above ground level or on the outside of the gate at 1.5 metres above ground level.

Doors Opening Directly onto a Pool Area
Where any building forms part of a fence (and the pool is not contained within the building), any door that provides access to the immediate pool area must be fitted with a self-closing and latching devices. The latch must not be less than 1.5 metres above floor level and be such that it prevents the door from being readily opened by children under the age of six years. For existing pools, where Council may deem it impossible or unreasonable to have compliant doors, Council may at its discretion permit current doors to be approved provided they are fitted with a locking device that prevents the door being readily opened by children under the age of six years.

What about Water Supply?
The Building Code and the Local Government Act have the requirement that the public water supply be protected from the likelihood of cross contamination between potable (drinkable) and non-potable supplies. Therefore some Councils will require the installation of a backflow prevention device; the minimum requirement being an atmospheric vacuum breaker fitted to the hose tap used to fill the pool. The Water Supply Bylaw of some Council’s require that properties with a swimming pool capacity of 10m³ or more be fitted with a water meter. Check with your local Council to see if this is needed. The cost of the installation is to be paid by the property owner at the time of the application.

(Note: Some Councils will allow the use of the Alternative Solution NZS8500 for pools)

Disclaimer
While the Waikato Building Consent Group strives to provide accurate, up-to-date data, the information contained in this brochure is intended as a guide only. It has no legal status, and does not purport to be in any way a replacement of any of Council’s statutory documentation. The Waikato Building Consent Group accepts no liability for any losses incurred by any person relying upon this brochure’s completeness or the accuracy of its contents.
Pool Owner’s Checklist

- Height of fencing is not less than 1.2 metres
- Maximum gap between fences/gates and ground is 100mm
- Maximum gap between vertical cladding is 100mm
- Spacing between horizontal rails is 900mm minimum
- Mesh or netting gaps are no bigger than 10mm (1.2 metre fence) or 50mm (1.8 metre fence)
- Gate opens outwards
- Gate latches automatically and are self locking
- No vegetable garden, clothesline, child's sandpit, slide, swing or similar object in pool area, or vehicle access, or pedestrian access from street through pool area
- Pool projections are not climbable
- Steps for above-ground pools are removed when the pool is not in use
- No objects, including those associated with a boundary fence, close to the pool fence or otherwise accessible that could assist young children climbing the fence
- Ranch sliders, doors, and windows opening to immediate pool area have locking devices
- Above ground pools have smooth vertical sides that are not less than 1.2 metres high
- Steps are removable to semi-permanent structures (e.g. Para pools)
- Backflow preventer fitted to water supply
- Pool is registered with local Council

Please Note: This is only a guide to the fencing requirements and does not cover all situations or aspects of the fencing requirements. Please check with the Building Unit of your local Council.

Preschool Drownings in Home Pools 1980-2008
(Includes Home Pools, Spa Pools & Inflatable/Paddling Pools - provisional figures as at 6 Nov 2009)

The Fencing of Swimming Pools Act was introduced in 1987. Between 1/1/1988 and 31/12/2008 a total of 96 preschoolers drowned in home pools and spa pools in New Zealand. This equates to an average of five pre-school drowning in home pools or spa pools per annum. Of the 96 preschool drownings since the Act was introduced, 90% of the pools did not comply with the Act at the time of drowning.
- 10 were in pools that did comply with the Act.
- 86 were in pools that were not fenced or the fence did not comply with the Act at the time of drowning.

The pool did not comply, for example:
- Fence was not high enough
- Fence had gaps that were too big
- Gate was left or propped open (e.g. not self closing or locking)
- Gate was in a state of disrepair
- Gate latch did not work
- Ranch slider doors was left open or did not lock properly
- Child used other obstacle to obtain entry to pool, (e.g. stool)

Type of pool where preschooler drowned:
- 84% home pools
- 11% spa pools
- 5% paddling/inflatable pools

Location of pool where preschooler drowned:
- 69% drownings occurred at their own home
- 19% were visitors to the property
- 12% drowned in their neighbour’s pool.
(This information was sourced from Water Safety New Zealand, PO Box 10126, The Terrace, Wellington 6143)

Further Information
For further information on swimming pool fencing or backflow prevention devices please contact the Building Unit of your local Council.
Fencing Guidance:
- A Building Consent is required for the installation of a pool and all pool fencing must comply with all provisions.

1. This in ground pool must be fenced

2. This on ground pool must be fenced

3. But this pool does not need fencing

4. But if there is raised ground or a platform less than 1.200m from the pool, it does need fencing

NOTE:
- POOL LADDER MUST BE TAKEN AWAY WHEN NOT USING THE POOL
- POOL SIDES MUST BE VERTICAL AND CONSTRUCTED SO AS TO INHIBIT CLIMBING