

- (a) No permanent projection from, or object standing on the ground outside and within 1.2m of the walls of the pool which can be used to climb into the pool.
- (b) Surface walls of the pool are not constructed with a material which makes it possible to climb into the pool.
- (c) Any ladder or other means of access into the pool is removed or rendered inoperable while the pool is not in use.

YES to 1a, b, and c—Compliant.

NO to any of 1a, b, or c—Non-compliant.

- 2 Is the pool above-ground and less than 1.2m high, or in-ground?

If YES, the pool must be fenced to comply with the following:

General

- (a) Durable and constructed to prevent six year old child from climbing over or under it from the outside.
- (b) Fence minimum of 1.2m high on the outside of the fence.
- (c) Fence minimum 1.2m above any permanent projection from, or object permanently placed on the ground outside, and within 1.2m of the fence.
- (d) Ground clearance between the bottom of the fence and the ground level no more than 100mm.
- (e) All horizontal supports, rails, rods and wires are inaccessible from the outside for climbing.

NO to any of 'General' - Non-compliant.

Materials

- (a) Horizontal boards—close boarded.
- (b) Perforated material, netting, or mesh:
 - Firmly attached at both top and bottom to a rail, pipe, or similar firm structure.
 - With opening of dimension less than 10mm.
 - With opening of dimension between 10mm and 50mm BUT 1.8m high.
- (c) Vertical palings—with spacings no greater than 100mm.

NO to any of 'Materials' - Non-compliant.

Gates & Doors

- (a) Ground clearance no more than 100mm.
- (b) Durable.
- (c) Materials and spacings as above.
- (d) Unable to open in towards the immediate pool area.

- (e) Fitted with spring device that will automatically return the gate to the closed and latched position from stationary 150mm away.
- (f) Clear of any obstruction that could hold the gate open.
- (g) Fitted with a latching device that locks the gate automatically.
- (h) Latch is located on the inside of gate and hole giving access to latch is minimum 1.2m above the ground.
- (i) Latch is located on the outside of gate and fixed a minimum 1.5m above the ground.
- (j) Unable to pull down or lift gate up and away from its latch or hinges or provide ground clearance greater than 100mm.
- (k) If building forms part of fence around pool, doors and windows have locking devices that prevent a child under six years old from readily opening the door or window.

NO to any of 'Gates & Doors' - Non-compliant.

The Responsibility of Council and How it Meets that Responsibility

The Ruapehu District Council is required to take all reasonable steps to ensure that the Act is complied with.

Council has a register of known swimming pools, but is aware that this does not include all swimming and spa pools in the Ruapehu District.

It is the responsibility of the pool owner to notify Council that the pool exists. However, Council does advertise the requirements of the Fencing of Swimming Pools Act 1987, and notifies owners of their responsibilities in an attempt to record more unknown pools. Council Officers also make an effort to note the sighting of swimming pools when undertaking other day to day functions. Council record on Land Information Memoranda (LIMs) whether Council records indicate a swimming or spa pool on the property to which the LIM relates.

Council procedure is to inspect all known swimming and spa pools once every three years, to ensure the pool is compliant, and remains compliant.

Any new swimming pools that do not meet the criteria to be considered exempt from the Act, are effectively illegally constructed if the pool owner does not obtain a Building Consent. With the proposed changes to the Building Act, not obtaining a Building Consent could prevent future sale of the property.

A Guide to Fencing of Swimming Pools



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Why do I have to Fence my Swimming/ Spa Pool?

A private swimming or spa pool is a significant asset for the home. It becomes the centre of entertaining activities in summer. It can also present a deadly danger for small children.

Sadly, a significant number of toddlers drown in privately owned swimming and spa pools. The natural attraction water has for small children and the existence of private pools is a dangerous combination. Often it is not just to protect children who may stray onto your property that private pools need to be fenced.

Ask anyone with practical experience of minding children. They will tell you that it is not possible to constantly supervise small children. Even the most careful parent may become distracted for two or three minutes. That is enough time for small children to get to, and fall in an unfenced or unsecured pool. Even if a toddler is saved from drowning, the outcome is not always a happy one.

In order to prevent such occurrences, the Government has introduced the Fencing of Swimming Pools Act 1987.

What is the Act About?

The Fencing of Swimming Pools Act 1987 exists to protect young children from the dangers of unfenced swimming and spa pools. It does this by requiring owners to fence their pools.

Who does the Act apply to?

Pool owners and people, including tenants, with pools on their property; all have duties under the Act.

- 1 Pool owners must tell Council if they have a pool or are intending to purchase or build a pool. A building consent is required before constructing any type of pool, or altering a fence around a pool.
- 2 All pools must be fenced to the standard set out in the Act. If a pool is not fenced to this standard, the owner must ensure that the pool is kept empty.
- 3 Everybody renting or leasing a house with a pool must ensure the pool is empty if it does not have a fence which complies with the Act.

Which Pools need to be Fenced?

All private swimming and spa pools have to be fenced unless exempt.



Which Pools are Exempt?

Pools are exempt from meeting the standards set by the Act if:

- The maximum depth of the pools is 400mm or less.
- The pool is indoors.

Where Must the Fences be Built?

The fence may only surround the pool and the area immediately around the pool. This area can only include things used in association with the pool, eg, a sunbathing deck or a changing shed.

It may not include the clothesline, barbecue or a vegetable garden.

A secure boundary fence is not sufficient on its own. It would not comply with the Act. However, subject to strict conditions, part of a boundary fence may be used as a part of a pool fence. If a boundary fence is made use of, there is a danger that a neighbour may unwittingly make the fence unsafe, eg, the neighbour may stack timber against the fence so that it becomes easy for a child to climb over into the pool area.

What About an Existing Pool?

There are still existing pools which were built prior to the Act coming into force. These were often subject to a bylaw, which only required that the property itself be adequately fenced. Recent research in New Zealand and overseas has shown that the majority of accidents happen to the children of pool owners or their legitimate visitors.

The Act requires that all pools must be fenced to the standard set by it, regardless of when the pool was installed.

Can a Building Form Part of a Fence?

Buildings can form part of a fence, but must meet certain requirements in the Act.

What if I Use an Unfenced Pool?

Any person using an unfenced pool commits an offence under the Fencing of Swimming Pools Act 1987 and is liable to a fine. Criminal proceedings were recently taken against the tenants of a property with an unfenced pool in which a small child drowned, resulting in a conviction and substantial fines.

Have you Taken Steps to Prevent Backflow?

This is needed when water from the reticulated water supply is used to fill a pool. A backflow device is required to be installed at the hose tap. This is so that water cannot back-siphon down the system and contaminate the water supply. If you have a separate water supply, no backflow prevention device is required.

What Standard is Required to Ensure my Pool Complies?

Pool fences must meet the standard required by the Act. This requires existing pools to be fenced to the specifications of the schedule to the Act.

A new pool fence, or alterations to an existing fence, must meet the performance standard of the Building Code, and a Building Consent must be obtained.

Below are some guidelines from the Schedule to help you assess if your pool complies with the standards.

Guidelines to Assist you in Checking if Your Pool is Compliant

- 1 Is your pool above-ground, and measures a minimum of 1.2m from the ground on all sides of the pool?
If NO, proceed to Question 2.
If YES, the pool must comply with the following: