

What is the “immediate pool area”?

This means the land on which the pool is sited and as much of the surrounding area that is used for activities related to the use of the pool.

This may include:

- Pump shed and changing rooms
- Decking, paving and a barbecue

This may not include:

- The whole backyard
- Clotheslines, vegetable gardens
- Thoroughfares or other areas used for other outdoor activities

Frequently Asked Questions

Who is responsible?

- Owners, tenants and other persons living or occupying any property with a swimming pool, spa pool, or hot tub are responsible for ensuring compliance with the Fencing of Swimming Pools Act 1987 at all times.
- The Territorial Authority (Horowhenua District Council) is responsible for ensuring that all reasonable steps are taken to locate and monitor compliance with the Act for all pools within its jurisdiction. Monitoring is done by way of inspection.

What happens if I use an unfenced pool?

- Any person who uses an unfenced pool commits an offence under the Fencing of Swimming Pools Act 1987. Failure to comply may result in expensive legal proceedings as well as compromising child safety. If your pool does not comply, the Act requires the pool to be emptied until it does comply.

Does my existing pool need to be fenced?

- Yes, all pools must comply with the Fencing of Swimming Pools Act 1987 – no matter when they were installed

What about pool covers?

- In October 2002, the Building Industry Authority determined that lockable pool and spa pool covers are not suitable safety barriers and do not comply with the Fencing of Swimming Pools Act 1987.

Pool checklist

This is a checklist for your convenience, but does not cover every situation.

The immediate pool area should not contain any of the following:

- Washing line
- Play area and equipment
- Garage, carport, or car access
- Vegetable garden
- Entire backyard

Hinged doors giving access to the pool:

- Close and latch automatically
- Open away from pool
- Latch / handle no less than 1.5m from bottom of door
- No hold open devices

Sliding / Bi-fold doors giving access to pool:

- Latch, towerbolt, security lock no less than 1.5m from bottom of door
- No hold open devices

Windows within pool access area closer than 1.2m from floor:

- Limited to prevent them opening more than 100mm

Fences:

- 1.2m high from outside ground level of any permanent projection within 1.2m
- Gaps under fence or between vertical boarding no more than 100mm
- 900mm minimum space between horizontal rails
- Mesh size no more than 10mm - 1.2m high fence
- Mesh size no more than 35mm - 1.8m high fence
- No climbing points outside fence eg. seats, trees

Gates:

- Latch on outside higher than 1.5m
- Latch on inside 1.2m
- Open away from pool
- Self closing and self latching from 150mm

The Horowhenua District Council may, by resolution, grant special exemptions from some or all of the requirements Fencing of Swimming Pools Act 1987. The Council can only grant an exemption or special condition if this would not significantly increase danger to young children.



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Swimming and spa pool requirements



5637 Dry Crust Communications

This leaflet is a guide only. For further information please refer to the Fencing of Swimming Pools Act 1987 or Horowhenua District Council.

The Fencing of Swimming Pools Act 1987 exists to protect young children from the danger of drowning in unfenced swimming pools. It does this by requiring owners to fence their pool.

If your pool has the capability of water depth greater than 400mm (16 inches) then it is required to be fenced in accordance with the Act.

Anyone intending to install a new pool, spa or hot tub or new pool fence, must apply for and uplift a Building Consent prior to commencing the work. The Fencing of Swimming Pools Act 1987 requires pool owners to notify the Council of the existence of a pool.

What is classified as a swimming pool?

A pool is described as any excavation, structure or product that is used and is capable of being used for swimming, wading, paddling or bathing and includes inflatable pools, spa pools and hot tubs

Pools that are exempt:

There are four types of pools that the Fencing of Swimming Pools Act 1987 does not apply to:

1. An above ground pool where the top of the side wall is no less than 1.2m above the ground or any permanent object with no permanent means of access such as 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 a purpose other than the use of the pool. i.e. Enclosed within a house.
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.

What are the requirements?

A complying fence must surround the immediate pool area only. The most important factor to be aware of is the location of the fence in relation to the rest of your property. The fence should prevent young children moving directly to the pool from the house, other buildings, garden paths, or other areas of the property accessible to them.

Fences must be continuous and fully enclose the pool area.

A secure boundary fence is not, on its own sufficient as it would not comply with the Act.

However part of a boundary fence may be used as a pool fence under strict conditions.

- If a boundary fence is made use of, there is a danger that a neighbour unwittingly places a stack of wood or trellis against the fence enabling a child to climb over. The fence would then not comply with the Act.
- If the pool owner is unable to reach an agreement that the neighbour will keep his or her side of the fence clear, the pool owner must make other arrangements that would comply with the requirements of the Act, such as build another fence inside the boundary fence.

The side of a building may be used to form part of the fence providing it complies with all aspects of the Act.

Any hinged doors giving direct access to the pool area must be self-closing and self-latching.

Any opening windows lower than 1.2m from the floor must be restricted to open less than 100mm.

Ranch sliders and sliding/folding doors require an exemption. If approved, they must be fitted with a locking device, that when properly operated, prevents them being readily opened by children under 6 years of age. These doors must remain closed at all times.

Although inflatable and portable pools having a water depth less than 400mm are exempt from fencing, supervision of their use by a responsible person is essential at all times.

Pool fencing

A fence complying with the Fencing of Swimming Pools Act 1987 must surround the **immediate pool area** preventing any child up to 6 years of age from climbing over, under, or through it.

Fencing that complies:

- Minimum height is at least 1.2m above ground level on the outside of the fence measured continuously along the outside of the fence.
- Minimum height is at least 1.2m above any permanent projection or object placed on the ground outside and within 1.2m of the fence.
- No space between or under fence pickets or rails is more than 100mm.
- Horizontal boarded fences have no spaces between the boarding.
- Where any perforated material such as mesh or netting is used, no opening greater than 10mm is acceptable for fences 1.2m high **or** 35mm for fences 1.8m high.
- All materials must be firmly attached at both the top and the bottom to a firm, secure structure.
- All fencing supports, rails, rods, wires and bracing that are not vertical are made inaccessible for climbing from the outside; **or** horizontal support rails on the outside must be at least 900mm apart at the closest point.

Pool access, gates and doors

All pool access gates or doors must:

- Swing outwards away from the pool.
- Be fitted with a lock that prevents them being opened by a child under the age of 6 years.
- Be fitted with a self-closing and latching device.
- Have a latch, which, if on the inside is only accessible from over the fence or through a hole at least 1.2m above the ground; **or** if on the outside is at least 1.5m above the ground.
- Not be able to be removed from their hinges or unlatch if lowered or raised.
- Be clear of anything capable of holding them open.