

FENCING YOUR SWIMMING POOL

(Information Sheet / Checklist)

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THE FENCING OF SWIMMING POOLS ACT 1987

Swimming Pool Fencing

Why do I have to fence my swimming pool and spa?

By making sure that your pool complies with the Swimming Pool Fencing Regulations you know that your pool will also be safe. These regulations are designed to protect children under 6 years of age by **requiring that all swimming and spa pools are fenced in accordance with the Fencing of Swimming Pools Act 1987.**

Fencing your pool can be easy and not as much fuss as you may have thought.

We can assist and advise you of what is required and your responsibilities under the law.

What is a swimming pool?

Any excavation, structure or product that is used and is capable of being used for swimming, wading, paddling or bathing, including spa pools.

Does my pool require fencing?

All private pools and spa pools have to be fenced unless:

- the maximum depth is 400mm or less; or
- the walls of the pool are 1.2 metres or more above the ground (or the pool's surrounds). This means no permanent means of access such as steps are allowed and temporary steps must be removed after being used; or
- the pool is indoors.

IF IN DOUBT, PLEASE CONTACT US.

Who is responsible?

Pool owners, or people in possession of properties with pools, including, for example, occupiers and tenants, as well as Timaru District Council, all have responsibilities under the Act.

Does my existing pool need to be fenced?

Yes, all pools must comply with the Act no matter when they were installed.

Where must the fence be built?

The fence may only surround the pool and the area immediately around the pool. This area can only include items used in association with the pool, such as the diving board, changing shed and swimming pool furniture. **It may not include the clothes line, vegetable garden or children's play area etc...** A secure boundary fence is not, on its own sufficient. 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. For example, the neighbour may put trellis or a stack of wood against the fence so that it becomes easy for a child to climb over into the pool area.

When is a house a pool fence?

The walls of a house (or another building on the property) can form part of a pool fence, provided it meets certain conditions. Special exemption is required to be granted by the Council for these arrangements. (Refer BA Form 102)

Do I need a consent to install a pool (including spa pool) and build a pool fence?

Yes. Refer BA Form 2 & BA Form 102 (if applicable).

Building Advisory Services staff at Timaru District Council can provide help and advice on this.

Selling with an unfenced pool

Homebuyers can obtain a report, called a Land Information Memorandum, on the property they are buying. If there is a record of a non-complying pool on the property, this would be noted in the report. This could mean hasty and expensive action by you to remedy the situation and enable the sale to proceed.

What happens if I fail to meet the requirements?

Failure to comply may result in expensive legal proceedings. Information in this brochure can show you that fencing your pool can be easy and not as much fuss as you may have thought.

Until your pool does comply with the Act, the pool must remain empty.

Swimming Pool Fencing Checklist

Immediate Pool Area

Should not contain any of the following:

Washing line	
Play area and equipment	
Garage, carport or vehicle access	
Vegetable garden	
The whole backyard	
Barbecue area	

Hinged Doors Giving Access To Pool Area

Closes and latches automatically	
Latch/handle minimum of 1.5m from bottom of door	
No hold open devices	

Sliding Doors Giving Access To Pool Area

Closes and latches automatically	
Latch minimum of 1.5m above floor	
No hold open devices	

Bifold Doors Giving Access To Pool Area

Require a special exemption	
May require additional layers of protection	

Windows Giving Access To Pool Area Closer Than 1.2m From The Floor

Should be fitted with a limiter to prevent them opening more than 100mm	
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Fence

1.2m high from outside ground level or any permanent projection within 1.2m	
900mm minimum between horizontal rails	
Gaps under fence less than 100mm	
Mesh size no more than 10mm - fence must be at least 1.2 high	
Mesh size no more than 50mm - fence must be at least 1.8 high	
Picket fence gaps no wider than 100mm	
No climb points on outside of fence, e.g. seating, trees, etc.	

Gates

Latch on outside of gate to be 1.5m high	
Latch on pool side to be 1.2m high	
To open away from pool	
To be self-closing and self-latching	

Above Ground Pools Exempt from Fencing

Sides to be 1.2m minimum from ground level	
Smooth vertical sides	
No climb points	
Ladder to be removable	

Water Supply

Inlet for filling pool to be at least 25mm above the level of the pool surround, or through an approved backflow preventor.	
If pool is filled via garden hose a back flow prevention device must be fitted to the hose tap.	
Back wash water and water drained from pool to discharge through a gully trap to the foul drain (except when on septic tank). Outlet pipe from pool should not exceed 50mm in diameter.	

Spa Pools

Must have either a complying fence or Council approved childproof, lockable cover with Exemption. Refer BA Form 102.	
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Ornamental Pools

Water depth must not exceed 400mm	
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We want to help

We want to make Timaru District a safer environment for everyone, including small children. Please contact us if you are unsure what you need to do.

Spa Pool Exemption

The Council may consider applications for spa pools with lockable lids. This type of application requires a special exemption to be granted by the Council (Refer BA Form 102). Please contact Building Services for further information and advice.

Related Documents:

- **BA Form 2:** Application for Project Information Memorandum and/or Building Consent.
- **BA Form 102:** Application for Special Exemption Under Section 6 of the Fencing of Swimming Pools Act 1987.

Contact Details:

If you require any further information please contact Building Services:

Telephone for advice or an appointment:

Phone: 03 687 7200

Fax: 03 687 7209

Call in to:

Timaru District Council
King George Place
Timaru

or:

Geraldine Service Centre
Talbot Street
Geraldine

or:

Temuka Library and Information Service Centre
King Street
Temuka

or write to:

Building Services
Timaru District Council
P O Box 522
Timaru 7940

or:

email building@timdc.govt.nz