

What is a swimming pool?

A swimming pool is any excavation, structure or product that is used or is capable of being used for swimming, wading, paddling or bathing. This includes spa pools.

The Fencing of Swimming Pools Act 1987 is designed to protect young children from the dangers of unfenced swimming pools and requires owners to fence their pools. A swimming pool is any excavation, structure or product that is used or is capable of being used for swimming, wading, paddling or bathing. This includes spa pools.

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This leaflet is intended as a guide only.

For further advice and information, please contact Regulatory Services at Papakura District Council on 295 1300, or visit the Council offices at 35 Coles Crescent, Papakura between the hours of 8.00am to 5.00pm Monday to Friday.

- The 1200mm rule also applies to how close any climbable object can be away from the fence. If an object is within the 1200mm zone then the fence must rise 1200mm above it.
- Any gaps under the fence or gate must not exceed 100mm.
- Any gaps between vertical palings, pickets, and posts must not exceed 100mm.
- Any horizontal supports, rails or rods that are accessible from the outside must be 900mm apart at their closest point.
- Any projections such as in ornamental brick or stonework, must be 900mm apart so that a “stepping stone” or “ladder” effect is not created.

Perforated materials

- Perforated material such as wire mesh, netting and trellis must be attached securely (top and bottom) to prevent children under the age of 6 years from climbing through it.
- If the holes in the perforated material are 10mm or less then the fence needs to be the minimum 1200mm high. When the holes are between 11mm – 35mm then the fence must be a minimum of 1800mm in height. An opening of more than 53mm is not permitted under circumstances.

Horizontal cladding

Fences with spaced horizontal boards, no matter how high, do not comply because a ladder effect is created. This type of fence must have the gaps filled in so that no footholds remain (or the boards are positioned to run vertically).

Trees and Hedges

Trees and hedges are not in themselves legal barriers as they may be climbable. Where hedges are involved, you should ask for an inspection and ruling from the Council's Swimming Pool Safety Officer and have approval put in writing for your own protection. Hedges along boundaries between properties are definitely not recommended.

Any trees that are within 1200mm of the pool fence have branches that overhang it, must be removed, cut back or rendered non-climbable.

A GUIDE TO SWIMMING POOLS IN PAPA KURA

Do I have to tell the Council if I'm having a swimming pool or spa put in?

Yes, you do. Swimming pool or spa owners must advise the Council that they have a pool on their property or when they are intending to get one.

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

To reduce the danger of drowning for toddlers and young children. Statistics show that private swimming pools are the single most significant water hazard for pre-school children.

Do swimming pools require a Building Consent?

Yes, they do. All swimming pools and spas require a Consent regardless of capacity. All pools over 400mm in depth that are intended to be used for swimming, wading, paddling or bathing must be fenced to the minimum standard set out in the Act.

If a pool is not fenced to this standard, the owner must ensure that it is kept empty until it does. People renting or leasing a property must also ensure the pool is kept empty, if the fence is non-complying.

- Spa pools may be exempt under certain circumstances.

What happens if I have an unfenced pool?

Any person that fails to comply with the Act without reasonable cause commits an offence and may be prosecuted. Criminal charges can be brought against any person in control of a property where a child drowns due to an inadequately fenced pool.

How do I get a Building Consent?

You must submit three site plans (drawn to scale) to the Council, which must show accurately the proposed location of the pool and distances from boundaries and other buildings. You will need the details of the pool's construction and design, including cross sections showing the ground contour adjacent to the pool. All relevant manufacturers' details/specifications should also be attached to your submission.

All existing buildings and fencing should be marked on the site plan together with any positions of existing storm or sewerage drains. The details of fencing should be sufficient

to demonstrate that the fence will comply with the Fencing of Swimming Pools Act 1987.

Can I put a deck around my swimming pool?

As a general guide, if your deck is under 1.0m no building consent will be required, but it must still comply with the requirements of the Building Act. Over 1.0m a building consent will be required.

Does my swimming pool require fencing?

Yes it does, if your pool has the capability of a water depth greater than 400mm (or 16 inches).

Your swimming pool will not require fencing where the:

- maximum depth of the water cannot exceed 400mm
- pool has smooth vertical sides that are at least 1200mm above ground level with no climbable objects with 1200mm of the sides. Ladders must be removable and stored safely away from the pool when not in use.
- the pool is an indoor residential pool, or is inside a building that is mainly used for purposes other than for the use of the pool.
- above ground spas and hot tubs 760mm above ground or deck with lockable cover, will not require fencing.

Does my existing pool need to be fenced?

Yes it does. All pools, no matter when they were built, are required to be fenced.

How far away does the fence have to be located?

The most important factor is the location of the fence in relation to the rest of the property. Your fence should prevent young children from moving directly to the pool from the house, other buildings, garden paths or other areas of the property normally available to them.

The fence must only surround the pool and its immediate area. The "immediate pool area" can include such things as:

- The pool
- Decking
- Changing sheds
- Pump and filtration sheds
- Feature gardens, potted plants etc
- Outdoor or patio type furniture

- Barbeque areas

The immediate pool area cannot include:

- The clothesline
- Vegetable gardens
- Vehicle access or turning areas
- Children's play equipment such as slides and swings or areas like sandpits

Is a boundary fence enough?

A boundary fence can form part of the pool fence if it complies with the requirements of the Act, but on its own it isn't sufficient, because there are areas on any property that cannot be part of the "immediate pool area".

If you rely on a boundary fence as part of the pool fence, then you will need to reach agreement with your neighbour(s) to ensure that their side of the fence is kept clear. Trees, outdoor furniture and garden structures such as trellis, can cause the fence to fall out compliance.

Can a building form part of a pool fence?

Yes, however this is often not the safest option. When the pool is very close to a building it may be impractical or impossible to fence it off from the building. Providing certain requirements covering doors and windows are met, it is possible to comply with the Act.

Can I apply for exemption?

Yes, you can. Application for exemption should be made to the Council. The Council may only grant an exemption if it is satisfied that the circumstances will not increase the danger to young children. This may apply to spa pools when a rigid lockable cover is fitted.

Technical information

What are standards required under the Act?

- All material and components must be durable and erected in a manner that will inhibit any child under the age of 6 years gaining access to the pool area from the outside.
- The fence must be at least 1200mm (1.2m) high at all points as measured from the ground immediately on the outside of the fence.