



The Act defines a pool, or body of water as any excavation, structure or product that has a depth of 400mm or more and does not make a distinction between a fish pond and a body of water that people swim in. You are required to fence all fish ponds or water features of this nature.

### Who checks up on fences?

It is the **owner's responsibility to advise the Council** of the existence of the pool, if it doesn't already know of it. It is also the owner's responsibility to ensure the fence complies with the Fencing of Swimming Pools Act and the Building Act requirements through its life. Missing sections of the fence, or a gate that is not self latching, must be replaced or repaired **immediately**. Council could make you empty the pool and you could be liable for a fine of up to \$500 for non-compliance and up to \$50 a day for continuing non-compliance.

Councils administer this Act, so if you have any questions check with your local Council.

You have to obtain a building consent to construct a pool or spa pool fence and a condition of the consent will be the fence is constructed to Council requirements. Council will inspect the fence before issuing a code compliance certificate.

Council has power under the Act to enter your property if they suspect you have an unfenced pool.

### Safe Pool Checklist

Yes	No	
		Is the fence at least 1.2m high?
		Are there no gaps in fencing greater than 100 mm ?
		Do gates open outwards?
		Do gates shut automatically?
		Are gate latches self locking?
		Are there top bolts on ranch sliders that prevent access to the pool 1.5metres from floor level?
		Are steps removed when the pool is not in use?
		Does the pool surround have a non-slip surface?
		Is there a first aid kit available?
		Are pool chemicals stored safety?
		Do you have signage for emergencies?



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**Kawerau  
District Council  
Building Control**

**POOL FENCING  
GUIDELINES  
6 June 2008**



## POOL FENCING GUIDELINES

If you have a swimming pool or spa pool or hot tub you are responsible for fencing it to prevent unsupervised access.

The following checklist is a broad guide for meeting general pool fencing requirements, however, it does not cover every situation. Contact us if you are unsure whether your pool fence complies, or you want to find out the current status of a pool.

A full schedule of requirements under the Fencing of Swimming Pools Act (1987) and the New Zealand Building Code (Schedule 1 of the Building Regulations 1992) can be viewed at [www.legislation.govt.nz](http://www.legislation.govt.nz).

- Pool fencing should prevent children up to six years old from climbing over, under or through to gain access to a pool.
- Check that the pool has isolation fencing where possible.
- No space under the bottom of the gate or fence is greater than 100mm at any point.
- Horizontal rails are at least 900mm apart.
- All fencing is at least 1.2m above or away from any permanent projection.
- There are no holes or gaps in the fence that may provide child access to the pool area.
- Hinges, automatic closing devices and latches work properly at all times.
- Any windows in walls forming part of the pool fence that are less than 1.2m from the floor do not open more than 100mm.

- The immediate (fenced) pool areas must not contain a vegetable garden, clothesline, child's sandpit, slide swing or similar object, vehicle access, or pedestrian access from street through pool area.
- There are no objects close to the pool fence or otherwise accessible that could assist young children climbing the fence.
- Any door leading into the immediate pool area is fitting with self-closing and self latching devices with the latch at 1.5m from floor level.
- Hinged doors open away from the pool.
- There are door closers available that can be fitted to sliding doors.

Note: Bi-folding doors are not recommended as it is difficult to self close the entire door.



**Where the property boundary forms part of the pool fence, check that:**

- Horizontal supports on the neighbours side of the fence are no less than 900mm apart.
- There are no objects like compost bins, firewood stacks or similar that could assist young children climbing the fence.

### Spa pools

You are legally required to advise Council if you have a spa on your property. The Building Control Officer will visit your property to confirm compliance and add the spa to Council's register.

As well as being illegal, a non-compliant spa pool can affect your home insurance and become a problem if you want to sell your property.

### Portable spa pools

Portable spa pools and hot tubs with sides 760mm above ground or any permanent projection, and fitted with a lockable rigid cover, do not require fencing.

### In ground spa pools or spa pools fitted in decks

All other spa pools that do not meet the criteria above will require fencing to comply with the Fencing of Swimming Pools Act 1987, regardless of any previous acceptance.