Pool fencing

A guide to the Fencing of Swimming Pools Act 1987
This booklet is to assist the Taupo District Council and pool owners in the prevention of drowning or injury in swimming or spa pools.

What is a pool?

A pool is described as being any excavation, structure or product that is used or is capable of being used for swimming, wading, paddling or bathing, including spa pools, with a depth of 400mm of water or more.

What exactly is the law?

The Fencing of Swimming Pools Act (the Act) was introduced in 1987, making Council’s responsible for ensuring that pool owners comply with the legislation. A schedule in the Act sets out the requirements for fences.


Anyone intending to install a new pool, or new pool fence, must apply for a building consent prior to commencing the work. The Act requires pool owners to notify the Council of the existence of a pool through a Building Consent or separate application.

Building consents

Once you have determined that a new fence or gate is required it will be necessary to apply for a building consent. Building consent application forms online at Council’s website - [www.taupo.govt.nz/our-services/building-consents-and-information](http://www.taupo.govt.nz/our-services/building-consents-and-information)

Further information on swimming pools is also available at [www.building.govt.nz](http://www.building.govt.nz)

If you have any further questions about swimming pool fencing requirements, phone 07 376 0899.
Swimming/spa pool and fencing

CHECKLIST:

<table>
<thead>
<tr>
<th>New pool</th>
<th>Y</th>
<th>N</th>
<th>Existing pool</th>
<th>Y</th>
<th>N</th>
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<tbody>
<tr>
<td>Have you got your building consent?</td>
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<td>Is the pool registered at the Council?</td>
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<td>The consent will cover:</td>
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<td>Is the immediate pool area fenced?</td>
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<tr>
<td>• Your pool fencing requirements</td>
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<td>Has the pool been inspected?</td>
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<td>• Siting of the pool</td>
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<td>• Registering the pool with Council</td>
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<td>• Filling and drainage.</td>
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If the answer to any of the above is NO, contact the Taupo District Council.

The Act requires that the pool is NOT filled or partly filled with more than 400mm of water until such time as the pool or immediate pool area complies with the Act.

Please note: This booklet is a guide only. For further information, refer to the Fencing of Swimming Pools Act or contact the Taupo District Council (details on back page of booklet).

How can I find out if my pool complies?

Only an inspection by a Council Officer can confirm if your pool fence complies. Council’s records on your property represent its current status. You can enquire through the Council’s Customer Services Team. If your existing pool is not registered, i.e. not on the Council system, you will need to complete the application form and pay the inspection fee. This form is available on-line or from a Council Service Centre.

If this inspection results in the need to install a fence or a new fence is required, it will be necessary for a Building Consent to be issued prior to that work being done.

The immediate pool area is to be fenced

Immediate pool area means the land in or on which the pool is situated and so much of the surrounding area as is used for activities or purposes carried out in conjunction with the use of the pool.

The immediate pool area must not include the whole of the outdoor living space (your boundary fence alone may not be acceptable) and/or thoroughfares.
You should only enter the pool area for activities related to the use of the pool. Also, the pool fence should prevent young children moving directly to the pool from the house, other buildings, garden paths or areas of the property normally open to them. Activities such as vegetable gardens, clothes lines, children’s play area, dog kennels and other non-pool related activities should be excluded from the immediate pool area.

### Fences

All fences must comply with the Fencing of Swimming Pools Act 1987, and meet the performance standards of the current Building Code.

- The fence shall extend 1.2 metres above the ground, on the outside of the fence, and extend at least 1.2 metres above any permanent projection on the outside.
- The fence shall extend 1.2 metres from any object placed on the ground outside.
- Climbable objects inside the pool fence need to be a minimum of 300mm from the fence.
- Any clearance between the bottom of the fence and the ground level shall not exceed 100mm.
- Any support rails, bracing etc. that are not vertical, are made inaccessible for climbing from the outside.
- There shall be no gap between the vertical components of the fence greater than 100mm.
- A fence may have horizontal support rails, bracing etc. on the outside, if the distance between any two of them at any point is at least 900mm.
• All perforated material, trellis, netting or mesh must be firmly attached at both the top and bottom to a rail, pipe or similar firm structure so that it can’t be readily crossed.

All gaps should be less than 100mm i.e. to ground, rails, gate, rest of fence etc.

• Where the fence is constructed of perforated material, trellis, netting or mesh, any opening must not be greater than 10mm. **Note:** This measurement is on the diagonal or widest part of the gap.

• Where any opening is greater than 10mm, the fence must extend 1.8 metres above the ground on the outside.

• For a fence 1.8 metres tall or higher; the gaps can be up to 50mm.

For fence up to 1.8 tall, the gaps are to be no more than 10mm. For fence up to 1.8 tall or higher, the gaps can be up to 50mm.

• Horizontal boarded fences have all the gaps filled, and
  - All support rails, bracing etc. that are not vertical are made inaccessible for climbing from the outside, or
  - The support rails are on the outside with the distance between any two of them being at least 900mm, and

• Any horizontal boarded fences with gaps greater than 10mm must have the gaps filled or covered.
Gates & doors

Refers to gates and doors in pool fences that make up parts of a fence.

- Must not open inwards towards the immediate pool area.
- Be clear of anything that could hold them open.
- Not lift off their hinges, or unlatch, if pulled down or lifted up.
- Must not have a gap larger than 100mm from the ground.
- Must be fitted with a self-closing device and a self-latching device that is capable of closing from an opening distance of 150mm.
- Latches must be at least 1.2m above the ground, if located on the inside, or 1.5m above the ground, if located on the outside.
- Double gates or doors are required to independently self-close and self-latch at 1.5 metres or have one side of the gate/door permanently fixed shut. Padlocks, keyed tower-bolts and tower-bolts are not acceptable to secure the second gate/door.

Doors in walls of buildings

- Where any building forms part of a fence, and the pool is not contained within the building, any door that gives access to the immediate pool area need not comply with the requirements for gates and doors to the extent that the Council is satisfied that such compliance is impossible, unreasonable or in breach of any other Act, regulation or bylaw and the door is fitted with a locking device that, when properly operated, prevents the doors from being readily opened by children under the age of six.

Windows

- Any opening windows lower than 1.2 metres from floor level must be restricted to open no more than 100mm.

Indoor pools

- Indoor residential pools are technically exempt from the Fencing of Swimming Pools Act requirements. However, while it is not a legal requirement to do so, Council strongly encourages owners with indoor pools to attach restrictors to windows and locking devices to doors that, in accordance with the building code, when properly operated prevents the door from being readily opened by children under the age of six. Alternatively, owners are requested to voluntarily
comply with clauses 8 to 10 of the Schedule to the Fencing of Swimming Pools Act 1987.

**Exemptions (section 5)**

Because the intention of the Act is to promote the safety of young children, the Act only applies to pools where young children, particularly pre-schoolers, are at risk. For this reason there are certain pools to which the Act does not apply. Exempt pools are listed in section 5 of the Act.

**Special exemptions (section 6)**

In special circumstances the Council may grant an exemption from some or all of the requirements of the Fencing of Swimming Pools Act 1987. Such exemptions go before a full Council meeting. The Councillors are responsible for making the decision. The applicant may attend the meeting or have a representative attend for them.

Exemptions will only be granted where they will not significantly increase the danger/risk to young children and the Council may impose other conditions relating to the property or pool as are reasonable in such circumstances.

*Any exemption granted, or condition imposed, can be amended or revoked by a resolution of the Council.*

Having determined you have good reason for seeking special exemption, an application form must be completed and fee paid prior to the exemption going to the committee.

**Don’t become complacent!**

Even when your pool has a complying fence – continually safeguard your pool area by:

- Not propping open gates or doors or keeping them off their latches.
- Fencing off any door that is not self-closing and self-latching.
- Not placing objects against either side of the fence which can be used as a climbing aid.
- Ensure gates self-close and latch.