

Swimming Pools

Fencing of swimming pools

The Fencing of Swimming Pools Act 1987 requires that all pools, including spas, with a water depth exceeding 400 mm, which are not specifically exempted, are required to be fenced. Some inflatable and portable swimming pools have a water depth exceeding 400 mm and need to be fenced.

Registration of swimming pools

All swimming pools are required to be registered with Council to enable an examination of the fence by an inspector. This inspection is free of charge however if any faults are found, a fee will be charged on the same basis as for other building consents.

A swimming pool is defined in the Fencing of Swimming Pools Act 1987 as: *“an excavation, structure, or product that is used or is capable of being used for the purpose of swimming, wading, paddling, or bathing; and includes any such excavation, structure or product that is a spa pool”.*

Building consent

Under the Building Act 2004, a building consent is required for the erection of a swimming pool.

Fencing requirements

The fence must comply with the following criteria:

- Extend at least 1.2 metres above the ground
- The immediate pool area must be fenced (i.e. this does not mean the boundary fences)
- Where the fence is constructed of mesh or netting with bigger openings than 10mm the fence shall extend at least 1.8 metres above the ground or projection of other objects. The mesh or opening must not exceed 50 mm and must be secured at top and bottom
- The opening between the fence and the ground shall not exceed 100 mm
- All rods, rails, bracing or other fencing support shall be on the inside of the fencing or a minimum of 900 mm apart
- Gates must open away from the pool and be self-closing and self-latching when released from 150 mm from the closed position
- Latching devices on the inside of the gate, where accessible from outside, must be at least 1.2 metres above the ground. Latching devices on the outside of the gate shall be at least 1.5 metres above the ground



Exempted pools

Any pool that is at least 1.2 metres above ground level, is not able to be climbed into and for which the access ladder can be removed and is removed when the pool is not being used, is exempt from the Act. Indoor residential pools are also exempt if their enclosure includes a self closing, self latching and self locking door.

Swimming pool check

The following is what an inspector will be looking for when inspecting the fencing of a swimming pool:

- Is the fence the required height as appropriate to design?
- Are all vertical fence openings less than 100 mm?
- Does the gate open away from the pool?
- Will the gate self close and latch when released 150 mm (6 inches) from the closed position?
- If the latch is on the inside, is it in a position that cannot be reached by young children?
- If the latch is on the outside is it at least 1.5 metres above ground level?
- Are there any items present that would assist a child to climb the fence?
- Are there any gaps under or in the fence construction larger than 100 mm?
- Is there a side bolt on any sliding door which opens onto the pool area?

The Act applies to everyone with pools on their property

Pool owner must tell the Council if they have a pool or are intending to get or build one. All pools must be fenced to the standard set out in the Act. If a pool is not fenced to this standard, the owner must ensure the pool is kept empty. Everybody renting or leasing a house with a pool must ensure the pool is empty if it does not have a fence which complies with the Act.

The Council is required to take all reasonable steps to make sure that the Act is complied with.

For more information, please contact:
Building inspector
Buller District Council
Brougham St
Westport
Ph: (03) 788 9111

