

This booklet is a guide only. For further information, please refer to the Fencing of Swimming Pools Act or Hutt City Council.

The Fencing of Swimming Pools Act 1987 exists to protect young children from the danger of drowning in unfenced swimming pools. It does this by requiring owners to fence their pools.

If your pool has the capability of water depth greater than 400mm (16 inches) then it is required to be fenced in accordance with the Act.

Anyone intending to install a new pool, spa or hot tub or new pool fence, must apply for and uplift a Building Consent prior to commencing the work. The Fencing of Swimming Pools Act requires pool owners to notify the Council of the existence of a pool. An application for a building consent is an acceptable way of notifying the Council of the installation of a new pool or fence.

What is classified as 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 and includes spa pools.

Pools that are Exempt

There are four types of pools that the Fencing of Swimming Pools Act does **not** apply to:

1. An above ground pool where the top of the side wall is no less than 1.2m above the ground or any permanent object.
2. A structure or product where the maximum depth of water does not exceed 400mm.
3. A pool that is wholly enclosed within a building that is principally used for purposes other than the use of the pool.
4. A pool where people are employed to provide supervision while the pool is available for use and the pool is behind locked gates at other times.

Above-ground Spas and Hot Tubs

Above-ground spas and hot tubs shall meet **all** of the following:

- (a) The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760mm above the surrounding ground or deck;
- (b) The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;
- (c) The locks shall not be able to be readily opened or released by a child of up to the age of six years.
- (d) When locked the cover shall be fitted so that if lifted, it does not release the locking device or provide a clearance greater than 100mm;
- (e) The cover shall be made of material that if walked on cannot collapse and withstand the weight of at least 20kg to ensure that it will more than take the weight of a child up to six years of age;
- (f) The cover shall be constructed of material that meets ASTM F1346-91 to allow easy movement on and off the spa pool or hot tub;
- (g) The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;
- (h) The cover shall have an evenly spaced mechanical locking device as required in (b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six years of age, and ensure that the cover is fixed securely to the spa pool or hot tub;
- (i) The cover and locks shall be maintained at all times in a good state of repair;
- (j) Warning stickers shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;
- (k) Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200mm from the spa pool or hot tub.

FAILURE TO COMPLY WITH THE ABOVE WILL REQUIRE A BARRIER/FENCE COMPLYING WITH THIS STANDARD

Pool Fencing

A fence that complies with the Fencing of Swimming Pools Act 1987 that prevents any child up to 6 years of age from climbing over, under, or through it.

Fencing that complies:

- The minimum height is 1.2 metres above ground level and there is a 1.2m wide unobstructed clear area around the outside (so for example, if there is decking within 1.2m of the fence, then the fence must be at least 1.2m above the level of the decking). There must also be no projections such as tree branches or hedges within 1.2m of the fence, and
- No space between or under fence pickets or bars is more than 100mm; and
- The fence is constructed of perforated material, netting or mesh with no opening greater than 10mm for a 1.2 metre high fence and no greater than 50mm for 1.8 metre high fence; and
- 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, the distance between any 2 of them must be at least 900mm; and
- The fence must surround the immediate pool area

Filling the Pool

When filling the pool there is a requirement to have a backflow prevention device fitted to prevent contamination of our water supply.

Backflow preventers are devices fitted into the pipe or hose system used to fill the pool, that stop water from the pool being sucked back into the pipe or hose for whatever reason (e.g., a fall in the mains water pressure) and contaminating the water supply with the pool water. For hose-filled pools, the most common device is the **hose connection vacuum breaker**. These small devices are a specialised version of the atmospheric vacuum breaker. They are generally attached to hose taps and in turn to outlets such as garden hoses. You can obtain more information on this subject from your pool supplier or local plumbing merchant.

Emptying the Pool

Water emptied from a pool must be carried out in accordance with the general authorisation granted by Environmental Consents to prevent pollution of our waterways. Backwash water may contain contaminants and so must discharge via a gully trap into the sewer.

Note: It may be necessary to take precautionary measures for in-ground pools where the ground water table is high or may be of concern, before emptying water from the pool.

Pool Gates

Gates or hinged doors must comply with the following:

- They must be fitted with a self-closing device capable of closing them and operating the latching device from an opening distance as small as 150mm, and
- They are clear of anything that could hold them open, and
- They will not lift off their hinges or unlatch if pulled down or lifted up, and
- They must have a latch which, if on the pool side, must be accessible only from over the top of the fence or through a hole at least 1.2m above the ground, or if on the outside must be at least 1.5m above the ground, and
- They must open away from the pool, and
- Have a Council supplied self-adhesive notice affixed to all pool access doors.

Pools must remain empty until they have an approved complying fence installed.

What is the Immediate Pool Area?

This means the land where the pool is sited and as much of the surrounding area that is used for activities related to the use of the pool. Therefore, this area may contain the filter shed, pump house and changing shed buildings, seating, decking, paving and a barbecue but may **not** contain clotheslines, vegetable gardens, thoroughfares or areas used for other outdoor activities. Any hinged doors giving direct access to the pool area must be self-closing and self-latching. Any opening windows lower than 1.2m from the floor must be restricted to open no more than 100mm. Ranch sliders and sliding/folding doors require an exemption. If approved, they must be fitted with a locking device, that when properly operated, prevents them from being readily opened by children under 6 years of age. These doors must remain closed and locked at all times.

Pool Checklist

This is a checklist for your convenience, but does not cover every situation.

The 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 back yard

Hinged doors giving access to Pool area:

- close and latch automatically
- Latch/handle minimum of 1.5m from bottom of door
- No devices to enable the door to be held open

Sliding Doors/Bi-folds giving access to Pool area:

- Latch, tower bolt, security lock at a minimum of 1.5m from the floor
- Automatic pool cover
- Alarm

Windows giving access to Pool area closer than 1.2m from the floor:

- fitted with a limiter to prevent them opening more than 100mm

Fences:

- 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 1.2m high
- Mesh size no more than 50mm - fence must be at least 1.8m high
- Picket fence gaps no wider than 100mm
- No climb points on outside of fence e.g. seating

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

Para Type Pools - no fence required if:

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

Ornamental Pools:

- Water depth must not exceed 400mm

Swimming and Spa Pool requirements in Hutt City



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