



Handy Council Tips.

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.

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

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

Do swimming pools require a Building Consent?

Yes. 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 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.

Does my swimming pool require fencing?

Yes, if your pool has the capability of a water depth greater than 400mm.

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 1.2m above ground level with no climbable objects with 1.2m of the sides.** *Ladders must be removable and stored safely away from the pool when not in use.*
- Pool is an outdoor residential pool, or is inside a building that is mainly used for purposes other than for the use of the pool, e.g. a spa pool in the garage would be exempt.

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
- bbq areas

The fence cannot include:

- the clothes line
- 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 an 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 of 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 off from the building. Providing certain requirements are met, it is possible to comply with the Act.

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 requirement of the Building Act 1991.
- Over 1.0m a building consent will be required.

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 1.2m high at all points as measured from the ground immediately on the outside of the fence.
- The 1.2m rule also applies to how close climbable objects can be away from the fence. If an object is within the 1.2m zone, then the fence must rise 1.2m above it.
- Any gaps under the fence or gate must not exceed 100mm.
- Any gaps between vertical pailings, pickets and posts must not exceed 100mm.
- Any horizontal supports, rails or rods that are accessible from the 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 materials 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 100mm or less then the fence needs to be the minimum 1.2m high. When the holes are between 11mm – 50mm then the fence must be a minimum of 1.8m in height. An opening of more than 50mm is not permitted under any 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 1.2m of the pool fence that have branches that overhang it, must be removed, cut back or rendered non-climbable.

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 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 the fencing should be sufficient to demonstrate that the fence will comply with the Fencing of Swimming Pools Act 1987.

Further Information

Please contact your nearest Council.