



To the Pool Owner

A copy of the fencing act schedule follows
for your information and compliance.



Schedule

Requirements for Fences Under this Act

Height

- 1.1 The fence shall extend
 - (a) At least 1.2 metres above the ground on the outside of the fence; and
 - (b) At least 1.2 metres above any permanent projection from or object permanently placed on the ground outside and within 1.2 metres of the fence.
- 1.2 Notwithstanding subclause (1) of this clause, where the fence is constructed of perforated material, netting, or mesh and any opening in the material, netting, or mesh has a dimension (other than the circumference or perimeter) greater than 10 mm, the fence shall extend at least 1.8 metres above the ground or the projection or object.

Ground Clearance

2. Any clearance between the bottom of the fence and the ground level shall not exceed 100mm.

Materials

3. Any materials and components shall be of a durable nature and shall be erected so as to inhibit any person from climbing over or crawling under the fence from the outside.
4. Except where the fence is horizontally close-boarded, the spacing between adjacent vertical pales, panels, or other posts shall not exceed 100mm at any point.
5. All fencing supports, rails, wires, bracing or other similar posts shall be on the inside of the fencing and shall be inaccessible for use for climbing from the outside.
6. Where any perforated material, netting or mesh is used, no opening in that material, netting or mesh shall have any dimension (other than the circumference or perimeter) greater than 50mm.
7. All perforated materials, netting or mesh material shall be firmly attached at both top and bottom to a rail, pipe or similar firm structure or otherwise be of such a nature that the fence cannot readily be crossed by children under the age of 6 years.

Gates and Doors

8. Every gate or door shall be so constructed as to comply with the relevant requirements to clauses 1 to 7 of this Schedule, and shall be so mounted that -
 - (a) It cannot open inwards towards the immediate pool area;
 - (b) It is clear of any obstruction that could hold the gate or door open and no other means of holding the gate or door open is provided;
 - (c) When lifted up or pulled down the gate or door does not release the latching device, come off its hinges, or provide a ground clearance of greater than 100mm.

Operation of Gates and Doors

- 9.1 Every gate or door shall be fitted with a latching device.
- 9.2 Where the latching device is accessible from the outside of the fence only by reaching over the fence, gate, or door or through a hole in the fence, gate or door, the latching device and the lowest point of any hole giving access to it shall be 1.2 metres above the ground on the outside of the fence.
- 9.3 Where the latching device is otherwise accessible from the outside of the fence, gate or door, the latching device shall be at least 1.5 metres above the ground on the outside of the fence.
10. Every gate or door shall be fitted with a device that will automatically return the gate or door to the closed position and operate the latching device when the gate or door is stationary and 150mm from the closed and secured position.

Doors in Walls of Buildings

11. 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 or doors set out in clauses 8 to 10 of this Schedule to the extent (if any) that the territorial authority 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 door from being readily opened by children under the age of 6 years.

Section 6 - Special Exemptions

Under Section 6 Councils may grant exemptions to the requirements in the Act for particular pools. Councils can also impose special conditions on a property and a pool. A Council can only grant an exemption, or impose a special condition, if, after having regard to the characteristics of the pool and the property, it is satisfied that it “would not significantly increase danger” to young children.

This Act is administered by the Department of Internal Affairs