

Changes to Swimming Pool Fencing Requirements



MARLBOROUGH
DISTRICT COUNCIL

Building Act 2004

The Fencing of Swimming Pools Act 1987 (FOSPA) has been repealed and fences/barriers are now covered under the Building Act 2004.

Swimming and spa pools are part of our way of life in New Zealand. They provide wonderful opportunities for the whole family to gather together and have fun. As the pool owner, you're responsible for installing and maintaining pool fencing that is safe and effective.

Above Ground Swimming Pools

No fence/barrier for the pool is required if the sides of the pool can be an effective barrier.

- The minimum height of the walls of the pool are 1.2m from the ground/finished floor level;
- The sides of the pool are smooth, so there is nothing that can be used as a foot hold to climb into the interior of the pool;
- There are no permanent projections or objects that can be climbed or stepped on to get into the interior of the pool; and
- The ladder or means of getting in the pool is removed when the pool is not in use.

Important Note:
Construction of a new pool fence/barrier and/or the addition of doors or windows to an existing pool barrier will require Building Consent.



All inground swimming pools and above ground swimming pools with sides less than 1.2m high need a complying fence/barrier.

The following is required in order to achieve a complying swimming pool fence/barrier

1. The fence/barrier must not be less than 1.2m high measured from ground level.
 2. Gates **must** open outward with no means provided to hold the gate open.
 3. When lifted up or down the gate or door does not release the latch device or come off its hinges.
 4. Gates must automatically latch, with latch 1.5m above ground level on outside, or 1.2m above ground level on the inside of gate or door.
 5. Every gate or door in a pool fence shall be fitted with a device that will automatically return it to a closed position and operate the latch device when the gate is held at a distance of not more than 150mm from the closed position.
 6. The fence/barrier must be clear of any permanent projection, or object placed on the ground within 1.2m of the fence/barrier on the outside, that can act as a step.
 7. No horizontal rails with less than 900mm gap between the rails on the outside of the fence.
 8. No gaps between vertical cladding to be more than 100mm wide.
 9. No gaps under the fencing or gates to be more than 100mm wide.
 10. Gaps in any perforated material (trellis, mesh or netting) are no wider than 10mm if the fence/barrier is 1.2m in height.
 11. Gaps in any perforated material (trellis, mesh or netting) are no wider than 50mm if the fence/barrier is 1.8m in height.
-

12. If the fence is horizontally close boarded, the maximum gap between each board is 10mm.
13. Any windows that open into the pool area, lower than 1.2m from the inside floor level, must have restrictors on them limiting the opening to 100mm.
14. Any door in a building that provides direct access to the pool is self-closing and self-latching, or has an audible alarm.
15. The door's locking device or alarm deactivation switch is fitted at least 1.5m from floor level.
16. A suitable backflow preventer (vacuum breaker) fitted to the tap used for filling the pool.
17. You will also require a backflow preventer (testable double check) fitted to the water supply connection at the boundary. This backflow device will be supplied and fitted to the existing water connection by Council. This will be charged directly back to the property owner. Payment will be required prior to the backflow preventer being fitted.

Please note that the backflow prevention device supplied and fitted by Council will require annual testing. The annual testing and maintenance of the device will be carried out by Council and the property owner will be invoiced annually.



Waiver

1. A territorial authority may grant a waiver or modification of section 162C (1) or (2) (which requires residential pools to have means of restricting access by unsupervised children) if the territorial authority is satisfied that the waiver or modification would not significantly increase danger to children under 5 years of age.
2. In deciding whether to grant a waiver or modification under subsection (1), the territorial authority must have regard to all of the relevant circumstances (including the particular characteristics of the pool and the land on which it is situated).
3. Please consult the Marlborough District Council website for fees/charges for a waiver from the Building Act 2004.

Other Safety Issues to Consider

- Is there a first aid kit available?
- Are the pool chemicals stored safely?
- Does the pool surround have a non-slip surface?



**For further information on any pool fencing/barrier matters, please call Council's Customer Service Centre
03 520 7400**



MDC

Seymour Street
PO Box 443
Blenheim 7240
NEW ZEALAND

Ph: +64 3 520 7400
Fax: +64 3 520 7496
Email: mdc@marlborough.govt.nz
www.marlborough.govt.nz

ISO 9001
Form FIB0001-C11803
February 2017