

Swimming Pools and Spas

What you need to know
about pools and spas



Swimming Pool Fences

The fence or barrier where it does not form part of the property boundary, must not be less than 1.2m high, measured from the finished floor or ground level outside the pool barrier.

If a pool barrier is located on a property boundary, it must not be less than 1.8m high, measured from the ground level on the pool side.

Pool barriers on the property boundary must also be located at least 1m away from the water's edge, have no openings that a 100mm sphere could pass through and meet specific construction considerations to restrict climbing by children.

Gaps in any perforated material (trellis, mesh or netting) are no wider than 10mm if the fence or barrier is 1.2m in height. Or are no wider than 50mm if the fence or barrier is 1.8m in height.

Pool barriers shall not be angled more than 15° from vertical and may only slope away from the pool.

Horizontal rails must have a minimum gap of 900mm between each rail on the outside of the fence. If the fence is horizontally cladded, the gap between each board must be less than 10mm.

There must not be any gaps under the fence more than 100mm wide.

Climbable objects outside the pool barrier cannot be within 1.2m from the top of the barrier. This includes, but is not limited to, climbable trees and bushes, garden ornaments, pool pumps, and boards fixed to the outside of the pool barrier.

The immediate pool area enclosed by the pool fence or barrier may include activities that involve or are in relation to the pool, and some activities that may be carried out independently of the pool. For example, a BBQ or outdoor furniture. It cannot include a clothesline, vegetable garden, fruit trees or be used as a thoroughfare from the boundary to the dwelling or to other parts of the property.

Pool Gates and Buildings as part of the Pool Barrier

Gates and hinged doors must open outward away from the pool with no means provided to hold them open.

Gates must be hinged and at least 1.2m high.

When lifted up or down the gate or door does not release the latch device or come off its hinges. It must also not allow ground clearance of more than 100mm beneath the gate.

Gates must automatically latch, with the latch release 1.5m above ground level on the outside, or 1.2m above ground level on the inside of gate and have shielding around the latch.

Every gate in a pool fence shall be fitted with a closing device that will automatically return it to a closed and latched position. The device must be operable from an opening distance of 150mm.

Latches must be positioned so that they cannot be reached by a child from outside the pool area and cannot be released from outside the pool area by the insertion of a thin implement through any gaps.

Any windows that open into the pool area from 2.4m vertically above the ground of the immediate pool area and are lower than 1000mm from the inside floor level, must have restrictors fitted to limit the opening so that a 100mm sphere could not pass through.

A permanently fixed screen (that a 100mm sphere could not pass through) could also be used to prevent access from a window into the pool area.

Any door in a building that provides direct access to the pool must be self-closing and self-latching, or have an audible alarm tone of at least 75dB.

The door's self-latching device or alarm deactivation switch must be fitted at least 1.5m from floor level and automatically return to a state of readiness when the door is closed and latched.

Signage may be required for the door, if the property is used as a motel, hostel, rest home, camping ground or for any similar use.

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Swimming pools and spa pools provide wonderful opportunities for family and friends to gather together and have fun. As the pool owner, you're responsible for installing and maintaining pool fencing that is safe and effective.

A pool is defined as any excavation, structure or product containing water over 400mm deep that is used or capable of being used for swimming, wading, paddling or bathing. This includes spas and inflatable pools.

All in-ground swimming pools and above-ground swimming pools with sides less than 1.2m high need a complying fence/barrier which requires Building Consent approval.

A building consent from Council is required for the installation of pool barriers that don't meet the requirements of exempt work under Schedule 1 of the Building Act. Even though certain swimming pools don't require a building consent, the pool fencing/barrier may still require building consent approval.



This leaflet is intended as a guide only. Please refer to the relevant legislation or contact the Council for full definitions and guidelines.

Swimming Pool fences and barriers must be of adequate strength and meet many specific guidelines. It is crucial that you contact the Building Duty Officer to find out if you need a consent.

The Building Act 2004, particularly Building Code Clause F9, requires all residential pools to have a pool barrier to restrict access by unsupervised children under 5 years of age. These barriers must be maintained so that they continue to be effective.

Under Section 162D of the Building Act 2004, residential swimming pools (other than small heated pools that are exempt) must have their barriers inspected at least once every three years. You have the choice between engaging either your territorial authority (Manawātū District Council) or an Independent Qualified Pool Inspector (IQPI) to perform the inspection.

For pools installed prior to 1 January 2017, the Schedule of the Fencing of Swimming Pools Act 1987 may still apply as prescribed under Section 450B of the Building Act 2004. If your pool was installed prior to 1 January 2017, please contact the Council for clarification.

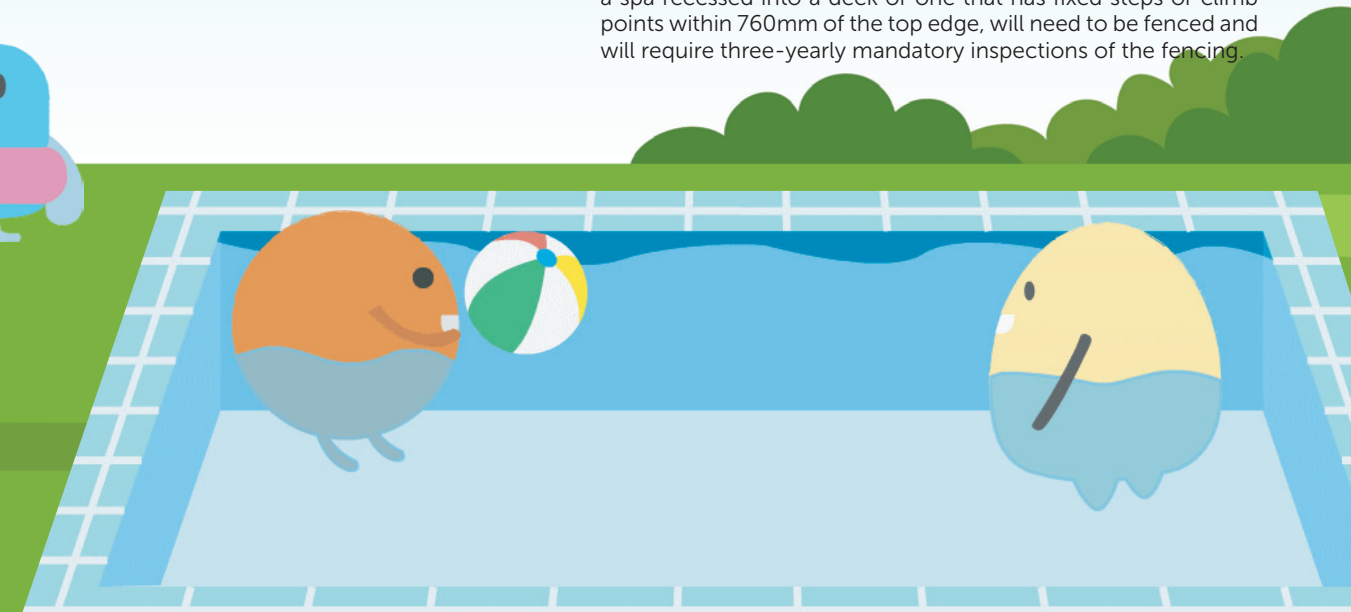
The fees charged to inspect pool barriers will vary. Manawātū District Councils current inspection fees can be found at Fees & Charges on the mdc.govt.nz website.



Above-Ground Swimming Pools

No fence or barrier for an above-ground pool is required if the sides of the pool can be construed as an effective barrier. This means:

- the minimum height of the walls of the pool are 1.2m from the ground or 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,
- gaps between vertical rods or rails are to be no more than 100mm wide,
- there are no permanent projections or objects that can be climbed or stepped on to get into the interior of the pool, including the pool pump, and
- any ladder (or other means of providing access to the pool) shall be removed and secured away from the pool. Or have an enclosing barrier and gate around the ladder when not in supervised use.



Spa or Small Heated Pool

A small heated pool is defined as having a water surface area of 5m² or less and with walls that are not less than 760mm at all points, above the adjacent floor or ground. The wall must be vertical or slope outwards at not more than 15° from vertical with no external objects or projections (such as steps) within 760mm of the top edge that could assist climbing.

A safety cover may be used as a means of restricting the entry of children to a small heated pool when it is not in use. The small heated pool may then be exempt from three-yearly mandatory inspections and you'll be responsible for its compliance. We'll just need to check it once to be sure it complies.

The safety cover must:

- be able to withstand a reasonably foreseeable load,
- be constructed with a slope from the centre to the outside edges to prevent water ponding on the cover itself,
- be able to be readily returned to the closed position by an adult,
- be held in place by straps fitted with lockable snap fasteners not less than 33mm or fasteners using metal padlocks,
- have signage fixed on two opposite sides of the cover stating "WARNING: This spa pool cover must be kept locked except when under adult supervision."

Covers and fasteners need regular maintenance, especially if exposed to UV light which affects straps and plastic fasteners.

Small heated pools that do not meet the above criteria, such as a spa recessed into a deck or one that has fixed steps or climb points within 760mm of the top edge, will need to be fenced and will require three-yearly mandatory inspections of the fencing.