

Swimming Pool Barrier/Fence - General FAQ's

What pools require fencing / barriers?

Any residential pools with a maximum depth of water of 400mm or more, **including portable pools, inflatable pools and stand-alone pools**, must have physical barriers that restrict access to the pool by unsupervised children under 5 years of age, whether the pool is filled or partly filled. Portable pools with sides lower than 400mm in height are exempt.

Why fence pools?

Research shows that fencing reduces drowning of young children in home pools. Drownings decreased dramatically after the Fencing of Swimming Pools Act was enacted in 1987. Before pool fencing legislation was enacted, on average 10 young children per year drowned in residential swimming pools. This average has reduced to two young children per year.

Do portable pools need a barrier?

Portable pools are treated in the same way as other residential pools. They must have barriers that restrict unsupervised access by young children if they can hold water to a depth of 400mm or more, and have water in them (even if the pool is only partially filled).

Do indoor residential pools need a barrier?

Young children are at risk if they have unrestricted access to the pools whether the pool is inside or outside. Therefore, indoor residential pools are now subject to the same barrier requirements as other residential pools. Eg – children must not be able to readily open the doors to the pool room. Pool room doors need to be self-closing or have an alarm.

What pools do not need pool barriers?

If the pool sits above the ground with smooth verticals walls that are not less than 1200mm high, and any ladder or other means of providing access to the pool has an enclosing barrier and compliant gate. For more information -[See technical FAQs](#).

OR

Portable pools with sides lower than 400mm in height are exempt.

Do I need a building consent to fence my pool?

Yes, pool fencing/barriers do require a building consent. The building consent required for pool fencing/barriers is a [Form 2 Minor Building Consent application](#).

What is the fee for a Minor Building Consent Application?

Click [here](#) to view the current building fees and charges.

Do I need a fence/barrier for my spa pool?

Fencing is no longer required for spa pools and other small heated pools if the following criteria are met.

- 1) Surface water area of not more than 5m² ,**and**
- 2) Has sides at least 760mm above adjacent floor or ground, **and**
- 3) The sides are non-climbable, **and**
- 4) Has no external objects or projections within 760mm of the top edge that could assist climbing, **and**
- 5) The spa pool has a cover that;
 - a) Restricts entry of children when closed, **and**
 - b) Is able to withstand a reasonably foreseeable load, **and**
 - c) Is able to be readily returned to the closed position, **and**
 - d) Has signage indicating its child safety features

Are there any restrictions on the size of the immediate pool area?

This will be determined on a case by case basis, it depends on the layout of the property and what is contained within the immediate pool area. The immediate area must only contain items associated to the use of the pool, i.e. loungers, changing sheds, etc. Other items such as clothes lines, swing sets, sand pits, veggie gardens, etc. are NOT permitted inside the immediate pool area. Previous determinations have been made in regards to this subject, and they can be viewed on the Ministry of Business, Innovation and Employment (MBIE) website at www.building.govt.nz/pool-safety

'Immediate pool area' - means;

Means the land in or on which the pool is situated and so much of the surrounding area as is used for activities carried out in relation to or involving the pool.

Why does my pool need to be inspected?

It is now a legislative requirement under the Building Act 2004, for all residential pools to be inspected at least once every 3 years. Components of pool fencing/barriers, such as self-closing and self-latching devices can deteriorate over time and stop operating as required. The inspections will ensure these components continue to operate to the required level of compliance.

I don't have a small children, why do I need to do this?

Yes, there is a focus on safety for children under five years but even if you don't have children the new rules apply as they create safety consistency across pools throughout New Zealand. It also protects against children from outside your household entering the pool area unaccompanied.

What happens when I have a rental property which has a pool?

If you have a pool at your rental, it is important to understand your responsibilities around pool safety and maintenance.

Residential pools, including portable pools, in-ground pools and spa pools must have physical barriers restricting access by unsupervised children under 5 years of age. The full requirements can be found on the Building Performance website - [Safety guidance for pool owners](#)

Tenants and landlords, including property managers, all have responsibilities when it comes to pool safety, maintenance and compliance.

Landlord Responsibilities

If you have a pool at your rental property, you must notify your local Council.

You must make sure the pool barrier meets compliance requirements under the Building Act. Inspections must be conducted by an Independent Qualified Pool inspector or your local Council every 3 years.

It is recommended you keep all records, such as current certificate of periodic inspection and original building compliance documents.

Include pool safety checks in your regular property inspections.

If you find out that your tenants have installed a pool (portable or otherwise), you need to take steps to ensure the tenant restricts access in accordance with legal requirements, or have the pool removed.

If you're a property manager, make sure you have clear understanding of obligations and compliance requirements for pool barriers. Check your local council website for pool safety checklists and consider including them in your property inspections. Request copies of compliance documents from the owner of the property such as current certificate of periodic inspection and original building compliance documents. Take note of when pool inspections by authorities are due for your properties.

Tenant responsibilities

You must report maintenance issues to your landlord as soon as possible, for example if the latch on the gate isn't operating correctly. You must restrict access and be extra careful until repairs have taken place.

Make sure there is nothing near the pool barrier that a child could climb on to get over the fence.

You are responsible for keeping the property reasonably clean and tidy, this includes the pool and its filters if they are accessible.

If you want to install a pool at your rental property (portable or otherwise), you must get written permission from your landlord first. Make sure you do your research first, including checking your local council website for information on pool safety, your potential liability, and checking the requirements for pool barriers.

What happens if I don't have pool fencing/barriers, or it fails an inspection?

All pool owners are strongly encouraged to proactively look at the details in the new fencing rules and make sure their fencing/barriers is up to standard, prior to the council inspection. If there is no fence/barrier or if your fence fails inspection, depending on the problem/issue, Council may issue a notice (Notice to Fix) to rectify the non-compliance and/or requires you to drain your pool.

What do I need to do if my pool is found to be exempt?

Even though council won't be inspecting exempt pools every three years, owners will still have the responsibility of ensuring the safety features around their pool remain compliant under the relevant regulations.

Who will be inspecting my pool fencing/ barriers?

The responsibility lies with Rotorua Lakes Council, or, an independently Qualified Pool Inspector (IQPI). It is the pool owner's decision who they choose to carry out the inspection. However Council will inspect unless the owner advises Council otherwise. The Ministry of Business, Innovation and Employment (MBIE) is responsible for administering the IQPI regime. For further information on IQPI's visit the [Ministry's website](#).

When will my pool be inspected?

Rotorua Lakes Council is currently working on a three year inspection regime determined by geographical locations. A letter will be sent to property owners requesting they make contact with the Building Compliance Officer-Pools by phoning **(07) 348 4199** or emailing info@rotorualc.nz to organise a date and time for the inspection. If no response is received within 10 days of sending the inspection request letter, Council will schedule the owner's pool inspection within the inspection programme.

Why would I need a follow up inspection?

If your pool fencing/barriers fail the initial inspection for any reason, instructions will be provided to you detailing what issues that have been identified. A follow up inspection will be required to ensure the work has been completed and compliance has been met. Recall inspections if required may incur an additional fee. The pool fence/barriers must be made compliant.

Do I need to be present for the inspection?

No, you are not required to be home for the inspection, however it is beneficial as the inspector can discuss any issues that are identified. It will also be necessary if access to the pool is restricted, or the compliance officer needs to gain access inside buildings that form part of the pool barrier to enable doors and windows to be inspected.

What is the cost involved with inspections?

The current initial inspection is charged out at - see [Building Fees \(page 3\)](#)

Any follow up inspection currently may incur a charge at – see [Building fees \(page 3\)](#)

Independently Qualified Pool Inspectors will set their own inspection fees

For a more detailed information go to [Swimming Pool Barrier/Fence Technical FAQ's](#)

Where can I get more information?

You can make contact with the Building Compliance Officer- Pools by phoning **(07) 348 4199** or by email info@rotorualc.nz

****The above information was correct as at the time of writing, and may be subject to change due to legislative amendments, etc.***