



CUSTOMER GUIDE FOR SWIMMING AND SPA POOLS



Your guide when considering installing a swimming or spa pool

Includes information about:

- content and quality of documentation required.

For further information please contact:

Westland District Council

Building Department

36 Weld Street

Private Bag 704

Hokitika

Phone: 03 756 9010

Fax: 03 756 9045

E-mail: council@westlanddc.govt.nz

What is a swimming pool?

Any excavation, structure or product, used or capable of being used for swimming, wading, paddling or bathing, including spa pools.

How does the Fencing of Swimming Pools Act 1987 effect me?

Every owner, lessee or person renting a property containing a pool is obligated to comply with the Act. You must notify the existence of any existing pool to the Westland District Council by telephone or in writing.

For proposed new pools the owner must obtain a Building Consent prior to installing/ constructing the pool. You must ensure that the pool is fenced in accordance with the Act. If the pool is not fenced it is your responsibility to ensure that it is not filled (or partially filled) with water. All pools must comply unless they are approved by a specific exemption under the Act.

Registration and Inspection of your Pool

Council is required by law to 'take all reasonable steps' to ensure that the Act is complied with. These steps include inspecting and re-inspecting pools as required to confirm that pools meet the intent of the Act.

The costs for each inspection undertaken by Council will be recovered from the owner, lessee or person renting the property.

An inspection may be booked through the Building Compliance Officers by telephoning 756 9010 (at least 24 hours notice is required) when construction of a new pool or pool fencing has been completed. A Code Compliance Certificate will be issued on completion of a complying installation.

For failed inspections, a Notice of Inspection will be left on site detailing exactly what further work is required. A re-inspection should be booked once the outstanding work has been completed if not actioned within given time frame a 'Notice to Fix' will be issued.

What Pools need fencing ? All pools, except:

- Pools with sides no less than 1.2m above the highest adjacent ground level, constructed to inhibit climbing and with the ladder easily removed (Figure 1).



Figure 1

- Pools where the maximum water level cannot exceed a depth of 400mm.
- Pools NOT used in association with residential buildings, schools, hospitals, motels, hotels, camping grounds or other similar premises and NOT intended or modified for swimming, wading, paddling or bathing.
- Indoor pools in a building not related to the use of the pools such as a spa pool inside a house but not a 'stand-alone' spa.
- Pools where permanent supervision is provided and access is prevented by locked gates when the pool is not in use.

Where should I install and locate the fence?

The swimming pool fencing should enclose the **"Immediate pool area"**.

What is meant by The Immediate Pool Area?

The immediate pool area is defined as *"The land in or on which the pool is situated and so much of the surrounding area as is for activities or purposes carried out in conjunction with the use of the pool."* The size of the immediate pool area is determined by the extent of the actual activities or purposes that will take place in conjunction with the use of the pool for its usual purposes of swimming, wading, paddling or bathing.

Permitted activities or purposes carried out in conjunction within the immediate pool area include the use of pool furniture, changing sheds, pumps or pool maintenance equipment, and sunbathing areas. They do not include clothes lines, vegetable gardens, planting for landscape purposes, access ways (pedestrian and vehicular) and children's play equipment, sandpits, etc.

Can my pool be Exempted?

Council may grant a special exemption from some requirements of pool fencing if it is impossible, or in the opinion of the Council, unreasonable to make them comply, having regard to the particular requirements of the property. However, the Territorial Authority must be satisfied that the danger to young children will not be significantly increased. Should you wish to apply for an exemption, exemption forms are available from the Council office or by phoning the Compliance Officers on phone 756 9010.

What Type of Fence is Needed?

Any fence which complies fully with the following requirements:

Fencing Requirements: Solid Material Fences

- Height - 1.2m above ground, projections and any object within 1.2m.
- Materials - must be durable and so erected to inhibit climbing.
- Maximum space between vertical posts, palings, panels, etc. - 100mm.
- Minimum space between horizontal supports - 900mm.
- Maximum clearance under the fence - 100mm.
- All support rails, wires, etc. - inside the fence (Figure 2).

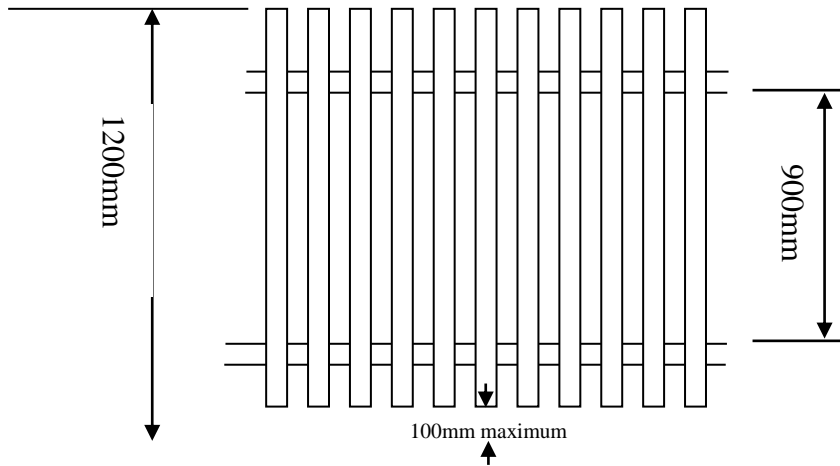


Figure 2

Fencing Requirements: Horizontal Fences

- Horizontal board fences are NOT legal because they can be used as ladders.
- You CAN easily make them legal by filling in the gaps (Figure 3).
- Height, materials, etc. as for solid material fences above.

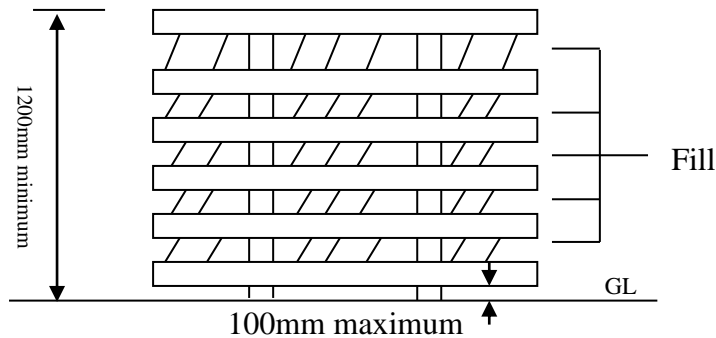


Figure 3

Fencing Requirements: Picket Fence Types

- The gap between pickets can be 100mm maximum, the gap at the bottom is to be 100mm maximum and the height is to be 1200mm minimum (Figure 4).
-

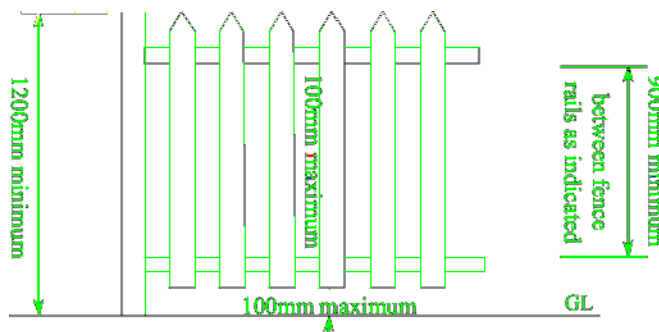
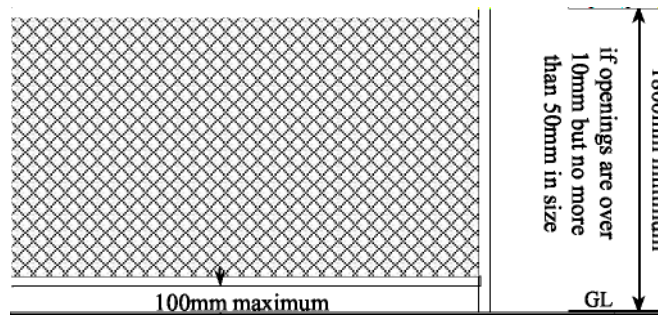


Figure 4

Fencing Requirements: Netting and Mesh Fences

- Fences made of wire netting, chain-link mesh and wooden trellis can be legal if openings are 10mm or less and the fence conforms to the 1200mm height rule.
- If the openings are over 10mm, to a maximum 50mm in any dimension, the fence must be 1800mm high.
- All netting must be firmly attached at top and bottom to a pipe or rail, or a similar firm structure (Figure 5).



Please Note:- To clarify the maximum 50mm in any direction; 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. The 50mm maximum dimension is taken across the diagonal. Therefore,

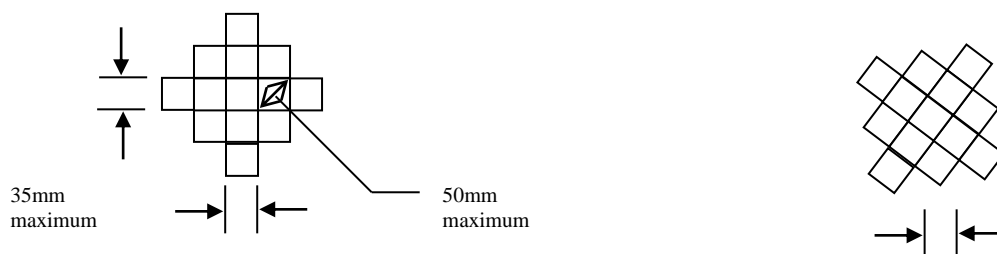


Figure 6

Gates

- Constructed as per fencing specification.
- When lifted, the gate must not come off its hinges, release the latch nor increase the ground clearance. q Must open outwards.
- There must be no obstruction to hold the gate open.

Latch and Self-closing Attachment

- The gate must automatically close and operate the latch from a minimum distance of 150mm open.
- Latches on top and inside the gate - access to be a minimum of 1.2m from the ground.
- Latches outside the gate - access to be a minimum of 1.5m from the ground.

Doors in Buildings

Where access to the immediate pool area is through an existing hinged or sliding door, Council may, on application, consider approval of a special exemption from closing/latching requirements in certain circumstances.

Details of the proposal, to ensure the door will be able to be satisfactorily secured, must be submitted with the application for exemption.

Windows in Buildings

Where existing windows in a house or building wall, which forms part of the pool fence, open into the immediate pool area they will require the fitting of security stays restricting their opening to a maximum 100mm.

Measuring Your Fence

The fence must be at least 1200mm high at all points, measured from the ground on the outside of the fence.

The 1200mm rule also applies to the distance any object must be away from the outside of the fence (Figure 7).

If any object rises from the ground within this 1200mm zone then the top of the fence must be 1200mm above that.

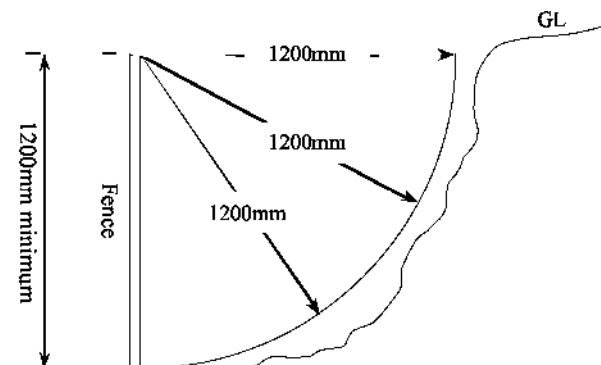
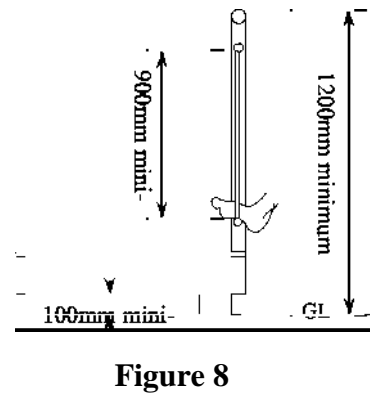
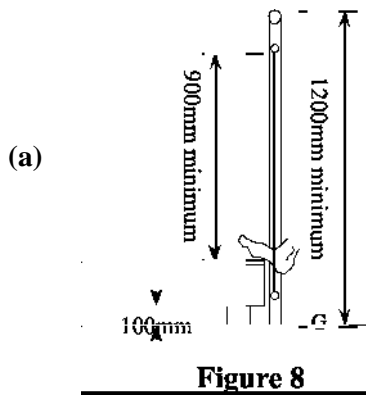


Figure 7

Decks

Where a deck is included with the swimming pool and the fence allows the deck to be used as a 'step' from outside the fence, the overall outside height of the fence is to be no less than 1200mm and the distance between the deck (Figure 8 (a)) or any horizontal support (b) and the top of the fence or any intermediate horizontal support is to be no less than 900mm.



Standard of Documentation

All documentation submitted with your application must be accurately drawn to an appropriate scale for the job, be fully dimensioned and detail all materials to be used.

Specifications for the building work are also required, the specification should further define the building work including details of all materials to be used, finishes, and equipment to be installed. The specification must be specific to the project, it is not acceptable to simply state 'installed to manufacturers instructions', as in many cases product manufacturers have several installation options. Likewise it is not acceptable to make statements such as 'fixed in accordance with NZS3604' as fixing types vary depending on wind loads and often more than one fixing option is provided in the standard. Also if you intend to use an alternative proprietary fixing which is an alternative solution the Building Consent Authority must know exactly what they are approving and can assess your project appropriately.

Building Consent Application Checklist

- Completed Building Consent Application Form.
- A current copy of the Certificate of Title or Sale & Purchase Agreement for the property.
- A complete Site Plan identifying the location of the pool in relation to legal boundaries and other buildings.
- A Drainage Plan indicating the location of any existing drains which may be affected by the work, and provisions for the disposal of filter backwash water.
- Indicate the location and means of discharging and disposing of pool water when the pool is emptied.
- Location and provision of a backflow prevention device to protect the potable water supply.
- Provision of hydrostatic relief valve for in-ground pools.

- A written schedule confirming the Building Work will comply with the Building Code (Refer to the Building Consent Application Item 38 for required format).
- **3 Copies of all relevant information needs to be submitted with all applications (4 copies if builder different to owner).**

Useful websites

Certified Builders Association of NZ Inc (CBANZ)
www.certified.co.nz

Registered Master Builders Federation Inc (RMBF)
www.masterbuilder.org.nz

New Zealand Institute of Architects (NZIA)
www.nzia.co.nz

Architectural Designers NZ Inc (ADNZ)
www.adnz.org.nz

Association of Consulting Engineers (ACENZ)
www.acenz.org.nz

BRANZ Ltd
www.branz.co.nz

NZ Institute of Quantity Surveyors Inc (NZIQS)
www.nziqs.co.nz

NZ Institute of Surveyors (NZIS)
www.surveyors.org.nz

Ministry of Business, Innovation & Employment
www.building.govt.nz
Downloads of Building Act and Building Code information

Institution of Professional Engineers (IPENZ)
www.ipenz.org.nz

NZ Institute of Building Surveyors Inc (NZIBS)
www.buildingsurveyors.co.nz

Consumers' Institute of New Zealand
www.consumerbuild.org.nz

