

GISBORNE DISTRICT COUNCIL

BUILDING SECTION

A SIMPLE GUIDE TO SWIMMING POOL FENCING



THE LAW - YOUR RESPONSIBILITY

The law requires owners to fence any swimming pool and its immediate area according to the specifications in the Swimming Pool Fencing Act 1987.

This booklet gives examples and clear guidelines as to what this law means and is designed to help you gain the necessary legal approval from the Council.

The Gisborne District Council administers this law and final approval of your pool fencing must be obtained as part of your Building Consent when you install your pool.

Council Construction Inspectors can advise on any fencing improvements required to bring your existing fence up to standard.

The two-party Parliamentary Committee which investigated the need for this law found conclusive evidence that no other water hazard is more dangerous for pre-schoolers than an unfenced pool. They concluded that young children have a right to protection from these human made hazards.

Because young victims are almost always living on the owners' property or legitimately invited there before they drown, you are required to comply with the law to protect your own children and those of friends.

This booklet is designed to show how effective fencing can add to the appearance of your pool area, sometimes at little additional cost. It also illustrates the most common problems and gives details of how to solve them easily.

To Whom Does the Law Apply?

Owners of properties with pools, spa pools and any 'excavation' that is capable of use for swimming, wading, paddling or bathing.

Maintenance Requirements

All building elements require regular maintenance eg regular painting and cleaning. Pool fences require a higher level of maintenance and should be subject to regular checks as items like gate springs will weaken over time and may not operate efficiently. The pool owner should therefore use the checklist in this brochure to do an annual check-up.

Exempted are domestic pools with less than 400mm of water or freestanding pools with walls 1200mm above all surrounding ground (Fig. 3). There must be no ladders in place nor any object within 1200mm of the side of this type of pool on which a toddler could climb to gain access.

**Ask yourself :
IS YOUR POOL SAFE?**

CHECKLIST

Yes No

Fencing of Swimming Pool met requirements?

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Is the fence at least 1.2m high? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are the fence palings vertical and climb proof? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there no gaps greater than 100mm in the fencing? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do gates open outwards? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do gates shut automatically? (as per Figure 1 in this document) |
| <input type="checkbox"/> | <input type="checkbox"/> | Are gate latches self-locking? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are there top bolts on ranch sliders that prevent access to the pool? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are steps for para-type pools removed when the pool is not in use? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are any climbable objects at least 1200mm away from the pool fence as per Figure 8 in this brochure. If your pool fence is on a boundary, check the neighbours side also. |

General Safety Issues

- | | | |
|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | Does the pool surround have a non-slip surface? |
| <input type="checkbox"/> | <input type="checkbox"/> | Is there a first aid kit available? |
| <input type="checkbox"/> | <input type="checkbox"/> | Are pool chemicals stored safely? |
| <input type="checkbox"/> | <input type="checkbox"/> | Do you have safety signage for emergencies? |

REPEAT THE ABOVE CHECKS AT LEAST YEARLY

If you answered no to any of the first 8 questions please contact Gisborne District Council Building Inspectors on 867 2049.

Pools that are inside a building such as a spa pool in a gazebo, are legal provided that they are only accessible through a door or gate which is locked when not in use.

*IF IN DOUBT ASK A CONSTRUCTION INSPECTOR
AT THE GISBORNE DISTRICT COUNCIL*

What Types of Fence are Legal?

Remember the purpose of the Act is to stop drownings through children having access to the pool.

Your fence must be climb-proof
(Figure 1)

Your existing boundary fence may already comply with the Act or it may be able to be upgraded to comply (see diagrams). All outer sides of the pool fence must comply, including boundary fences which may be on your neighbours property.

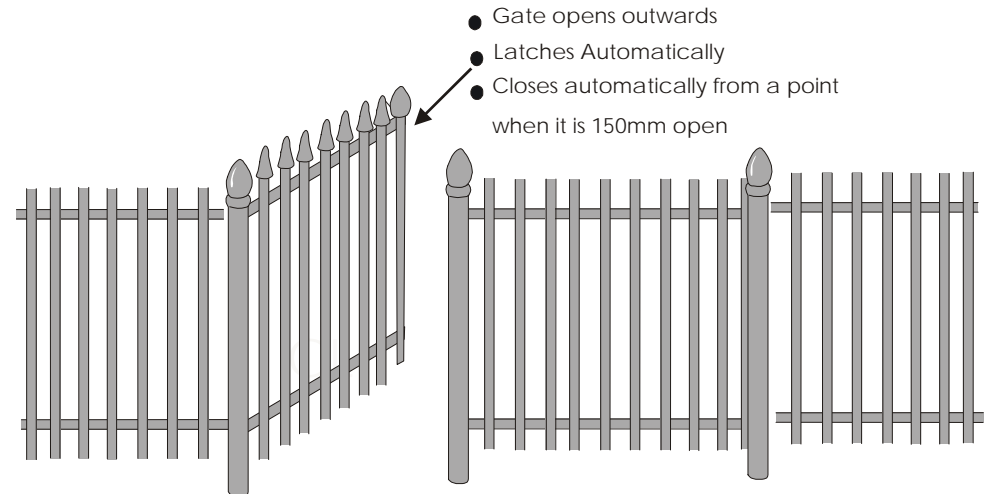
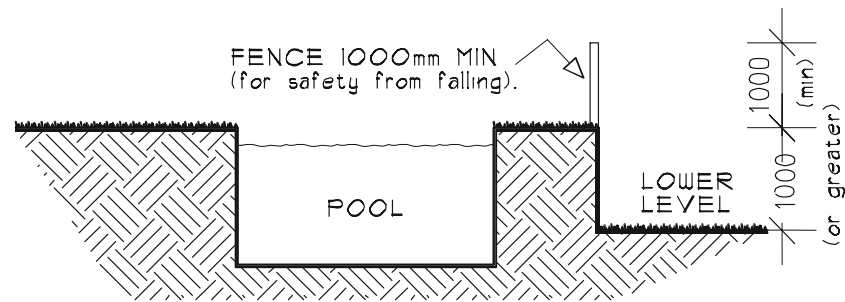
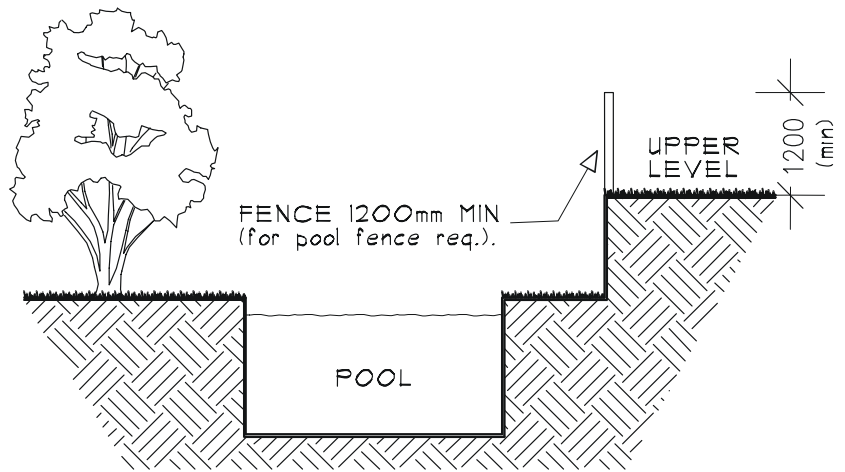
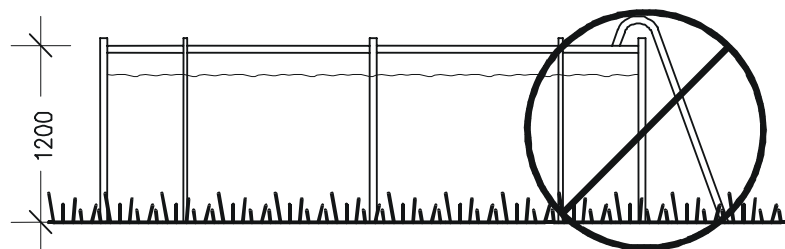


Figure 1



GARDEN FEATURES SUCH AS CHANGES IN LEVEL CAN PROVIDE THE REQUIRED BARRIER BUT CARE MUST ALSO BE GIVEN FOR SAFETY FROM FALLING.

Figure 2



* Freestanding above ground pools 'may' be a barrier PROVIDED no ladders are left in place.

Figure 3

Pool Filling Point

G.12/AS1. The New Zealand Building Code, in the Acceptable Solutions, requires that any hose tap used to fill a swimming pool must be fitted with a vacuum breaker to prevent pool water siphoning back into the water supply. (Plumbers Merchants stock them).

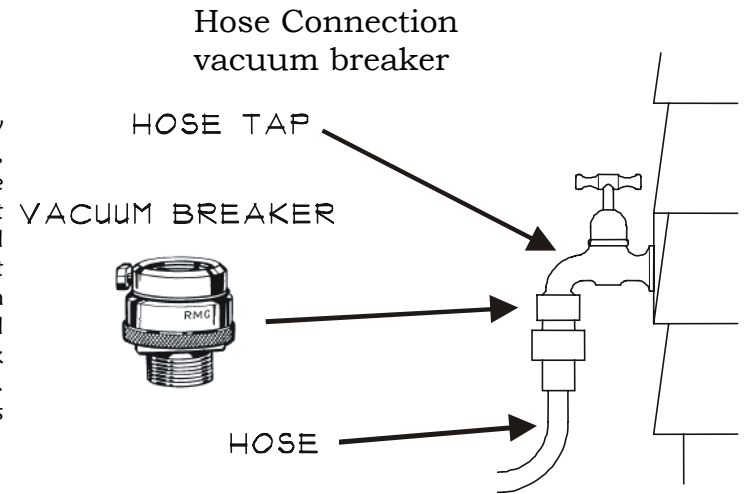


Figure 9

If I want to Fence the Legal Boundary Does my Neighbour have to Share the cost of the Fence?

The Gisborne District Council does not administer the FENCING ACT 1978 (a different document to the Swimming Pool Fencing Act 1987). That Act sets out your obligations and those of your neighbour should either of you wish to build a fence between your properties on the legal boundary. However, a pamphlet is available to give you some basic facts. (See FENCING LAW pamphlet.)

Generally, if you want to build a fence on a common boundary you and the neighbour must share the cost.

Quite often it is easier to fence your pool separately, away from the boundary, on your own property.

However, if the boundary fence is to be used as a swimming pool fence, then the pool owner is totally responsible for the construction and maintenance costs to ensure compliance with the Swimming Pool Fencing Act.

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Does the Fence have to be Close to the Pool or is the Fence Around the Section Sufficient?

The 'immediate pool area' means that area which is normally used when swimming but certainly not the vegetable garden or the whole section.

ASK AN INSPECTOR FOR CLARIFICATION **BEFORE** FENCING

Can the House Form Part of the Fence?

Yes, it can, but only under certain conditions. The pool must be inaccessible **both** from outside the section and from doors leading out of your house unless they meet other provisions that ensure a child under six years of age cannot open them. If you have doors opening onto the pool area they may be acceptable if they meet certain criteria. Please clarify requirements before proceeding.

Gates to Pool Fences

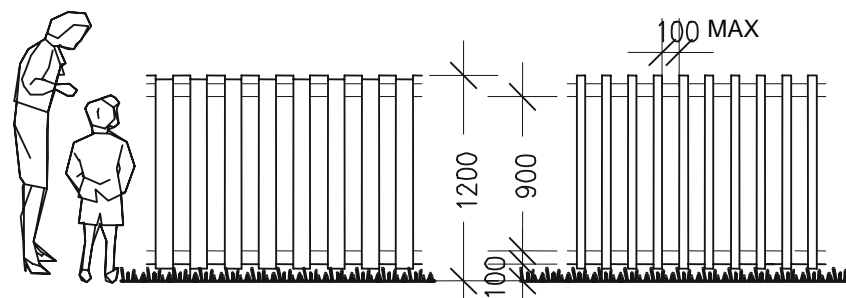
The gate cannot open inwards towards the immediate pool area and must be fitted with a latching device that is secure. The latching device if on the outside of the gate shall be 1.5m above the ground or if on the inside of the gate then it shall be 1.2m from the ground.

All gates and doors must be fitted with latching devices not readily operated by children, and constructed to automatically close and latch when released from any stationary position 150mm or more from the closed and secured position, but excluding sliding and sliding – folding doors that give access to the immediate pool surround from a building that forms part of the barrier. Sliding and folding-sliding doors in safety barriers to swimming pools are allowed only if they open on to the immediate pool surround. Every case will need to be considered on its merits.

ASK AN INSPECTOR FOR CLARIFICATION

Height of Fence

The fence must be at least 1200mm high at **all** points measured from the ground outside the pool area. Any gap under the fence must be no more than 100mm and any horizontal rails that form part of the fence must be at least 900mm apart (see Figure 4 and Figure 5).



* Check rail separation and pailing spacings.

Figure 4

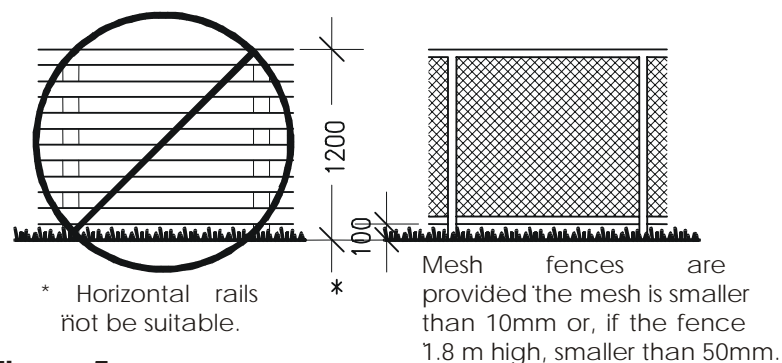


Figure 5

Fences on Sloping Ground

The gap at all points from the ground to the bottom of the fence must not exceed 100mm. The extension of the baseline of the adjacent higher section of fence should not be closer to the top of the lower section than 900mm otherwise it exceeds the minimum separation of rails (see Fig. 6 and Fig 7).

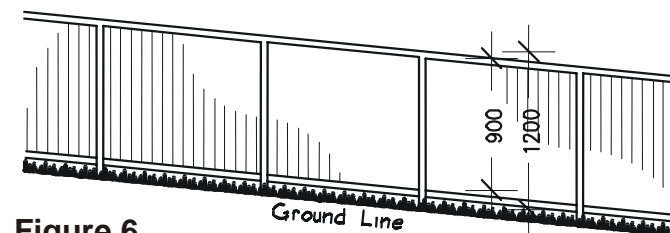


Figure 6

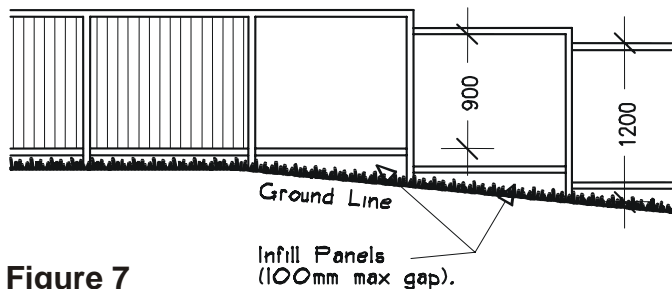


Figure 7

Objects Within 1200mm of Fence

If there are any objects with 1200mm of the pool fence which can be climbed you are required to render them un-climbable. This includes permanent things such as trees and hedges, walls, decorative rocks, garden ornaments and non-permanent objects such as a wheelbarrow, stepladders, or your car. You must remove these things or **you could be held legally liable for pool accidents** caused by a child gaining access to the pool by climbing over your barrier (see Figure 8).

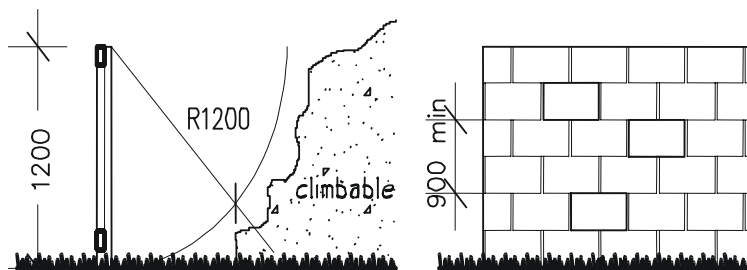


Figure 8

Brick/Block walls must be unclimbable.

Backwash Requirements

If your swimming pool has a filter that requires backwashing you are required to discharge it over a foul water gully trap.

WHY FENCE POOLS ANYWAY?

Dr Ian Hassall, Director of Medical Services for the Plunket Society explains:

“80% of the child pool death victims are children of the owners or their invited guests, so this law is really to save your own loved ones. Pool covers, alarms, early swimming lessons and boundary fencing will not stop the drownings. Proof of this is tragically easy to obtain from overseas experience. Your decision to look for simple, effective ways to fence your pool is the right one, it will prevent drownings.”

43 out of every 100 under fives who drown do so in private swimming pools (1983 – 1987 statistics), all but one of the children who drowned in an unattended pool (most in their own or neighbour’s family pool) could have been saved by a legal climb-proof fence barrier such as you want to install.

We hope that this booklet helps you to determine the easiest, most attractive, economical, legal protection around your pool or spa.

In a survey carried out by the Society, we discovered 9 in every 100 New Zealand toddlers had, on some occasion, been found in a home swimming pool in circumstances where, but for the chance finding, they might have drowned. Drowning is second only to road accidents as a cause of accidental death in New Zealand in children. This is why, on behalf of all our children in New Zealand, Plunket thanks you for resolving to legally fence your pool.”

POOLS

A Building Consent is required for all swimming pools. Plans submitted for the Building Consent must also show the position of the pool fence and give details of its construction.

ALL swimming pools are required to be fenced regardless of when they were installed. If you have an unfenced pool (without lawful excuse) and a child is drowned in it, you could be found guilty of culpable homicide.

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