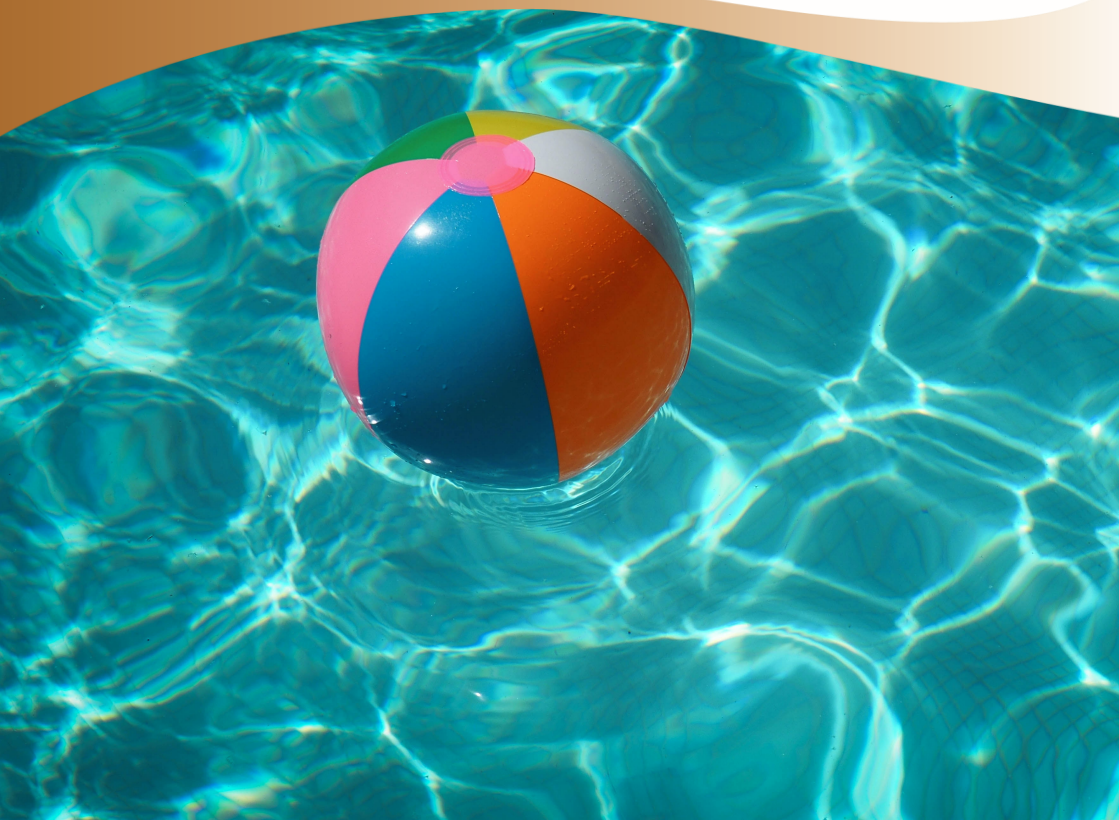


A guide to...

Spa and Swimming Pool Safety Barriers



What you should know.



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What's a pool barrier?

The terms pool barrier and pool fence are interchangeable. Previous legislation referred to 'pool fences' now the current Building Act uses the term 'pool barrier'.

A pool barrier prevents access to pools by children under 5-years-of-age.

Barriers are required for **all** 'residential pools' that can be filled to a depth of 400mm or more and contain water, regardless of the amount of water.

- ↩ **Residential** relates to a place of residence, including hotels, motels and similar accommodation.
- ↩ **Pool** relates to any type of excavation or structure that is used for swimming, paddling or bathing.

A pool barrier is not required for garden ponds and similar water hazards, which don't fall within the definition of 'pool'.

Why is a pool barrier required?

The law exists to protect young children under the age of five from the dangers of swimming pools. All pool owners are required to meet the standards of barriers or fences in the Act or they could face prosecution or criminal charges.

Owners with a pool installed and consented:

⇨ **Before 1 January 2017** are required to be fenced in compliance with the Schedule of the Fencing of Swimming Pools Act 1987.

⇨ **After 1 January 2017** must comply with clause F9/AS1 of the New Zealand Building Code (Means of Restricting Access to Residential Pools) and/or F9/AS2 (Covers for Small Heated Pools).

“80% of children that drown in pools are children of the owners or their invited guests, so this law is really to save your own loved ones.” - Dr Ian Hassall, Director of medical services for the Plunket Society.

Is a consent required?

A building consent is required prior to undertaking any work associated with building a pool - unless the pool is exempt under Schedule 1 of the Act.

A consent is also required for building or altering pool fences, regardless of when they were built. This confirms that the pool has barriers that restrict the access of young children and informs Council of the location of the pool.

The pool's barrier must comply with all the relevant requirements of the Building Code such as:

- ⇨ any gates - including doors of a house, must be self-closing .
- ⇨ meeting Building Code requirements for structure and durability.

Temporary pools, such as inflatable pools, are subject to the same Building Code fencing requirements as other residential pools.

A small heated pool (**spa pool**) may be exempt from requiring a fence and a building consent, so long as the cover, and the pool, meet the set safety standards. See the specific comment on spa pools later in this document.

Any pool that cannot be filled to a depth of 400mm does not require a barrier.

Pool barrier | Fence requirements

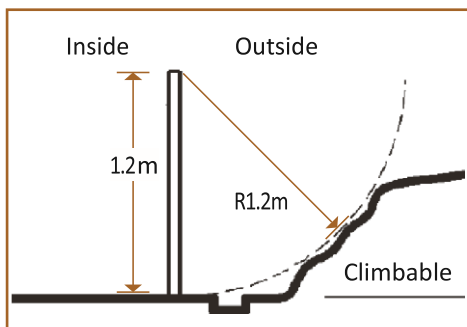
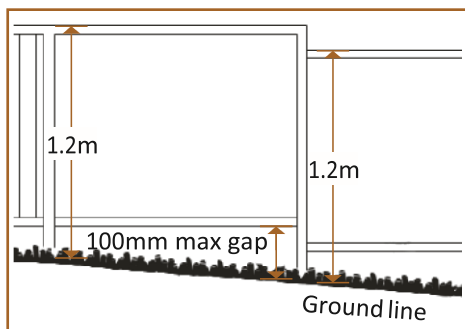
Your fence must be climb-proof

The fence must be durable and built to prevent children under the age of five years from gaining access to the pool.

Fence height

The top of the fence must be at least 1.2m above the ground at all points measured from the ground level outside the immediate pool area.

Any gaps under the fence or gate mustn't be larger than 100mm.



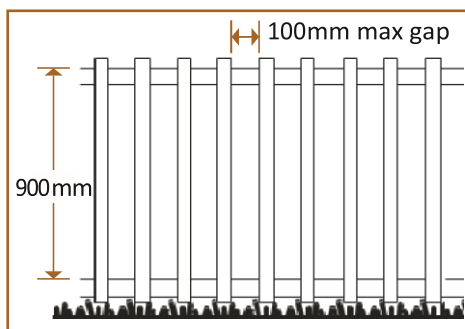
Climbable objects

The 1.2m rule also applies to how close any climbable object must be away from the fence. This means that there must be no trees, hedges, or stacks of wood etc, within 1200mm of the outside of the fence.

Horizontal and vertical spacing

Any gaps between vertical palings, pickets and posts etc, mustn't be wider than 100mm.

Any horizontal rails, supports, or rods that are accessible from the outside, must be at least 900mm apart.

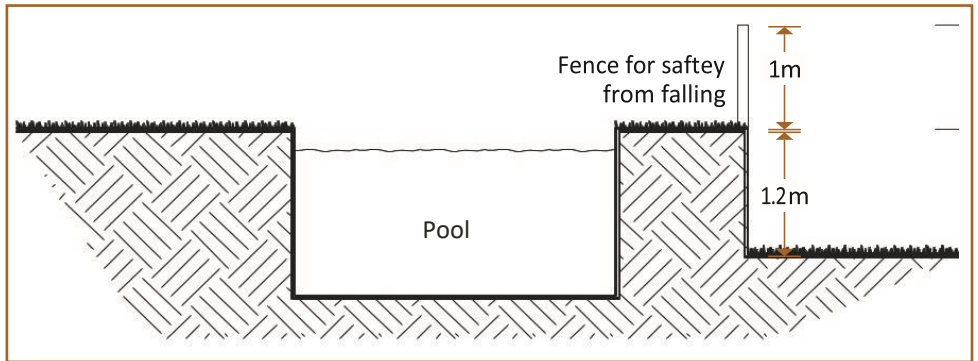


Fence Materials

Brick/Block walls must not be climbable.

Mesh fences are permitted provided the mesh is smaller than 10mm or if the fence is 1.8m high, no larger than 35mm.

Garden features such as change in level can provide the requires barrier but care must also be given for safety from falling.



New Zealand Building Code clause F9 has slightly different fencing requirements than the Fencing of Swimming Pools Act. These requirements are relevant to pools installed since **1 January 2017** and can be accessed online from the Ministry of Building, Innovation and Employment website www.building.govt.nz.

Gate and door requirements:

Gates and doors must:

- ↪ Close and latch automatically when released from any point.
- ↪ Be durable and designed to prevent climbing.
- ↪ Be a minimum of 1.2m high and have maximum gap of 100mm between verticals and at the base.
- ↪ Open away from the pool – so if the gate is left unlatched, it will not open if a young child leans against it.
- ↪ Be clear of anything that could prevent them from closing, and have no means of being held open.
- ↪ Not open when lifted up or pulled down, they must not release from the latch, come off the hinges or provide clearance of more than 100mm.

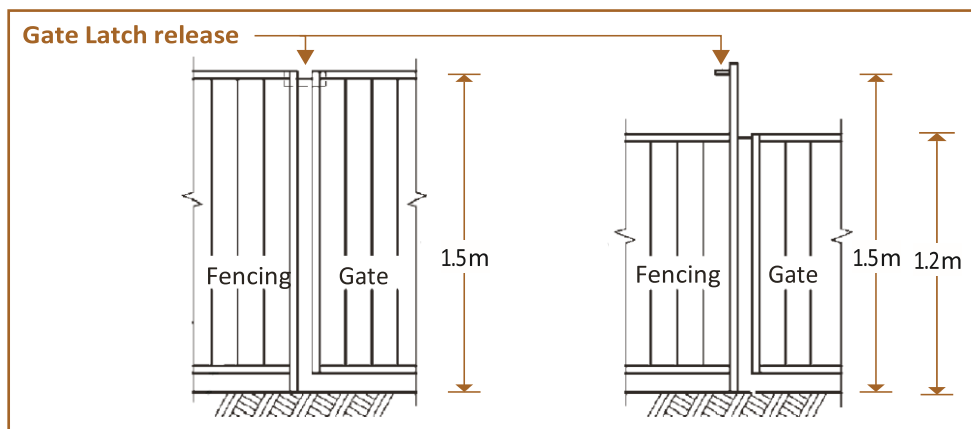
Security and locking requirements:

Reliable operation of a self-closing and latching gate or door is critical to pool safety.

Every gate and door must have a device which will automatically close and latch it to ensure it can't be accidentally left open.

Where the latch is on the outside of the fence, it must be at least 1.5 metres above the ground.

Please Note: Gates and doors under F9 must close from any position and there a variety of new requirements including installing audible door alarms in some cases. We recommend discussing these rules with Council staff to make sure your pool is complaint.



Regular maintenance

Pool fences need maintenance and should be checked regularly. Parts like gate springs, will weaken over time and may not operate effectively. Use the checklist on the back on this pamphlet to carry out annual checks.

Who's responsible for compliance?

People who are responsible for obtaining consent and to ensure pool barriers include:

- ⇨ Owner of the pool
- ⇨ A pool operator
- ⇨ Owner of the land the pool is on
- ⇨ The occupier of the property the pool is on
- ⇨ If the pool is available for hire, the person who is hiring the pool

How to apply for a consent

Complete the Swimming Pool/ Safety Barrier application form and pay a deposit to Council. Your application needs to include:

- ↔ A certificate of title, no older than 3 months. If you don't have one, we can get this for you for a small fee.
- ↔ A site plan that shows the street location, distance to boundaries and buildings, natural features of the land including hills, lakes, streams, trees etc and detail of any excavation work or site levelling.
- ↔ For rural areas you need to show location of septic tank and effluent lines
- ↔ A set of plans (minimum scale 1:100) it must include barrier detail, location, height, gates and latches. If the house is part of the barrier, then doors and windows into the pool area must be shown.
- ↔ If the consent application is for an existing safety barrier, photos clearly showing all details will be sufficient.
- ↔ Specifications - details of compliance with Building (Pools) Amendment Act 2016.

Council's building team will sign off the consent and inspect and sign off the work when it's completed. You'll need to pay the required fees before receiving a code of compliance certificate.

Forms and fees are available from Council offices or www.gdc.govt.nz.

Three-yearly inspections

Councils are required to ensure that consented residential pools are inspected every 3-years to check that they continue to comply with the Act.

An inspection is required every third anniversary of when the pool received its code compliance certificate. The inspection may occur any time before the anniversary.

These inspections do not apply to small heated pools, if a compliant safety cover is used as the pool barrier.



How we notify you and what we inspect:

The inspection includes:

- ↩ the barrier height and that no climbable objects are nearby
- ↩ any gates, doors or windows opening into the pool area
- ↩ the boundary fence that forms part of the pool barrier.

We'll send a letter to the pool owner before the scheduled inspection. A checklist is attached to help you with compliance. A fee applies for each inspection and any reinspections.

If during re-inspection, any of the items are found to be non-compliant, a Notice to Fix identifying the problem area will be issued. Any failure to comply with a Notice to Fix will result in an instant \$1,000.00 infringement fine.

The owner/occupier should carry out regular ongoing checks and maintenance to make sure the pool barrier continues to meet the required standards.

Pool drainage (backwash)

Chemicals in pool water can be harmful to the environment and your pool water should not be drained directly into streams or rivers.

In urban areas drain pool water to the sewer via a gully trap and not to a stormwater drain.

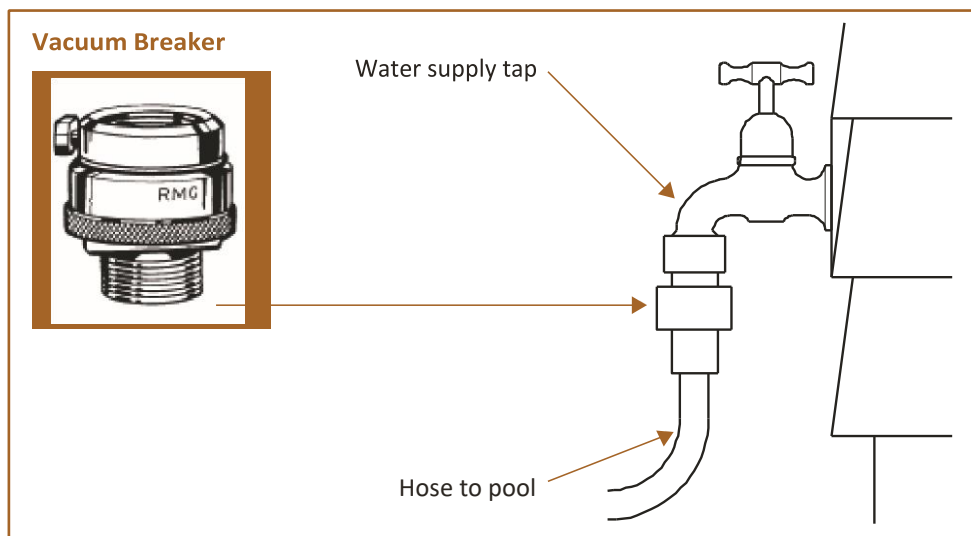
In rural areas pool water can be drained into either a soak pit or land.

Properties with a septic tank system must show its location on the swimming pool consent applications, to make sure it's not in close proximity or affected by backwash from the pool.

Filling your pool - preventing backflow

When pools are filled or topped up, a backflow prevention device (vacuum breaker) must be used so the pool water cannot siphon back into the drinking water supply. This applies to both tank water supply and city water supply.

Most pools are filled from a hose, so it's easy to fit a backflow device to the tap as a permanent fixture. These are available at hardware or plumbing stockists.



Frequently asked questions

What's classed as a pool?

A swimming pool can include any excavation, structure, or product that is able to be used for swimming, wading, paddling or bathing - including spa pools – and more than 400mm deep.

Do all pools need to be fenced?

Residential pools that are filled or partly filled with water must have physical barriers that restrict access to the pool by unsupervised children under 5 years of age.

All pools must be fenced to the standards in the Act, regardless of when it was installed. There are slightly different requirements for pools that are consented or first come to the attention of the council after 1 January 2017.

What about existing pools?

All residential pools require a barrier that meets the standards in the Act, regardless of when the pool was installed.

An existing pool that is not fenced to the standards in the Act will require a building consent. The consent is for the pool barrier only and will require inspection to check the fence and gates.

Existing pools, consented and installed before 1 January 2017 are deemed to comply with the residential pool barrier requirements if they complied with the Schedule to Fencing of Swimming Pools Act 1987 (FOSPA).

What happens if I have a pool that's not fenced?

It's illegal to have an unfenced pool and owners may be prosecuted.

Criminal charges can be brought against any person in control of a property where a child drowns due to an inadequately fenced pool.

What about Indoor Pools or Spa Pools?

Young children are at risk if they have unrestricted access to pools in the home. Existing and new indoor pools are now subject to the same barrier requirements as other residential pools. For example, doors to the pool room must not be able to be readily opened by children and would need to be self-closing or have an alarm.

Some spa pools are exempted from the Building Act fencing requirements under Exemption 21A of Schedule 1 of the Act. This applies to spa pools that have a water surface area of 5m² or less, the top surface is at least 760mm above the floor or ground and has a compliant lockable cover.

Where does the fence have to be built?

The fence should only surround the pool and the area immediately around the pool with only one entry gate. It must not include the clothesline or vegetable garden.

It may be possible to use a boundary fence as part of the pool fence, however this is subject to strict conditions – check with our building staff.

Can the house form part of the fence?

Yes, but you have to meet certain requirements of the Act. Please check with our building staff for the requirements.

If I fence the legal boundary does my neighbour have to share the cost of the fence?

If you intend to use the boundary fence as part of your swimming pool fence, then you are responsible for the construction and maintenance costs.

The Fencing Act 1978 sets out you and your neighbour's obligations for constructing a fence between your properties. See our pamphlet: Fencing law – what you should know.

Pool Safety Checklist

Repeat the above checks at least once a year.

Is my pool safe?

Yes No

- | | | |
|---|--------------------------|--------------------------|
| 1. Is the fence at least 1.2m high? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Are the fence palings vertical and climb-proof? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Are there any gaps greater than 100mm in the fencing? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do gates open outwards? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Do gates shut automatically? (As per Security and locking requirements page 6) | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Are gate latches self-locking? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Are there top bolts on ranch sliders or a compliant door alarm that prevents access to the pool? | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Are steps for Para-type pools removed when the pool is not in use? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Are any climbable objects at least 1.2m away from the pool fence as per Climbable objects (page 4)? If your pool fence is on a boundary, check the neighbour's side also. | <input type="checkbox"/> | <input type="checkbox"/> |

General Safety Issues

- | | | |
|---|--------------------------|--------------------------|
| 10. Does the pool surround have a non-slip surface? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Is there a first aid kit available? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Are pool chemicals stored safely? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Do you have safety signage for emergencies? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered 'no' to any of the first 9 questions please contact Council's building staff on (06) 869 2386.





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