

When does the Fencing of Swimming Pools Act Apply?

Any swimming pool within the definition of the Fencing of Swimming Pools Act 1987 must have a fence which restricts access to the pool or immediate pool area by children less than 6 years of age. Every owner, lessee or person renting a property containing a pool is obliged to comply with the Act and continue to maintain the fencing, gate and latching. If pool fencing does not comply, the pool must not hold more than 400mm depth of water.

What pools need fencing?

Any excavation, structure or product used, or capable of being used for the purpose of swimming, wading, paddling or bathing. This includes spa pools.

Exceptions:

- Pools with sides no less than 1.2m above ground level, constructed to inhibit climbing and with the ladder easily removed.
- Pools where the max water level does not exceed 400mm
- Excavated pond not used in association with residential building and that is not intended or modified for wading, paddling, swimming or bathing.
- Pool wholly enclosed in a dwelling.
- Pool where permanent supervision is provided and where access is prevented by locked gates when the pool is not in use.

What type of fence is required?

Any fence which complies fully with the following requirements:

Materials

- Must be durable and must inhibit climbing by a child under 6 years
- Board and panels etc - vertical pale spacing not to exceed 100mm, with a minimum of 900mm spacing between horizontal support rails
- Mesh and netting etc – where no opening dimension greater than 10mm - fence to be a minimum of 1.2m from ground level
- Mesh and netting etc - where no opening dimension greater than 50mm - fence to be a minimum of 1.8m from ground level
- Firmly attached to a rail or pipe at top and bottom
- The clearance between the bottom of the fence and ground level should not exceed 100mm.

Height

- At least 1.2m above the ground on the outside at the fence or from a permanent object
- At least 1.8m if constructed of perforated mesh or netting with a dimension greater than 10mm

Gates and Doors

- Must not be able to open inwards
- Must be constructed as if they were part of the fence
- Must be clear of any obstruction that could hold the gate open.
- If lifted or pulled down it must not open, come off its hinges or provide a ground clearance greater than 100mm.
- Must have an automatic returning device and operate the latch from a stationary position 150mm from the closed position.

Latches

- All gates must have a self closing and latching device.
- If the latch is on the inside it must be at least 1.2 m from ground level.
- If the latch is on the outside it must be at least 1.5m from ground level.

Doors in Buildings

Where any building forms part of a fence and the pool is not contained within the building, any door that gives access to the immediate pool area need not comply with the requirements for gates or doors set out in clauses 8 to 10 of this Schedule to the extent (if any) that the territorial authority is satisfied that such compliance is impossible, unreasonable, or in breach of any other Act, regulation, or bylaw, and the door is fitted with a locking device that, when properly operated, prevents the door from being readily opened by children under the age of 6 years.

Ground clearance

The clearance between the bottom of the fence and ground level should not exceed 100mm

Why do we have to fence our pools?

The following provides a list of some of the reasons pool owners need to fence their pools under the Fencing of Swimming Pools Act 1987 and why Council works hard to enforce the legislation.

NZ has one of the highest rates of drowning in the world. The Fencing of Swimming Pools Act was introduced to reduce preschool children drowning.

Since the introduction of the Act the average number of preschool deaths has dropped from an average of 17 to approximately 12 per year, of which approximately 7 occur in private pools each year.

Drowning is the second leading cause of unintentional injury death for pre-schoolers in New Zealand.

On average, one pre-schooler drowns every month. Approximately 40% of the preschool drownings occur in private swimming pools.

A study of drownings showed that supervision failed 69% of the time. Most children were only out of sight for less than 5 minutes.

Water safety programmes for pre-schoolers have not been shown to reduce the risk of drowning. The primary physical method for reduction of preschool drowning is fencing of the pool.

Pool fencing provides a static barrier around the pool and reduces the chance of a child gaining access to the pool, offers a safeguard when a caregiver or parent is not in a position to supervise.

Fencing immediately around the pool negates the human error factor requiring the closing of any ranch slider or French doors that may lead from the house to the pool area.

Registering your swimming pool or spa pool

All pools that meet the definition in the Fencing of Swimming Pool Act 1987 need to be registered with the Council. The form "Notice of existing pool" is to be completed. The cost of registering your pool is as follows:

- Swimming pools \$110
- Spa pools \$60

Plus an inspection fee of \$150.00

Exemptions from pool fencing requirements

Section 6 of the Fencing of Swimming Pools Act 1987 allows the Council to grant special exemptions from some or all of the requirements of the Act where it is satisfied such an exemption will not significantly increase danger to young children.

Applications are heard by Council's Hearings Committee, who consider giving approval for a special exemption (exemption may or may not be granted).

If a customer wishes to apply for an exemption they should complete the Application for a swimming pool fencing exemption or approval for doors not in compliance with the schedule to the fencing of Swimming Pools Act 1987 form. These forms are available on the RDC Website (www.rodney.govt.nz), can be posted out or are available for collection from the front counter of the Council Orewa Office or other Service Centres. An application fee of \$450.00 applies and should be enclosed with the application form. Additional Committee Hearing costs may also need to be met by the applicant.

Postal Address: Rodney District Council, Private Bag 500, Orewa, **Phone:** 0800 426 5169, **Website:** www.rodney.govt.nz.

Orewa Office
50 Centreway Road
Orewa

Helensville Service Centre
Commercial Street
Helensville

Huapai Service Centre
State Highway 16
Huapai

Warkworth Service Centre
Baxter Street
Warkworth