



# Swimming Pool Fencing Strategy 2003



Improving compliance with the Fencing of Swimming Pools Act 1987



HASTINGS DISTRICT COUNCIL



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compliance  
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HASTINGS  
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## Foreword

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During the 1970's New Zealand was part of an international trend that saw an increase in the number of swimming and spa pools installed on private properties. Unfortunately this resulted in a corresponding increase in the number of childhood drownings in private pools.

During the 1980's Government encouraged Local Authorities to adopt local pool fencing bylaws to reduce the number of childhood drownings. Although some Local Authorities adopted bylaws, many did not. This led to an inconsistent approach to what had become a growing problem.

The continuing rise in childhood drowning statistics led Parliament to enact the Fencing of Swimming Pools Act 1987.

Although the Act resulted in much controversy at the time, its introduction has since resulted in a 50% reduction of the average number of preschoolers drowning in domestic pools each year. The Commissioner for Children (Hassell, 1991) subsequently reported a drop in the incidence in drowning and Water Safety New Zealand has estimated that over 160 lives have been saved as a result.

Hastings District Council has developed this strategy in order that it can meet its obligations under the Fencing of Swimming Pools Act. In so doing, the public can expect the risk that unfenced pools presents to the community will be significantly reduced over the next three to five years. This will therefore contribute to a safer community for our young children.



## Guiding Principle

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Private swimming and spa pools are a significant childhood water hazard. The fencing of these pools is the most effective way of preventing the drowning of children under the age of six years.

The Fencing of Swimming Pools Act 1987 and the Building Act 1991 requires that all private pools must be fenced to a defined standard. Compliance with, and the effective enforcement of this legislation by the Hastings District Council, is crucial to preventing childhood drownings.



## Purpose of the Strategy

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In 1992 Hastings District Council resolved to identify all existing pools in the district. Over time these and any new pools will be inspected to ensure they are fenced in accordance with the Fencing of Swimming Pools Act 1987.

During the late 1990's significant progress was made with improving compliance with the Act. However, the lack of a comprehensive pool fencing strategy meant those opportunities to achieve further progress was limited.

This strategy does not debate, nor is it intended that it open debate on the relative merits of the Fencing of Swimming Pool Act 1987. Section 10 of the Act clearly sets out the legal obligations and the duty Hastings District Council has to ensure private swimming and spa pools are fenced in accordance with the Act.

These obligations were recognised in May 2002 and again in November 2002 through Council's resolutions to fund a Swimming Pool Safety service.

A survey of Local Authority performance in enforcing the Fencing of Swimming Pools Act was conducted in 1997 (Morrison et al, 1997). The survey demonstrated that less than half of pools comply with the Act and that the compliance status of one-third of all pools was unknown. It also established that the Hawke's Bay/Gisborne region had the highest number of pools per dwelling while Auckland had the highest number of pools.

A comprehensive and sustained strategy needs to be implemented that will substantially improve the level of swimming and spa pool fencing compliance. This will ensure the Act's intended purpose - the protection of young children from drowning, is achieved within Hastings district.



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## 1.0 Introduction

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Between 1980 and 1997 nearly 40% of all childhood drownings occurred in domestic swimming or spa pools (Water Safety NZ).

Drowning is second only to road accidents as the major cause of accidental death for children. A Christchurch study (Fergusson and Horwood, 1984) found that the risk of drowning in an unfenced pool was two to five times greater than for fenced pools while an Australian study found that for every child who drowns, there are at least nine others involved in serious near drowning accidents<sup>1</sup>. Such accidents can leave children with permanent, moderate to severe brain damage. Fencing therefore, is necessary to prevent, not only deaths, but also serious injury.

During the 1980's Local Authorities were encouraged to develop bylaws to provide for the fencing of private swimming and spa pools in response to the increasing number of preventable childhood drownings. Although some Local Authorities were proactive in developing local bylaws, for example Havelock North Borough Council developed a private pool-fencing bylaw in 1984, this approach led to regional and national inconsistencies. Many Local Authorities did not take any action to promote pool safety and by 1987 only one-third of all territorial authorities had introduced a bylaw.

A Parliamentary committee inquiry was completed in 1983 in which the committee recommended Government introduce legislation to make pool fencing compulsory. A private members bill was subsequently introduced in 1986 and the following year Government enacted the Fencing of Swimming Pools Act 1987. This process included lengthy consultation and consideration by a Select Committee of Parliament reflecting on, among other issues, the lack of progress made by Local Authorities towards introducing bylaws.

The Select Committee concluded that pre-school drownings were caused by toddlers wandering from adjoining properties, or the road onto properties that had a pool, was mistaken. The Committee found that about 80% of all childhood drownings in private pools involved a child in their own home, or when the child was visiting as an invited guest.

Statistics on drowning provided by Water Safety New Zealand show that private swimming pools are the single greatest water hazard for preschool children. Although there may be other water hazards on a property, drowning figures show that these do not represent the same danger to young children as swimming and spa pools do.

Overseas studies have shown that pool fencing significantly reduces the risk of drowning. In countries where pool fencing is required by law, fewer drownings tend to occur (Langley & Smeijers 1997).

Since the introduction of mandatory fencing, the average number of preschoolers drowning in domestic pools each year has halved. Water Safety NZ has reported that over 160 lives have been saved since the introduction of mandatory pool fencing (Water Safety NZ, 2002) and the Commissioner for Children (Hassell, 1991) has reported a drop in the incidence of drowning.

Both pool owners and Local Authorities have obligations under this legislation and particularly in the case of homeowners, manslaughter charges can result from a drowning in a pool with a fence that does not comply with the Act. This was first put to the test in 1999 when a pool owner faced a manslaughter charge in what became a high profile case.

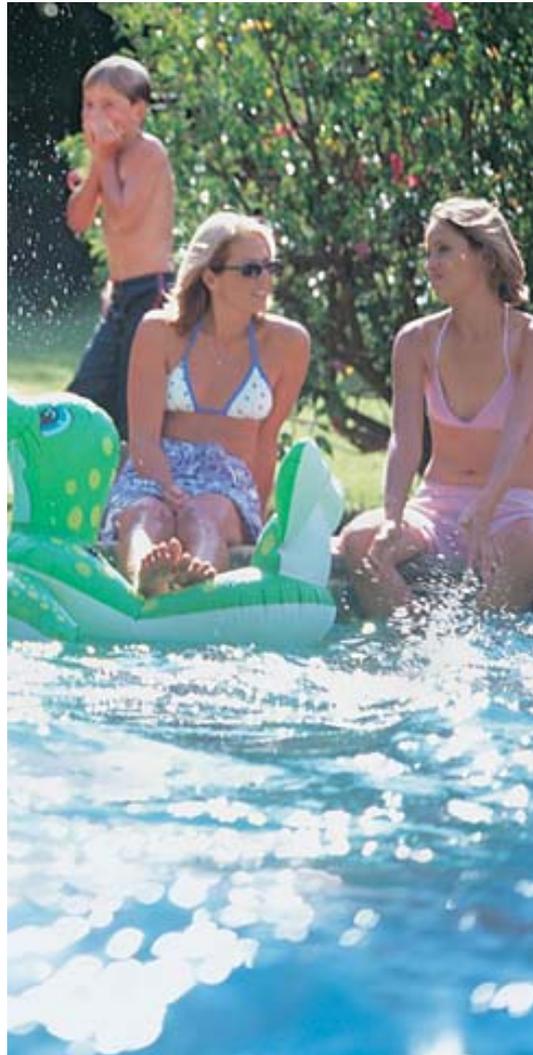
<sup>1</sup> Health Department Western Australia

## 1.0 Introduction - Continued

During a High Court appeal case in 1999 Justice Robertson made it clear that Local Authorities and pool owners are required to comply with this Act<sup>2</sup>.

Surveys have shown that some Local Authorities have been slow to implement inspection programmes to meet their obligations. Research conducted in 1997 - 10 years after the introduction of the Act, found that only half (50%) of all pools complied with the Act (Morrison et al, 1997). Moreover, 40 of the 74 drownings (54%) that have occurred in pools since the Act was introduced occurred in pools that were not fenced. This has demonstrated that the Act needs to be enforced to be effective and the existence of a law without proactive enforcement is not sufficient to ensure the safety of children (Langley & Smeijers 1997).

Hastings District Council has developed this strategy in order that it can meet its obligations under the Fencing of Swimming Pools Act. By doing so, the public can expect the risk that unfenced pools present to the community will be significantly reduced over the next three to five years.



<sup>2</sup> Auckland City v Brown, High Court 1999

## 2.0 Background

When the Fencing of Swimming Pools Act 1987 was enacted, Hastings District Council had not been formed. At that time the district comprised the former Havelock North Borough, Hastings City and Hawke's Bay County Councils.

Each Local Authority approached the administration of the Act in similar ways. However, the level of compliance in each case was either low or unknown (Table 1).

### 2.1 Review of Historical Records

Local Government amalgamation took place in 1989, and this resulted in the formation of Hastings District Council. In 1992, Hastings District Council resolved to undertake an examination of aerial photographs of properties to identify existing pools. Students were subsequently employed to conduct a desktop review of aerial photographs to identify all those properties believed to contain swimming pools. On completion of this survey, a database was developed to store and track this information. This information was updated over

the next 10 years and various steps were taken to encourage compliance with the Act (Table 2). This information was used to encourage pool owners to fence their pools in accordance with the Act.

In July 2002, a review of the most recent aerial photographs available (1999 series) was conducted to identify any additional pools installed since the original 1992 survey was completed. This survey identified over 700 additional pools.

Through other steps taken to update Council's database, it was later discovered that some of the earlier listings were incorrect. Factors contributing to these errors included false-positive identifications, the lack of cadastral lines on original aerial photos and the poor quality photographs available. The database is continually being updated as pool owners report the current status of their pool. A significant number of pools (over 300) have been removed since 1992 and a number of new pools have been installed. This has indicated that database management is dynamic and ongoing.

**Table 1: Registered pools, Exemptions Granted and Activities 1989**

Information/Activities	Hastings City Council	Havelock North Borough Council	Hawke's Bay County Council
Number of Pools Registered	688	382	33
Number of Pools Inspected	86 (all complied)	Unknown	Unknown
Exemptions Granted	0/25 applications	Unknown	2/ 12 applications
Activities to Promote the Act	Notices sent out in rate demands  Feature article in HB Herald Tribune	Notices sent out in rate demands  Feature articles in HB Herald Tribune and Daily Telegraph	Notices sent out in rate demands  Feature articles in HB Herald Tribune and Daily Telegraph
Staff Responsible for Enforcing the Act	Building Inspectors	Building Inspector  Health Inspector  Plumbing and Drainage Inspector	Building Inspectors



## 2.0 Background - Continued

**Table 2: Previous Education and Enforcement Campaigns**

Date	Campaign Types	Resource
1992	Pool Identification	Aerial Survey
1992	Community campaign	Pamphlet issued via rate demand and also distributed through Plunket Society, Community agencies, Doctors Surgeries Press release issued
1994	Letter/checklist drop	Checklist sent out to 108 Hastings residents
1997	Public Information Campaign	Booklet - updated and reprinted
1998	Pool Retailers	Pool retailers reminded of legal obligations by letter
1998	Public Information campaign	Booklet - 1000 copies printed and available through the Council
1998	Public Information campaign	Booklet - updated and reprinted
1998/1999	Enforcement	Database maintenance and enforcement programme
1999	Newspaper - HN Village Press	Advertisement accompanied by an article on pool safety
1999	Public Information Campaign	Booklet - updated and reprinted
1999	Pool Retailers	Pool retailers reminded of legal obligations
2000	Community Campaign	Multi Media
2000	Public Information Campaign	Booklet - updated and reprinted
2001	Public Information Campaign	Booklet - updated and reprinted
2002	Public Information Campaign	Booklet - updated and reprinted
1992-2001	Enforcement	Routine reporting and follow-up of existing pools by Council staff when identified
2002-Present	Swimming Pool Safety Service established	Media/Education campaign Database update Direct Mail outs Self-assessment questionnaire Compliance checks and advisory service



## 3.0 Responsibilities of Local Authorities

### 3.1

#### Fencing of Swimming Pools Act 1987

The Fencing of Swimming Pools Act requires Local Authorities to take “all reasonable steps” to ensure that the Act is complied with. The Act does not specify what steps should be taken, however the Department of Internal Affairs (1999) has indicated that steps should include:

- (a) Informing householders of the need to:
  - (i) Fence pools
  - (ii) Inform the Local Authority of the existence of a pool
  - (ii) Inform the Local Authority of the intention to build a pool
- (b) Locating existing pools
- (c) Inspecting pools that the Local Authority is aware of and ensuring compliance with the Act.
- (d) Carrying out periodic inspections to ensure pools continue to comply with the Act<sup>3</sup>
- (e) Taking Court action against non-complying pool owners.

During a High Court appeal case in 1999, Justice Robertson made it clear that Local Authorities and pool owners are required to comply with this Act when he said:

*“It is clear that this legislation has excited a degree of concern among property owners who have swimming pools. But they (and I have acknowledged in this courtroom today that I include myself within that categorisation) are bound by the Act of Parliament and territorial authorities are bound by the requirements of the Act...”*

*“The Parliament in the framework of this Act has determined that there is to be a fencing regime in place which is specified in the schedules to the Act. If that framework is not adhered to the pools are to be emptied. That*

*is the clear thrust of the Act... It is part of the price of being a pool owner that one must comply with this Act. Territorial authorities have a statutory obligation to ensure that pool owners do that. ...”<sup>2</sup>*

### 3.2

#### Obligations of pool owners and persons in control of pools

The Fencing of Swimming Pools Act 1987 requires that:

- “(1) Every owner of a pool to which this Act applies shall ensure that, except as provided in any exemption granted under section 6 of this Act, the pool, or some or all of the immediate pool area including all of the pool, is fenced by a fence that complies with the requirements of the building code in force under the Building Act 1991 in respect of swimming pools subject to this Act at all times when this Act applies in respect of the pool.
- (2) Every owner of a pool to which this Act applies shall comply or ensure that there is compliance with every condition imposed under section 6(2) of this Act.
- (3) Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.
- (4) The fact that a person complies with any obligation imposed by this section shall not excuse that person from any other duty imposed by law.”

**Pools that are not fenced in accordance with the Act must therefore be emptied and kept empty until it does comply, a requirement referred to by Justice Robertson above.**

<sup>3</sup> Department of Internal Affairs Guidelines issued to Local Authorities in 1999 states that “Periodic inspections of pool fences should be made in cases where the Authority suspects that appropriate standards are not being maintained.” Section 10.6, page 29.

## 3.0 Responsibilities of Local Authorities - Continued

### 3.3

#### Special Exemptions

Section 6 of the Fencing of Swimming Pools Act allows Local Authorities to grant exemptions from some or all of the Act's requirements. In doing so, the Local Authority must be satisfied that granting an exemption will not significantly increase the danger to young children.

Prior to Local Government amalgamation in 1989, the only exemptions granted were by the Hawke's Bay County Council. However, while records refer to these exemptions, references of the properties to which they relate have not been located.

Havelock North Borough Council received no applications and although Hastings City Council received 25 applications, all were declined.

While some applications for exemptions have been lodged subsequent to amalgamation, Hastings District Council has previously granted only two exemptions (Table 3).

### 3.4

#### Building Act 1991 and The New Zealand Building Code

The introduction of the Building Act 1991 and the New Zealand Building Code meant that the construction of new pools and pool fences, as well as the alterations to existing pools and pool fences, would also be covered by that Act as well as the Fencing of Swimming Pools Act 1987. This means that a building consent is required for new or alterations to existing installations.

The schedule to the Fencing of Swimming Pools Act detailing the requirements to which a pool fence is to be built, is also identified as a means of compliance with the Building Code. This therefore means that a fence built to the requirements of the Fencing of Swimming Pools Act will also be considered to comply with the Building Code.

While the Building Act is under review, the current situation is that the Fencing of Swimming Pools Act remains in force for existing pool fences, with new and altered installations covered by the Building Act (Building Industry Authority, 1994).

**Table: 3 Exemptions issued by Hastings District Council**

Pool Owner	Conditions	Date Granted
St Josephs School, Hastings	As per their letter - see the property file See property File 692/404	31 July 1997
Angus Inn, Hastings	Exemption granted on condition that an appropriate locking device be fitted to the dining room doors Refer closed RM file 8.3 or property file	22 November 1990



## 3.0 Responsibilities of Local Authorities - Continued

### 3.5 Fencing Spa Pools

References to, and obligations under the Building Code, are contained within Clause 4.3.3 of the Code. This clause refers to a need for a “barrier” to be provided for pools. The barrier could be a fence meeting the requirements of the schedule to the Fencing of Swimming Pools Act or an alternative solution could be a barrier that meet the tests prescribed by Clause F4.3.4 of the Building Code (note the use of the term “barriers” rather than fences). In addition the alternative must meet the standard of being “no less than is required by the Fencing of Swimming Pools Act”.

Clause F4.3.4 of the Building Code requires barriers to:

- Be continuous to the full extent of the hazard
- Be of appropriate height
- Be constructed with adequate rigidity
- Be of adequate strength to withstand the possible impact of people, and where appropriate the static pressure of people pushing them
- Be constructed to prevent people from falling through them
- In the case of a Swimming Pool, restrict the access of children under 6 yrs of age to the pool or immediate pool area

The Building Industry Authority (BIA) is able to issue determinations on technical matters of doubt or dispute about compliance with the New Zealand Building Code. Determinations are legally binding decisions (unless over-ruled on an appeal to the High Court on a question of law) as distinct from opinions or advice offered by members of the Authority's staff.

On 4 November 2002 the Building Industry Authority released a determination for the use of a lockable spa pool cover. That determination states that lockable covers do not constitute a means of compliance with F4 of the NZ Building Code. While this determination is specific to a certain type of lockable cover and the situation in which it was intended, this determination serves to confirm that other lockable covers, and covers in general, will be viewed in the same light.

In the past, spa pool covers, lockable or otherwise, have not generally been accepted as an alternative to fencing to the standard required by the Fencing of Swimming Pools Act.

This position is consistent with the guidelines issued by the Department of Internal Affairs in 1999. These guidelines advise that the Local Bills Committee investigated the use of alternatives to fencing and found them “*unlikely to prove greatly effective in preventing pre-school drownings.*”

These guidelines also state that:

- From 1980 to the publication of the guidelines (1999) 14 pre-school children drowned in pools that had covers.
- Council's cannot adopt a general policy to allow the automatic acceptance of covers as an alternative to fencing
- That a special exemption must be issued pursuant to section 6 of the Fencing of Swimming Pools Act prior to permitting the use of a pool cover in lieu of fencing.

Following an inquest<sup>4</sup> into a drowning in a spa pool, a Christchurch Coroner concluded there is a need for all pools, including kitset pools and spa pools to have professionally inspected and assessed fences.

<sup>4</sup> Coroner C Marshall, Christchurch 2002



## 4.0 Pool Safety Improvement Strategy

### 4.1 Pool Safety Service Established

In 2002 Council identified the need to assign additional resources to take a more proactive approach to improving the level of pool fencing compliance. Following submissions through the Annual Plan process and subsequent reports to Council on funding mechanisms for a swimming pool safety service, a full time staff member was employed in July 2002 dedicated towards implementing a pool fencing improvement strategy.

The strategy consisted of a three-pronged approach focusing on education and awareness, establishing and maintaining monitoring and compliance tracking systems, and operating a compliance checking and enforcement programme.

The database developed in 1992 was used as a springboard to identify and add any additional pools installed since this survey was conducted. This was achieved using more recent aerial photographs taken in 1999 and resulted in the identification of additional pool listings.

### 4.2 Communications Strategy

Midway through 2002, a communications strategy was developed that focused on raising awareness among pool owners and the general public. A plan was developed and implemented that included the following strategies:

- Direct mail for pool owners including the development of a self-assessment questionnaire.
- An emotive radio and newspaper campaign emphasising the vulnerability of children to drowning in swimming pools.
- Activities during Kidsafe Week in conjunction with ACC, Plunket, the District Health Board and Napier City Council.

A strategy was developed to further promote the need to ensure that private pools are fenced

and strategies implemented during 2003 are listed in Table 4.

A mail out in September 2002 in conjunction with the media campaign provided pool owners with an opportunity to inform Council if they no longer owned a pool. This also provided an opportunity to complete a self-assessment of their pools compliance status. This approach was intended to encourage involvement with pool safety and provided Council with information that would assist in establishing a risk-based inspection programme. Completed self-assessment questionnaires would also form one way in which Council could establish reasonable grounds for inspecting individual pools, a requirement of the Fencing of Swimming Pools Act.

The return of completed questionnaires allows Council to continue to update its database. As questionnaires were returned, and continue to be returned, the database continues to be updated.

### 4.3 Public Consultation on Funding Mechanisms

Following a funding analysis and options report in May 2002, Council resolved to establish an annual \$40 pool safety service fee. This fee has remained the most controversial aspect of Council's pool safety strategy. The fee was set in accordance with exonerator pays principles, as opposed to all ratepayers sharing the annual costs of the service, whether they happen to own pools or not.

In March 2003, Council resolved to consult the public through the annual plan process on four funding options for paying for the pool safety service for 2003/2004 and beyond.

Council subsequently resolved to impose an annual targeted rate of \$28 plus GST. This provides for two inspections per 3-4 year cycle. Any additional inspections required will incur an additional charge of \$100 plus GST.



## 4.0 Pool Safety Improvement Strategy - Continued

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### 4.4 Programme for Improving Compliance

The proposed model for improving compliance takes a three-pronged approach including:

- A targeted community awareness and education programme:
  - Publicising and promoting the Fencing of Swimming Pools Act and the obligations of pool owners.
  - Collaborating with organizations advocating child safety for example, Water Safety NZ, Plunket, Kids Safe, ACC, Community Pediatrician, the Public Health Unit and the local Injury Prevention Programme.
  - Providing advice and information about pool fencing, including the distribution of pool owner self-assessment questionnaires.
- Pool identification programme:
  - Reviewing aerial photographs taken in 1999.
  - Updating and establishing database recording and tracking systems.
  - Reviewing inspection procedures and practices, policies, and training programmes to ensure the consistent application of the provisions of the Act.
  - Establishing a risk-management inspection programme.
  - Identifying pools installed without building consents and those with outstanding Code Compliance Certificates.
- Compliance checking and surveillance:
  - Undertaking inspections on request.
  - Commencing a planned risk-based priority inspection programme.
  - Undertaking periodic pool compliance checks every three years.
  - Enforcement actions when appropriate.

### 4.5 New Pool Installation Requirements

New pool and pool fence installations and alterations to existing installations require consent under the Building Act 1991.

Proposed fencing for pools is assessed against the compliance schedule contained within the Fencing of Swimming Pools Act 1987. The schedule represents a means of compliance with the Building Code.

The Building Code does, however, provide an opportunity to meet the Building Code requirements through alternative means (Alternative Solutions) with the proviso that the level of protection afforded by the alternative is no less than that required by the Fencing of Swimming Pools Act 1987.

On completion of the installation, a Code Compliance Certificate (CCC) can be issued once compliance with the Building Code has been established.

In many instances pool owners do not request final inspections when all work has been completed. For example, at 1 March 2002 there were 70 pools with consents issued between 1994 and 2002 that had not had CCC's issued. A CCC tracking system has therefore been implemented to ensure that new pool owners complete their pool fence installations in accordance with Building Code requirements.



## 4.0 Pool Safety Improvement Strategy - Continued

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### 4.6 Existing Pool Installation Requirements

Section 11 of the Fencing of Swimming Pools Act provides powers of entry to properties for the purposes of assessing and ensuring that a pool complies with this Act. However, before powers of entry are exercised a Local Authority officer must have reasonable grounds to believe:

- That the pool is not fenced or the pool fence does not meet the requirements of the Act.
- A condition imposed as a result of an exemption being granted is not being complied with.

Reasonable grounds to permit lawful entry on to a property may be established by a variety of ways, and although not limited to the following, may include instances where:

- A building consent required by the Building Act 1991 has not been obtained.
- A completed self-assessment questionnaire has not been returned.
- A referral or complaint has been received.
- A real estate listing photograph provides reason to believe a particular fence may not comply.
- Aerial photograph surveys identifying pools for which there is no previous record or pool compliance status record.
- Line of sight observations by Council staff.
- Council staff referrals during other inspections or business transactions on properties with pools.

### 4.7 Pool Owner Assessment

A pool owner self-assessment questionnaire (Appendix 4) has been developed in order to:

- Identify changes that might have occurred since the last aerial survey.
- Identify pools representing a higher risk to children drowning.
- To verify the current information held about the status of a pool.
- Update the percentage of complying pools.
- Develop a risk-based, priority inspection programme.

The questionnaire does not require pool owners to make a judgement on whether they believe their pools comply or not. It simply lists a range of questions that enable the Swimming Pool Safety Officer to assess the level of risk that each pool presents.

### 4.8 Risk Categories

In order to categorise the compliance status of these pools, compliance risk codes and categories have been described along with an explanation of each code (Table 5 and Table 6). These Codes enabled Council to identify the level of compliance with the Fencing of Swimming Pools Act 1987. By August 2002 Council could only confirm that 3% of listed pools complied with all the requirements of the Act. This therefore became the benchmark against which Council could measure its progress for improving the level of compliance within Hastings District.



## 4.0 Pool Safety Improvement Strategy - Continued

**Table 4: Communications Strategy 2003**

Objective	Action
Inform all pool owners on the requirements for compliance and need for ongoing vigilance	<ul style="list-style-type: none"> <li>• Develop generic brochure outlining compliance issues</li> <li>• Utilise injury prevention coordinator's assistance for certificate of compliance</li> <li>• Direct mail/flyer - 'understanding inspections'</li> <li>• Council Expo - colouring competition</li> <li>• PR campaign re: mailout</li> <li>• Developing an inspection strategy and list on Council's website</li> <li>• Investigate incentives through local suppliers</li> <li>• Council newsletter (Outlook) articles</li> <li>• Water Safety New Zealand displays</li> <li>• Media spots</li> <li>• Update web page</li> <li>• Annual plan submissions on funding options</li> <li>• Spa pool fact sheet mail out</li> <li>• Update existing brochure</li> </ul>
Engage community groups to create a social pressure around the importance of adequate pool fencing	<ul style="list-style-type: none"> <li>• Community newsletter and speaking opportunities</li> <li>• 'Speaking circuit' around community groups</li> </ul>
Encourage pool supplies industry to be advocates for safe fencing	<ul style="list-style-type: none"> <li>• Contact pool design, construction and supplies businesses and investigate opportunities for incentives (e.g. bring in cert. of compliance and receive 10% off chlorine; or 5% of fencing materials on presentation of inspection cert etc.)</li> <li>• Supplier promotions and brochure displays</li> </ul>

**Table 5: Pool Compliance Risk Codes and Descriptions**

Risk Code	Description of Risk Category
COMP	Complies with the Fencing of Swimming Pools Act 1987
EMPT	Pool emptied and verified as such (used when for long-term situations)
EXEM	Pool exempt (from some or all of the Acts requirements)
NON	Pool non-complying with the Act
OWNC	Pool owner indicates on returned questionnaire that the pool complies
OWNN	Pool owner indicates on returned questionnaire that the pool is non-complying
OWNR	Pool owner has advised that the pool has been removed (currently unverified)
REMO	Pool has been removed (and verified as such)
UNKN	Compliance unknown (this indicates that no questionnaire has been returned)



## 4.0 Pool Safety Improvement Strategy - Continued

Table 6: Risk Code Explanations

Risk Code	Explanation
<b>COMP</b> - Complying Pools	<p>Pools currently complying with the Act have been assigned a <b>COMP</b> risk status. These pools have been inspected at some point by Council staff and confirmed as complying. This risk code may alter over time as pool owner's complete self-assessments and inspections reveal a changing status. Some of these listings will include relatively new pools where consents have been issued under the Building Act, and have subsequently had Code Compliance Certificates issued.</p> <p>Pools displaying a <b>COMP</b> risk category will form the lowest priority group, and will therefore be looked at last over the initial three-year inspection cycle.</p>
<b>EMPT</b> - Pools Emptied	<p>Originally there were 30 pools with the risk category of <b>EMPT</b>. These pools had not been re-inspected for some years and in most cases the <b>EMPT</b> risk category was no longer relevant. These listings were therefore subsequently changed to <b>UNKN</b> prior to the mailout of the self-assessment questionnaire.</p> <p>The <b>EMPT</b> risk category will now only be used to identify pools that will remain empty in the long term i.e. where owners have told Council that they will not be using them.</p>
<b>EXEM</b> - Exempted Pools	<p>There are two pools listed with an exemption <b>EXEM</b> status. These pools will continue to be checked to ensure that any conditions of the exemption are being complied with.</p>
<b>NON</b> - Non-Complying Pools	<p>These pools have been verified by inspection as non-complying and will continue to be a priority until they comply.</p>
<b>OWNC</b> - Owner Indicates Compliance	<p>This category applies to the pools where the owner indicates via the self-assessment questionnaire that their pool complies.</p>
<b>OWNN</b> - Owner Indicates Non-Compliance	<p>This category applies to the pools where the owner indicates via the self-assessment questionnaire that their pool does not comply. Together with the <b>NON</b>-category, these pools fall into the priority 1 inspection category.</p>
<b>OWNR</b> - Owner advises pool has been removed	<p>Pools removed after November 1999, or where no date is provided (and where the pool is still visible on GIS) will be assigned the <b>OWNR</b> risk category (owner advises pool removed). Pools in this category will require a site visit before removal can be confirmed and the pool is placed in the <b>REMO</b> category. When a verifying inspection is made, all reasonable attempts will be made to track the removed pools if they have been sold.</p>
<b>REMO</b> - Pools Removed	<p>Where the owner has indicated that the pool has been removed prior to November 1999, the <b>REMO</b> (pool removed) risk category will be assigned providing this can be verified off the GIS photographs. These records continue to be accessible for future reference should that be required.</p>
<b>UNKN</b> - Compliance Status is Unknown	<p>Pools with unreturned self-assessments will be assigned the risk status of <b>UNKN</b>. A small number in this group (11%) have been inspected by Council in past years. These will be placed in first priority group to be inspected. The remainder will form the second priority group and will be inspected after the <b>OWNN</b> and <b>NON</b> risk category pools.</p> <p>The numbers of pools falling into three categories (<b>OWNN</b>, <b>NON</b>, <b>UNKN</b>) assist in defining the priority inspection programme. A breakdown of the number of pools in each of these categories is provided in Table 7.</p>



## 4.0 Pool Safety Improvement Strategy - Continued

The numbers of pools falling in to three categories (**OWNN**, **NON**, **UNKN**) assist in defining the priority inspection programme.

A breakdown of the number of pools in each of these categories is provided in Table 7.

**Table 7: Breakdown of Prioritised Pools by Area - April 2003**

AREA	OWNN	NON	UNKN	AREA totals
Hastings	44		78	534
Flaxmere	55		134	189
Havelock North	160	1	193	354
Rural	22		55	172
<b>TOTALS</b>	<b>281</b>	<b>1</b>	<b>460</b>	<b>1,249</b>

## 5.0 Pool Fencing Inspection Programme

### 5.1 Risk Assessment

As there are nearly 2000 pools on Council's database, and all pools cannot be inspected in one year, it is necessary to prioritise pools by category and area. The highest risk categories and therefore those that will be the focus of early inspection efforts are those pools falling in to categories **OWNN, NON** (Priority 1) followed by **UNKN** (Priority 2). These and other priority categories are listed in Table 5 (page 11).

Some areas have more pools and greater concentrations of dwellings than others. It is therefore appropriate that the rate of pools in each area be standardised for comparison and prioritising the inspection schedule (Table 8).

These rates show that Havelock North has the greatest number of non-complying pools and pools with an unknown compliance status.

### 5.2 First Visit Inspection Scheduling

First visit inspections are planned four weeks in advance with the pool owners notified by letter (Appendix 1) advising that an inspection is to be conducted.

Questionnaires that have been completed and returned will be acknowledged. A request will be made by letter to access the property for inspection and pool owners will receive a minimum of one weeks notice from the date of the letter. A time for that inspection will be given and pool owners will be encouraged to be present during the inspection so that any issues can be discussed directly with the pool owner.

It is recognised that pool owners may have work or other commitments during the day. Pool owners can be accommodated by rescheduling should the allotted time be inconvenient.

In these instances the Swimming Pool Safety Officer will work from 9am-6pm on Monday and Tuesday each week. This will create four, one-hour inspection times starting at 4pm and 5pm on those two days. These later times are strictly reserved for pool owners who want to be present, but cannot be available earlier in the day. Unless considerable travel time is involved, one hour is allocated for an initial inspection and half an hour for follow-ups.

### 5.3 Priority Scheduling

The highest priority pools (**OWNN** and **NON** risk categories) will be inspected first followed by those with an unknown status. Inspections will be arranged street-by-street wherever possible, working systematically through each area. The rescheduling of some inspections will of course have some affect on this.

Havelock North will be inspected first as it contains the highest rate of pools per dwellings. The next areas targeted will be Hastings City, Flaxmere then the rural and coastal areas.

The targeting of one area at a time for initial inspections will provide savings in both time and in vehicle running costs. Working from East to West across Hastings will greatly assist with the efficient scheduling of follow-up inspections, than say for example, to undertake re-inspections in Flaxmere and Havelock North at the same time.

**Table 8: Standardised Rate - pools per 1000 dwellings by area - December 2003**

Area	Number of Pools	Rate per 1000 dwellings
Havelock North	603	145.6
Hastings	760	67.6
Flaxmere	189	65.9
Rural	393	51.5

## 5.0 Pool Fencing Inspection Programme - Continued

Table 9: Priority Pool Inspection Schedule

Priority Risk Category		Area			
		Havelock North	Flaxmere	Hastings	Rural
1	OWNN, NON	122	56	220	76
2	UNKNOWN	95	77	170	85
3	OWNC	136	39	176	59
	OWNR	75	96	164	57
4	COMP >3 years since last inspection	216	15	163	136

### 5.4 Inspection Process and Recording of Information

A Swimming and Spa Pool Site Inspection Record is completed on site during the inspection. The pool owner, their agent or the occupier of the property (when present) will be asked to sign the site inspection report to acknowledge that the report has been received. The top copy is then detached and handed to them. It is essential that they understand what remedial work is required and how this is to be achieved. Any areas of uncertainty must be cleared up before the Swimming Pool Safety Officer leaves the property. When no one is present the customer copy should be enveloped and left in an appropriate place (e.g. the letterbox) along with contact details of the Swimming Pool Safety Officer.

This method allows the Swimming Pool Safety Officer to immediately provide the pool owner with a comprehensive written report on the pool detailing both the areas of compliance and non-compliance. It will also inform them that non-complying pools must be drained immediately.

Digital photographs are taken to document the specific areas of non-compliance, and wherever possible, a photograph showing the pool in its entirety. This photograph will be attached to the property record on Council's

Geographical Information System (GIS) and document management system (Trim). Saved photographs will be stored using the naming protocol adopted by Council.

Properties with pools will be tagged with a marker on the GIS maps. This will allow those properties to be easily identified. This layer can then be transferred onto the next set of aerial photographs when purchased to enable unregistered pools to be identified more quickly and accurately.

### 5.5 Non-Complying Pools to be Emptied

All pools that do not comply with the Act must be drained immediately (i.e. within 24 hours wherever possible) and kept empty until compliance is achieved. Some pool owners will opt to do this and undertake to complete any remedial work later. **The Building Code, however, requires a one metre high barrier be erected in these situations when the height of fall is one metre or more.**

Although technically this applies in instances of minor non-compliance, as well as when there is no pool fence at all, the need to drain a pool will generally be sought for the latter. Each situation, however, will be assessed on a case-by-case basis.

## 5.0 Pool Fencing Inspection Programme - *Continued*

### 5.6 Tracking Inspections in Progress

Inspection details are added to the “Inspections in Progress” spreadsheet (Table 10) and the pool database is updated after each inspection. This will involve creating an “Inspection” record along with a linked “Requisition” record to confirm that a site inspection record has been completed and received by, or forwarded to the pool owner, occupier or agent.

A requisition record must also be created when any other related written correspondence is created, or when there has been telephone contact with pool owners involving matters arising from inspections.

Pools that are found to be non-complying after an initial inspection will be assigned the **NON** risk category. The carbon copy of the site inspection record is filed in a “work in progress” folder in FSP number order and then added to the property file once compliance is achieved.

### 5.7 Follow-up Inspections

Time frames for compliance are negotiated with individual owners, ideally at the time of inspection. Compliance within 28 days of the initial inspection is desirable wherever practicable. However it is accepted that this may not always be possible, particularly when the cost of fencing has been unplanned.

The availability of tradespersons or materials may also dictate when compliance can be achieved, so any agreed time frames can be

extended beyond the 28 days where it can be shown that arrangements have been made to get the necessary work completed. It is important that an even-handed approach is taken and that pool owners are given every opportunity to achieve compliance.

Note: Follow-up inspections will be allocated a maximum of half an hour, unless considerable travel time is involved.

Unless otherwise negotiated, the administrative support staff will contact pool owners once the 28 days has passed to check on progress and to arrange follow-up inspections. The pools requiring follow-up inspections will be easily identified from the Inspections in Progress Spreadsheet.

### 5.8 Compliance Achieved

Once a pool owner has achieved compliance the risk category is changed to **COMP** and the date and details added to the comments field on the pool-fencing database. This will help identify pools due for their next three-yearly inspection. As with first and follow-up inspections, “Inspection” and “Requisition” records are created.

A **Pool Safe Warrant of Fitness** (Appendix 3) will be issued to the owner or occupier of the property on completion of the final inspection. This certificate will confirm that the pool complied with the Fencing of Swimming Pools Act 1987 on that date of inspection. The Pool Safe WOF has been developed in conjunction with the District Health Board and Creative Design Advertising Ltd.

**Table 10: Inspections in Progress Spreadsheet**

FSP Number	Pool Owner	Address 1	Address 2	Phone Number	INSP Date	F/UP Date	Comments
2051	John Smith	15	Brown St	8887777	29/01/03	03/03/03	Pool drained until complying gates are installed



## 5.0 Pool Fencing Inspection Programme - Continued

### 5.9

#### Three-Yearly Inspection Cycle

Unless particular factors exist that indicate an earlier inspection is warranted e.g. fences and gates that may have deteriorated inside three years since the previous inspection demonstrating compliance, or pool owners are planning alterations etc, all complying pools will enter a three-year re-inspection cycle.

### 5.10

#### Compliance Not Achieved

Where compliance with the Act cannot be achieved voluntarily i.e. there has been no progress made within the 28 day period to get the necessary remedial work done and the pool owner refuses to drain the pool, the following process will be followed:

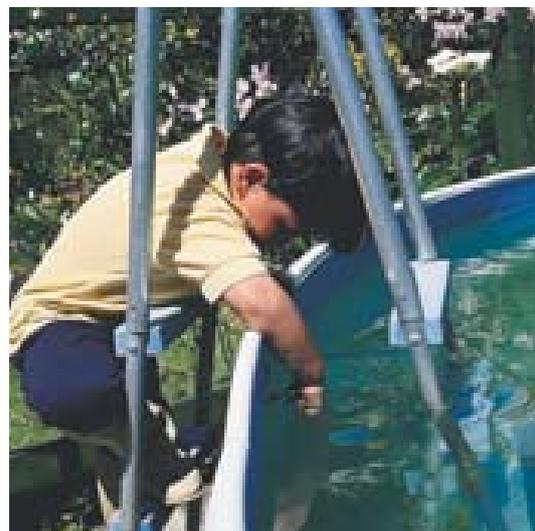
- a) Send a letter to the pool owner explaining their responsibilities under section 8 of the Fencing of Swimming Pools Act 1987 which requires the pool to be completely drained and kept empty until the fencing fully complies.
- b) If there is no response from the pool owner after 14 days, carry out another site inspection of the pool as soon as possible to check its status and establish if there is "reasonable cause" (section 9) for not complying with the Act. If the pool has not

been drained or fenced a second letter will be issued advising the owner Council may initiate prosecution proceedings after seven days of the date of the letter should the pool remain unfenced or is not drained. Another site visit will be required to verify the pools compliance status.

- c) Where there has again been no response from the pool owner the Swimming Pool Safety Officer, together with assistance as necessary from the Compliance Advisor will prepare a case file for consideration to determine if a prosecution can be sustained or is justified under Section 9 of the Act.

When considering whether to ultimately take a prosecution, two options exist:

- Do nothing - to take no action at all would mean that Council is not meeting its responsibilities under the Fencing of Swimming Pools Act.
- Initiate a prosecution - the purpose of initiating a prosecution is to ensure that Council has discharged its responsibilities. As a result of a prosecution a Court order will be sought to have the pool drained and kept empty until compliance is achieved. Failure to comply with a Court order would result in the pool owner being in contempt of Court.





## 6.0 Inspection Targets and Tracking

All registered pools are to be inspected by December 2005 and a target compliance rate of at least 75% has been set. On current pool numbers, that would require approx. 700 new inspections to be carried out each year, or at least 15 per week based on a 46-week year (allowing for annual leave, sick leave, public holidays and the Christmas-New Year period).

Data from inspections completed to date indicates that only 5% of pools comply fully on first visit inspection. This means that in addition to scheduled first visit inspections, at least 14 follow-up inspections can be anticipated per week until the compliance rate significantly improves.

In setting this target it is not known how many existing pools that are not yet listed on the database will be identified in the future. It is expected that within the next three years Council will purchase a more up-to-date set of aerial photographs to replace the 1999 series. This will provide the opportunity to identify pools for which there are no records.

Pools in the highest priority groups (**OWNN** and **NON** risk categories) are expected to move attention through follow-up inspections before compliance can be achieved. Due to the number of issues with these pools, an average of two follow-up visits is anticipated. The opposite should be the case with the **OWNC** pools as any remedial work is likely to be minimal and therefore compliance much more easily achieved.

### 6.1

#### Monthly and Quarterly Reporting

Monthly and quarterly reports will be produced showing the number of inspections carried out and the current compliance rate. It is expected that the percentage of complying pools will increase by approximately 3% per month.





## 7.0 References

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Local Bills Committee (1983) Report on the Fencing of Private Swimming Pools. Appendices to the Journal of the House of Representatives I (10A) In Morrison et al, 1997.

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Morrison L, Chalmers D, Langley J (1999) Injury Prevention; 5: page 114-118.

Water Safety NZ (2002).  
Poster "160 lives saved".



## Appendix 1



**HASTINGS  
DISTRICT  
COUNCIL**

HASTINGS, THE LIFESTYLE OF CHOICE,  
A PLACE OF OPPORTUNITIES

### **RESOURCE MANAGEMENT** *Heretaunga Haro te Kahu*

If calling ask for: John Symons  
E-mail: john.symons@hdc.govt.nz  
File ref: 8.2  
DATE

NAME  
ADDRESS 1  
ADDRESS 2  
**ADDRESS 3**

Dear Sir/Madam

The Hastings District Council has embarked on a district-wide inspection campaign to ensure all pools comply with the Fencing of Swimming Pools Act 1987 to reduce the risk of children drowning in home swimming and spa pools.

The Act requires all pools to be fenced so children cannot gain unsupervised access to the pool. It sets out minimum fence specifications such as height, latching devices and standards of construction.

Thank you for returning the pool safety checklist that we sent out last year. The returned checklists have been assessed and our 3-yearly swimming pool inspection programme is now underway. Over the next few weeks we will be carrying out inspections in your area and the following is a time that we have scheduled in for your property. It would be ideal if you, or someone representing you, could be present during this inspection so that any matters arising can be fully discussed.

#### **Inspection scheduled for: / / 2004 at am/pm**

There are a limited number of alternative times available each week for people who have work or other commitments. These may be available on Monday and Tuesday afternoon at 4pm and 5pm. If you have any queries arising from this letter, or would like to reschedule your inspection time, please ring us on 878 0500 extension 8642 as soon as possible.

If you are unable to be present it would be appreciated if you could advise us of any problems that we may encounter in accessing your pool at the above time e.g. security systems or guard dogs on the property.

Yours sincerely

John Symons  
**SWIMMING POOL SAFETY OFFICER**

**RESOURCE MANAGEMENT**  
207 Lyndon Road East Private Bag 9002  
Hastings DX MA75020  
Telephone 06 878 0500 Facsimile 06 878 0555  
Email council@hdc.govt.nz  
Website www.hastingsdc.govt.nz



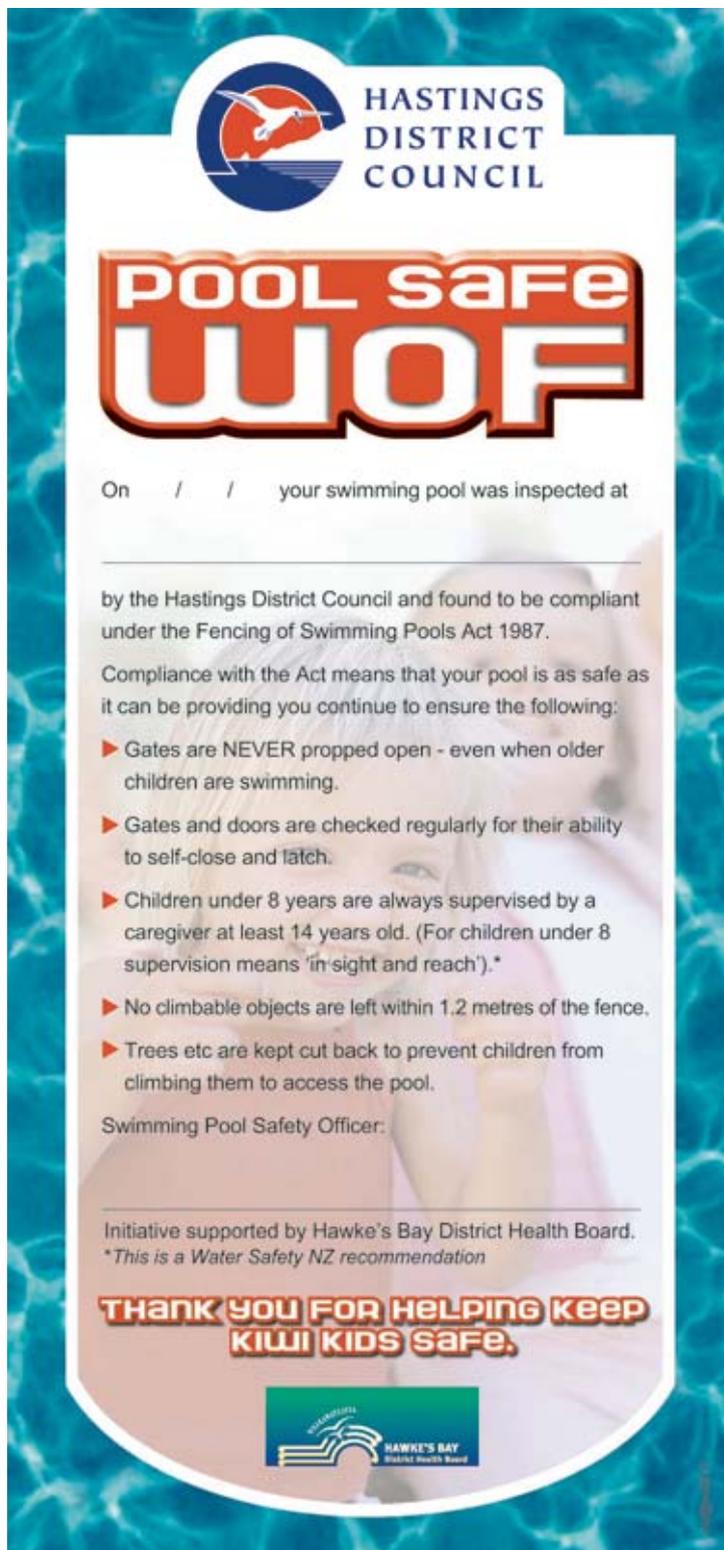
## Appendix 2

### Swimming Pool Inspections Schedule

Time/Date	MONDAY _/_/_	TUESDAY _/_/_	WEDNESDAY _/_/_	THURSDAY _/_/_	FRIDAY _/_/_
8.00 - 9.00	Not available	Not available			
9.15 - 10.15					
10.15 - 10.30			BREAK		
10.45 - 11.45					
12.00 - 1.00			LUNCH		
1.15 - 2.15					
2.15 - 3.15					
3.15 - 3.30			BREAK		
4.00 - 5.00	Reschedules only	Reschedules only			
5.00 - 6.00	Reschedules only	Reschedules only			



## Appendix 3



 **HASTINGS  
DISTRICT  
COUNCIL**

**POOL safe  
WOF**

On / / your swimming pool was inspected at

---

by the Hastings District Council and found to be compliant under the Fencing of Swimming Pools Act 1987.

Compliance with the Act means that your pool is as safe as it can be providing you continue to ensure the following:

- ▶ Gates are NEVER propped open - even when older children are swimming.
- ▶ Gates and doors are checked regularly for their ability to self-close and latch.
- ▶ Children under 8 years are always supervised by a caregiver at least 14 years old. (For children under 8 supervision means 'in-sight and reach').\*
- ▶ No climbable objects are left within 1.2 metres of the fence.
- ▶ Trees etc are kept cut back to prevent children from climbing them to access the pool.

Swimming Pool Safety Officer:

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Initiative supported by Hawke's Bay District Health Board.  
\*This is a Water Safety NZ recommendation

**THANK YOU FOR HELPING KEEP  
KIWI KIDS SAFE.**





## Appendix 4



HASTINGS  
DISTRICT  
COUNCIL

HASTINGS, THE LIFESTYLE OF CHOICE,  
A PLACE OF OPPORTUNITIES

### RESOURCE MANAGEMENT *Heretaunga Haro te Kahu*

If calling ask for: John Symons  
E-mail: john.symons@hdc.govt.nz  
File ref: 8.2  
18 September 2002

Dear Sir / Madam

***Children drown quietly and quickly. There's little noise as a curious child slips into a pool.  
The only thing you'll hear forever after is...silence.***

Preventing children from drowning is the reason safety standards are in place for the fencing of swimming pools.

The Hastings District Council has embarked on a district-wide inspection campaign to ensure all pools comply with the Fencing of Swimming Pools Act 1987 to reduce the risk of children drowning in home pools and spas.

The Act requires all pools to be fenced so children can't gain unsupervised access to the pool. It sets out minimum fence specifications such as height, locking devices and construction methods.

We have appointed a full time Swimming Pool Safety Officer to carry out site inspections and, over the next three years, each of the 2800 pools in our district will be inspected at least once and the owners will be provided with advice on how to meet the requirements of the Act.

Our database shows that there is a pool on your property and, to see if your pool meets the standards, we have enclosed two checklists - one for swimming pools, and one for spa pools. Please fill in both forms, even if it is just to let us know they don't apply to you, and return them in the enclosed pre-paid envelope. This information will be added to our database to ensure our information is up to date, and will help us to prioritise our inspection schedule.

If your pool has been built in the past few years a Code Compliance Certificate (CCC) may have been issued under the Building Act on completion of all work. This Certificate will have included the fence constructed with the pool, however the CCC does not provide an assurance that your pool fence continues to meet your obligations under the Act. This means that your pool fence will need to be checked by our Pool Safety Officer at least once every three years, as part of our inspection programme.

Funding for this programme will come from an annual 'Swimming Pool Safety Fee'. Council has resolved that the fee will be \$40.00 including GST. All pool owners will be invoiced during November this year and during July each year thereafter. A small portion of the costs of the programme is being recovered through rates as Council recognises the 'community good' aspect of pool safety measures.

For further assistance with the information we have sent you about pool fencing requirements and how to meet your obligations as a pool owner, please phone John Symons, Swimming Pool Safety Officer, on phone 878 0500.

Yours sincerely

Malcolm Hart  
Community Safety Manager

**RESOURCE MANAGEMENT**

207 Lyndon Road East Private Bag 9002  
Hastings DX MA75020  
Telephone 06 878 0500 Facsimile 06 878 0555  
Email council@hdc.govt.nz  
Website www.hastingsdc.govt.nz

## Appendix 4 - Continued



HASTINGS  
DISTRICT  
COUNCIL

### Swimming Pool Safety Check-list Reduce the risk, Before you count the cost

#### Is there a swimming pool currently on the property listed below?

(If you answered "No" to this question please indicate approximately when the pool was removed and return the form in the envelope provided). **Pool removed on/around**

A physical inspection may be necessary to verify that your pool has been removed. We will contact you to arrange an inspection.

#### PLEASE COMPLETE THE RELEVANT SECTIONS BELOW:

##### (1) In all cases please answer the following:

- Is the immediate area around the pool fenced?
- Is there a barbeque, clothesline or children's play area within the pool area?
- Are all sections of fencing at least 1200mm high?
- Do all gates giving access to the pool area open away from the pool?
- Do these gates close & latch automatically from an opened position of 150mm?
- Are external latches a minimum of 1500mm above ground height?
- Are internal latches a minimum of 1200mm above ground height?

##### (2) Pools that are partly fenced by the house, garage or other building:

- Do all doors giving access to the pool area open away from the pool?
- Do the doors shut & latch automatically from an opened position of 150mm?
- Are the latches at least 1500mm above floor height?
- Are ranch sliders or bi-fold doors accessing the pool area fitted with locking or latching devices that are a minimum of 1500mm above the floor?
- Do all windows giving access to the pool area have limiting devices fitted that restricts them opening beyond a maximum of 100mm?

##### (3) Pools that are partly or fully enclosed by fencing (including boundary and wire mesh fences):

- Are boundary fences at least 1200mm high in all places?
- Are there any climbable objects or fixtures, including on the neighbour's side, within 1200mm of the fence (e.g. trees, trellis, garden furniture)?
- Are all external fence rails (including those on the neighbour's side) a minimum of 900mm apart?
- Are all fences made of durable materials in good condition?
- Vertical cladding – are there any openings over 100mm wide?
- Horizontal cladding – is this closed up so a child is unable to climb it?
- Are there any gaps under the fence over 100mm high?
- Are there holes in any wire mesh 10mm or less?
- Are there holes in any wire mesh 11mm – 50mm? (min. fence height 1800mm)
- Are there holes in any wire mesh greater than 50mm in diameter?

Circle

Yes

No

\_\_\_\_/\_\_\_\_/\_\_\_\_

Yes

No

Yes

No

Yes

No

Yes

No

Yes

No

N/A

Yes

No

Yes

No

N/A

Yes

No

N/A

Yes

No

Yes

No

N/A

Yes

No

N/A

Yes

No

N/A

Thank you for completing this safety checklist.

Note: If you have a spa pool on your property you will also need to complete the Spa Pool Safety Checklist

**Please return this checklist in the envelope provided by October 14.**

## Appendix 4 - Continued



HASTINGS  
DISTRICT  
COUNCIL

### Spa Pool Safety Check-list Reduce the risk, Before you count the cost

Is there a spa pool currently on the property listed below?

Yes No

If you answered "No" to this question please return this form in the envelope provided.

PLEASE COMPLETE THE RELEVANT SECTIONS BELOW:

(1) Spa pool housed in its own building:

- Do all doors accessing the spa pool open outwards from the pool?
- Are all doors giving access self-closing and self-latching?
- Are latches/door handles at least 1500mm above ground height?
- Are there any openings in the outer cladding over 100mm wide?
- Could access be gained by climbing the outer cladding?

Yes No  
Yes No  
Yes No  
Yes No  
Yes No

(2) Spa pool located outside a building, including on or in a deck:

- Are the spa pools sides at least 1200mm above ground/deck level?
- If "yes" to the above, is the spa pool smooth sided?
- Is the immediate pool area only fenced?
- Is this fence a minimum of 1200mm above ground/deck level?
- Do all gates and doors accessing the spa pool open outwards from the pool?
- Do all gates and doors to the pool area close and latch automatically?
- Are internal gate and door latches at least 1200mm above ground/deck height?
- Are external gate and door latches at least 1500mm above ground/deck height?
- Are ranch sliders or bi-fold doors accessing the pool area fitted with locking bolts or latching devices that are a minimum of 1500mm above the floor?
- Are ranch sliders or bi-fold doors fitted with a top safety bolt?

Yes No  
Yes No  
Yes No  
Yes No N/A  
Yes No N/A  
Yes No  
Yes No  
Yes No N/A  
Yes No N/A

(3) In all cases please answer the following:

- Is the spa pool fitted with a manufacturers lockable cover?
- Is the cover made of material that if walked or fallen on cannot collapse?
- Are all the locking devices in good working condition?
- Is there a back-flow device fitted?
- Does the pool drain to the sewer?

Yes No  
Yes No  
Yes No  
Yes No  
Yes No

**Please note:** 1/ that the Act exempts "any pool that is wholly enclosed within a building that is used principally for a purpose or purposes not related to the use of the pool". Accidents with tragic results can easily happen so please ensure that access to spa pools is restricted to children, especially those under six years of age.

2/ Hastings District Council has not approved lockable spa pool covers as a means of complying with the Act.

Thank you for completing this safety checklist.

Note: If you also have a swimming pool on the property you will need to complete the Swimming Pool Safety Check-list.

**Please return this checklist in the envelope provided by October 14.**



## Appendix 4 - Continued



**HASTINGS  
DISTRICT  
COUNCIL**

HASTINGS, THE LIFESTYLE OF CHOICE,  
A PLACE OF OPPORTUNITIES

### **RESOURCE MANAGEMENT** *Heretaunga Haro te Kahu*

If calling ask for: John Symons  
E-mail: john.symons@hdc.govt.nz  
File ref: 8.2  
18 September 2002

**Pool reference no.**

Name  
Address  
Address  
**HASTINGS**

Dear

Thank you for completing and returning the pool safety checklist we sent out in September 2002. The information provided at the time indicated that your pool presented a much lower risk than many others in the district. Until recently it has been those higher risk pools that we have concentrated on.

Over the next few weeks we will be carrying out inspections in your area as part of our three-yearly inspection programme. The following time has scheduled for your property:

/ / 2004 at am/pm

It would be ideal if you could be present or arrange for someone to represent you. This is so any matters arising from the inspection can be fully discussed on site.

I appreciate that this time may not be convenient for you due to work or other commitments. If this is the case, and you would like to reschedule, then please call our administrative support staff on 878 0537.

If someone is unable to be present, but you would still like the inspection to be carried out at this time, it would be appreciated if you could advise of any difficulties that may be encountered by Council staff in inspecting the pool.

While this inspection programme is new to the Hastings District Council, it is common practice for other Councils around New Zealand. The Fencing of Swimming Pools Act 1987 requires local authorities to take all reasonable steps to ensure that private swimming and spa pools are fenced to the standard described in the Act. A regular inspection programme ensures that we are meeting our legal obligations.

We appreciate your cooperation in this matter.

Yours sincerely

John Symons  
**Swimming Pool Safety Officer**  
john.symons@hdc.govt.nz

**RESOURCE MANAGEMENT**

207 Lyndon Road East Private Bag 9002  
Hastings DX MA75020  
Telephone 06 878 0500 Facsimile 06 878 0555  
Email council@hdc.govt.nz  
Website www.hastingsdc.govt.nz



## Appendix 4 - Continued



**HASTINGS  
DISTRICT  
COUNCIL**

HASTINGS, THE LIFESTYLE OF CHOICE,  
A PLACE OF OPPORTUNITIES

### **RESOURCE MANAGEMENT** *Heretaunga Haro te Kahu*

If calling ask for: John Symons  
E-mail: john.symons@hdc.govt.nz  
File ref: 8.2  
18 September 2002

**Pool reference no.**

Name  
Address  
Address  
**HASTINGS**

Dear

In September 2002 we sent out pool safety checklists to all registered pool owners. Our records indicate that you did not complete and return that questionnaire.

It is important to us to ensure that our database is complete and accurate. To achieve this, we will be carrying out inspections in your area and the following time has scheduled for your property:

/ / 2004 at am/pm

It would be ideal if you could be present or arrange for someone to represent you. This is so any matters arising from the inspection can be fully discussed and explained on site.

I appreciate that this time may not be convenient for you due to work or other commitments. If this is the case, and you would like to reschedule, then please call our administrative support staff on 878 0537.

If someone is unable to be present, but you would still like the inspection to be carried out at this time, it would be appreciated if you could advise of any difficulties that may be encountered by Council staff in inspecting the pool.

While this inspection programme is new to the Hastings District Council, it is common practice for other Councils around New Zealand. The Fencing of Swimming Pools Act 1987 requires local authorities to take all reasonable steps to ensure that private swimming and spa pools are fenced to the standard described in the Act. A regular inspection programme ensures that we are meeting our legal obligations.

We appreciate your cooperation in this matter.

Yours sincerely

John Symons  
**Swimming Pool Safety Officer**  
john.symons@hdc.govt.nz

**RESOURCE MANAGEMENT**

207 Lyndon Road East Private Bag 9002  
Hastings DX MA75020  
Telephone 06 878 0500 Facsimile 06 878 0555  
Email council@hdc.govt.nz  
Website www.hastingsdc.govt.nz



## Appendix 4 - Continued



HASTINGS  
DISTRICT  
COUNCIL

HASTINGS, THE LIFESTYLE OF CHOICE,  
A PLACE OF OPPORTUNITIES

### RESOURCE MANAGEMENT *Heretaunga Haro te Kahu*

If calling ask for: John Symons  
E-mail: john.symons@hdc.govt.nz  
File ref: 8.2  
18 September 2002

Pool reference no.

Name  
Address  
Address  
**HASTINGS**

Dear

#### Fencing of Swimming Pools Act 1987 – Address of pool

On (date) I carried out an inspection on the swimming pool at the above property. That inspection highlighted some aspects of the fencing that did not comply with the Act.

A follow-up inspection is necessary to ensure that the remedial work has been carried out and to check that the pool now complies with the legislation. In order to do this I have scheduled the following time:

     /      / 2004 at      am/pm

The Swimming Pool Safety Service is funded directly from a targeted rate charged to pool owners (currently \$31.50 per annum including GST). This covers Council's costs in carrying out two inspections over the 3-year inspection cycle and are generally an initial inspection/consultation and any follow-up visit required to check that remedial work has been done. **Any further inspections that are required will incur an additional charge of \$112.50 (incl. GST) each.**

I appreciate that the above time may not be convenient for you due to work or other commitments. If this is the case, and you would like to reschedule, then please call me on either 878 0500 ext. 8683 or 025 276 2550.

Yours sincerely

**Swimming Pool Safety Officer**  
john.symons@hdc.govt.nz

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## Appendix 4 - Continued



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DISTRICT  
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HASTINGS, THE LIFESTYLE OF CHOICE,  
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E-mail: john.symons@hdc.govt.nz  
File ref: 8.2  
18 September 2002

**Pool reference no.**

Name  
Address  
Address  
**HASTINGS**

Dear

Thank you for completing and returning the pool safety checklist we sent out in September 2002. In light of the information you provided, we would like to arrange an inspection of your pool to ensure it complies.

Over the next few weeks we will be carrying out inspections in your area and the following time has scheduled for your property:

/ / 2004 at am/pm

It would be ideal if you could be present or arrange for someone to represent you. This is so any matters arising from the inspection can be fully discussed on site.

I appreciate that this time may not be convenient for you due to work or other commitments. If this is the case, and you would like to reschedule, then please call our administrative support staff on 878 0537.

If someone is unable to be present, but you would still like the inspection to be carried out at this time, it would be appreciated if you could advise of any difficulties that may be encountered in inspecting the pool.

While this inspection programme is new to the Hastings District Council, it is common practice for other Councils around New Zealand. The Fencing of Swimming Pools Act 1987 requires local authorities to take all reasonable steps to ensure that private swimming and spa pools are fenced to the standard described in the Act. A regular inspection programme ensures that we are meeting our legal obligations.

We appreciate your cooperation in this matter.

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