
FENCING OF SWIMMING POOLS ACT 1987 (the Act)

Section 6 Special exemptions

- (1) A territorial authority may, by resolution, grant an exemption from some or all of the requirements of this Act in the case of any particular pool where the territorial authority is satisfied, having regard to the particular characteristics of the property and the pool, any other relevant circumstances, and any conditions it imposes under subsection (2) of this section, that such an exemption would not significantly increase danger to young children.
- (2) In granting an exemption under subsection (1) of this section, the territorial authority may impose such other conditions relating to the property or the pool as are reasonable in the circumstances.
- (3) Any exemption granted or condition imposed under this section may be amended or revoked by a territorial authority, by resolution.

SCHEDULE

[Sections 13B, 13C]

[MEANS OF COMPLIANCE] FOR FENCES UNDER THIS ACT

HEIGHT

1. (1) The fence shall extend—
 - (a) At least 1.2 metres above the ground on the outside of the fence; and
 - (b) At least 1.2 metres above any permanent projection from or object permanently placed on the ground outside and within 1.2 metres of the fence.
- (2) Notwithstanding sub clause (1) of this clause, where the fence is constructed of perforated material, netting, or mesh and any opening in the material, netting, or mesh has a dimension (other than the circumference or perimeter) greater than 10 mm, the fence shall extend at least 1.8 metres above the ground or the projection or object.

GROUND CLEARANCE

2. Any clearance between the bottom of the fence and ground level shall not exceed 100 mm.

MATERIALS

3. All materials and components shall be of a durable nature and shall be erected so as to inhibit [any child under the age of 6 years] from climbing over or crawling under the fence from the outside.
4. Except where the fence is horizontally close-boarded [or is made of perforated material, netting, or mesh], the spacing between adjacent vertical pales, panels, or other posts shall not exceed 100 mm at any point.
- [5. All fencing supports, rails, rods, and wires, that are not vertical, and all bracing that is not vertical, shall be inaccessible for use for climbing from the outside.]
[5A. Notwithstanding clause 5 of this Schedule, a fence may have horizontal supports, rails, rods, or wires, that are accessible for use for climbing from the outside, and horizontal bracing that is accessible for such use, if—
 - (a) The distance between any 2 of them at any point is at least 900 mm; and
 - (b) There is no other support, rail, rod, wire, or bracing (other than a vertical rail) between the same 2 at any point.]
6. Where any perforated material, netting, or mesh is used, no opening in that material, netting, or mesh shall have any dimension (other than the circumference or perimeter) greater than 50 mm.
7. All perforated material, netting, or mesh material shall be firmly attached at both top and bottom to a rail, pipe, or similar firm structure, or otherwise be of such a nature that the fence cannot readily be crossed by children under the age of 6 years.

GATES AND DOORS

8. Every gate or door shall be so constructed as to comply with the relevant requirements of clauses 1 to 7 of this Schedule, and shall be so mounted that—
- (a) It cannot open inwards towards the immediate pool area:
 - (b) It is clear of any obstruction that could hold the gate or door open and no other means of holding the gate or door open is provided:
 - (c) When lifted up or pulled down the gate or door does not release the latching device, come off its hinges, or provide a ground clearance greater than 100 mm.

OPERATION OF GATES AND DOORS

9. (1) Every gate or door shall be fitted with a latching device.
- (2) Where the latching device is accessible from the outside of the fence only by reaching over the fence, gate, or door or through a hole in the fence, gate, or door, the latching device and the lowest point of any hole giving access to it shall be at least 1.2 metres above the ground on the outside of the fence.
- (3) Where the latching device is otherwise accessible from the outside of the fence, gate, or door, the latching device shall be at least 1.5 metres above the ground on the outside of the fence.
10. Every gate or door shall be fitted with a device that will automatically return the gate or door to the closed position and operate the latching device when the gate or door is stationary and 150 mm from the closed and secured position.

DOORS IN WALLS OF BUILDINGS

11. 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.

Hist. Schedule, omitted expression "Section 8" and substituted expression "Sections 13B, 13C", on 1 July 1992 by 1991 No 150, s92(1).

Hist. Heading; omitted word "REQUIREMENTS" and substituted words "MEANS OF COMPLIANCE" on 1 July 1992 by 1991 No 150, s92(1).

{ Editorial Note: 1991 No 150 substitutes for the word "REQUIREMENT" whereas the original schedule heading actually contained the word "REQUIREMENTS". }

Hist. Cl.3 omitted words "any person" and substituted words "any child under the age of 6 years" on 20 November 1989 by 1989 No 117, s2(1).

Hist. Cl.4 inserted words "or is made of perforated material, netting, or mesh" on 20 November 1989 by 1989 No 117, s2(2).

Hist. Cl.5 repealed and cl.5 & cl.5A substituted on 20 November 1989 by 1989 No 117, s2(3).
The repealed cl.5 is listed below for reference.

"5. All fencing supports, rails, rods, wires, bracing, or other similar posts shall be on the inside of the fencing and shall be inaccessible for use for climbing from the outside."

FENCING OF SWIMMING POOLS AMENDMENT ACT 1989

Public Act 1989 No 117

Date of assent 20 November 1989

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- | | Title |
|---|------------------|
| 1 | Short Title |
| 2 | Schedule amended |
-

FENCING OF SWIMMING POOLS AMENDMENT ACT 1989

Public Act 1989 No 117

An Act to amend the Fencing of Swimming Pools Act 1987

BE IT ENACTED by the Parliament of New Zealand as follows:

1 SHORT TITLE

This Act may be cited as the Fencing of Swimming Pools Amendment Act 1989, and shall be read together with and deemed part of the Fencing of Swimming Pools Act 1987 (hereinafter referred to as the principal Act).

2 SCHEDULE AMENDED

- (1) Substituted words in cl.3 of the Schedule to principal Act.
- (2) Inserted words in cl.4 of the Schedule to principal Act.
- (3) Substituted cl.5 & cl.5A for repealed cl.5 of the Schedule to principal Act.

The Fencing of Swimming Pools Act 1987 is administered in the Department of Internal Affairs.

10/10/07
656870



Waitakere City Council
Te Taitapu o Waitakere

WAITAKERE CITY COUNCIL

10/10/07

656870

EXEMPTION APPLICATION FORM FOR SPA & SWIMMING POOLS

The Operational Compliance Manager:
Waitakere City Council
Private Bag 93109
Henderson

Recd: - CM 9363

OFFICE USE ONLY

SITE ADDRESS:

SWP NO:

ABA NO:
(IF APPLICABLE)

WAITAKERE CITY

OWNERS NAME:

M/Mrs/Miss/Ms David Sower

Hereby make application for an exemption from the standard fencing controls relating to pools.
I propose to make or have already made the following arrangements for the security of my pool:

Reasons why proposal should be granted: (See reverse):

ADDRESS FOR

CORRESPONDENCE: 260 Valley Rd, Rongotea, Auckland

APPLICATION FEE: \$250.00 (one off)

Signature: _____

Telephone No: 09 273 3000

Date: 10/10/07

Note the explanation and requirements on the reverse of this form.

David Sower

A 5

We have a hot Spring Portable Spa Pool (wood)

It has 20 electrically ^{insulated} covers. It is very heavy & is 90 cm above ground. Children can't get in.

We have double doors on all panel covers leading outside.

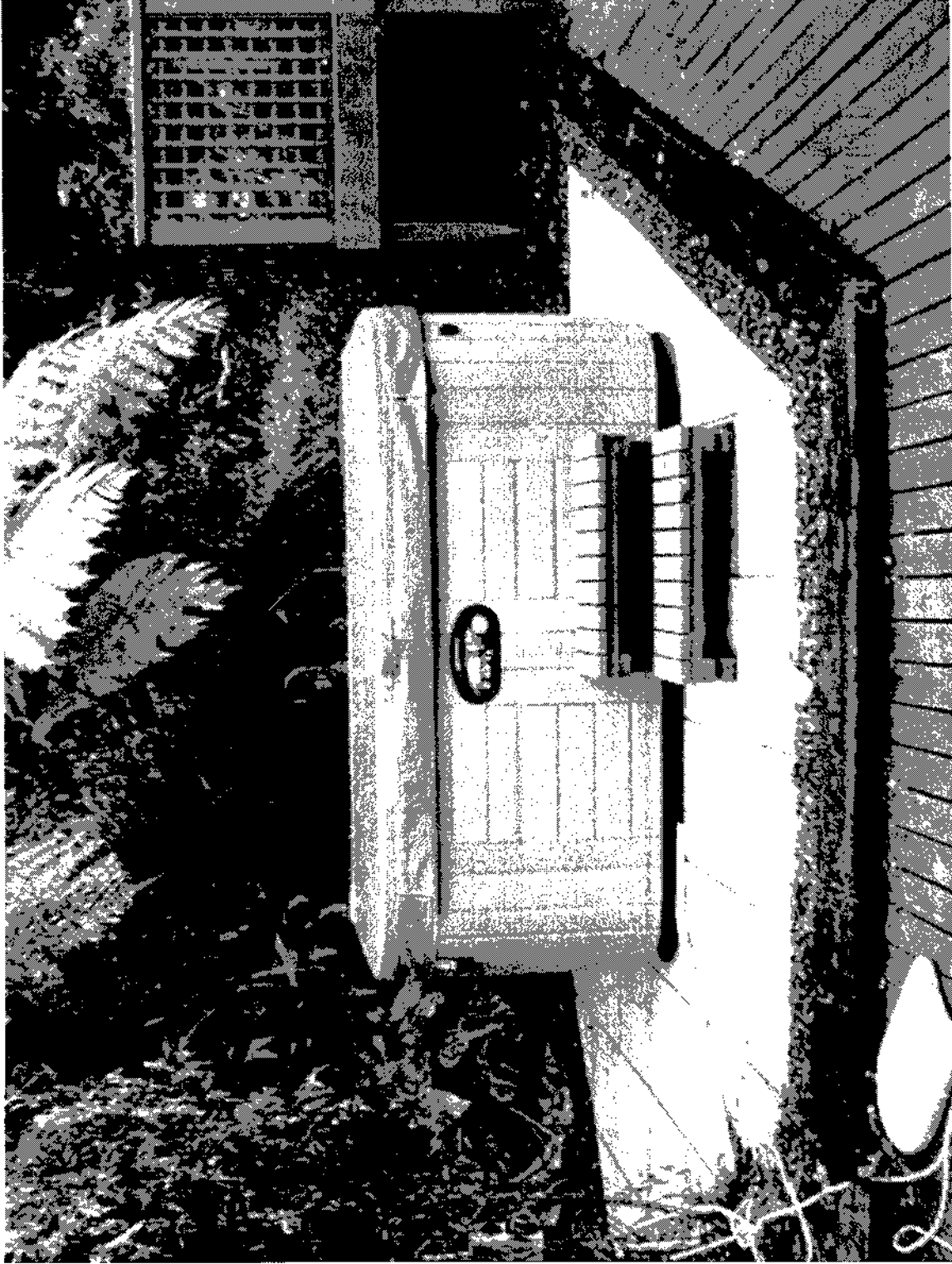
The pool is surrounded by rock wall & fencing deck area.

Walls are in dense bush.

We have got our 3 1/2 year old to try to get in without steps and we found it impossible - he is very athletic!

We understand the Spa pool fencing is currently in review!

We had contacted the council previous to purchasing our spa to get all details before purchasing such an expensive spa. We were instructed to buy the pool first as the decision to fence hot water spa above ground area was not final.



26 Valley Road

A 7

St. ...

Richard
+ ...

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Nurses
Stations

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...

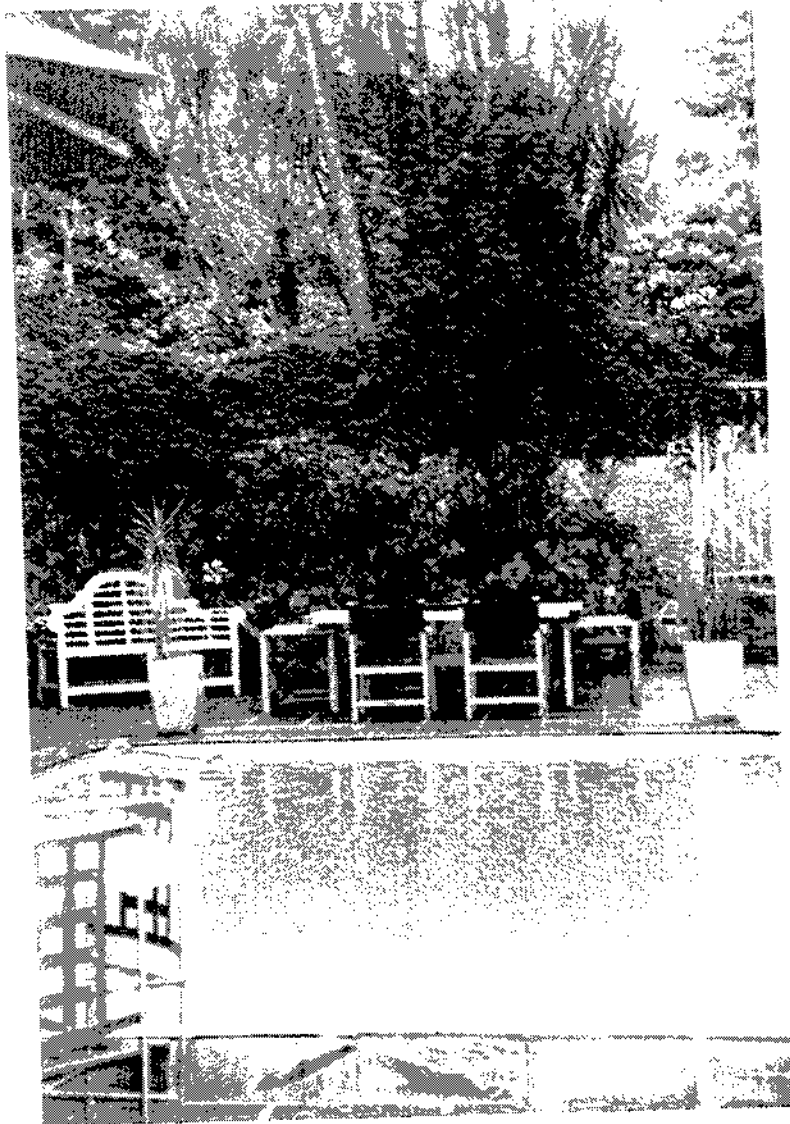
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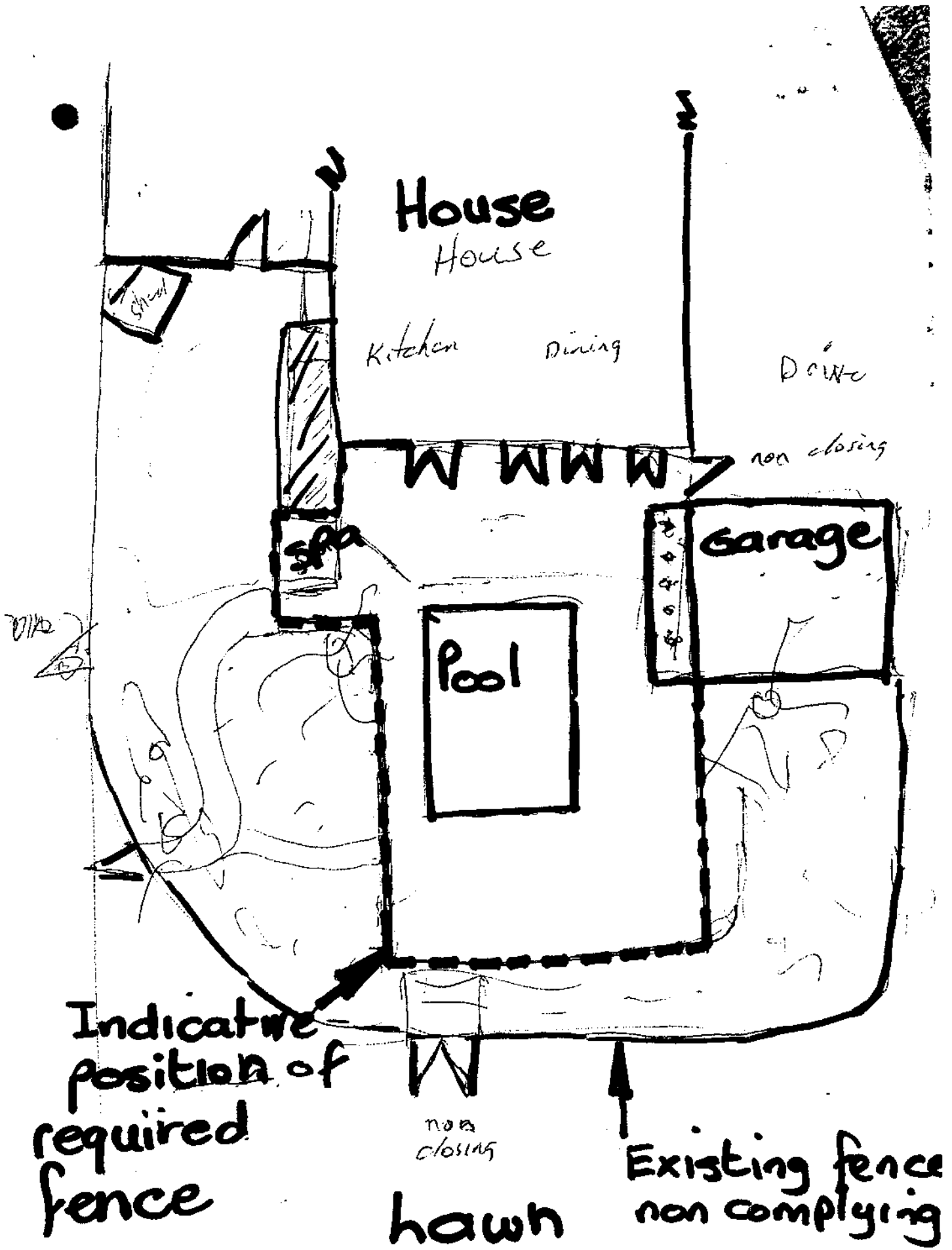
...

...

Enclosed - ...
At ...
Center of ...



A 10



367 B Titirangi Rd.

A 11

Exemption Application Form for Spa & Swimming Pools



Send to: Chief Executive
 Waitakere City Council
 Private Bag 93109
 Henderson
 WAITAKERE CITY 1231

For more information:
 Civic Centre, Waipareira Avenue,
 Henderson
 Telephone (09) 839 0400
 Facsimile (09) 836 8001

Owners Name: MR PAUL & MRS J. WILKINSON

Address of pool: 6 TEMPERANCE AVE WAIKARE

Hereby make application for an exemption from the standard fencing controls relating to pools. I propose to make or have already made the following arrangements for the security of my pool:

WE HAVE REMOVED ALL NON COMPLIANT ISSUES AS
REQUIRED. WE NEED THE AGENCY FOR AN EXEMPTION
FOR FRENCH DOORS OPENING INTO CARP DECK.

Reasons why proposal should be granted: (See reverse) FRENCH DOORS ALREADY IN
PLACE, WITH LOCK KEYS TO BE RETURNED TO THE DOOR
FOR ENTRY. SIGN OFF RECORD.

Address for Correspondence: AS ABOVE

Application fee: \$250 (one off)

Signature: [Handwritten Signature]

Telephone Number: 09 839 0400 - EXT 22327

Date: 2.3.06

Note the explanation and requirements on the reverse of this form.

CHEQUE FOR
\$ 380.00
TO CASHIERS

Chief Executive	
Corporate Services	
City Services	
Moselle	
Consultancy Services	
ECO - WATER	
Strategic Group	
Consent Services	
Field Services	<input checked="" type="checkbox"/>

Office Use Only

Site Address: _____

SWP No: _____

ABA No: _____
 (If applicable)



French Doors

6 Tamariki Avenue

A 14

17 JAN 2010



Waikare City Council
Te Kaitiaki

Exemption Application Form for Spa & Swimming Pools

Send to: Chief Executive
Waikare City Council
Private Bag 63109
Henderson
WAIKARE CITY 1231

For more information:
 Civic Centre, Te Awarua Avenue
 Henderson
 Telephone (09) 839 0400
 Facsimile (09) 839 8001

054220

Owners Name: John Dart
Address of pool: 50 Te Atapu Rd, Te Atapu South

Hereby make application for an exemption from the standard fencing controls relating to pools. I propose to make or have already made the following arrangements for the security of my pool:
Pool is fully fenced and meets regulations.
Doublelocks on ranchsliders to back garden.
Gates stopping access to back garden.
Spa Pool has a hinged lid which is locked at all times & 900mm above ground.

Reasons why proposal should be granted: (See reverse) Spa Pool is situated in a position to allow easy access and use for our son who has cerebral palsy and is in a wheelchair. If we were to fence this area he would not be able to make use of the pool which we use as part of his therapy.

Address for Correspondence: Same as Above
Application fee: \$250 (one off)
Signature: [Signature] we are unable to reposition the spa as it is enclosed under a gazebo and is positioned between posts. our back garden is fully fenced and not accessible to young children.
Telephone Number: 8375633
Date: _____

Note the explanation and requirements on the reverse of this form. we feel we have done as much as we can to make it safe and practical to use.

Office Use Only

Site Address: _____
SNP No: _____
ABA No: _____
(if applicable)

Dispensation Application

Introduction

An exemption is a discretionary power for the Council, by Section 8 of the Fencing of Swimming Pools Act 1987, to allow in certain circumstances exemptions from the requirements of the Schedule of the said Act

Information to be Provided

To avoid delay in the processing of your application the following information must be provided.

1. PLANS showing position of swimming pool in relation to house and boundaries and position of existing and/or proposed fencing. Also the height of the fences and material of which they are constructed must be stated. Photographs may be provided for clarification.
2. REASONS justifying the proposal. Council may only grant an application where there are circumstances warranting a dispensation from the standard requirements for fencing. The guidelines for fencing of pools are available at the Building counter. It must be shown that such an exemption would not significantly increase danger to young children.

The Council may impose other conditions relating to the property or the pool as are reasonable in the circumstances.

Timber Boundary fence

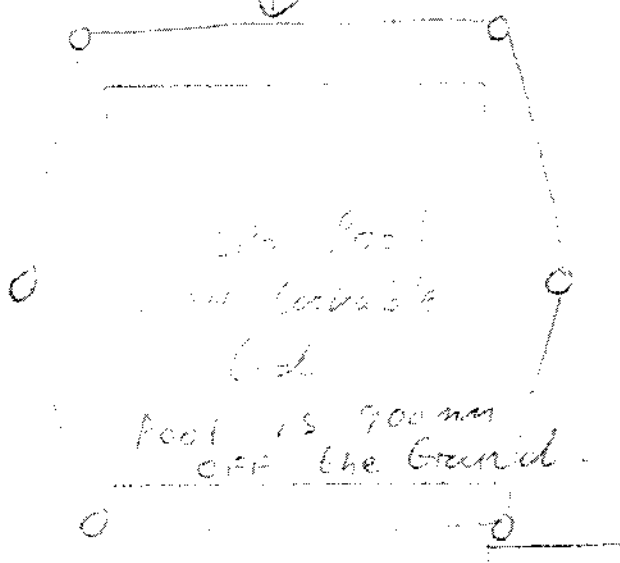
Regulation Fence Pool Fence

1.5m High

Garage

Timber Boundary Fence

Timber Boundary Fence



Swimming Pool
800

Gate

House



50 Te Atatu Road

A 17