
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

CONTENTS

- | | 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.

Exemption Application Form for Spa & Swimming Pools



Whitakere City Council
Te Taihira o Waitakere

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: NORCROSS N°2 TRUST % SHANAHAN & GRIBBLE as Trustees

Address of pool: 18 SINTON ROAD HOBSONVILLE

Andrew & Priscilla Barker.

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:

KCC letter dated 22nd June 2006 advises that our existing double french doors from formal lounge do not comply, they have been there all the time since the house was built and a code compliance certificate issued.

Reasons why proposal should be granted: (See reverse)

We believe that it is impractical to alter the doors, and given that the lounge area is a "formal lounge, the doors usually remain closed and children do not often use the room, preferring the games room at the other end of the home.

Address for Correspondence: 18 Sinton Road Hobsonville

Application fee: \$250 (one off)

Signature: Andrew Barker

Telephone Number: 09 4165557 021767811 021767844

Date: 10/07/06

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

| |
|----------------------------------|
| Office Use Only |
| Site Address: _____ |
| SWP No: _____ |
| AEA No: _____ (If applicable) |

18th July 2006

20 JUL 2006

The Swimming Pool Advisor
Waitakere City Council
Private Bay
Henderson

670819

Attention Reg Pritchard

Dear Sir

**Re: 18 Sinton Road Hobsonville
Lot 10 DP 57408**

Thank you for your initial letter dated 22nd June 2006 which was received on June 30th and the latest dated 17th July 2006

We wish to confirm that the item Nos 1,2 and 4 were carried immediately we received your letter.

We attach our application for reinspection and our application for exemption for the double doors from the lounge together with the required fees.

However we note the following points regarding the double French doors from the formal lounge which should be considered in our exemption application:

- The house and swimming pool were inspected by Council at the completion of its construction some 10 yrs ago and a code compliance certificate was issued
- We purchased the property almost 9 years ago and obtained a lim report
- A council swimming pool inspection was carried out 3-4 years ago and the issue was not raised then
- Changes we have made to the pool fence perimeter over the last few years have improved the fencing as when we purchased the property the family room double doors also opened directly into the pool area.

CHEQUE FOR
\$ 380.00
TO CASHIER

We look forward to a reinspection and granting of the exemption.

Regards



Andrew Barker

Norcross No2 Trust
18 Sinton Road Hobsonville
P.O Box 91-495 Auckland Mail Service Centre
Phone (021) 767-811 Fax / Phone 416-4705

| | |
|--------------------------|---|
| Chief Executive | |
| Corporate Services | |
| City Services Moselle | |
| Consultancy Services | |
| ECO - WATER | |
| Strategic Group | |
| Consent Services | |
| State Services | ✓ |
| | |



French Doors

18 Sinton Road

TRUSTEES OF:
Exemption Application Form for Spa & Swimming Pools



Waitakere City Council
Te Tino o Waitakere

05 JUL 2006

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

SUP 20060033
DEBTOR 672250
FERLTON - CATHERINE MARY

Owners Name: Gregory Andrew Barclay
Address of pool: 4th Picasso Drive West Harbour Waitakere City 0616

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:

The pool is fence and the only area faulting is the kitchen windows because the kitchen bench is only 900mm. The byfolding windows in the kitchen have back latches top & bottom with the top latch 1m above the bench top.

Reasons why proposal should be granted: (See reverse) Because when we are entertaining or just having a BBQ we pass food and plates back and forth through the open windows. Also when entertaining and you are in the kitchen preparing food etc you can still converse and interact with people beside the pool.

Address for Correspondence: As above

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 0274 070 669 09 4166399

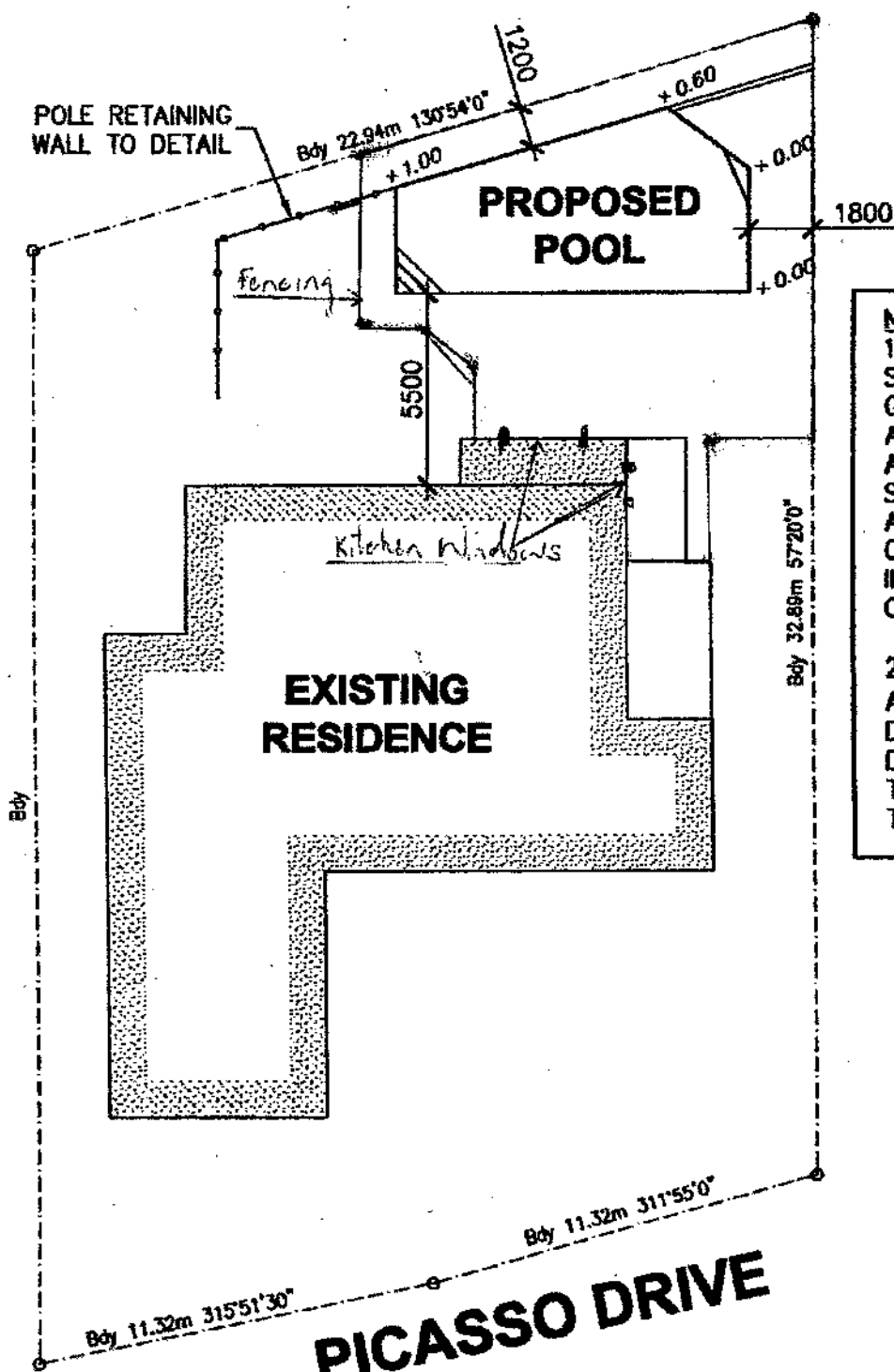
Date: 03-07-06

PER
POD

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

5/7/06. RECEIPT CU 5062.
5/7/06. FAXED 1001154.

| |
|----------------------------------|
| Office Use Only |
| Site Address: _____ |
| SWP No: 2006 0033 |
| ABA No: _____ (If applicable) |



SITE PLAN

Scale 1:200

LEGAL DESCRIPTION : LOT DP

LEGEND:

+0.50 denotes HEIGHT OF ORIGINAL GROUND LEVEL ABOVE TOP OF POOL



Bi-fold windows

49 Picasso Drive

A 10

20/06/06

668740



Waitakere City Council
Te Taihira o Waitakere

Exemption Application Form for Spa & Swimming Pools

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

For more information:
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Telephone (09) 839 0400
Facsimile (09) 836 8001

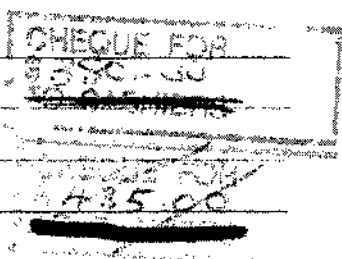
Handwritten note: 20/06/06

Owners Name: SANGLÉ & TRACY LOGGSI

Address of pool: 15 WICKSTEAD PLACE, MASSEY

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:

Dead lock on bedroom door
Chain & lock on french doors



Reasons why proposal should be granted: (See reverse) Our house at 15 Wickstead Place was built in 1974, when french doors were installed to all entrance ~~ways~~ ways leading to deck areas and pool. Unfortunately we can not afford to replace them all

Address for Correspondence: _____

Application fee: \$250 (one off)

Signature: [Signature]

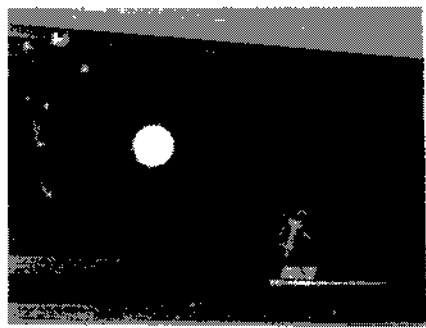
Telephone Number: 8333248 0274371789

Date: 25-5-06

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

| |
|----------------------------------|
| Office Use Only |
| Site Address: _____ |
| SWP No: _____ |
| ABA No: _____ (if applicable) |

A 11



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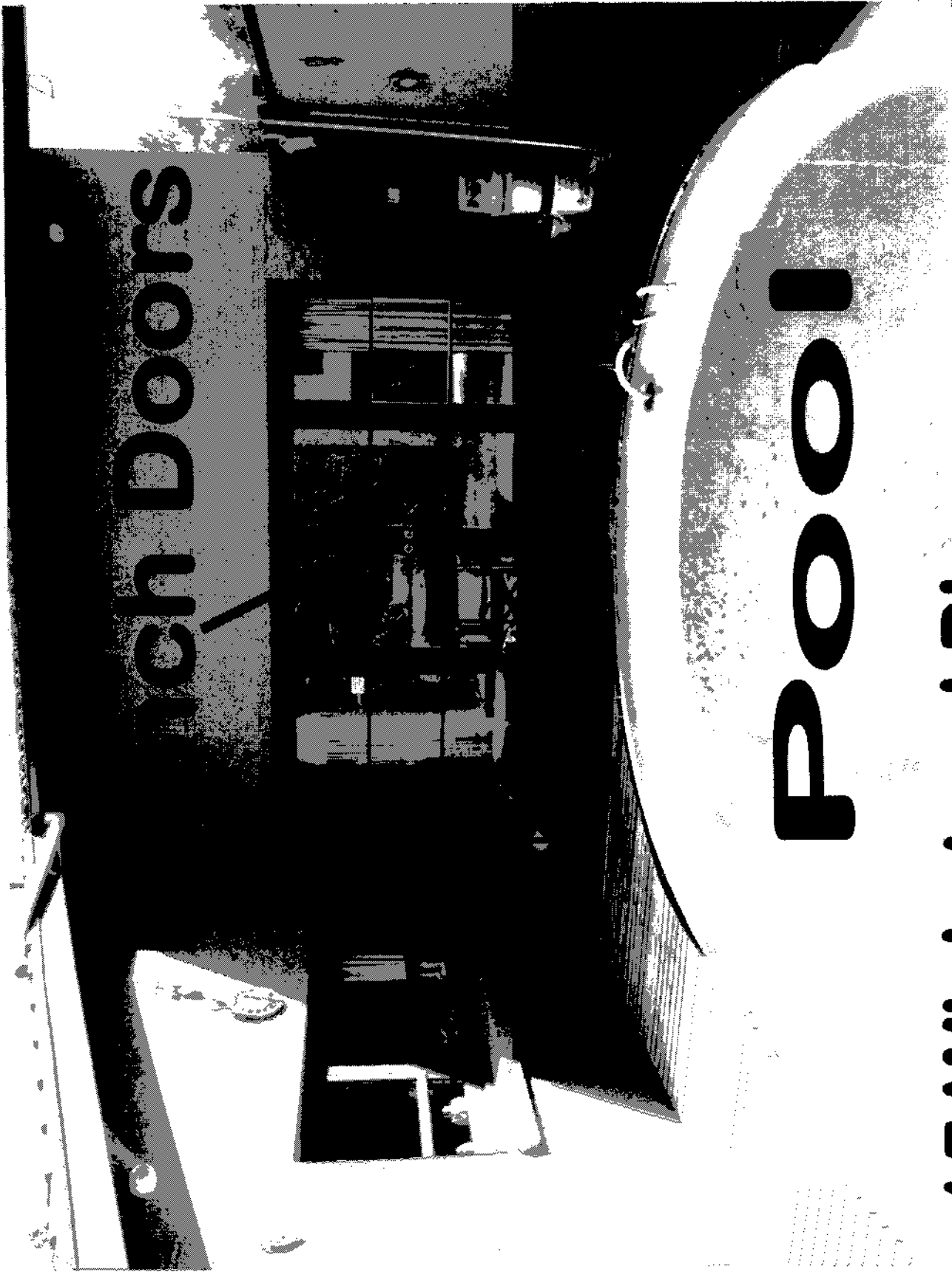
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2006_0525_160656.JPG



15 Wickstead Place

A 13

25 JUL 2006



Waitakere City Council
Te Taiaro a Waitakere

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

671133

Owners Name: E. & M. WOOLCOTT

Address of pool: 121 A COLWILL RD MASSEY

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:

The doors in my house leading to the pool area which are under question can only be hung the way that it was installed, it has two door locks on it and it not able to be closed automatically.

Reasons why proposal should be granted: (See reverse) I am asking to have my fee waived because my fence and doors complied on the last inspection.

P&K
PDS

Address for Correspondence: 121 A Colwill Rd Massey

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 09-8337802 - MOB 021-989 984

Date: _____

CHEQUE FOR
\$250.00
TO CASHIERS

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

Office Use Only

Site Address: _____

SWP No: 8800068

ABA No: _____
(If applicable)

RECEIVED
25 JUL 2006
Legal Services

| | |
|------------------------|-------------|
| Chief Executive | |
| Corporate Services | |
| City Services: Moselle | |
| Consultancy Services | |
| ECO - WATER | |
| Strategic Group | |
| Consent Services | Page 2 of 2 |
| Field Services | |
| Legal | |



121a Colwill Rd