

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

12/02/07.

49

Waitakere City Council
Te Taiāwhiri Waitākere

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

145

Owners Name: ROBERT & BARBARA VAN HOVE
Address of pool: 35 SCENIC DRIVE - TITIRANGI 0604

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:

See attached covering letter ...

Debtors 304932(7)

Reasons why proposal should be granted: (See reverse)

The swimming pool is currently fenced off completely from the house and is not in a walk-through garden area. Immediate surrounding of the pool is dense natural bush as opposed to landscaped suburban garden with washing or play area etc.

Address for Correspondence: 35 SCENIC DRIVE - TITIRANGI

Application fee: \$250 (one off)

Signature: B. Hove

Telephone Number: 09 817 8831

Date: 12 February 2007

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

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

HAND DELIVERED

12th February 2007

Waitakere City Council
Waitakere Central
6 Henderson Valley Road
Henderson

ATTENTION: Reg Pritchard
Customer Field Advisor
Building/Swimming Pool Compliance Field Services

Dear Sir/Madam

RE: 35 Scenic Drive – Swimming Pool Fencing

With reference to your letter dated 2nd February (hand delivered on 9th February), please find enclosed duly completed Exemption Application Form for Spa & Swimming Pools, along with our cheque in the sum of \$250.

As per my discussion with Reg Pritchard, we believe our exemption application reasons are valid, based on the fact that the swimming pool is currently fenced off completely from the house and is not in a walk-through area of our garden. The immediate surrounding of the pool is entirely dense natural bush as opposed to being a suburban landscaped garden with washline etc. With this in mind, we would like to apply for an exemption for the entire fence, on the bush hillside as well as the retaining wall side of the swimming pool (see enclosed aerial photo with diagrammatic representation of proposed new fencing).

In the meantime, we will ensure that the additional work required (climbable objects ie pot plants and ornaments to be positioned the required 1.2m of the outside fence; trellis pump surround to be covered with additional shade cloth on the outside) will be carried out with immediate effect.

We would like to kindly ask that our application be considered favourably and with some element of urgency as we are now in a critical timeframe regarding the sale of our house. There are exceptions to every rule and we are hopeful that common sense will prevail and that our situation will be seen as just such a case.

Finally, we would like to request a refund of our one-off \$250 exemption fee application.

Thank you for your attention to this matter and we look forward to hearing from you at your earliest convenience.

Yours faithfully


Barbara van Hove

\$ 250.00 Attached
TO CASHIERS

WAITAKERE CITY COUNCIL

Exemption Application Form for Spa & Swimming Pools

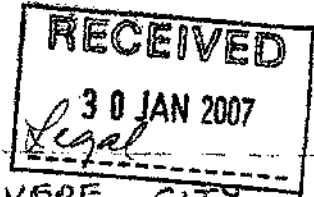
30 JAN 2007

Waitakere City Council
Te Taihira o Waitakere

686844

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: NICHOLAS & KERRY TAYLOR

Address of pool: 207 CARTER ROAD, ORATIA, WAITAKERE CITY

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 pot plants from swimming pool fence.
- We have locked, & kept locked, the swinging doors which provided access to the swimming pool area.

Debtor No 304432 (8)

Reasons why proposal should be granted: (See reverse)

- Existing swinging doors which were already installed when we purchased property in March 2005 cannot be made to swing inwards, but do have an existing lock plus an additional deadbolt for safety.
- Access to the building is denied to any unaccompanied child by way of heavy folding ranch sliders which are locked for both safety and security, when building is not in use.

Address for correspondence: As above.

Application fee: \$250 (one off)

Signature: _____

Telephone Number: 09 813 9647

Date: 25/01/2007

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

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

Ink 11/6/07

Office Use Only

Site Address: _____

SWP No: SWIM 2006/11604

ABA No: _____
(If applicable)

PPA

We wish to apply for exemption for the French doors which open OUTWARDS from the building which forms part of the swimming pool fenceline at our property at 207 Carter Road.

We wish to apply for an exemption for the duration of the life of this house.

We do not wish to compromise any child's safety whilst on these premises, both now, as present owners, or for future occupants.

The existing French doors cannot be fixed to swing inwards, and the cost of replacing these doors and frame would be inordinately difficult and expensive.

Access from this building to the pool is important, as it provides both toilet and changing facilities.

The existing swing French doors already have an existing lock plus a deadbolt at the top to prevent child access.

The only entrance to this building from outside the pool is by way of large, heavy, folding ranch sliders, which are locked. Consequently, there can be no child access to this building without being accompanied by an adult.

RECEIVED
15 FEB 2007
Legal

CHEQUE FOR
\$250.00
ATTACHED
TO CASHIERS

WAITAKERE CITY COUNCIL

15 FEB 2007



52 688689

Waitakere City Council
Te Taiāo o Waitakere

EXEMPTION APPLICATION FORM FOR SWIMMING & SPA POOLS

The Operational Compliance Manager
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY

OFFICE USE ONLY
SITE ADDRESS: 491 Scenic Drive Waikarua
SWP NO: swim/2006/6
ABA NO: (IF APPLICABLE)

OWNERS NAME:

Mr/Mrs/Miss/Ms. *John Ward*

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:

I have erected a 1.2m fence^{glass and timber} and wall^{retaining timbers} around spa pool^{SPC} area - this includes an area of native shrubs that I wanted to conserve. The area has a self closing pool gate with a lockable system 1.5m above ground.

Reasons why proposal should be granted: (See reverse): *The site on which the spa pool is located is on steep sloping land covered with dense bush. The property is approx 10 acres and is adjacent to ACC parkland, not accessible to the public. The closest neighbour is separated by a 2.4m retaining wall. The small area of native bush was retained ~~was~~ to try keep the area as natural as possible, as it is inside the fenced area and low lying it would not increase danger to young ch^{il}.*

ADDRESS FOR CORRESPONDENCE: *PO Box 12-1333, Henderson*

APPLICATION FEE: \$250.00

Signature: *[Signature]*
Telephone No: *849 577 0274 741 368*
Date: *6/2/07*

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

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

A11

4.9mtr

Brace 125 x 125.
Bowmax Bracket

5mtr

250x50 Joists 450 ϕ
300x50 Beams 9. 2 P16 Bolts.
Posts 200 S.E.D.
150x50 Hand Rail 10mm Toughened Glass
Intr. Rail 012 Bolts.

Glass + wooden
fencing

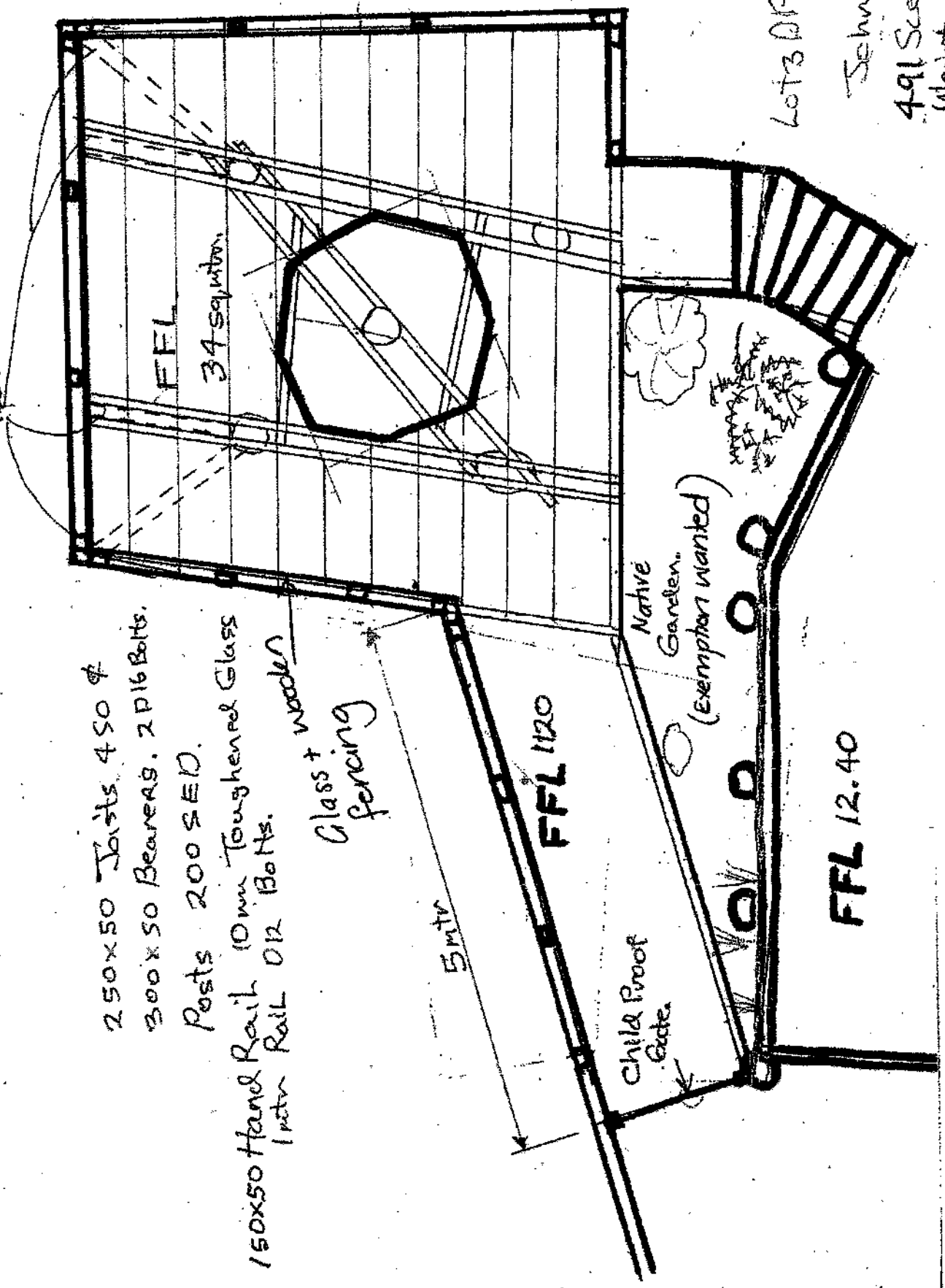
5mtr

FFL 1120

Child Proof
Gate

Native
Garden.
(Exemption wanted)

FFL 12.40



Lot 3 DP 32075

Sehn Ward,

491 Scenic Drive,
Wahroonga NSW

RECEIVED
- 1 FEB 2007
Legal

Ref #466

WAITAKERE CITY COUNCIL
- 1 FEB 2007

Waitakere City Council
Te Tatao o Waitakere

687143
SWP 2006/11611 (exam IC)

EXEMPTION APPLICATION FORM FOR SWIMMING & SPA POOLS

WAITAKE FOR INSPECTION

The Operational Compliance Manager
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY

OFFICE USE ONLY	
SITE ADDRESS:	
<u>82 Puka rd</u>	
SWP NO:	
ABA NO: <u>2005 3286</u>	
(IF APPLICABLE)	

OWNERS NAME:

Mr/Mrs/Miss/Ms John Williams

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 entire pool area has been fenced to a minimum height of 1.2m. An inspection from Neville Exter showed points to complete. These have been completed.
Reasons why proposal should be granted: (See reverse):

The fence outlined on the building consent and the fence as built are slightly different in location. (see plan)
The boulder retaining wall depicted the planned fence should be moved slightly.

ADDRESS FOR CORRESPONDENCE: PO. Box 91506 AMC Auckland.

APPLICATION FEE: \$250.00

Signature: [Signature]
Telephone No: 021 666 144
Date: 25 / 01 / 07

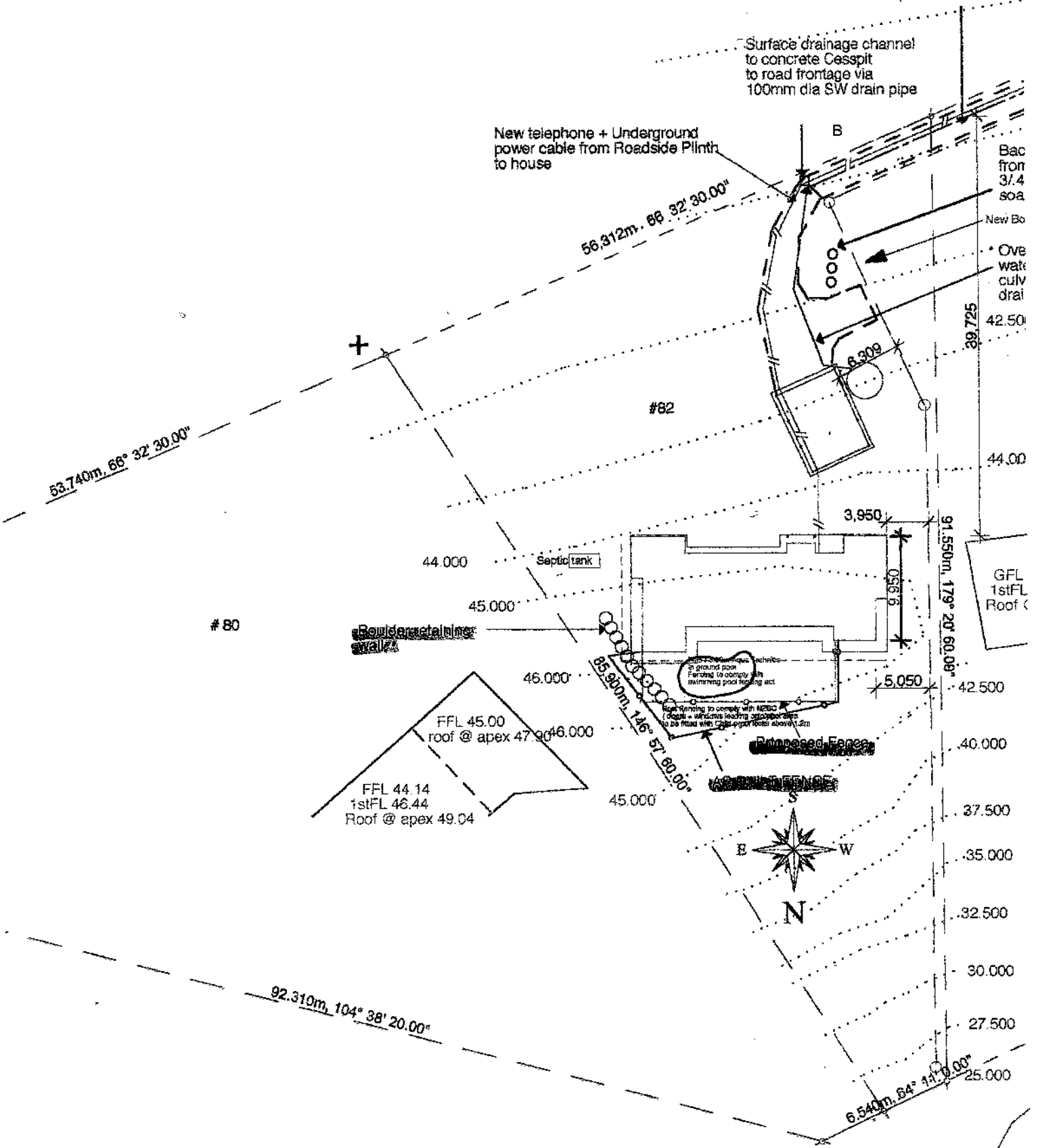
Note the explanation and requirements on the reverse of this form.

Chief Executive	
Corporate Services	
City Services Moselle	
Consultancy Services	
ECO - WATER	
Strategic Group	
Consent Services	
Field Services	

New Driveway Haunch
drained to Piha road. E
hotmix surface on 150r
compacted hardfill base

Surface drainage channel
to concrete Cesspit
to road frontage via
100mm dia SW drain pipe

New telephone + Underground
power cable from Roadside Plinth
to house



Bac
from
37.4
soa

New Bo

Ove
wat
culv
drai

42.50

39.725

44.00

GFL
1stFL
Roof <

42.500

40.000

37.500

35.000

32.500

30.000

27.500

25.000



23 FEB 2007



Waitakere City Council
Te Taiāo o Waitakere

Exemption Application Form for Spa & Swimming Pools

To: NEUSHE COLLING

Send to: Chief Executive
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY 0612

For more information:
Civic Centre, 6 Henderson Valley Road
Henderson
Telephone (09) 839 0400
Facsimile (09) 836 8001

CHEQUE FOR
\$250.00
TO CASHIERS Attached

689832

Owners Name: PHILIP & PAULINE RENALL

Address of pool: 78 OPANUKU ROAD, HENDERSON VALLEY, WAITAKERE 0612

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:

Our pool already has an exterior pool fence with our house making up part of it. We are proposing to padlock or screw close the two gates opening out from the pool area. All our range-sliders opening into the pool area have locks placed at the top. When our house is locked no access can be made to pool.

Reasons why proposal should be granted: (See reverse) Our pool was installed at the stage of building our new home in 1996/97. After working closely with Council to ensure it complied, it was built and landscaped to blend in with the surroundings. This has not left any space for another fence. We have four sons 25, 23, 20 & 20, no grandchildren. Our house is approx 500 metres up

Address for Correspondence: 78 OPANUKU ROAD HENDERSON VALLEY WAITAKERE 0612

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 09 814 9518^{HM} or 09 812 9120 WK.

Date: 22ND FEBRUARY 2007

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

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

Office Use Only

Site Address: 78 OPANUKU RD, HENDERSON VALLEY, WAITAKERE, 0612

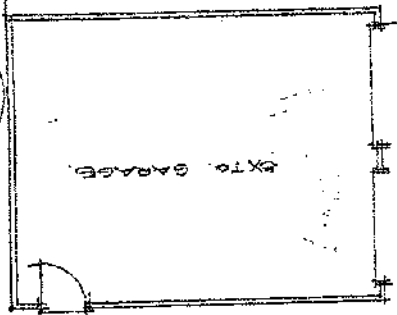
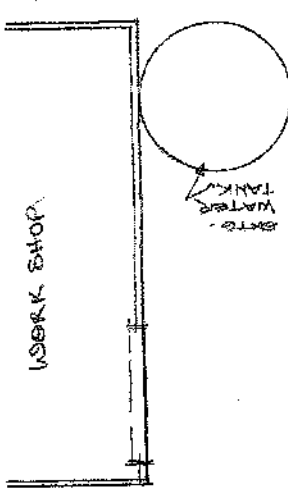
SWP No: _____

ABA No: _____
(if applicable)

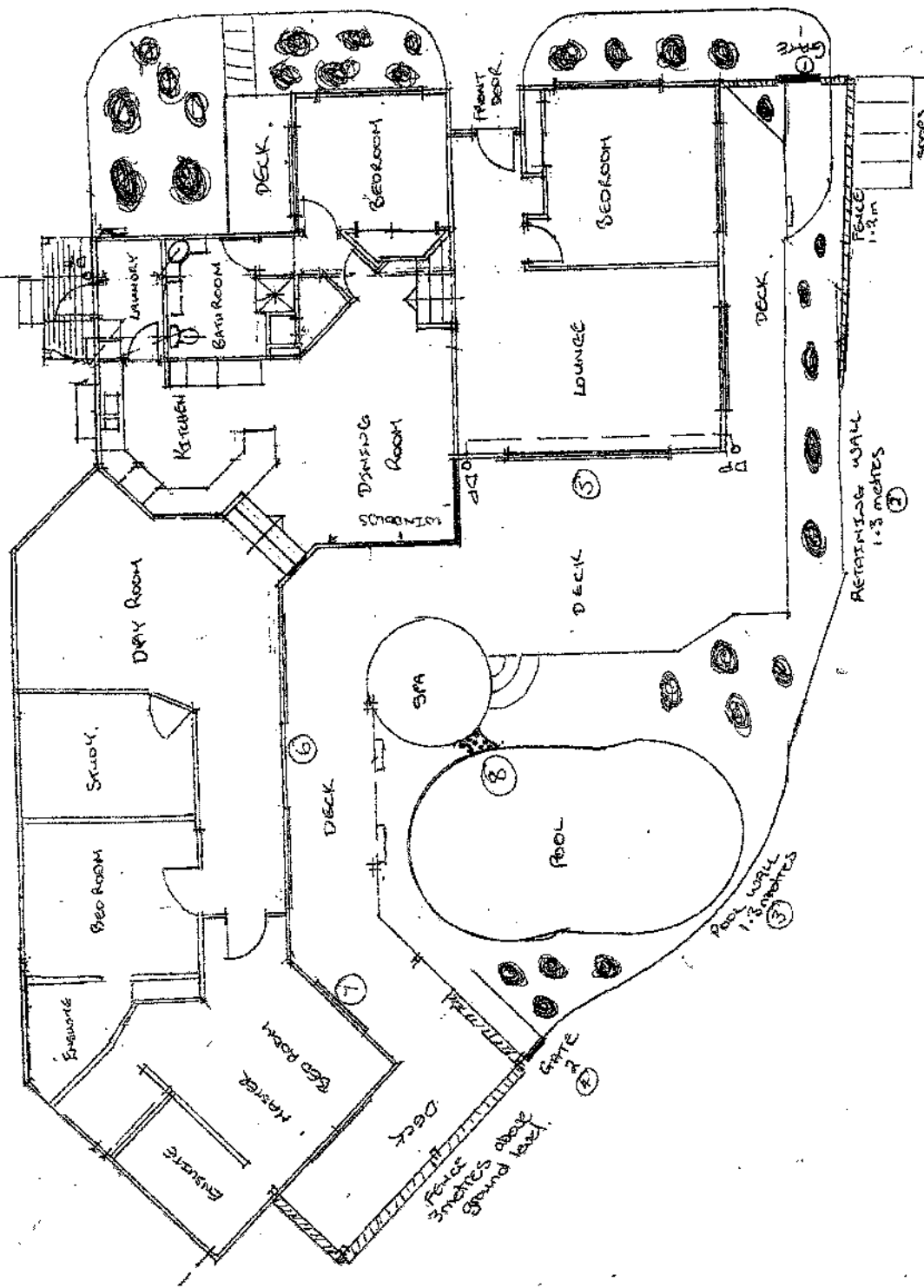
a right-of-way. It is an extremely steep driveway and surrounded with dense waitakere bush. We have no foot traffic to our property due to this driveway. We have no children on our property. Our house is open plan living where the pool can be seen from most of the rooms especially Kitchen, Dining, lounge and Day Room. The house is locked when we leave the property.

We have lived here for ten years in September '07

DRIVE WAY
APPROX 50 metres of MIXED STEEP AND DENSE BUSH



PANTRY AREA



Level 1 - Design & Project - House 17 - 1997



Level 1 - Design & Project - House 17 - 1997



Level 1 - Design & Project - House 17 - 1997

