
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.

~~25 JUL 2006~~



Waitakere City Council
Te Taiāwhiri o Waitākere

Exemption Application Form for Spa & Swimming Pools

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

For more information:
Civic Centre, Waipareira Avenue,
Henderson
Telephone (09) 839 0400
Facsimile (09) 838 8001

Owners Name: Marilyn Whitehouse

Address of pool: 3 Cliff View Drive Green Bay

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:

1. Pool already fenced adequately
 - 2/3. Code 3 fixed permanently - Code 1+2 self closing
 4. Cap at bottom of gate 1 - ~~is~~ decreased to 100mm
 5. Latch fitted to window.
- (as per attached schedule)

Reasons why proposal should be granted: (See reverse)

Small grassed area on one side of pool inside existing adequate pool fencing. If this small grassed area is fenced it will jeopardise cleaning the pool in a safe manner + also make the job extremely awkward.

Address for Correspondence: PO Box 80104 Green Bay

Application fee: \$250 (one off)

Signature: M. Whitehouse

Telephone Number: 021 0311149 / Day 627 9174

Date: 21.07.2006

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

QUE FOR
\$250.00
PAYERS

Attached.

Office Use Only	Chief Executive	
Site Address:	Corporate Services	
SWP No: <u>88060294</u>	City Services Moselle	
ABA No:	Consultancy Services	
(If applicable)	ECD - WATER	
	Strategic Group	
	Consent Services	
	Field Services	
	<u>Legal</u>	<input checked="" type="checkbox"/>

Dispensation Application

26

Introduction

An exemption is a discretionary power conferred on Council by Section 6 of the Fencing of Swimming Pools Act 1987, to allow in certain circumstances exemptions from the requirements of the Schedule of the said Act.

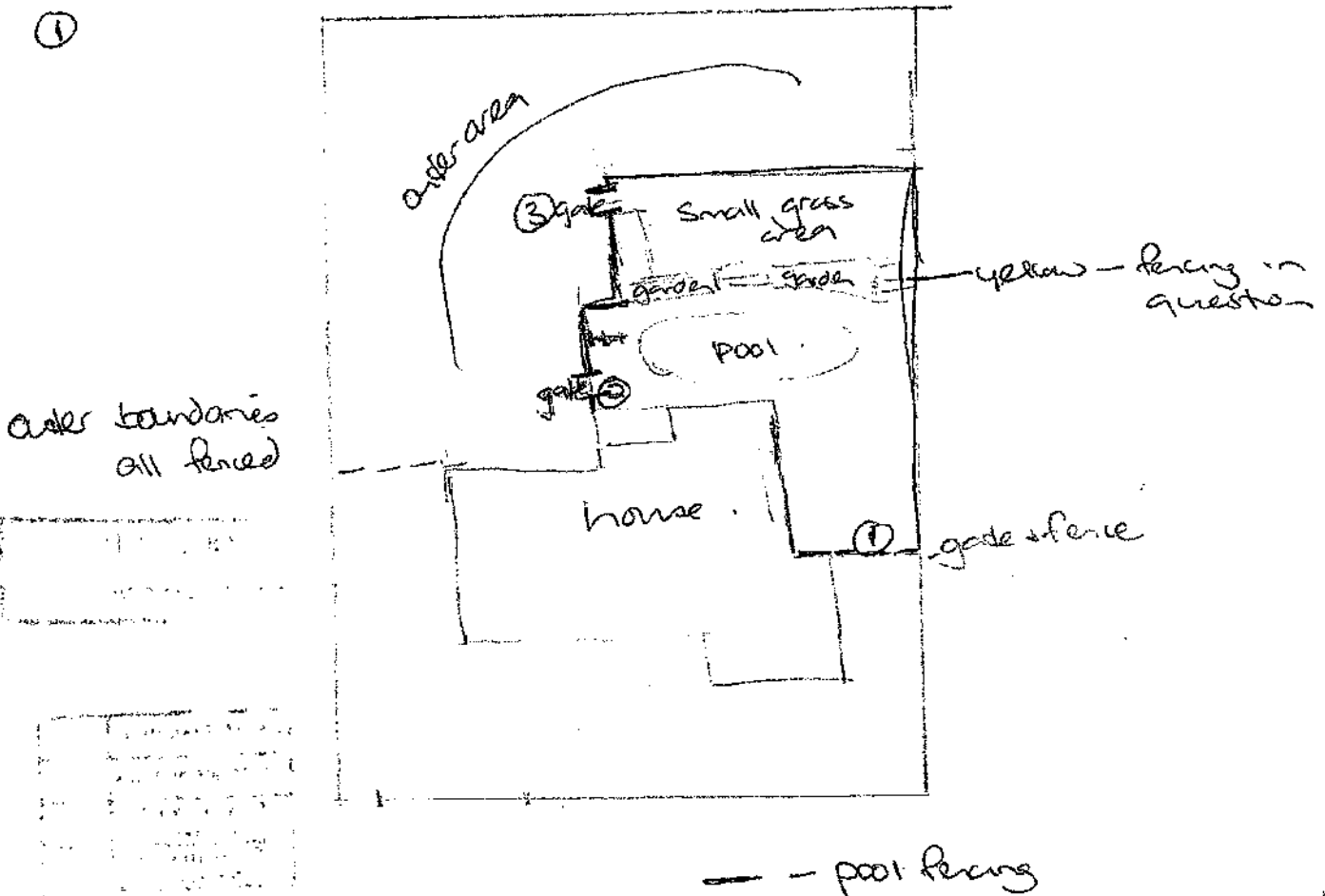
Information to be Provided

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.

①



② The fencing is already adequate & a further fence where marked in yellow would make the use of pool cleaning equipment unsafe from that side of the pool. I feel that a fence within an existing fence inside the fenced outer boundaries of the property to be in excess of the regulations and seek exemption from this extra fence in question. The Inspector said he sees no reason as to why an exemption would not be granted.

BL20

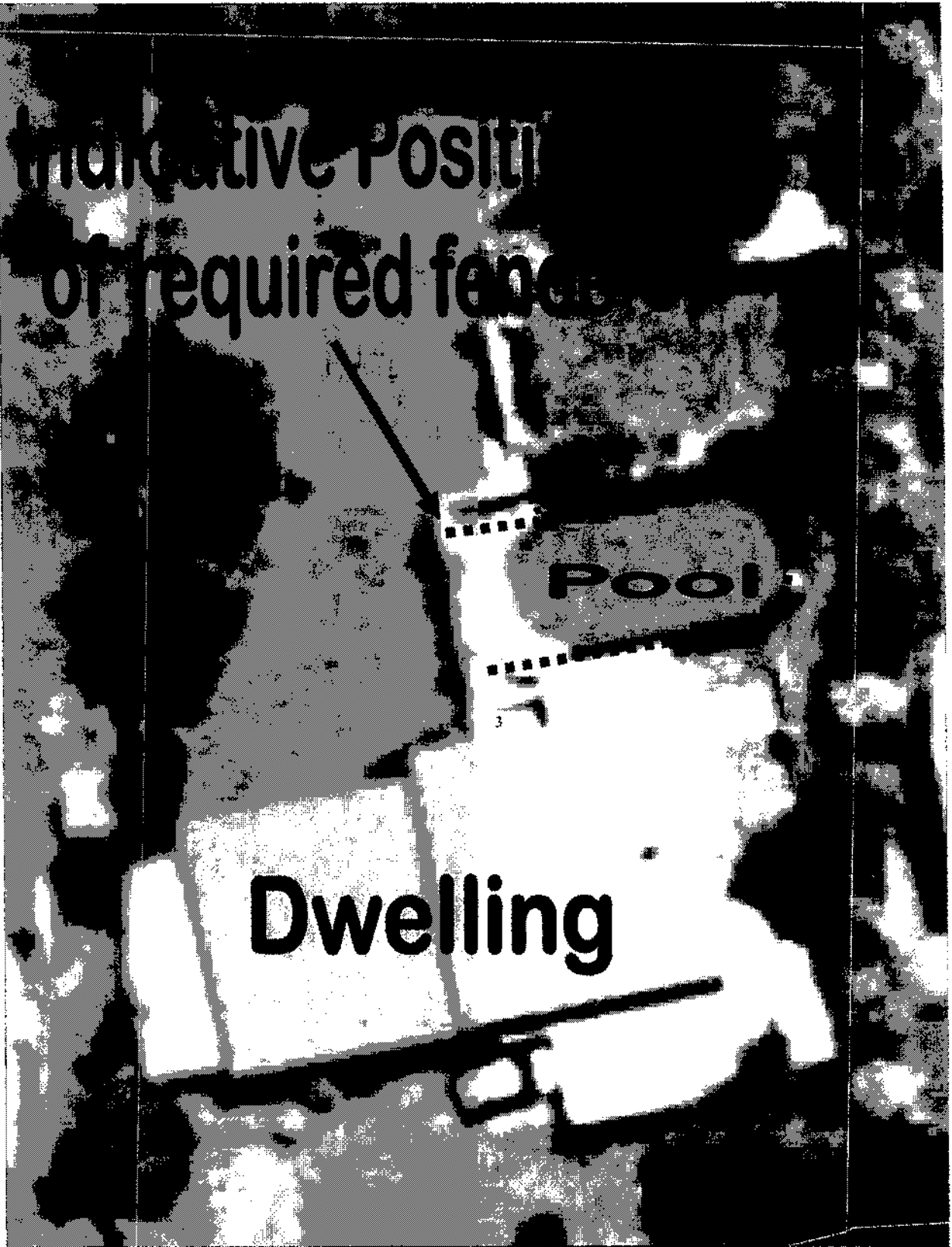
Last Updated May 2005

Visit our website: www.watfakere.govt.nz

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A6

Indicative Position
of required fence



3 Cliff View Drv

Exemption Application Form for Spa & Swimming Pools



Waitakere City Council
Te Taiaroa 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

WAITAKERE CITY COUNCIL

25 JUL 2006

671135

Owners Name: Mr JOHN H WILKS

Address of pool: 6 HULLING ST, TITIRANGA, AUCKLAND 1007

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:

It is checked on all previous inspections. The total area is secured by Metal pool fencing or Wooden Boundary fencing over 2mtrs high and an only 2 gates, both child proof.

Reasons why proposal should be granted: (See reverse)

Only 2 access gates to total pool + back grassed area. No access to children by any other means and with plenty of other garden areas it's not needed.

Address for Correspondence: As above

Application fee: \$250 (one off) Please note I am of work on acc for last year so funds are minimal.

Signature: [Handwritten Signature]

Telephone Number: 09 817 4433

Date: 6/7/06

CHEQUE FOR \$250 TO CASHIERS

PAY PDD

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

Have filled this out upon the advice of a Mr Neville Exter. He said everything should be ok as property is and as always been Secure and safe.

Office Use Only	
Site Address:	
SWP No:	<u>98000379</u>
ABA No: (If applicable)	

RECEIVED
25 JUL 2006
Legal Services

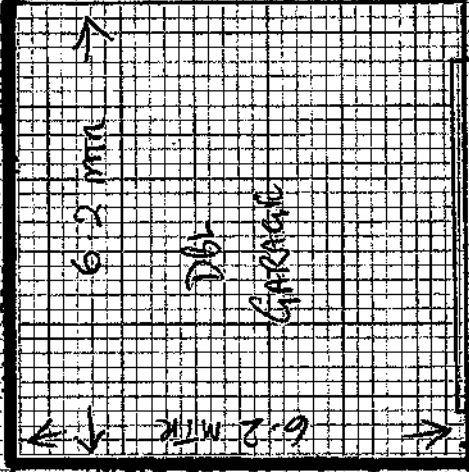
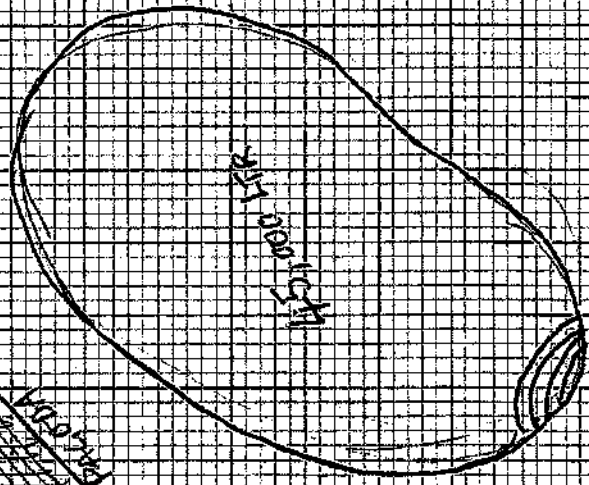
Chief Executive	
Corporate Services	
City Services	
Mosalle	
Consultancy Services	
ECO WATER	
Strategic Group	
Consent Services	
Field Services	
<i>Legal</i>	

2MTR HIGH WOOD FENCE BOUNDARY

FENCE BOUNDARY

GRASS, BUSHES + TREES

1.5MTR RETAINING WALL AGAINST BACK HOOT AREA



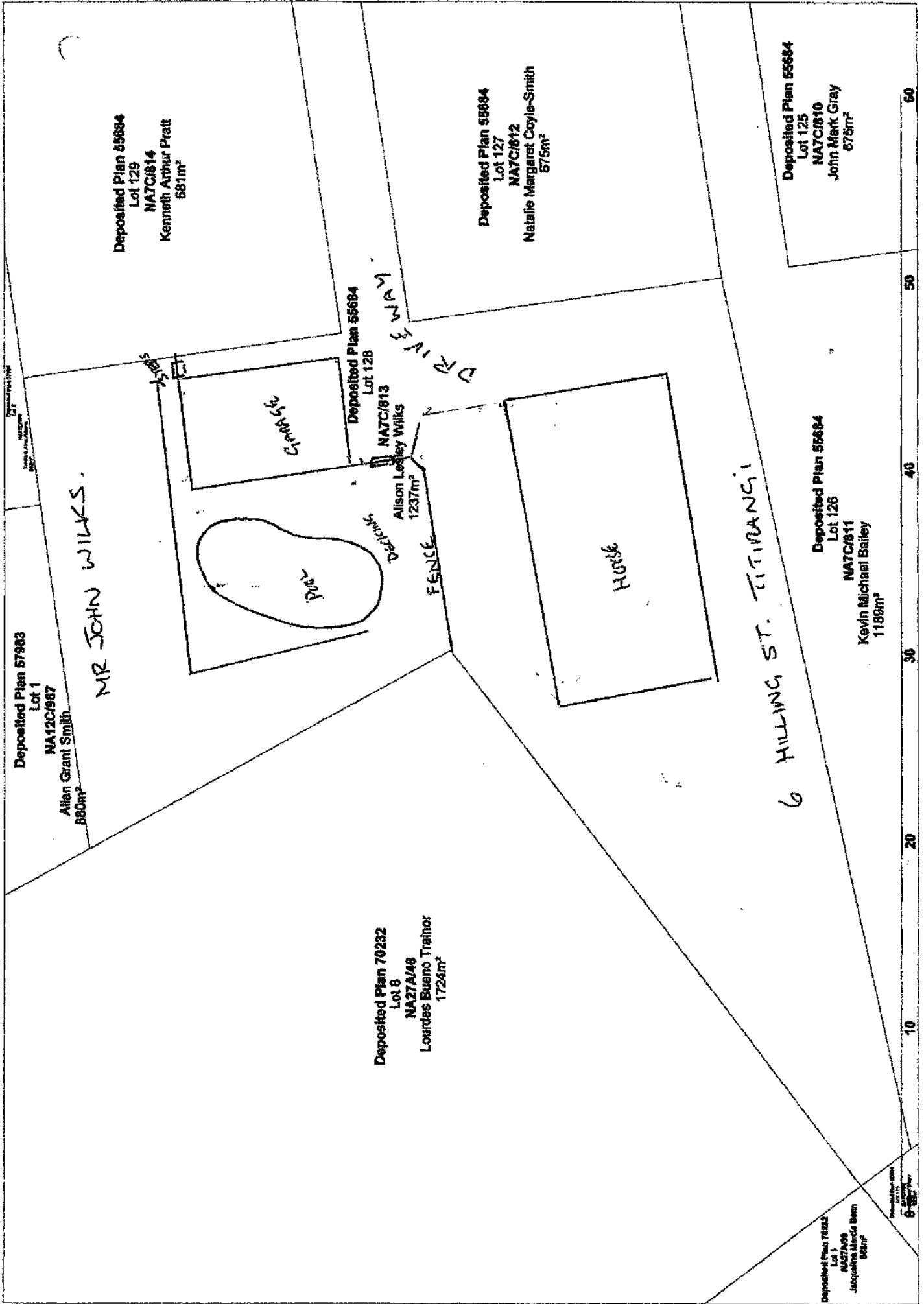
HOUSE

DRIVEWAY

2MTR HIGH WOOD FENCE BOUNDARY

10.8 MTR METAL SAFETY FENCE

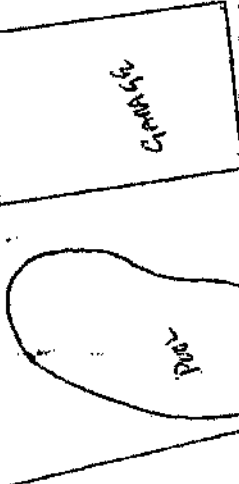
2025-01-14 10:00:00 AM



Deposited Plan 57983
 Lot 1
 NA12C/967
 Allan Grant Smith
 880m²

MR JOHN WILKS

Deposited Plan 55684
 Lot 129
 NATC/814
 Kenneth Arthur Pratt
 681m²

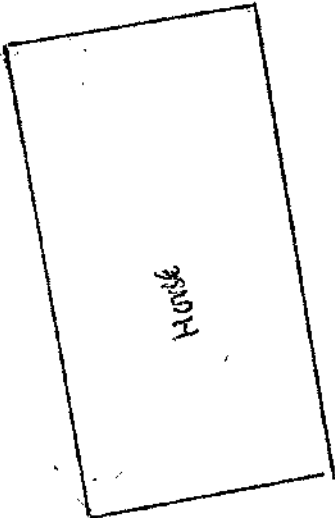


Deposited Plan 55684
 Lot 128
 NATC/813
 Allison Lesley Wilks
 1237m²

Deposited Plan 70232
 Lot 8
 NA27A/46
 Lourdes Bueno Trainor
 1724m²

DRIVE

Deposited Plan 55684
 Lot 127
 NATC/812
 Natalie Margaret Coyle-Smith
 675m²



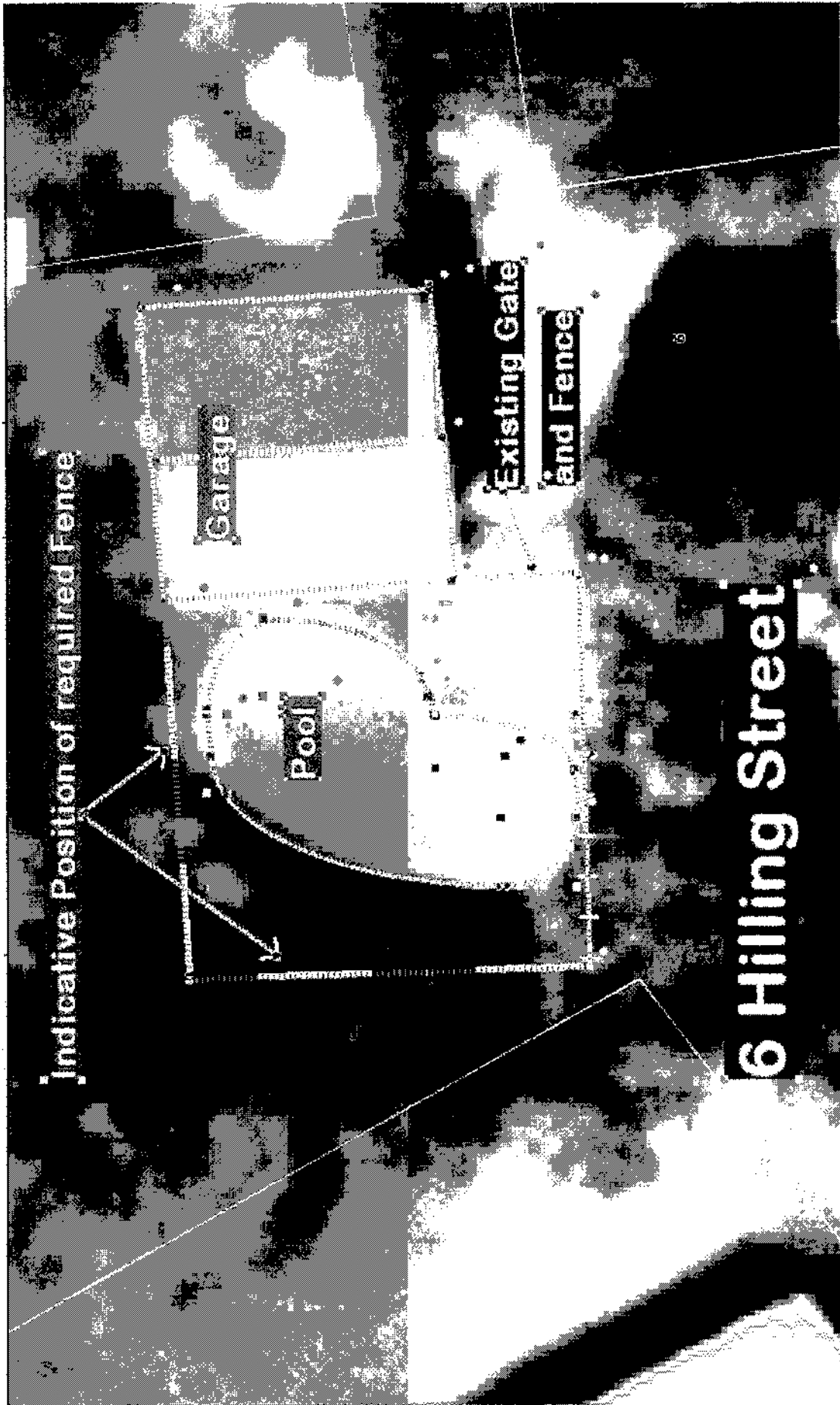
6 HILLING ST. TITIRANGA

Deposited Plan 55684
 Lot 125
 NATC/810
 John Mark Gray
 675m²

Deposited Plan 55684
 Lot 126
 NATC/811
 Kevin Michael Bailey
 1189m²

Deposited Plan 70232
 Lot 1
 NA27A/46
 Jacqueline Marie Beem
 868m²

10 20 30 40 50 60



Exemption Application Form for Spa & Swimming Pools

19/6/06



Waitakere City Council
Te Taiwhiri 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

Ref- CT #150
21/6/06

Owners Name: ROSS ALEXANDER & GLENIS JOYCE GALLOWAY
Address of pool: 4A PARK RD TITIRANGI

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 LETTER

Reasons why proposal should be granted: (See reverse) Unable to swing doors
away from the pool area
Doors are self closing bolts are at 125 or
greater
Doors have always been there since house built

Address for Correspondence: 4A PARK RD TITIRANGI

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 8175404

Date: 19/6/06

3 months 21/09/06

PER + FINE
PDD.

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

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