
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

29 MAY 2006



Waitakere City Council
CHEQUE FOR

\$ 250.00

~~TO CASHIERS~~

666074

Ref: CS9039
30/5/06

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: G M + DR DUNCAN

Address of pool: 9 FRANK EVANS PLACE HENDERSON

Handwritten note:
200/1350
200/1350
200/1350
200/1350

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:

AWAY
POOL FULLY FENCED - GATES & FRONT DOOR OPENING FROM POOL, POOL VISABLE FROM LOUNGE, GATES HAVE SPRING RESTRAINERS WHICH ALLOW GATES TO CLOSE AUTOMATICALLY, FRONT GATE HAS LOCK & OPENING DEVICE ON TOP PORTION OF GATE WHICH IS 160CM ABOVE GROUND, ALL WINDOWS FACING POOL HAVE SECURITY AS HINGES AS REQUIRED ON LAST INSPECTION.

Reasons why proposal should be granted: (See reverse) WE HAVE DRAWN UP SITE PLAN FOR YOUR PERUSAL - POOL HAS BEEN IN EXISTENCE FOR A NUMBER OF YEARS AND THE ABOVE IMPROVEMENTS MAKE IT IMPOSSIBLE FOR A CHILD TO ACCESS THE POOL UNSUPERVISED. WE WOULD THEREFORE REQUEST THAT AN EXEMPTION IS PASSED FOR THE NEED TO ADD AN EXTRA FENCE FROM FRONT GATE TO FRONT DOOR

Address for Correspondence: 9 FRANK EVANS PLACE HENDERSON

Application fee: \$250 (one off) ENCLOSED

Signature: [Signature]

Telephone Number: 838 7772

Date: 25-5-06

Strategic Group	
Consent Services	
Field Services	<input checked="" type="checkbox"/>

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

Office Use Only

Site Address: _____

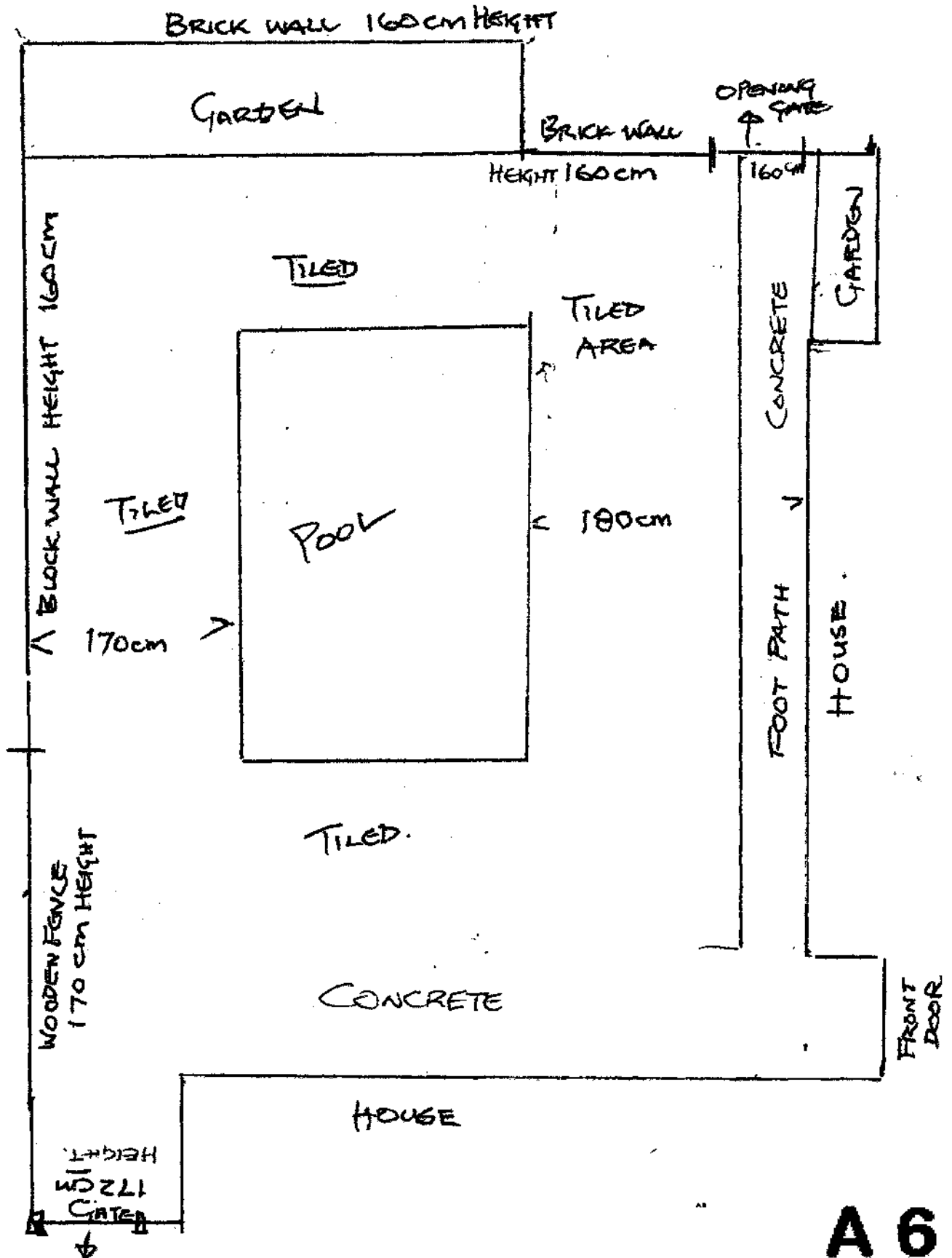
SWP No: _____

ABA No: _____
(If applicable)

A 5

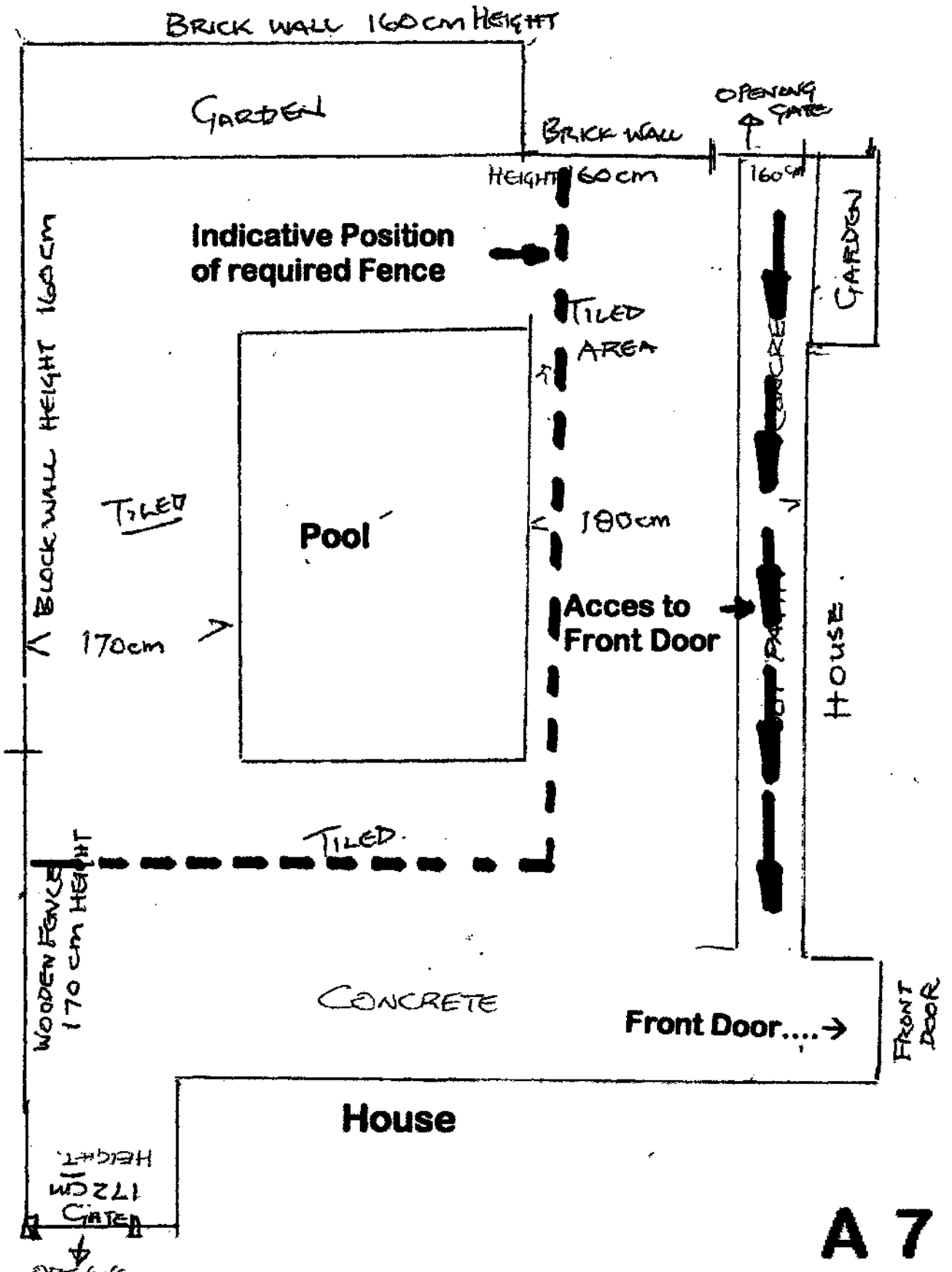
PLEASE NOTE NOT TO SCALE

ROAD



PLEASE NOTE NOT TO SCALE

Road 9 Frank Evans Place



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

Receipt N^o CP1857

Owners Name: PAUL + DIANE LOVEDAY

Address of pool: 11 RIESLING PL HENDERSON

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) FRANCH DOORS OPEN OUTWARDS FROM MASTER BEDROOM ONTO DECK. THESE DOORS HAVE BEEN THERE FOR 10 YEARS. THERE IS A STANDARD LOCK FOR THE DOORS AS WELL AS LOCKS AT THE TOP AND BOTTOM (SECURED BY KEY LOCK)

Address for correspondence: above

Application fee: \$250 (one off)

Signature: [Handwritten Signature]

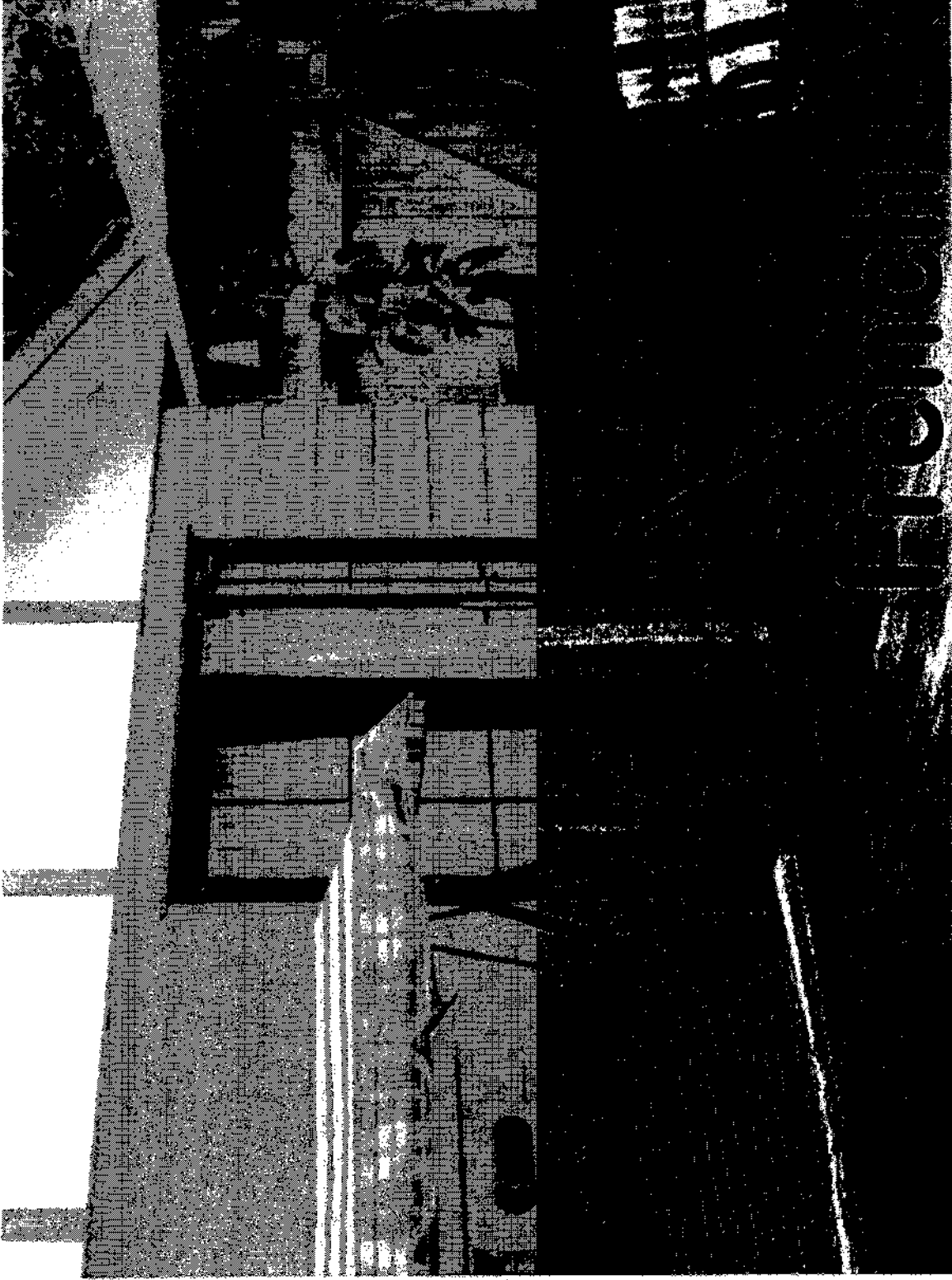
Telephone Number: 8360603

Date: 4.4.06

10/10/06
11/7/06

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

Office Use Only
Site Address: <u>11 RIESLING PL, HENDERSON</u>
SWP No: <u>96-000197</u>
ABA No: _____ (If applicable)



FRONT DOORS

11 Riesling Place

A 9

12 MAY 2006



Waitakere City Council
Te Taihira o Waitakere

Exemption Application Form for Spa & Swimming Pools

CHEQUE FOR
\$ 250.00
TO CASHIERS

664289

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: HARRY EWRELL

Address of pool: 82 DAFFODIL STREET, 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:

Reasons why proposal should be granted: (See reverse) THE DOOR IS IN THE WAY OF THE HOUSE AND HAS A DEAD LOCK, AND ALSO A BOLT, AND DID COMPLY WITH THE PREVIOUS REQUIREMENTS.

WE WOULD BE VERY GRATEFUL BEING TO WAIVE THE \$250. FEE.

Address for Correspondence: 82 DAFFODIL STREET, TITIRANGI

Application fee: \$250 (one off)
Signature: H. Ewrell

Telephone Number: 8177841

Date: 10/5/06

Many Thanks

EDU : WATER	
Strategic Group	
Consent Services	
Field Services	<input checked="" type="checkbox"/>

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

Office Use Only

Site Address: 82 DAFFODIL

SWP No: 90010083

ABA No: _____
(If applicable)

A 10

Dispensation Application

Introduction

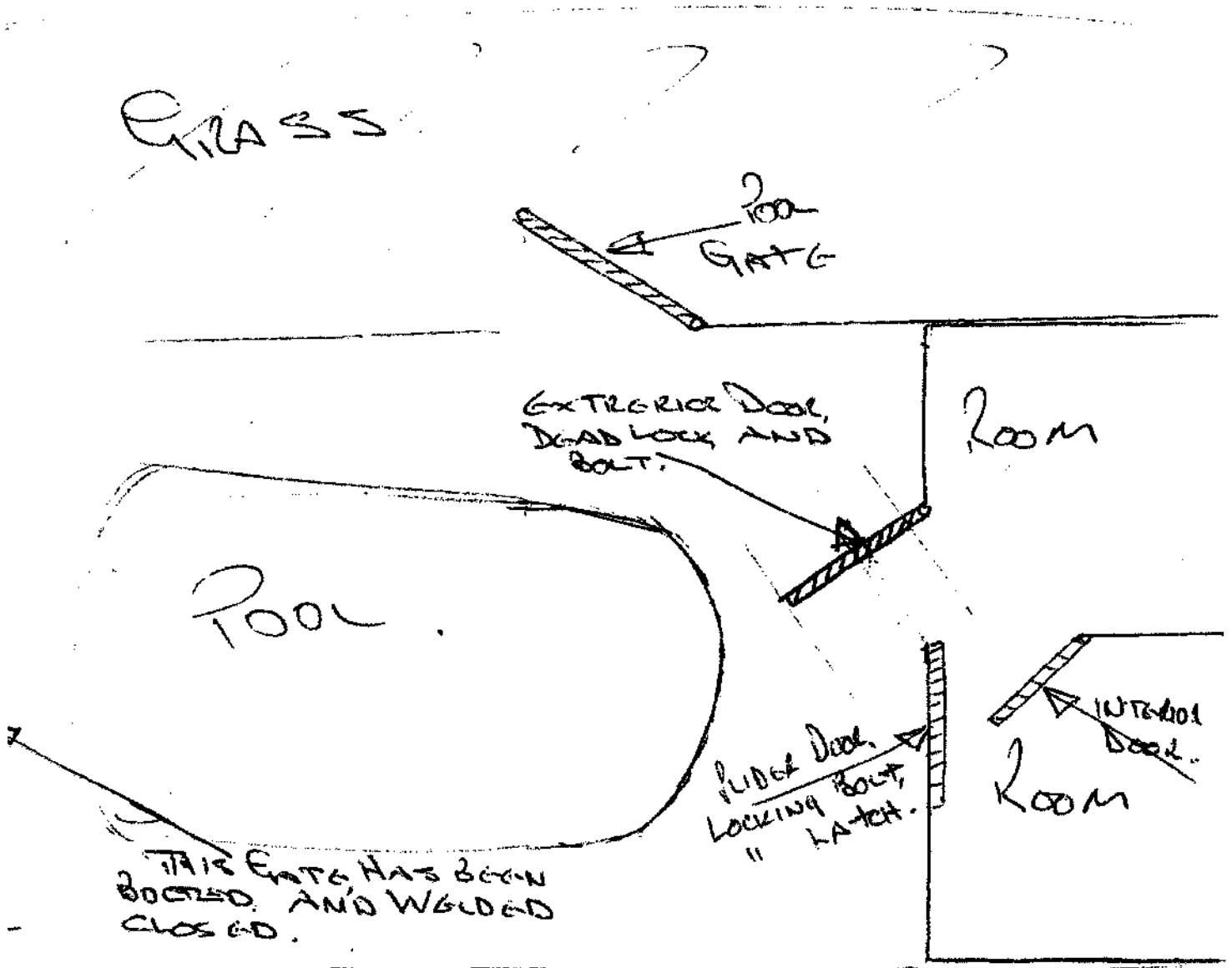
An exemption is a discretionary power conferred on Council by Section 6 of the Fencing of Swimming Pools Act 1987, to allow in certain circumstances exemptions from the requirements of the Schedule of the said Act.

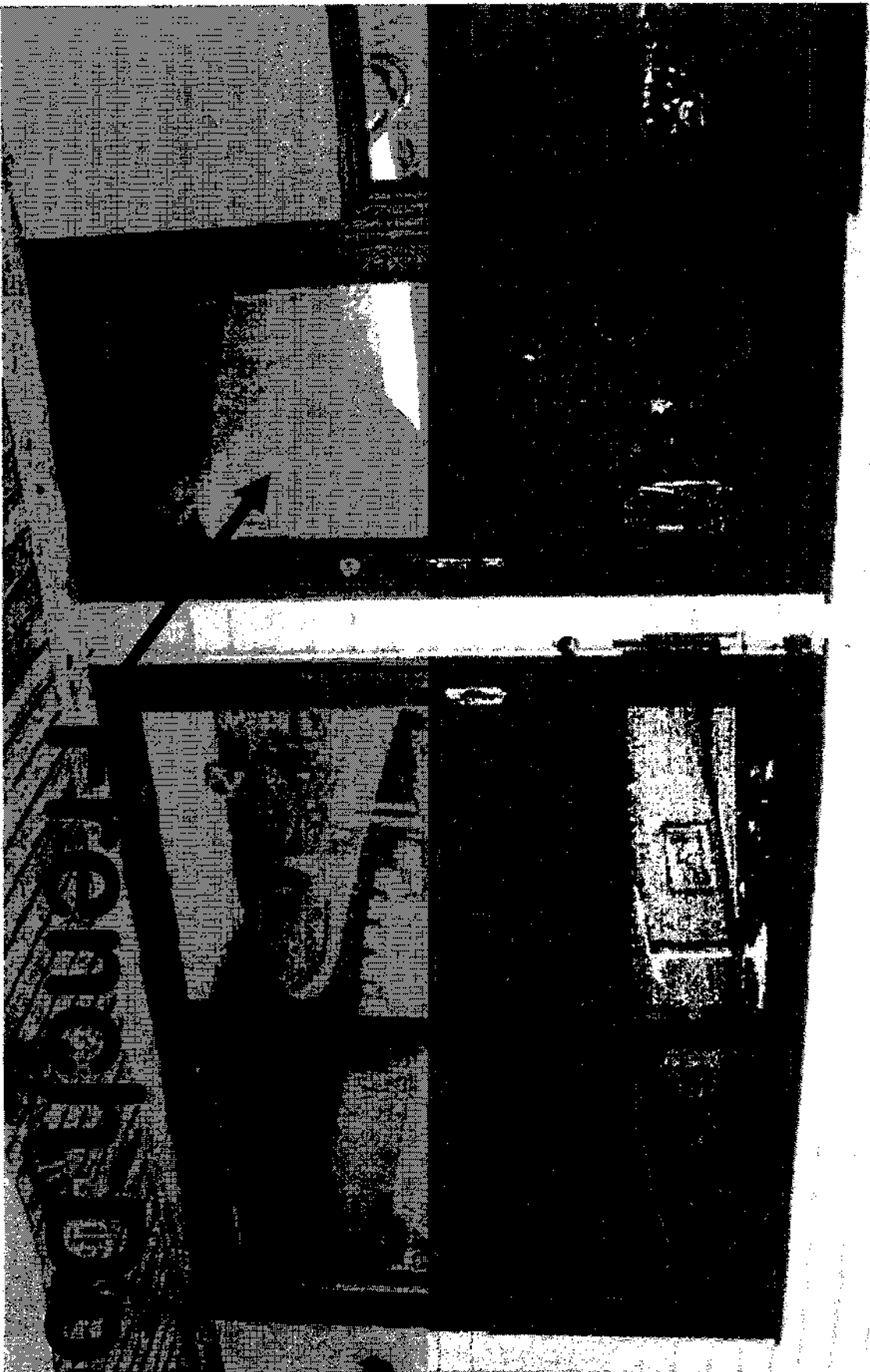
Information to be Provided

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.





82 Daffodil Street

REMEMBER

A 12

Exemption Application Form for Spa & Swimming Pools



JUN 2006

Send to: Chief Executive
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY 231

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

Owners Name: S RUSSELL + R RUSSELL FAMILY TRUSTS
Address of pool: 59 A Kōwhiri 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:

1. APPROVED LOCKS FITTED TO KITCHEN WINDOWS
2. ✓ ✓ ✓ ✓ BIFOLD DOORS (THERE ARE NO OPENING WINDOWS ON THE BIFOLD DOORS)
3. GARDEN AREA AROUND POOL WILL BE ENCLOSED BY POOL FENCING AND THIS AREA IS NOT READILY ACCESSIBLE FROM THE POOL AREA BEING ABOVE IT.

Reasons why proposal should be granted: (See reverse)

4. FILTER SHED WITH APPROVED LOCKS ENCLOSE DOWNSTAIRS BATHROOM DOOR AND NO ACCESS CAN BE GAINED FROM POOL AREA

~~THE HOUSE HAS BEEN~~
ALL NECESSARY PRECAUTIONS HAVE BEEN TAKEN TO ENSURE THE SAFETY OF THE POOL AREA. ADDITIONAL FENCING IS ALREADY IN EXISTENCE TO THE PROPERTY IN ADDITION TO THE POOL FENCE LOCATE A DOUBLE SECURITY MEASURE.

Address for Correspondence: 59 A Kōwhiri Rd Titirangi

Application fee: \$250 (one off)
Signature: [Signature]

JEL
PDD

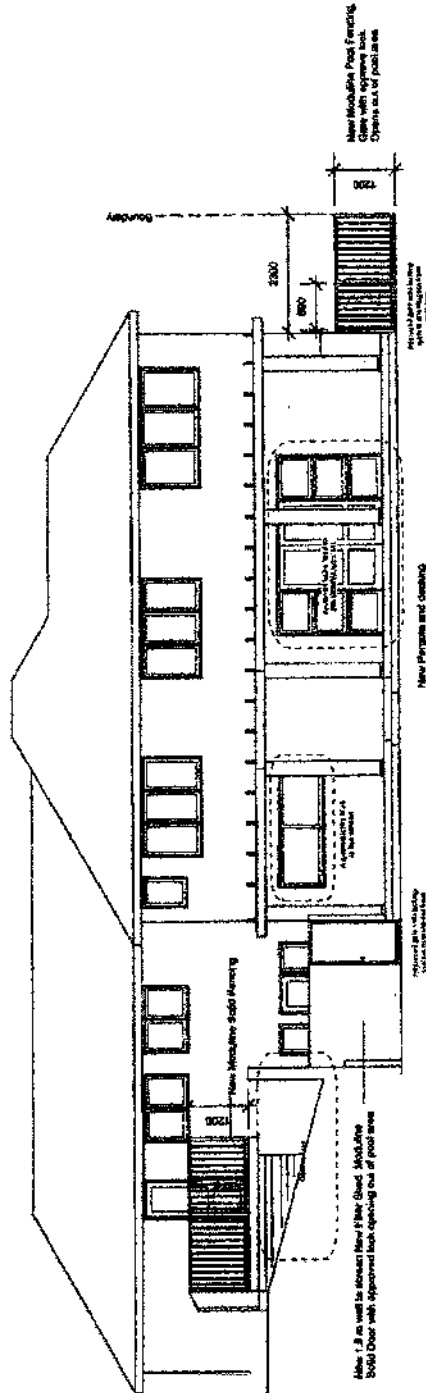
Telephone Number: 8173136

Date: 31/5/06

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

Office Use Only	
Site Address:	<u>59 A Kōwhiri Rd Titirangi</u>
SWP No:	<u>2006 0084</u>
ABA No: (If applicable)	<u>2006 0955</u>
	<u>Receipt CT 0543</u>

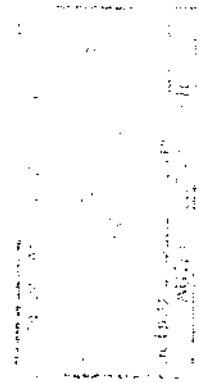
A 13



NORTH ELEVATION

NOTE

As the pool is directly accessible from the house and not separately fenced, an exemption is hereby sought. It is proposed that approved locks be fitted to the Door/Windows opening directly into the pool area to control unsupervised access. Additionally there is a garden area above the retaining wall that will also be enclosed by the pool fencing. As this area is not readily accessible, being above the pool area, and out of the general thoroughfare it is considered to constitute no hazard. All other access and fencing complies with the current code.



Project Name Proposed Pool Project Address	Drawing Name North Elevation	Engineering Surveying	Author 1. All work to comply with 1993 Building Code and the Building Building Code. 2. Comply with surface of development in	Scale Date CAD File Project	Revision 10	Date 1/18/00
				Client Name P & S Bushall	Date 1/18/00	

374 Seaside Drive, Ellerslie
 Whittakers City 1027
 Phone +61 9 817 4400



Exemption Application Form for Spa & Swimming Pools

22 MAR 2006

659427

Waitakere City Council
Te Taihokā 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

CHEQUE FOR
\$ 305.00 *ATTACHED*
TO CASHIERS

Owners Name: MR SHAWN PHILIP & MRS BRIONY ELIZABETH SINGLETON
Address of pool: 52 ARAWA ST, NEW LYNN

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 spa pool (Kessurite A200) comes standard with a 6 point lockable lid/cover with key.

Reasons why proposal should be granted: (See reverse) The cover is locked at all times. The key is kept indoors at a height that no child can reach. The spa pool is also above ground. It is away from the street, out of sight of the back of the house.

Address for Correspondence: 52 ARAWA ST, NEW LYNN

Application fee: \$250 (one off)

Signature: _____

Telephone Number: 09 827 3993

Date: _____

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

*Recd 22/3/06
PDS 22/6/06*

Office Use Only
Site Address: <u>52 ARAWA ST, NEW LYNN</u>
SWP No: <u>20060051</u>
ABA No: _____ (if applicable)

RECEIVED



52 Arawa Street

- 2 JUN 2006

Exemption Application Form for Spa & Swimming Pools



Waitakere City Council
Te Taihira o 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

SWP - 99000268

Owners Name: Peilu Yang

Address of pool: 2/38 Lavelle Rd Henderson

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 let Neighbours know that there is a swimming pool here.
As their fence is climbable, take care their children
in side the french door I put 3 locks, one is at very top
position where children can't reach at all

Reasons why proposal should be granted: (See reverse) I have no control for neighbour's
property. I can't tell them to take their fence down. For
french door it is impossible to meet standard requirement.

Address for Correspondence: 131 Pirimuanu Rd

Application fee: \$250 (one off)

Signature: Peilu Yang (paul 02/1004451)

Telephone Number: 8324728

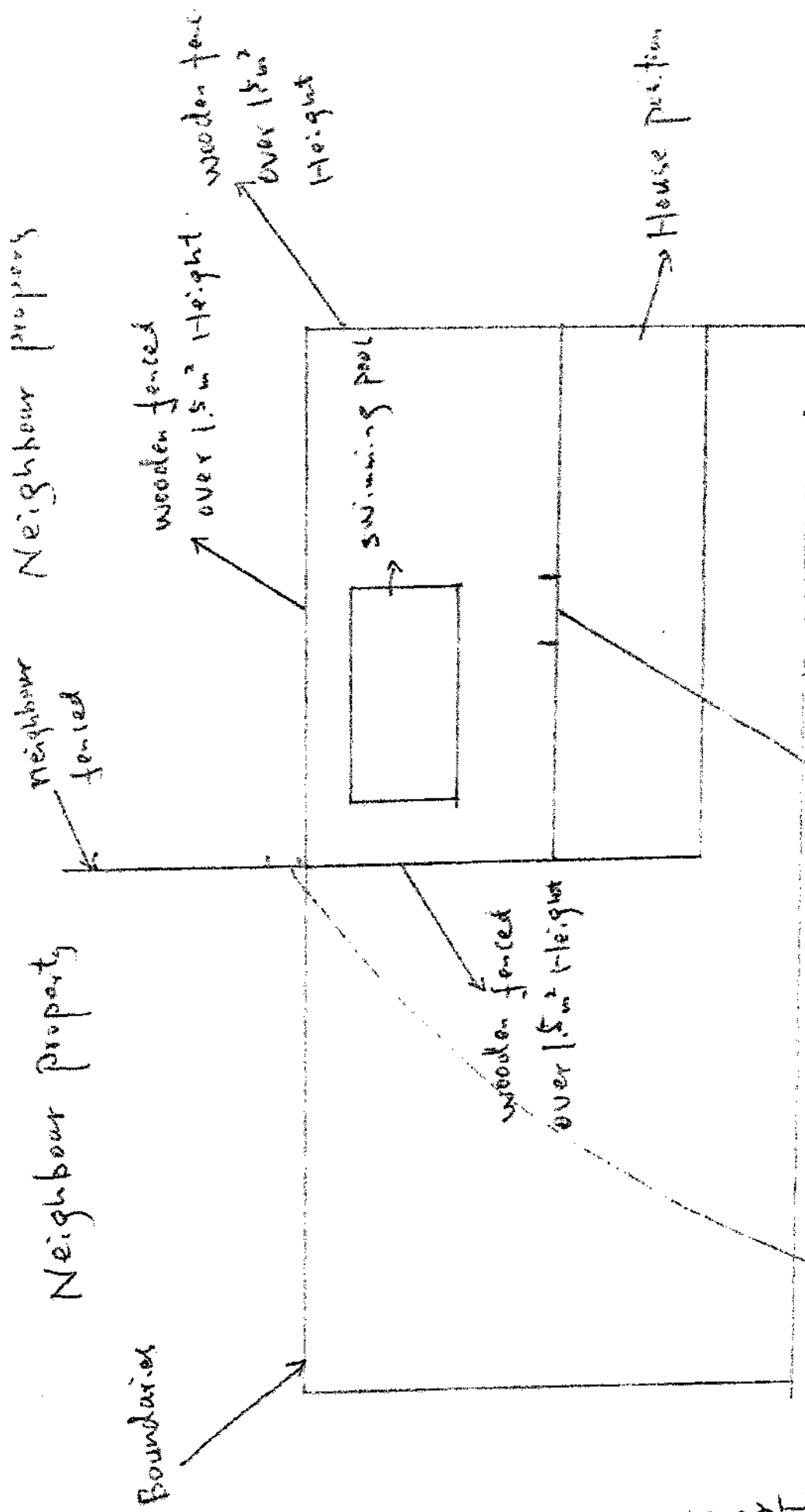
Date: 30/05/2006

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

SWPL RPT CT1102, 2-6-06

Office Use Only
Site Address: _____
SWP No: <u>99000268</u>
ABA No. _____ (if applicable)

A 19



(seeking exemption)
 neighbour fence which is french door.
 climbable and less than 1.2m from the point where they abut the swimming pool fence. As it is the neighbour property, I can't tell them to take fences down or change the way to do it

(seeking exemption)
 this is a two level house, at downstairs there is a french door. it is impossible to meet standard requirement