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**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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CONTENTS

	Title
1	Short Title
2	Schedule amended

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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.

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

# Exemption Application for Spa & Swimming Pools

**RECEIVED**  
 - 3 APR 2007  
*Legal*

695158



**WAITAKERE CITY COUNCIL**

- 3 APR 2007

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: R. L. and D. EDWARDS SWTM  
 Address of pool: 16 RAINSETIA PLACE, HENDERSON, WAITAKERE CITY 1211

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:  
An exemption is requested.

1) The pool area is fully compliant with the exception of one outward opening door, as indicated in the plan attached to the letter received from the W.C.C. To remedy this would require expensive structural work replacing the door and jamb.

2) The proposal by the W.C.C. for a new poolside fence would require this to be erected in an area less than 1.5m wide (from house to kerb of pool) creating two almost unworkably narrow corridors between pool and house & significantly diminishing the recreational use of the pool. 3) Accordingly, we are requesting this exemption from the standard fencing for this area including the small grassed area adjacent to the existing exit gate from the pool. 4) Pending a positive outcome to this request we ask for a refund of the attached application fee.

Address for Correspondence: (as above)

Application fee: \$250 (one off)

Signature: R. L. Edwards

Telephone Number: 8366751

Date: 2 April 2007

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"/>

**CHEQUE FOR**  
**\$ 250.00**  
**TO CASHIERS**  
*Attached*

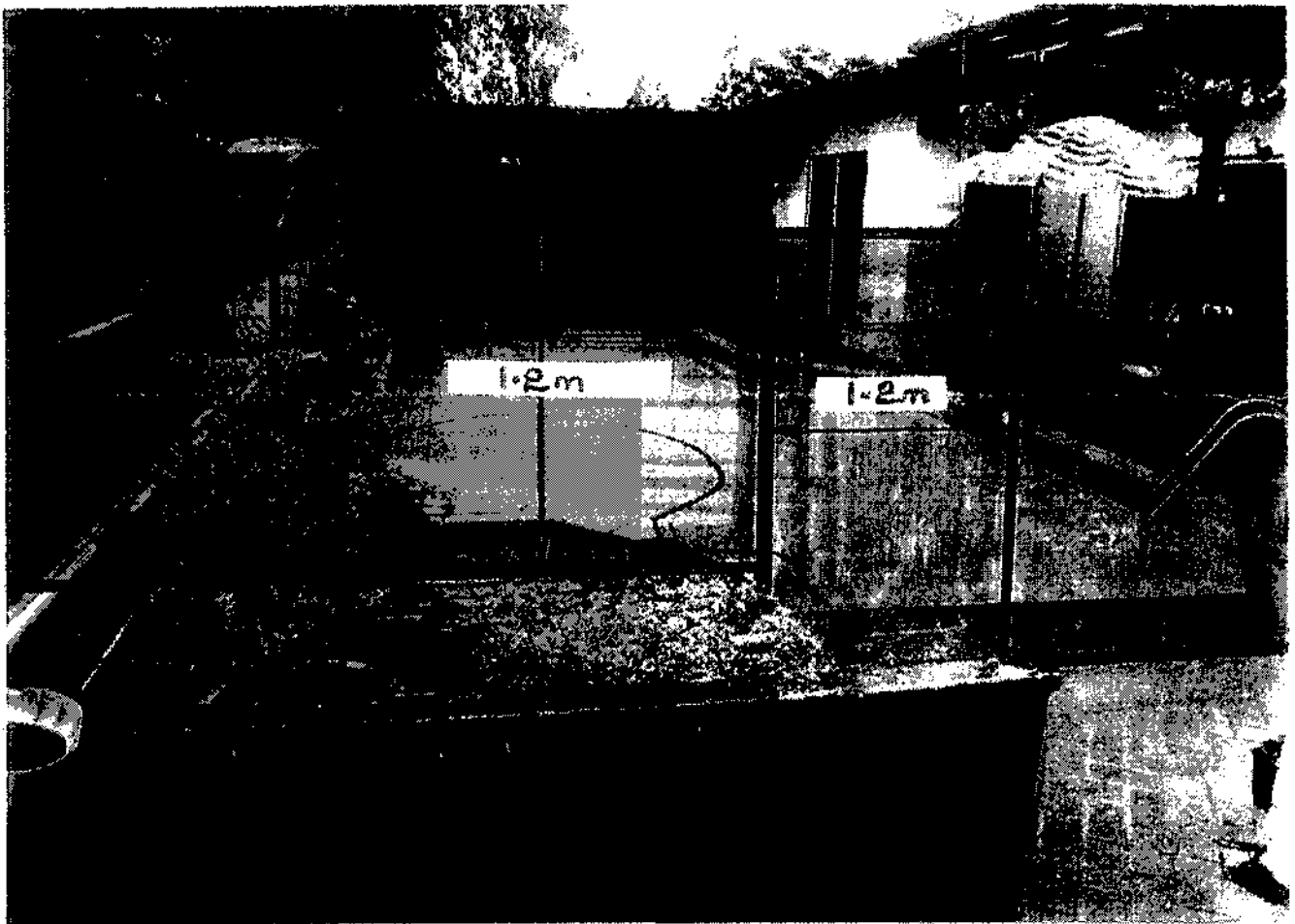
*Dkt 307 985 (37)*  
 Office Use Only

Site Address: \_\_\_\_\_

SWP No: SWTM 1998/12602

ABA No: \_\_\_\_\_  
 (If applicable)

Proposed Pool Fence



16 POINSETTIA PL.

16/5/07.



Waitakere City Council  
Te Tatao o Waitakere

# Exemption Application Form for Spa & Swimming Pools

Send to: Chief Executive  
Waitakere City Council  
Private Bag 93109  
Henderson  
WAITAKERE CITY 06121

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

160

Owners Name: RJ & JT Vuksich

Address of pool: 167 Luckens Rd West Harbour

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:

Erect pool fencing as per plan, and to leave landscaping within the pool area.

Reasons why proposal should be granted: (See reverse) Leaving the landscaping with in the pool area would not increase the danger to young children as access from the house meets the requirements. The fence will isolate the walkway to the house.

Address for Correspondence: as above.

Application fee: \$250 (one off)

DEBOR 309128(1)

Decisions (SPC) ✓  
In 6 months/9k  
Pool spreader.

Signature: [Signature]

Telephone Number: (09) 4165182

Date: 15/5/07

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

<b>Office Use Only</b>
Site Address: _____
SWP No: <u>SWM 1999/12826</u>
ABA No: _____ (if applicable)

A7



0877

Date: 26-3-2007

**HAMPDEN FENCE**

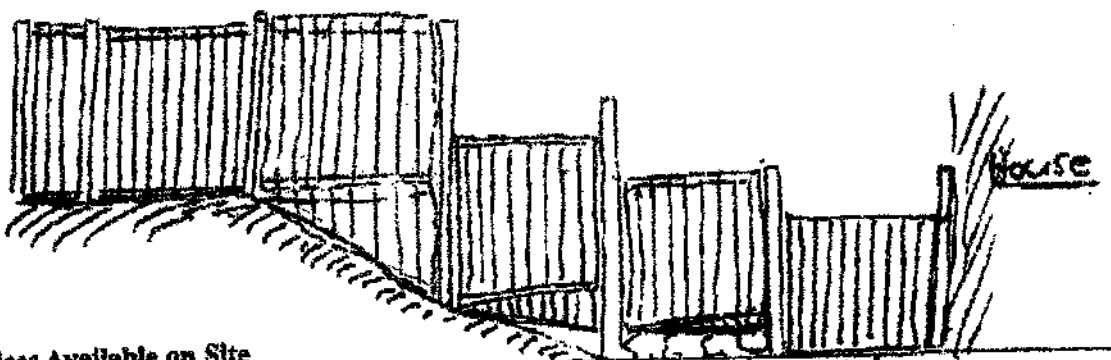
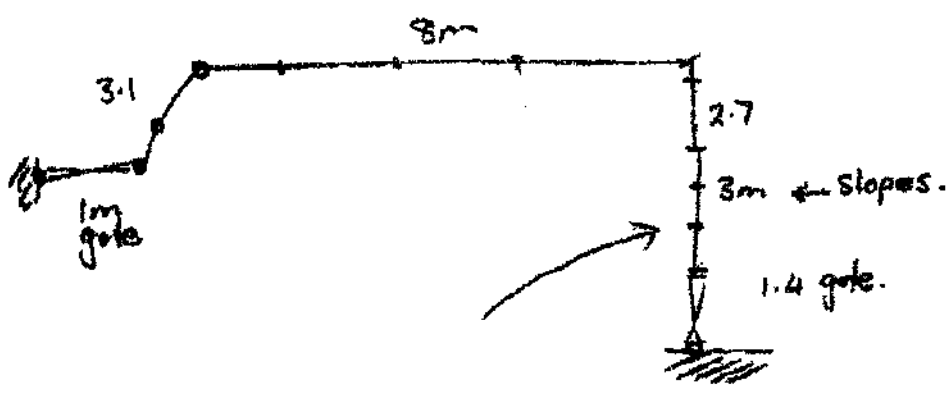
RELIABLE SECURE

**QUOTE TO:**

Company: Libre construction  
 Contact Name: Ross Mansell  
 Ph: 575-7567  
 Mob: 021-810267  
 Email: mansellr@libre.co.nz  
 Fax To: 575-7567  
 Postal Address: PO Box 87043  
Meadowbank

**JOB AT:**

Company: .....  
 Location: 2/167 Luckens RD  
West Harbour.  
 Work Required: Replace spring on  
existing gate. install a panel  
fence and self closing gate.



**Services Available on Site**

Site Photo	Address	Power	Slopes	gate	11856

panels to be welded to inside of panels  
 fix to posts and painted.

RECEIVED  
08 JUN 2007  
Legal



Waitakere City Council  
Te Tatao o Waitakere

WAITAKERE CITY COUNCIL  
- 8 JUN 2007

CHEQUE FOR  
\$ 250.00  
TO CASHIERS  
attached

**EXEMPTION APPLICATION FORM FOR SWIMMING & SPA POOLS 701102**

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

OFFICE USE ONLY	
<b>SITE ADDRESS:</b>	
279 ROYAL ROAD MASSEY	
<b>SWP NO:</b> 2007/77	
<b>ABA NO:</b> (IF APPLICABLE)	

**OWNERS NAME:**  
Mr/Mrs/Miss/Ms. TILLYME DOUGLAS  
279 ROYAL 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:

SEE ATTACHED

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

**ADDRESS FOR CORRESPONDENCE:** 279 ROYAL ROAD, MASSEY

AUCKLAND

**APPLICATION FEE: \$250.00**

Signature: [Signature]  
Telephone No: (09) 833 7707 0374 947 469 (m)  
Date: 5/6/07

**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	
Other Services	



TERRY T.M.  
11  
ALLEN LANE

11  
11  
11

5<sup>th</sup> June 2007

The Operational Compliance Manager  
Waitakere City Council  
Private Bag 93 109  
Henderson  
Waitakere City

Attn Neville Exler

Dear Neville

Further to your visit and site inspection we make application for an exemption from the standard fencing controls relating to pools.

Notwithstanding the fact that the Act was complied with and certified by your council on the 18<sup>th</sup> of February 1988 that the fencing (subject only to two minor infringements that were immediately remedied and are still in place) did comply we are prepared to carry out the following work on gaining your councils further approval and confirming a dispensation for the lawn and garden area which are outside of the living area of the house.

As discussed with you on site fencing in the manner first suggested by your council would significantly impair the quality of the carefully designed surroundings and indeed would significantly limit the reasonable use of the feature of our courtyard.

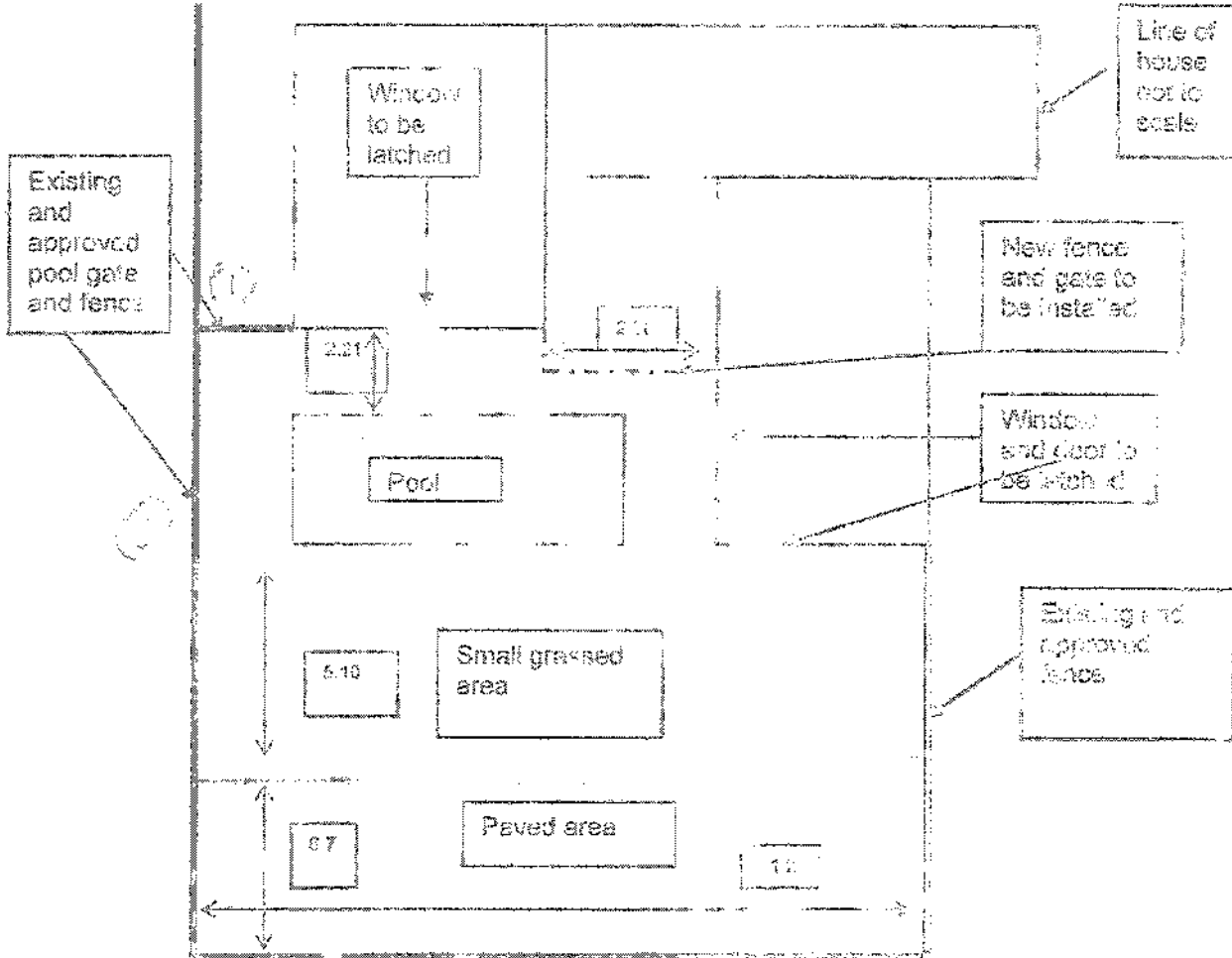
However safety and the best design outcome can be achieved as we discussed by installing the following fencing and gate described in the attached diagram together with the latching of one door and two windows which all open outwards and cannot be reengineered.

This fencing configuration will encompass the living area of the house and together with the provisions for latching the two doors and one window will allow the area to fully comply except for the small grassed and paved areas for which we apply for exemption.

Please confirm by return that your council will grant the dispensation and we will commission the appropriate works to be undertaken.

Yours sincerely

T C Douglas





The green area and paved area are the areas we seek exemption.



This area will be secured from the family room, lounge and bedroom hallway by the new proposed fence

*2009 Results Book*  
*WCC 5th June 2007*

22/04/07.



Waitakere City Council  
Te Taiao 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
<b>SITE ADDRESS:</b> 44 Yearold Rd. Te Atatu Peninsula
<b>SWP NO:</b>
<b>ABA NO:</b> (IF APPLICABLE)

**OWNERS NAME:**  
Mr/Mrs/Miss/Ms... Denise Johnson  
(K8RS 401)

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 would like an exemption for door leading from kitchen and bedroom into pool area. (bolts)  
Both doors have compliant bolts attached at top of doors with keys.

Handwritten notes: - Approved - Done - 22/04/07 - 10:30 AM - 22/04/07 - 10:30 AM - 22/04/07 - 10:30 AM

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

Due to construction ~~not~~ unable to change door configuration as they open out.

I would like a refund thank you.

**ADDRESS FOR CORRESPONDENCE:** 44 Yearold Rd

Te Atatu Peninsula

**APPLICATION FEE:** \$250.00

Signature: [Signature]

Telephone No: 09-8545664

Date:

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

A13

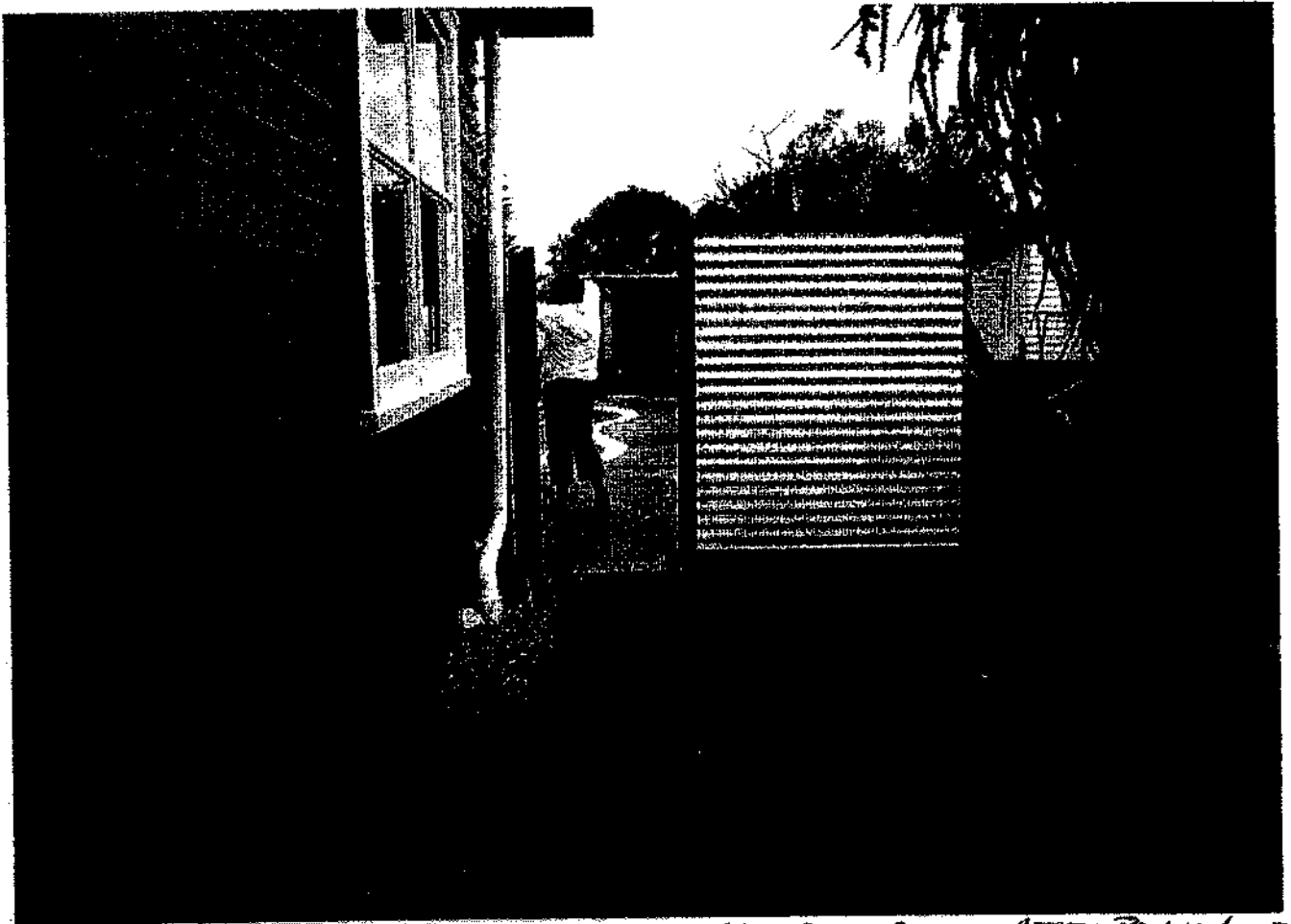
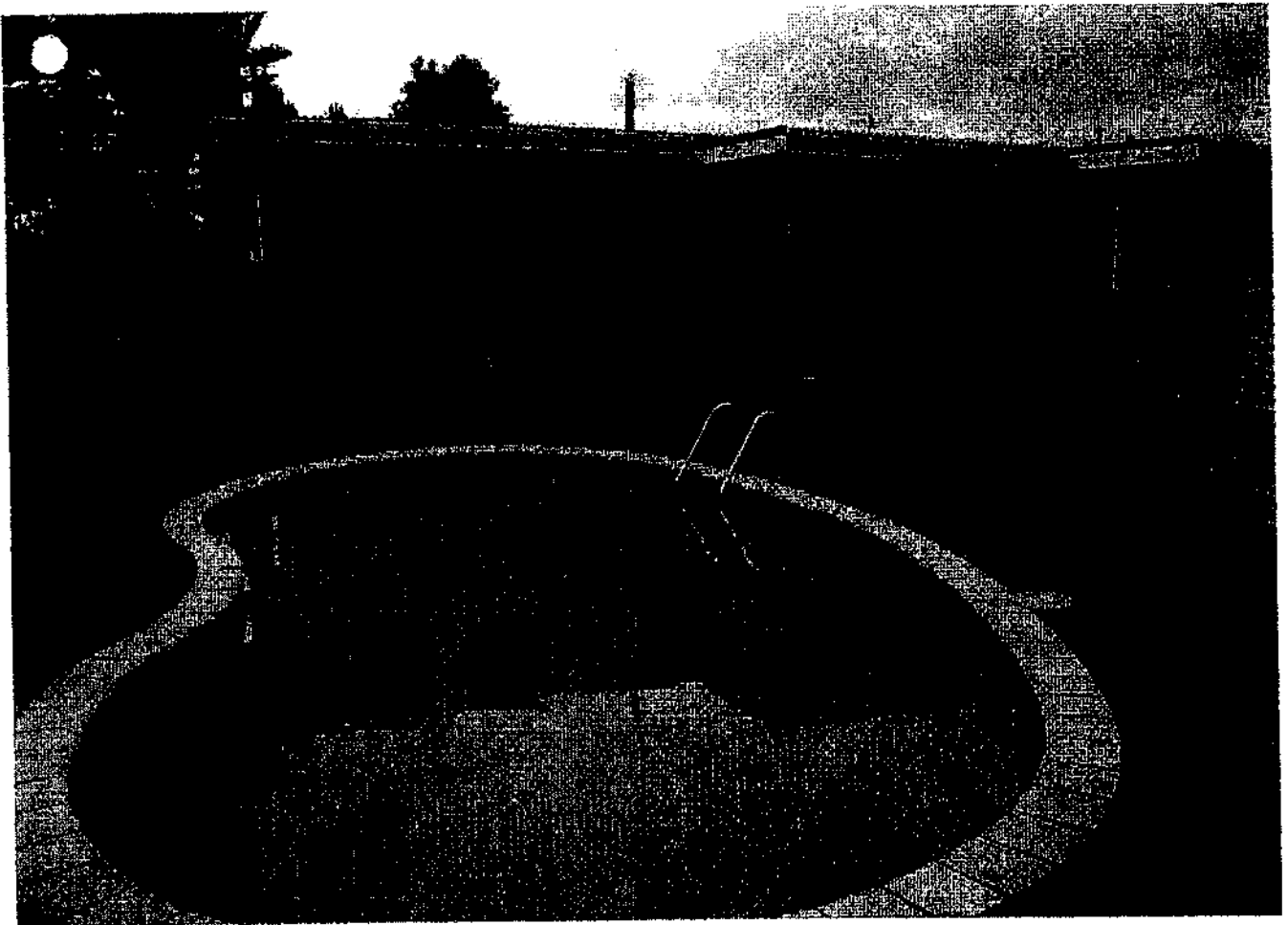


A14



424 VIOLET RD, TR #10741 Painsville 30/4/07

A15



44 YARDER RD, TR ADITYA PONDUSILA 24/16

A16

RECEIVED  
30 APR 2007  
*Legal*

CHEQUE FOR  
\$ 250.00.  
~~TO CASHIERS~~  
ATTACHED

WAITAKERE CITY COUNCIL

30 APR 2007

159

697474



Waitakere City Council

Te Tatao o Wattakere

*ref # 910*

**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:**

29 Royal View Rd  
Te Atatu. 0610

**SWP NO:**

Swim/2002/11366

**ABA NO:**

(IF APPLICABLE)

**OWNERS NAME:**

Mr/Mrs/Miss/Ms *BRUNO F & ANITA A. ROERICK*

✓ Hereby make application for an exemption from the standard fencing controls relating to pools. *Debtor 308209(6)*

I propose to make or have already made the following arrangements for the security of my pool:

*We would like to request an exemption for part of our fence where our shed is located for the storage of pool chemicals, pool equipment and tools etc. Our pool is secure with metal fences.*

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

*As Above.  
and we apply for  
A and B to be exempt  
We have complied with c and d as per your  
instructions*

**ADDRESS FOR CORRESPONDENCE:** *29 Royal View Rd Te Atatu 0610*

**APPLICATION FEE: \$250.00**

Signature: *[Signature]*

Telephone No: *027-2170615*

Date: .....

*We request the fee to be waived please*

Consent Services	
Field Services	
<i>LEGAL</i>	

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

## 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.

Told.  
N/A

you have the photographs already.

11 April 2007

29 Royal View Road, TE ATATU SOUTH  
SWIM/2002/11366 /

**Work Required.**

1. Provide a fence to the immediate Swimming pool area to isolate the pool from the following non-complying items.
  - a) The direct accessway through the pool area to access the workshop/storage room.
  - b) The grass area behind the workshop.
  - ✓ c) The compost heap against the neighbours rear boundary fence (No. 19 Marlene Ave) which is currently part of your Swimming pool fence.
  - ✓ d) The landscaping around the pool.

Alternatively, an exemption can be applied for, exemption form attached.

- ✓ 2. Remove any climbable objects from within 1.2m of the Swimming pool fence, eg. tables, chairs, pot plants etc.

**Please Note:**

An automatic 15 day reminder letter is generated if this matter is not finalized within the next 12 days.

**"Should you require any further advice or information with regards to the items of work prescribed, please do not hesitate to contact the writer at your earliest convenience."**

10 APR 2007



Waitakere City Council  
Te Hōkanga Waitakere

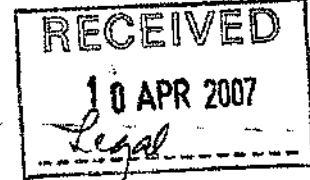
# Exemption Application Form for Spa & Swimming Pools

CHEQUE FOR  
\$ 250.00  
TO CASHIERS  
ATTACHED

695568

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: J.O. HOLGIERSEN

Address of pool: 5 WOOLLEY AVE 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:

SHADE CLOTH HAS BEEN FITTED TO LARGE TRELLIS PANEL & MIDDLE RAIL ON WOODEN FENCE - FENCE IN PROGRESS FOR DECK WITH SELF CLOSING GATE - HOWEVER I WOULD LIKE TO APPLY FOR EXEMPTION FOR LANDSCAPING IN THE POOL AREA

Reasons why proposal should be granted: (See reverse) PRIVACY FROM NEIGHBOURS & PUBLIC RESERVE - LOWER PARTS COULD BE CLEARED TO STOP ANY CHILDREN HIDING IN THIS AREA

Address for Correspondence: PO BOX 17025 GREENLANE

Application fee: \$250 (one off) PLEASE RETURN IF EXEMPTION GIVEN

Signature: [Signature]

Telephone Number: 8277352

Date: 04/04/07

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

10/4/07 DEBORA 307460(8)

Office Use Only	
Site Address:	<u>5 WOOLLEY AVE, NEW LYNN.</u>
SWP No:	<u>SWIM 1999/12715</u>
ABA No:	_____
(If applicable)	_____

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