

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

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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 |
-

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.

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23 MAY 2007

Exemption Application Form for Spa & Swimming Pools



Waitakere City Council
Te Tatao o Waitakere

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

699684

Owners Name: John & Judy Williamson

Address of pool: 12 Chablis Place, 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:

Our spa pool was completed at a low point and we have in
Henderson. A day in regulations means the things and we
apply for it as we have been there, the over-riding to the
spa enclosure from our driveway so the entry way.

Reasons why proposal should be granted: (See reverse) It would be a major expense to
fence the other way. It would also cause the same work
again over the following winter if off.

I would like to know the application fee waived. Firstly because
advice is low for that it was completed recently and I don't
think it's pro.

Address for Correspondence: 12 Chablis Place, Henderson Heights

Application fee: \$250 (one off)

Signature: J Williamson

Telephone Number: 09 839 3400

Date: 25/5/07

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

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

AS

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.

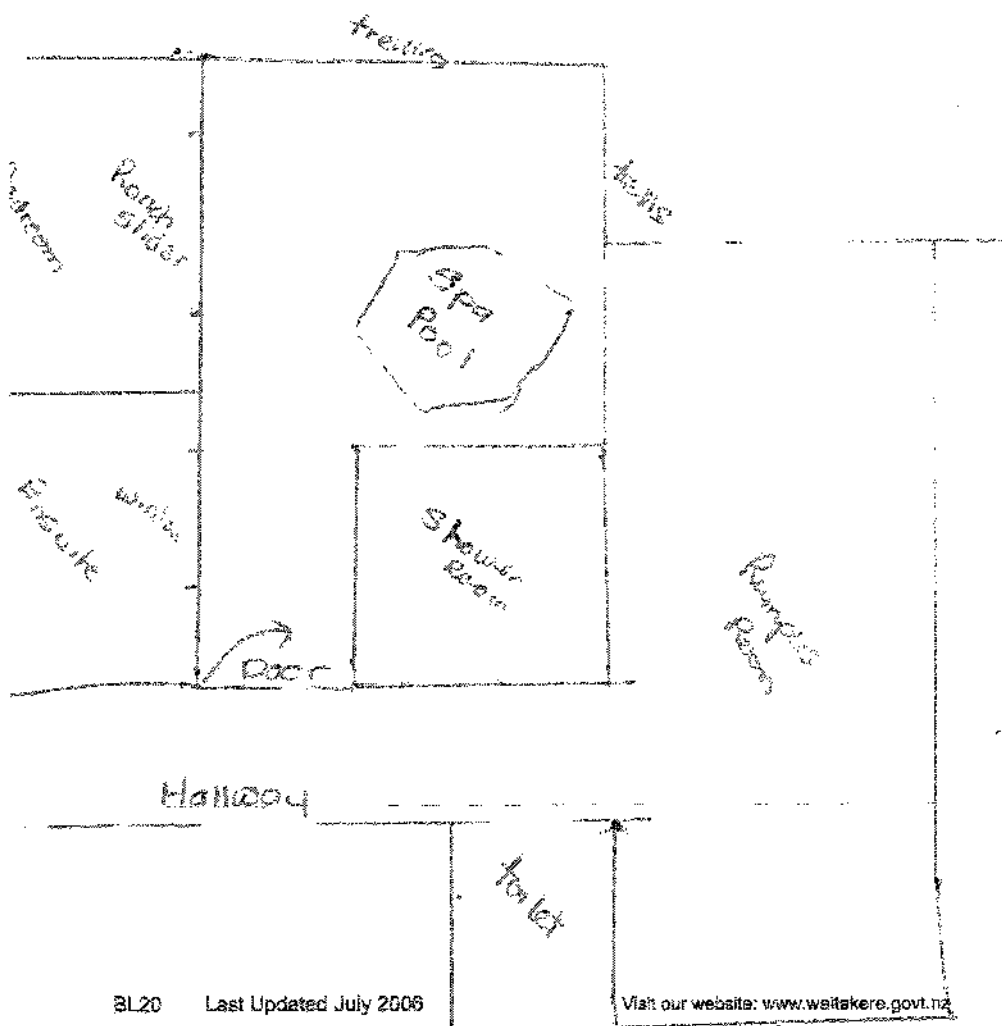
Information to be Provided

To avoid delay in the processing of you 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.

My husband suffered a stroke last year and we are living on a very limited income. We have already had to cover our trellis fencing and buy security steps. It seems ridiculous that the way the door swings is an issue.



Sketch of area.

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

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Waitakere City Council
Te Taiao o Waitakere

WAITAKERE CITY COUNCIL
- 9 OCT 2007

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:
SWP NO:
ABA NO: (IF APPLICABLE)

OWNERS NAME:

~~Mr/Ms/Miss/Ms~~..... **BOSMAN**

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:

ALL DOORS OPENING ON TO POOL AREA HAVE SELF CLOSING LATCHES AND DEAD BOLTS, THE ONLY DOORS WHICH ARENT SELF CLOSING HAVE DEAD BOLTS, THEY ARE ALUMINIUM DOORS AND THE DIFACULTY OF MAKING THEM SELF CLOSING IS NEAR IMPOSSIBLE

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

THE COUNCIL HAVE PHOTO'S WHICH WERE TAKEN BY NEVELL EXLER, ALL DOOR'S HAVE DEAD LOCKS AND ARE ALWAYS LOCKED, THEY ALSO HAVE PAST ALL INSPECTION REQUIREMENTS IN THE PAST

ADDRESS FOR CORRESPONDENCE: 5 KHALEEL PLACE HENDERSON

APPLICATION FEE: \$250.00

Signature: [Signature]

Telephone No: 8363195

Date: 9/10/07

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

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DISPENSATION APPLICATION

INTRODUCTION:

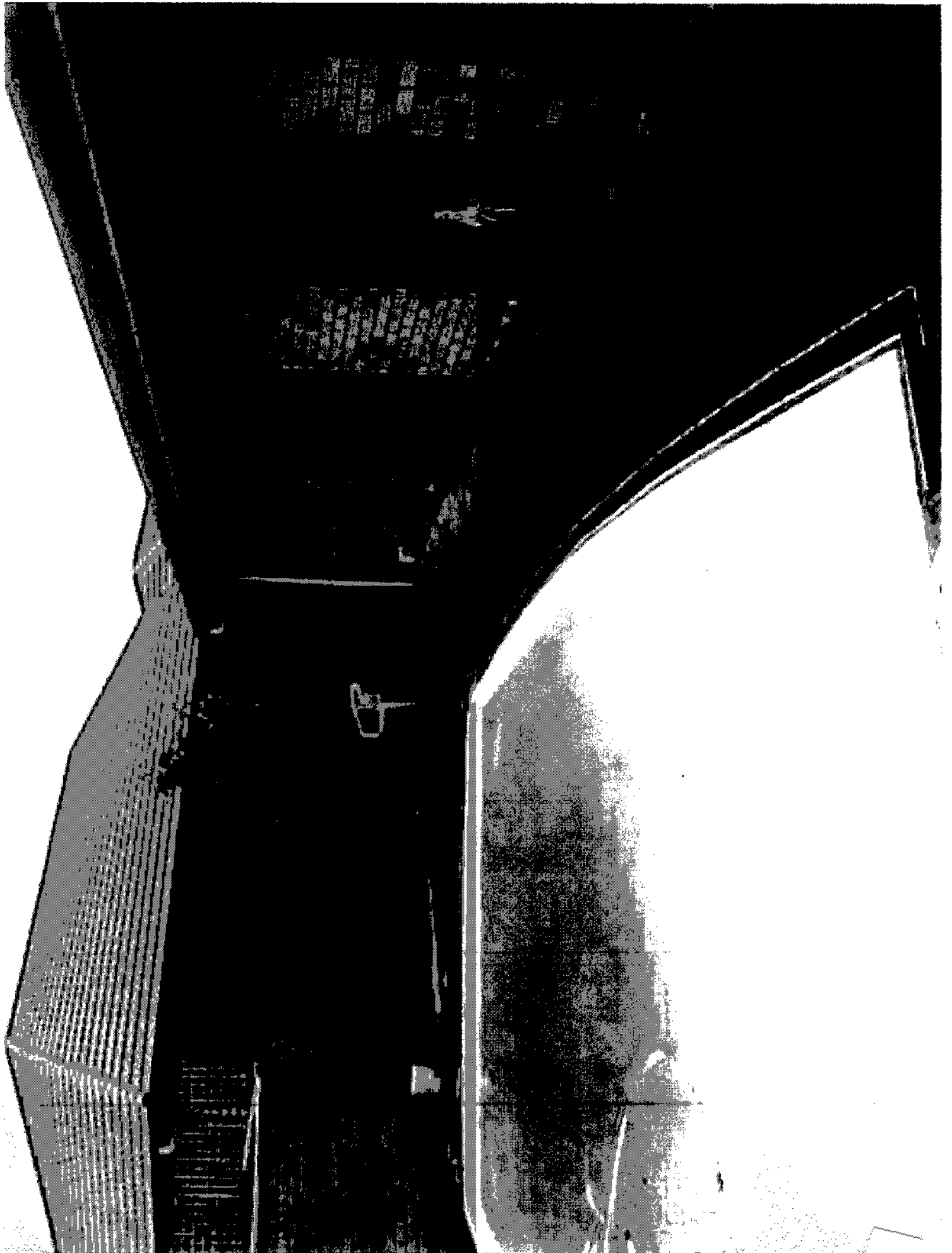
An exemption is a discretionary power conferred on Council by Section 6 of the Fencing of Swimming Pools Act 1987, to allow in certain circumstances exemptions from the requirements of the Schedule of the said Act.

INFORMATION TO BE PROVIDED:

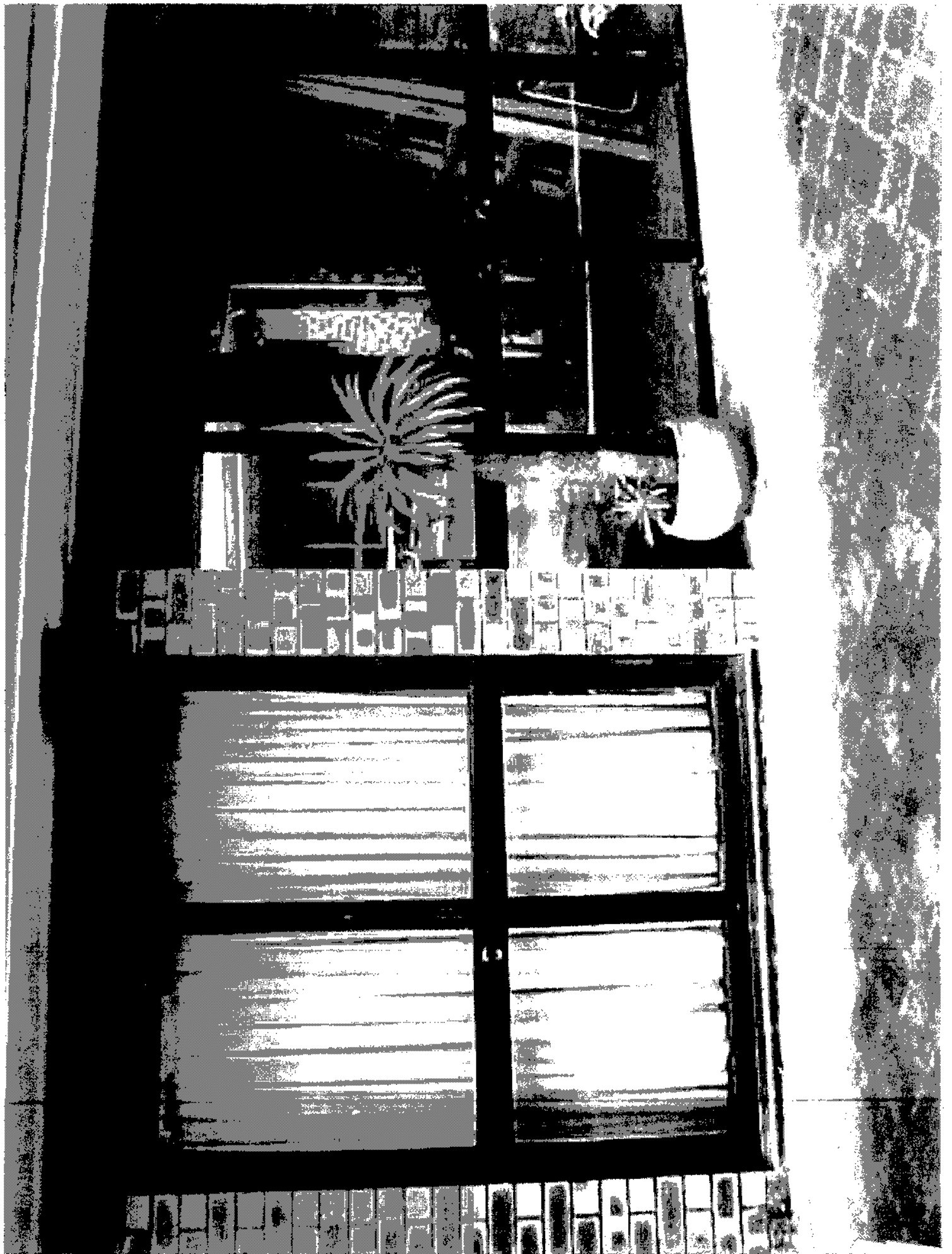
To avoid delay in the processing of your application the following information **must** be provided:

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.



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19 OCT 2007

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CREDIT FOR \$250.00 TO CASHIERS



Waitakere City Council

Te Tatao 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:
SWP NO:
ABA NO: (IF APPLICABLE)

OWNERS NAME:

Mr/Mrs/Miss/MS Greg Sneddon

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 has been fenced off correctly as per council requirements & has self closing gates as requested. French doors are within this area that open out as designed which have been part of the house since being built in the 1970s along with the installation of the pool.

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

Photos have been supplied that support our request for exemption, they show that there is insufficient room to put another fence up between the french doors & the pool itself. Please note that the handle on the french door has been raised to 1200mm & there are bolts on top & bottom of the doors to insure safety & security. We are respectfully

ADDRESS FOR CORRESPONDENCE:

Greg Sneddon & Jenny Tasker
1 Blythe Place, Glendene, Auckland.

APPLICATION FEE: \$250.00

Signature: Jenny Tasker

Telephone No: 0274 587 039 Jenny or 0274 765 767 Greg

Date: 17/10/07

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

All

Legal

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:

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The Council may impose other conditions relating to the property or the pool as are reasonable in the circumstances.

*requesting that all these factors are considered
as that in looking at our efforts to comply that
we will have your understanding of the situation.
We have a 10m old boy which we are aware needs
protection from pool danger
and will do what is needed
to protect him & the
children.*

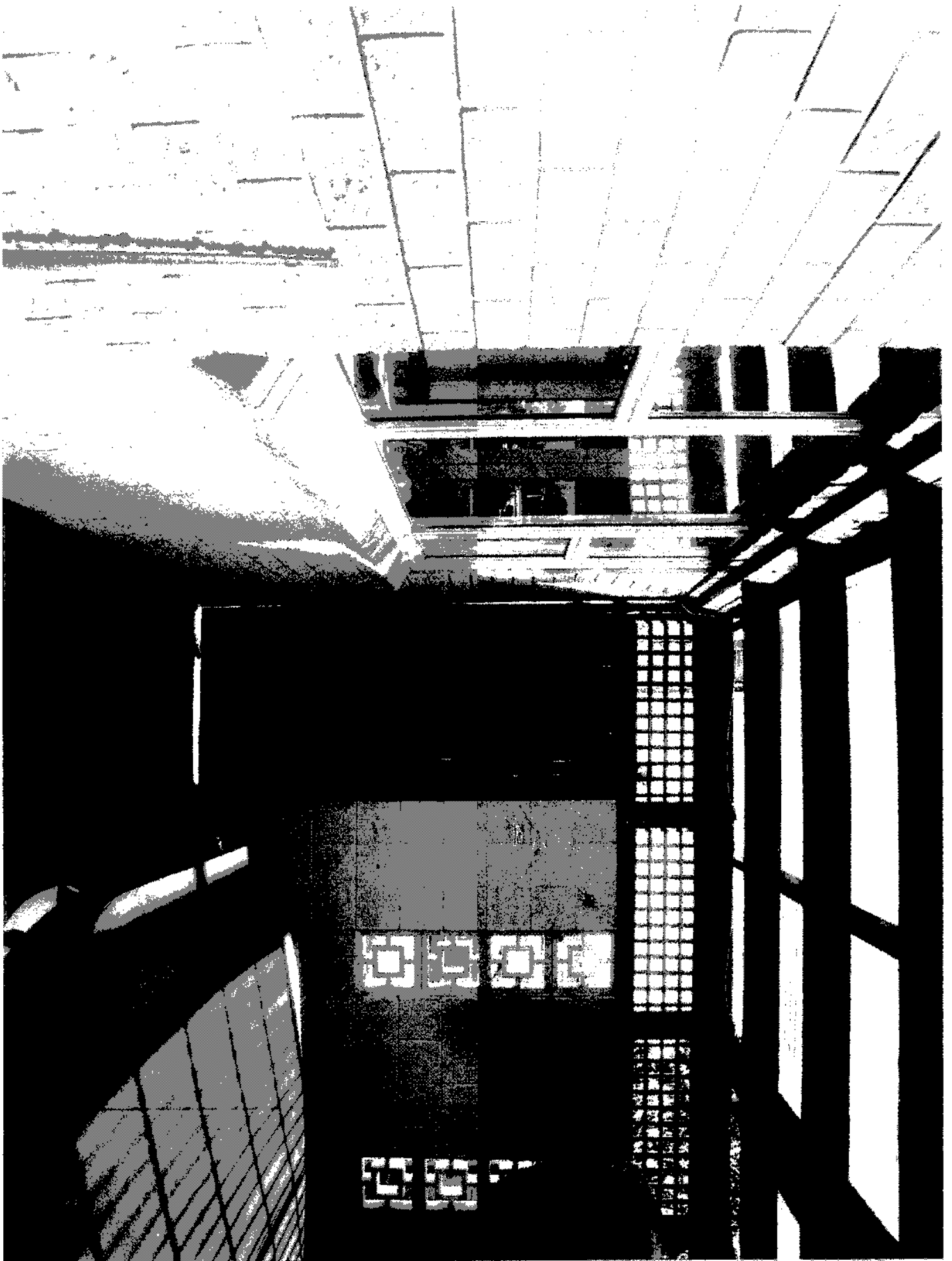
Think you

Kind Regards

Greg Snedden & Jenny Tasker (Direct Partner)



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Waitakere City Council
Te Tatao o Waitakere

EXEMPTION APPLICATION FORM FOR SWIMMING & SPA POOLS

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

OWNERS NAME:

Mr/Mrs/Miss/Ms Pete Lewis

OFFICE USE ONLY

SITE ADDRESS:

6 May Ave

SWP NO:

**ABA NO:
(IF APPLICABLE)**

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:

my Pool is entirely enclosed by a legal fence + is only used as a pool area. It has nothing within the area apart from the pool and some trees.

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

All trees have been pruned to a height to allow safe passage up to a 6ft height. All area around trees are low of obstacles. For these reasons I wish to have the trees exempted (landscaping).

ADDRESS FOR CORRESPONDENCE:

APPLICATION FEE: \$250.00

Signature: [Signature]

Telephone No: 837 7103

Date: 11/10/07

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

AIS

DISPENSATION APPLICATION

INTRODUCTION:

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The Council may impose other conditions relating to the property or the pool as are reasonable in the circumstances.

Exemption Application Form for Spa & Swimming Pools

18 JUL 2007



Waitakere City Council
Te Taiaro o Waitakere

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

704352
RECEIVED

Owners Name: Barry + Deborah McCullough
Address of pool: 20 Taikata Rd Te Atatu Peninsula Auckland

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:

All the fencing has been done to the Council requirements. The exemption we are applying for is for the planting of trees + shrubbery in the dead area behind the pool. The plantings were enhanced as there was nothing else that could go into that area, and the only access to this area is from the pool.

Reasons why proposal should be granted: (See reverse) as this area is impractical for anything else, + poses no danger to users of the pool-of any age. The gardens were created as a barrier, for both security + privacy from Ramlea Park that built onto our property.

Also asking for a waiver of fee as the position + set out of pool was done with the assistance of a pool inspector, who was here prior to construction + he informed us we could retain the 3m gardening around the pool area.

Address for Correspondence: 20 Taikata Rd Te Atatu Peninsula

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 09 834 7348

Date: 9-07-2007

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

* NO CHECKER *
ENCLOSURE

Chief Executive	
Corporate Services	
City Services	
Moselle	
Consultancy Services	
ECO WATER	
Strategic Group	
Consent Services	
Field Services	
<u>[Signature]</u>	

Office Use Only

Site Address: _____

SWP No: _____

ABA No: _____
(If applicable)

A17

Dispensation Application

Introduction

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Information to be Provided

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The Council may impose other conditions relating to the property or the pool as are reasonable in the circumstances.

copy to make 27/11/07

A18

300. 01/11/05 7/4 F SWIMMING POOL

Swimming
Auckland



- 1 OCT 2006

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

<u>OFFICE USE ONLY</u>	
<u>SITE ADDRESS:</u>

<u>SWP NO:</u>
<u>ABA NO:</u> (IF APPLICABLE)

OWNERS NAME:

Mr/Mrs/Miss/Ms John & Karen Hansen
Evon

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:

All corners of the fence, per regulations for our pool
have been met except for two sets of aluminium fence
doors which open into the pool area, which are part of the
house

Reasons why proposal should be granted: (See reverse): due to the configuration
of these doors, they cannot be made to open away
from the pool area, so we have installed safety
devices as steel inactive door leaf has flush
bolts at 1600 which are concealed Active doors have
surface mount closers on plus self latching mechanism
above 15m as shown by photos

ADDRESS FOR CORRESPONDENCE: 7-13 Swansons Rd, Swansons
Auckland

APPLICATION FEE: \$250.00

Signature: [Signature]
Telephone No: (09) 580 0811 (John) (09) 580 0811 (Karen)
Date: 1/10/2007

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

A19

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.

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The Council may impose other conditions relating to the property or the pool as are reasonable in the circumstances.