

## 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

**A 3**

## 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 Building and Housing.

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17 JUL 2008

# Exemption Application Form for Spa & Swimming Pools



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 attached  
18616

Owners Name: PAUL ROBINSON

Address of pool: 57 CHRISTIAN ROAD, SWANSON, 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:

- COMPLIANT AS PER 2003 REQUIREMENTS  
SEE ATTACHED DOCUMENTS PRE.

Reasons why proposal should be granted: (See reverse)

SEE ATTACHED DOCS.

Address for Correspondence: 57 CHRISTIAN ROAD, SWANSON, WAITAKERE CITY

Application fee: \$250 (one off)  
Signature: Paul J Robe

Telephone Number: 021 02316712

Date: 13/7/08

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

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

### Office Use Only

Site Address: 57 CHRISTIAN ROAD, SWANSON

SWP No: 1007-10.75

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

# 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.



Exemption Application for Spa and Swimming Pools  
Re: Swimming Pool 57 Christian Road, Swanson: Lot 5 DP 60454  
BL20 Form Addendum

**Background and History of this Pool (Area)**

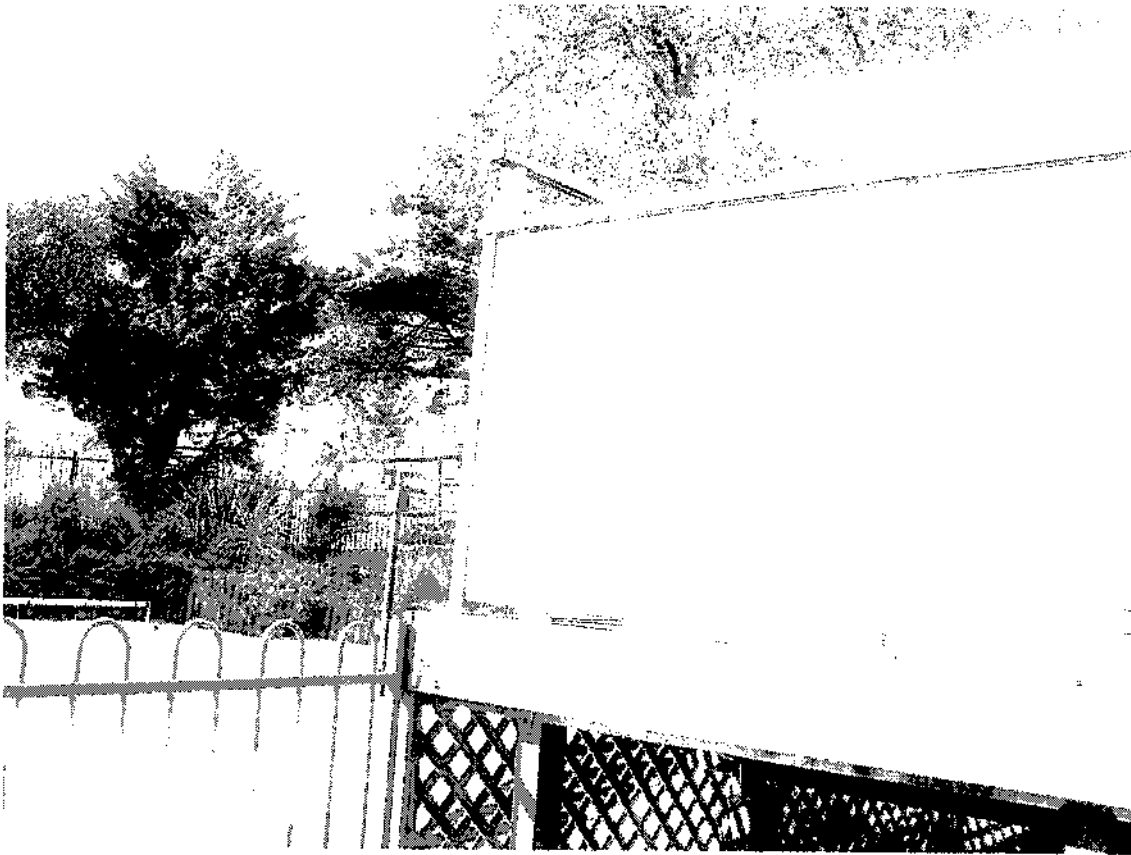
- Pool Built 1985 at a time when a general exemption for 10acre blocks was being applied.
- Some 15years or so later the pool was fenced using standard metal vertical bar fencing.
- In 2003, after council consultation and advice the pool was deemed compliant. (letter attached, dated 3/7/03)
- In late 2007 the pool became non-compliant due to some renovation work being undertaken. This was appropriately pointed out by council on a routine visit.
- As a result the pool area was 'put right' to the standard set at the 2003 approval (refer Council's above letter 3/7/03 and 6 September 2007) plus my reply of 27 September.
- This was deemed not to be compliant by council refer letter 4 September 2007 and subsequently clarified in Council's letter of 5 June 2008.
- The crux of the difference between the 2003 decision and the current requirements is that:
  1. the "landscaped area" is required to be isolated a ruling in a case "as directed by the Court decision of Judge Randerson."



*Handwritten notes:*  
1. The landscaped area is required to be isolated a ruling in a case "as directed by the Court decision of Judge Randerson."

EMAILED  
14/09/08  
10:20 AM  
10/20/08

2. Handrail of deck from the point where it abuts the swimming pool area are a minimum height of 1.2 m and are unclimbable.



### Reasons Exemption should be Granted

**Point 1.** Although Judge Randerson's decision was reported in 2004, in the 2003 'Compliance' process I was originally asked to fence off the landscaped area (raised garden on plan attached). At that time I had a large aviary as a garage extension with access via a side door. This was viewed by council as detracting from the exclusivity of a pool area. As a result the aviary was dismantled and the side door blocked off.

This was deemed acceptable in 2003. However, not so now.

I therefore respectfully request Council to grant an exemption to this requirement because:

- o Removal of the aviary was a difficult decision (I had had budgies for 40+ years) but to erect an extra fence in front of the raised garden would have been unsightly and an unnecessary expense since it would not increase security over and above the existing fence and garage side.
- o If existing fencing was good enough in 2003 is it reasonable to for me to have to erect an extra fence. This issue was raised and covered in the 2003 approval.

E-MAILED  
15/10/2003  
BY [signature]

- Customer Field Advisor Neville Exler explained that I could apply for exemption in the circumstances.
- The rural and country aspect of the setting would be compromised if such a fence were to be erected yet no practical benefit (for additional security) would be accrued.

**Point 2.**

I therefore respectfully request Council to grant an exemption to this requirement because:

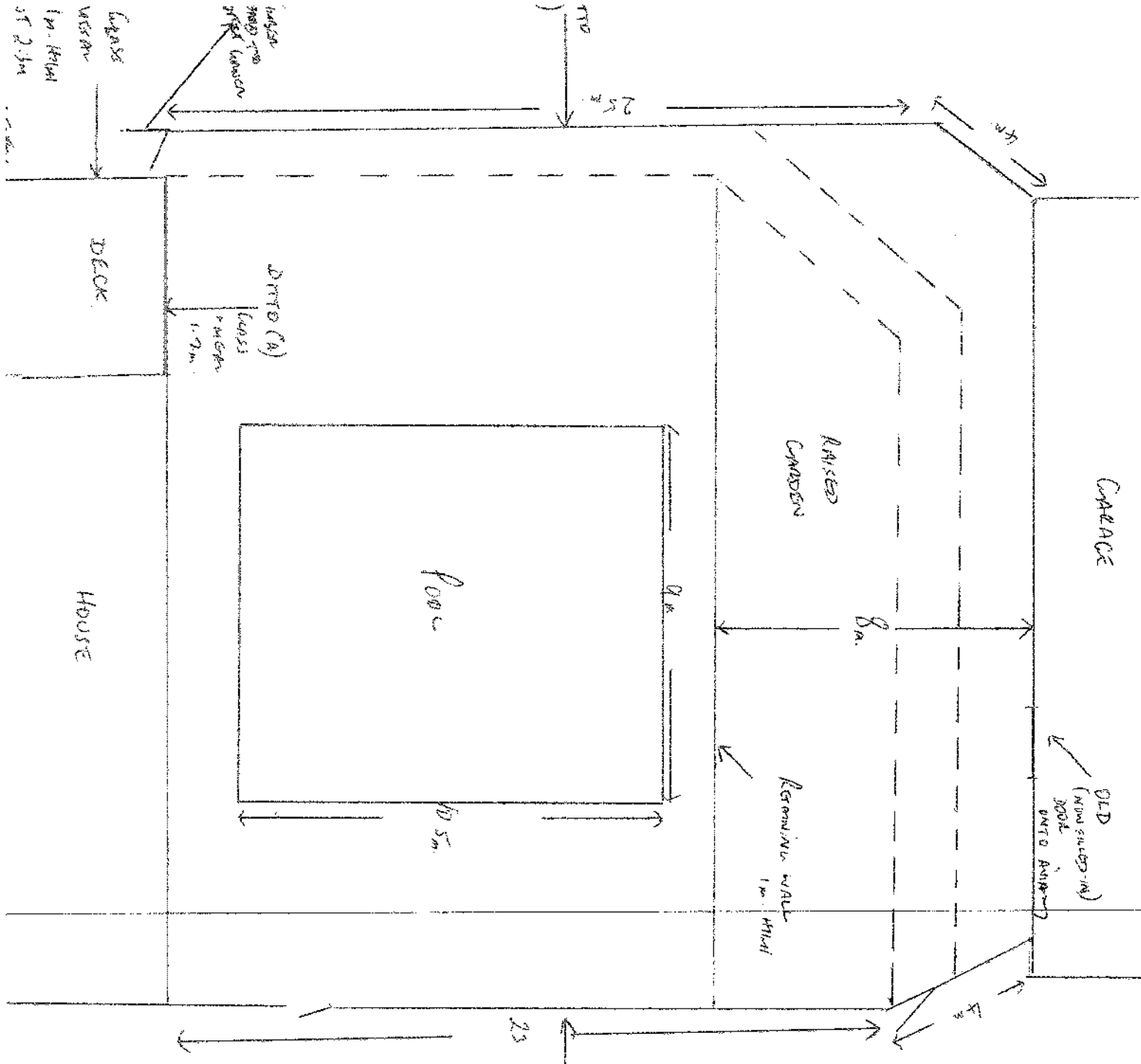
- Similarly in 2003 this extension to the deck handrail was not required.
- What is now required is that I replicate a 'return' rail adding 200cm to be similar to that which abut's the pool for a distance of 1.2 m.
- This too would detrimentally affect the visual amenity of the Waitakere Ranges view as seen from the deck.
- As a grown fit man I was unable to climb this corner into the pool area.

Paul Robinson

Landowner

*Handwritten notes:*  
 1.2m return rail  
 200cm extension  
 1.2m return rail

**RECEIVED**  
 15/08/2013  
 10:20 AM  
 10/10/13



Sketch Plan (Approx. Not to Scale)  
 Pool Area 57' Construction Area  
 J. Anderson

WHOLE STRUCTURE (A)

Vertical Frames Mason  
 Not Less Than 1.2m High  
 From Outside of Pool Area

2.7m x 2.1m x 2.1m  
 2.7m x 2.1m x 2.1m  
 2.7m x 2.1m x 2.1m





CHEQUE FOR  
\$ 250.00  
~~TEACHERS~~  
ATTACHED

WAITAKERE CITY COUNCIL

18 JUL 2008

Waitakere City Council  
Te Taiāo o Waitakere

18703

APPLICATION FOR EXEMPTION of SPA & SWIMMING POOLS

Fencing of Swimming Pools Act 1987

1987-1988

Please Note

In order for an exemption application to be accepted, the Council it will need to be fully appraised prior to being referred to the Swimming pools Exemption Committee for decision. Any matters that are omitted by the applicant may result in the application being referred back to the applicant for further clarification. A further inspection of the pool may be required.

OWNERS NAME: (print)

Susan Mary [unclear]

Address of Pool: (print)

195 Kaim Rd, [unclear]

ADDRESS FOR CORRESPONDENCE (if different from site address) (print)

Information to be provided:

- PLANS:** A Sketch plan must accompany all applications, including all measurements of the immediate pool area, the pool size and location. The sketch is to include boundary fencing and also the dwelling wall, if this forms part of the fence. The materials of which they are constructed must be stated. Photographs may be provided for clarification. *already been done*
- REASONS justifying the proposal.** Council may grant an exemption where the circumstances warrant a dispensation from the statutory requirements for pool fencing. Your attention is drawn to Section 6 of the Act and Clause 11 of the Schedule. An exemption may be granted or declined in the Council's discretion and if granted conditions may be imposed. A copy The Fencing of Swimming Pools Act 1987 is available on Council's website [www.waitakere.govt.nz](http://www.waitakere.govt.nz)

Please list those matters which at the date of this application do not comply with the statutory requirements

- Fencing Check in Port.*
- both corners damaged by car on path on the other side to [unclear]*
- 
- 
- 
- 
-





Waitakere City Council  
Te Taiao o Waitakere

Waitakere Central  
6 Henderson Valley Rd  
Henderson 0612  
Waitakere

Waitakere City Council  
Private Bag 93109  
Henderson 0650  
Waitakere

Telephone  
09 839 0400

# TAX INVOICE

GST Registration Number

52-211-247

S M Stevens  
195 Kauri Road  
Whenuapai  
WAITAKERE 0618

Date: 21-Jul-2008  
Customer No: 321445  
Invoice No: 380960

Licence Location: 195 Kauri Road, WHENUAPAI

Licence: SWIM-1998-12586

Fee Code	Transaction Description	Amount
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EXSP	Exemption Fee	250.00
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WAITAKERE CITY COUNCIL  
PB 93-109 HENDERSON  
PH No 09 839 0400  
GST NO 52-211-247  
OFFICIAL RECEIPT

Susan Mary Stevens  
195 Kauri Road  
Whenuapai

Receipt No: 1876965  
Receipt Date: 18-JUL-2008

Prepayment Rece PP/SWP/239 250.00

Cheque -250.00  
S M Stevens

Receipt Amount: 250.00  
Tendered Amount: 250.00  
Change Issued:  
Rounding Amount:

Total GST:



This account includes a total GST content of 27.77

Invoice Total 250.00

Remittance Advice  
(Please Detach and Return with Payment)

Waitakere City Council  
Te Taiao o Waitakere

Waitakere Central  
6 Henderson Valley Rd  
Henderson 0612  
Waitakere

Waitakere City Council  
Private Bag 93109  
Henderson 0650  
Waitakere

Telephone  
09 839 0400



Invoice Date:	21 July 2008	Licence:	DLC
Invoice Number:	380960	Debtor Number:	321445
Name:	S M Stevens	Payment Reference:	256886
Licence:	SWIM-1998-12586	Invoice Total:	250.00

A 13



Waitakere City Council  
Te Taiāo o Waitākere

CHEQUE FOR  
\$ 20.00 attached  
TO CASHIER

APPLICATION FOR EXEMPTION of SPA & SWIMMING POOLS

Fencing of Swimming Pools Act 1987

17958

Please Note

In order for an exemption application to be accepted, the Council it will need to be fully appraised prior to being referred to the Swimming pools Exemption Committee for decision. Any matters that are omitted by the applicant may result in the application being referred back to the applicant for further clarification. A further inspection of the pool may be required.

OWNERS NAME: (print)

Noel Henry Jack

Address of Pool: (print)

7 Seacrest Drive - West Harbour

SWIM - SPA - HMO.

ADDRESS FOR CORRESPONDENCE (if different from site address) (print)

Information to be provided:

1. **PLANS:** A Sketch plan must accompany all applications, including all measurements of the immediate pool area, the pool size and location. The sketch is to include boundary fencing and also the dwelling wall, if this forms part of the fence. The materials of which they are constructed must be stated. Photographs may be provided for clarification.
2. **REASONS justifying the proposal:** Council may grant an exemption where the circumstances warrant a dispensation from the statutory requirements for pool fencing. Your attention is drawn to Section 6 of the Act and Clause 11 of the Schedule. An exemption may be granted or declined in the Council's discretion and if granted conditions may be imposed. A copy The Fencing of Swimming Pools Act 1987 is available on Council's website [www.waitakere.govt.nz](http://www.waitakere.govt.nz)

Please list those matters which at the date of this application do not comply with the statutory requirements

1. Landscaping area situated within Pool area
2. Portable Spa - situated within fenced pool area
3. -
4. -
5. -
6. -
7. -

EMAILED  
08/07/2015  
AS ATTACHED

cheque n° 078352

**Please list those matters for which an exemption is sought**

Landscaping  
Spa Pool Consent (Building)

**Reasons why the application should be granted**

1. landscaping area was existing on original Pool Plans when application for Pool Consent was made and compliance issued.
2. Portable spa - situated on a solid base - (concrete) is secured in the pool fence area

If there is insufficient space on this form please use additional sheet(s) and continue

N/A

I/We apply for an exemption from the requirements of the Fencing of Swimming Pools Act 1987 set out above and certify that all other pool fencing requirements are in accordance with the Act. A cheque for the application fee of \$250 is attached.

Signature(s): N York  
 Telephone No: 021 739 335  
 Mobile No: 021 739 335  
 Date: 4th July 2008

Complete this form and post with all attachments to:

The Chief Executive  
 Waikare City Council  
 6 Henderson Valley Rd  
 Henderson  
 Waikare 0612

*05/07/2008*

Office Use Only	
Site Address: <u>7 3rd Ave. Hill</u>	<input type="checkbox"/> Chief Executive <input type="checkbox"/> Corporate Services <input type="checkbox"/> City Services <input type="checkbox"/> Rosella <input type="checkbox"/> Consultancy Services <input type="checkbox"/> EOP - Practice <input type="checkbox"/> Strategic Group <input type="checkbox"/> General Services <input type="checkbox"/> Field Services <input checked="" type="checkbox"/> Legal
SWP No: <u>2008 - Hill</u>	
ABA No: _____ (if Applicable)	

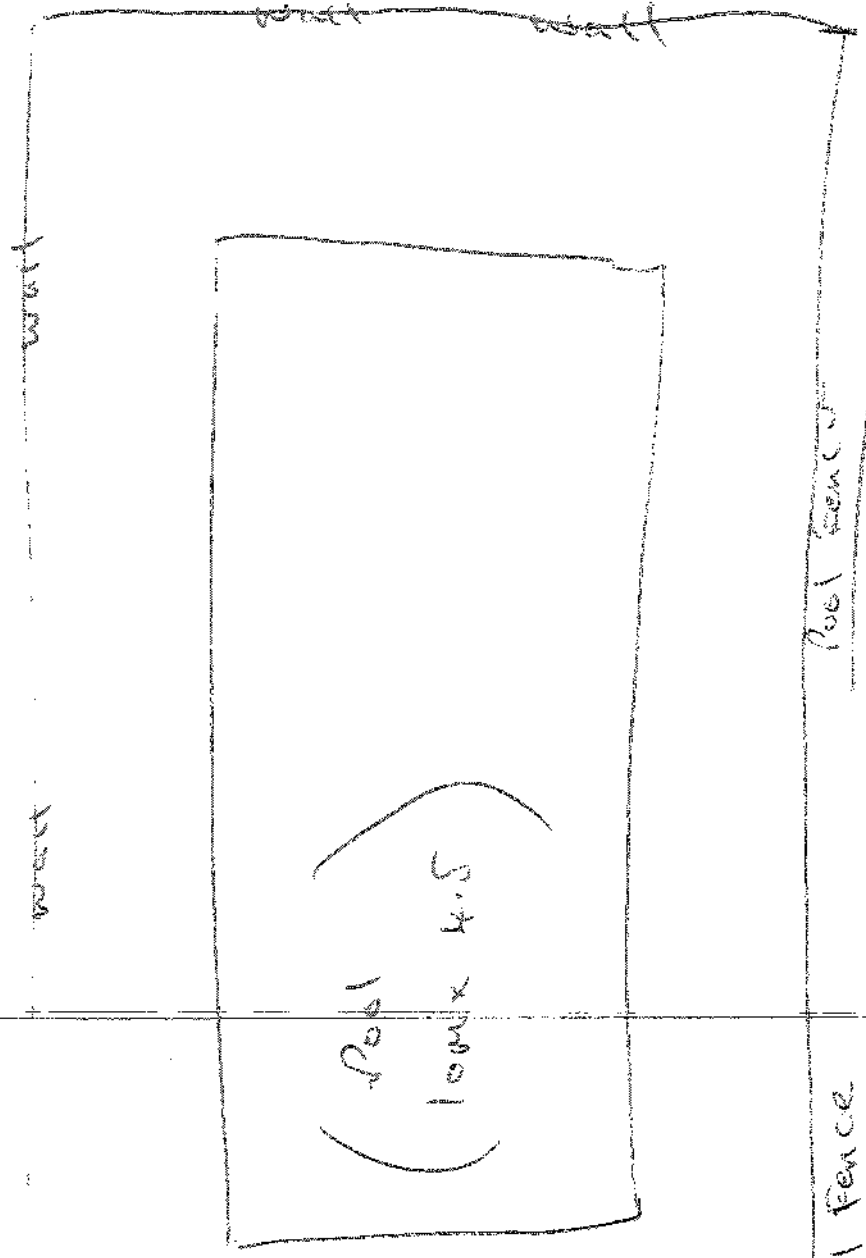
*AS ABOVE*  
*Legal*

8:00 AM July 2008

Handwritten notes on the left side of the diagram.

Handwritten notes on the left side of the diagram.

Handwritten notes at the top of the diagram.



Pool Fence

Pool Fence

Gate

Rabio

House

7 2008-2009-11-101

EMAILED 8/10/08



CHEQUE FOR

\$ 250.00

~~TE TAKAPUNA~~

WAITAKERE CITY COUNCIL

26 JUN 2008

Waitakere City Council *Te Taiaro o Waitakere*

**APPLICATION FOR EXEMPTION of SPA & SWIMMING POOLS 17098**

Fencing of Swimming Pools Act 1987

**Please Note**

In order for an exemption application to be accepted, the Council it will need to be fully appraised prior to being referred to the Swimming pools Exemption Committee for decision. Any matters that are omitted by the applicant may result in the application being referred back to the applicant for further clarification. A further inspection of the pool may be required.

OWNERS NAME: (print)

CK & CS HEDDERLEY

Address of Pool: (print)

7 LUKE TTI, RISE WAIKAREMOANA

SWIM-2008-75

Subsolar # 32196/14

ADDRESS FOR CORRESPONDENCE (if different from site address) (print)

Information to be provided:

- PLANS:** A Sketch plan must accompany all applications, including all measurements of the immediate pool area, the pool size and location. The sketch is to include boundary fencing and also the dwelling wall, if this forms part of the fence. The materials of which they are constructed must be stated. Photographs may be provided for clarification.
- REASONS** justifying the proposal. Council may grant an exemption where the circumstances warrant a dispensation from the statutory requirements for pool fencing. Your attention is drawn to Section 6 of the Act and Clause 11 of the Schedule. An exemption may be granted or declined in the Council's discretion and if granted conditions may be imposed. A copy The Fencing of Swimming Pools Act 1987 is available on Council's website [www.waitakere.govt.nz](http://www.waitakere.govt.nz)

Please list those matters which at the date of this application do not comply with the statutory requirements

- The inspector wants a fence immediately between the
- house & the pool. I had this is totally unjustified
- as the owner was applied for pool was checked by installing
- 15m high security gates in door & windows that opened
- to immediate pool area including legal height fencing etc
- I firmly believe our safety measure was way adequate
- & should already comply as they are equal to any that have implied in our street



EMAILED

09/07/08

Ms. STANLEY

think A17

CK Hedderley

**Please list those matters for which an exemption is sought**

Fence between house & pool

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Reasons why the application should be granted**

See over

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If there is insufficient space on this form please use additional sheet(s) and continue

I/we apply for an exemption from the requirements of the Fencing of Swimming Pools Act 1987 set out above and certify that all other pool fencing requirements are in accordance with the Act. A cheque for the application fee of \$250 is attached.

Signature(s): W. K. Hooley

Telephone No: 416 7691

Mobile No: 0274 761 645

Date: 25/6/08

Complete this form and post with all attachments to:

The Chief Executive  
 Waitakere City Council  
 6 Henderson Valley Rd  
 Henderson  
 Waitakere 0612

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

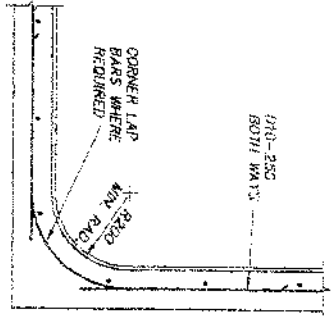
Legal

**Office Use Only**

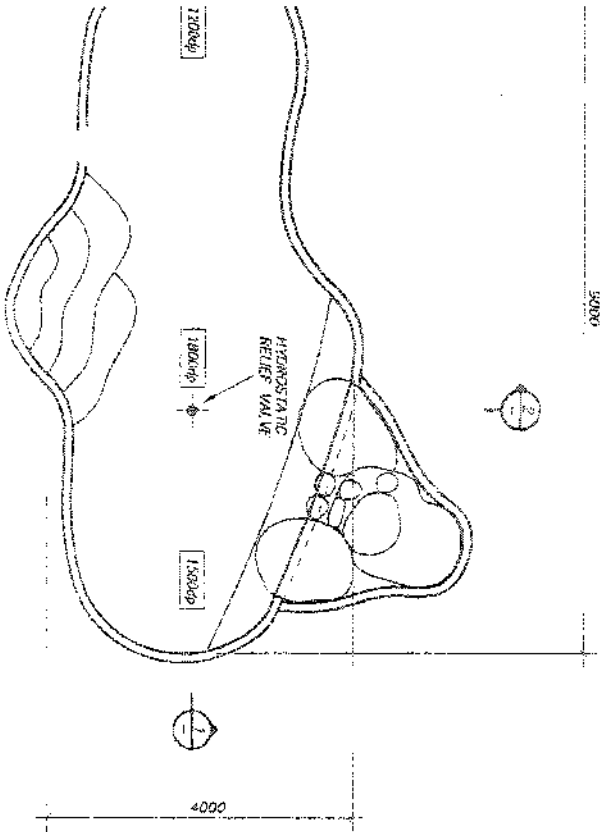
Site Address: 7 Mt. St. Rita's Rd, Mt. St. Rita's

SWP No: 2008-75

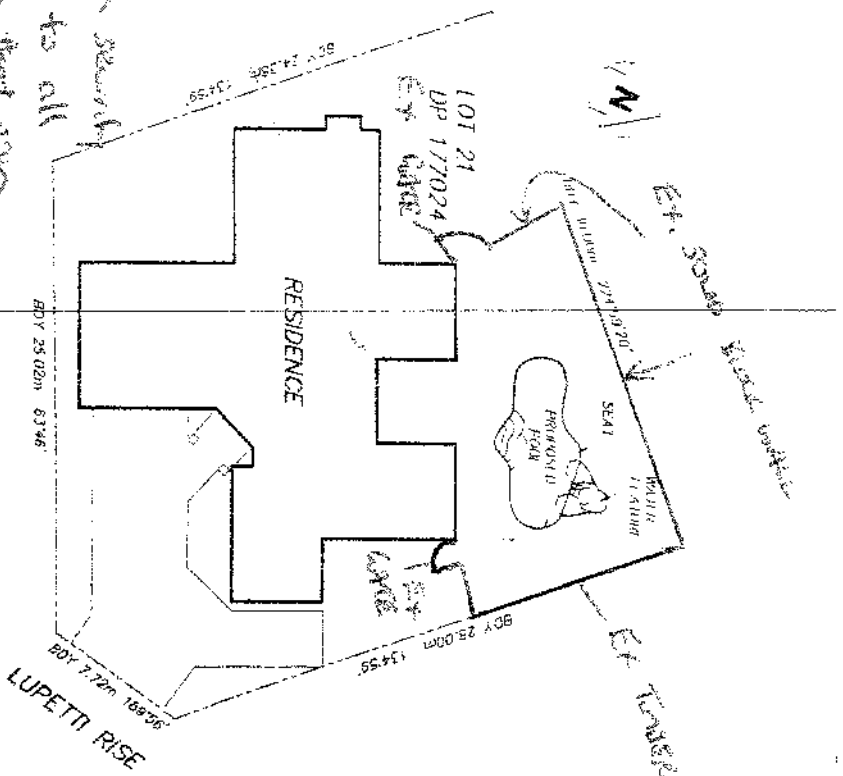
ABA No: \_\_\_\_\_  
 (if Applicable)



TYP CORNER PLAN  
1:10 @ A1



*1500 high security catchment fitted to all slabs & bifolds that open to this area*

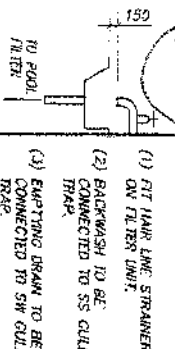


SITE PLAN  
1:200 @ A1

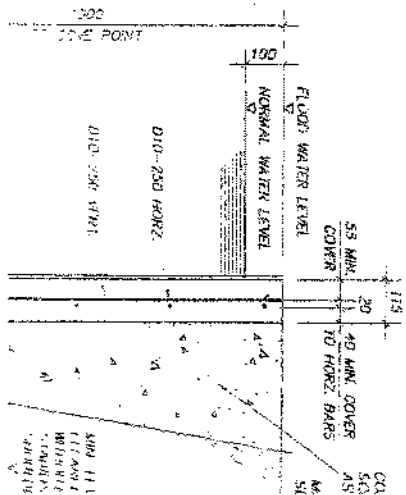
**EMAILED**  
05/07/2018  
TO STOKES

*LUPETTI RISE*  
*WATER*

NOTE:  
ALL SITE INFORMATION IS AS SPECIFIED BY THE CLIENT.  
DUFFELL WATTS & KING LTD ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THE SITE INFORMATION AS SUPPLIED.  
THE CLIENT SHALL ADVISE DUFFELL WATTS & KING LTD IMMEDIATELY IF ANY DISCREPANCY BETWEEN ACTUAL SITE CONDITIONS AND INFORMATION SHOWN HERE BECOMES KNOWN.



METHOD OF FILLING POOL  
N.T.S.





# Exemption Application Form for Spa & Swimming Pools

Send to: Chief Executive  
Waitakere City Council  
Private Bag 93109  
Henderson  
WAITAKERE CITY 0812

For more information:  
Civic Centre, 6 Henderson Valley Road  
Henderson  
Telephone (09) 839 0400  
Facsimile (09) 838 8001

Owners Name: RL & MJ Archer as Trustees of the Archer Family Trust

Address of pool: 6 Cherub Place, 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:

1. Area is already fenced.
2. Maintenance work on existing fence required due to additional banks & river shores being added to the garden area slightly raising the ground level.
3. Maintenance work on the gates has also been carried out.

Reasons why proposal should be granted: (See reverse)

(See Attached Sheet)

Address for Correspondence: 6 Cherub Place, West Harbour

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 09 4169149

Date: 21.6.08

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

<b>Office Use Only</b>	
Site Address: <u>6 Cherub Place, West Harbour</u>	Chief Executive
SWP No: <u>924 - 1919 - 183 34</u>	Corporate Services
ABA No: _____ (If applicable)	City Services Roseie
	Consultancy Services
	ECO - WATER
	Strategic Group
	Consent Services
	Field Services Page 1 of 2

**E-MAILED**  
03/10/2008  
115 97090461308

1. The pool was installed 17 years ago and Building Permit 10748 was taken out.
2. Fencing in accordance with the **attached** plan was completed in 1991. This plan also shows the position of the swimming pool in relation to the boundaries.
3. In 2002 we were required to erect a further fence separating the house from the pool area. At that time, to take into account the new fencing requirements of Council, we carried out substantial landscaping, at considerable cost, incorporating the pool area.
4. Council's letter of 8 January 2003 advised that as of 7 January 2003 the swimming pool fencing was in accordance with the Fencing of Swimming Pools Act 1987.
5. In 2008 a further letter was received from Council requiring maintenance work on the existing fence and gates, which has now been completed, and a further inspection by Council requested.
6. Fencing of the pool area is as per the **attached** photo which was taken by Council prior to further maintenance work now carried out on the fence and gates.
7. In accordance with the above and that prior approval of the pool area was given in January 2003 we request an exemption be granted allowing for existing landscaping within the pool area.


**EMALLES**  
 23/02/04  
 TO: BIRCHMOUNT

6 C 1120 B 71  
~~12/02/04~~

Council No - 1449 - 1 0830



Waitakere City Council  
Te Taiao o Waitakere

Waitakere Central  
6 Henderson Valley Rd  
Henderson 0812  
Waitakere

Waitakere City Council  
Private Bag 93109  
Henderson 0650  
Waitakere

Telephone  
09 839 0400

# TAX INVOICE

GST Registration Number

52-211-247

R L Archer  
6 Cherub Place  
West Harbour  
WAITAKERE 0618

Date: 23-Jul-2008  
Customer No: 321432  
Invoice No: 381514

Licence Location: 6 Cherub Place, WEST HARBOUR

Licence: SWIM-1999-12834

Fee Code	Transaction Description	Amount
EXSP	Exemption Fee	250.00



*This account includes a total GST content of 27.77*

Invoice Total 250.00

Remittance Advice

(Please Detach and Return with Payment)



Waitakere City Council  
Te Taiao o Waitakere

Waitakere Central  
6 Henderson Valley Rd  
Henderson 0812  
Waitakere

Waitakere City Council  
Private Bag 93109  
Henderson 0650  
Waitakere

Telephone  
09 839 0400

Invoice Date:	23 July 2008	Licence:	DLC
Invoice Number:	381514	Debtor Number:	321432
Name:	R L Archer	Payment Reference:	257816
Licence:	SWIM-1999-12834	Invoice Total:	250.00

A 22



\* NE wooden fence along boundary joining up with galvanised fence.

6 CHARLUB PI  
WEST HARBOUR



**E-MAILED**  
23/07/03  
AS BYRON HILLIET

Bank of New Zealand  
Dominion Road Branch

NON TRANSFERABLE  
CREDIT WAITAKERE CITY  
COUNCIL ONLY  
Date 21 6 08

Pay Waitakere City Council  
\$250.00

The sum of two hundred & fifty dollars

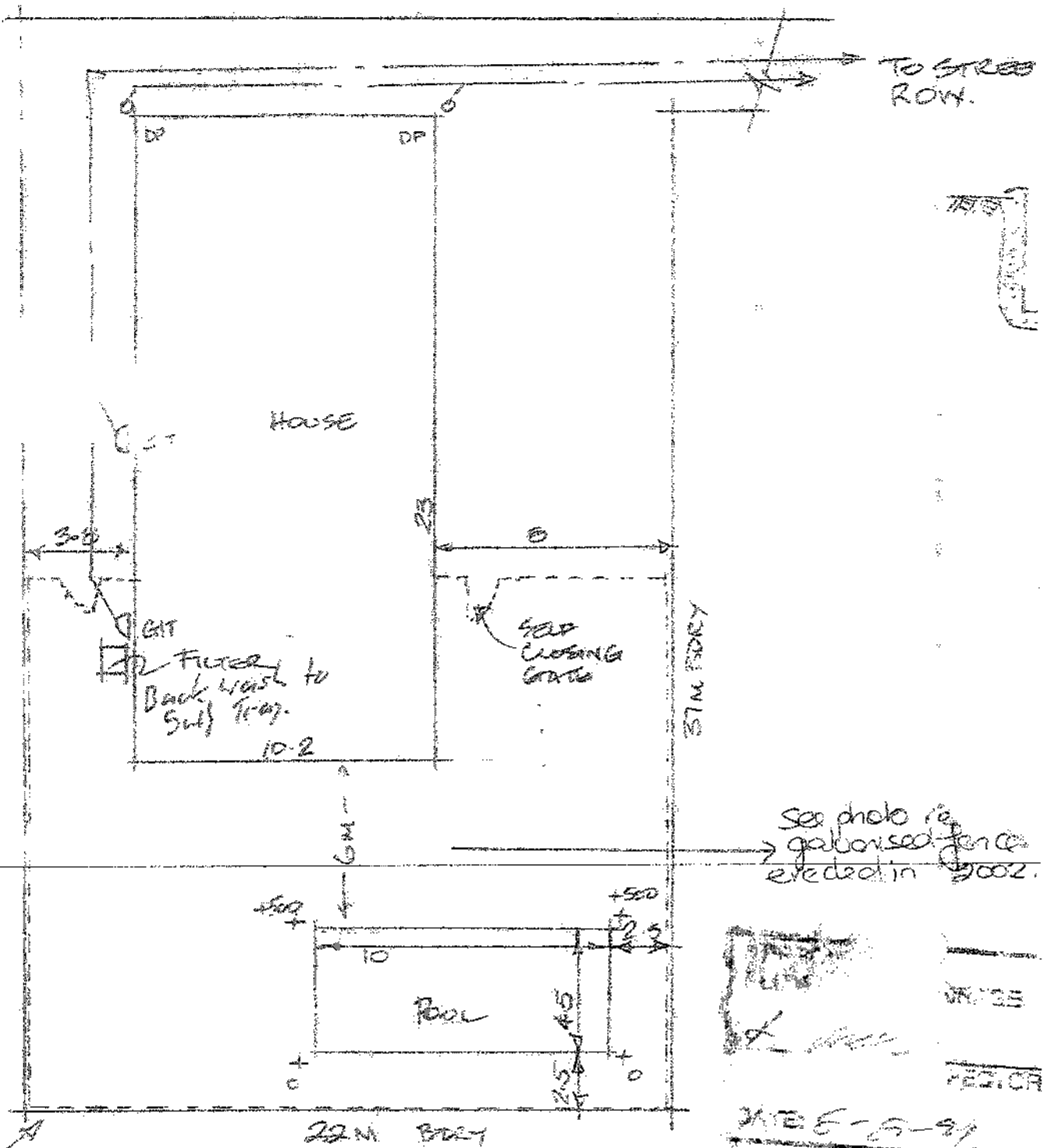
*RL & MJ ARCHER*  
RL & MJ ARCHER  
*gler*

000256 020264 024254 10

WAITAKERE CITY COUNCIL  
18 JUL 2008

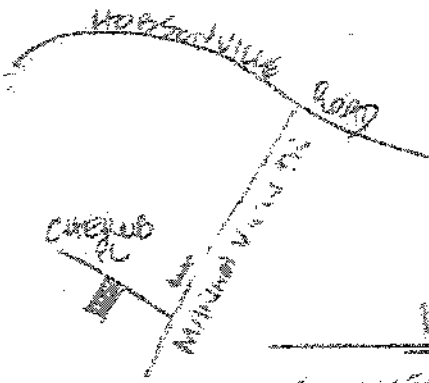
6 CHAMBERS PI  
WEST HARBOR

Plan drawn up in 1991 when pool was installed.



SITE PLAN

1:250



Locality Plan

6 CHURCH ST  
MILTON VILLAGE

PLANS AND SPECIFICATIONS  
APPROVED  
SUBJECT TO CONDITIONS EITHER ON  
OR BUILDING PERMIT  
SIGNED: [Signature]  
BUILDING OFFICER



ENCLOSED -  
23/07/2002  
MILTON VILLAGE

A 25



28 AUG 2008

# Waitakere City Council

Te Tatao o Waitakere

22843

## APPLICATION FOR EXEMPTION of SPA & SWIMMING POOLS

Fencing of Swimming Pools Act 1987

CHEQUE FOR  
\$250 - 00 attached  
TO CASHIER

### Please Note

In order for an exemption application to be accepted, the Council it will need to be fully appraised prior to being referred to the Swimming pools Exemption Committee for decision. Any matters that are omitted by the applicant may result in the application being referred back to the applicant for further clarification. A further inspection of the pool may be required.

OWNERS NAME: (print)

*325m - 1990 in col  
325m + 250*

J A + S Lakeman

Address of Pool: (print)

22 Waione Ave, Te Atatu Peninsula

ADDRESS FOR CORRESPONDENCE (if different from site address) (print)

Information to be provided:

- PLANS:** A Sketch plan must accompany all applications, including all measurements of the immediate pool area, the pool size and location. The sketch is to include boundary fencing and also the dwelling wall, if this forms part of the fence. The materials of which they are constructed must be stated. Photographs may be provided for clarification.
- REASONS justifying the proposal:** Council may grant an exemption where the circumstances warrant a dispensation from the statutory requirements for pool fencing. Your attention is drawn to Section 6 of the Act and Clause 11 of the Schedule. An exemption may be granted or declined in the Council's discretion and if granted conditions may be imposed. A copy The Fencing of Swimming Pools Act 1987 is available on Council's website [www.waitakere.govt.nz](http://www.waitakere.govt.nz)

Please list those matters which at the date of this application do not comply with the statutory requirements

- French doors cannot close/lock automatically
- A gate within the fenced pool area ?? - D=
- not know why this has been included.
- 
- 
- 
- 

COMPLETED

A 26

**Please list those matters for which an exemption is sought**

French doors - to build a fence + gate around them, inside the pool area.

Gate within the pool area, across stairs on South side of pool.

**Reasons why the application should be granted**

The French doors are part of the building which provides one part of the swimming pool fence, and have been there since the pool + fence were installed. They have passed all prior inspections by council. Access to the pool through the doors is prevented by locks whenever the pool is not in use. Continued on separate sheet →

If there is insufficient space on this form please use additional sheet(s) and continue

I/we apply for an exemption from the requirements of the Fencing of Swimming Pools Act 1987 set out above and certify that all other pool fencing requirements are in accordance with the Act. A cheque for the application fee of \$250 is attached.

Signature(s): J. Halceman

Telephone No: HME: 8346441 WK: 8349790 EXT 226

Mobile No: 027 3385 926

Date: 25-8-08

Complete this form and post with all attachments to:

The Chief Executive  
Waitakere City Council  
6 Henderson Valley Rd  
Henderson  
Waitakere 0612

Chief Executive	
Corporate Services	
City Services	
Marewa	
Consultancy Services	
ECO - WATER	
Strategic Group	
Contract Services	
Field Services	
Legal	

**Office Use Only**

Site Address: 88 WAIKARE AVE, TC HEND: Henderson

SWP No: \_\_\_\_\_

ABA No: \_\_\_\_\_  
(if Applicable)

22 a/c 1946-19701  
22 a/c 1946-19701

Both doors have double locks as required by the Council on final inspection when pool was installed. The first door has a keyed lock at 1.35m high and a deadbolt at 1.85m, the second a deadbolt at the bottom and top of the door at 1.85m, making it impossible for young children to access the pool area.

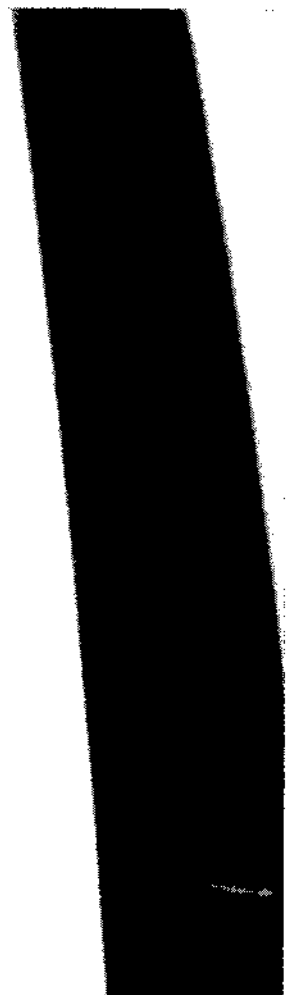
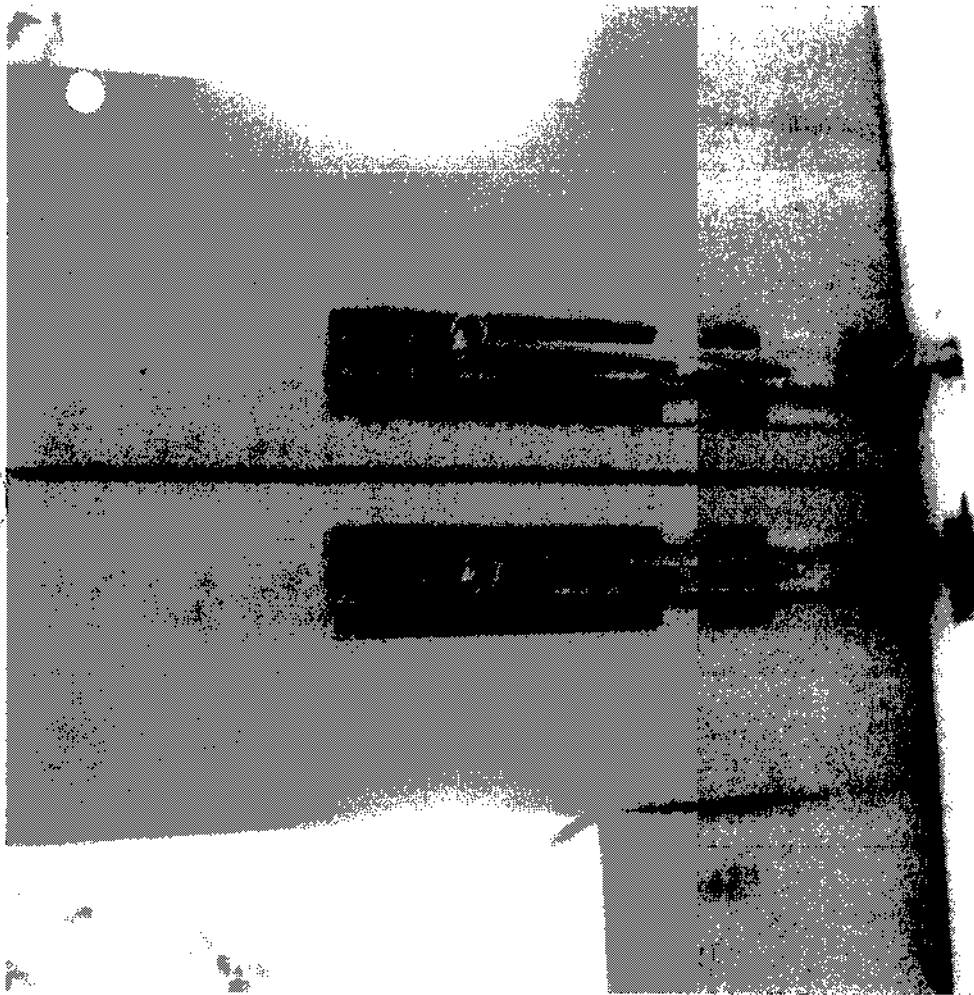
Please refer photos 1 and 2 and 3

Query a gate requirement WITHIN a properly fenced pool area ??? This is not part of the perimeter fence and has no bearing on access to the swimming pool, and cannot be included in the Fencing of Swimming Pools Act. These steps lead to the south side of the swimming pool

---

where the pool pump + vacuum system is located, all within the fenced swimming pool area.

Please refer photos 4, 5 and 6



20. 1st floor of building,  
3rd floor - 1996 - 10 70!

A 29