

**Fencing of Swimming Pool Act 1987  
 (FOSPA 1987)  
 Special Exemption Evaluation Sheet**

**Address:** 1 Grantham Road, Glendowie      **Date:** 18 August 2016  
**DP:** Lot 2 DP 416236 404m<sup>2</sup>

**Item(s) requested in accordance with FOSPA 1987 at last inspection:**

The spa pool situated at above property is not fenced as per FOSPA 1987.

**Item(s) exemption is applied for:**

Spa pool to use lockable cover as acceptable means of compliance as set out in NZ8500:2006.3.10.

**Comments:**

The spa pool does not comply with FOSPA 1987.

NZS8500: 2006 3.10 has 11 conditions to be met in order to meet the standard in full. Compliance with NZS8500-2006 is regarded to be a child safe alternative to compliance with the schedule of FOSPA.

The spa sits on a wooden deck at the side of the dwelling.

The spa is 870mm high and has a compliant cover with eight locks in good working order.

There is nothing within 1.2m that a child could use to stand on the spa cover.

It is therefore recommended to grant the application on the condition NZS 8500-2006 clause (a-k) is met at all times.

The Board can also decline the application where the elected members are satisfied, having regard to the particular characteristics of the property and pool and any other relevant circumstances, that the granting of exemption will significantly increase the danger to young children.

A site visit is not recommended.

The spa pool has been emptied, awaiting the Local Board decision.

**Pool ID:** SWM 2016/222

**Committee Member Comments:**

# Application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987



## GUIDANCE INFORMATION

Council may grant an exemption where the circumstances warrant a dispensation from the Fencing of Swimming Pools Act 1987. Your attention is drawn to the Fencing of Swimming Pools Act 1987, section 6 and clause 11 of the Schedule.

### Special exemptions, s.6

1. Council may, by resolution, grant an exemption from some, or all of the requirements of this Act in the case of any particular pool where Council 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), that such an exemption would not significantly increase danger to young children
2. In granting an exemption under subsection (1), Council 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 Council, by resolution

### Schedule: Clause 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 to the extent (if any) that the Council 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

A full copy of The Fencing of Swimming Pools Act 1987 is available on the following website link [www.legislation.govt.nz](http://www.legislation.govt.nz)

Auckland Council Code of Practice Swimming Pools is available on the Auckland Council website (see link) [Swimming pool fencing code of practice](#)

### Documentation required to support application:

A site plan must be provided including all measurements of the immediate pool area, the pool size and location. The plan is to include all pool fencing details, including any wall of the dwelling used as part of the fencing, if this forms part of the fence. The plan must detail the materials of which the fences are constructed.

### Important notes:

1. Failure to provide information on any material matters may result in a request for further information
2. Until an exemption is determined, the pool must be made compliant with the Act; one way of achieving compliance is to drain water from the pool to a maximum depth of 400mm. However, if you intend to drain the pool, we recommend that you consult a pool professional before draining water, to avoid damaging your pool.

## OWNER

Name:

EMILÉ BUNT

Mailing address:

PO BOX 25832  
ST HELIENS, AUCKLAND

Postcode:

1071

Private:

Business:

Facsimile:

Mobile:

0275555409

Email address:

EBUNT@XTRA.CO.NZ

## POOL DETAILS

Property address:

1 GRAFTON ROAD  
GLENDOWIE

Postcode:

Type:

- Swimming pool  
 Spa pool

ITEMS OF NON-COMPLIANCE:

Note: If there is insufficient space on this form, please attach your reasons in a separate letter.

Please refer to information provided to you by the Council's Inspector and list non-compliance below.

SPA POOL

REASONS FOR NON-COMPLIANCE:

Please list those matters from above for which you are seeking an exemption (give full description of exemption required):

POOL NOT SPECIFICALLY FENCED

REASONS WHY THE EXEMPTION SHOULD BE GRANTED:

I cannot comply with the above requirements of the Fencing of Swimming Pools Act 1987 because:

THE AREA DOES NOT PERTAIN TO INSTALLING A FENCE

TO BE COMPLETED BY OWNER

I / We apply for an exemption from the requirements of the Fencing of Swimming Pools Act 1987, as set out above and certify that all other pool fencing requirements are in accordance with the Act.

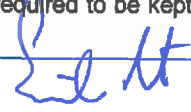
I wish to be present at the hearing (please tick)  Yes  No

\*All applications must be accompanied by a deposit; please refer to Councils Fees and Charges Schedule on our website to determine the amount payable.

Deposit fee \$ 466.00 attached.

All the above information is, to the best of my knowledge, true and correct. I understand that all plans, documentation and reports submitted as part of this application are required to be kept as a matter of public record. Therefore, the public may view this application, once it has been submitted.

Signature:


---

Print name:

EMILE BUNT	Date: 14-7-16
------------	---------------

**PLEASE SUBMIT COMPLETED APPLICATION TO:**

Swimming Pool Fencing Division  
 Auckland Council  
 Private Bag 92300  
 Victoria Street  
 Auckland 1142

**IMPORTANT NOTE:**

*Council can only grant an exemption when it is satisfied that the danger to young children will not be significantly increased*

**COUNCIL USE ONLY:**

Receipt No:

Deposit \$:

Date received:

Consent N°:

Pool N°:

Processing Office		
<input type="checkbox"/> Central	<input type="checkbox"/> Henderson	<input type="checkbox"/> Orewa
<input type="checkbox"/> Papakura	<input type="checkbox"/> Pukekohe	<input type="checkbox"/> Takapuna
<input type="checkbox"/> Manukau		

**LOCAL BOARDS:**

<input type="checkbox"/>	Devonport-Takapuna
<input type="checkbox"/>	Eden-Albert
<input type="checkbox"/>	Franklin
<input type="checkbox"/>	Great Barrier
<input type="checkbox"/>	Henderson - Massey
<input type="checkbox"/>	Hibiscus – Bays
<input type="checkbox"/>	Howick
<input type="checkbox"/>	Kaipatiki
<input type="checkbox"/>	Mangere-Otahuhu
<input type="checkbox"/>	Manurewa
<input checked="" type="checkbox"/>	Maungakiekie-Tamaki

<input checked="" type="checkbox"/>	Orakei
<input type="checkbox"/>	Otara-Papatoetoe
<input type="checkbox"/>	Papakura
<input type="checkbox"/>	Puketapapa
<input type="checkbox"/>	Rodney
<input type="checkbox"/>	Upper Harbour
<input type="checkbox"/>	Waiheke
<input type="checkbox"/>	Waitakere Ranges
<input type="checkbox"/>	Waitemata
<input type="checkbox"/>	Whau

**Comments:**

THE POOL HAS A LOCKABLE COVER AND IS UP 15 900MM OFF THE GROUND.

---



---



---



---



---



---



---



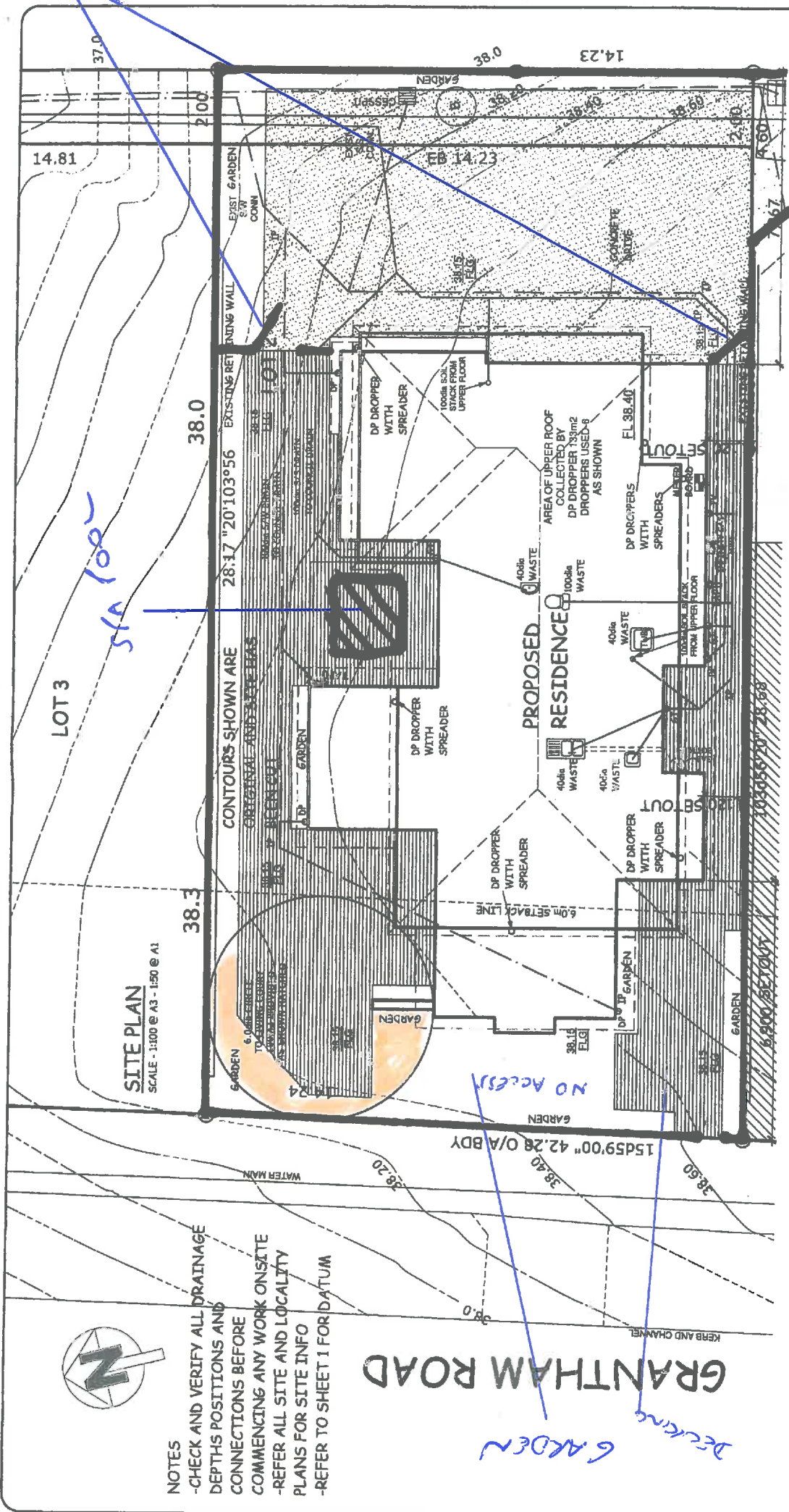
---

LOCKABLE GATE

fencing / GATES

51A 100

2011



SITE PLAN  
SCALE - 1:100 @ A3 - 1:50 @ A1

- NOTES
- CHECK AND VERIFY ALL DRAINAGE DEPTHS POSITIONS AND CONNECTIONS BEFORE COMMENCING ANY WORK ON SITE
  - REFER ALL SITE AND LOCALITY PLANS FOR SITE INFO
  - REFER TO SHEET 1 FOR DATUM



GRANTHAM ROAD

GARDEN

THE BAYVIEW TRUST  
PROJECT PROPOSED DWELLINGS  
LOT 2 / DP 416236  
No. 1 GRANTHAM RD  
GLENDDOWIE

THIS SHEET IS SHEET No. .... OF .... DRAWINGS REFERRED TO IN THE CONTRACT DATED ..... THE ..... OF ..... PURCHASER: ..... BUILDER

G. J. Gardner HOMES  
Maitland Ph 09 274-3976  
COPYRIGHT: This drawing remains the property of G.J. Gardner Homes and is provided for the use as indicated above, and may not be used or reproduced in whole or in part without written permission.

DRAWN BY  
ROBERT STEWART  
HOUSE 17/3

LOT 2  
SITE PLAN

DATE 11-3-16  
07.05.14  
SCALE  
AS SHOWN  
REVISIONS  
T  
SHEET NO  
2

### Above ground spas and hot tubs checklist:

\*NZS8500:2006 (3.10) provides the following guidelines for an unfenced spa or hot tub, failure to comply with these guidelines will require a complying fence/barrier under the FoSPA 1987.

Site address: 1 Grantham Road, Glendowie SWP No: 2016/272

- |   | ✓                                   | If no please detail;          |
|---|-------------------------------------|-------------------------------|
| 1. The entire top of the spa pool or hot tub (excluding cover) is not less than 760mm from the ground or deck level.  | <input checked="" type="checkbox"/> | _____                         |
| 2. The cover is lockable and kept locked when not in use. The lock includes a mechanical locking mechanism or self-locking mechanism when latching shut.        | <input checked="" type="checkbox"/> | _____                         |
| 3. The locks cannot be readily opened or released by an under 6 year old child.   | <input checked="" type="checkbox"/> | _____                         |
| 4. When the cover is locked, if lifted the locks do not release or provide a gap greater than 100mm.  | <input checked="" type="checkbox"/> | _____                         |
| 5. The cover is made of a material suitable to withstand a 20 kg weight without collapsing.   | <input checked="" type="checkbox"/> | _____                         |
| 6. The cover is made of a material the meets ASTM F1346-91, which allows the cover to easily be moved on and off the spa.                                       | <input checked="" type="checkbox"/> | _____                         |
| 7. The cover is tapered from the centre hinge to the outside, to ensure water does not pool on the top.   | <input checked="" type="checkbox"/> | _____                         |
| 8. The cover locks are evenly spaced around the edge to ensure it cannot be lifted more than 100mm by an under 6 year old.                                      | <input checked="" type="checkbox"/> | <u>6 locks</u>                |
| 9. Locks are in good working order.   | <input checked="" type="checkbox"/> | _____                         |
| 10. All objects are at least 1200mm away from the side of the spa, or hot tub, and if moveable, such as steps and furniture, it is stored at least 1200mm away. | <input checked="" type="checkbox"/> | <u>Surrounded by dwelling</u> |

Where is spa or hot tub located on the property; (enclosed backyard, on deck, open to neighbours, etc) \_\_\_\_\_  
(Side of dwelling) Spa pool is locate in a recess area <sup>of dwelling</sup> on the side ~~of dwelling~~ and is not visable from the road.

Comments/Recommendation ; \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Inspectors name: Floence Falefitu -ki

Date: 26/07/16

# Swimming and spa pool fencing inspection checklist



Address of property: 1 Grantman Road, Glendowie Email: \_\_\_\_\_

Owner/Occupier/Tenant name: Emile Kurf Phone no: 027 55 55 409

Date of inspection: 28/07/16 Remedial work to be inspected on or after \_\_\_\_\_

RESULT:  NO ACCESS  EMPTY  PASS  FAIL  REFER TO NOTICE ATTACHED

Pool type:  Swimming Pool  Spa Pool  Other: \_\_\_\_\_ Consent No: \_\_\_\_\_ SWP #: 2016/222

To book a recheck please phone or email:

North / West 09 484 7237 poolsnorthwest@aucklandcouncil.govt.nz Central / South 09 353 9143 pools@aucklandcouncil.govt.nz

FENCE	DOORS AND WINDOWS	GATES	MISCELLANEOUS
1. Does the fence define the immediate pool area correctly?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	5. Do all doors close and latch automatically from a stationary opening position of 150mm?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	9. Is the latch fixed on outside of gate a minimum of 1.5m above ground level or any permanent projection?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	13. Are all non-pool associated activities outside of the pool area? (E.g. clothesline, play ground, garden equipment or general storage facilities)  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
2. Is the fence a minimum of 1.2m high above ground level and any permanent projections?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	6. Do all doors open away from pool? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A Sliders: _____ French: _____ B'fold: _____	10. Is the latch fixed on inside of gate only accessible by reaching over the gate, and set at least 150mm from top (e.g. glass) or shielded where required?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	14. Is there a minimum distance of 1.2m between any climbable objects or permanent projections and the pool fence? (e.g. neighbouring / adjoining fences, barriers, ledges, trees, sheds, returns on fencing etc)  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
3. Is the gap under the fence or between vertical rails less than 100mm?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	7. Are all lower windows opening into pool area fitted with permanent stays restricting the opening width to 100mm maximum?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	11. Does the gate open away from pool area?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	15. Trellis / horizontal fencing 1.2m-1.8m. Are trellis openings 10mm or less (or fitted with protective cover)?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
4. Is the distance between any 2 of the rails, at any point, at least 900mm  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	8. Are all latches, tower bolts and security locks fitted a minimum of 1.5m above floor level?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	12. Does the gate self-close and latch from a stationary opening position of 150mm?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	16. Trellis fencing 1.8m or greater. Are trellis openings 50mm or less (or fitted with protective cover)?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Special exemption – If a special exemption was granted for certain elements of the pool fence, have all conditions of the exemption been complied with? (e.g. portable spa above height of 760mm fitted with child proof rigid lockable lid)  Yes  No  N/A

Comments: Photos sent in via email.  
Spa pool is now empty. Please keep the Spa empty til such time you comply with the F.O.S.P Act 1987

SITE PLAN

Reason for inspection:  3 yearly inspection  Re-inspection  New pool  Site meeting  Other:

Owner / Occupier / Tenant on site?  Yes  No Photos:  Yes  No

Inspector's Name: Florence Falefatu-Ki Mobile: 09 353 9143 Report left: emailed

**Disclaimer**  
This inspection relates to the compliance of the fencing to your swimming / spa pool. We have not referred to any consented plans; this inspection therefore has been based on the understanding that there have been no changes to the pool area / fencing in the intervening period.

# Swimming and spa pool fencing inspection checklist



Address of property: 1 GRANTHAM ROAD, GLENDOWIE Email: EBUNT@xtra.co.nz

Owner/Occupier/Tenant name: EMILE BUNT Phone no: 027-55-55409

Date of inspection: 26-07-2016 Remedial work to be inspected on or after \_\_\_\_\_

RESULT:  NO ACCESS  EMPTY  PASS  FAIL  REFER TO NOTICE ATTACHED

Pool type:  Swimming Pool  Spa Pool  Other: \_\_\_\_\_ Consent No: \_\_\_\_\_ SWP #: 2016/222

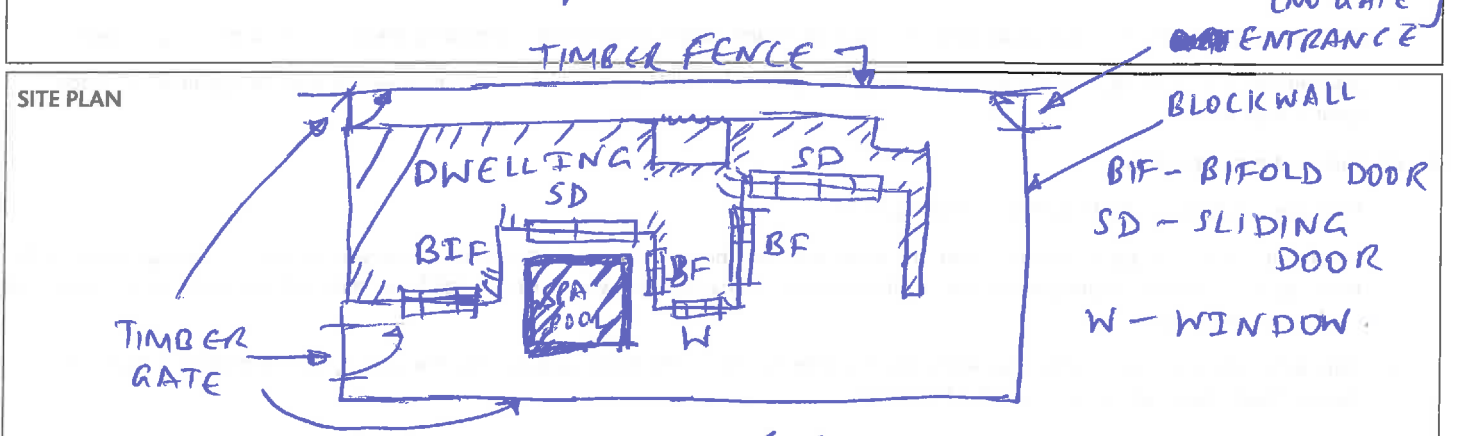
To book a recheck please phone or email:

North / West 09 484 7237 poolsnorthwest@aucklandcouncil.govt.nz Central / South 09 353 9143 pools@aucklandcouncil.govt.nz

FENCE	DOORS AND WINDOWS	GATES	MISCELLANEOUS
1. Does the fence define the immediate pool area correctly?  <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	5. Do all doors close and latch automatically from a stationary opening position of 150mm?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	9. Is the latch fixed on outside of gate a minimum of 1.5m above ground level or any permanent projection?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	13. Are all non-pool associated activities outside of the pool area? (E.g. clothesline, play ground, garden equipment or general storage facilities)  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
2. Is the fence a minimum of 1.2m high above ground level and any permanent projections?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	6. Do all doors open away from pool?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A Sliders: _____ French: _____ B'fold: _____	10. Is the latch fixed on inside of gate only accessible by reaching over the gate, and set at least 150mm from top (e.g glass) or shielded where required?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	14. Is there a minimum distance of 1.2m between any climbable objects or permanent projections and the pool fence? (e.g. neighbouring / adjoining fences, barriers, ledges, trees, sheds, returns on fencing etc)  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
3. Is the gap under the fence or between vertical rails less than 100mm?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	7. Are all lower windows opening into pool area fitted with permanent stays restricting the opening width to 100mm maximum?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	11. Does the gate open away from pool area?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	15. Trellis / horizontal fencing 1.2m-1.8m. Are trellis openings 10mm or less (or fitted with protective cover)?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
4. Is the distance between any 2 of the rails, at any point, at least 900mm  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	8. Are all latches, tower bolts and security locks fitted a minimum of 1.5m above floor level?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	12. Does the gate self-close and latch from a stationary opening position of 150mm?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	16. Trellis fencing 1.8m or greater. Are trellis openings 50mm or less (or fitted with protective cover)?  <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A

Special exemption – If a special exemption was granted for certain elements of the pool fence, have all conditions of the exemption been complied with? (e.g. portable spa above height of 760mm fitted with child proof rigid lockable lid)  Yes  No  N/A

Comments: SPA Pool is filled with water and has to be emptied within 7 days as it does not comply with FOSPA Act. 1987.  
NOTE! - OWNER has applied for special exemption.



Reason for inspection:  3 yearly inspection  Re-inspection  New <sup>spa</sup> pool  Site meeting  Other:

Owner / Occupier / Tenant on site?  Yes  No Photos:  Yes  No

Inspector's Name: Flo - Falefitu-ki Mobile: 09-353-9143 Report left: Letter Box

**Disclaimer**  
This inspection relates to the compliance of the fencing to your swimming / spa pool. We have not referred to any consented plans; this inspection therefore has been based on the understanding that there have been no changes to the pool area / fencing in the intervening period.



**Photos – 1 Grantham Road, Glendowie**



**View of spa on deck**



**View of back of spa**



**View of other side of spa**



**Measuring height of spa**



**Height of spa – 870mm**



**Spa empty**



**DISCLAIMER:**  
 This map/print is illustrative only and all information should be independently verified on site before acting on any advice contained on this map/print. Land Parcel Boundary information from the Property Information Database. While the map has been prepared by Auckland Council, it does not warrant the accuracy and completeness of any information which is displayed and accepts no liability for any error, omission or loss of information, though defined Auckland 25.4.

## 1 Grantham Road, Glendowie

0 1.5 3 4.5  
 Meters

Scale @ A4  
 = 1:250

Date Printed:  
 18/08/2016

