

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

Address 14 Elizabethan Gardens, St Heliers **Date:** 17 August 2016
DP: Lot 7 DP 111056 760m², Lot 26 DP 111056 1/5 SH 350m²

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

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

Item(s) exemption is applied for:

To use the existing doors opening into the pool area.

Comments:

The property has a set of doors opening into the immediate pool area.

The main door is fitted with a self-closing device and self-latching device higher than 1.5m.

The other door is fitted with a lockable top bolt higher than 1.5m.

It is therefore recommended that the committee grant the application on the condition that self-closing and self-latching devices are maintained in good working order 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 by the Local Board Committee members is recommended.

Pool ID: SWP 2015/146

Committee Member Comments:

In process 1/6/2016 refer Reg Patchard Fencing

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

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:

Owen Hicks

Mailing address:

1k Elizabethan Gardens

Postcode:

1071

Private:

Business:

Facsimile:

Mobile:

021 781 781

Email address:

POOL DETAILS

Property address:

1k Elizabethan Gardens

Postcode:

1071

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:

Outward opening door from main living area to pool

REASONS FOR NON-COMPLIANCE

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

To approve door outward opening as shown on elevation drawing as approved.

REASONS WHY THE EXEMPTION SHOULD BE GRANTED

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

This door has little room to open out by the pool. Changing door to inward open will cause issues with weather tightness.

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 \$ _____ 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: [Handwritten Signature]

Print name: OWEN HICHS Date: 3/6/16

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^o:

Pool N^o:

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 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:

Photos – 14 Elizabethan Gardens St Heliers



Door opening into pool area



Self-closer fitted



Self-latch device fitted higher than 1.5m



Lockable top bolt fitted to other door



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14 Elizabethan Gardens, St Heliers

0 1.5 3 4.5
Meters
 Scale @ A4
 = 1:250
 Date Printed:
 17/08/2016

