



APPLICATION FOR A SWIMMING POOL FENCING EXEMPTION OR APPROVAL FOR DOORS NOT IN COMPLIANCE WITH THE SCHEDULE TO THE FENCING OF SWIMMING POOL ACT 1987

For Office Use Only	
SWM No:	
DATE:	
Cus. Ser. Rep	

OWNERS NAME(S) & ADDRESS:	
	Business Ph:
	Private Ph:
	Fax No:
	E-Mail:

NAME AND ADDRESS OF THE OCCUPIER OF THE PROPERTY (I.E. OWNER, TENANT, ETC). IF DIFFERENT FROM ABOVE	
	Business Ph:
	Private Ph:
	Fax No:
	E-Mail:

LOCATION OF THE POOL (ADDRESS):	Legal Description and Location
	Lot/Section:
	DP/Block:
	Is there a Building Consent? YES.....NO
	Building Consent Number: ABA

A FULL DESCRIPTION OF THE EXEMPTION OR APPROVAL REQUIRED.	

THE REASON WHY THE APPLICATION IS NECESSARY	

DECLARATION	
I declare as owner or agent of the owner, that I understand and accept that Council may only approve exemptions if it does not increase the danger to children under the age of six years or in the case of non complying doors, if it is unreasonable or impossible to require such compliance.	
Signed by Owner or on behalf of the Owner _____	Date _____
I have enclosed a fee of: \$ 450.00 (incl GST)	Receipt No

ITEMS TO BE SUPPLIED: - ALL INFORMATION IS TO BE SUPPLIED IN DUPLICATE (TWO SETS)

Plans/Details –

- Site plan of the property showing the site boundaries, the position of all buildings and the location of the pool.
- A plan showing the type of fence existing or proposed, the nature of materials used or proposed to be used for the fence and the nature of the deviations from the schedule to the Act.
- Photographs of the site of the pool and of any existing fence or other structure for which an exemption is required
- Such other comment as the applicant considers necessary to show why a special exemption should be granted

Plans must clearly show the extent of the dwelling and pool location.
Plans must show the internal layout of the dwelling and location of all fences.
Plans must be drawn to scale with the scale used indicated on the plans.
Plans must be in black ink and must not be faxed copies.
Drawings must not be a faxed as the scale and clarity of information cannot be guaranteed

In addition you are required to present a case to Council that clearly demonstrates that any exemption granted does not increase the danger to children under the age of 6 years or that it is impossible or unreasonable to require compliance for the door(s) not complying with the self closing and latching requirement of the Schedule to the Fencing of Swimming Pools Act 1987. Please use the back page of this application form

Council Procedure

In deciding a special exemption application, the Council must consider the particular characteristics of the property, and of the pool and any other relevant circumstances, and may also impose conditions on the approval of our exemption.

On receipt of the special exemption application and fee of \$450.00 the application will be evaluated and a site inspection may be required. (If it is an existing pool which has not been previously recorded by the Council, there will be additional charges.)

A report will then be prepared by council staff and presented to a committee appointed by the Council. The Council decision will be advised to the applicant.

PRIVACY ACT 1993

- (1) Personal information obtained in this application is primarily for establishing applicant identity and, when the application has been granted or declined, for administration, monitoring and enforcement.
- (2) The information may be released to any inquirer about the application, the refusal of the application, or in relation to the use of any consent or approval of the application.
- (3) The information will be held by Rodney District Council, 50 Centreway Road, Orewa.
- (4) The information will be used for verifying and amending the Council's ownership and occupier records (the Rating Roll) and will be released in accordance with the Rating Powers Act 1988 and to Valuation New Zealand.
- (5) You have the right to access the information and to request its correction.

Postal Address: Rodney District Council, Private Bag 500, Orewa, **Phone:** 0800 426 5169, **Website:** www.rodney.govt.nz,

Orewa Office
50 Centreway Road
Orewa

Helensville Service Centre
Commercial Street
Helensville

Huapai Service Centre
State Highway 16
Huapai

Warkworth Service Centre
Baxter Street
Warkworth

FENCING OF SWIMMING POOLS ACT 1987
(As amended 1989)

SCHEDULE
Section 8

REQUIREMENTS 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 subclause (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 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 out side.
- 5a. Notwithstanding clause 5 of this schedule, a fence may have horizontal supports, rails, rods or wires that are accessible for climbing from the outside, and horizontal bracing that is accessible for use, if-
 - (a) The distance between any 2 of them at any point is at least 900mm; and
 - (b) There is no 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.

JUSTIFICATION FOR EXEMPTION AND APPROVAL