

POOL ID	MAP REF:
PRUPI	INSPECTOR CODE:

Note: Please complete Admin Sheet on reverse	
Date / Time	
11 / 01 / 10 Mary -	COMPLIES 11 / 01 / 10 Initials <u>MA</u> as stated by Rowell 15-12-09. P.T.O 2 FILE / INACTIVE 9 / 2 / 10 Initials <u>[Signature]</u>

[illegible]

13/01/2010

MICHAEL EDMUND FRANCIS AND DIANE WINSOME DORMER
15A CLYDE ROAD
CHRISTCHURCH 8041

POOL FILE

Dear Sir/Madam

Fencing of Swimming Pools Act 1987
Swimming Pool at 15A Clyde Road

An inspection of the above property on 11/01/2010 revealed that the fencing of the pool **COMPLIED** with the intent of the Act and its amendments as at this date.

Thank you for taking your responsibilities as a pool owner seriously and ensuring compliance with the Act.

You are reminded that the Act places the responsibility on the owner of the pool and any person in control of the pool to ensure that the pool, pool fencing, gates and any other openings to the pool area are maintained in compliance with the Act at all times.

A copy of this letter will be placed on the property file and the Council's pool register updated accordingly. It is Council's intention that all pools be re-inspected at regular intervals to ensure continuing compliance.

Yours faithfully



Mary McIlraith
Swimming Pool Inspector
Inspections and Enforcement Unit

Internal - Attempt to revoke exemption

 CHRISTCHURCH CITY COUNCIL - YOUR PEOPLE - YOUR CITY	CHRISTCHURCH CITY COUNCIL POOL FENCING INSPECTION NOTES Property Address : 15a Clyde Rd	SP13 (CCC Office Use Only)
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16/1/07 - Advised Willis I was preparing a case for the exemption granted on 15a Clyde Rd to be revoked

- Obtained a copy of employee & elected members of council code of conduct + a form entitled 'Working with Elected Members'

22/7/09 - ① No access.
Mary 10.43.

2/8/09
mm 9.59am ① went on site - Builder was putting up pool fence. Asked him to tell owner to phone when completed.

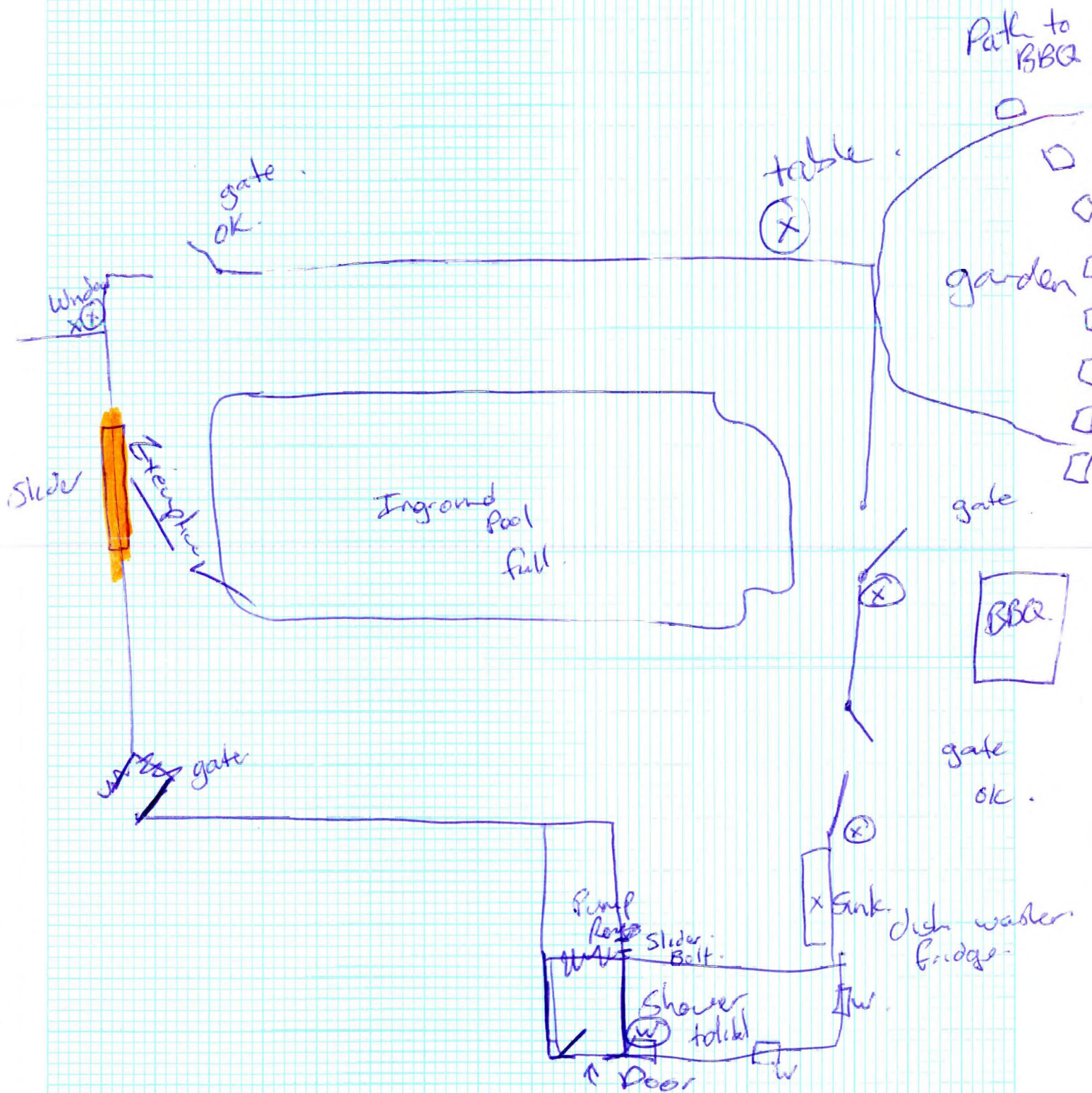
16-10-09
mm
10.40

- ① Slider.
- ② Window.
- ③ Pot Plants. /table ✓
- ④ rose bush climbing up netting ✓
- ⑤ Blue doot open inwards. not SC/SL.
- ⑥ Door in pump room not SC/SL
- ⑦ Window.

30/11/09
mm
8.37.
8.55am

① has put on locks onto wooden slider into pool pump room. Single door need to be permit shut.

- ② toilet windows OK. ✓
- ③ window in kitchen need stays not locks
- ④ Door door by house not SC/SL or above 1.5 latch opens inwards.



Thoroughfare to BBQ ? has another path thro garden

(X) pot plants



4/12/2009

MICHAEL EDMUND FRANCIS AND DIANE WINSOME DORMER
15A CLYDE ROAD
CHRISTCHURCH 8041

Dear Sir / Madam

Fencing of Swimming Pools Act 1987
Swimming Pool at 15A Clyde Road

On 23/10/2009 the Council sent you a letter advising you that the pool at the above-mentioned address was not fenced in accordance with the requirements of the Fencing of Swimming Pools Act 1987. The manner in which the fence did not comply was detailed in that letter. A copy of that letter is enclosed herewith.

On 30/11/2009 the pool was re-inspected. That re-inspection revealed the pool was not empty, and was not fenced in accordance with the above-mentioned Act.

1. All single hinged doors (house or outbuilding) which give access to the pool enclosure must be fitted with self-closing devices and self-latching devices fitted at a minimum height of 1.5 metres above the floor. An exemption must be applied for if the door opens into the pool enclosure (should open away from the pool). Please note that the exemption may not be approved. A set of the appropriate forms is enclosed for your convenience and any application will need to be accompanied by the fee. I refer to the entrance door in the pump room. Another option would be to permanently fix shut this door as well as the grey entrance door to the pool area.
2. The windows which open into the immediate pool area at a height less than 1.2 metres above finished floor level require their openings to be restricted to 100mm by fitting a restraint. I refer to the window in the kitchen area of the pool room.

I now draw your attention to sections 8 (1) and (3) and 9 (1) of the Act that provide:

8 Obligations of owner and persons in control of pool

- (1) *Every owner of a pool to which this Act applies shall ensure that, except as provided in any exemption granted under section 6 of this Act, the pool, or some or all of the immediate pool area including all of the pool, is fenced by a fence that complies with the requirements of the (building code in force under the [Building Act 2004] in respect of swimming pools subject to this Act) at all times when this Act applies in respect of the pool*
- (3) *Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.*

9 Offence

- (1) *Every person who, without reasonable cause, fails to comply with any obligation imposed by section 7 or section 8 of this Act commits an offence and is liable on summary conviction to a fine not exceeding \$500 and, where the offence is a continuing one, to a further fine not exceeding \$50 for every day on which the offence has continued."*

The purpose of this letter is to put you on notice that unless, within 14 days of the date of this letter, the above-mentioned pool is fenced in accordance with the requirements of section 8 (1) of the Fencing of Swimming Pools Act 1987, the Council will consider prosecuting you for an offence under section 9 (1) of the Fencing of Swimming Pools Act 1987.

Civic Offices, 163-173 Tuam Street, Christchurch, 8011
PO Box 237, Christchurch, 8140
www.ccc.govt.nz

PROPERTY FILE: (SO)

A follow up inspection will be carried out 14 days after the date of this letter to confirm the required work has been completed and/or the pool has been emptied. In the event work has not been carried out as required an inspection fee of \$105.00 per hour and administration fee of \$40.00 will be charged for any subsequent inspection(s) until compliance with the Fencing of Swimming Pool Act is obtained.

Yours faithfully



Mary McIlraith
Swimming Pool Inspector
Inspections and Enforcement Unit

Encl

INFORMATION NOTES:

- In some areas, where the water table is high or may be of concern, it may be necessary to take precautionary measures before emptying water from an in-ground pool.
- You should also be aware that the Building Act requires that a barrier must be provided where persons could fall 1 metre or more.

23/10/2009

MICHAEL EDMUND FRANCIS AND DIANE WINSOME DORMER
15A CLYDE ROAD
CHRISTCHURCH 8041

POOL FILE

Dear Sir / Madam

Fencing of Swimming Pools Act 1987
Swimming Pool at 15A Clyde Road

An inspection of the above property on 16/10/2009 for the purpose of determining compliance with the Fencing of Swimming Pools Act 1987, revealed the pool was not fenced in accordance with the above mentioned Act.

The Act requires that the pool is **not** filled or partly filled with water until such time as the pool or the immediate pool area complies with the Act and compliance has been confirmed by a further visit from a Council officer. (Note: An empty pool does not breach the Act.)

The following matters require attention to ensure compliance with the Act:

1. All ranch sliders/bi-folding doors which give access to the pool enclosure must be fitted with self-closing devices and self-latching devices fitted at a minimum height of 1.5 metres above the floor. If this is unachievable an exemption must be applied for. Please note that the exemption may not be approved. A set of the appropriate forms is enclosed for your convenience and any application will need to be accompanied by the fee.
2. The windows which open into the immediate pool area at a height less than 1.2 metres above finished floor level require their openings to be restricted to 100mm by fitting a restraint. I refer to all windows in the pool house and windows in the sunroom of the house next to the pool fence.
3. The windows could not be checked due to no access.
4. The pool fence shall extend 1.2 metres above the ground as well as above any permanent object or objects on the outside of the pool fence. This includes objects such as the table, chair and pot plants. Alternatively you could move the objects to 1.2 metres away from the pool fence.
5. All single hinged doors (house or outbuilding) which give access to the pool enclosure must be fitted with self-closing devices and self-latching devices fitted at a minimum height of 1.5 metres above the floor. An exemption must be applied for if the door opens into the pool enclosure (should open away from the pool). Please note that the exemption may not be approved. A set of the appropriate forms is enclosed for your convenience and any application will need to be accompanied by the fee. I refer to the grey entrance door to the pool area.

Please find enclosed the information booklet, "Pool Fencing" which may assist you in obtaining compliance. Please note, this booklet is only a guide to the Fencing of Swimming Pools Act 1987.

A follow up inspection will be carried out after 28 days from the date of this letter to confirm the required work has been completed and/or the pool has been emptied. In the event work has not been carried out as required an inspection fee of \$105.00 per hour and administration fee of \$40.00 will be charged for any subsequent inspection(s) until compliance with the Fencing of Swimming Pool Act is obtained.

Civic Offices, 163-173 Tuam Street, Christchurch, 8011
PO Box 237, Christchurch, 8140
www.ccc.govt.nz

PROPERTY FILE: (SO)

If you have any questions regarding this letter please contact Customer & Administration Services Officer, 941-8727.

Yours faithfully



Mary McIlraith
Swimming Pool Inspector
Inspections and Enforcement Unit

INFORMATION NOTES:

- In some areas, where the water table is high or may be of concern, it may be necessary to take precautionary measures before emptying water from an in-ground pool.
- You should also be aware that the Building Act requires that a barrier must be provided where persons could fall 1 metre or more.

9/09/2009

MICHAEL EDMUND FRANCIS AND DIANE WINSOME DORMER
15A CLYDE ROAD
CHRISTCHURCH 8041

Dear Sir / Madam

POOL FILE

Fencing of Swimming Pools Act 1987
Swimming Pool at 15A Clyde Road

An inspection of the above property on 2/09/2009 for the purpose of determining compliance with the Fencing of Swimming Pools Act 1987, revealed the pool was not fenced in accordance with the above mentioned Act.

The Act requires that the pool is **not** filled or partly filled with water until such time as the pool or the immediate pool area complies with the Act and compliance has been confirmed by a further visit from a Council officer. (Note: An empty pool does not breach the Act.)

The following matters require attention to ensure compliance with the Act:

1. It was noted that the fence was being erected. Please contact when completed at your earliest convenience so that an inspection appointment can be made.

Please find enclosed the information booklet, "Pool Fencing" which may assist you in obtaining compliance. Please note, this booklet is only a guide to the Fencing of Swimming Pools Act 1987.

A follow up inspection will be carried out after 28 days from the date of this letter to confirm the required work has been completed and/or the pool has been emptied.

If you have any questions regarding this letter please contact Customer & Administration Services Officer, 941-8727.

Yours faithfully



Mary McIlraith
Swimming Pool Inspector
Inspections and Enforcement Unit

INFORMATION NOTES:

- In some areas, where the water table is high or may be of concern, it may be necessary to take precautionary measures before emptying water from an in-ground pool.
- You should also be aware that the Building Act requires that a barrier must be provided where persons could fall 1 metre or more.

28/07/2009

MICHAEL EDMUND FRANCIS AND DIANE WINSOME DORMER
15A CLYDE ROAD
CHRISTCHURCH 8041

POOL FILE

Dear Sir / Madam

Fencing of Swimming Pools Act 1987 / Building Act 2004
Pool at 15A Clyde Road

Your property was visited on 22/07/2009 for the purpose of determining compliance with the Fencing of Swimming Pools Act 1987.

Unfortunately it was not possible to gain access to the premises. I would be grateful if you could contact the Customer and Administration Services Officer on 941-8727 at your earliest convenience, so that an inspection appointment can be made or the matter discussed further.

Your co-operation would be appreciated.

Yours faithfully



Mary McIlraith
Swimming Pool Inspector
Inspections and Enforcement Unit

Civic Offices, 163-173 Tuam Street, Christchurch, 8011
PO Box 237, Christchurch, 8140
Phone DDI: 03 941 8031, Facsimile: 03 941 8792
Email: mary.mcilraith@ccc.govt.nz
www.ccc.govt.nz

Christchurch City Council

Enforcement Unit - Swimming Pools
Inspectors Checksheet

Date:

Address

Pool Location - Section 5(e) FSWP Act 1987	Yes	No
If wholly enclosed within a building not specifically used for the pool purpose. (If yes the pool needn't comply with FSWP Act)		✓
An Inspection is still to be carried out and issues identified in writing	✓	
Immediate Pool Area	Yes ✓	No
Thoroughfare's		
Vegetable garden		✓
General-use clothes line		✓
Play equipment (unless used only with the pool)		✓
Tennis court		✓
Vehicle manoeuvring area		✓
Hinged doors giving access to Pool Area	Yes ✓	No
Opens away from the pool		✓
Self closes and latches automatically when stationary and released 150 mm from closed position		✓
Latch / Handle minimum 1.5m from the floor/ground		✓
Stickers displayed		✓
Hold open devices fitted		✓
Sliding bi-fold doors giving access to pool area	Yes	No ✓
Doors self closing and self latching at a minimum 1.5m from the ground		
Latch / Handle minimum 1.5m from the floor/ground		
Exemption section 6		
Windows below 1.2 m giving access to pool area	Yes ✓	No
Restrictors to prevent it opening more than 100mm		✓
Fence	Yes ✓	No
1.2m high from outside ground level and permanent fixtures		✓
900mm minimum between horizontal rails	✓	
Gaps under fence less than 100mm	✓	
Mesh size no more than 10mm - 1.2m to 1.8m high		✓
Mesh size no more than 50mm - 1.8m high and above	-	
Mesh firmly attached at top and bottom	-	
Picket fence gaps no wider than 100mm (50mm in some cases)	-	
Gates	Yes ✓	No
Latch on outside of gate to be 1.5m high	✓	
Latch on pool side, access from over the top of the fence to be 1.2m high	-	
Open away from the pool	✓	
Remains latched when pulled both up and down	✓	
Self closes and latches automatically when stationary and released 150 mm from closed position	✓	
Para/ Moveable/ Plastic pools	Yes	No ✓
Sides to be 1.2m minimum from ground level		
Smooth vertical sides		
No climb points or external fixtures		
Ladder to be removable		

Shaded Areas have been ticked - the pool is non compliant and must be drained

Inspector;

Mary

(print name)

Date:

Pot Plants, table, etc

hold rose up

Has old door
open into pool Area
not sc/sc

Christchurch City Council Legal Services Unit

MEMORANDUM

DATE: 29 MAY 2006

From: ZOË GENET, SOLICITOR

To: ROWELL DES FORGES, INSPECTOR

SHARN CHRISTENSEN, INSPECTOR

15A CLYDE ROAD

In March 2006 the Fencing of Swimming Pools Hearings Committee approved an exemption for the above property pursuant to section 6 of the Fencing of Swimming Pools Act 1987.

The only ground for application was that the pool was completely enclosed as per an approved building plan.

The application was approved subject to the following conditions:

1. That a fence and gate be erected 1.2 metres high extending from a line between the north-west extremity of the dwelling to the western boundary. The gate is to be fitted with a self-closing and latching device, such devices being positioned at least 1.2 metres above the ground.
2. The existing bi-folding doors leading from the conservatory to the patio are to be fitted with a locking device, which cannot be readily accessible to children under six years of age, fitted at a minimum height of 1.5 metres above floor level, which at all times shall be maintained to keep the bi-folding doors closed and lock at all times.
3. That the existing wooden gate between the pool plant room/ and the eastern fence be fitted with a latching device and the lowest point of any hold giving access to it shall be at least 1.2 metres above the ground on the outside of the fence and the size of the gate opening be reduced to 10 mm to prevent it being climbed.

The exemption has effectively extended the immediate pool area so that it includes part of the applicant's garden.

You have asked whether even with this exemption in place, does the pool need to comply with the remainder of the Fencing of Swimming Pools Act.

Section 6 of the Act states that:

- (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.

This gives the Council the power to grant a pool an exemption from one aspect of the Act. Accordingly, the pool will need to comply with the Act in all ways other than those exempted. This is stated in clause

two of the letter advising of the Panel's decision: *the applicant is advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987*".

The First Schedule of the Act sets out what will comply with the Act.

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.

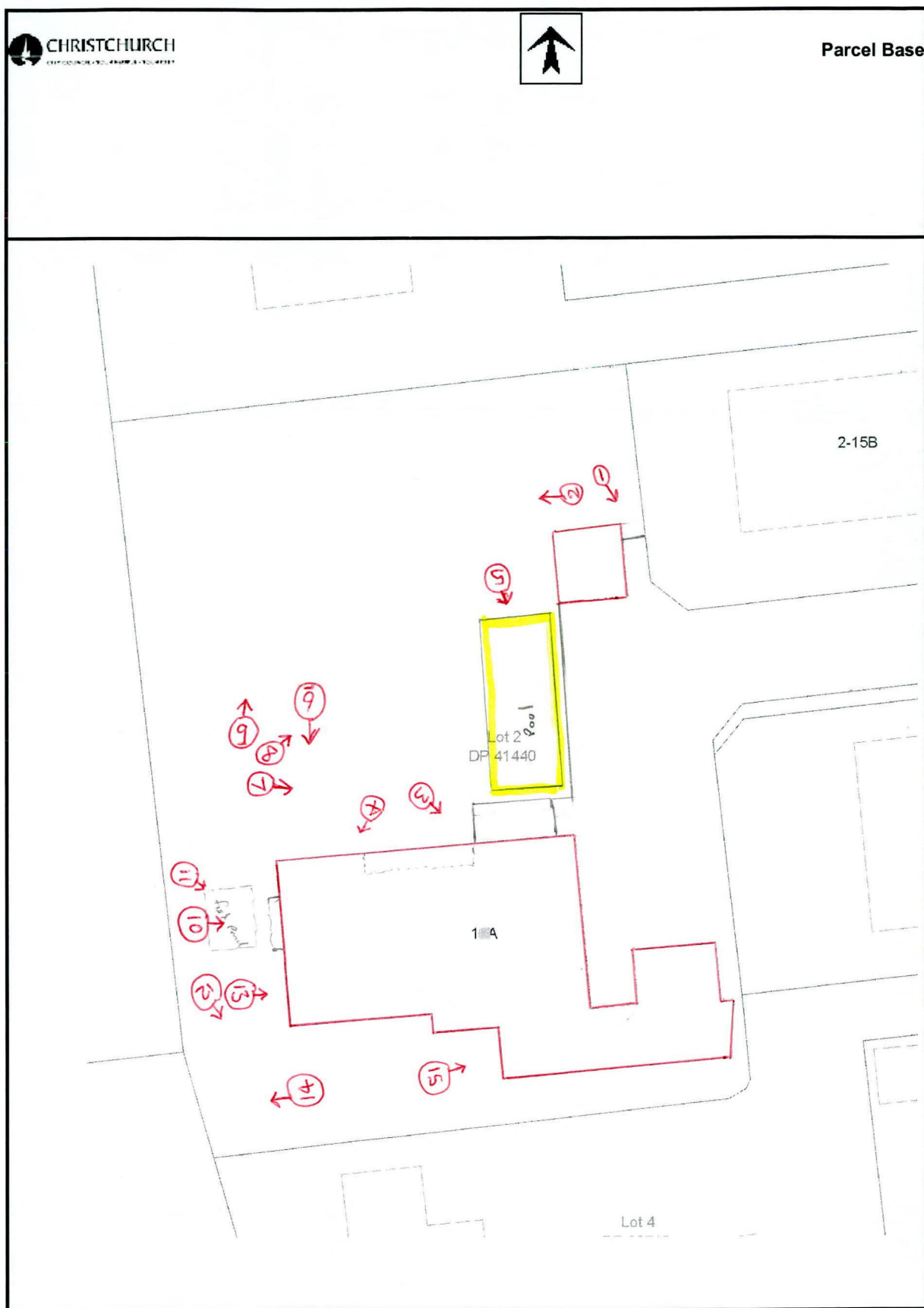
In this case, as the house forms part of the fence to the immediate pool area, all doors opening to the pool area must be fitted with a locking device which prevents the door from being readily opened by a child under the age of 6 years as per clause 11 of the Schedule.

If you have any further questions please contact me.

Regards



Zoë Genet
SOLICITOR
Ext 8508
Email: zoe.genet@ccc.govt.nz



10 m

1 : 315

The accuracy of this plan and the measurements shown are not guaranteed but should be verified by inspection.

Produced by
153.111.121.138 14:56
10/18/2005

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CHRISTCHURCH CITY COUNCIL
Environmental Services Unit
APPLICATION FOR SPECIAL EXEMPTION UNDER
SECTION 6 OF THE FENCING OF SWIMMING POOLS ACT

SP5

I (print name) MILITARE DOMINIO JARAMIL hereby apply for a special exemption under the provisions of Section 6 of the Fencing of Swimming Pools Act 1987.

The property in respect of which this application is made is situated at (address) 15 A CLEVELAND RD. REIMTON

The pool is owned by (print name) DR. M. E. JARAMIL

This exemption application relates to (✓ box):

☐ Doors which cannot be made self-closing and self-latching

☒ Size and/or contents of the Immediate Pool Area

☐ Gates or doors that do not open away from the pool

☐ Other reasons (specify) THE AREA WHERE THE POOL IS SITUATED IS COMPLETELY ENCLOSED AS INDICATED BY THE "PINK" OUTLINE ON THE APPENDED BUILDING PLAN.

I believe it is impracticable to comply with the above Act because (state):

Note: 1. The Council can grant an exemption only when it is satisfied that the danger to young children would not be significantly increased.

2. If you wish to be present at the hearing please tick the appropriate box. Yes ☒ No ☐

Please send notifications to (address):

M. E. JARAMIL
Box 22633 Christchurch

(Signed by or on behalf of the Pool Owner)

Contact telephone number:

021.320014 on
3842344

Date:

12/10/05

All the relevant information on this form is required to be provided under the Fencing of Swimming Pools Act for the Environmental Services Unit to process your application. Under this Act this information has to be made available to members of the public including business organisations. The information contained in this application may be available to other Units of the Council. You have the right to access the personal information held about you by the Council which can be readily retrieved. You can also request that the Council correct any personal information it holds about you.

THIS APPLICATION MUST BE ACCOMPANIED BY A FEE OF \$375.00 AND A PLAN OF THE IMMEDIATE POOL AREA WITH THE SUBJECT OF THIS APPLICATION IDENTIFIED

FOR OFFICE USE ONLY

Date Received:	Exemption Granted/Refused:
Receipt No: <u>BD 3043</u>	Revenue Code: HL
Bldg. Consent No:	Database ID:
Pool Registered:	Applicant Notified:
	Pool Register Updated:

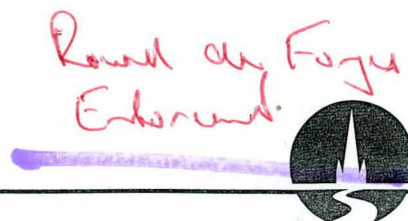
Accepted Methods of Payment: CASH - EFTPOS - CHEQUE

Site Plan and Details

Please draw **whole** site plan and show all buildings; the pool; the immediate pool area; details of the height, construction, position of rails, size of openings of all fences and gates; and all doors, windows and gates giving access to the immediate pool area including type, details of hardware.

*Refer Enclosed APPROVED
Building Plan.*

All the relevant information on this form is required to be provided under the Building Act and Fencing of Swimming Pools Act for the Environmental Services Unit to process your application. Under these Acts, this information has to be made available to members of the public including business organisations. The information contained in this application may be made available to other Units of the Council. You have the right to access the personal information held about you by the Council which can be readily retrieved. You can also request that the Council correct any personal information it holds about you.



CHRISTCHURCH
CITY COUNCIL • YOUR PEOPLE • YOUR CITY

6 March 2006

Mr Michael Dormer
15A Clyde Road
Riccarton
CHRISTCHURCH

Dear Mr Dormer

FENCING OF SWIMMING POOL – EXEMPTION APPLICATION

Thank you for your courtesy in showing the Council's Hearings Panel (Fencing of Swimming Pools Exemptions) around your property on 24 February 2006, to view the position of the swimming pool in relation to its immediate surrounding area.

I advise the Panel has resolved as follows:

1. That the application be approved subject to the following conditions:
 - (a) That a fence and gate be erected 1.2 metres high extending from a line between the north-west extremity of the dwelling to the western boundary (as marked A on the attached plan), the gate to be fitted with a self-closing and latching device, such devices being positioned at least 1.2 metres above the ground.
 - (b) The existing bi-folding doors leading from the conservatory to the patio (as marked B on the attached plan) to be fitted with a locking device, which cannot be readily accessible to children under six years of age, fitted at a minimum height of 1.5 metres above floor level, which shall be maintained to keep the bi-folding doors closed and locked at all times.
 - (c) That the existing wooden gate between the pool plant room/bath room and the eastern side fence (as marked C on the attached plan) be fitted with a 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 and the size of the gate openings be reduced to 10mm (to prevent it being climbed).
2. That the applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments, and that the applicant's attention be drawn to clause 8(3) of the Act quoted below for the benefit of determining his/her obligations under the Act:

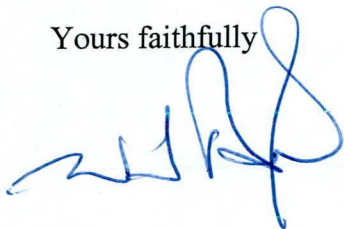
"Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled

- 2 -

with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with."

If you require further clarification on some of the conditions imposed on the approval, please contact Mr Rowell des Forges, Enforcement Officer, at this Council in the first instance.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'W G Brixton', written over the words 'Yours faithfully'.

W G Brixton
COMMITTEE SECRETARY

M. E. DORMER
MANAGEMENT SERVICES LTD
FINANCE MARKETING
GENERAL MANAGEMENT

P.O. BOX 22-633
CHRISTCHURCH 1,
NEW ZEALAND.
TELEPHONE: (03) 384-5957
AFTER HOURS: (03) 348-7923
FAX: (03) 384-5958

12 April 2006

Mr W G Brixton
Committee Secretary
Christchurch City Council
P O Box 237
CHRISTCHURCH

SC 26/5/06 - Gate not SC/SL
- Trellis
- White door not SC/SL
- Windows Res ?
- 2nd blue FD not SC

Dear Mr Brixton

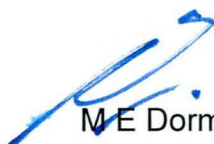
Re: Fencing of Swimming Pool – Application No. RMA20021005

Further to our recent communication this is to advise the work requested in your letter of the 6th March has been completed as indicated in the enclosed photographs:-

- a) The fence and gate has been erected 1.2 metres high with a self closing lock as requested.
- b) The existing bi-folding doors have been fitted with locking devices as indicated in the photographs.
- c) The wooden gate between the pool plant room and the eastern fence line has been fitted with a latching device at a higher level than was previously.

Once again, please accept our grateful appreciation for the courtesies extended in visiting the site and for the exemption which was granted in accordance with the application submitted to the Council.

Yours sincerely



M E Dormer



2A1







Christchurch City Council - Environmental Services Unit
Building • Resource Management • Environmental Health • Animal Control

Memorandum

Date: 16 January 2006

From: ROWELL DES FORGES (Enforcement Officer)

To: FENCING OF SWIMMING POOLS SPECIAL COMMITTEE

FENCING OF SWIMMING POOLS ACT 1987

POOL ADDRESS 15A CLYDE ROAD : MICHAEL DORMER

SIZE AND /OR CONTENTS OF THE IMMEDIATE POOL AREA – EXEMPTION APPLICATION

Application has been received for exemption from compliance to Section 8 of the Fencing of Swimming Pools Act 1987. Section 8 requires that the pool, or some or all of the immediate pool area including the pool is fenced by a fence that complies with the Act.

PROVISION

There is provision in Section 6 of the Act for the territorial authority to 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 that that such an exemption would not significantly increase danger to young children.

Fencing of Swimming Pools Act 1987 section 8 states that:

OBLIGATIONS OF OWNER AND PERSONS IN CONTROL OF POOL

8. (1) Every owner of a pool to which this Act applies shall ensure that, except as provided in any exemption granted under section 6 of this Act, the pool, or some or all of the immediate pool area including all of the pool, is fenced by a fence that complies with the requirements of the [building code in force under the [Building Act 2004] in respect of swimming pools subject to this Act] at all times when this Act applies in respect of the pool.

(2) Every owner of a pool to which this Act applies shall comply or ensure that there is compliance with every condition imposed under section 6(2) of this Act.

(3) Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know

Contact ROWELL DES FORGES

Ext 8426

E-Mail: rowell.desforges@ccc.govt.nz

File

GIVING VALUE - BEING VALUED

that any obligation imposed by this section on that or any other person is not being complied with.

(4) The fact that a person complies with any obligation imposed by this section shall not excuse that person from any other duty imposed by law.

PARTICULAR DETAILS

The dwelling has the whole of the back yard as part of the pool area..

RECOMMENDATIONS

The application be declined for the following reasons.

- 1 The immediate pool area is not fenced as required by the act, there is also a number of doors that open into the pool area.

That the applicant be advised that the application be approved/declined and that the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act quoted below for the benefit of determining his/her obligations under the Act.

"Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with."

The Councils' decision for this application is:

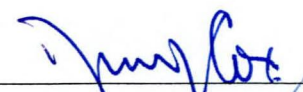
APPROVED

DECLINED

*Refer correspondence 6/3/02
as to conditions of
approval.*



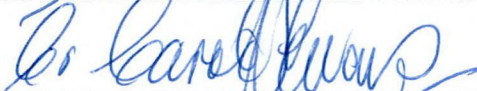
**ROWELL DES FORGES
ENFORCEMENT OFFICER
ENVIRONMENTAL MONITORING**

Signed 

Date 6/3/02

Signed 

Date 6/3/02

Signed 

Date 6/3/02

A

NORTH.

4.

15.150

10.150 Approx.

W4

W5

WJG

105

102

2. LINE WITH
BRANDAN ON
EXISTING HOUSE

EXISTING STORMWATER.

NEW! STEAMWATER

Steel and
Inquiry

2:37⁰

WAIMAIRI DISTRICT COUNCIL
APPROVED
SUBJECT TO BY-LAWS
SIC. INSPEC

APPROVED BY-LAW
 HOLDING INSPECTOR

DISTRICT COUNCIL
MUST BE GIVEN

EXISTING HOUSE
IN OUTLINE ..

Kitchen

103

A12/B

A12/B

101

1

3.600

100

1.250

9.2

2.82

EXISTING STORMWATER

M. E. DORMER
MANAGEMENT SERVICES LTD
FINANCE MARKETING
GENERAL MANAGEMENT

P.O. BOX 22-633
CHRISTCHURCH 1,
NEW ZEALAND.
TELEPHONE: (03) 384-5957
AFTER HOURS: (03) 348-7923
FAX: (03) 384-5958

31ST January 2006

The Committee Secretary
Christchurch City Council
Box 237
CHRISTCHURCH

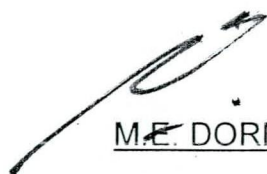
Dear Sir

Your file Reference CO-4-1
Fencing of Swimming Pools Act 1987
Application for Exemption under Section 8-10

1. With respect to the above application and with reference to the memorandum dated 16/1/06 from the Enforcement Officer, it is noted in the recommendation where it is stated -
!!.... "there is also a lot of doors that open into the pool area".
2. As indicated in the letter of application dated 12th October '05 the doors referred to in the recommendation all comply with Act as advised by Mr Wilson from the City Council on the 30th July '04.
3. It should also be noted that when the building plans for the pool and surrounding area were submitted to the Waimairi Council, they were all unconditionally approved.
4. The ease by which a young child could fall into the pool is negated by the complete enclosure of the area for which the application was submitted. The two Swimming Pool Inspectors who have visited the property were Mr Greig Wilson and Mr Sharn Christensen.

If there was any doubt as to the full enclosure of the area then it is suggested that an on site meeting be held with the Hearings Panel, together with the officers concerned.

Yours faithfully



M.E. DORMER

APPLICATION FOR EXEMPTION - STATEMENT FENCING OF SWIMMING POOLS ACT 1987

ADDRESS OF POOL : 15a CLYDE ROAD

The pool is situated on a large section which includes the whole of the back yard as part of the pool area. The above-mentioned Fencing of Swimming Pools Act requires that the immediate pool area is fenced. In the interpretation of the same Act the term "Immediate Pool Area" is defined as only that area immediately surrounding the pool and including activities associated with the use of the pool.

The pool fencing booklet issued to territorial authorities by the department of internal affairs has a detailed definition and explanation of what can be included in the immediate pool area. In this it is stated; The most important factor is the location of the fence in relation to the rest of the property. The fence should prevent young children moving directly to the pool from the house, other buildings, garden paths, or other areas of the property normally open to them.

Accompanying the application for exemption was a copy of a plan of the property showing the outline of what the applicant believes to be adequate fencing for the pool (copy attached). A closer look at these plans shows that, although non compliant, there was intention to fence the immediate pool area from the remainder of the property which has not been done. These plans have been approved by the Waimari District Council.

It is on these grounds that the recommendation be that the exemption is declined.



Rowell des Forges
Enforcement Officer

M. E. DORMER
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12 October 2005

The Secretary
Christchurch City Council
Environmental Services Unit
P O Box 237
CHRISTCHURCH



Dear Sir

Reference: 15A Clyde Road, Riccarton

A completed application for exemption under 6 of the Fencing of Swimming Pool Act is attached to which I bring to your notice, in support thereof, the following:-

1. The property at 15A Clyde Road, Riccarton where the pool is situated is completely enclosed with 2 boundary fences, height 6ft, a solid brick wall, height 7ft and 2 self closing gates with child proof latches which have been approved by the swimming pool Inspector.

Refer photographs 1 to 10.

2. The swimming pool is situated outside the conservatory which has 2 large sliding doors with vertical bolts which we have been advised by the swimming pool Inspector conform to regulations.

Refer photographs 11 and 12.

3. Two further doors leading from the kitchen (adjoining the conservatory) to an outside patio, as a result of advice from the swimming pool Inspector, have had vertical bolts installed.

Refer photographs 13 and 14.

4. The pool extends from the brick wall to the boundary fence and it is this area for which an exemption is requested.

The enclosed area is indicated by the pink outline on the attached area layout for the property as per the Waimakariri District Council Plan.

It should be noted the area for the spa pool is no longer used for that purpose as the spa has been removed.

5. The supervision of the pool area is the responsibility of D W & M E Dormer and it is for this reason the complete area is not only fenced but has 2 approved gates with bolts and latches.

We would believe the Council has the mechanism to provide an exemption based on a flexible approach to the problem as exists in this particular case and suggest that if there is any further doubt as to the security of the area or likelihood of a child falling into the pool unnoticed, then a further meeting be held with the swimming pool Inspectors on site.

6. We of course understand there is a concern of child fatalities in swimming pools but the statistics shown do not, we believe, warrant draconian fence regulations being enforced on home owners in all situations when compared to road deaths which have occurred throughout New Zealand in recent years.

	2003	2004
Road User Deaths aged 0-14	27	25
Average over 5 Years – 31 per year		
Home Pool Deaths	4	4
Average over a 5 Year Period – 5 per year		

Surely these statistics are meaningful and warrant a flexible approach to pool fencing, particularly when one also takes into consideration the considerable areas throughout New Zealand where rivers, lakes, streams, ponds and other areas where water flows through public property and indoor swimming pools, are not subject to regulations to prevent a person from falling into the water.

We look forward to a positive and commonsense response to this application and will no doubt meet with the Committee at a hearing in due course.

Yours faithfully



M E Dormer



CHRISTCHURCH
CITY COUNCIL · ENVIRONMENT

30 July 2004

M E F and D W Dormer
15A Clyde Road
CHRISTCHURCH

Dear Sir and Madam

**THE FENCING OF SWIMMING POOLS ACT 1987/THE BUILDING ACT 1991
POOL AT 15A CLYDE ROAD**

An inspection of the above property on 30 July 2004 for the purpose of determining compliance with the Fencing of Swimming Pools Act 1987, revealed the following matters require attention to ensure compliance with the Act:

1. The above-mentioned Fencing of Swimming Pools Act requires that the immediate pool area is fenced. In the interpretation of the same Act the term "Immediate Pool Area" is defined as only that area immediately surrounding the pool and including activities associated with the use of the pool. This therefore excludes such activities as the whole of the outdoor living space and thoroughfares.

Please find enclosed the information booklet, "Pool Fencing" which may assist you in obtaining compliance.

You are advised that the Act requires that the owner of the pool and any person in control of the pool must ensure that the pool is **not** filled or partly filled with water until such time as the pool or the immediate pool area complies with the requirements of this Act.

To comply with the Fencing of Swimming Pools Act you are required to complete the above work within 28 days.

Yours faithfully

Greig Wilson
**SWIMMING POOL INSPECTOR
ENVIRONMENTAL MONITORING**

Encl

INFORMATION NOTES:

- In some areas, where the water table is high or may be of concern, it may be necessary to take precautionary measures before emptying water from an in-ground pool.
- You should also be aware that the Building Act requires that a barrier must be provided where persons could fall 1 metre or more.



CHRISTCHURCH
CITY COUNCIL · ENVIRONMENT

26 October 2004

M E F & D W Dormer
15a Clyde Road
CHRISTCHURCH

Dear Sir/Madam

**THE FENCING OF SWIMMING POOLS ACT 1987/THE BUILDING ACT 1991
POOL AT 15A CLYDE ROAD**

Your property was visited on 26 October 2004 for the purpose of determining compliance with the Fencing of Swimming Pools Act 1987.

Unfortunately it was not possible to gain access to the premises and I will be grateful therefore if you can contact the writer by telephoning 941 8031 or 027 242 7904 at your earliest convenience so that an inspection appointment can be made or the matter discussed further.

Your co-operation is appreciated.

Yours faithfully

Greig Wilson
**SWIMMING POOL INSPECTOR
ENVIRONMENTAL MONITORING**


CHRISTCHURCH

CITY COUNCIL • YOUR PEOPLE • YOUR CITY

26 August 2005

 M E F and D W Dormer
 15A Clyde Road
 CHRISTCHURCH

Dear Sir and Madam

SWIMMING POOL FENCE AT 15A CLYDE ROAD

On 30 July 2004 the Council sent you a letter advising you that the swimming pool at the above-mentioned address was not fenced in accordance with the requirements of the Fencing of Swimming Pools Act 1987. The manner in which the fence does not comply was detailed in that letter. A copy of that letter is enclosed herewith.

On 24 August 2005 the pool was re-inspected. That re-inspection revealed that you have taken no action to rectify the fence.

I now draw your attention to Section 8(1) of the Act. That provides –

“8 Obligations of owner and persons in control of pool

- (1) *Every owner of a pool to which this Act applies shall ensure that, except as provided in any exemption granted under section 6 of this Act, the pool, or some or all of the immediate pool area including all of the pool, is fenced by a fence that complies with the requirements of the (building code in force under the [Building Act 2004] in respect of swimming pools subject to this Act) at all times when this Act applies in respect of the pool”*

Section 9(1) of the Act provides that every person who, without reasonable cause, fails to comply with any obligation imposed by Section 8 commits an offence and is liable upon conviction to a fine of up to \$500.00 and, where the offence is a continuing one, to a further fine of up to \$50.00 for every day upon which the offence has continued.

I also draw your attention to Section 116B(1)(a) of the Building Act 2004. That section provides:

- “(1) *No person may-*
 (a) *Use a building, or knowingly permit another person to use a building for a use for which the building is not safe or sanitary;”*

Section 116B(3) of the Building Act provides that any person who commits an offence against Section 116B(1)(a) is liable to a fine of up to \$100,000.00 and, where the offence is a continuing one, to a further fine of up to \$10,000.00 for every day or part of a day during which the offence has continued.

In terms of the Building Act 2004, your swimming pool is a “building”. If that pool is not fenced in accordance with the requirements of Section 8(1) of the Fencing of Swimming Pools Act 1987 that pool is unsafe in terms of Section 116B(1)(a) of the Building Act 2004.

- 2 -

The purpose of this letter is to put you on notice that unless, within 28 days of the date of this letter, the above-mentioned swimming pool is fenced in accordance with the requirements of Section 8(1) of the Fencing of Swimming Pools Act 1987, the Council will consider prosecuting you for an offence under either Section 9(1) of the Fencing of Swimming Pools Act 1987 or under Section 116B(1)(a) of the Building Act 2004.

No further warnings will be issued to you.

Yours faithfully

A handwritten signature in black ink, appearing to read "S. S. Christensen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Sharn Christensen
SWIMMING POOL INSPECTOR
ENVIRONMENTAL MONITORING

M. E. DORMER

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1 September 2005

Mr Sharn Christensen
Swimming Pool Inspector
Christchurch City Council
P O Box 237
CHRISTCHURCH



Dear Mr Christensen

Re: Swimming Pool Fence at 15a Clyde Road

This to acknowledge your letter of the 26th August and to advise as follows:-

1. Yes, Mr Wilson did visit the property on the 30th July inspecting the inside of the kitchen and adjoining rooms, together with the outside exterior to the property including the pool area.

This visit was confirmed by a letter dated the same date 30th July.

2. During the discussions with Mr Wilson, it appeared that it was rather marginal as to whether the pool area should be fenced due to the construction of the home and adjoining wall and gates.

Mr Wilson was shown the sliding doors leading from the conservatory to the pool area and suggested that these doors complied with the Act as they already had installed vertical latches.

Mr Wilson indicated the 2 doors in the kitchen leading to the patio area and then the lawn did not comply, nor did the 2 side gates.

Mr Wilson suggested that vertical bolts be installed both to the 2 kitchen doors and to the side gates as indicated. The work was undertaken within 1 week of Mr Wilson's visit to the premises.

3. Mr Wilson then wrote on the 26th October indicating he was unable to gain entrance to the property and asked for a telephone call in order to arrange a mutual meeting. A telephone call was made on the 5th November and a message left for Mr Wilson. No reply was forthcoming.

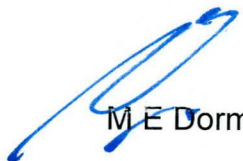
4. Whilst I note the contents of your letter dated 26th August, I do suggest that another meeting be held on our premises at a time convenient to both parties in order to clarify the possible exemption which may be granted to our home for the manner in which the pool is already enclosed.

If there is some doubt in your mind, then would you please specify the areas that the Council alleges do not comply with the Act which can be discussed when we meet.

At no stage has there been a deliberate avoidance of your Inspector/s and thus I suggest a telephone call to the undersigned on 021-320-014 or 384-5857 or 384-2344 during working hours be actioned either by yourself or by Mr Wilson.

I look forward to hearing from you.

Yours sincerely



M E Dormer











M. E. DORMER
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13 March 2006

Mr W G Brixton
Committee Secretary
Christchurch City Council
P O Box 237
CHRISTCHURCH

Dear Mr Brixton

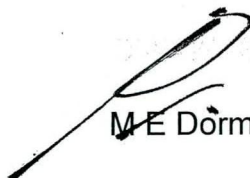
Re: Fencing of Swimming Pool – Exemption Application

This is to acknowledge and to thank you for your letter of the 6th March advising that our application for an exemption to the fencing had been approved by the Swimming Pool Panel.

I'd also like you to please express to the Panel my grateful appreciation for their attendance at an onsite meeting, as a result of which the points indicated in your letter which required rectification will be completed within the next 10 days.

With grateful thanks to your attendance to this matter.

Yours sincerely



M E Dormer

38.74m

6.67m

LOT 2 D.P. 38716
AREA - 1724 M²



EXISTING HOUSE
IN OUTLINE.

Kitchen

7.200 X 4.000 SWIMMING POOL

TO LINE WITH
VERANDAH ON
EXISTING HOUSE.

WAIMAIRI DISTRICT COUNCIL
APPROVED
SUBJECT TO BY-LAWS
BUILDING INSPECTOR

DATE 18/11/18
WAIMAIRI DISTRICT COUNCIL
NOTICE MUST BE GIVEN

ADMIN SHEET

LETTER TYPE:							
BCI ☐	COI ☐	EMI ☐	EMP ☐	EXE (1) ☐	FAI (1) ☐	IDE ☐	
				EXE (2) ☐	FAI (2) ☐		
LIM ☐	NOA (1) ☒	NOI ☐	PRO ☐	EXE (3) ☐	FAI (3) ☐		
	NOA (2) ☐			REM ☐	SPE ☐	UEM ☐	

FILE REQUEST: ☐

DETAILS: (Specify Clauses required, and any other information that you require)

22/7/09
mm. No Access.

GIS ENTERED: / /

WORKSMART ENTERED: 28/7/09

SECOND VISIT:

LETTER TYPE: FAI (1)

DETAILS:

2/9/09
Mary
It was noted that the fence was being erected. Please contact when completed at your earliest convenience so that an inspection appointment can be made.

GIS ENTERED: / /

WORKSMART ENTERED: 9/9/09

THIRD VISIT: 16/10/09
mm FAI (1)

LETTER TYPE:

DETAILS:

- ① E2
- ② W1 = I refer to all windows in pool house and window in sun room of house next to pool fence.
- ③ W2
- ④ CA1, table chair, pot plants
- ⑤ E3 = I refer to the grey entrance door to pool area.

30/11/09
mm FAI (2).
① E3 = I refer to the entrance door in pump room. another option would be to permissibly fix shut this door also the grey entrance door to pool area.

CHECKED T/LEADER: / /

WORKSMART UPDATED: 23/10/09

FILE SCANNED: / /

② W1 = I refer to the window in the kitchen area of the pool room. 4/12/09
③ E3

11/1/10
mm

complies -

Worksmart Entered: 13/1/10