



CHRISTCHURCH
CITY COUNCIL · ENVIRONMENT

19 February 2004

D W Dormer
15a Clyde Road
CHRISTCHURCH

FILE COPY

Dear Sir/Madam

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

Your property was visited on 9 February 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 025 212 3867 at your earliest convenience so that an inspection appointment can be made or the matter discussed further.

Your co-operation is appreciated.

Yours faithfully

Peter Watson
SWIMMING POOL INSPECTOR
ENVIRONMENTAL MONITORING

FILE COPY



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

FILE COPY

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

FILE COPY

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.

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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