Gareth Eloff
Manager, Parks Open Space and Environment
Te Kaiwhakahaere Hootaka Paarae, me te Taiao Ngangahau
[redacted]
Kapiti Coast District Council

From: Gareth Eloff
Sent: Monday, September 1, 2025 11:38 AM
To: [redacted]
Subject: [redacted]

Kia ora again [redacted]
Some light reading FYI. Here's a bit of background insight sitting behind the rationale as to where we are at re the Flying Fox conundrum, and why its unfortunately more than just replacing a cable:

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With technical terms
Under NZS 5828:2018 (NZ's playground safety standard, which adopts EN 1176/1177) cableways/flying foxes must have a defined falling space and impact-attenuating surface that complies with EN 1177. Water isn't a recognised impact surface, and equipment where water is used/encountered as the "surface" is outside the scope of the standard, so it can't be certified as compliant. Maximum angles and speeds etc are also regulated under this standard.

Explanation: NZS 5828:2018 is New Zealand's playground safety standard. It adopts the European standards EN 1176 (which covers the design and layout of playground equipment) and EN 1177 (which covers the safety performance of playground surfacing). Together they require that anywhere a child could fall—the "falling space," including the run-out zone at the end of a cableway/flying fox—must be covered with an "impact-attenuating surface." That surface **has to** be a recognised material that can be laboratory-tested and certified under EN 1177 to a critical fall height using head-injury criteria (HIC). Typical compliant surfaces include things like engineered wood fibre, sand, rubber wet-pour, or synthetic turf over a shockpad.
Water is not one of the recognised, testable surfacing types in EN 1177. Its depth and conditions vary, it can conceal hazards, and it cannot be certified to reduce head-injury risk to the levels the standard requires. Because of that, any cableway where the falling space or run-out is over water sits outside the scope of NZS 5828/EN 1177. Once it's out of scope, it cannot be certified as compliant with NZS 5828.
In practice, that means you cannot claim a flying fox over water complies with the playground standard. If compliance is required, the cableway needs to be aligned so the entire travel path and run-out are over a compliant, tested surface.

Simplified

New Zealand's playground safety rules say flying foxes must have a safe "fall zone" with an approved soft surface—like bark, sand, rubber, or turf over shockpad—that's been tested to cushion falls. Water doesn't count as a safe surface under these rules. Because of that, a flying fox that runs over water can't be certified as meeting the playground standard. If we want a compliant flying fox, it needs to run over land with one of those approved surfaces all the way to the end.

Why Council needs support to change the orientation of the flying fox?
If someone is hurt, WorkSafe would investigate and ask whether Council took "reasonably practicable" steps to make the flying fox safe. Keeping it over water (which can't be certified under the playground standard) makes it hard to show we did. The same applies to construction and cable angles and speed generated etc.
If WorkSafe decides we fell short, Council could face enforcement notices and prosecution, with large fines, and our officers could face due-diligence issues. We'd also cop reputational damage and still have to fix the setup. So "just replacing the cable" leaves us with a known non-compliance and higher regulatory risk, even if no one has been hurt before.

In short. We are compelled to apply the rules in play at the time.

Best

Gareth Eloff
Manager, Parks Open Space and Environment
Te Kaiwhakahaere Hootaka Paarae, me te Taiao Ngangahau
[redacted]
Kapiti Coast District Council

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