



WAITAKERE CITY COUNCIL

- 7 JUN 2007

700981



Waitakere City Council

Te Taiaro o Waitakere

EXEMPTION APPLICATION FORM FOR SWIMMING & SPA POOLS

The Operational Compliance Manager
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY

OFFICE USE ONLY
SITE ADDRESS: 6 HEADING STREET TITIRANGI
SWP NO: 1998/12675
ABA NO: (IF APPLICABLE)

OWNERS NAME: Mr Thomas Felton
and
Mrs Rochelle Grace
Mr/Mrs/Miss/Ms

Hereby make application for an exemption from the standard fencing controls relating to pools. ^{Debit # 310451(0)}

I propose to make or have already made the following arrangements for the security of my pool:

Fully fenced with approved self locking gates. No repairs or maintenance have been carried out since pool was inspected and granted exemption under previous owners in November 2006.

Reasons why proposal should be granted: (See reverse): Exemption granted to previous owners in November 2006. We have another grassed area for the children to play. The area surrounding the pool is not used for play as covered with trees with only a little bit of lawn area (which is not suitable for game playing). All access to this area is through self locking gates and is fully fenced and secure for children. (See attached map) We also have a separate BBQ area.

ADDRESS FOR CORRESPONDENCE: P.O. Box 80271, Green Bay 0643,

Waitakere City

APPLICATION FEE: \$250.00

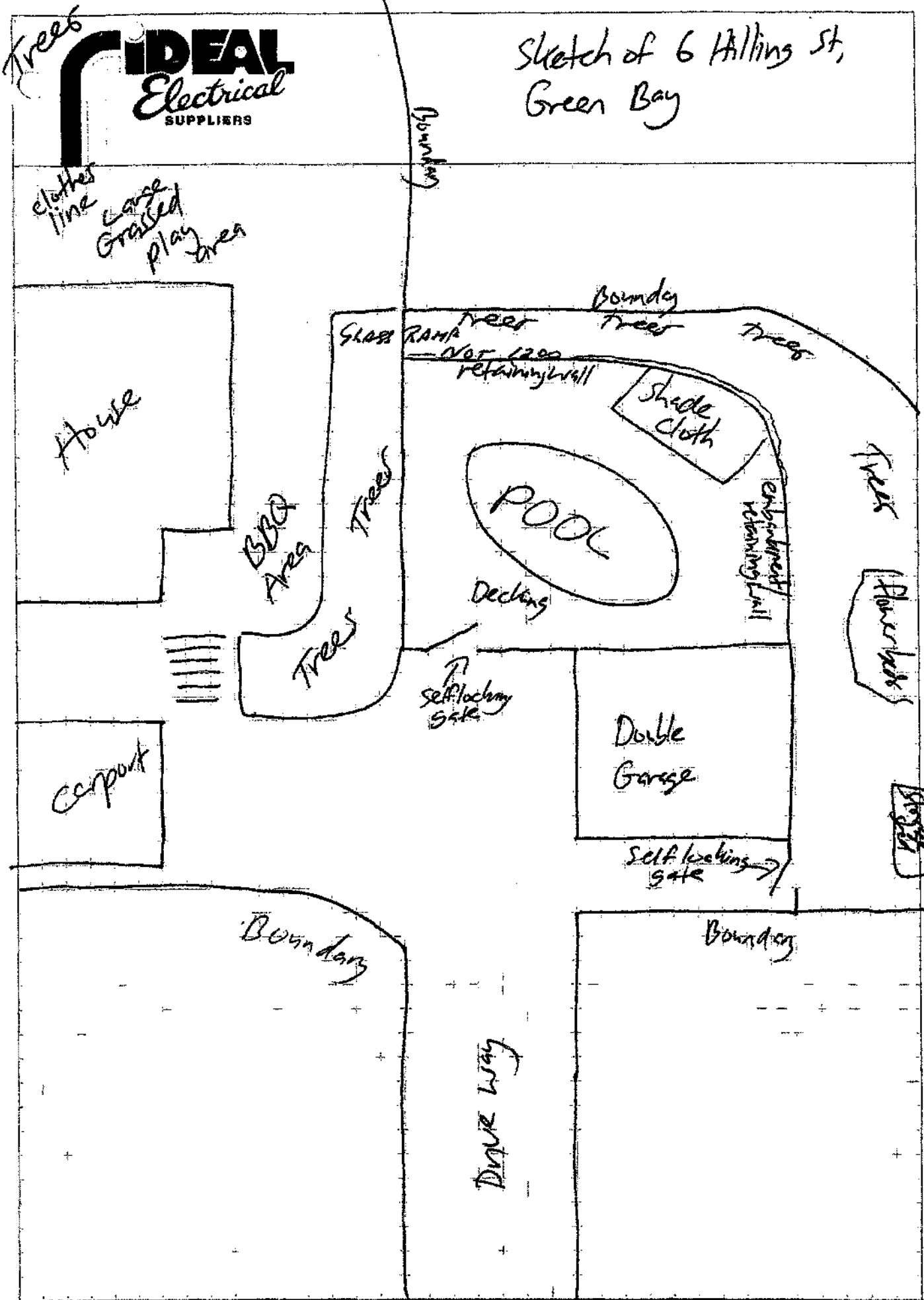
Signature:

Telephone No: (09) 817 2339

Date: 28/2/07

Note the explanation and requirements on the reverse of this form.

A21



Sketch of 6 Hilling St,
Green Bay

IDEAL
Electrical
SUPPLIERS

House

POOL

Double
Garage

carport

BBQ
Area

Self-locking
gate

Decking

Shade
cloth

Self-locking
gate

retaining wall

Glass RAMP

Nor 1200
retaining wall

Boundary

Boundary

Driveway

THORN

Lighting people and places

A22

16 MAY 2007



Waitakere City Council
Te Taiāo o Waitakere

Exemption Application Form for Spa & Swimming Pools

Send to: Chief Executive
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY 0612

For more information:
Civic Centre, 6 Henderson Valley Road
Henderson
Telephone (09) 839 0400
Facsimile (09) 836 8001

698951

Owners Name: Graham Smith

Address of pool: 150 a Atkinson Rd, Titirangi, Auckland

Hereby make application for an exemption from the standard fencing controls relating to pools. I propose to make or have already made the following arrangements for the security of my pool:

See attached note (1) and attached plan.

Reasons why proposal should be granted: (See reverse)

See attached note (2).

Address for Correspondence: 150 a Atkinson Rd, Titirangi, Auckland.

Application fee: \$250 (one off) * see attached note (3)

Signature: [Signature]

Telephone Number: (09) 580 6774

Date: 14-5-07

Note the explanation and requirements on the reverse of this form.

Chief Executive	
Corporate Services	
City Services	
Moselle	
Consultancy Services	
ECO - WATER	
Strategic Group	
Consent Services	
Field Services	<input checked="" type="checkbox"/>

Office Use Only

Site Address: _____

SWP No: _____

ABA No: _____
(if applicable)

A23

Exemption Application

Dear Sirs,

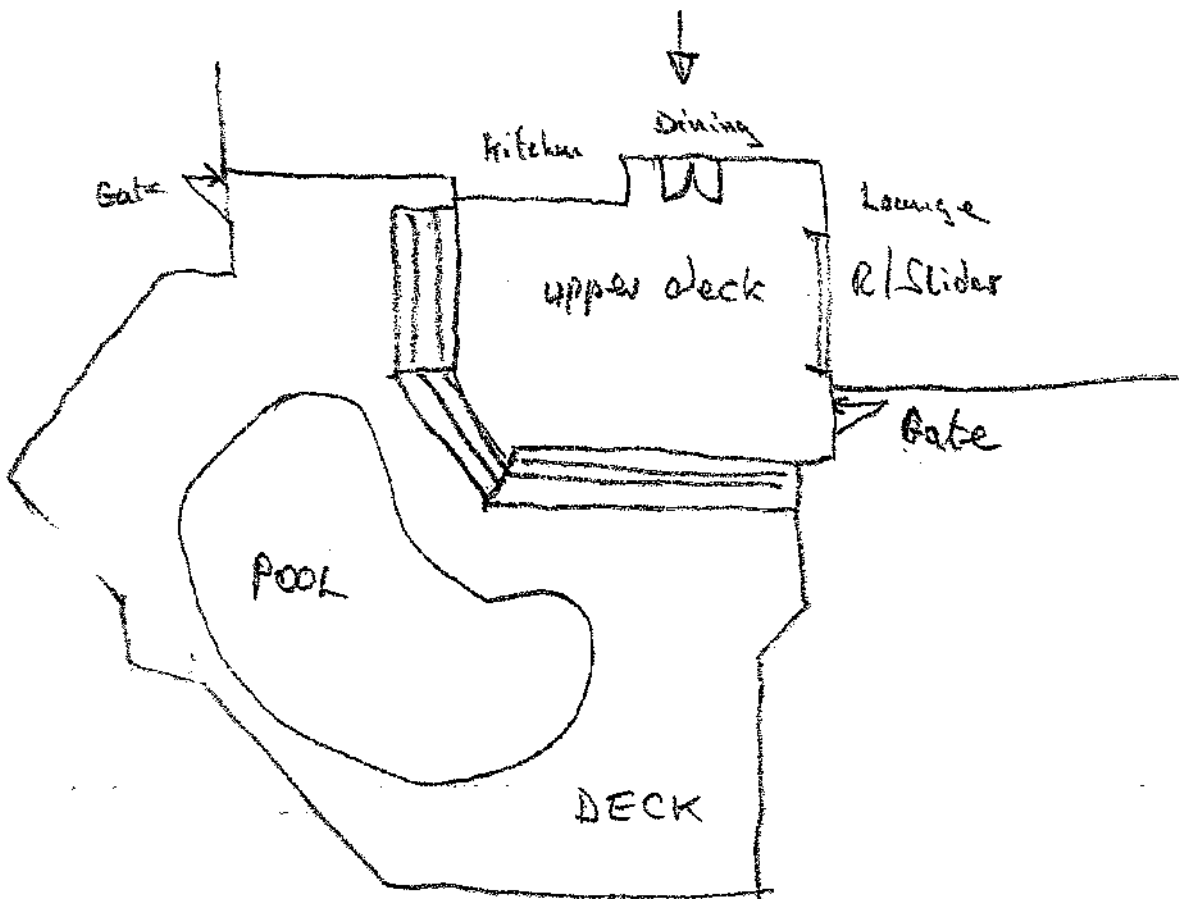
- 1) To mitigate the concerns of the pool inspector with respect to the outwardly opening French doors into the pool area (see attached sketch) I have installed door catchers at the top of each outwardly opening door. These will automatically prevent the doors from opening more than a finger width in the event that they should be closed and not secured by the locks located at the top of the door. The catcher can only be released by reaching up to a cord which is situated approximately 1.6 m above the floor.
- 2) The above arrangement will mitigate a situation where the door has been closed but has not been locked and will prevent a young person from accidentally opening what was thought to be a locked-door. This arrangement is possibly more secure than relying simply on a sliding door or an inwardly opening door which are considered acceptable.
- 3) As the existing security arrangement has already been approved for compliance with the "Swimming Pools Act 1987" and there have been no changes to the "arrangements" I will not expect an application fee to apply to this situation. Accordingly, I will thank you to waive any application fee on this occasion. Note: following confirmation of the exemption, I will make arrangements for a re-inspection of requested improvements and I will accept the previously quoted fee for that work.

Please do not hesitate to contact me (or leave a message) on Ak 580 6774 (days) if I can be of any further assistance.

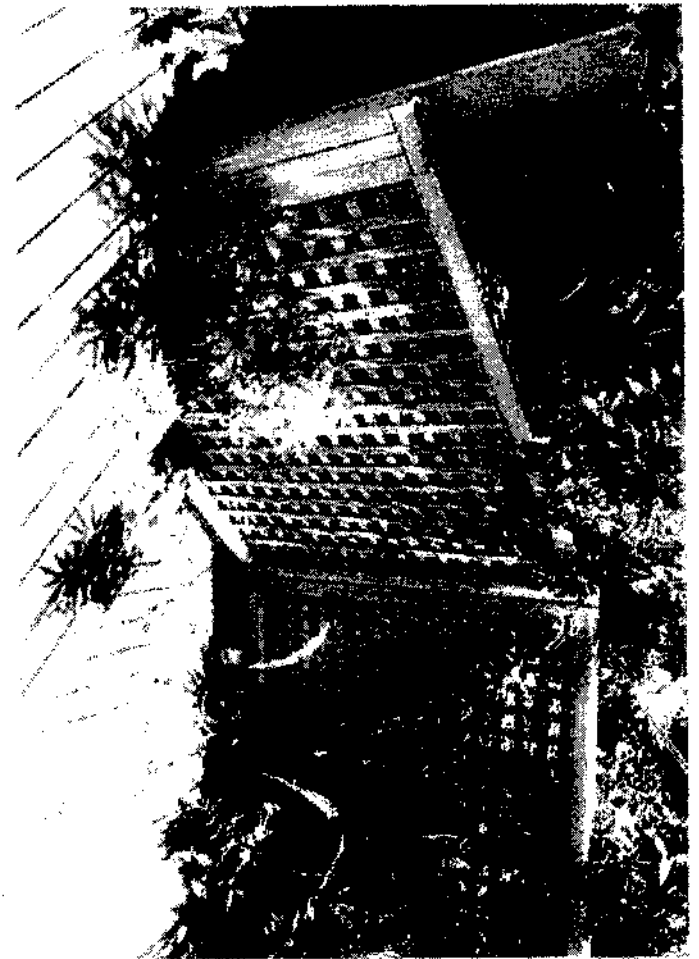
PK - 0331
Locking of
Right Door ??

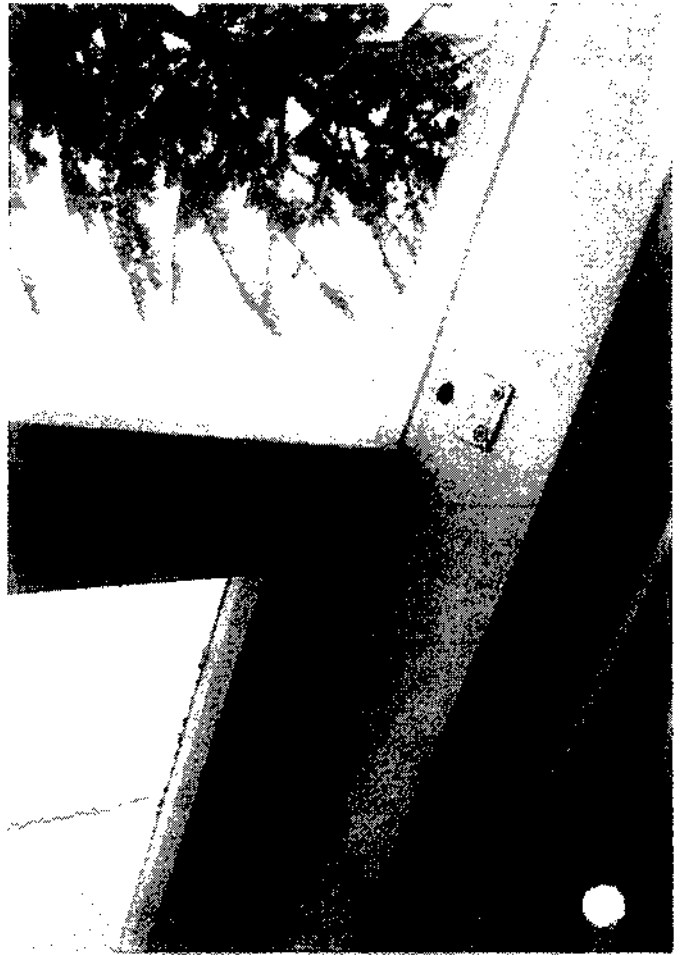
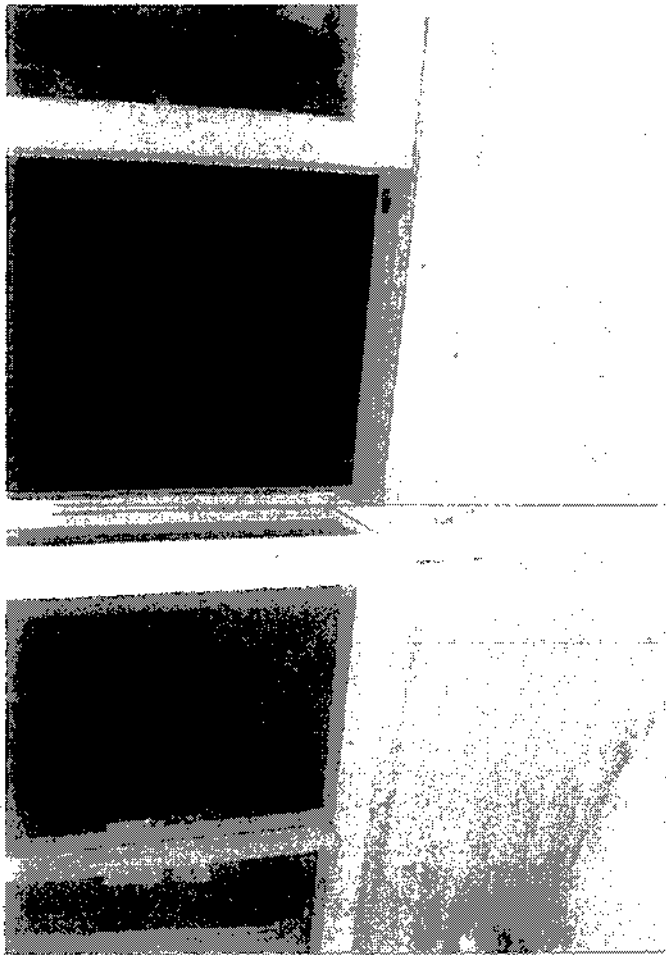
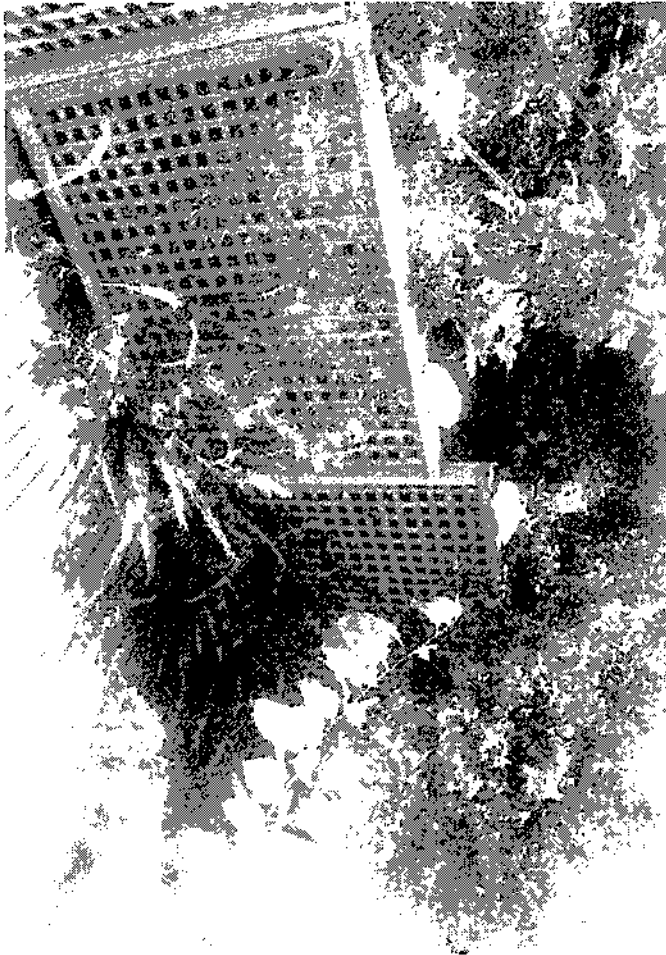
Exemption Application - Sketch of arrangement for pool security.

French doors open outwards

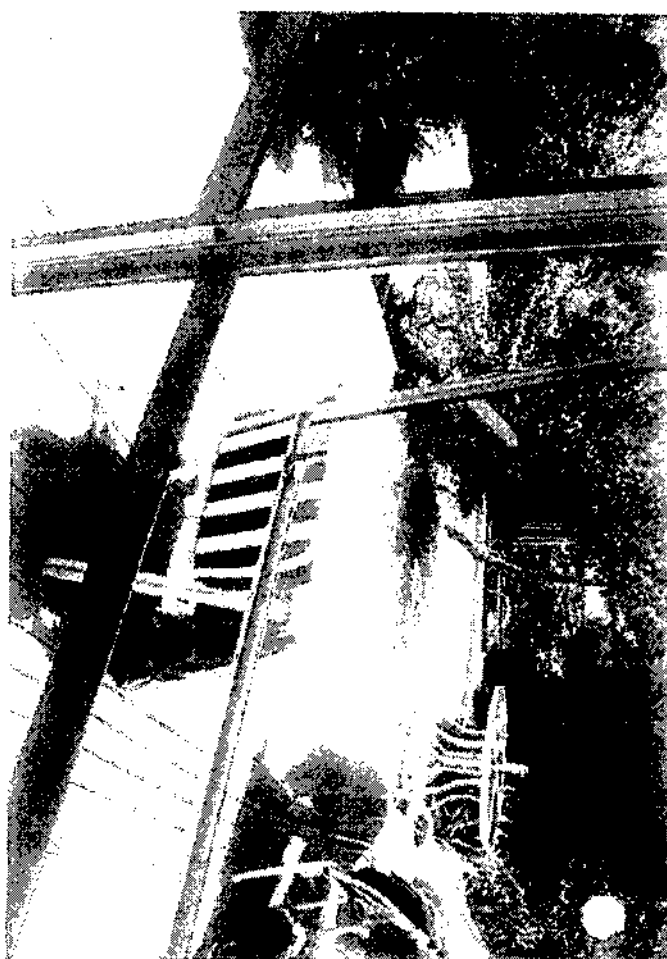
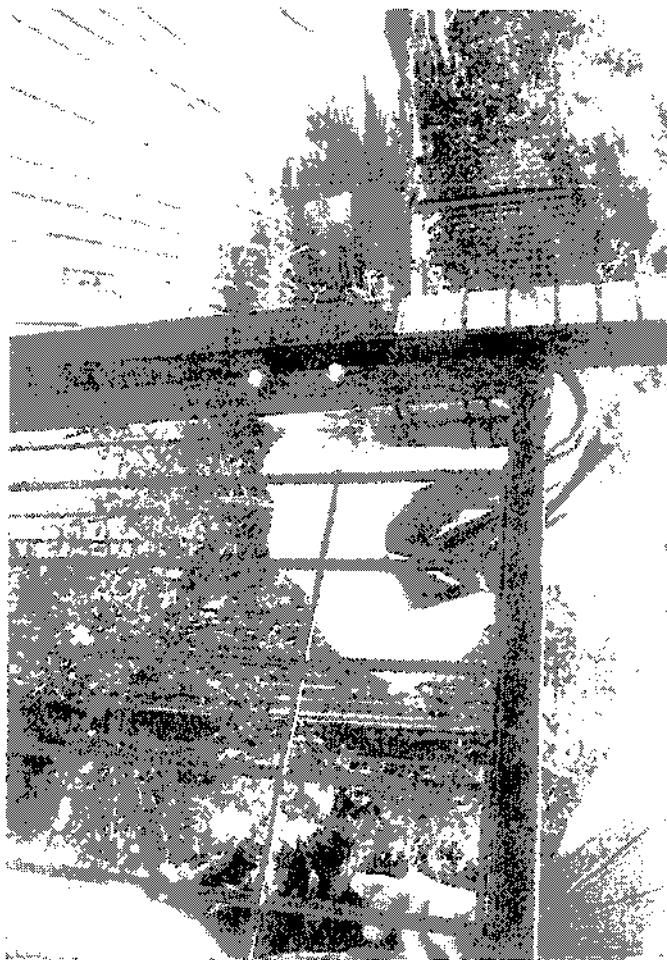












Exemption Application Form for Spa & Swimming Pools



Send to: Chief Executive
Waitakere City Council
Private Bag 93109
Henderson
WAITAKERE CITY 1231

For more information:
Civic Centre, Waipareira Avenue,
Henderson
Telephone (09) 839 0400
Facsimile (09) 836 8001

Owners Name: _____

Address of pool: 59 Scenic Drive, Titirangi

Hereby make application for an exemption from the standard fencing controls relating to pools. I propose to make or have already made the following arrangements for the security of my pool:

The spa pool is already fully fenced and gated. Please refer to the enclosed photos and plan.

Reasons why proposal should be granted: (See reverse) _____

See Attached

Address for Correspondence: 59 Scenic Drive, Titirangi

Application fee: \$250 (one off)

Signature: Thomas P. Maloney

Telephone Number: 09 816-9129

Date: ~~30 September~~ 15 May 2007

Note the explanation and requirements on the reverse of this form.

Office Use Only
Site Address: _____
SWP No: _____
ABA No: _____ (if applicable)

621368

A31

16 May 2007

RECEIVED
21 MAY 2007
Legal

WAITAKERE CITY COUNCIL

21 MAY 2007

699394

John Koolen
Field Services
Waitakere Central
6 Henderson Valley Road
Henderson

CHEQUE FOR
\$250.00 attached
~~TO CASHIERS~~

Dear Mr. Koolen

I appreciate the useful information you provided during our conversation this week regarding an Exemption Application request for our spa pool located at 59 Scenic Drive. After considering the various options, we've decided to move forward with a request for an exemption. The applicable forms and a check made out to Waitakere City Council come with this cover letter.

Thank you for your helpful advice on this matter from both the legal service and field service perspectives. I hope you will do your best to move our request along and make sure it doesn't get passed over while we are away by working with Neville Exler as Advisor for operational compliance of pools and spas in Waitakere.

You told me the people who decide whether or not to grant an exemption will visit the premises either on Thursdays or Fridays. I told you my brother-in-law, James Stephenson, will be staying at our house while we're away from 2 June to 16 September. He can be reached (or message left) on our home phone at 816-9129 or on his mobile at 021-677-126.

If you need any additional information in the next two weeks, don't hesitate to call or email me at tommahoney@xtra.co.nz.

Kind regards,

Tom Mahoney
Tom Mahoney

Chief Executive	
Corporate Services	
City Services	
Mosaic	
Consultancy Services	
ECD - WATER	
Strategic Group	
Consent Services	
Field Services	
<i>Legal</i>	

A32

Attachment to Exemption Application Form for Spa & Swimming Pools – Thomas R. Mahoney, 59 Scenic Drive, Titirangi

The following information is provided in connection with our application for exemption from the standard fencing controls relating to spas and swimming pools:

Background

When we purchased our home at 59 Scenic Drive in Titirangi [Lot 3 DP 130137], our spa pool (SWP96000385) met the minimum standards set out in the Fencing of Swimming Pools Act of 1987. Mark Weaver, Customer Field Advisor for Building Compliance for Waitakere City Council, signed his approval on 18 July, 2001. (Copy attached)

In 2004, Swimming Pool advisor Jason Sheehan notified us that our spa pool did not meet requirements of the act, although there have been no changes to the pool or its surroundings since the previous inspection which found the pool in compliance. After several attempts to resolve the situation through contacts with the Field Services office, we were told that actions regarding pool compliance were temporarily on hold as a result of High Court Judge Tony Randerson's 22-page opinion on the issue which pointed to grey areas within the act.

In September 2005, after returning from an overseas trip, we found that our spa pool had been inspected again and another notice of non compliance had been issued. Apparently the issues surrounding the pool fencing act had been resolved – not to our benefit. Due to our confusion over the matter, pool advisor Neville Exler was kind enough to visit the site and explain the areas where we were not in compliance. Although we still do not understand how the pool was compliant in 2001 and no longer compliant in 2005, we accept that under current interpretation of the act we would have to make some changes to the fencing before we would meet the minimum standards. Mr Exler suggested that under the circumstances we might want to apply for an exemption. At the time we decided it made more sense to drain the pool as our minimal use did not warrant the time and expense of pursuing an exemption and maintaining the pool on an ongoing basis.

Since that time our situation has changed. I have been diagnosed with a chronic back problem and have found that soaking in a spa pool is very therapeutic. It is primarily for this reason that we are now requesting an exemption from the standard fencing controls.

Existing Fencing

The attached plan shows that the current spa pool is protected from access by small children with wrought iron fencing around 2 sides of the pool and with the walls of the house forming a fence around the other 2 sides. There are child proof gates or locked doors leading from all access areas to the pool. The fence is just over 1 metre high measured from inside the fenced area, but since the deck is raised above the ground, the top of the fence from the outside is well over 1.2 metres high in all cases. The 2 sliding doors from the deck have 2 sets of locks, one at the top of the door well beyond the reach of any child 6 years of age or younger. The door leading from the laundry also has a child proof lock; however it does open outwards to the pool area.

Reasons Justifying Proposal

In summary, following are the reasons we feel our request for an exemption is justified:

1. The regular use of a spa pool would ease my back pain and should result in reduced need for pain medications and fewer trips to the physiotherapist.
2. We are a middle aged couple with no children or grandchildren; nor do we have friends or family members with small children. It is therefore very unlikely that there would ever be a situation where there would be young children in the house who might be attracted to the spa pool.
3. Given that the pool was considered in compliance in 2001, I can only assume that the infractions are minor and the result of a more strict interpretation of the act since that time. We believe the existing fencing is more than sufficient, given our age and the fact that we have no children. Most importantly, our house and surrounding terrain form a natural barrier, in effect sealing off entry by very young children from the outside.

We trust the attached pictures will give you an idea of how the spa pool is protected from outside access by young children. We invite you to our home to check out the spa pool and appeal to your sense of fairness and common sense. We hope that in granting our request for exemption, you will acknowledge that further preventive measures are both unnecessary and unreasonable.



Waitakere City Council
Civic Centre
6 Waipareira Ave
Waitakere City

Telephone
09 836 8000
Facsimile
09 836 8001

DX CX 10250 Auckland Mail Centre
Email: info@waitakere.govt.nz

Private Bag 93109
Henderson
Waitakere City

Refer: MARK WEAVER

18 July 2001

PHILIP JOHN BERRY
P O BOX 15071
NEW LYNN
WAITAKERE CITY 1232

Dear Sir/Madam

FENCING OF SWIMMING POOLS ACT 1987
STREET ADDRESS: 59 SCENIC DRV, TITIRANGI, WAITAKERE CITY 1007
LOT 3 DP 130137
OUR REFERENCE: SWP96000385

In connection with the above property we advise that the Spa pool fencing complies with the minimum standard set out in the Act.

Waitakere City Council is to be notified for compliance, should any works be carried out on your pool, prior to your next inspection.

Council will review the pool fencing within three (3) years to check compliance.

Yours faithfully

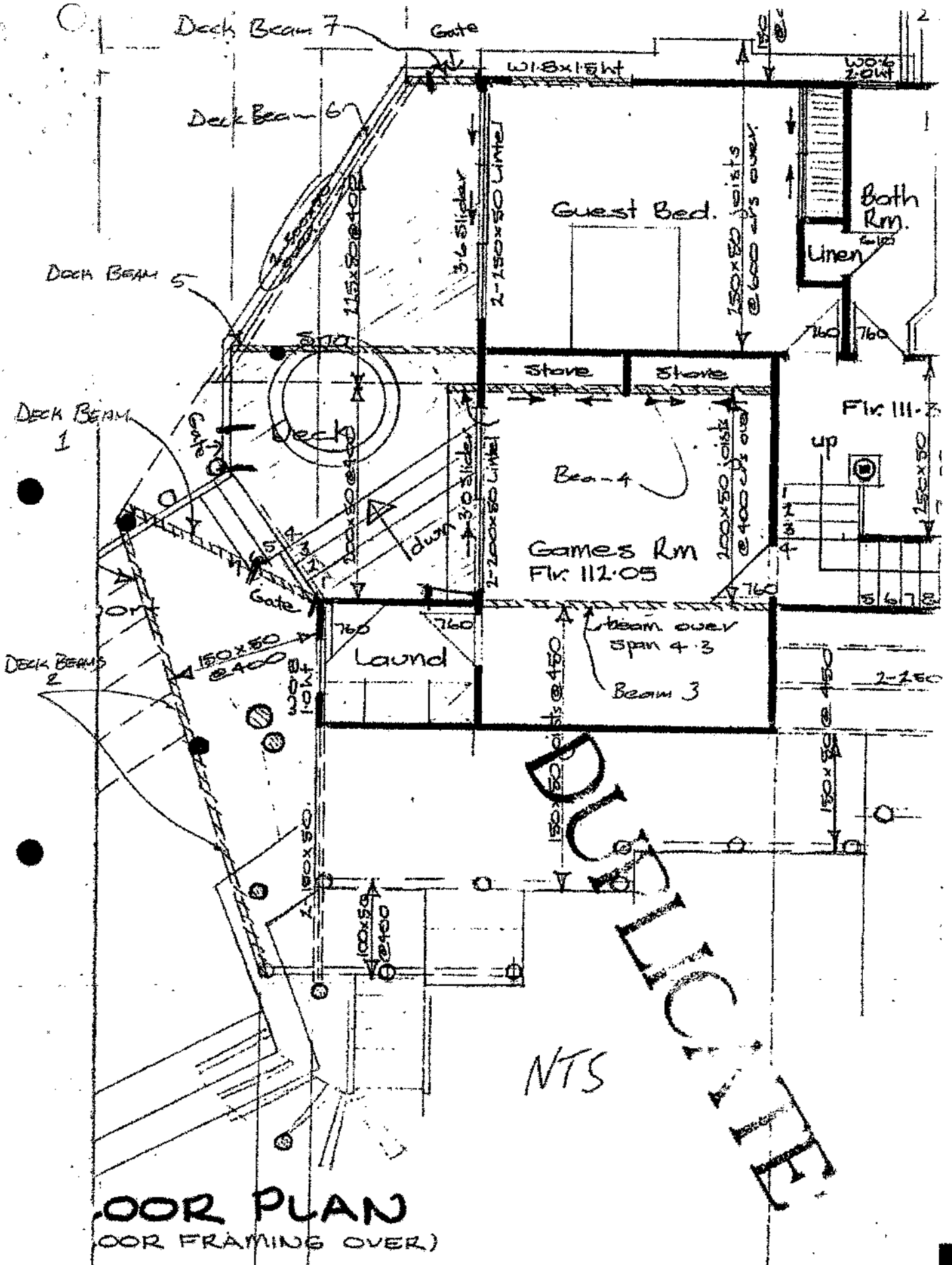
MARK WEAVER
CUSTOMER FIELD ADVISOR
(BUILDING COMPLIANCE)

SWPS

A35

fence

Self Locking Gate



LOOR PLAN
(LOOR FRAMING OVER)

DUPLICATE

NTS



