

22 BOSTON 2.D
W/THRU 11/21

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

Owners Name: JJ + IL Vlaanderen

Address of pool: 94 THE TRACK, HERALD ISLANDS

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:

- 1) Provide a fence to immediate pool area so as to prevent direct access to rear yard through non complying door.
- 2) Ensure pool fence on upper deck is 1.2

Reasons why proposal should be granted: (See reverse)

See photo

- 1) The ONLY way to access our rear yard is through the pool area. The door has a lock + deadbolt. How does a self closing door make this more safe!
- 2) The upper deck fencing was approved because there is a 1.5m drop to the lower deck/pool area. Council made us bring the gates to 1.2 (see photo) but said remaining fence could remain 1 metre.

Application fee: \$250 (one off)

Signature: [Signature]

Telephone Number: 4166148

Date: 19/5/08

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

PAID PAYMENTS PP/SWP 1230
23/5/08 Dobson St 320215(7)

Office Use Only

Site Address: 94 THE TRACK, HERALD ISLANDS

SWP No: 2002-9902

ABA No: _____
(If applicable)

Dispensation Application

Introduction

An exemption is a discretionary power conferred on Council by Section 6 of the Fencing of Swimming Pools Act 1987, to allow in certain circumstances exemptions from the requirements of the Schedule of the said Act.

Information to be Provided

To avoid delay in the processing of your application the following information **must** be provided.

1. PLANS showing position of swimming pool in relation to house and boundaries, and position of existing and/or proposed fencing. Also the height of the fences, and material of which they are constructed must be stated. Photographs may be provided for clarification.
2. REASONS justifying the proposal. Council may only grant an application where there are circumstances warranting a dispensation from the standard requirements for fencing. The guidelines for fencing of pools are available at the Building counter. It must be shown that such an exemption would not significantly increase danger to young children.

The Council may impose other conditions relating to the property or the pool as are reasonable in the circumstances.

21 JUN 2008

94 The Terrace
Herald Island
AUCKLAND 0618

22 June 2008

17093

Waikare City Council
Wolfgang Nethe
Team Manager
Field Services
PO Box 93109
HENDERSON 0650

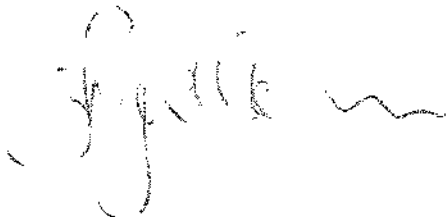
RE: FENCING OF SWIMMING POOL
94 THE TERRACE HERALD ISLAND

Dear Sir

Further to our application to apply to the Swimming Pool sub-committee for an exemption for our swimming pool, we wish to ask for the fee of \$250 which has been paid for the application to be processed, to be waived and refunded if approval is granted.

I understand the committee will be viewing the pool sometime in July and we will ensure we are both home to meet with them.

Yours faithfully



JOHN & INGRID VLAANDEREN

Chief Executive	
Deputy Mayor	
City Services Amanda	
Community Lynette	
ECO-WATER	
Energy Dept	
General Services	
Field Services	<input checked="" type="checkbox"/>

A 17

CHEQUE FOR
\$ 250-00
~~TO CASHIERS~~
ATTACHED

94 The Terrace
Herald Island
AUCKLAND 0618

14575

WAITAKERE CITY COUNCIL

16 May 2008

Legal

J F Koolen
Waitakere City Council
Team Leader
Enforcement
Legal Services
PO Box 93109
HENDERSON 0650

c.c. Penny Hulse
Deputy Mayor
c.c. Vanessa Neeson
Councillor Massey Ward
c.c. Warren Flaunty
Councillor Massey Ward

22 MAY 2008

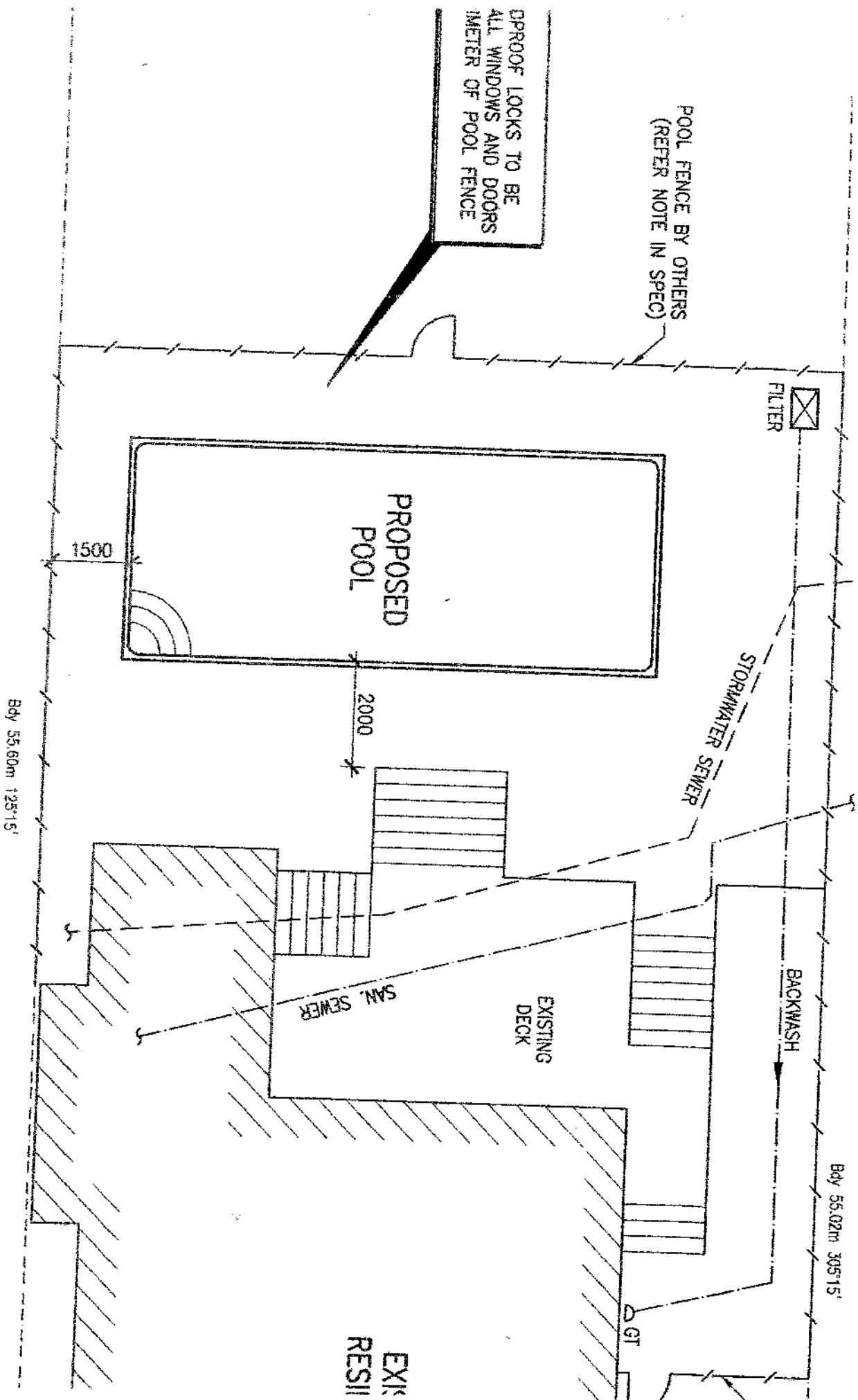
**RE: FENCING OF SWIMMING POOL
94 THE TERRACE HERALD ISLAND**

Dear Sir

We are in receipt of your letters dated 18 April and 14 May 2008 regarding the above and are still interested in applying for an exemption under Section 6 of the Act. The reason for the delay in our response is that the \$250 exemption fee is not a trifling amount and as we are a single income family with two teenage children, this 'out of the blue payment' needs to be carefully budgeted for.

It is becoming increasingly difficult to understand the high handed approach the council is taking in regard to this matter. We feel council is acting totally unreasonable and causing our family considerable stress which seems totally unnecessary. We once again would like to stress we had no notification by council that they would be inspecting pool fences and changing the rules when we had already obtained a Code of Compliance. The changes the Council are proposing we make are extremely costly and therefore should understand the need for pool owners to gather as much advice and information necessary and be less stringent in the time you expect us to reply to your correspondence. Also it is all very well directing us to read the Swimming Pools Act 1987, but it is written in legal jargon and very hard to interpret.

Our commitment to child safety is a high priority and we believe we have created an area which does not significantly increase the danger to young children. We would also like to point out that our children are aged 13 & 14 and the children that now visit our home are of a similar age group. Young children cannot get into our pool area and can only do so by entering in through the house, but you are penalising in the event that we 'might' have young children visiting our home. In the highly unlikely event this should happen the pool area can be shut off to prevent any child getting in. It should also be noted that at the bottom of our garden is the Upper Harbour – an unfenced tract of water highly attractive to young children.



DPROOF LOCKS TO BE ALL WINDOWS AND DOORS (REFER NOTE IN SPEC)

POOL FENCE BY OTHERS (REFER NOTE IN SPEC)

PROPOSED POOL

1500

2000

Bdy 55.60m 125'15"

Bdy 56.02m 305'15"

FILTER

STORMWATER SEWER

BACKWASH

EXISTING DECK

SAN. SEWER

EXISTING RESII

SITE PLAN

Scale 1:100

LEGAL DESCRIPTION : LOT 2

DP 39775

96 THE TERRACE
 MC RABD ISLANDS
 3WP-0802-9902.

door opens
out to deck

MC

9A THE TRIPACK
NEARBY ISLANDS
9-28-2002-9902

A21



Fence 1:2
Only entry to rear yard

SEPA

96 THIRrd TERRACE
HAWAII ISLAND
SEPA - 3012 - 9902



Ceiling
raised to
1.2 AS required for
Code of Compliance

96 THE TERRACE
HOLLAND ISLAND
6-11-20-3-4407

A23



CHEQUE FOR
\$250.00
TO CASHIERS
ASA 2006 0482

Waitakere City Council
Te Taini o Waitakere

WAITAKERE CITY COUNCIL

APPLICATION FOR EXEMPTION of SPA & SWIMMING POOLS

- 2 MAY 2008

Fencing of Swimming Pools Act 1987

012923

Please Note

In order for an exemption application to be accepted, the Council it will need to be fully appraised prior to being referred to the Swimming pools Exemption Committee for decision. Any matters that are omitted by the applicant may result in the application being referred back to the applicant for further clarification. A further inspection of the pool may be required.

OWNERS NAME: (print)

ALAN HUGHES

Address of Pool. (print)

100 CORNWALLIS RD CORNWALLIS

WAITAKERE CITY

3111 50 - DISTRICT 31976(1)
2006-2006-282

ADDRESS FOR CORRESPONDENCE (if different from site address) (print)

Information to be provided:

1. **PLANS:** A Sketch plan must accompany all applications, including all measurements of the immediate pool area, the pool size and location. The sketch is to include boundary fencing and also the dwelling wall, if this forms part of the fence. The materials of which they are constructed must be stated. Photographs may be provided for clarification.
2. **REASONS justifying the proposal.** Council may grant an exemption where the circumstances warrant a dispensation from the statutory requirements for pool fencing. Your attention is drawn to Section 6 of the Act and Clause 11 of the Schedule. An exemption may be granted or declined in the Council's discretion and if granted conditions may be imposed. A copy The Fencing of Swimming Pools Act 1987 is available on Council's website www.waitakere.govt.nz

Please list those matters which at the date of this application do not comply with the statutory requirements

1 House exterior door opens outward into pool enclosure.
(pool constructed 8 years after house).

- 3
- 4
- 5
- 6
- 7

02/05/2008

Please list those matters for which an exemption is sought

- House exterior door not sprung, opening out
(has door bolt, lock and lever but top)
- No fence beach side of pool.

Reasons why the application should be granted

- House built approx 5 years prior to pool construction
- Pool exterior wall was proposed to be 1200 high.
Resource consent prevented lowering of soil to 200 mm
Site very isolated (nearest house 150m away (unseen)
across road) Ground drops very steeply to beach/shore
(unclimbable) Section fronts foreshore

If there is insufficient space on this form please use additional sheet(s) and continue

I/we apply for an exemption from the requirements of the Fencing of Swimming Pools Act 1987 set out above and certify that all other pool fencing requirements are in accordance with the Act. A cheque for the application fee of \$250 is attached.

Signature(s): [Signature]

Telephone No: 811 8848

Mobile No: 0174 515271 or 09 971 228 (Global)

Date: 30 April 08

Complete this form and post with all attachments to:

The Chief Executive
Waitakere City Council
6 Henderson Valley Rd
Henderson
Waitakere 0612

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

Office Use Only

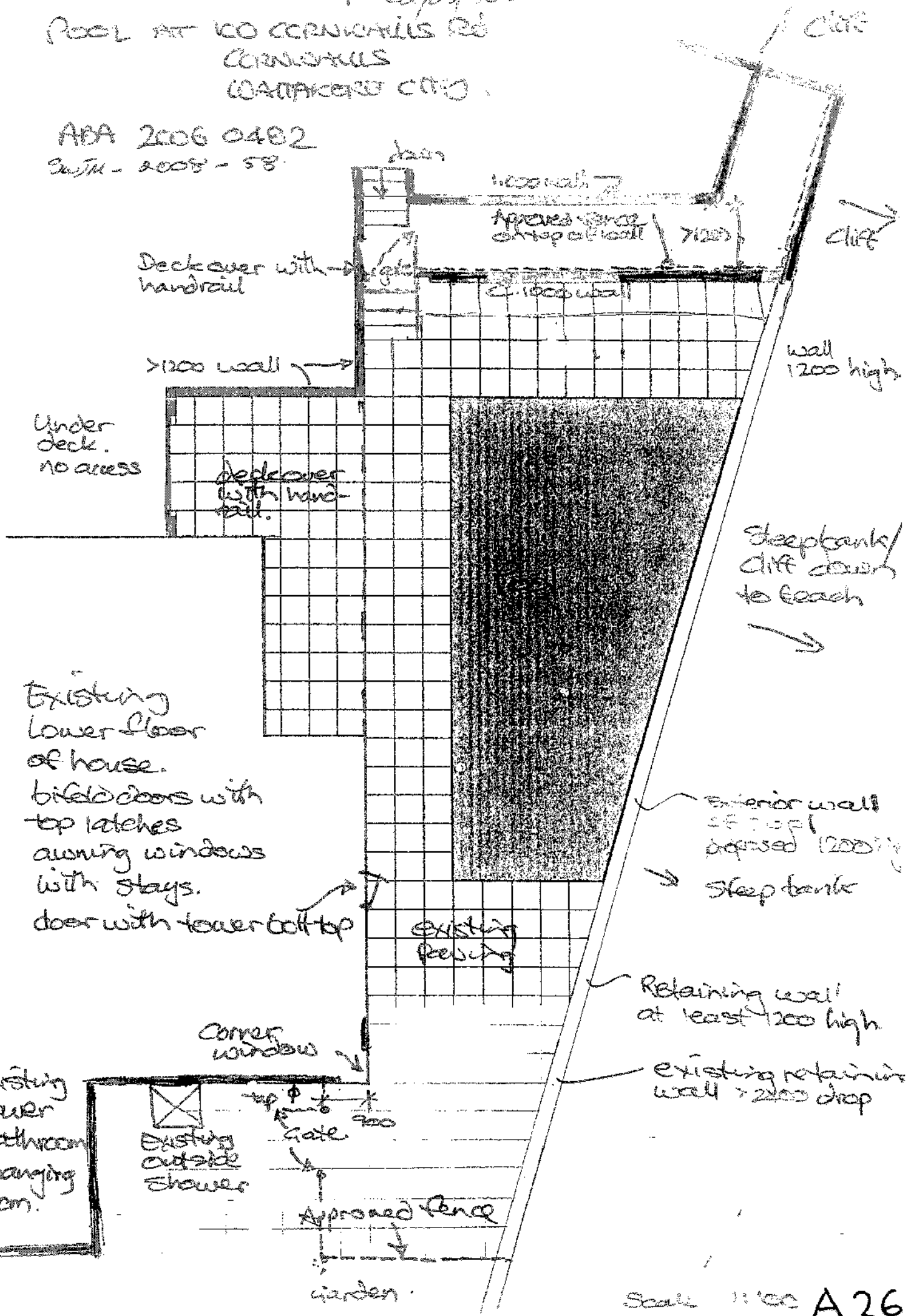
Site Address: 100 CORNWALLIS RD, HENDERSON

SWP No: SWP - 2008-58

ABA No: COM - 2006-682
(if Applicable)

POOL AT 100 CORNWALLS RD
 CORNWALLS
 WATFORD CITY

ABA 2006 0482
 SWIM - 2008 - 58



Existing lower floor of house.
 bifold doors with top latches
 awning windows with stays.
 door with lower bolt top

Existing lower bathroom changing room.

Existing outside shower

Approved fence

Garden

exterior wall of pool depressed 1200 high
 Steep bank

Retaining wall at least 1200 high

existing retaining wall > 2100 drop