

**Maungakiekie-Tamaki Local Board
Swimming Pool Fencing Exemptions Committee
OPEN MINUTES**

Minutes of a meeting of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee held in the Local Board Office, 7-13 Pilkington Road, Panmure on Wednesday, 5 March 2014 at 2:00pm.

PRESENT

Chairperson	Simon Randall
Deputy Chairperson	Bridget Graham, QSM
Members	Chris Makoare

APOLOGIES

ALSO PRESENT

Council Officer	Jan Barnard, Team Leader Compliance and Enforcement
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Secretarial Note: The Acting Relationship Manager opened the meeting and chaired the meeting for items 1 to 12.

1 Welcome

2 Apologies

There were no apologies.

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

There were no outstanding minutes.

5 Leave of Absence

There were no leaves of absence.

6 Acknowledgements

There were no acknowledgements.

7 Petitions

There were no petitions.

8 Deputations

There were no deputations.

9 Public Forum

There was no public forum.

10 Extraordinary Business

There was no extraordinary business.

11 Notices of Motion

There were no notices of motion.

12 Election of Chairperson

The Acting Relationship Manager called for nominations for the position of Chairperson.
Resolution number MAU/2014/1

MOVED by Member CL Makoare, seconded by Member BM Graham:

- a) **The Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee elects a chairperson for the 2013-2016 political term.**

CARRIED

Member Makoare nominated Member Randall, seconded by Member Graham.

Member Randall was elected as Chairperson of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions committee.

Secretarial Note: Chairperson Randall assumed the chair.

13 Election of Deputy Chairperson

Chairperson Randall called for nominations for the position of Deputy Chairperson.
Resolution number MAU/2014/2

MOVED by Member CL Makoare, seconded by Member BM Graham:

- a) **That the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee elects a Deputy Chairperson for the 2013-2016 political term.**

CARRIED

Member Makoare nominated Member Graham, seconded by Chairperson Randall.

Member Graham was elected as Deputy Chairperson of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions committee.

Secretarial Note: Item 14.3 was taken after item 13 at 2.04pm

Secretarial Note: Member Graham abstained from voting on items 14.1, 14.3, 14.4, 14.5

14 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987

Jan Barnard, Team Leader Compliance and Enforcement was in attendance to speak to this report.

Resolution number MAU/2014/3

MOVED by Member SD Randall, seconded by Member CL Makoare:

- a) **That the report and applications be received.**

CARRIED

Each application was discussed and received separately.

Attachments

- A Swimming and spa pool fencing inspection checklist and The Fencing of Swimming Pools Act 1987

14.1 9B Faber Ave, Mt Wellington

Resolution number MAU/2014/4

MOVED by Member SD Randall, seconded by Member CL Makoare:

- a) That the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee receives the application from Julius & Carol Sargent, 9B Faber Ave, Mt Wellington.
- b) That the M-T Local Board Swimming Pool Fencing Exemptions Committee deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **GRANTED** as a personal exemption to the owner of the property (Julius & Carol Sargent, 9B Faber Ave, Mt Wellington), so that on a sale of the property a new owner will need to apply for a new exemption, subject to the following conditions:
 - i) The pool is to remain empty until conditions (ii) and (iii) have been remedied and approved by council.
 - ii) An additional lockable latch be installed in the middle of both the front and back sides of the spa pool, ensuring it cannot open more than 100mm, and this is met within 3 months of this meeting.
 - iii) The concrete formation behind the spa pool is removed so that it is not a climbable object, and this is met within 3 months of this meeting.
 - iv) And subject to the conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs 3.10 'Above-ground spas and hot tubs' 3.10 a) to k) inclusive, as follows:
 - a) The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760mm above the surrounding ground or deck;
 - b) The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;
 - c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - d) When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100mm.
 - e) The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kg to ensure that it will more than take the weight of a child up to six years old;
 - f) The cover shall be constructed of material that meets ASTM F1346-91 to allow easy movement on and off the spa pool or hot tub;
 - g) The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water

- will not pond on top of it;
- h) The cover shall have an evenly spaced mechanical locking device as required in b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;
 - i) The cover and locks shall be maintained at all times in a good state of repair;
 - j) Warning stickers/sign shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;
 - k) Removable steps, movable furniture, or other objects, with the exemption of the retained gardens, that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200mm from the side of the spa pool or hot tub.

And that this exemption take effect when a council inspector inspects the spa and notes that the above conditions (ii) and (iii) have been met.

- c) That the M-T Local Board Swimming Pool Fencing Exemptions Committee notes that with regard to the particular characteristics of the property and the pool, the granting of an exemption does not significantly increase the danger to young children, subject to the conditions in b) being met.

CARRIED

Members of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 5 March 2014.

14.2 19 Tobruk Road, Panmure

Resolution number MAU/2014/5

MOVED by Member SD Randall, seconded by Member BM Graham:

- a) That the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee receives the application from Michael McLean, 19 Tobruk Road, Panmure.
- b) That the M-T Local Board Swimming Pool Fencing Exemptions Committee deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **GRANTED**, personal to the owner of the property (Michael McLean, 19 Tobruk Road, Panmure), so that on a sale of the property a new owner will need to apply for a new exemption, subject to the following conditions:
 - i) The spa lid is locked at all times when not in use
 - ii) This exemption applies to the property subject to the above conditions being maintained.
 - iii) And subject to the conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs 3.10 'Above-ground spas and hot tubs' 3.10 a) to k) inclusive, as follows:
 - a) The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760mm above the surrounding

- b) ground or deck;
 - b) The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;
 - c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - d) When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100mm.
 - e) The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kg to ensure that it will more than take the weight of a child up to six years old;
 - f) The cover shall be constructed of material that meets ASTM F1346-91 to allow easy movement on and off the spa pool or hot tub;
 - g) The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;
 - h) The cover shall have an evenly spaced mechanical locking device as required in b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;
 - i) The cover and locks shall be maintained at all times in a good state of repair;
 - j) Warning stickers/sign shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;
 - k) Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200mm from the side of the spa pool or hot tub.
- c) That the M-T Local Board Swimming Pool Fencing Exemptions Committee notes that with regard to the particular characteristics of the property and the pool, the granting of an exemption does not significantly increase the danger to young children, subject to the conditions in b) being met.

CARRIED

14.3 45 Forbes Street, Onehunga

Resolution number MAU/2014/6

MOVED by Member SD Randall, seconded by Member CL Makoare:

- a) That the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee receives the application from Dr Arnold J Smith, 45 Forbes Street, Onehunga, and thanks Dr Arnold Smith for his attendance.
- b) That the M-T Local Board Swimming Pool Fencing Exemptions Committee deems that this application for special exemption under

section 6 of the Fencing of Swimming Pools Act 1987 be **GRANTED** subject to the following conditions:

- i) Mesh or some other suitable non climbable material be applied to the swimming pool fence railing so that the lower rail cannot be used as a step, which must be met within 3 months of this meeting.
- ii) Mesh or some other suitable material be applied to the external vent so that it cannot be used to be climbed, which must be met within 3 months of this meeting.
- iii) The spa lid is locked at all times when not in use
- iv) This exemption applies to the property subject to the above conditions being maintained.

And that this exemption take effect when a council inspector inspects the spa and notes that the above conditions (i) and (ii) have been met.

- c) That the M-T Local Board Swimming Pool Fencing Exemptions Committee notes that with regard to the particular characteristics of the property and the pool, the granting of an exemption does not significantly increase the danger to young children, subject to the conditions in b) being met.

CARRIED

Members of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 5 March 2014.

14.4 99 Namata Road, Oranga

Resolution number MAU/2014/7

MOVED by Member SD Randall, seconded by Member CL Makoare:

- a) That the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee receives the application from Jin McKegg, 99 Namata Road, Oranga.
- b) That the M-T Local Board Swimming Pool Fencing Exemptions Committee deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **GRANTED**, for the property (99 Namata Road, Oranga), subject to the following conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs 3.10 'Above-ground spas and hot tubs' 3.10 a) to k) inclusive, as follows:
 - a) The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760mm above the surrounding ground or deck;
 - b) The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;
 - c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - d) When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100mm.
 - e) The cover shall be made of a material that if walked on cannot

- collapse and can withstand the weight of at least 20kg to ensure that it will more than take the weight of a child up to six years old;
- f) The cover shall be constructed of material that meets ASTM F1346-91 to allow easy movement on and off the spa pool or hot tub;
 - g) The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;
 - h) The cover shall have an evenly spaced mechanical locking device as required in b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;
 - i) The cover and locks shall be maintained at all times in a good state of repair;
 - j) Warning stickers/sign shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;
 - k) Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200mm from the side of the spa pool or hot tub.
- c) That the M-T Local Board Swimming Pool Fencing Exemptions Committee notes that with regard to the particular characteristics of the property and the pool, the granting of an exemption does not significantly increase the danger to young children, subject to the conditions in b) being met.

CARRIED

Members of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 5 March 2014.

14.5 117 Campbell Road, One Tree Hill

Resolution number MAU/2014/8

MOVED by Member SD Randall, seconded by Member CL Makoare:

- a) The Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee receives the application from F & M Morgan, 117 Campbell Road, One Tree Hill.
- b) That the M-T Local Board Swimming Pool Fencing Exemptions Committee deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **DECLINED**, as the local board is of the opinion that the hedge does not satisfy the requirements of the Fencing Of Swimming Pools Act 1987, and it would be possible to do so through the installation of a fence.

CARRIED

Members of the Maungakiekie-Tamaki Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 5 March 2014.

15 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

3.55 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD
AT A MEETING OF THE MAUNGAKIEKIE-TAMAKI
LOCAL BOARD SWIMMING POOL FENCING
EXEMPTIONS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....