

Waitematā Local Board Hearings Committee OPEN MINUTES

Minutes of a meeting of the Waitematā Local Board Hearings Committee held in the Waitematā Local Board Room, Level 2, 35 Graham Street on Thursday, 13 March 2014 at 2:08 pm.

PRESENT

Chairperson	Christopher Dempsey
Deputy Chairperson	Vernon Tava
Members	Greg Moyle Deborah Yates

IN ATTENDANCE

Margaret Lacey – Swimming Pool Inspector

1 Welcome

2 Apologies

There were no apologies.

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

There are no minutes to confirm.

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

Resolution number WTMH/2014/1

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

That the Waitemata Local Board Hearings Committee:

- a) **That the report be received.**
- b) **That the Waitemata Local Board receive the applications by:**
 - i) **Penelope Anne Whiting – 1 Fife Street, Westmere**
 - ii) **Vicki & Scott St John – 7 Glanville Terrace, Parnell**
 - iii) **Goran Marsic – 9/387 Parnell Road, Parnell**
 - iv) **Andrew Hawken – 11 Bella Vista Road, Herne Bay**
 - v) **Keith & Sharon Mitchen – 19 Tirotai Cres, Westmere**
 - vi) **Geoffrey Short – 23 Peel Street, Westmere**
 - vii) **Andrew & Susan Hirst – 26 Trinity Street, Ponsonby**
 - viii) **Nagow Holdings Ltd – 35 Spring Street, Freemans Bay**
 - ix) **Anna Catherwood & Anthony Blyth – 64 Shelly Beach Road, Herne Bay**
- c) **That the Local Board determine each application, by way of resolution, to:**
 - i) **grant the application for special exemption as sought, or**
 - ii) **grant the application subject to conditions, or**
 - iii) **declining the application for special exemption sought.**

CARRIED

2.1 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Penelope Anne Whiting - 1 Fife Street, Westmere

Resolution number WTMH/2014/2

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

- a) **That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Thursday, 6 March 2014 at the applicant's residence, with Auckland Council Officer, Margaret Lacey, Pool Inspector, also in attendance.**
- b) **That the Waitemata Local Board Hearings Committee grant the application by Penelope Anne Whiting - 1 Fife Street, Westmere, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Penelope Anne Whiting), so that on a sale of the property a new owner will need to apply for a new exemption.**
- c) **That this exemption is granted subject to the spa pool remaining in its location as at 6 March 2014, and subject to 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 i) to xii) inclusive:**

- i. 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;
- ii. 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;
- iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- iv. 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.
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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;
- ix. The cover and locks shall be maintained at all times in a good state of repair;
- x. 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;
- xi. 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;
- xii Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

2.2 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Vicki and Scott St John - 7 Glanville Terrace, Parnell

Resolution number WTMH/2014/3

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

- a) That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Thursday, 6 March 2014 at the applicant's residence, with Auckland Council Officer, Margaret Lacey, Pool Inspector, also in attendance.
- b) That the Waitemata Local Board Hearings Committee grant the application by Vicki and Scott St John – 7 Glanville Terrace, Parnell, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owners of the property (Vicki and Scott St John), so that on a sale of the property a new owner will need to apply for a new exemption.
- c) The Waitemata Local Board Hearings Committee notes that the exemption relates to:
 - i) The infill steel fencing that is located in walkway to dwelling (Note: rails are less than 900 mm apart)
 - ii) That all other areas surrounding the pool must fully comply with the Fencing of Swimming Pools Act 1987.

CARRIED

2.3 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Goran Marsic - 9/387 Parnell Road, Parnell

Resolution number WTMH/2014/4

MOVED by Chairperson GJ Moyle, seconded by Member DA Yates:

- a) That the Waitemata Local Board Hearings Committee grant the application by Goran Marsic – 9/387 Parnell Road, Parnell, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Goran Marsic), so that on a sale of the property a new owner will need to apply for a new exemption.
- b) That this exemption is granted subject to the spa pool remaining in its location as at 6 March 2014, and subject to 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 i) to xii) inclusive:
- i. 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;
 - ii. 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;
 - iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - iv. 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.
 - v. 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;
 - vi. 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;
 - vii. 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;
 - viii. 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;
 - ix. The cover and locks shall be maintained at all times in a good state of repair;
 - x. 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;
 - xi. 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;
 - xii Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

2.4 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Andrew Hawken - 11 Bella Vista Road, Herne Bay

Resolution number WTMH/2014/5

MOVED by Member DA Yates, seconded by Chairperson CP Dempsey:

- a) That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Thursday, 6 March 2014 at the applicant's residence, with Auckland Council Officer, Margaret Lacey, Pool Inspector, also in attendance.
- b) That the Waitemata Local Board Hearings Committee grant the application by Andrew Hawken – 11 Bella Vista Road, Herne Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owners of the property (Andrew Hawken), so that on a sale of the property a new owner will need to apply for a new exemption.
- c) The Waitemata Local Board Hearings Committee notes that the exemption relates to:
 - i) For the use of the doors and backyard being used as the immediate pool area;
 - ii) Subject to the doors being locked at all times when the pool is not in use.

CARRIED

Secretarial Note: Pursuant to Standing Order 3.15.5 Member Vernon Tava, requested that his dissenting vote be recorded.

2.5 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Keith and Sharon Mitchen - 19 Tirotai Crescent, Westmere

Resolution number WTMH/2014/6

MOVED by Chairperson CP Dempsey, seconded by Chairperson GJ Moyle:

- a) That the Waitemata Local Board Hearings Committee grant the application by Keith and Sharon Mitchen – 19 Tirotai Crescent, Westmere, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Keith and Sharon Mitchen), so that on a sale of the property a new owner will need to apply for a new exemption.
- b) That this exemption is granted subject to the spa pool remaining in its location as at Thursday, 6 March 2014, and subject to 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 i) to xii) inclusive:
 - i. 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;
 - ii. 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;
 - iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - iv. 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.

- v. 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;
 - vi. 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;
 - vii. 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;
 - viii. 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;
 - ix. The cover and locks shall be maintained at all times in a good state of repair;
 - x. 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;
 - xi. 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;
 - xii Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.
- c) The Waitemata Local Board Hearings Committee notes that the exemption is granted subject to an additional site inspection from Auckland Council.

CARRIED

2.6 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Geoffrey Short - 23 Peel Street, Westmere

Resolution number WTMH/2014/7

MOVED by Chairperson GJ Moyle, seconded by Deputy Chairperson VI Tava:

- a) That the Waitemata Local Board Hearings Committee grant the application by Geoffrey Short – 23 Peel Street, Westmere for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Geoffrey Short), so that on a sale of the property a new owner will need to apply for a new exemption.
- b) That this exemption is granted subject to the spa pool remaining in its location as at Thursday, 6 March 2014, and subject to 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 i) to xii) inclusive:
 - i. 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;
 - ii. 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;
 - iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - iv. 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.
 - v. 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;
 - vi. 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;

- vii. 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;
- viii. 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;
- ix. The cover and locks shall be maintained at all times in a good state of repair;
- x. 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;
- xi. 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;
- xii. Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

2.7 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Andrew and Susan Hirst - 26 Trinity Street, Ponsonby

Resolution number WTMH/2014/8

MOVED by Chairperson GJ Moyle, seconded by Chairperson CP Dempsey:

- a) That the Waitemata Local Board Hearings Committee grant the application by Andrew and Susan Hirst, 26 Trinity Street, Ponsonby, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Andrew and Susan Hirst), so that on a sale of the property a new owner will need to apply for a new exemption.
- b) That this exemption is granted subject to the spa pool remaining in its location as at Thursday, 6 March 2014, and subject to 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 i) to xii) inclusive:
 - i. 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;
 - ii. 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;
 - iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 - iv. 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.
 - v. 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;
 - vi. 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;
 - vii. 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;
 - viii. 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;
 - ix. The cover and locks shall be maintained at all times in a good state of repair;
 - x. 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;
 - xi. 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;

- xii Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.
- c) The Waitemata Local Board Hearings Committee notes that the exemption is granted subject to an additional site inspection from Auckland Council.

CARRIED

2.8 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Nagow Holdings Ltd - 35 Spring Street, Freemans Bay

Resolution number WTMH/2014/9

MOVED by Member DA Yates, seconded by Chairperson CP Dempsey:

- a) That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Thursday, 6 March 2014 at the applicant's residence, with Auckland Council Officer, Margaret Lacey, Pool Inspector, also in attendance.
- b) That the Waitemata Local Board Hearings Committee grant the application by Nagow Holdings Ltd – 35 Spring Street, Freemans Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Nagow Holdings Ltd), so that on a sale of the property a new owner will need to apply for a new exemption.
- c) The Waitemata Local Board Hearings Committee notes that the exemption is granted subject to:
 - i) The doors leading to the internal spa pool remaining locked at all times when the spa is not in use and that the locks are situated 1.5 metres from the ground level.

CARRIED

2.9 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 by Anna Catherwood and Anthony Blyth – 64 Shelly Beach Road, Herne Bay

Resolution number WTMH/2014/10

MOVED by Chairperson CP Dempsey, seconded by Deputy Chairperson VI Tava:

- a) That the Waitemata Local Board Hearings Committee note that members of the Hearings Committee were in attendance at a site visit which took place on Thursday, 6 March 2014 at the applicant's residence, with Auckland Council Officer, Margaret Lacey, Pool Inspector, also in attendance.
- b) That the Waitemata Local Board Hearings Committee grant the application by Anna Catherwood and Anthony Blyth – 64 Shelly Beach Road, Herne Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property (Anna Catherwood and Anthony Blyth), so that on a sale of the property a new owner will need to apply for a new exemption.
- c) That this exemption is granted subject to the spa pool remaining in its location as at Thursday, 6 March 2014, and subject to 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 i) to xii) inclusive:

- i. 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;
- ii. 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;
- iii. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- iv. 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.
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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;
- ix. The cover and locks shall be maintained at all times in a good state of repair;
- x. 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;
- xi. 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;
- xii. Any plant material that can support the weight of at least 20 kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

2.48 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 WAITEMATĀ LOCAL
BOARD HEARINGS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....