

# **Rodney Local Board Swimming Pool Fencing Exemptions Committee**

## **OPEN MINUTES**

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Minutes of a meeting of the Rodney Local Board Swimming Pool Fencing Exemptions Committee held in the Council Chamber, Orewa Service Centre, 50 Centreway Road, Orewa on Monday, 14 July 2014 at 12.00pm.

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### **PRESENT**

<b>Chairperson</b>	Warren Flaunty, QSM
<b>Deputy Chairperson</b>	John McLean
<b>Members</b>	Beth Houlbrooke

### **APOLOGIES**

Member	James Colville
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**1 Welcome**

The Chairperson opened the meeting and welcomed those in attendance.

**2 Apologies**

Resolution number ROD/2014/30

MOVED by Chairperson WW Flaunty, seconded by Deputy Chairperson JG McLean:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **accept the apology from Member Colville for absence.**

**CARRIED**

**3 Declaration of Interest**

There were no declarations of interest.

**4 Confirmation of Minutes**

Resolution number ROD/2014/31

MOVED by Deputy Chairperson JG McLean, seconded by Member BP Houlbrooke:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Monday, 12 May 2014 and Monday, 9 June 2014, including the confidential section, as a true and correct record.**

**CARRIED**

**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 ROD/2014/32

MOVED by Chairperson WW Flaunty, seconded by Deputy Chairperson JG McLean:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **receive the applications by:**
- i) **Christopher Jenkins, 151 Motutara Road, Muriwai**
  - ii) **Christopher Andrew Martin, 2 Belmont Place, Warkworth**
  - iii) **Antony and Katrina Straka, 5 Kewai Street, Omaha**
  - iv) **Andrew and Lisa Bissett, 16 Patiki Place, Omaha.**

**CARRIED**

Resolution number ROD/2014/33

MOVED by Member BP Houlbrooke, seconded by Deputy Chairperson JG McLean:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- b) **DECLINE THE APPLICATION** by Christopher Jenkins, 151 Motutara Road, Muriwai for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 for an above ground spa pool in its current position because it does not comply with the Fencing of Swimming Pools Act 1987 and with the NZS8500:2006 (New Zealand Standard, Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs), however if the pool is moved to an area 1.2m clear of any climbable surface by the end of August 2014 the local board will reconsider this application without the applicant incurring any further fees.

**CARRIED**

Resolution number ROD/2014/34

MOVED by Member BP Houlbrooke, seconded by Chairperson WW Flaunty:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- c) **GRANT THE APPLICATION** by Christopher Martin, 2 Belmont Place, Warkworth for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 for an above ground spa pool subject to the exemption being personal to the applicant at the above address and subject to 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:
- 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.*

**CARRIED**

Resolution number ROD/2014/35

MOVED by Deputy Chairperson JG McLean, seconded by Chairperson WW Flaunty:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- d) GRANT THE APPLICATION by Antony and Katrina Straka, 5 Kewai Street, Omaha for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 for an above ground spa pool subject to the exemption being personal to the applicant at the above address provided the broken clips on the cover have been repaired and subject to 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:**
  - 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.*

**CARRIED**

Resolution number ROD/2014/36

MOVED by Member BP Houlbrooke, seconded by Deputy Chairperson JG McLean:

That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:

- e) GRANT THE APPLICATION by Andrew and Lisa Bissett, 16 Patiki Place, Omaha for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 for an above ground spa pool subject to the exemption being personal to the applicant at the above address and subject to 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:**
  - 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.*

**CARRIED**

**Public Excluded**

Resolution number ROD/2014/37

MOVED by Chairperson WW Flaunty, seconded by Deputy Chairperson JG McLean:

**That the Rodney Local Board Swimming Pool Fencing Exemptions Committee:**

- a) exclude the public from the following part(s) of the proceedings of this meeting.**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

**12 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 - Attachments A - D.**

<p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>	<p>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>In particular the attachments of the swimming pool exemption applications contain personal details of the applicants.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
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**CARRIED**

**13 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**RESTATEMENTS**

It was resolved while the public was excluded:

**Item 12 – Attachments A to D**

- a) agree to note the confidential status of attachments # A - D to Item 12.

12.25 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 RODNEY LOCAL BOARD  
SWIMMING POOL FENCING EXEMPTIONS  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....