

**Waiheke Local Board Swimming Pool Fencing
Exemption Committee**

OPEN MINUTES

Minutes of a meeting of the Waiheke Local Board Swimming Pool Fencing Exemption Committee held in the Waiheke Local Board Office, Oneroa Bowling Club, 100 Ocean View Road, Alison Park, Waiheke Island on Friday, 8 August 2014 at 10:00am.

PRESENT

Chairperson John Meeuwsen
Deputy Chairperson Beatle Treadwell

APOLOGIES

Members Paul Walden

ALSO PRESENT

IN ATTENDANCE

1 Welcome

The Chairperson welcomed everyone to the meeting.

2 Apologies

Resolution number WHKSP/2014/9

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) **Accepts the apology from PA Walden for absence.**

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number WHKSP/2014/10

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) **Confirms the ordinary minutes of its meeting, held on Friday, 14 February 2014, 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

9.1 Vladimir Kozak - 11 Victoria Road South, Waiheke Island

Vladimir Kozak was in attendance and spoke in support of his application for special exemptions from the requirement of the Fencing of Swimming Pool Act 1987.

Resolution number WHKSP/2014/11

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board:

- a) **Thanks Vladimir Kozak for his attendance and presentation.**

CARRIED

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 WHKSP/2014/12

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) **Receives the report.**
- b) **Receives the applications of:**
- i) **Vladimir Kozak – 11 Victoria Road South, Waiheke Island**
 - ii) **Scott & Vicki St John – 218 Delamore Drive, Waiheke Island**
 - iii) **Michael Clooney – 60 Jellicoe Parade, Waiheke Island**
 - iv) **Phil Dent – 142A Cowes Bay Road, Waiheke Island**
 - v) **Bernard Fouke & Susan Ronn – 6 McMillan Road, Waiheke Island**
- c) **Determines 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) **decline the application for special exemption sought.**

CARRIED

12.1 Swimming Pool Fencing Exemption - Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 - Vladimir Kozak - 11 Victoria Road South, Waiheke Island

Resolution number WHKSP/2014/13

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) Approves the application from Vladimir Kozak, 11 Victoria Road South, Waiheke Island, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that the committee is “satisfied that an exemption would not significantly increase the danger to young children”
- b) Notes that the special exemption under section 6 of the Fencing of Swimming Pools Act 1987 is for Vladimir Kozak, 11 Victoria Road South, Waiheke Island, and that this exemption is personal to the owner of the property (Vladimir Kozak) so that on sale of the property a new owner will need to apply for a new exemption.
- c) Grants this exemption subject to the owner (Vladimir Kozak), complying at all times with 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 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 and the key kept in an appropriate place which a child cannot access.
 - 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 c) ii) 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.
- d) Notes that the owner (Vladimir Kozak) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

CARRIED

12.2 Swimming Pool Fencing Exemption - Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 - Scott & Vicki St John, 218 Delamore Drive, Waiheke Island

Resolution number WHKSP/2014/14

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) Declines the application from Scott & Vicki St John, 218 Delamore Drive, Waiheke Island, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that the committee believes that an exemption would significantly increase the danger to young children. In particular, the application does not meet the standard as the surrounding walls are climbable and that there are objects within 1200mm from the side of the spa pool which are also climbable.

CARRIED

12.3 Swimming Pool Fencing Exemption - Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 - Michael Clooney - 60 Jellicoe Parade, Waiheke Island

Resolution number WHKSP/2014/15

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) Approves the application from Michael Clooney, 60 Jellicoe Parade, Waiheke Island, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that the committee is “satisfied that an exemption would not significantly increase the danger to young children”
- b) Notes that the special exemption under section 6 of the Fencing of Swimming Pools Act 1987 is for Michael Clooney, 60 Jellicoe Parade, Waiheke Island, and that this exemption is personal to the owner of the property (Michael Clooney) so that on sale of the property a new owner will need to apply for a new exemption.
- c) Grants this exemption subject to the owner (Michael Clooney), complying at all times with 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 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 and the key kept in an appropriate place which a child cannot access.
 - 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 c) ii) 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.
- d) Notes that the owner (Michael Clooney) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

CARRIED

12.4 Swimming Pool Fencing Exemption - Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 - Phil Dent, on behalf of the owner J Gow, 142A Cowes Bay Road, Waiheke Island

Resolution number WHKSP/2014/16

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) Approves the application from Phil Dent, on behalf of the owner J Gow, 142A Cowes Bay Road, Waiheke Island, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that the committee is “satisfied that an exemption would not significantly increase the danger to young children”
- c) Notes that the special exemption under section 6 of the Fencing of Swimming Pools Act 1987 is for J Gow, 142A Cowes Bay Road, Waiheke Island, and that this exemption is personal to the owner of the property (J Gow,) so that on sale of the property a new owner will need to apply for a new exemption.
- c) Grants this exemption subject to the owner (J Gow,), complying at all times with 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 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 and the key kept in an appropriate place which a child cannot access.
 - 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 c) ii) 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.
- d) Notes that the owner (J Gow,) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

CARRIED

12.5 Swimming Pool Fencing Exemption - Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 - Bernard Fouke & Susan Ronn, 6 McMillan Road, Waiheke Island

Resolution number WHKSP/2014/17

MOVED by Chairperson JP Meeuwsen, seconded by Deputy Chairperson BM Treadwell:

That the Waiheke Local Board Swimming Pool Fencing Exemption Committee:

- a) Approves the application from Bernard Fouke & Susan Ronn, 6 McMillan Road, Waiheke Island, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that the committee is “satisfied that an exemption would not significantly increase the danger to young children”
- b) Notes that the special exemption under section 6 of the Fencing of Swimming Pools Act 1987 is for Bernard Fouke & Susan Ronn, 6 McMillan Road, Waiheke Island, and that this exemption is personal to the owners of the property (Bernard Fouke & Susan Ronn) so that on sale of the property a new owner will need to apply for a new exemption.
- c) Grants this exemption subject to the owners (Bernard Fouke & Susan Ronn), complying at all times with 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 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 and the key kept in an appropriate place which a child cannot access.
 - 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 c) ii) 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.
- d) Notes that the owners (Bernard Fouke & Susan Ronn) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

CARRIED

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

10.27 am

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 WAIHEKE LOCAL BOARD
SWIMMING POOL FENCING EXEMPTION
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....