

# **Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee**

## **OPEN MINUTES**

---

---

Minutes of a meeting of the Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee held in the Albert-Eden Local Board Office, 135 Dominion Road, Mt Eden, Auckland on Wednesday, 29 October 2014 at 1:32pm.

---

### **PRESENT**

<b>Chairperson</b>	Rachel Langton
<b>Deputy Chairperson</b>	Lee Corrick
<b>Members</b>	Graeme Easte
	Margi Watson

### **ALSO PRESENT**

---



**1 Welcome**

**2 Apologies**

There were no apologies.

**3 Declaration of Interest**

There were no declarations of interest.

**4 Confirmation of Minutes**

Resolution number AEH/2014/20

MOVED by Chairperson RAJ Langton, seconded by Deputy Chairperson LA Corrick:

**That the Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **confirms the minutes of its ordinary meeting, held on Tuesday, 14 October 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**

There was no public forum.

**10 Extraordinary Business**

There was no extraordinary business.

**11 Notices of Motion**

There were no notices of motion.

**12 Special exemption applications for pool fencing**

Resolution number AEH/2014/21

MOVED by Chairperson RAJ Langton, seconded by Member GD Easte:

**That the Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee:**

- a) receives the Applications for Special Exemptions under Section 6 of the Fencing of Swimming Pools Act 1987 report.
- b) receives the application by:
  - i) 26 Newell Street, Point Chevalier
  - ii) 28 Newell Street, Point Chevalier
  - iii) 28A Newell Street, Point Chevalier.
- 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**

Each application was received and discussed separately.

**12.1 26 Newell Street, Point Chevalier**

Resolution number AEH/2014/22

MOVED by Deputy Chairperson LA Corrick, seconded by Chairperson RAJ Langton:

**That the Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee:**

- a) receives the application from Eyeworks New Zealand Limited, 26 Newell Street, Point Chevalier.
- b) deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **GRANTED** subject to the following:
  - i. a further two safety straps and locks being added on the front of the spa cover, in order to comply with condition D of NZS-8500: 2006 3.10.
  - ii. the spa pool meeting the conditions A to K of NZS-8500: 2006 3.10, 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 above, 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.
- iii. the safety sticker supplied by Auckland Council officers being placed visibly on top of the spa pool cover.
  - c) deems that this exemption is personal to the applicant (Eyeworks New Zealand Limited) and any subsequent owner taking ownership before 31 March 2015.
  - d) notes that on any sale of the property after 31 March 2015, new owners will need to apply for a new exemption.
  - e) 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.
  - f) notes that the Committee understands that a side gate will be installed at the site.

**CARRIED**

## 12.2 28 Newell Street, Point Chevalier

Resolution number AEH/2014/23

MOVED by Chairperson RAJ Langton, seconded by Member GD Easte:

**That the Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee:**

- a) receives the application from Eyeworks New Zealand Limited, 28 Newell Street, Point Chevalier.

- b) deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be GRANTED subject to the following:
- i. the spa pool meeting the conditions A to K of NZS-8500: 2006 3.10, 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 above, 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.
  - ii. the safety sticker supplied by Auckland Council officers being placed visibly on top of the spa pool cover.
- c) deems that this exemption is personal to the applicant (Eyeworks New Zealand Limited) and any subsequent owner taking ownership before 31 March 2015.
- d) notes that on any sale of the property after 31 March 2015, new owners

will need to apply for a new exemption.

- e) 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.
- f) notes that the Committee is satisfied with the 60 degree angle cover above the power box and garden tap which are located within 1.2 metres of the spa pool.

**CARRIED**

**12.3 28A Newell Street, Point Chevalier**

Resolution number AEH/2014/24

MOVED by Member MJ Watson, seconded by Chairperson RAJ Langton:

**That the Albert-Eden Local Board Swimming Pool Fencing Exemptions Committee:**

- a) receives the application from Eyeworks New Zealand Limited, 28A Newell Street, Point Chevalier.
- b) deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **GRANTED** subject to the following:
  - i. a further two safety straps and locks being added on the front and a further two safety straps and locks being added on the back of the spa cover, in order to comply with condition D of NZS-8500: 2006 3.10.
  - ii. the spa pool meeting the conditions A to K of NZS-8500: 2006 3.10, 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 above, 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.
- iii. the safety sticker supplied by Auckland Council officers being placed visibly on top of the spa pool cover.
- c) deems that this exemption is personal to the applicant (Eyeworks New Zealand Limited) and any subsequent owner taking ownership before 31 March 2015.
  - d) notes that on any sale of the property after 31 March 2015, new owners will need to apply for a new exemption.
  - e) 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.

**CARRIED**

### 13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

2.19 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 ALBERT-EDEN LOCAL  
BOARD SWIMMING POOL FENCING EXEMPTIONS  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....