

**Orākei Local Board Swimming Pool Fencing  
Exemptions Committee**

**OPEN MINUTES**

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Minutes of a meeting of the Orākei Local Board Swimming Pool Fencing Exemptions Committee held in the Orākei Local Board Office, Shop 25 Meadowbank Shopping Centre, 35 St Johns Road, Meadowbank on Monday, 15 December 2014 at 3.59pm.

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**PRESENT**

|                           |                 |
|---------------------------|-----------------|
| <b>Chairperson</b>        | Colin Davis, JP |
| <b>Deputy Chairperson</b> | Troy Churton    |
| <b>Members</b>            | Kate Cooke      |
|                           | Kit Parkinson   |

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**1 Welcome**

**2 Apologies**

There were no apologies.

**3 Declaration of Interest**

There were no declarations of interest.

**4 Confirmation of Minutes**

Resolution number ORSP/2014/39

MOVED by Member CRJ Davis, seconded by Member K Parkinson:

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

- a) **confirms the minutes of its meetings, held on Monday, 22 September 2014 and Monday, 13 June 2014, as true and correct records.**

**CARRIED**

**5 Leave of Absence**

There were no requests for leave of absence.

**6 Acknowledgements**

There were no acknowledgements.

**7 Petitions**

There were no petitions.

**8 Deputations**

There were no deputations.

**9 Public Forum**

There were no requests for 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**

Phil Curtis, Senior Swimming Pool Specialist was in attendance to speak to this report.

Resolution number ORSP/2014/40

MOVED by Member CRJ Davis, seconded by Member CH Cooke:

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

- a) receives the Swimming Pool Fencing Exemptions Committee report.
- b) receives the applications for:
  1. 44A Edmund Street, St Heliers
  2. 36 Guard Crescent, Stonefields
  3. 80 Grand Drive, Remuera
  4. 19 Greenbank Drive, St Johns
  5. 222 Victoria Avenue, Remuera
  6. 81A Baddeley Avenue, Kohimarama
  7. 30B Auckland Road, St Heliers.

**CARRIED**

Each application was discussed and reviewed separately.

**12.1 81A Baddeley Avenue, Kohimarama**

Resolution number ORSP/2014/41

MOVED by Member CRJ Davis, seconded by Member K Parkinson:

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

- a) Approves the application from Martin Crowe, 81A Baddeley Avenue, Kohimarama, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that having regard to the particular characteristics of the property and the pool the committee is satisfied that an exemption with the standard conditions of NZS8500-2006, 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 Martin Crowe and Lorraine Downes, and that this exemption is personal to the owners of the property (Martin Crowe and Lorraine Downes) 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 (Martin Crowe and Lorraine Downes):
  - 1) Repairing / replacing the broken lock and the broken strap.
  - 2) 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 shall be 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) iv) 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 which 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 (Martin Crowe and Lorraine Downes) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

12.2 44A Edmund Street, St Heliers

Resolution number ORSP/2014/42

MOVED by Member CRJ Davis, seconded by Member CH Cooke:

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

- a) Approves the application from Marc Oliver, 44A Edmund Street, St Heliers, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that having regard to the particular characteristics of the property and the pool, the committee noting the low risk from the trunk of the adjacent tree, is satisfied that an exemption with the standard conditions of NZS8500-2006, 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 Marc and Sandra Oliver, and that this exemption is personal to the owners of the property (Marc and Sandra Oliver) 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 (Marc and Sandra Oliver), 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 shall be 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) 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 which 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 (Marc and Sandra Oliver) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

**12.3 30B Auckland Road, St Heliers**

Resolution number ORSP/2014/43

MOVED by Member CRJ Davis, seconded by Member TG Churton:

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

- a) Approves the application from Allan and Daphne Jouning / Freedom Family Trust, 30B Auckland Road, St Heliers, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that having regard to the particular characteristics of the property and the pool the committee is satisfied, noting that the power outlet on the wall could be a climb point but is of low risk, that an exemption with the standard conditions of NZS8500-2006, 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 Freedom Family Trust, and that this exemption is personal to the owner of the property (Freedom Family Trust) 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 (Freedom Family Trust), 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 shall be 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) 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 which 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 (Freedom Family Trust) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

#### 12.4 222 Victoria Avenue, Remuera

Resolution number ORSP/2014/44

MOVED by Member CRJ Davis, seconded by Member K Parkinson:

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

- a) Notes the application from Paul Jamieson and Catherine Quinn, 222 Victoria Avenue, Remuera, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, for a spa pool to be installed.
- b) Considers that the plan submitted with the application is not acceptable and any spa pool (yet to be installed) must comply 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 shall be 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) 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 which 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) Recommends that the applicants consult with the council's swimming pool fencing officers before resubmitting an exemption application, at no cost to the owners, and notes that a re-inspection will be required once the spa pool is installed.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

## 12.5 80 Grand Drive, Remuera

Resolution number ORSP/2014/45

MOVED by Member CRJ Davis, seconded by Member TG Churton:

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

- a) Approves the application from Alison Friery, 80 Grand Drive, Remuera, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that having regard to the particular characteristics of the property and the pool the committee is satisfied that an exemption with the standard conditions of NZS8500-2006, 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 Alison and David Friery, and that this exemption is personal to the owners of the property (Alison and David Friery) 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 (Alison and David Friery), 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 shall be 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) 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 which 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 (Alison and David Friery) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

## 12.6 19 Greenbank Drive, St Johns

Resolution number ORSP/2014/46

MOVED by Member CRJ Davis, seconded by Member TG Churton:

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

- a) Approves the application from Brian Dawes, 19 Greenbank Drive, St Johns, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that having regard to the particular characteristics of the property and the pool the committee is satisfied that an exemption with the standard conditions of NZS8500-2006, 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 Dawes Family Trust, and that this exemption is personal to the owner of the property (Dawes Family Trust) 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 (Dawes Family Trust);
- 1) installing a freestanding fencing panel of no less than 1.6 metres high between the spa pool and the rock immediately on the north side of the spa pool to prevent any child 6 years or under climbing into or onto the spa pool.
  - 2) 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 shall be 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) iv) 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 which 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 (Dawes Family Trust) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

12.7 36 Guard Crescent, Stonefields

Resolution number ORSP/2014/47

MOVED by Member CRJ Davis, seconded by Member CH Cooke:

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

- a) **Approves the application from Walter Laurenson, 36 Guard Crescent, Stonefields, for special exemption from the requirements of the Fencing of Swimming Pools Act 1987, on the grounds that having regard to the particular characteristics of the property and the pool the committee is satisfied that an exemption with the standard conditions of NZS8500-2006, 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 Walter and Merrin Laurenson, and that this exemption is personal to the owner of the property (Walter and Merrin Laurenson) so that on sale of the property a new owners will need to apply for a new exemption.**
- c) **Grants this exemption subject to the owners (Walter and Merrin Laurenson), 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 shall be 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) 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 which 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 (Walter and Merrin Laurenson) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

**CARRIED**

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 15 December 2014.

### 13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

4:14pm

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 ORĀKEI LOCAL BOARD  
SWIMMING POOL FENCING EXEMPTIONS  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....