

Orākei Local Board Swimming Pool Fencing Exemptions Committee

OPEN MINUTES

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 Wednesday, 18 March 2015 at 4.00pm.

PRESENT

Chairperson Colin Davis, JP

Members Kate Cooke
Kit Parkinson

APOLOGIES

Troy Churton

1 **Welcome**

2 **Apologies**

Resolution number ORSP/2015/1

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

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee accepts the apology for absence from Member Troy Churton.

CARRIED

3 **Declaration of Interest**

There were no declarations of interest.

4 **Confirmation of Minutes**

Resolution number ORSP/2015/2

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

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee confirms the minutes of its meeting, held on Monday, 15 December 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 Swimming Pool Fencing Exemption – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987

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

Resolution number ORSP/2015/3

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

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee receives the Swimming Pool Fencing Exemptions – Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 report.

CARRIED

Each application was discussed and received separately.

12.1 36A Armadale Road, Remuera

Resolution number ORSP/2015/4

MOVED by Member CH Cooke, seconded by Member K Parkinson:

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) **approves the application from Peter Lawson, 36A Armadale Road, 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 Lawson Family Trust, and that this exemption is personal to the owner of the property (Lawson 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 (Lawson 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 xi) 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;
- d) notes that the owner (Lawson 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 Wednesday, 18 March 2015.

12.2 112C Remuera Road, Remuera

Resolution number ORSP/2015/5

MOVED by Member K Parkinson, seconded by Member CH Cooke:

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) approves the application from Dennis and Catherine Ringwood, 112C Remuera Road, 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 Dennis and Catherine Ringwood, and that this exemption is personal to the owners of the property (Dennis and Catherine Ringwood) 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 (Dennis and Catherine Ringwood), 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 xi) 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;
- d) notes that the owners (Dennis and Catherine Ringwood) 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 Wednesday, 18 March 2015.

12.3 11 Garden Road, Remuera

Resolution number ORSP/2015/6

MOVED by Member K Parkinson, seconded by Member CH Cooke:

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) approves the application from Nicholas Hern, Julie Hern and Nigel Turnbull, 11 Garden Road, 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 Sharpe Family Trust, and that this exemption is personal to the owner of the property (Sharpe 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 (Sharpe 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 xi) 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;
- d) notes that the owner (Sharpe Family Trust) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.
- e) notes that the trellis at the rear of the spa needs to be covered with acrylic or mesh to a height of at least 1.2 metres and a 60 degree angle fillet needs to be attached to the northern block wall and switch to prevent a child under 6 years of age climbing onto the spa cover.
- f) notes that any future 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

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 18 March 2015.

12.4 300 Kohimarama Road, St Heliers

Resolution number ORSP/2015/7

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

That subject to the owner proving to the satisfaction of the Auckland Council's Pool Fencing Inspectors that there are working keys to the locks on the spa pool cover, the Orākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) **approves the application from Frans Lodewyks, 300 Kohimarama 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 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 Lucy Ryan, and that this exemption is personal to the owner of the property (Lucy Ryan) 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 (Lucy Ryan) 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 xi) 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.
- d) notes that the owner (Lucy Ryan) 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 Wednesday, 18 March 2015.

12.5 176 St Heliers Bay Road, St Heliers

Resolution number ORSP/2015/8

MOVED by Member CH Cooke, seconded by Member K Parkinson:

That, subject to the owner proving to the satisfaction of the Auckland Council's Pool Fencing Inspectors, that the owner has installed a 1.2 metre high fence along the retaining wall that borders two sides of the spa and has installed 60 degree angle fillets to the top of the retaining wall upright posts, the Orākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) approves the application from Anthony Emery, 176 St Heliers Bay 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 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 Anthony Emery, and that this exemption is personal to the owner of the property (Anthony Emery) 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 (Anthony Emery) 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 xi) 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;

- d) notes that the owner (Anthony Emery) 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 Wednesday, 18 March 2015.

12.6 32 Barbarich Drive, Stonefields

Resolution number ORSP/2015/9

MOVED by Member CH Cooke, seconded by Member K Parkinson:

That the Orākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) approves the application from Nicola Dalton, 32 Barbarich Drive, Stonefields 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 Nicola Dalton, and that this exemption is personal to the owner of the property (Nicola Dalton) 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 (Nicola Dalton) 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 xi) 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.
- d) notes that the owner (Nicola Dalton) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.
- e) notes that the spa must be moved 1.2 metres away from both of the raised garden edges to the satisfaction of the Auckland Council's Swimming Pool Fencing Inspectors.
- f) notes that 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

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 18 March 2015.

12.7 2/32 Celtic Crescent, Ellerslie

Resolution number ORSP/2015/10

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 Joshua and Jazmine Nixon, 2/32 Celtic Crescent, Ellerslie 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 Joshua and Jazmine Nixon, and that this exemption is personal to the owners of the property (Joshua and Jazmine Nixon) 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 (Joshua and Jazmine Nixon) 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 xi) 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;
- d) notes that the owners (Joshua and Jazmine Nixon) must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.
- e) notes that any future 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

Members of the Orākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Wednesday, 18 March 2015.

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

4.30 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 ORĀKEI LOCAL BOARD
SWIMMING POOL FENCING EXEMPTIONS
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....