

## **Waitematā Local Board Hearings Committee OPEN MINUTES**

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Minutes of a meeting of the Waitematā Local Board Hearings Committee held in the Waitematā Local Board Room, Level 2, 35 Graham Street on Thursday, 9 April 2015 at 11.00 am.

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### **PRESENT**

**Deputy Chairperson**      Vernon Tava (Presiding)  
**Members**                      Greg Moyle

### **ABSENT**

**Chairperson**                      Christopher Dempsey      For leave of absence  
**Member**                              Deborah Yates              For absence

### **ALSO PRESENT**

**Member**                              Shale Chambers

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**1 Welcome**

**2 Apologies**

Resolution number WTMH/2015/1

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

That apologies from Chairperson Christopher Dempsey and Member DA Yates for absence be accepted.

**CARRIED**

**3 Declaration of Interest**

There were no declarations of interest.

**4 Confirmation of Minutes**

Resolution number WTMH/2015/2

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

That the ordinary minutes of its meeting, held on Wednesday, 10 September 2014, be confirmed, as a true and correct record.

**CARRIED**

**5 Leave of Absence**

That the Waitematā Local Board Hearings Committee Grant Leave of Absence for Chairperson CP Dempsey (1 March 2015 to 19 April 2015 Inclusive) .

**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 Applications for Special Exemptions under Section 6 of the Fencing of Swimming Pools Act 1987**

Resolution number WTMH/2015/3

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

**a) That the Waitematā Local Board Hearings Committee:**

**l) receive the applications by the owners of:**

- i) 85 Wellpark Avenue, Grey Lynn;**
- ii) 5 Masefield Avenue, Herne Bay;**
- iii) 29 Masons Avenue, Herne Bay.**

**b) Determine the applications, 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 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 for 85 Wellpark Avenue, Grey Lynn**

Resolution number WTMH/2015/4

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

**a) That the Waitemata Local Board Hearings Committee note that a member of the Hearings Committee were in attendance at a site visit which took place on Thursday, 9 April 2015 at the applicant's residence, with Auckland Council Officers, Phillip Curtis and Stu, Pool Inspectors, also in attendance.**

**b) That the Waitemata Local Board Hearings Committee grant the application by Mr Cameron Jones at 85 Wellpark Avenue, Grey Lynn, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property, so that on a sale of the property a new owner will need to apply for a new exemption.**

**c) That this exemption is granted subject to the spa pool remaining in its location as at 9 April 2015 and subject to 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 xiii) 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;
- iv. That the key to the locks be kept in a safe secure place inaccessible to a child of up to the age of six years old;
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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;
- ix. 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;
- x. The cover and locks shall be maintained at all times in a good state of repair;
- xi. 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;
- xii. 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;
- xiii. 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**

**12.2 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 for 5 Masefield Avenue, Herne Bay**

Resolution number WTMH/2015/5

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

- a) That the Waitemata Local Board Hearings Committee note that a member of the Hearings Committee were in attendance at a site visit which took place on Thursday, 9 April 2015 at the applicant's residence, with Auckland Council Officers, Phillip Curtis and Stu, Pool Inspectors, also in attendance.
- b) That the Waitemata Local Board Hearings Committee grant the application by Mr John Ferguson at 5 Masefield Avenue, Herne Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property, so that on a sale of the property a new owner will need to apply for a new exemption.
- c) That this exemption is granted subject to the spa pool remaining in its location as at 9 April 2015 and subject to 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 xiii) 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;
- iv. That the key to the locks be kept in a safe secure place inaccessible to a child of up to the age of six years old;
- v. 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;
- vi. 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;
- vii. 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;
- viii. 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;
- ix. 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;
- x. The cover and locks shall be maintained at all times in a good state of repair;
- xi. 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;
- xii. 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;
- xiii. 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**

**12.3 Special Exemption for Spa/Swimming Pools under Section 6 of the Fencing of Swimming Pools Act 1987 for 29 Masons Avenue, Herne Bay**

Resolution number WTMH/2015/6

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

- a) That the Waitemata Local Board Hearings Committee note that a member of the Hearings Committee were in attendance at a site visit which took place on Thursday, 9 April 2015 at the applicant's residence, with Auckland Council Officers, Phillip Curtis and Stu, Pool Inspectors, also in attendance.
- b) That the Waitemata Local Board Hearings Committee grant the application by Philippa Elliott and David Grainger, 29 Masons Avenue Herne Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the owner of the property, so that on a sale of the property a new owner will need to apply for a new exemption.
- c) The Waitemata Local Board Hearings Committee notes that the exemption is granted subject to:
  - i) The doors opening into the pool area, be used as a barrier to the swimming pool area.
  - j) The removal of the pet door.
  - k) The single wooden gate, in the swimming pool area, being nailed to fence to become one permanent fixture.
  - l) The standard Auckland Council stickers be maintained on the 3 doors opening into the pool area.

**CARRIED**

**13 Consideration of Extraordinary Items**

There was no consideration of extraordinary items.

**14 Procedural Motion to Exclude the Public**

Resolution number WTMH/2015/7

MOVED by Deputy Chairperson VI Tava, seconded by Chairperson GJ Moyle:

**That the Waitematā Local Board Hearings Committee:**

**a) Exclude the public from the following parts:**

The general subject of each matter (Attachments A – C) to be considered. 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 Applications for Special Exemptions Under Section 6 of the Fencing of Swimming Pools Act 1987: Attachments A – C**

<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**

11.18 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 WAITEMATĀ LOCAL  
BOARD HEARINGS COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....