

**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 Monday, 27 July 2015 at 3.30pm.

PRESENT

Chairperson	Colin Davis, JP
Members	Kate Cooke Kit Parkinson

ABSENT

Deputy Chairperson	Troy Churton
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1 **Welcome**

2 **Apologies**

Resolution number ORSP/2015/11

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/2015/12

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

That the minutes of the Orākei Local Board Swimming Pool Fencing Exemptions Committee meeting held on Wednesday, 18 March 2015, be confirmed as a true and correct record.

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 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 (Section 6) Fencing of Swimming Pools Act 1987

Stuart Airs, Senior Swimming Pool Specialist was in attendance to speak to this report.

Resolution number ORSP/2015/13

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

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 separately.

12.1 10a Nihill Crescent, Mission Bay

Resolution number ORSP/2015/14

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 Rodney and Margaret Smith, 10a Nihill Crescent, Mission Bay 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 as sighted by committee members on the date of the committee’s inspection, 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 Rodney and Margaret Smith, and that this exemption is personal to the owners of the property (Rodney and Margaret Smith) 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 (Rodney and Margaret Smith), 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 spa pool is to remain in the same location as on the day of the committee's inspection for the exemption to remain in place.
- e) notes that the owners (Rodney and Margaret Smith) 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, 27 July 2015.

12.2 14 Arney Crescent, Remuera

Resolution number ORSP/2015/15

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 Wolfgang and Shelley Heiss-Dunlop, 14 Arney Crescent, 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 as sighted by committee members on the date of the committee's inspection, 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 Wolfgang and Shelley Heiss-Dunlop, and that this exemption is personal to the owners of the property (Wolfgang and Shelley Heiss-Dunlop) 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 (Wolfgang and Shelley Heiss-Dunlop), 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 spa pool is to remain in the same location as on the day of the committee's inspection for the exemption to remain in place.
- e) notes that the approval is conditional to the owners (Wolfgang and Shelley Heiss-Dunlop) fitting a new lock strap to replace the existing one that is worn.
- f) notes that the owners (Wolfgang and Shelley Heiss-Dunlop) 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, 27 July 2015.

12.3 288 Kepa Road, Mission Bay

Resolution number ORSP/2015/16

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 Sarah Wilkinson and Christian Burnett, 288 Kepa Road, Mission Bay 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 as sighted by committee members on the date of the committee's inspection, 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 Sarah Wilkinson and Christian Burnett, and that this exemption is personal to the owners of the property (Sarah Wilkinson and Christian Burnett) 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 (Sarah Wilkinson and Christian Burnett), 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 spa pool is to remain in the same location as on the day of the committee's inspection for the exemption to remain in place.
- e) notes that the owners (Sarah Wilkinson and Christian Burnett) 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, 27 July 2015.

13 Consideration of Extraordinary Items

There were no extraordinary items.

3.32 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:.....