

Franklin Local Board Swimming Pool Fencing Exemptions Committee

OPEN MINUTES

Minutes of a meeting of the Franklin Local Board Swimming Pool Fencing Exemptions Committee held in the Local Board Chambers, Pukekohe Service Centre, 82 Manukau Road, Pukekohe on Tuesday, 4 August 2015 at 9.00am.

PRESENT

Chairperson Murray Kay
**Deputy
Chairperson** Dr Lyn Murphy

ABSENT

Members Brendon Crompton
Sarah Higgins

ALSO PRESENT

IN ATTENDANCE

1 Welcome

The Chairman opened the meeting and welcomed everyone present.

2 Apologies

Resolution number FRSP/2015/11

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

That the Franklin Local Board Swimming Pool Fencing Exemptions Committee accepts the apology from Member Crompton and Member Higgins for absence.

CARRIED

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number FRSP/2015/12

MOVED by Deputy Chairperson LM Murphy, seconded by Chairperson MA Kay:

That the Franklin Local Board Swimming Pool Fencing Exemptions Committee confirms the ordinary minutes of its meeting, held on Tuesday, 5 May 2015, including the confidential section, 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

Mr Speight from 285 Drury Hills Road, Drury attended to speak in support of his application for an exemption from fencing his spa pool.

9.1 Application for exemption : 285 Drury Hills Road, Drury

Mr Speight from 285 Drury Hills Road, Drury attended to speak in support of his application for an exemption from fencing his spa pool.
Resolution number FRSP/2015/13

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

That the Franklin Local Board Swimming Pool Exemptions Committee thank Mr Speight for his attendance.

CARRIED

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

Resolution number FRSP/2015/14

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

- a) **That the Franklin Local Board Swimming Pool Exemptions Committee receives the application for a special exemption under section 6 of the Fencing of Swimming Pools Act 1987 by Janelle Munckhof of 12 Turanga Road, Whitford.**
- b) **That the Franklin Local Board Swimming Pool Exemptions Committee GRANTS the application by Janelle Munckhof of 12 Turanga Road, Whitford, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 subject to the following conditions:**
 - i) **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.**
 - ii) **that the spa pool is not moved from its location when inspected on 19 February 2015.**
 - iii) **that 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 1 to 12 inclusive are met:**
 1. **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;**
 2. **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;**

3. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
4. 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.
5. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kgs to ensure that it will more than take the weight of a child up to six years old;
6. 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;
7. 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;
8. 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;
9. The cover and locks shall be maintained at all times in a good state of repair;
10. 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;
11. 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.
12. Any plant material that can support the weight of at least 20kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

Resolution number FRSP/2015/15

MOVED by Deputy Chairperson LM Murphy, seconded by Chairperson MA Kay:

- c) That the Franklin Local Board Swimming Pool Exemptions Committee receives the application for a special exemption under section 6 of the Fencing of Swimming Pools Act 1987 by Dean and Leanne Hartshorne of 66 Intrepid Crescent, Beachlands.
- d) That the Franklin Local Board Swimming Pool Exemptions Committee **GRANTS** the application by Dean and Leanne Hartshorne of 66 Intrepid Crescent, Beachlands, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 subject to the following conditions:
 - i) 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.
 - ii) that the spa pool is not moved from its location when inspected on 8 July 2015.
 - iii) that 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 1 to 12 inclusive are met:
 1. 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;

2. 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;
3. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
4. 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.
5. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kgs to ensure that it will more than take the weight of a child up to six years old;
6. 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;
7. 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;
8. 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;
9. The cover and locks shall be maintained at all times in a good state of repair;
10. 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;
11. 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.
12. Any plant material that can support the weight of at least 20kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

Resolution number FRSP/2015/16

MOVED by Deputy Chairperson LM Murphy, seconded by Chairperson MA Kay:

- e) That the Franklin Local Board Swimming Pool Exemptions Committee receives the application for a special exemption under section 6 of the Fencing of Swimming Pools Act 1987 by Mark Stevenson of 12 Tudor Park Drive, Whitford.
- f) That the Franklin Local Board Swimming Pool Exemptions Committee **GRANTS** the application by Mark Stevenson of 12 Tudor Park Drive, Whitford, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 subject to the following conditions:
 - i) 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.
 - ii) that the spa pool is not moved from its location when inspected on 8 July 2015.
 - iii) that 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 1 to 12 inclusive are met:
 1. 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;

2. 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;
3. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
4. 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.
5. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kgs to ensure that it will more than take the weight of a child up to six years old;
6. 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;
7. 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;
8. 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;
9. The cover and locks shall be maintained at all times in a good state of repair;
10. 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;
11. 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.
12. Any plant material that can support the weight of at least 20kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

Resolution number FRSP/2015/17

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

- g) That the Franklin Local Board Swimming Pool Exemptions Committee receives the application for a special exemption under section 6 of the Fencing of Swimming Pools Act 1987 by Suzanne and Andrew Gudgeon of 79 Bungard Road, Karaka.
- h) That the Franklin Local Board Swimming Pool Exemptions Committee **GRANTS** the application by Suzanne and Andrew Gudgeon of 79 Bungard Road, Karaka, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 subject to the following conditions:
 - i) 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.
 - ii) that the spa pool is relocated at least 1.2m away from the ledge indicated in the photos on inspection (note iii) 11 applies).
 - iii) that 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 1 to 12 inclusive are met:
 1. 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;

2. 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;
3. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
4. 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.
5. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kgs to ensure that it will more than take the weight of a child up to six years old;
6. 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;
7. 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;
8. 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;
9. The cover and locks shall be maintained at all times in a good state of repair;
10. 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;
11. 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.
12. Any plant material that can support the weight of at least 20kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

Resolution number FRSP/2015/18

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

- i) That the Franklin Local Board Swimming Pool Exemptions Committee receives the application for a special exemption under section 6 of the Fencing of Swimming Pools Act 1987 by Alan and Wendy Speight of 285 Drury Hills Road, Drury.
- j) That the Franklin Local Board Swimming Pool Exemptions Committee notes that the spa pool is 2-2.5cm below the recommended standard but recognises that it has a secure locked lid and accessibility is limited to the public.
- k) That the Franklin Local Board Swimming Pool Exemptions Committee **GRANTS** the application by Alan and Wendy Speight of 285 Drury Hills Road, Drury, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 subject to the following conditions:
 - i) 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.
 - ii) that the spa pool is not moved from its location when inspected on 12 May 2015.

- iii) that 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 1 to 11 inclusive (noting 1 cannot be met) are met:
1. 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;
 2. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
 3. 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.
 4. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kgs to ensure that it will more than take the weight of a child up to six years old;
 5. 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;
 6. 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;
 7. 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;
 8. The cover and locks shall be maintained at all times in a good state of repair;
 9. 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;
 10. 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.
 11. Any plant material that can support the weight of at least 20kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

Resolution number FRSP/2015/19

MOVED by Deputy Chairperson LM Murphy, seconded by Chairperson MA Kay:

- l) That the Franklin Local Board Swimming Pool Exemptions Committee receives the application for a special exemption under section 6 of the Fencing of Swimming Pools Act 1987 by Alan Dey of 26F Pacific Street, Waiuku.
- m) That the Franklin Local Board Swimming Pool Exemptions Committee **GRANTS** the application by Alan Dey of 26F Pacific Street, Waiuku, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 subject to the following conditions:
- i) 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.
 - ii) that the spa pool is not moved from its location when inspected on 13 April 2015.
 - iii) that 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 1 to 12 inclusive are met:

1. 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;
2. 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;
3. The locks shall not be able to be readily opened or released by a child of up to the age of six years;
4. 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.
5. The cover shall be made of a material that if walked on cannot collapse and can withstand the weight of at least 20kgs to ensure that it will more than take the weight of a child up to six years old;
6. 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;
7. 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;
8. 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;
9. The cover and locks shall be maintained at all times in a good state of repair;
10. 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;
11. 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.
12. Any plant material that can support the weight of at least 20kgs shall be no closer than the edge of the deck where the spa pool stands.

CARRIED

Resolution number FRSP/2015/20

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

- n) That the Franklin Local Board Swimming Pool Fencing Exemptions Committee excludes the public from the following part(s) of the proceedings of this meeting:

The general subject of each matter to be considered while the public is excluded, 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.

- Attachment A - 12 Turanga Road Whitford
- Attachment B - 66 Intrepid Crescent Beachlands
- Attachment C - 12 Tudor Park Drive Whitford
- Attachment D - 79 Bungard Road Karaka
- Attachment E - 285 Drury Hills Road Drury
- Attachment F - 26F Pacific Street Waiuku

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:

Reason for passing this resolution in relation to each matter	Particular interest(s) protected (where applicable)	Ground(s) under section 48(1) for the passing of this resolution
The public conduct of the part of this 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>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 provide security and access to the property information that if made public could compromise the security of the property.</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>

CARRIED

9.22am The public was excluded.

Resolutions in relation to the confidential items are recorded in the confidential section of these minutes and are not publicly available.

9.24am The public was re-admitted.

RESTATEMENTS

It was resolved while the public was excluded:

12 Special exemption application for spa pools (confidential attachments)

Resolution number FRSP/2015/21

MOVED by Chairperson MA Kay, seconded by Deputy Chairperson LM Murphy:

That the Franklin Local Board Swimming Pool Fencing Exemptions Committee confirms the confidential status of all the attachments for Item 12 and notes that it will remain confidential to maintain privacy and mitigate any material loss for the applicant.

CARRIED

13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

9.25 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 FRANKLIN LOCAL BOARD
SWIMMING POOL FENCING EXEMPTIONS
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....