



## **Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee**

### **OPEN MINUTES**

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Minutes of a meeting of the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee held in the Council Chamber, Orewa Service Centre, 50 Centreway Road, Orewa on Friday, 9 October 2015 at 1.00pm.

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#### **PRESENT**

**Chairperson** Julia Parfitt, JP  
**Deputy Chairperson** Janet Fitzgerald, JP

#### **ABSENT**

**Member** Gaye Harding-Kirikiri  
Lisa Whyte

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**1 Welcome**

The Chairperson opened the meeting and welcomed those in attendance.

**2 Apologies**

Resolution number HIBS/2015/20

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **accept the apology from member Gaye Harding-Kirikiri and Member Lisa Whyte for absence.**

**CARRIED**

**3 Declaration of Interest**

There were no declarations of interest.

**4 Confirmation of Minutes**

Resolution number HIBS/2015/21

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **confirm the ordinary minutes of its meeting, held on Monday, 31 August 2015, 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 Special Exemption (Section 6) Fencing of Swimming Pools Act 1987**

Phillip Curtis, Senior Swimming Pool Specialist, was asked why some approvals are granted to the property and some to the applicant. Mr Curtis advised that there is the assumption that unless specified otherwise that the approval is granted to the property rather than to the applicant.

Resolution number HIBS/2015/22

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **grant the application by Mr and Mrs Nigel Brunt, 20 Zita Avenue, Matakatia, Whangaparaoa, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the pool remaining in the same location as the day of inspection. This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:**
- a) **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;**
  - b) **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;**
  - c) **The locks shall not be able to be readily opened or released by a child of up to the age of six years;**
  - d) **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;**
  - e) **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;**
  - f) **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;**
  - g) **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;**
  - h) **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;**
  - i) **The cover and locks shall be maintained at all times in a good state of repair;**
  - j) **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;

- k) 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;

**CARRIED**

Resolution number HIBS/2015/23

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) grant the application by B and C Phillips, 100 Ladies Mile, Manly, Whangaparaoa, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the pool remaining in the same location as it was on the date of inspection, the removable steps be moved 1.2 metres away from the spa pool when not in use and the table and seat beside the spa are permanently moved 1.2 metres away from the spa pool to comply with NZS 8500 at all times. This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:

- a) 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;
- b) 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;
- c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- d) 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;
- e) 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;
- f) 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;
- g) 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;
- h) 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;
- i) The cover and locks shall be maintained at all times in a good state of repair;
- j) 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;
- k) 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;

**CARRIED**

Resolution number HIBS/2015/24

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) grant the application by Glen Moratti, 28D Lennon Access Road, Stillwater, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the spa pool cover continuing to be in an excellent condition, the pool remaining in the same location as the day of inspection and this exemption is personal to the property (28D Lennon Access Road, Stillwater). This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:
- a) 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;
  - b) 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;
  - c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
  - d) 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;
  - e) 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;
  - f) 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;
  - g) 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;
  - h) 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;
  - i) The cover and locks shall be maintained at all times in a good state of repair;
  - j) 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;
  - k) 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;

**CARRIED**

Resolution number HIBS/2015/25

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) grant the application by Don and Pauline Churches, 43 Park Rise, Campbells

Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the pool remaining in the same location as it was on the date of inspection. This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:

- a) 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;
- b) 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;
- c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- d) 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;
- e) 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;
- f) 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;
- g) 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;
- h) 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;
- i) The cover and locks shall be maintained at all times in a good state of repair;
- j) 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;
- k) 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;

**CARRIED**

Resolution number HIBS/2015/26

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) grant the application by Kylie and Alexander Hasler, 28 Amante Crescent, Mairangi Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to a permanent glass fence being erected on the top and side of the retaining wall and the pool remaining in the same location as the day of inspection. This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:
  - a) 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;
- b) 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;
  - c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
  - d) 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;
  - e) 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;
  - f) 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;
  - g) 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;
  - h) 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;
  - i) The cover and locks shall be maintained at all times in a good state of repair;
  - j) 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;
  - k) 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;

**CARRIED**

Resolution number HIBS/2015/27

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) grant the application by Chia-in Liu and Yi-Chi Wong, 39 Gails Drive, Okura, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, to allow the existing doors and sliding window from the dwelling that open into the pool area, to form part of the swimming pool barrier, subject to the doors having latches fitted at 1.5 metres at all times.

**CARRIED**

Resolution number HIBS/2015/28

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) grant the application by Nicurt Trustees Limited, 258 Okura River Road, Okura, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the gate opening into the pool area being maintained in good



working order as a self closing gate and that the railing on the deck is retained and is kept in good condition.

**CARRIED**

Resolution number HIBS/2015/29

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **revoke the exemption granted to 29 Clansman Terrace, Okoromai Bay, Whangaparaoa in February 2014 which reads as follows**

*Resolution number HIBS/2014/30*

*MOVED by Chairperson JG Parfitt, seconded by Member GA Harding:*

***That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:***

***grant the application by Nobile Family Trust, 29 Clansman Terrace, Okorimai Bay, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 and that this exemption is personal to the property (29 Clansman Terrace, Okorimai Bay) subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:***

- a) ***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;***
- b) ***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;***
- c) ***The locks shall not be able to be readily opened or released by a child of up to the age of six years;***
- d) ***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;***
- e) ***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;***
- f) ***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;***
- g) ***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;***
- h) ***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;***
- i) ***The cover and locks shall be maintained at all times in a good state of repair;***
- j) ***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;***
- k) ***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.***

as it was granted to the wrong address (and there is no spa pool at this

address) and is replaced with the following:

grant the application by Nobilo Family Trust, 39 Clansman Terrace, Okoromai Bay, Whangaparaoa, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the pool remaining in the same location as it was on the date of inspection. This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 a) to k) inclusive:

- a) 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;
- b) 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;
- c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- d) 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;
- e) 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;
- f) 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;
- g) 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;
- h) 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;
- i) The cover and locks shall be maintained at all times in a good state of repair;
- j) 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;
- k) 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;

**CARRIED**

Resolution number HIBS/2015/31

MOVED by Chairperson JG Parfitt, seconded by Deputy Chairperson J Fitzgerald:

**That the Hibiscus and Bays Local Board Swimming Pool Fencing Exemptions Committee:**

- a) receive the replacement information for page 75 and note the new recommendation.
- b) grant the application by Tony and Louisa Loughran, 10B John Brian Drive, Albany, for special exemption under section 6 of the Fencing of Swimming Pools Act 1987, subject to the fence and gate being kept in good condition, a

shield is kept on the front gate to prevent the lock being accessed from the outside and that warning stickers be affixed to the inside of the doors. This exemption is subject to conditions in the NZS 8500:2006 Safety Barriers and Fences Around Swimming Pools, Spas and Hot Tubs, section 3.10 'Above ground spas and hot tubs' 3.10 b) to k) inclusive:

- b) 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;
- c) The locks shall not be able to be readily opened or released by a child of up to the age of six years;
- d) 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;
- e) 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;
- f) 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;
- g) 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;
- h) 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;
- i) The cover and locks shall be maintained at all times in a good state of repair;
- j) 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;
- k) 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;

**CARRIED**

### 13 Consideration of Extraordinary Items

There was no consideration of extraordinary items.

1.30 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 HIBISCUS AND BAYS  
LOCAL BOARD SWIMMING POOL FENCING  
EXEMPTIONS COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....