

**Ōrākei Local Board Swimming Pool Fencing
Exemptions Committee**

OPEN MINUTES

Minutes of a meeting of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee held in the Ōrākei Local Board Office, Shop 25 Meadowbank Shopping Centre, 35 St Johns Road, Meadowbank on Monday, 9 November 2015 at 3.30pm.

PRESENT

Chairperson	Colin Davis, JP	
Members	Troy Churton	till 3.42pm
	Kate Cooke, JP	
	Kit Parkinson	

1 Welcome

2 Apologies

There were no apologies.

3 Declaration of Interest

There were no declarations of interest.

4 Confirmation of Minutes

Resolution number ORSP/2015/17

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee confirms the minutes of its meeting, held on Monday, 27 July 2015 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 were no requests for 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

Resolution number ORSP/2015/18

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

That the Swimming Pool Fencing Exemptions – Special Exemption (Section 6)

Fencing of Swimming Pools Act 1987 report be received.

CARRIED

Each application was discussed separately.

12.1 46e Eastbourne Road, Remuera

Resolution number ORSP/2015/19

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) **approves the application from Angela Gracie, 46e Eastbourne 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 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 Grasea Family Trust, and that this exemption is personal to the owner of the property (Grasea 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 (Grasea 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 by key and shall be kept locked by key 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 owner (Grasea Family Trust) must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.

CARRIED

Members of the Orakei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 9 November 2015.

12.2 4 Gifford Street, St Heliers

Resolution number ORSP/2015/20

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee's previous resolution dated 27 August 2012 not be revoked as in the opinion of the committee, following inspection of the site, the proposed location of the cabana does not pose any additional risk.

CARRIED

Members of the Orakei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 9 November 2015.

12.3 42a Vale Road, St Heliers

Resolution number ORSP/2015/21

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) approves the application from Matt and Maree Rogers, 42a Vale 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 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 the Rogers Family Trust, and that this exemption is personal to the owner of the property (Rogers Family Trust) so that on sale of the property a new owner will need to apply for a new exemption.
- c) deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be GRANTED to the property subject to the primary door remaining self-closing and self-latching at all times.
- d) notes that with regard to the particular characteristics of the property and the pool, the granting of an exemption with the condition does not significantly increase the danger to young children.

CARRIED

Members of the Orakei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 9 November 2015.

12.4 831 Riddell Road, St Heliers

Resolution number ORSP/2015/22

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) approves the application from Danny Cottrell, 831 Riddell 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 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 the owner of the property and that this exemption is personal to the owner of the property 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 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 by key and shall be kept locked by key 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 owner must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.

CARRIED

Members of the Orakei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 9 November 2015.

12.5 86 Kesteven Avenue, Glendowie

Resolution number ORSP/2015/23

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee defer the application until construction works affecting pool surrounds and access from the residence is completed.

CARRIED

Members of the Orakei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 9 November 2015.

12.6 53 Ashby Avenue, St Heliers

Resolution number ORSP/2015/24

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) **approves the application from Michael and Audi Wake, 53 Ashby Avenue, 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 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 the owners of the property, and that this exemption is personal to the owners of the property 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, 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 must have the spa pool cover latch locked except when the spa pool is open under the supervision of adults.

CARRIED

Members of the Orakei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 9 November 2015.

13 Consideration of Extraordinary Items

There were no extraordinary items.

3.56 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 ŌRĀKEI LOCAL BOARD
SWIMMING POOL FENCING EXEMPTIONS
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....