

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

## **OPEN MINUTES**

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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 Tuesday, 1 March 2016 at 4.00pm.

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### **PRESENT**

**Chairperson** Colin Davis, JP  
**Member** Kit Parkinson

### **ABSENT**

**Members** Troy Churton  
Kate Cooke, JP

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1 **Welcome**

2 **Apologies**

Resolution number ORSP/2016/1

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

**That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee accept the apologies from Member Churton and Member Cooke, JP for absence.**

**CARRIED**

3 **Declaration of Interest**

There were no declarations of interest.

4 **Confirmation of Minutes**

Resolution number ORSP/2016/2

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

**That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee confirms the minutes of its meeting, held on Monday, 9 November 2015, as a true and correct record.**

**CARRIED**

5 **Leave of Absence**

There were no requests for leave of absence.

6 **Public Forum**

There was no public forum.

7 **Special Exemption (Section 6) Fencing of Swimming Pools Act 1987**

Resolution number ORSP/2016/3

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

**That the Special Exemption (Section 6) Fencing of Swimming Pools Act 1987 report be received.**

**CARRIED**

Each application was discussed separately.

7.1 **1 Cawley Street, Ellerslie**

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Tuesday, 1 March 2016.

Resolution number ORSP/2016/4

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

**That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:**

- a) **approves the application from Neil and Janine Carruthers, 1 Cawley Street, Ellerslie 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 PROVIDED that the spa is a minimum distance of 1.2 metres from the existing raised deck.**
- b) **notes that the special exemption under section 6 of the Fencing of Swimming Pools Act 1987 is for Neil and Janine Carruthers, and that this exemption is personal to the owners (Neil and Janine Carruthers) 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 (Neil and Janine Carruthers) 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 subject to the proviso in a) above, the spa pool is to remain in the same location as on the day of the Committee's inspection for the exemption.
- e) notes that the owners (Neil and Janine Carruthers) must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.

**CARRIED**

## **7.2 36a Armadale Road, Remuera**

At the request of the applicant re-inspection of this property and consideration of the application for special exemption was DEFERRED, and in the interim the spa pool is to remain empty.

The Committee noted that approval for special exemption was granted by the Committee in March 2015 and the re-inspection arises from a change of ownership.

## **7.3 12 Tuhaere Street, Ōrākei**

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Tuesday, 1 March 2016.

Resolution number ORSP/2016/5

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 Filip and Christine Covic, 12 Tuhaere Street, Ōrākei 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 Filip and Christine Covic, and that this exemption is personal to the owners (Filip and Christine Covic) 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 (Filip and Christine Covic) 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.
- e) notes that the owners (Filip and Christine Covic) must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.

**CARRIED**

#### 7.4 5a Rarangi Road, St Heliers

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Tuesday, 1 March 2016.

Resolution number ORSP/2016/6

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 Peter and Gill Lynch, 5a Rarangi 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 Lynch Family Trust, and that this exemption is personal to the owner of the property (The Lynch 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 (The Lynch 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.
- e) notes that the owner (The Lynch 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**

#### **7.5 86 Kesteven Avenue, Glendowie**

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Tuesday, 1 March 2016.

Resolution number ORSP/2016/7

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 Duncan John Miller, Antonia Miller and Leigh Miller, 86 Kesteven Avenue, Glendowie 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 Milan Trust, and that this exemption is personal to the owner (Milan Trust) of the property 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**

## 8 Consideration of Extraordinary Items

There were no extraordinary items.

4.09 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:**.....