

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, 23 May 2016 at 4.03pm.

PRESENT

Chairperson	Colin Davis, JP
Members	Kate Cooke, JP Kit Parkinson

ABSENT

Deputy Chairperson	Troy Churton
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1 **Welcome**

2 **Apologies**

Resolution number ORSP/2016/8

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee accepts the apology from Member Churton for absence.

CARRIED

3 **Declaration of Interest**

There were no declarations of interest.

4 **Confirmation of Minutes**

Resolution number ORSP/2016/9

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

That the minutes of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee held on Tuesday, 1 March 2016, be confirmed 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/2016/10

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

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

CARRIED

Each application was discussed separately.

7.1 **19 Kelvin Road, Remuera**

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 23 May 2016.

Resolution number ORSP/2016/11

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 James and Wandzia Barron, 19 Kelvin 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 James and Wandzia Barron, and that this exemption is personal to the owners (James and Wandzia Barron) 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 (James and Wandzia Barron) 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 (James and Wandzia Barron) 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 54 Lucerne Road, Remuera

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 23 May 2016.

Resolution number ORSP/2016/12

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 Richard and Andrea Thomson, 54 Lucerne 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 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 Richard and Andrea Thomson, and that this exemption is personal to the owners (Richard and Andrea Thomson) 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 (Richard and Andrea Thomson) 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 this special exemption is subject to tightening the existing straps or installing extra mechanical locking devices or relocation of existing locking devices being required to the middle of the spa pool cover to ensure that the cover cannot be lifted more than 100mm by a child aged six years or less; this will require reinspection by the pool inspector within 42 days of date of this resolution.
- e) 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.
- f) notes that the owners (Richard and Andrea Thomson) must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.

CARRIED

Secretarial Note: *Member Davis abstained from voting on the above resolution.*

7.3 70 Ladies Mile, Remuera

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee

completed a site visit at this property on Monday, 23 May 2016.

Resolution number ORSP/2016/13

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 Michael and Alicja Van Der Poel, 70 Ladies Mile, 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 the owners Michael and Alicja Van Der Poel, and that this exemption is personal to the owners (Michael and Alicja Van Der Poel) 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 and the timber stops on the outside of the other doors remaining in place at all times to prevent the doors from being used to access the pool area.**
- 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

7.4 36a Armadale Road, Remuera

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 23 May 2016.

Resolution number ORSP/2016/14

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 Yunyan Ni and Chanxin Zhuang, 36a Armadale 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 The L and T Family Trust, and that this exemption is personal to the owner (The L and T Family Trust) 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 (The L and T 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 L and T 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

7.5 106 Victoria Avenue, Remuera

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 23 May 2016.

The Board notes the application for exemption has been submitted by the tenant of the property James Churchman and the Board has been advised this application is with the consent of the owner, Charlton Tse.

Resolution number ORSP/2016/15

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 James Churchman, 106 Victoria Avenue, 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 James Churchman, and that this exemption is personal to the tenant (James Churchman) of the property so that on vacation of the property by the tenant this special exemption will lapse.**
- c) grants this exemption subject to the tenant (James Churchman) 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 this special exemption is subject to tightening the existing straps or installing extra mechanical locking devices or relocation of existing locking devices being required to the middle of the spa pool cover to ensure that the cover cannot be lifted more than 100mm by a child aged six years or less; this will require reinspection by the pool inspector within 42 days of date of this resolution.
- e) notes that the spa pool is to remain in the same location as on the day of the Committee's inspection for the exemption.
- f) notes that the tenant (James Churchman) must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.

CARRIED

7.6 11a Sylvia Road, St Heliers

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 23 May 2016.

Resolution number ORSP/2016/16

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 Paul and Theresa Corballis, 11a Sylvia 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 owners Paul and Theresa Corballis,

and that this exemption is personal to the owners (Paul and Theresa Corballis) 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 adjustment of the swinging door from the kitchen that opens to the pool area so that the door self-closes and self-latches at all times; this will require reinspection by the pool inspector within 42 days of date of this resolution.
- 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

7.7 16 Appleyard Crescent, Meadowbank

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 23 May 2016.

Resolution number ORSP/2016/17

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 Pauline Smail, 16 Appleyard Crescent, Meadowbank 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 Neil and Pauline Smail, and that this exemption is personal to the owners (Neil and Pauline Smail) 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.
- 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.

4.32 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 ŌRĀKEI LOCAL BOARD
SWIMMING POOL FENCING EXEMPTIONS
COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....