

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, 26 September 2016 at 4.00pm.

PRESENT

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

Left at 4.38pm, prior to item 8.3

ABSENT

**Deputy
Chairperson** Troy Churton

1 **Welcome**

2 **Apologies**

Resolution number ORSP/2016/18

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/2016/19

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

That the minutes of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee held on Monday, 23 May 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**

6.1 **Public Forum: Swish Automation Doors**

Les Hole, Director of Swish Automation Limited was in attendance to provide a presentation on the Swish Automation door and window system.

Resolution number ORSP/2016/20

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee thank Les Hole, Director of Swish Automation Limited for his presentation and that the submission be considered with item 8.1.

CARRIED

7 **Extraordinary Business**

There were no requests for extraordinary business.

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

Reg Pritchard, Senior Swimming Pool Specialist, accompanied the Committee for the site inspections and was in attendance at the meeting to speak to this report.

Resolution number ORSP/2016/21

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

Secretarial note: *Each application was discussed separately.*

8.1 11 Upland Road, Remuera

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 26 September 2016.

Resolution number ORSP/2016/22

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 Sarah McMullin and Stephen Tordeich, 11 Upland 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 as sighted by committee members on the date of the committee's inspection, the committee is satisfied that PROVIDED that the pool and the fencing surrounding the pool are installed as per the consented plans and that the doors and windows comply with the standard conditions of NZS8500-2006, it 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 The McMulloch Family Trust and that this exemption is personal to the owner (The McMulloch Family 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 french doors accessing the pool area have self-closing units, self-latching and alarm devices installed at least 1.5 metres from floor level so that the French doors remain self-closing and self-latching at all times and operate to the satisfaction of the pool inspector; this will require reinspection by the pool inspector prior to final code of compliance consent being issued.**
- d) **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 bi-fold doors accessing the pool area having self-latching and alarm devices installed at least 1.5 metres from floor level so that the bi-fold doors remain closed and self-latching at all times and operate to the satisfaction of the pool inspector; this will require reinspection by the pool inspector prior to final code of compliance consent being issued.**
- e) **notes that with regard to the particular characteristics of the property and the proposed consented pool with the conditions stated in c) and d) above, the granting of an exemption with the conditions does not significantly increase the danger to young children.**

CARRIED

8.2 13 Dromorne Road, Remuera

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee

completed a site visit at this property on Monday, 26 September 2016.

Resolution number ORSP/2016/23

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 Zhiyuan Zhang, 13 Dromorne 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 owner Yikun Zhang Trust, and that this exemption is personal to the owner (Yikun Zhang 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

8.3 100 Ōrākei Road, Ōrākei

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 26 September 2016.

Resolution number ORSP/2016/24

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 Paul Farry, 100 Ōrākei Road, 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 the owner Santorini Trust, and that this exemption is personal to the owner (Santorini 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 all French doors, proposed and existing, accessing the pool area having self-closing units and self-latching installed at least 1.5 metres from floor level so that the French doors remains self-closing and self-latching at all times and operate to the satisfaction of the pool inspector; this will require reinspection by the pool inspector prior to final code of compliance consent being issued.

- d) 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 proposed pool gate between the rear corner of the house and boundary fence, being self-closing and a self-latching device being installed at least 1.5 metres from ground level so that the pool gate remains self-closing and self-latching at all times and operates to the satisfaction of the pool inspector; this will require reinspection by the pool inspector prior to final code of compliance consent being issued.
- e) 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

8.4 83 Patteson Avenue, Mission Bay

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 26 September 2016.

Resolution number ORSP/2016/25

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) receives the application from Murray Farnsworth, 83 Patteson Avenue, Mission Bay for special exemption from the requirements of the Fencing of Swimming Pools Act 1987.
- b) notes that the proposed fencing and pool gate were not installed at the time of the site inspection.
- c) deems that this application for special exemption under section 6 of the Fencing of Swimming Pools Act 1987 be **DECLINED** on the basis that the proposed location of the gate leading to the pool area would not currently meet the intent of the legislation and consequently would pose a danger to young children.
- d) notes that should the gate latch device fail, and the pool gate opens into the pool area, it is possible that a young child could access the pool from the existing staircase and consequently this would significantly increase the danger to young children.
- e) notes however that a reconfiguration of the decking and installation of a pool gate that swings away from the pool area would be a safer and complying option.

CARRIED

8.5 14 Elizabethan Gardens, St Heliers

At the request of the applicant, inspection of this property and consideration of the application for special exemption was DEFERRED.

8.6 1 Grantham Road, Glendowie

Members of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee completed a site visit at this property on Monday, 26 September 2016.

Resolution number ORSP/2016/26

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

That the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee:

- a) **approves the application from Emile Bunt, 1 Grantham Road, 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 Bayview Trust, and that this exemption is personal to the owner (Bayview 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 (Bayview 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 (Bayview Trust) must have the spa pool cover latch locked by key except when the spa pool is open under the supervision of adults.
- CARRIED**

9 Consideration of Extraordinary Items

There were no extraordinary items.

5.18 pm

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

In accordance with Clause 3.19.2 of the Ōrākei Local Board Standing Orders, we hereby confirm the correctness of the minutes of the last meeting of the Ōrākei Local Board Swimming Pool Fencing Exemptions Committee, held on 26 September 2016 prior to the next Auckland Council election.

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Colin Davis, Chairman

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Adam Milina, Relationship Manager
(delegate of the chief executive)