

Fencing of Swimming Pools Hearings Panel
OPEN MINUTES

Date: Friday 8 July 2016
Time: 8.30am
Venue: Committee Room 2, Level 2, Civic Offices,
53 Hereford Street, Christchurch

Present
Members

Councillor Jamie Gough
Councillor Yani Johanson
Councillor Tim Scandrett

30 June 2016

Elizabeth Hovell
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The agenda was dealt with in the following order.

1. Election of Chairperson

Committee Resolved FEN/2016/00001

It was decided that Councillor Johanson be appointed Chairperson of the Fencing of Swimming Pools Hearings Panel.

Councillor Gough/Councillor Scandrett

Carried

2. Hearing of Applications

The Hearings Panel received 58 Spa Pool Applications and 4 Swimming Pool Applications.

3. Hearings Panel Deliberations

Spa Pools

1. Committee Resolved FEN/2016/00002
2. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:

	Applicant	Site Address
1	Richard Webster	20d Bossu Road
2	AM & AM Fahey Family Trust	39 Greenwood Close
3	Andrew James	23 Alderson Avenue
4	Linda Mears	16 Armour Place
5	Simon Murphy	26 Becmead Drive
6	Barry Armstrong	3B Bowenvale Avenue
7	Denise Frayle	126 Breezes Road
8	Bridie Henson	11A Brittan Terrace
9	Joy Dahoff	Unit 54, 28-30 Cathedral Square
10	Brendon Price	15 Chapter Street
11	Brent Williams	28 Chattertons Road
12	Robert Brown	16 Cottonwood Street
13	Grant Blackmore	34 Cholmondeley Avenue
14	Michael Epton	19A Cracroft Terrace
15	Eric Sutton	15 De Ville Place
16	Dean Murrell	107 Drayton Drive
17	Peter Sunny	32 Eureka Street
18	Darryl Moody	2 Evergreen Place
19	Hayley Newell	5 Fiona Place
20	Mark Phelan	25 Fountains Road

3. That the exemptions include the following conditions which shall be advised to the applicants:

- a. The spa pool shall be covered and locked at all times when the spa is unoccupied and keys to the mechanical locking system shall be stowed away from the spa pool at a height of 1.5m above ground level.
- b. The spa pool shall fully comply with the provisions of NZS8500/2006/3.10 at all times.
- c. The owners must notify the Council if there is a change of occupancy at the property, or the property is sold, at which time the exemption shall be reviewed.
- d. The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.

Councillor Johanson/Councillor Gough

Carried

4. **Committee Resolved FEN/2016/00003**
5. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:

	Applicant	Site Address
21	Mary & Barry White	3 Fuchsia Place
22	Edward Cook	27 Glandovey Road
23	Kashmir Trust	126 Hackthorne Road
24	Brent Sewell	47 Halswell Junction Road
25	Gary Bamford	5A Hanover Place
26	Tracey Challies	119 Heaton Street
27	Amanda Baylis	241 Hendersons Road
28	Paul Morrison	18 Joyce Crescent
29	Pauline Angus	52 Kent Lodge Avenue
30	Sarah Rooney	1 Kissel Street
31	Andrew Everist	12 Kotlowski Road
32	Bronwyn Varcoe	46 Leacroft Street
33	Richard Aiken	9 Menzies Street
34	Rachel Wells	75 Morgans Valley Road
35	Michael Payne	10 Nutfield Lane
36	Barry Ireland	10 Omeo Crescent
37	Toni Frew	381A Papanui Road
38	Kathrine Latimer	405 Pine Avenue
39	Tasman & Shirley Scott	317 Port Hills Road
40	Cameron McIntyre	35 Puriri Street

6. That the exemptions include the following conditions which shall be advised to the applicants:
- The spa pool shall be covered and locked at all times when the spa is unoccupied and keys to the mechanical locking system shall be stowed away from the spa pool at a height of 1.5m above ground level.
 - The spa pool shall fully comply with the provisions of NZS8500/2006/3.10 at all times.
 - The owners must notify the Council if there is a change of occupancy at the property, or the property is sold, at which time the exemption shall be reviewed.
 - The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.

Councillor Gough/Councillor Scandrett

Carried

7. **Committee Resolved FEN/2016/00004**
8. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:

	Applicant	Site Address
41	Camilla Cockerton	54 Rayburn Avenue <i>(Councillor Scandrett declared a conflict of interest and did not take part in the decision making of this exemption)</i>
42	Glen Hedges	11 Rocking Horse Road
43	Kirsty Frew	48 Rossmore Terrace
44	Michael Woodhouse	62 Rowley Avenue
45	Michael Bekhor	16 Roystone Way
46	Stacey & Janelle Hogan	387 Sawyers Arms Road
47	Heather Matthews	21 Shalamar Drive
48	Phillippa Conyers	28A Springwater Avenue
49	Mark Ericson	5 Stonewall Place
50	Doug Swanson	10 Taylors Avenue
51	Tim Field	8 The Ridge
52	Rene Spijkerman	10 Valley View Road
53	Robin Willis	324 Waimairi Road
54	Richard Richards	28 Waitikiri Square
55	Philip Ball	3 Willoughby Lane
56	Gary Burns	16 Whitau Place
57	Wade Blackburn & Kelia Parsons	47 Winfield Drive
58	Robert Gerring	38 Worsleys Road

9. That the exemptions include the following conditions which shall be advised to the applicants:
- a. The spa pool shall be covered and locked at all times when the spa is unoccupied and keys to the mechanical locking system shall be stowed away from the spa pool at a height of 1.5m above ground level.
 - b. The spa pool shall fully comply with the provisions of NZS8500/2006/3.10 at all times.
 - c. The owners must notify the Council if there is a change of occupancy at the property, or the property is sold, at which time the exemption shall be reviewed.
 - d. The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.

Councillor Scandrett/Councillor Johanson

Carried

Swimming Pools

10. **Committee Resolved FEN/2016/00005**
11. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:
Glenda and Julian Harding, 392 Papanui Road
12. The application be approved subject to the following conditions:
 - a. The French doors be locked at all times when not in use.
 - b. One leaf of the door shall be fixed shut while the other leaf shall self-close and self-latch at all times. The latching device shall remain installed at 1.5 metres above floor level.
 - c. The owners must notify the Council when there is a change of occupancy at the property, or the property is sold, at which time the exemption may be revoked.
 - d. If the glass pane that currently has the cat door breaks it is not be replaced with another cat door.
 - e. All the doors shall have the Council label (as detailed below) fitted at all times stating that the doors are part of the pool fence and shall be kept closed at all times.



- f. The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.
- g. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pool Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act quoted below for benefit of determining his/her obligations under the Act.

“Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Scandrett/Councillor Gough

Carried

13. **Committee Resolved FEN/2016/00006**
14. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:

Piers Lehmann, 217 Governors Bay Teddington Road

15. The application be approved subject to the following conditions:
- The sliding door is to be latched via the self-latching device at all times.
 - All latching devices shall remain installed.
 - The owners must notify the Council when there is a change of occupancy at the property, or the property is sold, at which time the exemption may be revoked.
 - All the doors shall have the Council label (as detailed below) fitted at all times stating that the doors are part of the pool fence and shall be kept closed at all times.



- The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.
- The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pool Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act quoted below for benefit of determining his/her obligations under the Act.

“Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Johanson/Councillor Scandrett

Carried

16. **Committee Resolved FEN/2016/00007**
17. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:
Mark Wareing, 35 Rossall Street
18. The application be approved subject to the following conditions:
 - a. The door is to be locked at all times when not in use.
 - b. A latching device shall be installed 1.5 metres above floor level.
 - c. The owners must notify the Council when there is a change of occupancy at the property, or the property is sold, at which time the exemption may be revoked.
 - d. All the doors shall have the Council label (as detailed below) fitted at all times stating that the doors are part of the pool fence and shall be kept closed at all times.



- e. The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.
- f. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pool Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act quoted below for benefit of determining his/her obligations under the Act.
“Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Gough/Councillor Scandrett

Carried

19. **Committee Resolved FEN/2016/00008**
20. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 to 10 of the Schedule to the Act to the following applicants:
- Katherine Ferguson, 6 Ngahere Street**
21. The application be approved subject to the following conditions:
- The door to be locked at all times when not in use.
 - A latching device shall be installed at 1.5 metre above floor level.
 - The owners must notify the Council when there is a change of occupancy at the property, or the property is sold, at which time the exemption may be revoked.
 - All the doors shall have the Council label (as detailed below) fitted at all times stating that the doors are part of the pool fence and shall be kept closed at all times.



- The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.
- The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pool Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act quoted below for benefit of determining his/her obligations under the Act.
“Every person who has possession of the property on which any pool to which this Act applies is situated shall ensure that the pool is not filled or partly filled with water at any time when the person knows or could reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Johanson/Councillor Gough

Carried

Meeting concluded at 9.32am