

**Fencing of Swimming Pools Hearings Panel**  
**OPEN MINUTES**

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**Date:** Friday 2 December 2016  
**Time:** 10am  
**Venue:** Committee Room 1, Level 2, Civic Offices,  
53 Hereford Street, Christchurch

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**Present**  
Members  
Councillor Yani Johanson  
Councillor Phil Clearwater  
Councillor Mike Davidson

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2 December 2016

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

## 1. Election of Chairperson

### Committee Resolved FEN/2016/00022

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

Councillor Clearwater/Councillor Davidson

**Carried**

## 2. Hearing of Applications

The Hearings Panel received the following applications:

	Applicant	Site Address
<b>Objection</b>		
1	M Dormer	15A Clyde Road, Upper Riccarton
<b>Swimming Pools</b>		
2	Mark Odlin	8 Ti Kouka Eco Lane, Redcliffs
3	Murray Francis	13A Walnut Place, Akaroa
4	Lloyd Greenfield	17 Stormont Place, Avonhead
5	Lesley and Richard Ahomiro	102 Englefield Road, Belfast
6	Neville Robb	37 Matai Street West, Riccarton
7	Graeme Coey	47 Yellowstone Crescent, Westhaven
8	Alison MacColl	216 Kennedys Bush Road, Halswell
9	Robert Smith	9 Wairakei Road, Strowan
10	Alan McKinney	9 Woodside Common, Westmorland
11	David Morris	73 Old West Coast Road, Yaldhurst
12	Richard Cocks	49A Glandovey Road, Fendalton
13	Michael Scales	76 Scarborough Road, Scarborough
14	Peivand Yazdanpanah	23 Aileen Place, Upper Riccarton
15	John Fairclough	855 Cashmere Road, Halswell
16	Charles Marriott	8 Pulford Place, Avonhead
17	Grant Wright	8 Stormont Place, Avonhead
<b>Spa Pools</b>		
18	Graeme Dempster	1 Alvaston Drive, Halswell
19	Garry Filer	86 Bowhill Road, North Beach
20	Ross Moulton	87 Chartwell Street, Burwood
21	James Taylor	5 Country Place, Burwood
22	Chris Stevenson	16 Cox Street, Merivale
23	Phillip Bracefield	72 Farrells Road, Ouruhia
24	John Coull	23 Ilam Park Place, Ilam
25	Megan Phillips	2/80B Jeffreys Road, Fendalton
26	Robert McAuley	27 Kidson Terrace, Cashmere

27	Kim Grafton	60 Kimberley Street, Casebrook
28	Ajay Berry	30 Lonsdale Street, New Brighton
29	Ken Atkins	57 Moncks Spur Road, Redcliffs
30	Troy Sutherland	10 Nightingale Place, Papanui
31	Nathan Fergusson	77 Northwood Boulevard, Northwood
32	David Gillespie	29 Parkstone Avenue, Ilam
33	Andrew James	8 Pukeuri Lane, Hillsborough
34	Ian Hay-Smith	30 Rata Street, Riccarton
35	J R Harcourt	114 Richmond Hill Road, Sumner
36	Bryan Ritchie	115B Rocking Horse Road, Southshore

### 3. Hearings Panel Deliberations

Lloyd Greenfield joined the table.

1. **Committee Resolved FEN/2016/00023**

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 applicant:

**Lloyd Greenfield – 17 Stormont Place**

3. The application be approved subject to the following conditions:
- The sliding doors must be locked at all times when not in use.
  - A self-latching device be fitted at least 1.5 metres above the floor level on both sliders.
  - If any under six children reside on the property the clothesline and compost bins must be removed.
  - The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - 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 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

John Scott Fairclough joined the table.

4. **Committee Resolved FEN/2016/00024**
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 applicant:  
**John Scott Fairclough – 855 Cashmere Road**
6. The application be approved subject to the following conditions:
  - a. The door must be locked at all times when not in use.
  - b. The spa pool must be locked when not in use.
  - c. 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.



- d. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- e. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

7. **Committee Resolved FEN/2016/00025**
8. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clause 1 of the Schedule to the Act to the following applicant:  
**Mark Odlin – 8 Ti Kouka Eco Lane**
9. The application be approved subject to the following conditions:
  - a. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially

*filled with water at any time when the person knows or could be 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 Clearwater

Carried

10. **Committee Resolved FEN/2016/00026**

11. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clause 8 of the Schedule to the Act to the following applicant:

**Murray Francis – 13A Walnut Place**

12. The application be approved subject to the following conditions:

- a. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with."*

Councillor Davidson/Councillor Johanson

Carried

13. **Committee Resolved FEN/2016/00027**

14. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 4, 8 and 10 of the Schedule to the Act to the following applicant:

**Lesley and Richard Ahomiro – 102 Englefield Road, Belfast**

15. The application be approved subject to the following conditions:

- a. The sliding doors must be locked at all times when not in use.
- b. The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
- c. 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.



- d. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- e. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be 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 Davidson

Carried

16. **Committee Resolved FEN/2016/00028**

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 applicant:

**Neville Robb – 37 Matai Street West**

18. The application be approved subject to the following conditions:

- a. The sliding doors must be locked at all times when not in use.
- b. The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
- c. 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.



- d. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- e. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be 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 Clearwater

Carried

19. **Committee Resolved FEN/2016/00029**

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 applicant:

**Graeme Coey – 47 Yellowstone Crescent**

21. The application be approved subject to the following conditions:

- a. The sliding doors must be locked at all times when not in use.
- b. The window must be kept closed when not being used to pass items out for barbeque.
- c. The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.

- d. 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 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

22. **Committee Resolved FEN/2016/00030**

23. 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 applicant:

**Alison MacColl – 216 Kennedys Bush Road**

24. The application be approved subject to the following conditions:
- The sliding doors must be locked at all times when not in use.
  - The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - 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.



- d. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- e. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that

the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be 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 Davidson

Carried

25. **Committee Resolved FEN/2016/00031**

26. 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 applicant:

**Robert Smith – 9 Wairakei Road**

27. The application be approved subject to the following conditions:

- a. The sliding doors must be locked at all times when not in use.
- b. The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
- c. 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.



- d. The clothesline must be removed is any children under six year begin living at the property.
- e. The above conditions shall be complied 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be 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 Clearwater

Carried

28. **Committee Resolved FEN/2016/00032**

29. 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 applicant:

**Alan McKinney – 9 Woodside Common**



30. The application be approved subject to the following conditions:
- The sliding doors must be locked at all times when not in use.
  - If the other slider is required than a self-latching device must be fitted at least 1.5 metres from ground level.
  - The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - 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 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

31. **Committee Resolved FEN/2016/00033**

32. 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 applicant:

**David Morris – 73 Old West Coast Road**

33. The application be approved subject to the following conditions:
- The sliding doors must be locked at all times when not in use.
  - The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - 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.



- d. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- e. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

**Carried**

34. **Committee Resolved FEN/2016/00034**

35. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 8 and 10 of the Schedule to the Act to the following applicant:

**Richard Cocks – 49A Glandovey Road**

36. The application be approved subject to the following conditions:
- a. The bifold and single door must be locked at all times when not in use.
  - b. The pool cover remains closed unless the pool is being used.
  - c. 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.



- d. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- e. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

**Carried**

37. **Committee Resolved FEN/2016/00035**

38. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in Clauses 1(1) and 8 of the Schedule to the Act to the following applicant:

**Michael Scales – 76 Scarborough Road**

39. The application be approved subject to the following conditions:

- a. The door must be locked at all times when not in use and continue self-close and self-latch. One side of the door is required to be fixed shut.
- b. 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.



- c. The above conditions shall be complied within 28 days of the date of the letter approving the exemption.
- d. The applicant be advised that the remainder of the immediate pool area must be fenced in accordance with the Fencing of Swimming Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

40. **Committee Resolved FEN/2016/00036**

41. 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 applicant:

**Peivand Yazdanpanah – 23 Aileen Place**

42. The application be approved subject to the following conditions:
  - a. The sliding doors must be locked at all times when not in use.
  - b. The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - c. If any child under six resides on the property the clothesline must be removed.
  - d. 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 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

43. **Committee Resolved FEN/2016/00037**

44. 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 applicant:

**Charles Marriott – 8 Pulford Place**

45. The application be approved subject to the following conditions:
- One of the sliding doors must be permanently fixed shut.
  - The second sliding door of two be fitted with a self-latching device at 1.5 metres above ground level if possible to do so.
  - The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - 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 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

Carried

46. **Committee Resolved FEN/2016/00038**

47. 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 applicant:

**Grant Wright – 8 Stormont Place**

48. The application be approved subject to the following conditions:
- The sliders remain shut at all times when not in use.
  - The owners must notify the Council when the property is sold, at which time the exemption may be reviewed.
  - 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 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 Pools Act 1987 and Amendments and that the applicants attention be drawn to clause 8(3) of the Act below for the 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 partially filled with water at any time when the person knows or could be reasonably be expected to know that any obligation imposed by this section on that or any other person is not being complied with.”

Councillor Davidson/Councillor Clearwater

**Carried**

Meeting adjourned at 11.07am and reconvened at 11.14am.

**Committee Resolved FEN/2016/00039**

**Spa Pool Exemptions**

49. That exemptions be granted under section 6 of the Fencing of Swimming Pools Act 1987 from the requirements as set out in the Schedule to the Act to the following applicants:

18	Graeme Dempster	1 Alvaston Drive, Halswell
19	Garry Filer	86 Bowhill Road, North Beach
20	Ross Moulton	87 Chartwell Street, Burwood
21	James Taylor	5 Country Place, Burwood
22	Chris Stevenson	16 Cox Street, Merivale
23	Phillip Bracefield	72 Farrells Road, Ouruhia
24	John Coull	23 Ilam Park Place, Ilam
25	Megan Phillips	2/80B Jeffreys Road, Fendalton
26	Robert McAuley	27 Kidson Terrace, Cashmere
27	Kim Grafton	60 Kimberley Street, Casebrook
28	Ajay Berry	30 Lonsdale Street, New Brighton

29	Ken Atkins	57 Moncks Spur Road, Redcliffs
30	Troy Sutherland	10 Nightingale Place, Papanui
31	Nathan Fergusson	77 Northwood Boulevard, Northwood
32	David Gillespie	29 Parkstone Avenue, Ilam
33	Andrew James	8 Pukeuri Lane, Hillsborough
34	Ian Hay-Smith	30 Rata Street, Riccarton
35	J R Harcourt	114 Richmond Hill Road, Sumner
36	Bryan Ritchie	115B Rocking Horse Road, Southshore

50. That the exemptions include the following conditions which shall be advised to the applicants:
- The keys shall be stored away from the spa pool or at least 1.5 metres above ground level.
  - The owner shall ensure the spa pool fully complies with the provisions of NZS8500/2006/3.10 at all times.
  - The owners must notify the Council if there is a changes of occupancy at the property, or the property is sold, at which time the exemption **may** be reviewed.
  - The above conditions shall be complied with within 28 days of the date of the letter approving the exemption.

Councillor Davidson/Councillor Johanson

**Carried**

No conflict of interests were declared by any of the Hearings Panel Members.

**Committee Resolved FEN/2016/00040**

**51. M Dormer – 15A Clyde Road, Upper Riccarton – Objection to Condition 4**

52. The Hearings Panel **resolved** to remove the condition that states:

The owners must notify the Council when the property is sold, at which time the exemption may be revoked.

Councillor Johanson/Councillor Clearwater

**Carried**

**Meeting concluded at 11.19am.**