

**AGENDA FOR A MEETING OF THE SWIMMING POOL EXEMPTION COMMITTEE TO BE
HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON FRIDAY, 3 NOVEMBER 2006 COMMENCING AT 9.30 AM**

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AGENDA FOR A MEETING OF THE SWIMMING POOL EXEMPTION COMMITTEE TO BE HELD AT WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON FRIDAY, 3 NOVEMBER 2006 COMMENCING AT 9.30 AM

1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairman has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Meeting Minutes - Tuesday, 15 August 2006
Thursday, 31 August 2006

RECOMMENDATION

That the minutes of the Meetings of the Swimming Pool Exemption Committee held on Tuesday, 15 August 2006 and Thursday, 31 August 2006, as circulated, be taken as read and now be confirmed.



4 APPLICATIONS FOR SPECIAL EXEMPTIONS - FENCING OF SWIMMING POOLS ACT 1987

PURPOSE OF THE REPORT

The purpose of this report is to present 19 applications for exemptions from some of the requirements of the Fencing of Swimming Pools Act 1987 (the Act).

BACKGROUND

A1 Under Section 6 of the Act, copy attached at page A1, a Council may only grant exemption if, after having regard to the characteristics of the property and the pool and any conditions that may be imposed, it is satisfied that "*such an exemption would not significantly increase danger to young children*". The sort of issues that will usually arise for consideration under a s6 exemption include matters such as the location of fences in relation to the boundaries of the "*immediate pool area*", the construction of the pool fence and the operation of gates providing access to the fenced area.

A2-A4 The details for a complying fence are set out in the Schedule to the Act, a copy of which is attached at pages A2 to A4. Of particular note are the provisions of Clauses 8 to 10, relating to gates and doors, and Clause 11. Where a building is part of the pool fence and a door from that building opens into the pool area the Council may grant an exemption from compliance with Clauses 8 to 10 if it is "*satisfied that such compliance is impossible, unreasonable, or in breach of any other Act, regulation, or bylaw, and the door is fitted with a locking device that, when properly operated, prevents the door from being readily opened by children under the age of 6 years*".

A pool fence which complies with the Act, with or without an exemption, also complies with the requirements of the building code. A fence which complies with the building code, with or without an exemption granted under the Act, meets the requirements of the Act. Under the building code "*sliding and sliding-folding doors that give access to the immediate pool (area) from a building that forms part of the*" pool fence does not need to be self closing and self latching. To comply with the Act, however, such doors need to have a latch mounted at least 1.5 metres above the ground. The requirements for sliding and sliding-folding doors under the code will be relevant to the exercise of the Council's discretion in relation to an application for an exemption under Clause 11 of the Schedule in respect of doors opening from a building into a pool area.

Apart from these matters the Act provides no further guidance for the basis of the exercise of the Council's discretion. The purpose of the Act is stated to be "*to promote the safety of young children by requiring the fencing of certain swimming pools*" and that is clearly a relevant issue for Councillors to bear in mind in relation to any exemption application.

When granting a special exemption the committee may impose such other conditions relating to the property or the pool as are reasonable in the circumstances (Section 6(2)). Issues to be considered include:

- Will the exemption be personal to the applicant so that on a sale of the property a new owner will need to apply for a new exemption? This might be appropriate where the personal circumstances of the applicant have had a bearing on the exercise of discretion;
- Will the exemption be granted for a fixed term and irrespective of changes of ownership so that the exemption runs with the property?
- Will the exemption be granted for an indefinite term, irrespective of changes of ownership so that the exemption runs with the property?

- Are there any other conditions which should be imposed, such as the replacement of pool covers after use (particularly in relation to spa pools) or a requirement for more frequent inspection of the pool (currently pools in the City are re inspected on a 3 yearly cycle).

Any exemption granted or condition imposed may be amended or revoked by the Council, by resolution. The rules of natural justice would however dictate that this action should not be taken without prior notice to the pool owner and allowing the pool owner an opportunity to be heard.

Finally it is noted that there is a view in some quarters that an exemption can only be granted on the application of the pool owner. While there are doubts about the validity of that view, circumstances will arise where the Swimming Pool Exemption Committee may wish to grant an exemption, but there are matters in relation to the extant pool fence where a further exemption may need to be granted to enable the exempted arrangements to fully comply with the Act. The most common examples will arise where the fence, following exemption, will include a door which opens into the pool area from a building or there is a gate in the extended fence which does not comply with the Act. In such cases it is considered appropriate for the Swimming Pool Exemption Committee to accept an oral application for any further exemptions that may be necessary. The Committee Secretary will record the application made. If the Committee does not consider it appropriate to grant an exemption for such matters, but it would be happy if some work is done, then it is recommended that the appropriate course of action is to grant the exemption sought conditional upon specified work being completed within a reasonable period.

STRATEGIC CONTEXT

Council is committed to ensuring that Waitakere City is a safe place to live and play in. Swimming pool fencing issues have a strong relationship with Council's strategic priorities of first call for children and safe city.

APPLICATIONS

1. **CE Bowles and WD Stansell (Previous Owner Marilyn Whitehouse), 3 Cliff View Road, Green Bay**

A5-A7 The application and applicant's information is attached at pages A5 to A6. Additional information is attached at page A7. The application arises from officers requests to:

- A7
- Provide a fence to the immediate swimming pool area so as to prevent direct access from the lawn area. Indicative position of fence shown on page A7;
 - Ensure that the Swimming pool gates are self closing and self latching from a stationary measured distance of 150mm;
 - A latching device must be fitted at either 1.2m if located on the inside of the gate, and if accessible only be reaching over the gate (not accessible through the gate), or 1.5m if located out side the gate;
 - Ensure that the gap beneath the Swimming pool gate is not greater than the maximum 100mm;
 - Provide all lower windows (below 1.2m) which open into the immediate Swimming pool area with permanent stays which restrict the window opening to maximum of 100mm.

The applicants have requested that the Swimming Pool Exemption Committee consider granting an exemption from the requirement to provide a fence to prevent access to the lawn area as:

- The applicant feels that the area is adequately fenced;
- Safety while cleaning the pool will be jeopardised if the area is fenced;
- The grassed area is quite small.

If the Swimming Pool Exemption Committee is inclined to grant the exemption sought there are a number of consequential issues that arise and the committee would need to consider whether to grant exemptions for some or all of the issues or propose an amended fence position. The consequential issues that arise are:

- There is an access way to the clothes line;
- Existing gates are non compliant. (Not self closing self latching);
- There is a climbable tree and fence adjacent to existing fence;
- The pool area contains a garden/storage shed;
- Window opening into pool area not restricted to 100mm maximum opening.

2. JH and AL Wilks, 6 Hilling Street, Titirangi

A8-A11

The application and applicant's information is attached at pages A8 to A10. Additional information is attached at page A11. The application arises from officers requests to:

A11

- Provide a fence to the immediate swimming pool area so as to prevent direct access from the lawn area. The indicative position of the required fence is shown at page A11;
- Ensure that the swimming pool gates are self closing and self latching from a stationary measured distance of 150mm;
- Ensure that the gap beneath the swimming pool gate is not greater than the maximum 100mm.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption from fencing the immediate swimming pool area;
- Waiving the exemption fee.

If the Swimming Pool Exemption Committee is inclined to grant the exemption sought there are a number of consequential issues that arise and the committee would need to consider whether to grant exemptions for some or all of the issues or propose an amended fence position. The consequential issues that arise are:

- The pool area is contains a garden/storage shed;
- The pool area contains planting for landscaping purposes;
- One on the existing gates is non-complying in that it does not close and self latch and has a gap larger than 100mm below the gate.

3. RA and GJ Galloway, 4a Park Road, Titirangi

A12-A14

The application and applicant's information is attached at pages A12 to A13. Additional information is attached at page A14. The application arises from officers requests to:

- Ensure that the swinging doors that provide access to the immediate swimming pool area are made self closing and self latching from a stationary measured distance of 150mm, and swing away from the pool area. A latching device must also be fitted to the doors at a minimum height of 1.5m;
- Remove all items not associated with the use of the swimming/spa pool from within the immediate swimming/spa pool area, e.g. the clothes line.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors under Clause 11 of the Schedule to the Act. The doors have two locks on them, one at 1.04m from the floor and one at 1.85m from the floor. The doors have been in place since the house was built;
- Granting an exemption for the clothes line as the property has no other lawn area and the only other area available to put a clothes line is down a number of stairs. This would be difficult for the owners of the property to access due to their age.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

4. JR Bailey and AF Gard, 21 Warwick Avenue, Titirangi

A15-A16

The application and applicant's information is attached at pages A15 to A16. Additional information is attached at page A16. The application arises from officers requests to:

- A17
- Provide a fence to the immediate swimming pool area so as to isolate the lawn area. An indicative position is shown on page A17;
 - Ensure that the Swimming pool gates are self closing and self latching from a stationary measured distance of 150mm;
 - Ensure that any other fences or handrails that abut the swimming pool fencing, are a minimum height of 1.2m and are un-climbable for a minimum distance of 1.2m from the point where they abut the Swimming pool fencing, i.e. such fences would comply with the Act.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption from fencing the immediate swimming pool area as this area has been fenced like this for the past 10 years and the pool fence runs along the existing boundary.

If the Swimming Pool Exemption Committee is inclined to grant the exemption sought there are no consequential issues that arise.

5. DH and JA Deyermond, 99 Grassmere Avenue, Henderson Valley

A18-A19

The application and applicant's information is attached at page A18. Additional information is attached at page A19. The application arises from officers requests to:

- Provide a complying Swimming pool gate and handrail to the stairs on the next lower level down from the pool area to prevent direct access to the immediate swimming pool area. Both handrail and gate to be a minimum height of 1.2m and made un-climbable.

The applicants have requested that the Swimming Pool Exemption Committee consider granting an exemption from providing a fence as requested as:

- There are no children onsite;
- A pool inspection was carried out three years ago and the fencing complied;
- The pool area is situated on a sloping site and there is no alternative but to have different levels for the swimming pool area.

If the Swimming Pool Exemption Committee is inclined to grant the exemption as sought there are no consequential issues that arise.

6. WJ and AM Janssens, 210 Forest Hill Road, Waitarua

A20-A22

The application and applicant's information is attached at pages A20 to A22. The application arises from officers requests to:

A23

- Provide a fence to the immediate swimming pool area so as to eliminate the access way and prevent direct access from the garage, games room and sleep. Indicative position of fence shown on page A23;
- Provide all lower windows (below 1.2m) which open into the immediate Swimming pool area with permanent stays which restrict the window opening to a maximum of 100mm;
- Ensure that any other fences or handrails etc., which abut the Swimming pool fencing, are a minimum height of 1.2m and are un-climbable for a minimum distance of 1.2m from the point where they abut the Swimming pool fencing, i.e., would themselves comply with the Act.

The applicants have requested that the Swimming Pool Exemption Committee consider granting an exemption for the requirement to fence the immediate swimming pool area as:

- The applicant feels that another fence would be unsightly and serve no purpose;
- Currently there only two adults living at the house and when the grandchildren visit they are strictly supervised;
- The Pool is 1km from the road and there other water hazards between the road and the pool;
- The applicant feels that they have complied with the intention of the law.

If the Swimming Pool Exemption Committee is inclined to grant the exemption as sought there are a number of consequential issues that arise and the committee would need to consider whether to grant exemptions for some or all of the issues or propose an amended fence position. The consequential issues that arise are:

- The access way through the pool area would remain;
- The back door and "family" door swing into the pool area.

7. A Welch, 214 Henderson Valley Road, Henderson

A24-A26

The application and applicant's information is attached at pages A24 to A25. Additional information is attached as page A26. The application arises from officers requests to:

- Ensure that all swinging doors which provide access to the immediate swimming pool area are made self closing and self latching from a stationary measured distance of 150mm, and are swinging away from the immediate swimming pool area. A latching device must also be fitted to each door at a minimum height of 1.5m. NOTE: sets of doors must operate (latch and close) independently of each other.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors under Clause 11 of the Schedule to the Act. The doors were fitted when the pool was installed and complied at that time applicants and have bolts at the top.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

8. WD and VC Clifford, 36 Mountain Road, Henderson Valley

A27-A34

The application and applicant's information is attached as pages A27 to A34. Additional information is attached as page A35. The application arises from officers requests to:

- A35
- Provide a fence to the immediate swimming/spa pool area so as to prevent direct access from all landscaped areas and the storage shed at the rear of the pool area. The indicative position of required fencing is shown on page A35;
 - Ensure that the swimming/spa pool fence is a minimum height of 1.2m;
 - Ensure that the wooden swimming/spa pool gate is self closing and self latching from a stationary measured distance of 150mm and the bracing on the outside of the gate is to be covered to prevent being climbable;
 - Ensure that any other fences or handrails etc which abut the swimming/spa pool fencing are a minimum height of 1.2m and are un-climbable for a minimum distance of 1.2m from the point where they abut the swimming pool fence next to wooden swimming pool gate.

The applicants have requested that the Swimming Pool Exemption Committee consider granting an exemption from providing a fence to the immediate swimming pool area as they believe that erecting a fence:

- Will prevent them from accessing the barbeque, entertainment area and changing shed;
- Necessitate the removal of four trees because they would be beside the fence and make the fence climbable;
- Necessitate the removal of three block border gardens or the fence height would have to be increased;
- Would destroy the improvements they have made to the property in the last six years;
- That the existing area is safe and secure with a purpose built fence with complying gates;
- The outside area is un-climbable except for a section of 1.4m that they undertake to clear should the application be successful;
- That in relation to the entire section of 2300 square metres the pool area is minimal being only 200 square metres.

If the Swimming Pool Exemption Committee is inclined to grant the exemption as sought there are a number of consequential issues that arise and the committee would need to consider whether to grant exemptions for some or all of the issues or propose an amended fence position. The consequential issues that arise are:

- Access way to garden shed would remain;
- Climbable block garden wall would be adjacent to the fence;
- Non compliant gates would remain;
- Planting for landscaping purposes.

9. G and IM Crawley, 1 Vintage Drive, Henderson

A36-A39

The application and applicant's information is attached at pages A36 to A39. The application arises from officers requests to:

- Provide a fence to the immediate swimming pool area to isolate the pool from any landscaped or large grassed area, within the current pool area;
- Ensure that the swimming pool gates are self closing and self latching from a stationary measured distance of 150mm.

The applicants have requested that the Swimming Pool Exemption Committee consider granting an exemption from the requirement to fence the immediate swimming pool area as:

- The pool was inspected and approved in March 2002.

If the Swimming Pool Exemption Committee is inclined to grant the exemption as sought consequential issues arise and the committee would need to consider whether to grant exemptions for the issues or whether to propose an amended fence position. The consequential issues that arise are:

- Landscaping and lawn within the pool area.

10. DG Jerard and R Gavet, 56 Makora Drive, Massey

A40-A42

The application and applicant's information is attached at pages A40 to A41. Additional information is attached at page A42. The application arises from officers requests to:

A42

- Ensure that all doors that open into the immediate swimming pool area are made self closing and self latching from a stationary distance of 150mm and swing away from the pool area. A latching device must also be fitted to each door at a minimum height of 1.5m. The doors are shown on page A42;
- Ensure that there is a minimum gap of 900mm between either the bottom and middle rails or the top and the middle rails of the boundary fencing or that the boundary fence is made otherwise un-climbable;
- Provide all lower windows (below 1.2m) that open into the immediate swimming pool area with permanent stays that restrict the window opening to a maximum of 100mm.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors under Clause 11 of the Schedule to the Act;
- Waiving the \$250.00 exemption application fee.

If the Swimming Pool Exemption Committee is inclined to grant the exemption for the French doors windows there are no consequential issues that arise.

11. S and T Lolesi, 15 Wickstead Drive, Massey

A43-A45 The application and applicant's information is attached at pages A43 to A44. Additional information is attached at page A45. The application arises from officers requests to:

- A45
- Ensure that all swinging doors that provide access to the immediate swimming pool area, are made self closing and self latching from a stationary measured distance of 150mm, and swing away from the immediate swimming pool area. A latching device must also be fitted to the door at a minimum height of 1.5m. The French doors are shown at page A45.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the direction the doors swing under Clause 11 of the Schedule to the Act as the doors are French doors and are unable to be hung differently. The applicants can not afford to replace the doors and there is a chain and lock on each of the doors.

If the Swimming Pool Exemption Committee is inclined to grant the exemption for the doors there are no consequential issues that arise from that.

12. MA Shanahan and P Gribble, 18 Sinton Road, Hobsonville

A46-A48 The application and applicant's information is attached at pages A46 to A47. Additional information is attached at page A48. The application arises from officers requests to:

- A48
- Ensure that the swinging doors that provide access to the immediate swimming pool area are made self closing and self latching from a stationary measured distance of 150mm, and swing away from the pool area. A latching device must also be fitted to the doors at a minimum height of 1.5m. Doors shown on page A48.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors under Clause 11 of the Schedule to the Act. The doors are only able to be hung one way and therefore it is impractical to alter the doors. The applicants note that the Council issued a Code Compliance Certificate when the house and swimming pool was constructed 10 years ago. The issue was not raised at the inspection three to four years ago. The changes to the swimming pool fencing have improved the fencing as the doors from the family room no longer open onto the swimming pool area;
- Granting an exemption for the landscaping in the pool area (please see note).

Note: In light of the court decisions the landscaping in the pool area is not considered de minimus. It has therefore been recommended to the applicant to apply for an exemption for the landscaping. The applicant has asked that an exemption is sought for the landscaping.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

13. Fulton Hogan Land Development Limited, 102 Hobsonville Road, Hobsonville

A49-A50 The application and applicant's information is attached at page A49. Additional information is attached at page A50. The application arises from officers requests to:

- A50
- Ensure that all swinging doors that provide access to the immediate swimming pool area are made self closing and self latching from a stationary measured distance of 150mm, and swing away from the immediate swimming pool area. A latching device must also be fitted to each door at a minimum height of 1.5m. NOTE: sets of doors must operate (latch and close) independently of each other. The doors are shown at page A50.

The applicant has requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the direction the doors swing under Clause 11 of the Schedule to the Act as the doors are French doors and are unable to be hung differently.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

Note: In light of the court decisions the landscaping in the pool area is not considered de minimus nor is the immediate pool area fenced. An exemption is sought for this on the applicant's behalf.

14. R and D Wijnstok, 31 Brigham Creek, Whenuapai

A51-A59 The application and applicant's information is attached at pages A51 to A58. Additional information is attached at page A59. The application arises from officers requests to:

- A59
- Provide a fence to the immediate swimming pool area so as to prevent direct access from, the house and all landscaped areas and to eliminate the access way to the tennis court. The indicative position of required fencing is shown on page A59.

The applicants have requested that the Committee consider granting an exemption from the requirement to fence the immediate swimming pool area because of the:

- Locality - property is among other 10 acre lifestyle properties and the nearest neighbour is 400m away;
- Separate and well defined play areas;
- "Compliant" pool fencing and gates;
- "Compliant" doors and latches to the pool area from house.

If the Committee is inclined to grant the exemption as sought there are a number of consequential issues that arise and the committee would need to consider whether to grant exemptions for some for or all of the issues or whether to propose an amended fence position. The consequential issues that arise are:

- Clothesline within pool area;
- Access way to tennis court;
- Access way through pool area;
- Non compliant triple and double gates;
- Non compliant mesh fencing to tennis court;
- Climbable fence due to proximity of secondary fence;

- Doors swinging into the pool area;
- Planting for landscaping purposes;
- Climbable fence abutting pool fencing.

15. RP and M Guildford, 17 Burnham Road, Whenuapai

A60-A61 The application and applicant's information is attached at page A60. Additional information is attached at page A61. The application arises from officers requests to:

- A61
- Provide a fence to the immediate swimming pool area so as to prevent direct access from the house and all landscaped areas. The indicative position of required fencing is shown at page A61.

The applicants have requested that the Swimming Pool Exemption Committee consider granting an exemption from the requirement to fence the immediate swimming pool area because the:

- Rear of the section is fully fenced;
- There is no access from the road;
- All windows and doors have locks.

If the Swimming Pool Exemption Committee is inclined to grant the exemption as sought there are a number of consequential issues that arise and the committee would need to consider whether to grant exemptions for some for or all of the issues or whether to propose an amended fence position. The consequential issues that arise are:

- Large lawn area within pool area;
- Non complying doors and windows that open into the pool area;
- Access way between houses.

16. AFP and CP Gardner and MF Lee (Previously P Chapman), 17 Bocage Place, West Harbour

A62-A63 The application and applicant's information is attached at page A62. Additional information is attached at page A63. The application arises from officers requests to:

- A63
- Ensure that all swinging doors which provide access to the immediate swimming pool area are made self closing and self latching from a stationary measure distance of 150mm, and are swinging away from the immediate swimming pool area. A latching device must also be fitted to each door at a minimum height of 1.5m. NOTE: sets of doors must operate (latch and close) independently of each other. Doors are shown on page A63.
 - Bedroom door at the spa to be made self closing and latching with the latch at 1.5m minimum.
 - Provide all lower windows (below 1.2m) which open into the immediate swimming pool area with permanent stays that restrict the window opening to a maximum of 100mm.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors in the courtyard under Clause 11 of the Schedule to the Act. Doors leading to the courtyard all have key lock top deadbolts.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

Note: In light of the court decisions it is considered that the “immediate” pool area is not fenced and an exemption is sought for this on the applicant’s behalf.

17. HD and FE Algie, 171 Luckens Road, West Harbour

A64-A65 The application and applicant’s information is attached at page A64. Additional information is attached at page A65. The application arises from officers requests to:

- A65
- Provide a fence to the Immediate Swimming and Spa pool area, so as to prevent direct access from around the house. Indicative position of fence shown on page A65.

The applicants have requested that the Committee consider granting an exemption from the requirement to fence the immediate swimming pool area as:

- The pool was signed off in early 2000;
- Major alterations have been undertaken and fencing will affect the aesthetics of the pool.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

18. KBRS Limited, 44 Yeovil Road, Te Atatu Peninsula

A66-A67 The application and applicant’s information is attached at page A66. Additional information is attached at page A67. The application arises from officers requests to:

- Ensure that the double doors from laundry that lead into immediate swimming pool area are made self closing and self latching from a stationary measured distance of 150mm and swing away from the pool area. A latching device must also be fitted to each door at a minimum height of 1.5m;
NOTE: sets of doors must operate (latch and close) independently of each other.
- Provide bolts to all sliding or sliding-folding doors (bedroom ranch slider) that provide access to the immediate swimming pool area at a minimum height of 1.5m.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors under Clause 11 of the Schedule to the Act. The doors would have to be replaced to make them swing the correct way;
- Waiving the application fee.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

19. RC and D Donaldson, 10 Miltonia Avenue, Te Atatu

A68-A69 The application and applicant’s information is attached at page A68. Additional information is attached at page A69. The application arises from officers requests to:

- Ensure that the Swimming pool gates are self closing and self latching from a stationary measured distance of 150mm;

- Ensure that all swinging doors which provide access to the immediate Swimming pool area are made self closing and self latching from a stationary measured distance of 150mm, and are swinging away from the immediate Swimming pool area. A latching device must also be fitted to each door at a minimum height of 1.5m. NB: Sets of doors must operate (latch and close) independently of each other.

The applicants have requested that the Swimming Pool Exemption Committee consider:

- Granting an exemption for the doors under Clause 11 of the Schedule to the Act.

If the Swimming Pool Exemption Committee is inclined to grant the exemption there are no consequential issues that arise.

CONCLUSION

Each of the applicants is seeking exemption from the Act for matters where Council staff considers that remedial action is necessary to achieve compliance with the Act. If an exemption is granted those matters will be deemed to comply with the Act, therefore no remedial action will be required (other than for any action that may be required by a condition attaching to the granting of the exemption).

RECOMMENDATIONS

1. That the Applications for Special Exemptions - Fencing of Swimming Pools Act 1987 report be received.
2. That the Swimming Pool Exemption Committee consider each of the applications and either decline or approve (subject to conditions) the exemptions sought.

Report prepared by: Neville Colling, Team Manager Operational Compliance.

