

<b>R E P O R T</b>	<b>TO</b>	HEARINGS COMMITTEE
	<b>FROM</b>	MONITORING OFFICER-GLENN EAST
	<b>FILE REF</b>	P02158 - RE290522.RTF
	<b>DATE</b>	2 OCTOBER 2007
	<b>SUBJECT</b>	<b>WAIVER APPLICATION-FENCING OF SWIMMING POOLS ACT 1987-04771/748.00, SPA POOL LOCKABLE COVER</b>

APPLICANT: C & V Cuthbert

ADDRESS: 16 Hayward Road, Ngatea

LOCATION OF POOL: 16 Hayward Road, Ngatea

TYPE OF POOL: Spa pool

The applicant is seeking an exemption from all the fencing requirements of the Fencing of Swimming Pools Act 1987. The alternative is the erection of a compliant swimming pool fence. In the interim, until a decision is made, the spa pool is to remain empty of water.

Proposal:

The Spa is Hot spring Portable Spa that is manufactured by Hot spring Spa New Zealand Ltd, 35 William Pickering Drive, Albany, Auckland. The dimensions of the spa are compliant with the NZS8500:2006 Standards in that the spa stand 840mm above the ground or deck the standard is 760mm. Please find attached a copy of the Standards with emphasis on 3.10 (a) and 3.10.1.

**Construction of the hardcover**

The Hard Cover is a Vinyl lock down hard cover for extra safety and can hold an adult weight based on 79kgs. Please find attached a copy of the breakdown of the construction details of the hardcover.

Council has granted an exemption for similar spa pool covers on other properties within the Hauraki District.

Section 6 of the Fencing of Swimming Pools Act under which exemptions may be granted by Council states:-

Special exemptions-

- 1) A territorial authority may by resolution, grant an exemption for some or all of the requirements of this Act in the case of a particular pool where it is satisfied, having regard to the particular characteristics of the property and the pool, any other relevant circumstances, and any conditions it imposes under subsection (2) of this section, that such exemption would not significantly increase danger to young children.

- 2) In granting an exemption under subsection (1) of this section, the territorial authority may impose such other conditions relating to the property or the pool as are reasonable in the circumstances.
- 3) Any exemption may be amended or revoked by resolution.

#### Conclusion

The cover as proposed by the applicant will not significantly increase danger to children under six years of age as long as it is locked in place and only removed while under adult supervision.

#### Recommendation

That the application from C & V Cuthbert for a special exemption from the requirements of the Fencing of Swimming Pools Act 1987 for a lockable cover to be fitted and used in strict accordance with the plans, specifications and letter submitted with the application, be granted.

Granting the application for exemption will not significantly increase the danger to young children.

Glenn East  
Monitoring Officer