

R E P O R T	TO	HEARINGS COMMITTEE
	FROM	MONITORING OFFICER - GLENN EAST
	FILE REF	P02476 - RE289892.RTF
	DATE	25 SEPTEMBER 2007
	SUBJECT	WAIVER APPLICATION FENCING OF SWIMMING POOLS ACT 1987-B G HOWIE

APPLICANT: B G Howie

ADDRESS: 24 Kensington Street, Waihi

LOCATION OF POOL: 24 Kensington Street, Waihi

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 cover is by Trueform Spa Pools, 7 West Road, Helensville, Auckland. The cover is manufactured by LeisureTime, 13 Douglas Alexander Parade, North Harbour, Albany, Auckland.

Construction of the Hardcover

The Hard Cover is a superior lock down hard cover for extra safety. The cover is able to hold up to 60kg in static weight. Please find attached a copy of the breakdown of the construction details of the hardcover.

The Spa Pool is compliant with the NZS 8500: 2006 Standard 3.10, please find attached a copy of the standard with emphasis on 3.10 (a).

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 B G Howie 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