

DISTRICT PLAN AND REGULATORY COMMITTEE

MINUTES: of a meeting of the District Plan and Regulatory Committee which commenced at 9.00 a.m. in the Committee Room, Centreway Road, Orewa on Wednesday, 23 June 2010.

PRESENT: Crs Gaye Harding (Chairperson)
Michael Goudie
Dave Parker QSM
Grahame Powell
Suzanne Weld

IN ATTENDANCE: Democracy Services Officer (Elise Heyns)

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9.00 a.m. Building Compliance Technical Advisor (Adrian King) in attendance.

355/06/10 APOLOGIES

AGENDA ITEM NO. 1

There were no apologies.

356/06/10 NOTIFICATION OF NEW APPEAL(S)

AGENDA ITEM NO. 2

There was no notification of new appeals.

9.04 a.m. Chief Legal Officer (Rob Goldsbury) in attendance.

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357/06/10 **EXEMPTION: FENCING OF SWIMMING POOLS ACT 1987**
ADDRESS: 19 Caroline Heights, Omaha
OWNER: Alex den Boogert
FILE REF SWM 8821
AGENDA ITEM NO. 3

9.05 a.m. Planner (Laura Christian) in attendance.

Powell/Parker

That the application for exemption from the Fencing of Swimming Pools Act 1987 by Alex den Boogert, be granted subject to the following:

- (a) **The top of the spa pool or hot tub shall be positioned with the entire top surface not less than 760 mm above the surrounding ground or deck;**
- (b) **The cover shall be lockable and shall be kept locked when the spa pool or hot tub is not being used or supervised. A locking device shall contain a mechanical locking mechanism or a self-locking mechanism in addition to latching shut;**
- (c) **The locks shall not be able to be readily opened or released by a child of up to the age of six (6) years;**
- (d) **When locked the cover shall be fitted so that if lifted it does not release the locking device or provide a clearance greater than 100 mm;**
- (e) **The cover shall be made of a material that if walked on, cannot collapse and can withstand the weight of at least 20 kg to ensure that it will more than take the weight of a child up to six (6) years of age;**
- (f) **The cover shall be constructed of material that meets American Society Testing and Materials Standard (ASTM) F1346-91 to allow easy movement on and off the spa pool or hot tub;**
- (g) **The cover shall be constructed with a taper from the centre hinge to the outside edge of the cover so that water will not pond on top of it;**
- (h) **The cover shall have an evenly spaced mechanical locking device as required in (b) which shall be positioned to ensure the cover cannot be lifted more than 100mm by a child up to six (6) years of age, and ensures that the cover is fixed securely to the spa pool or hot tub;**
- (i) **The cover and locks shall be maintained at all times in a good state of repair;**
- (j) **Warning stickers/signs shall be placed on the cover to advise that it shall be locked in place when the spa pool or hot tub is not being used or supervised;**
- (k) **Removable steps, movable furniture, or other objects that can assist a young child to climb onto the cover, shall be stowed/stored away at least 1200 mm from the side of the spa pool or hot tub;**
- (l) **That the property owner/tenant sign a statement of undertaking, taking responsibility to ensure the above requirements are adhered to;**
- (m) **Further, the exemption is not transferable to any new owner/s of the property in the event of sale by the current owner Alex den Boogert;**

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- (n) The deck structure supporting the Spa pool will require upgrading to support the additional loading to meet the requirements of B1 of the Building Code.

Reasons:

In the opinion of the Council it is possible, reasonable and not in breach of any other act, regulation or bylaw to ensure compliance with the Fencing of Swimming Pools Act 1987 requirements or the new New Zealand Standard (NZS) 8500:2006 guidelines if the above conditions were met.

Carried

9.10 a.m. Senior Planner (Ryan Bradley) in attendance.

Building Compliance Technical Advisor (Adrian King) retired from the meeting.

358/06/10 SCHEDULE OF DELEGATED DECISIONS ON RESOURCE CONSENT APPLICATIONS

FILE REF TP/1/6

AGENDA ITEM NO. 4

Harding/Goudie

That the report on decisions relating to:

- A Land Use Resource Consent Applications [s.88 of the Resource Management Act 1991] (Controlled Activity, Discretionary Activity, Non-Complying Activity, Preservation or Conservation of Landscape);**
- B Lapsing of Consents [s.125 of the Resource Management Act 1991];**
- C Change or Cancellation of Consent Conditions by Consent Holder [s.127 of the Resource Management Act 1991];**
- D Existing Uses [s.10 of the Resource Management Act 1991];**
- E Non-Conforming Buildings [s.10 of the Resource Management Act 1991];**
- F Any Other Decision Relating to Activities;**
- G Subdivision Consent [s.105 of the Resource Management Act 1991] and Development Plans [s.409];**

made pursuant to delegated authority from the Council, be received.

Carried

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359/06/10 PUBLIC EXCLUDED**AGENDA ITEM NO. 5****Powell/Parker**

That the public be excluded from the following parts of the proceedings of this meeting, namely:

Minute No(s). 360/06/10, 361/06/10, 362/06/10 and 363/06/10

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under section 48(1) for the passing of this resolution
Appeals / Proposed District Plan 2000	Refer grounds	<p>That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Local Authority to deliberate in private on its decision or recommendation in any proceedings before it where:</p> <p>(i) a right of appeal lies to any court or tribunal against the final decision of the Local Authority in those proceedings; or</p> <p>(ii) the Local Authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.</p> <p>(section 48(1)(d) Local Government Official Information and Meetings Act 1987.)</p>

Carried

The meeting closed at 10.05 a.m.

CONFIRMED AS A TRUE AND CORRECT RECORD THIS 8TH DAY OF JULY 2010

MAYOR

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23 June 2010

CONFIDENTIAL