



NOTICE OF SWIMMING POOL NON-COMPLIANCE

(Clause 22E, Swimming Pools Act 1992)

Notice Date: 10 January 2024

Premises to which this notice relates: 13 Greendale Avenue Frenchs Forest.

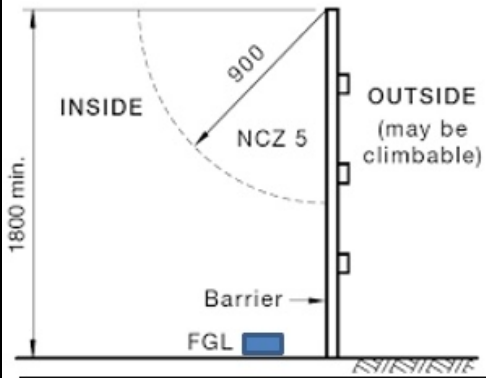
Pool Installation Description: In-ground concrete swimming pool

Further to your request for an inspection of the swimming pool barrier installation at the above premises, it is advised that an accredited pool certifier undertook an inspection on 10 January 2024.

Such inspection was undertaken to determine whether the swimming pool's child resistant barrier was in compliance with the provisions of the Swimming Pools Act 1992 and if compliant, to permit the issue of a Certificate of Compliance under Section 22D of that Act.

I inform that the inspection revealed that the swimming pool's barrier installation was, at the time of inspection, not in compliance with the requirements of the Swimming Pool Act 1992. Consequently, the Certificate of Compliance cannot be issued. In this regard, the following table identifies the defect(s) that were evident and the suggested solution(s) for rectification.

<p>1. Defect/non-compliance identified</p> <p>The effective height of sections of the boundary fence was not 1800 mm or more. The height of the fence was measured from the top of the fence to the ground level on the pool side of the fence.</p> <p>Suggested solution for rectification</p> <p>Raise the height of the boundary fence so it is 1800 mm or more in height (measured on the pool side of the fence). The height of the fence is measured from the top of the fence to the ground level on the pool side of the fence. Where there is an object such as pavers, raised garden bed or decking etc within 500 mm of the boundary fence, the 1800 mm in height is measured to that object and not the ground. Alternatively, any ground or surface object on the pool side of the fence could be lowered or removed (500 mm or more away from the fence) so that the 1800 mm effective height of the fence is achieved. If the fence height is increased, the required 900 mm NCZ 5 is required to be measured from the top of the fence so any fence extension construction provided on top of the existing fence does not have any foothold greater than 10 mm wide within 900 mm of the top of the extended fence.</p>



 Steps, retaining wall or change of level within 500mm of base of fence

Boundary fence height requirement
Below is an example of increasing fence height



2. Defect/non-compliance identified

The side pool gate did not self-close and self-latch because the gate strike was not correctly aligned

with the post latch.

Suggested solution for rectification

Adjust the post/ gate and or latch mechanism so the gate self-closes and self-latches from any open position, including when the gate is resting on the latch.

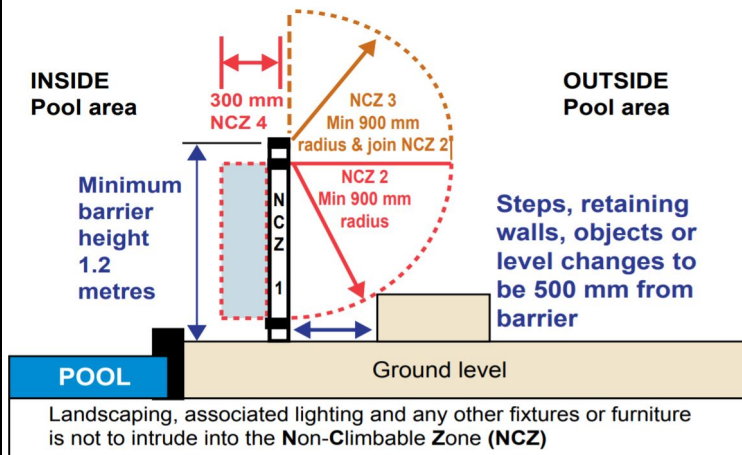


3. Defect/non-compliance identified

The internal pool fence was not 1200 mm or more in height as the tree stump at the base of the fence has reduced the effective height of the fence.

Suggested solution for rectification

Increase the height of the fence so that the effective height is 1200 mm or more measured on the outside of the fence. Alternatively, the tree stump on the outside of the fence can be removed or lowered so the 1200 mm can be measured to the ground or base of the fence. The height of the fence is measured from the top of the fence to the ground level on the outside of the fence. Where there is an object within 500 mm of the pool fence such as garden beds etc, the 1200 mm height is measured to the surface of the garden and/or garden bed edging boards, retaining walls, rocks, tree stumps etc and not the base of the fence.



4. Defect/non-compliance identified

A window sill was within the 900 mm Non-Climb Zone (NCZ 2) outside the pool fence. The 900 mm NCZ is required to be kept clear so that children cannot use any climbable object on the outside of the pool fence to climb into the pool enclosure.

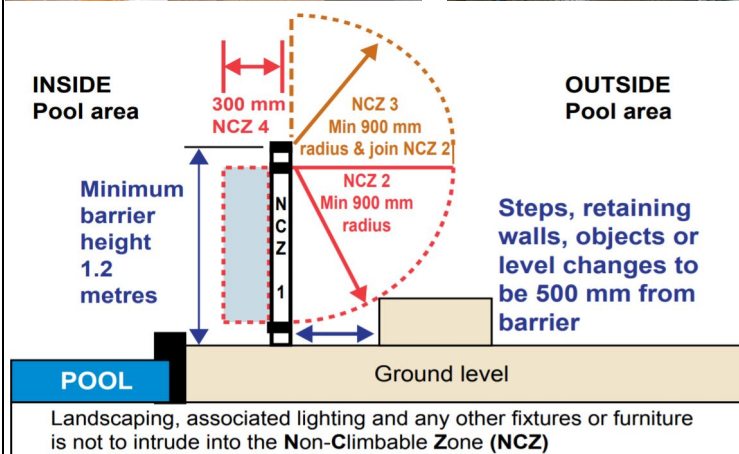
Suggested solution for rectification

The window sill bricks must not be able to be used as a foothold.

The pool fence could be increased in height to 1800mm or more. Internal barriers that are 1800mm or higher do not require any non-climb zones.

Alternatively, the sill bricks can be either:

- Reduced to less than 10 mm wide; or
- The upper surface of the sill bricks must have a very steep angled top surface so children cannot gain a grip on that surface. The upper surface must have an angle greater than 60° to be considered not a foothold. The climbable object can be provided with any permanent object (such as a purpose-made timber block) that is securely fastened to the upper surface of the sill bricks which effectively creates a new angled top surface which must be greater than 60°; or
- The sill bricks can be fully shielded with Perspex or similar so the upper surface cannot be accessed by young children; or
- The fence can be relocated away from the sill bricks so they are outside the NCZ; or
- The fence can be raised in height to the point where the sill bricks are effectively outside the NCZ.



Non climb zone for internal barriers less than 1800mm

Below are some examples of increasing fence height and also 60 degree shielding window sills



Further, it is advised that with respect to the above matter(s), it is the certifier's opinion that the swimming pool constitutes a significant risk to public safety. In this regard, Council is required to be advised of this significant public risk and a copy of the defect notice will be forwarded to Council immediately as required by Clause 22E (f) of the Swimming Pools Act 1992.

Pursuant to clause 18BA of the Swimming Pools Regulation, a Certificate of Non-compliance has also been issued by the certifier from the NSW Register of Swimming Pools, as a consequence of the inspection revealing the requirements for the issue of a Certificate of Compliance had not been met. Such Certificate of Non-compliance is enclosed.

NOTE: The swimming pool barrier was assessed using the following legislation and criteria:
The Swimming Pools Regulation 2018, the Building Code of Australia and AS 1926.1 – 2012.

Should you have any further enquiries in relation to this matter, please do not hesitate to contact the certifier, Jennifer Rose, during normal office hours Monday to Friday.

Yours faithfully

Jennifer Rose

Jenny Wren Pool Certification
0416 517 577