



## **NOTICE OF SWIMMING POOL NON-COMPLIANCE**

(Clause 22E, Swimming Pools Act 1992)

**Notice Date:** 08 December 2023

**Premises to which this notice relates:** 108 John Oxley Drive, 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 08 December 2023.

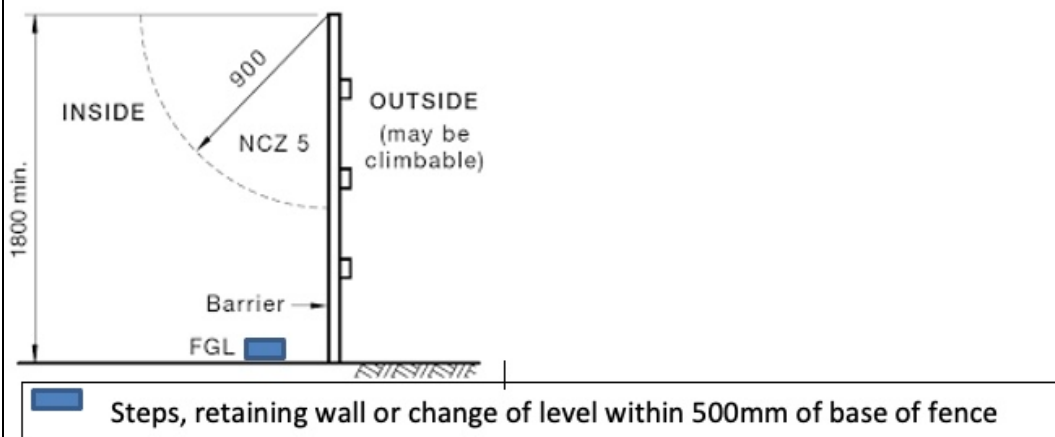
Such inspection was undertaken to determine whether the swimming pool's child resistant barrier was in compliance with the provisions of the Swimming Pools Act 1992 and if compliant, to permit the issue of a Certificate of Compliance under Section 22D of that Act.

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><b>1. Defect/non-compliance identified</b></p> <p>The boundary fence had a climbable rail on the pool side of the fence that was within 900 mm of the top of the fence (NCZ 5).</p> <p><b>Suggested solution for rectification</b></p> <p>Modify or replace the boundary barrier. Alternatively, shield the rail so that children cannot use it to climb down into the pool enclosure.</p>
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Below boundary fence non climb zone (NCZ5)



## 2. Defect/non-compliance identified

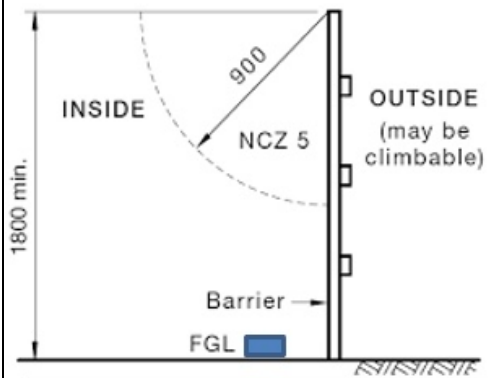
The effective height of the boundary fences was not 1800 mm or more. The height of the fences was measured from the top of the fence to the ground level on the pool side of the fence.


### Suggested solution for rectification

Raise the boundary fences so they are 1800 mm or more in height (measured on the pool side of the fence). The height of a boundary 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, large stumps, 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 that any fence extension construction provided on top of the existing fence must not have footholds greater than 10 mm wide within 900 mm of the top of the extended fence.

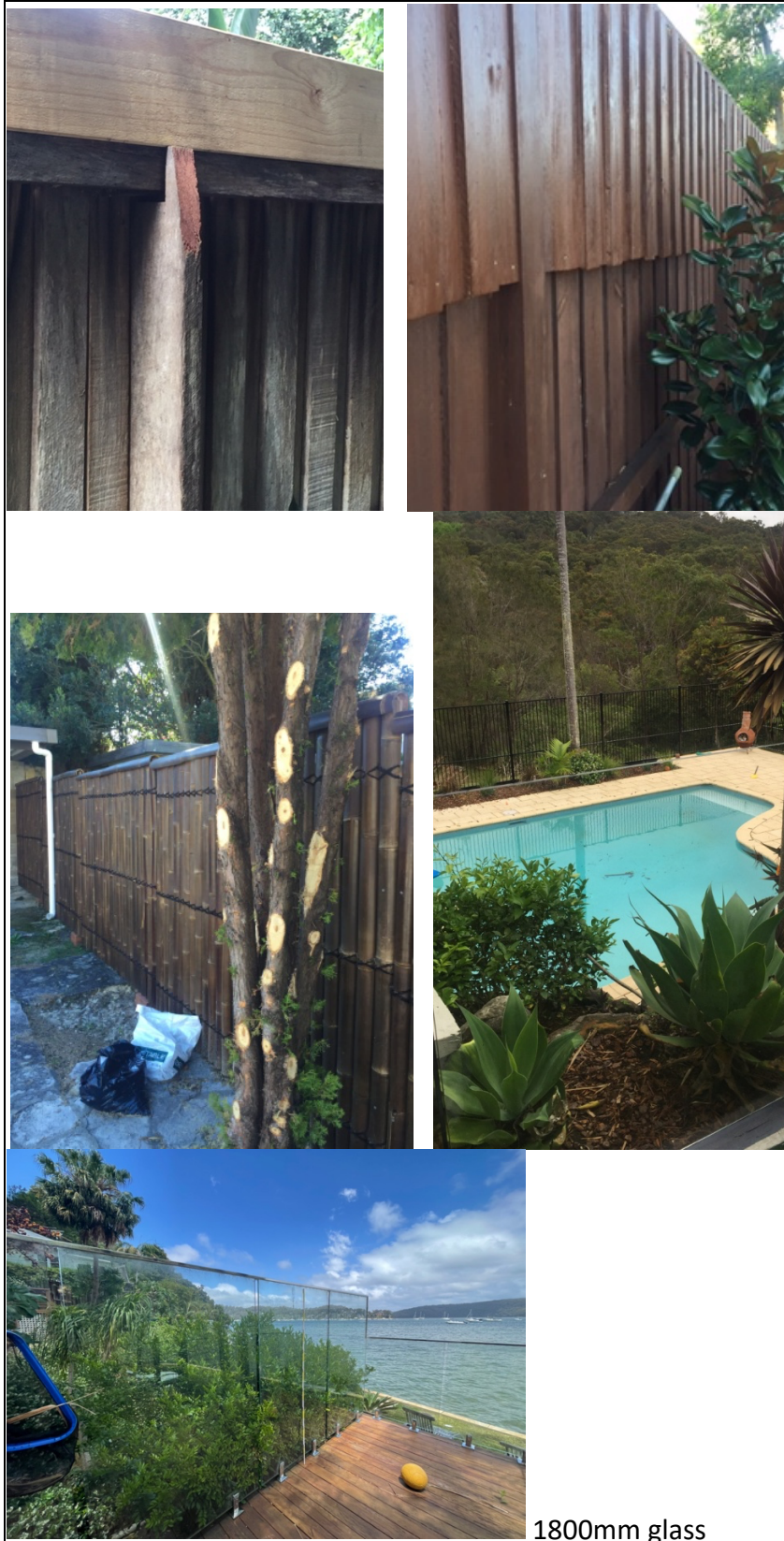






 Steps, retaining wall or change of level within 500mm of base of fence

Above is a diagram of boundary fence requirements  
Below are some examples of increasing fence height



1800mm glass

Further, it is advised that with respect to the above matter(s), it is the certifier's opinion that the swimming pool does not constitute a significant risk to public safety.

A copy of this notice will be forwarded to the local authority for the area in which the swimming pool is situated 6 weeks after the date of inspection, being 16 January 2024 (or such other time as may be prescribed by the regulations) if a certificate of compliance is not issued for the swimming pool before that time.

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*