



NOTICE OF SWIMMING POOL NON-COMPLIANCE
(Clause 22E, Swimming Pools Act 1992)

Notice Date: 18 November 2019

Premises to which this notice relates: 7 Stirling place Belrose.

Pool Installation Description: In-ground fibreglass 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 18 November 2019.

Such inspection was undertaken to determine whether the swimming pools 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.

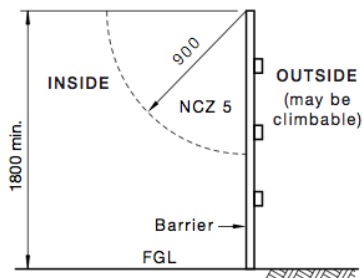
I inform that the inspection revealed that the swimming pools barrier installation was, at the time of inspection, not in compliance with the requirements of the Swimming Pool Act 1992. Consequently, the Certificate of Compliance cannot be issued. In this regard, the following table identifies the defect(s)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

1. Defect/non-compliance identified

Vegetation was located on the inside of the boundary fence that could be used as a foothold for children to climb down into the pool enclosure.

Suggested solution for rectification

Remove or prune the climbable vegetation so that no climbable branches are within the 900 mm NCZ 5.



(a) Boundary barrier 1800 mm min.

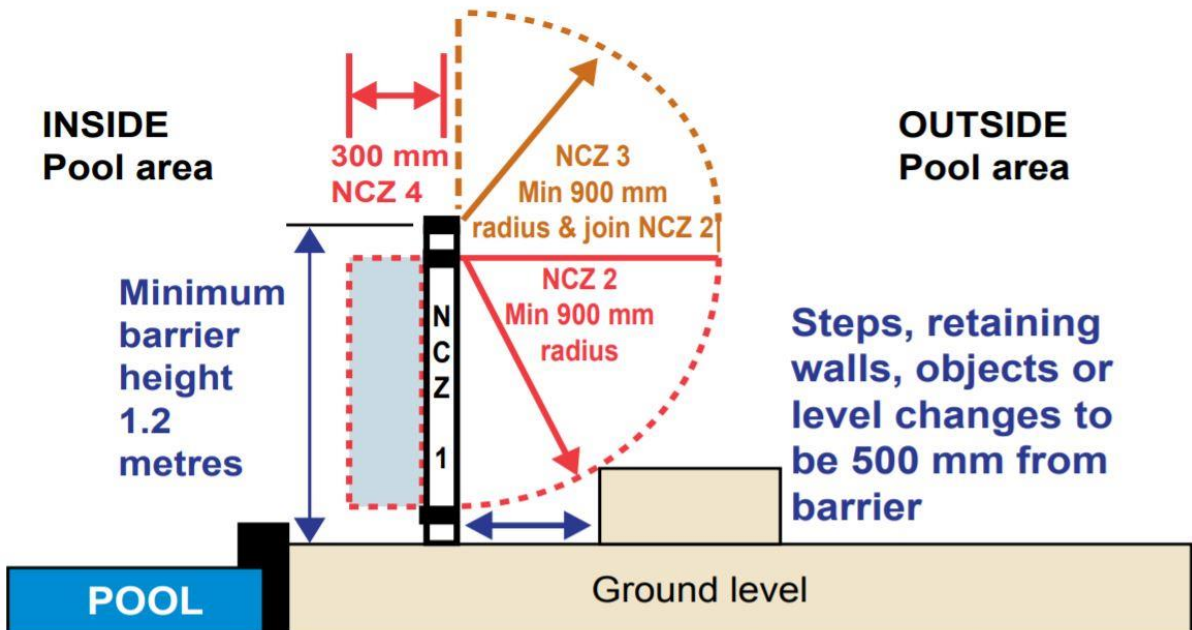
2. Defect/non-compliance identified

The top of the adjoining boundary fence and timber gate were within the 900 mm Non-Climb Zone (NCZ 2 & 3) on the outside of the pool fence. The 900 mm NCZ is required to be kept clear so that children cannot use any object close to the fence to assist them to climb into the pool enclosure.

Suggested solution for rectification

Increase the height of the timber boundary fence to 1800 mm for 900mm past the intersection of the internal and boundary fence on the LHS.

The rails on the gate can be shielded with perspex or other rigid material to prevent the climbable components of the gate being used to assist children to climb over the fence and into the pool enclosure. The NCZ is a 900 mm arc measured outward from the top most rail on the fence (if there is an upper rail) or the top of the fence and also extends upward above the top of the fence. The NCZ is semi-circular in shape.



Landscaping, associated lighting and any other fixtures or furniture is not to intrude into the **Non-Climbable Zone (NCZ)**

3. Defect/non-compliance identified

The effective height of the boundary fence was not 1800 mm or more as a pool box and retaining wall (front LHS) had been erected within 500 mm of the fence. The height of the fence was measured from the top of the fence to the surface of the pool box/retaining wall on the pool side of the fence.

Suggested solution for rectification

The boundary fence must be 1800 mm or more in height and can be rectified by either: Raising the fence so it is 1800 mm or more in height above the surface level of the retaining wall (not suitable for the pool box) or

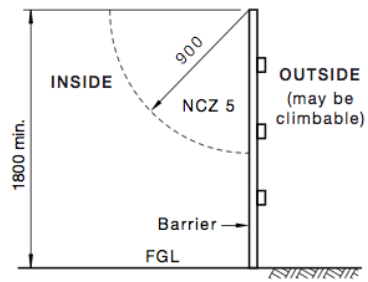
The portion of the pool box or retaining wall within 500 mm of the fence could be removed so that the 1800 mm effective height of the fence can be measured to the ground and not onto the surface of the pool box / retaining wall.

The pool box could be increased in height to 1800mm so the box itself is the fall deterrent.

See photographs below.

Boundary fences must be provided with a 900 mm Non-Climb Zone (NCZ 5) which is located at the top of the fence (on the pool side of the fence). The boundary fence must be provided with a 900 mm NCZ 5 and any fence extension construction provided on top of the existing fence, or rails etc (that have footholds greater than 10 mm wide) must not be within the 900 mm NCZ 5. Any climbable fence component within the 900 mm NCZ 5 will need to be either lowered, removed or shielded to ensure that children cannot use any climbable fence component to assist them to climb down into the pool enclosure.





(a) Boundary barrier 1800 mm min.

Examples of increasing the Pool box height to 1800mm





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.

It is requested that the above matter(s) be attended to by 30 December 2019. If the work is not completed by this date, Council will be informed that the defects have not been rectified with the required 6 week time period and a copy of this defect letter will be forwarded to council as required by Clause 22E of the Swimming Pools Act 1992. Please carry out the work before the 30 December 2019 and notify the certifier upon such work being completed in order that a reinspection may be carried out.

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 2008, 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