



NOTICE OF SWIMMING POOL NON-COMPLIANCE

(Clause 22E, Swimming Pools Act 1992)

Notice Date: 04 February 2025

Premises to which this notice relates: 61 Trentbridge Road Belrose.

Pool Installation Description: Above-ground 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 04 February 2025.

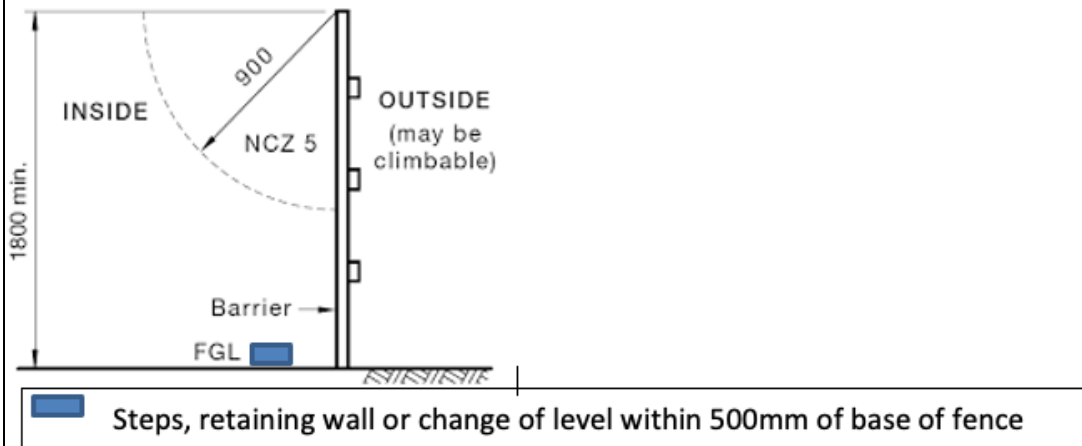
Such inspection was undertaken to determine whether the swimming pool's child resistant barrier was in compliance with the provisions of the Swimming Pools Act 1992 and if compliant, to permit the issue of a Certificate of Compliance under Section 22D of that Act.

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 boundary fence had a ledge on the pool side of the fence that was within 900 mm of the top of the fence (NCZ 5).</p> <p>Suggested solution for rectification</p> <p>The rail can be shielded to prevent children using the rail to climb over the pool fence and into the pool enclosure. If the rail is to be shielded, the minimum angle or splay the shield can be is 60°.</p>



See diagram below for boundary fence no-climb zone.



2. Defect/non-compliance identified

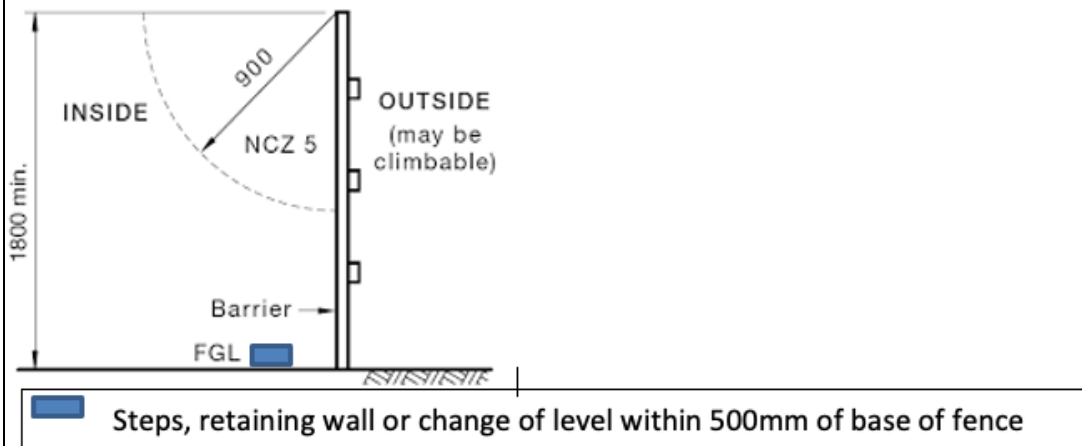
There was a pool vacuum cleaning pole hanging on the fence that was within the fence's Non-Climb Zone (NCZ). All climbable objects are required to be kept clear so that children cannot use any object close to the fence to assist them to climb into the pool enclosure.

Suggested solution for rectification

Remove the pool vacuum/net pole and support brackets from the fence.



See diagram below for boundary no-climb zone.



3. 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.

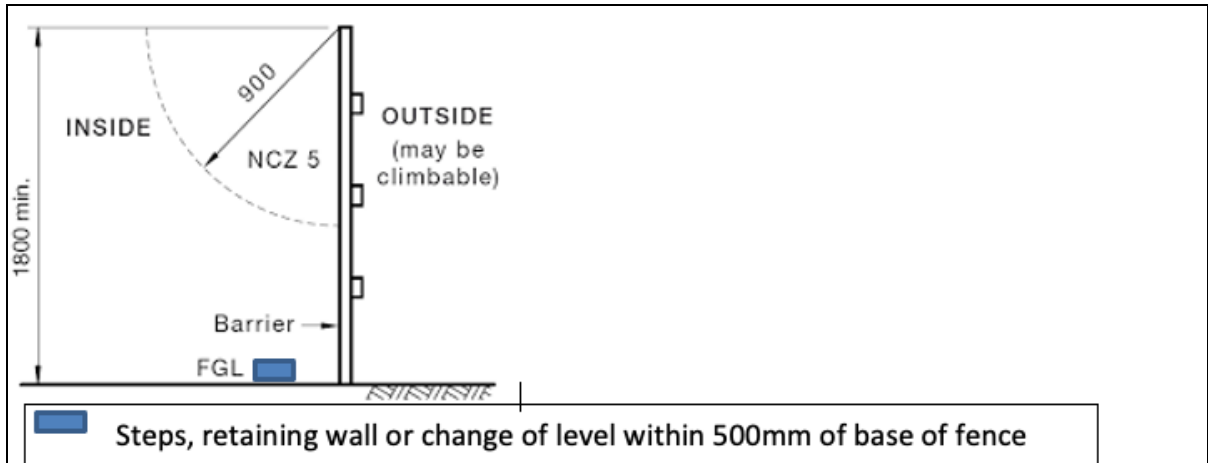
Suggested solution for rectification

Raise the boundary fences so they are 1800 mm or more in height (measured on the pool side of the fence). The 1800mm height must extend for 900mm past the intersection with the internal barriers. 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, 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.





Below see boundary fence height requirements.



Below are some examples of increasing boundary fence height.



4. **Defect/non-compliance identified**
 The pool was not provided with a resuscitation sign. Swimming pools are required to be

provided with a compliant resuscitation sign.

Suggested solution for rectification

Provide a new resuscitation sign that says all of the following:

- YOUNG CHILDREN SHOULD BE ACTIVELY SUPERVISED WHEN USING THIS SWIMMING POOL.
- POOL GATES MUST BE KEPT CLOSED AT ALL TIMES: and
- KEEP ARTICLES, OBJECTS AND STRUCTURES CLEAR OF THE POOL FENCE AT ALL TIMES.

The sign must also have:

- A simple flow sequence of illustrated drawings (with keywords only in bold print) showing CPR techniques for infants, children and adults.
- A statement to the effect that formal instruction in resuscitation is essential.
- The name of the teaching organisation or other body that published the sign: and
- The date of its publication.

The resuscitation sign must be located in a position visible from within the pool enclosure and the sign must be in good condition and legible from a distance of three (3) metres.

5. Defect/non-compliance identified

There was a gap in the internal pool fence greater than 100 mm. Gaps greater than 100 mm are not permitted in or under the pool fence.

Suggested solution for rectification

Reduce all gaps to less than 100 mm using permanent and structurally adequate construction.



6. Defect/non-compliance identified

The internal pool fence terminated at the retaining wall in such a manner that could allow children to climb around the end of the fence and into the pool enclosure.

Suggested solution for rectification

Shield the pool fence to prevent children from being able to climb around the end of the pool fence from the retaining wall. With the shielding a solid panel must be fastened to the outer edge of the adjoining barrier to prevent children from using the mid rail as a foothold.



See marked up photograph to show 900mm wide by 1200mm high shielding.



7. Defect/non-compliance identified

There were gaps under the internal pool fence and gate greater than 100 mm. Gaps greater than 100 mm are not permitted in or under the pool fence.

Suggested solution for rectification

Reduce all gaps under the pool fence to less than 100 mm using permanent and structurally adequate construction.



See images below for suggested solutions.



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 18 March 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

