



## NOTICE OF SWIMMING POOL NON-COMPLIANCE

(Clause 22E, Swimming Pools Act 1992)

**Notice Date:** 06 May 2025

**Premises to which this notice relates:** 122 Forest Way 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 06 May 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><b>1. Defect/non-compliance identified</b></p> <p>There was a garden shed within the pool enclosure that was not solely being used to store pool toys, chemicals and other items associated with the pool. Garden sheds are not permitted to be located wholly within a pool enclosure unless the sole purpose is to store equipment directly related to the swimming pool.</p> <p><b>Suggested solution for rectification</b></p> <p>Remove the garden shed from within the pool enclosure or install a new pool fence to separate the garden shed from the pool. Alternatively, all non-related pool equipment could be removed from the garden shed and the shed be used solely to store pool toys and equipment.</p>
---



**2. Defect/non-compliance identified**

The resuscitation pool sign was not in a position that could be read from within the pool enclosure.

**Suggested solution for rectification**

Relocate the sign to a new position that can be easily read from within the pool enclosure. The sign must be permanently secured.

**3. Defect/non-compliance identified**

Palm fronds were 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 palm fronds so that no climbable branches/fronds are within the 900 mm NCZ 5. When the fronds are cut they must be cut flush with the trunk so no indentations or projections greater than 10mm are remaining.

There was a section of dense vegetation in the rear corner of the property. The area needs to be cleared out so access can be obtained. All areas of the swimming pool barrier must be documented and ensure compliance.



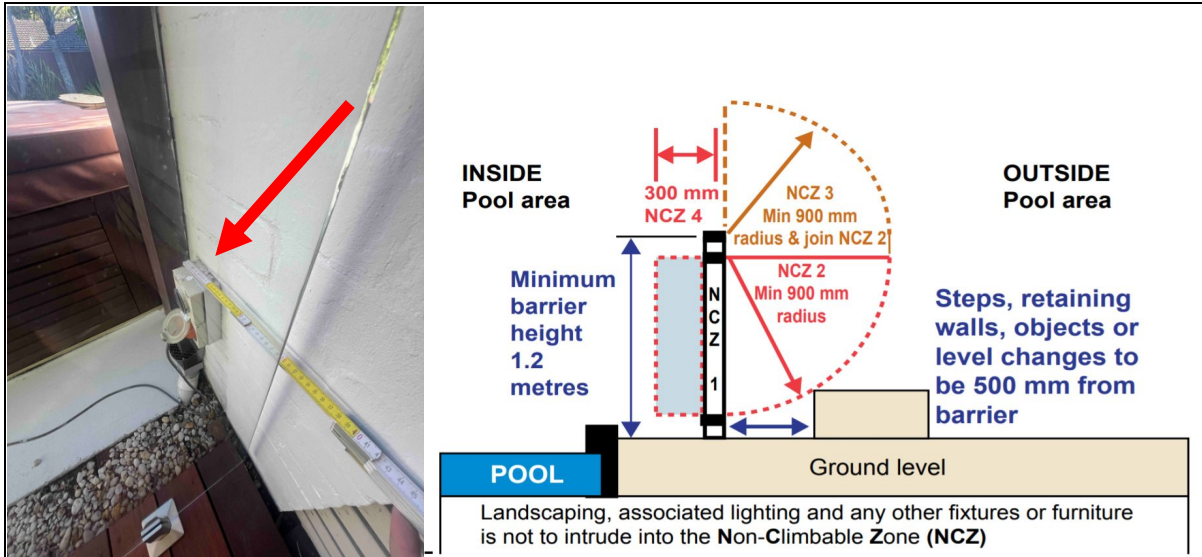
**4. Defect/non-compliance identified**

A Power point was within the 300 mm Non-Climb Zone (NCZ) inside the pool fence. The 300 mm NCZ is required to be kept clear so that children cannot put their feet through the fence and onto any object that may assist them to climb into the pool enclosure.

**Suggested solution for rectification**

Remove or relocate the Power point from within the 300 mm NCZ. Alternatively, the fence can be shielded on the outside so children are unable to put their feet through the pool fence. If the fence is to be shielded, the shielding must be a permanent, durable and structurally adequate material. If steel mesh is to be used as the shielding material, the mesh must have apertures of not greater than 13 mm. The shielding material must be the full height of the fence so that the upper surface of the mesh is not capable of being used as a foothold that could assist children to climb over the fence.

**Alternatively** attach a sharp 60-degree angled section of timber to cover the top surface of the Power point. Once an object or surface has a 60-degree angle attached it is no longer classed as a climbing point.



Above is a diagram showing the NCZ requirements for an internal barrier less than 1800mm high.

See below examples of 60-degree angled sections of timber that could be attached to shield the top surface of the PowerPoint.

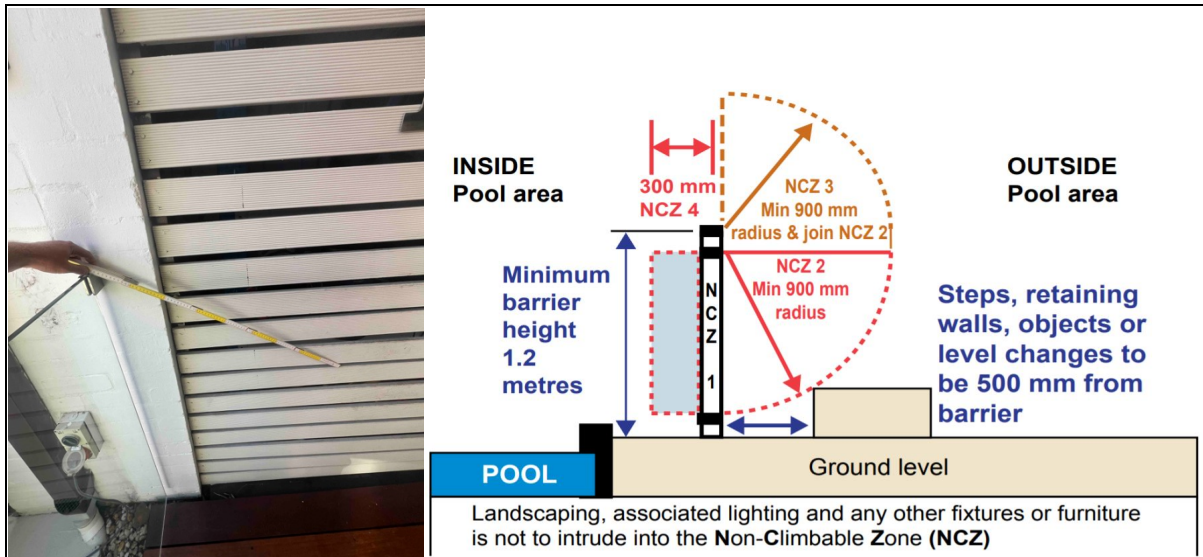


##### 5. Defect/non-compliance identified

A climbable screen was within the 900 mm Non-Climb Zone (NCZ) 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.

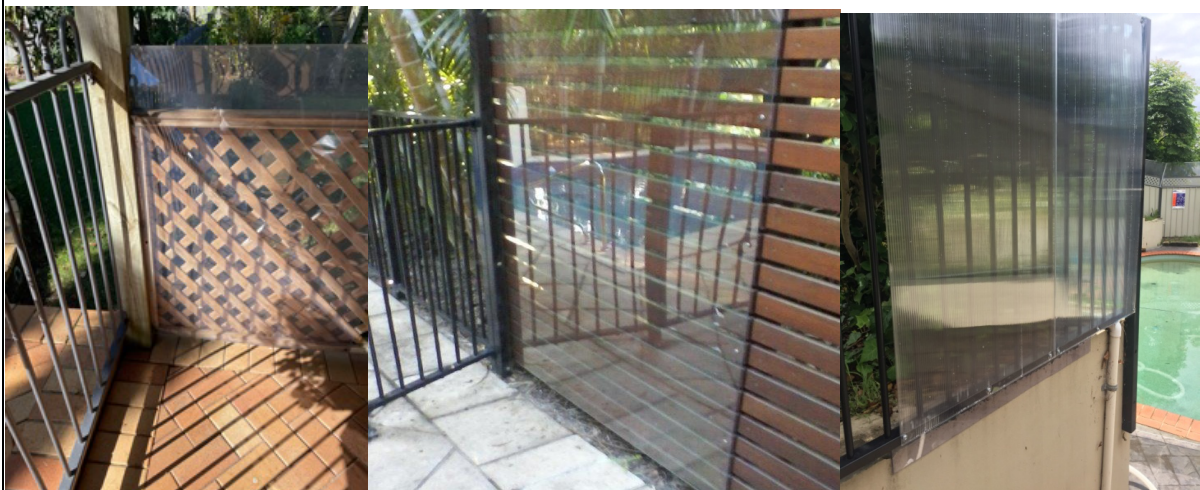
##### Suggested solution for rectification

Shield the sections of the climbable screen that are located within the 900 mm NCZ so they cannot be used to assist children to climb over the fence and into the pool enclosure. This can be done by attaching a section of perspex or similar. 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.



Above is a diagram showing the NCZ requirements for an internal barrier less than 1800mm high.

See below some examples of shielding climbable screens adjoining the barrier.



#### 6. Defect/non-compliance identified

The internal pool fence (water tank) was greater than 50 mm wide where it intersects with the boundary fence and could be used as a foothold for neighbouring children to climb down into the pool enclosure. The boundary fence has a 900 mm Non Climbable Zone (called the NCZ5 zone) that is measured in an arc from the top of the boundary fence and is located on the pool side of the boundary fence. Internal fences are permitted to intersect with the boundary fence and be within NCZ5 as long as the internal pool fence has no horizontal surfaces greater than 50 mm wide. The internal fence top rail and posts are greater than 50mm wide and are not permitted to be within NCZ5.

#### Suggested solution for rectification

Attach a section of 1800mm screen (against the water tank pool side) that will increase the fall from the top of the water tank to the pool level. The fall must be at least 1800mm and needs to continue for 900mm out past the edge of the tank. **The adjoining screen/panel**

must be attached Infront of the pipe and ensure the gap between the glass and new screen is less than 100mm so it acts as one continuous barrier.

<https://drive.google.com/file/d/1f-3MrF-FIf62KkVG7DVxiHKFNxuoYDd5/view?usp=sharing>



See above diagram where a section of 1800mm screen can be attached.



See below some examples of 1800mm solid bamboo screening that could be attached against the tank to increase the fall to 1800mm poolside. The screening must be rigid and solid.



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 17<sup>th</sup> June 2025 (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, Matthew Wheeler, during normal office hours Monday to Friday.

Yours faithfully

Matthew Wheeler

*Jenny Wren Pool Certification*  
0416 517 577