



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

**Notice Date:** 03 October 2019

**Premises to which this notice relates:** 5 Riverhill Avenue Forestville.

**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 03 October 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.

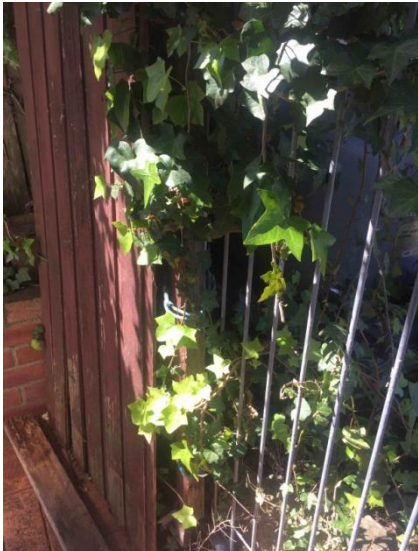
I inform that the inspection revealed that the swimming pools barrier installation was, at the time of inspection, not in compliance with the requirements of the Swimming Pool Act 1992. Consequently, the Certificate of Compliance cannot be issued. In this regard, the following table identifies the defect(s)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

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

There was a fence panel not secured to the fence post. The panel could be pulled away from the post and created a gap greater than 100 mm. Gaps greater than 100 mm are not permitted in or under a pool fence.

**Suggested solution for rectification**

Resecure the fence panel to the post so that the integrity of the fence is maintained.



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

There was a gap greater than 100 mm between the boundary fence and the internal pool fence where the two fences intersected.

**Suggested solution for rectification**

Reduce the gap to less than 100 mm using permanent and secure construction.

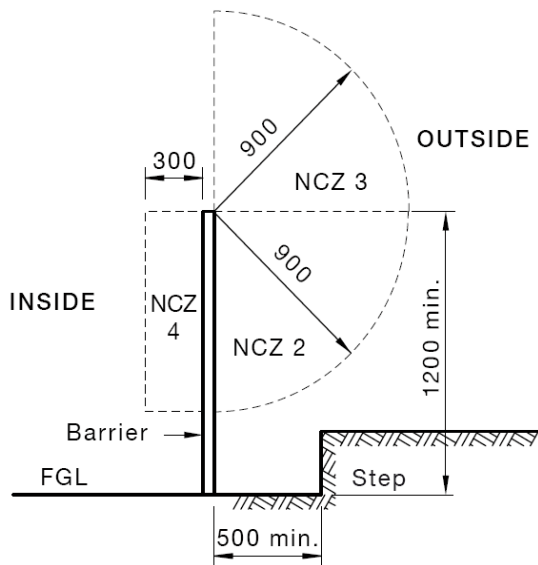


**3. Defect/non-compliance identified**

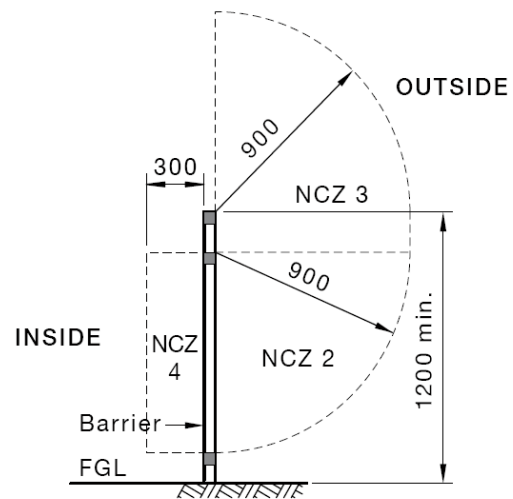
A Climbable mesh, a fence rail and brick ledge were located on the outside of the internal pool fence that were within the 900 mm Non-Climb Zone (NCZ 2 & 3) and the 300mm inside of the barrier. The 900 mm NCZ is required to be kept clear so that children cannot use any object close to the fence to assist them to climb into the pool enclosure.

**Suggested solution for rectification**

Remove or relocate or shield the climbable objects within the 900 mm NCZ. The NCZ is a 900 mm arc measured from the top of the fence and extends upward above the fence (ie the 900 mm NCZ is semi-circular in shape) The 300mm NCZ is on the inside of the barrier. See diagram below



(a) NCZ 2 at top of barrier



(b) NCZ 2 in middle of barrier

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

The internal pool fence was not 1200 mm or more in height.

#### 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, any object on the outside of the fence that is within the 500mm of the base of the fence 1200 mm can be moved away from the fence so the 1200 mm is measured to the ground. 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 such as pavers, garden bed, decking etc within 500mm of the fence, the effective height is measured to that object and not the ground or base of the fence. If raising the fence is the option used, the gap under the fence must not exceed 100 mm. In most cases, the fence will need to be raised to a height that will create a gap greater than 100 mm under the fence. In such cases, it is more effective to raise the fence and then close the gap (that is created) by using permanent and secure construction under the pool fence panels rather than replacing the entire fence with higher fence panel.



**5. 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 SUPERVISED WHEN USING THIS SWIMMING POOL.
- POOL GATES MUST BE KEPT CLOSED AT ALL TIMES: and
- KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 mm 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.

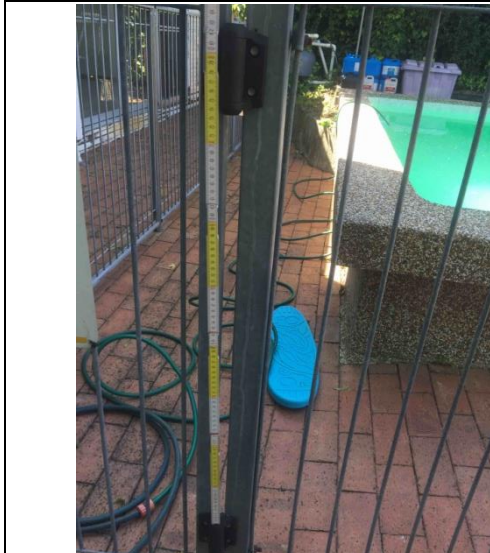
**6. Defect/non-compliance identified**

The hinges on the gate were too close together. The top surface of the top hinge must be 900 mm or more from the top surface of the bottom hinge.

**Suggested solution for rectification**

Move the hinges further apart or alternatively, some modern hinges can be fitted with a 60° hinge cap that could be fitted onto one or both of the hinges.

Click this link to view a diagram showing the requirements for the minimum distance required between hinges. <https://goo.gl/2A7obF>



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

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

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

Sections of the boundary fence were less than 1800mm high. Boundary fences must be a minimum of 1800mm high measured poolside.

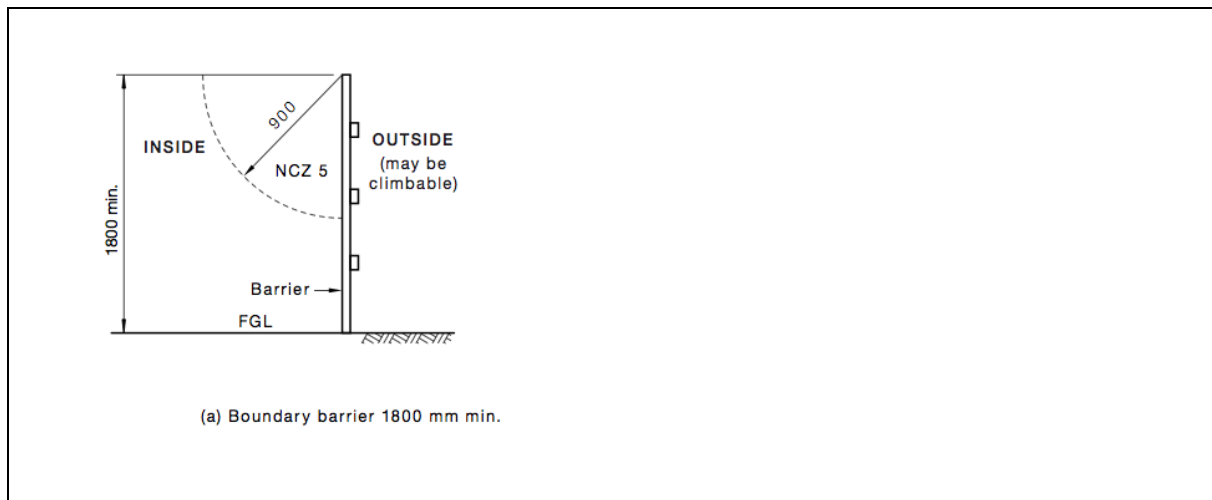
A boundary fence also has a Non Climb Zone at the top of the fence. There was vegetation and components of the boundary (rails and non compliant lattice) that could be used to assist children climbing down into the pool enclosure.

**Suggested solutions for rectification**

Replace or raise boundary fences so they are 1800mm or more.

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





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 14 November 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 14 November 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 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