

## NSW SWIMMING POOL REGISTER

### Certificate of Non-compliance

#### Clause 21 – Swimming Pools Regulation 2018

Pool no: e22d3027  
Property address: 3 YERTON AVENUE HUNTERS HILL  
Date of inspection: 28 September 2024  
Expiry date: 28 September 2025  
Issuing authority: Craig O'Connor - Registered Certifier - bdc05248

Did not comply with AS1926.1 (2012).

The swimming pool at the above property DOES NOT COMPLY with Part 2 of the *Swimming Pools Act 1992*. Please refer to the registered certifier's notice, issued under section 22E of the *Swimming Pools Act 1992*, for detailed reasons of non-compliance and rectification works required to render the swimming pool compliant with the applicable standard.

The swimming pool poses a significant risk to public safety ☒

The swimming pool does not pose a significant risk to public safety ☐

#### Non-compliance area/s:

Boundary fence	<input checked="" type="checkbox"/>	Doors	<input type="checkbox"/>
Fence height	<input checked="" type="checkbox"/>	Fence panels/gaps	<input checked="" type="checkbox"/>
Gate closure	<input checked="" type="checkbox"/>	Gate latch	<input checked="" type="checkbox"/>
Non-ancillary structure	<input checked="" type="checkbox"/>	Non-climbable zones	<input checked="" type="checkbox"/>
Signage	<input checked="" type="checkbox"/>	Window	<input type="checkbox"/>
Other (see text box below)	<input type="checkbox"/>		

This certificate expires on issuing of a certificate of compliance or 12 months after the date of issue, whichever occurs first.

Purchasers of a property with a non-compliant swimming pool barrier have 90 days from the date of settlement to fix any areas of non-compliance.

## NSW SWIMMING POOL REGISTER

### Certificate of Registration

#### Section 30C – Swimming Pools Act 1992

Pool No:	e22d3027
Property Address:	3 YERTON AVENUE HUNTERS HILL
Date of Registration:	10 September 2013
Type of Pool:	An outdoor pool that is not portable or inflatable
Description of Pool:	in ground

The swimming pool at the above premises has been registered in accordance with Section 30B of the *Swimming Pools Act 1992*.

The issue of this certificate does not negate the need for regular maintenance of the pool.

Please remember:

- Children should be supervised by an adult at all times when using your pool
- Regular pool barrier maintenance
- Pool gates must be closed at all times
- Don't place climbable articles against your pool barrier
- Remove toys from the pool area after use

You may be required to obtain a Pool Compliance Certificate before you lease or sell your property. Contact your council for further information.

This is NOT a Certificate of Compliance

## NSW 2012 - Pool Barrier Checklist

Jeanelle Calandra

Complete

Flagged items	10
Pool Safety Inspection	Initial Inspection
Document No.	004247
Conducted on	28.09.2024 10:00 AEST
Date issued	28.09.2024 11:00 AEST
Pool Inspector's Details	Craig O'Connor- BDC05248
Client's name	Jeanelle Calandra
Client's Address	3 Yerton AveHunters Hill NSW
Location	3 Yerton AveHunters Hill NSW

## Flagged items

10 flagged

Audit / Pool Barrier Checklist - Australian Standard 1926.1-2012

**The premises on which a swimming pool is situated must surround the pool with a child-resistant barrier that separates the swimming pool from any residential building situated on the premises and from any adjoining premises, and that it is designed, constructed, installed and maintained in accordance with the following provision of the Australian Standard S1926.1-2012 and the Swimming Pools Act 1992 (Section 7). Is there a child resistant barrier between the premises and the swimming pool (including any gates) and is it in good repair with no broken rails or palings?**

No



Photo 2



Photo 3

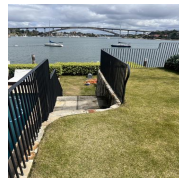


Photo 4



Photo 5

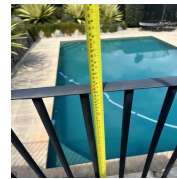


Photo 6

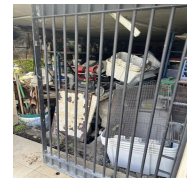


Photo 7



Photo 8



Photo 9

Audit / Pool Barrier Checklist - Australian Standard 1926.1-2012

**As referenced in the Swimming Pools Act 1992 section 7(1a) there must be no ancillary items within the pool area which contains within its bounds any structure apart from the swimming pool and such other structures that are wholly ancillary to the swimming pool (such as diving boards and pool filtration plants which may deem the pool to be used for anything other than swimming, wading, paddling or any other human aquatic activity ) Are there any items which are not ancillary to the pool**

Yes

Audit / Fence/Barrier

**As per AS1926.1-2012 (Section 2.1) the pool fence/ barrier must not be less than 1200 mm high as it could lead to potential unrestricted access into the pool area. Is the barrier a minimum of 1200 mm measured from the external around the entirety of the pool fence/ barrier?**

No



Photo 10



Photo 11

Audit / Fence/Barrier

**As per AS1926.1-2012 (Section 2.3.6, 2.3.7, 2.4.1.1) the pool**

No

fence/ barrier and gates must not have any gaps between the vertical barriers or below the barrier or gate more than 100 mm as it could potentially lead to unrestricted access into the pool area. Are all the gaps around the pool fence or barrier less than 100 mm at all points?

Audit / Fence/Barrier

As per AS1926.1-2012 (Section 2.2.4) when a boundary fence acts as a barrier to a pool, it must have a height no less than 1800 mm from the inside of the fence as well as a non-climbable zone formed as a 900 mm radius down from the top of the inside of the barrier as it could potentially lead to unrestricted access into the pool area from the outside in. Is the boundary fence 1800 mm minimum in height measured from the top rail to ground level on the inside of the barrier?

No



Photo 12

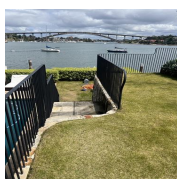


Photo 13

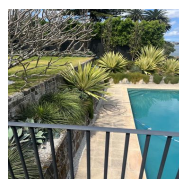


Photo 14



Photo 15

Audit / Fence/Barrier / Gate

As per AS1926.1-2012 (Section 2.4.2) the pool gate must be fitted with a latch that will automatically operate on the closing of the gate and will prevent the gate from being re-opened without being manually released. Is the gate self-closing and self-latching from any position in the full arc of operation?

No

Audit / Fence/Barrier / Gate

As per AS1926.1-2012 (Section 2.4.2.2) The release point of the latch on the pool gate/barrier must be no less than 1500 mm, unless it is on the inside of the gate, it must be 1200 mm above ground level and the latch must be at least 150 mm below the top of the gate as it could potentially lead to unrestricted access in to the pool area. Is the pool latch 1500 mm from the finished ground level or is the latch at least 150 mm from the top of the gate located on the inside of the barrier?

No

Audit / Around the fence

As per AS1926.1-2012 (Section 2.3.4) the height and radius arc of operation of the Non-climbable Zones 1,2,3,4 & 5 around the pool fence barrier and boundary fences shall be not less than 900 mm in their relative quadrants. Within the NCZ there shall be no handholds or footholds, objects or plants that will facilitate climbing. Are all the non-climbable zones free of objects?

No



Photo 16



Photo 17



Photo 18

Audit / Around the fence

**As per section 17 of the Swimming Pools Act 1992, a current resuscitation (CPR) must be installed which includes updated details of DRSABCD which can be easily read from a distance of 3 metres.**

No

Audit / Around the fence

**The pool located on the property is deemed a significant risk to public safety?**

Where the registered certifier determines to issue under the SP Act a notice of noncompliance that states the certifier is of the opinion that the pool does not pose a significant risk to public safety, the certifier must when doing so comply with Requirement 9 of the Code of Conduct provided in Schedule 5 of the BDC Regulation. The certifier's documented reasons per Requirement 9 are to be dated and signed by the certifier, and must competently and professionally address and reference Requirements 8, 9 and clauses (1) and (2) of Requirement 2 of the Code of Conduct and the applicable provisions of the SP Act and Regulations. A copy of the certifier's documented reasons is to be attached by the certifier to the notice retained with the records required to be kept per cl.52(b)(vi) of the BDC Regulation.

**As per section 8 & 9 of the Code of Conduct**

**Section 8. A swimming pool safety inspector must take all reasonable steps to obtain all relevant facts.**

**An inspector must:**

- keep informed and consider all relevant and available information when performing pool safety inspection functions
- demonstrate that all reasonable steps have been taken to obtain and document all relevant facts when performing pool safety inspection functions. For example, an inspector must take all reasonable steps to determine whether or not any exemptions, variations, appeals or alternative solutions apply to a pool.

**Section 9. A swimming pool safety inspector must clearly document reasons for decisions. An inspector must keep properly documented reasons for decisions relating to their pool safety inspection functions. An inspector must, for at least five years from the date a pool is inspected, keep an adequate record of the inspection.**

**Examples of documentation that must be kept include:**

- fact findings, for example, reliance on the results of tests carried out
- any pool safety certificate and nonconformity notice given

Yes

- details of any exemptions, variations, appeals or alternative solutions that apply to the pool
- photographs, video recordings, drawings and reports.



**Audit**

10 flagged

**Pool Barrier Checklist - Australian Standard 1926.1-2012**

2 flagged

General Requirements according to AS1926.1-2012 where the pool and or barrier has been installed or altered after 1 May 2013.

The scope of this Swimming Pool Safety Barrier Inspection Report is to identify any non-compliant items regarding the swimming pool barrier and surrounds, and to make recommendations where any remedial or requirement works are required as identified at the time of inspection. If there is anything contained within this report that is not clear or you have difficulty understanding, please contact the inspector prior to acting on this report.

Requirement methods and instructions should be followed carefully. They are specific to your existing pool barrier at the time of inspection. Any deviations can result in the creation of new non-compliances, so please contact the inspector before commencing a different requirement method.

For example, if your instructions do not specify a need to replace any pool barrier, then do not do so without consulting your inspector first. If you are instructed to raise the height of a pool barrier, that means to raise the height of the existing pool barrier. Any new pool barrier will be tested for strength & rigidity.

If a pool is entitled to the use of an earlier standard but substantial works (barrier altered, rebuilt or constructed) have been done or are required to make the pool compliant, then the earlier standard is no longer applicable and the whole pool barrier now must meet requirements under the Australian Standard applicable AS1926.1-2012.

**Is this pool subject to the requirements of the new AS1926.1-2012 standard due to alterations on the fence/ barrier being done to bring the pool up to compliance or there is no proof of date of construction for when the pool was constructed. If the pool has been built after 30 April 2013, this new standard automatically applies.**

Yes



Photo 1

**The premises on which a swimming pool is situated must surround the pool with a child-resistant barrier that separates the swimming pool from any residential building situated on the premises and from any adjoining premises, and that it is designed, constructed, installed and maintained in accordance with the following provision of the Australian Standard S1926.1-2012 and the Swimming Pools Act 1992 (Section 7). Is there a child resistant barrier between the premises and the swimming pool (including any gates) and is it in good repair with no broken rails or palings?**

No



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

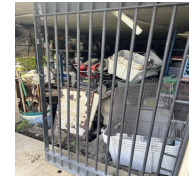


Photo 7



Photo 8



Photo 9

**What are the non-conforming issue/s present?**

The child resistant barrier (including any gates) are not in satisfactory condition and could lead to potential unrestricted access into the pool area.

**Requirement/s**

Install a child-resistant barrier that separates the swimming pool from any residential building situated on the premises and from any adjoining premises in accordance with the following provision of the Australian Standard S1926.1-2012 and the Swimming Pools Act 1992 (Section 7).

As referenced in the Swimming Pools Act 1992 section 7(1a) there must be no ancillary items within the pool area which contains within its bounds any structure apart from the swimming pool and such other structures that are wholly ancillary to the swimming pool (such as diving boards and pool filtration plants which may deem the pool to be used for anything other than swimming, wading, paddling or any other human aquatic activity ) Are there any items which are not ancillary to the pool

Yes

**What are the non-conforming issues present?**

There are non ancillary items within the pool area which may deem the pool to be used for other than swimming, wading, paddling or any other human aquatic activity.

**Requirement/s**

Remove the mentioned non ancillary items from the pool area as per Swimming Pools Act 1992 section 12(c)

Fence/Barrier

5 flagged

As per AS1926.1-2012 (Section 2.1) the pool fence/ barrier must not be less than 1200 mm high as it could lead to potential unrestricted access into the pool area. Is the barrier a minimum of 1200 mm measured from the external around the entirety of the pool fence/ barrier?

No



Photo 10



Photo 11

<p><b>What are the non-conforming issue/s present?</b></p>	<p>The pool fence/ barrier is less than 1200 mm high in areas along the fence line from the top of the pool fence to the ground finish level which could lead to potential unrestricted access into the pool area.</p>
<p><b>Requirement/s</b></p>	<p>Extend the height of the pool fence/barrier or install a new one so that it is at least 1200 mm from finish ground level at all points as per AS1926.1-2012 (Section 2.1)</p>
<p><b>As per AS1926.1-2012 (Section 2.3.6, 2.3.7, 2.4.1.1) the pool fence/ barrier and gates must not have any gaps between the vertical barriers or below the barrier or gate more than 100 mm as it could potentially lead to unrestricted access into the pool area. Are all the gaps around the pool fence or barrier less than 100 mm at all points?</b></p>	<p>No</p>
<p><b>What are the non-conforming issue/s present?</b></p>	<p>The pool fence/ barrier and/or gate/s have gaps more than 100mm which could potentially lead to unrestricted access into the pool area.</p>
<p><b>Requirement/s</b></p>	<p>Install a new panel or shield with another material such as Perspex or steel wire with &lt;8 mm gaps that will effectively reduce the gap/s in the pool fence/barrier to be no more than 100mm as per AS1926.1-2012 (Section 2.3.6, 2.3.7 and 2.4.1.2)</p>
<p><b>As per AS1926.1-2012 (Section 2.3.1) there are to be no steps, retaining walls or level changes within 500mm of the barrier which effectively reduces its height. Does the barrier maintain a 500mm exclusion zone as to not reduce the effective height of the barrier?</b></p>	<p>Yes</p>
<p><b>As per AS1926.1-2012 (Section 2.2.2) the pool fence/ barrier with openings greater than 10 mm must not have any objects in the 300 mm non-climbable zone on the inside of the pool fence which could act as a footing and lead to unrestricted access into the pool area. Does the pool fence have a 300mm clear zone on the inside?</b></p>	<p>Yes</p>
<p><b>As per AS1926.1-2012 (Section 2.2.4) when a boundary fence acts as a barrier to a pool, it must have a height no less than 1800 mm from the inside of the fence as well as a</b></p>	<p>No</p>

non-climbable zone formed as a 900 mm radius down from the top of the inside of the barrier as it could potentially lead to unrestricted access into the pool area from the outside in. Is the boundary fence 1800 mm minimum in height measured from the top rail to ground level on the inside of the barrier?



Photo 12

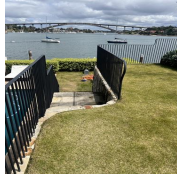


Photo 13



Photo 14

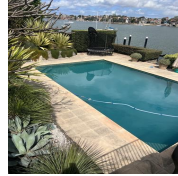


Photo 15

**What are the non-conforming issue/s present?**

The boundary pool fence/ barrier is less than 1800 mm high in areas along the fence from the top of the pool fence to the ground finish level which could lead to potential unrestricted access into the pool area.

**Requirement/s**

Extend the height of the boundary fence/barrier or install a new one so that it is at least 1800 mm from ground finish level at all points as per AS1926.1-2012 (Section 2.2)

**As per AS1926.1-2012 (Section 2.3.2) If using perforated mesh outside of non climbable zones or steel wire on fence/ barriers that are over 1200 mm high, the gaps in the material must be no larger than 100 mm as they could be used as a potential footing or handhold to gain access into the pool area. Are all the gaps no larger than 100 mm if over 1200 mm high and can the barrier sustain a lift of 100 N without leaving a gap of more than 100 mm at the bottom and can it support a weight of 25 kg without reducing the height to below 1200 mm?**

Yes

**As per AS1926.1-2012 (Section 3.3.1) structural components, such as panel infills, top and bottom rails, vertical rails, rods, palings, pickets and the like, shall be capable of sustaining a force of 330 N without any component breaking, showing signs of fracture or loosening so the effectiveness of the panel is impaired. Do all structural components show evidence of passing requirements for the strength and rigidity of openings?**

Yes

Gate

2 flagged

**As per AS1926.1-2012 (Section 2.4.3) hinges within NCZ must not protrude out from the barrier with a horizontal top surface depth greater than 10 mm and have an opening between the gate post and the gate stile of more than 10 mm as they could be used as a footing to gain access into the pool area. Are the hinges at least 900mm apart if they have a 10 mm or more surface depth within NCZ?**

N/A

As per AS1926.1-2012 (Section 2.4.4.2) the pool gate is required to swing outwards, away from the pool area in a full arc swing of operation without interruption. Does the pool gate swing outwards, away from the pool area uninterrupted?	Yes
As per AS1926.1-2012 (Section 2.4.2) the pool gate must be fitted with a latch that will automatically operate on the closing of the gate and will prevent the gate from being re-opened without being manually released. Is the gate self-closing and self-latching from any position in the full arc of operation?	No
What are the non-conforming issue/s present?	The pool gate is not self-closing or self-latching as it does not automatically operate on the closing of the gate and prevents the gate from being re-opened without being manually releasing it.
Requirement/s	The pool gate or latch needs to be realigned or replaced so that it is self-closing or latching from any arc of operation as per AS1926.1-2012 (Section 2.4.2)
As per AS1926.1-2012 (Section 2.4.2.2) The release point of the latch on the pool gate/barrier must be no less than 1500 mm, unless it is on the inside of the gate, it must be 1200 mm above ground level and the latch must be at least 150 mm below the top of the gate as it could potentially lead to unrestricted access in to the pool area. Is the pool latch 1500 mm from the finished ground level or is the latch at least 150 mm from the top of the gate located on the inside of the barrier?	No
What are the non-conforming issue/s present?	The release point of the pool safety latch is less than 1500mm from ground finish level or the rear latch is less than 1200mm from finished ground level or 150 mm from the top inside edge of the gate which could potentially lead to unrestricted access in to the pool area.
Requirement/s	Replace or reposition the height of the latch so that it is at least 1500mm from ground level or if on the inside of the gate/barrier must be 150mm from the top rail and at least 1200 mm from the ground finish level as per AS1926.1-2012 (Section 2.4.2.2)
Are you aware that it is dangerous and against the law to prop the gate open.	Yes
Around the fence	3 flagged

As per AS1926.1-2012 (Section 2.3.4) the height and radius arc of operation of the Non-climbable Zones 1,2,3,4 & 5 around the pool fence barrier and boundary fences shall be not less than 900 mm in their relative quadrants. Within the NCZ there shall be no handholds or footholds, objects or plants that will facilitate climbing. Are all the non-climbable zones free of objects?

No

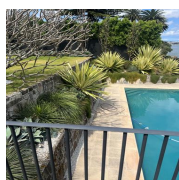


Photo 16



Photo 17

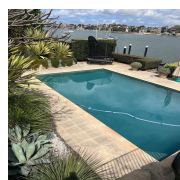


Photo 18

What are the non-conforming issue/s present?

There are objects or vegetation in one the non-climbable zones NCZ which could potentially be used as a footing to gain access into the pool area.

Requirement/s

Remove or reposition the object/s or vegetation so they are out and away from the non-climbable zones NCZ shown in the diagram so they cannot be used as a potential footing to gain access in to the pool area. Alternatively, you could shield the object so it cannot be accessed by increasing the fence or boundary height.

As per AS1926.1-2012 (Section 2.6) where a window opens up directly on to the pool area, it must be totally covered by bars or a metal screen which pass a strength and rigidity test as well as being fixed to the building with fasteners that can only be removed by the use of a tool. The openings between the window (if not permanently fixed shut) shall not be greater than 100 mm if the window ledge is not greater than 1800 mm from the ground finished level to the window sill. Is the window opening either restricted to a 100 mm opening, have a metal screen or bars fixed to the window or is the window ledge at least 1800 mm high from the finished ground level?

Yes

As per section 17 of the Swimming Pools Act 1992, a current resuscitation (CPR) must be installed which includes updated details of DRSABCD which can be easily read from a distance of 3 metres.

No

What are the non-conforming issue/s present?

There is no appropriate or current resuscitation (CPR) sign, including updated details of DRSABCD which can be easily read from a distance of 3 metres.

Requirement/s

As per section 17 of the Swimming Pools Act 1992, a new

	updated resuscitation (CPR) sign must be installed which includes updated details of DRSABCD which can be easily read from a distance of 3 metres.
The pool fence/barrier is clear of any objects such as BBQs, trees, rocks, shrubs and deckchairs that could help a small child gain access into the restricted pool area.	Yes
<p>The pool located on the property is deemed a significant risk to public safety?</p> <p>Where the registered certifier determines to issue under the SP Act a notice of noncompliance that states the certifier is of the opinion that the pool does not pose a significant risk to public safety, the certifier must when doing so comply with Requirement 9 of the Code of Conduct provided in Schedule 5 of the BDC Regulation. The certifier's documented reasons per Requirement 9 are to be dated and signed by the certifier, and must competently and professionally address and reference Requirements 8, 9 and clauses (1) and (2) of Requirement 2 of the Code of Conduct and the applicable provisions of the SP Act and Regulations. A copy of the certifier's documented reasons is to be attached by the certifier to the notice retained with the records required to be kept per cl.52(b)(vi) of the BDC Regulation.</p> <p>As per section 8 &amp; 9 of the Code of Conduct</p> <p>Section 8. A swimming pool safety inspector must take all reasonable steps to obtain all relevant facts. An inspector must:</p> <ul style="list-style-type: none"> <li>- keep informed and consider all relevant and available information when performing pool safety inspection functions</li> <li>- demonstrate that all reasonable steps have been taken to obtain and document all relevant facts when performing pool safety inspection functions. For example, an inspector must take all reasonable steps to determine whether or not any exemptions, variations, appeals or alternative solutions apply to a pool.</li> </ul> <p>Section 9. A swimming pool safety inspector must clearly document reasons for decisions. An inspector must keep properly documented reasons for decisions relating to their pool safety inspection functions. An inspector must, for at least five years from the date a pool is inspected, keep an adequate record of the inspection.</p> <p>Examples of documentation that must be kept include:</p> <ul style="list-style-type: none"> <li>- fact findings, for example, reliance on the results of tests carried out</li> <li>- any pool safety certificate and nonconformity notice given</li> <li>- details of any exemptions, variations, appeals or alternative solutions that apply to the pool</li> <li>- photographs, video recordings, drawings and reports.</li> </ul>	Yes
Results	

**Inspection results of the pool barrier.**

Non-compliant

Needs a entirely new pool barrier constructed

**ADVISORY NOTE**

The assessed and inspected aspects of the pool barrier identified in the above report are in accordance with the Swimming Pool Regulation 1998, Swimming Pool Act 1992 and Australian Standards - AS1926-1986, AS1926.1-2007 & AS1926.1-2012

The owner is advised that they are required to safeguard the swimming pool in accordance with the requirements of the Swimming Pool Act 1992 and associated Regulations. If the swimming pool does not comply (after a 6 week period from the date of inspection) a written notice under section 22E Swimming Pools Act 1992 indicating the items of non-compliance will be issued to the pool owner and local council.

However, if the barrier is deemed a risk to public safety, the notice will be forwarded immediately

Any defects noted in the report above are potentially life threatening and require your immediate attention.

Photos, evidence and data will be retained on file under the code of conduct for pool safety inspectors, we may only release a copy of this data to an appropriate authority following national privacy principals under Commonwealth Privacy Act 1988

Signature

**Pool Safety Inspector**

Craig O'Connor  
27.09.2024 07:25 AEST

**Contact Details**

**Pool Safety Solutions**  
**hello@poolsafetysolutions.com.au**  
**poolsafetysolutions.com.au**

Media summary



Photo 1

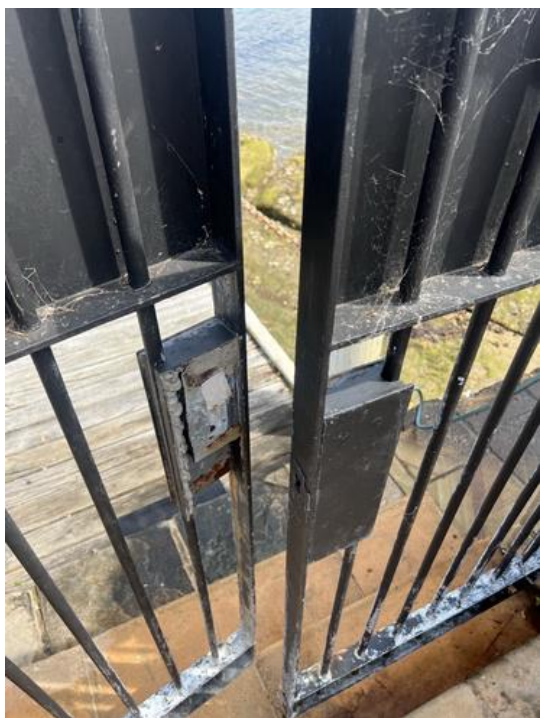


Photo 2



Photo 3



Photo 4



Photo 5



Photo 6

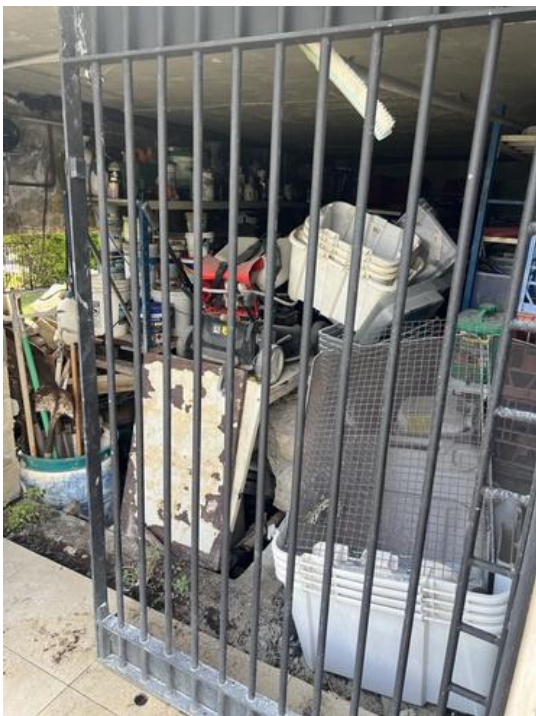


Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



**Date of Notice: 30/09/2024**

**Date of Inspection: 28/09/2024**

**Property Owners Address: 3 Yerton Avenue Hunters Hill NSW**

**Pool Address: 3 Yerton Avenue Hunters Hill NSW**

Pool Safety Inspection

Craig O'Connor- BDC05248

1300 454 731

### **WRITTEN NOTICE OF NON-COMPLIANCE**

- This is advice under Section 22E of the *Swimming Pool Act 1992* (as amended) (the "Act"), that the swimming pool at the above-mentioned premises was found to not comply with the Act when inspected as part application under section 22C of the Act on Australian Standard 1926.1- 2012 & clause 30 and 31 of the swimming pool regulation 2018

On **28/09/2024**, Pool Safety Solutions inspected the swimming pool on the premises and is not satisfied that the requirements for the issuing of a Certificate of compliance have been met.

This property **does** prove to be a significant risk to public safety.

**A copy of this notice will be forwarded to council immediately as I am of the opinion that the swimming pool poses a significant risk to public safety.**

**A copy of this notice will be forwarded to council after 6 weeks from the date of this notice if a Certificate of Compliance has not been issued for the swimming pool before that time.**

The swimming pool was found to not comply with the Act for the following reasons and these should be rectified in order to comply with the requirements of Part 2 of the Swimming Pools Act 1992:

# Start of Checklist 2012

## Reason 1

The premises on which a swimming pool is situated must surround the pool with a child-resistant barrier that separates the swimming pool from any residential building situated on the premises and from any adjoining premises, and that it is designed, constructed, installed and maintained in accordance with the following provision of the Australian Standard S1926.1-2012 and the Swimming Pools Act 1992 (Section 7).

### Non-Conforming Issues

The pool is not separated from the residential building situated on the site or from any adjoining premises in accordance with the following provision of the Australian Standard S1926.1-2012 and the Swimming Pools Act 1992 (Section 7).

### Requirement/s

Install a child-resistant barrier that separates the swimming pool from any residential building situated on the premises and from any adjoining premises in accordance with the following provision of the Australian Standard S1926.1-2012 and the Swimming Pools Act 1992 (Section 7).

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## Reason 2

As referenced in the Swimming Pools Act 1992 section 7(1a) there must be no ancillary items within the pool area which contains within its bounds any structure apart from the swimming pool and such other structures that are wholly ancillary to the swimming pool (such as diving boards and pool filtration plants which may deem the pool to be used for anything other than swimming, wading, paddling or any other human aquatic activity) Are there any items which are not ancillary to the pool?

### Non-Conforming Issues

There are non-ancillary items within the pool area which may deem the pool to be used for other than swimming, wading, paddling, or any other human aquatic activity.

### Requirement/s

Remove the mentioned non-ancillary items from the pool area as per Swimming Pools Act 1992 section 12(c).

## Fence/Barrier

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## Reason 3

As per AS1926.1-2012 (Section 2.1) the pool fence/ barrier must not be less than 1200mm high as it could lead to potential unrestricted access into the pool area. Is the barrier a minimum of 1200mm measured from the external around the entirety of the pool fence/ barrier?

### Non-Conforming Issues

The pool fence/ barrier is less than 1200mm high in areas along the fence line from the top of the pool fence to the ground finish level which could lead to potential unrestricted access into the pool area.

**Requirement/s**

Extend the height of the pool fence/barrier or install a new one so that it is at least 1200mm from finish ground level at all points as per AS1926.1-2012 (Section 2.1)

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**Reason 4**

As per AS1926.1-2012 (Section 2.3.6, 2.3.7, 2.4.1.2) the pool fence/ barrier and gates must not have any gaps between the vertical barriers or below the barrier or gate more than 100 mm as it could potentially lead to unrestricted access into the pool area. Are all the gaps around the pool fence or barrier less than 100 mm at all points?

**Non-Conforming Issues**

The pool fence/ barrier has gaps more than 100mm which could potentially lead to unrestricted access into the pool area.

**Requirement/s**

Install a new panel or shield with another material such as Perspex or steel wire with < 8 mm gaps that will effectively reduce the gap/s in the pool fence/barrier to be no more than 100mm as per AS1926.1-2012 (Section 2.3.6,2.3.7, 2.4.1.2)

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**Reason 5**

As per AS1926.1-2012 (Section 2.2.2) the pool fence/ barrier with openings greater than 10 mm must not have any objects in the 300 mm non-climbable zone on the inside of the pool fence which could act as a footing and lead to unrestricted access into the pool area. Does the pool fence have a 300mm clear zone on the inside?

**Non-Conforming Issues**

The pool fence/ barrier has objects in the 300 mm non-climbable zone from the inside of the pool fence which could act as a footing and lead to unrestricted access into the pool area.

**Requirement/s**

Remove any objects from within the 300mm clear area or shield the pool fence being sure it is 900mm wide either side of the object trying to block, using a material that will restrict access through the inside of the fence/barrier.

## Gate

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**Reason 6**

As per AS1926.1-2012 (Section 2.4.2) the pool gate must be fitted with a latch that will automatically operate on the closing of the gate and will prevent the gate from being re-opened without being manually released. Is the gate self-closing and self-latching from any position in the full arc of operation?

**Non-Conforming Issues**

The pool gate is not self-closing or self-latching as it does not automatically operate on the closing of the gate and prevents the gate from being re-opened without being manually releasing it.

**Requirement/s**

The pool gate or latch needs to be realigned or replaced so that it is self-closing or latching from any arc of operation as per AS1926.1-2012 (Section 2.4.2)

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### **Reason 7**

As per AS1926.1-2012 (Section 2.4.2.2) The release point of the latch on the pool gate/barrier must be no less than 1500mm, unless it is on the inside of the gate, it must be 1200 mm above ground level and the latch must be at least 150 mm below the top of the gate as it could potentially lead to unrestricted access in to the pool area. Is the pool latch 1500 mm from the finished ground level or is the latch at least 150 mm from the top of the gate located on the inside of the barrier?

### **Non-Conforming Issues**

The release point of the pool safety latch is less than 1500mm from ground finish level or the rear latch is less than 1200mm from finished ground level or 150 mm from the top inside edge of the gate which could potentially lead to unrestricted access into the pool area.

### **Requirement/s**

Replace or reposition the height of the latch so that it is at least 1500mm from ground level or if on the inside of the gate/barrier must be 150mm from the top rail and at least 1200 mm from the ground finish level as per AS1926.1-2012 (Section 2.4.2.2).

## **Around the Fence**

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### **Reason 8**

As per AS1926.1-2012 (Section 2.3.4) the height and radius arc of operation of the Non-climbable Zones 1,2,3,4 & 5 around the pool fence barrier and boundary fences shall be not less than 900 mm in their relative quadrants. Within the NCZ there shall be no handholds or footholds, objects or plants that will facilitate climbing. Are all the non-climbable zones free of objects?

### **Non-Conforming Issues**

There are objects or vegetation in one of the non-climbable zones NCZ which could potentially be used as a footing to gain access into the pool area.

### **Requirement/s**

Remove or reposition the object/s or vegetation so they are out and away from the non-climbable zones NCZ shown in the diagram so they cannot be used as a potential footing to gain access into the pool area. Alternatively, you could shield the object so it cannot be accessed by increasing the fence or boundary height.

### **Reason 9**

As per section 17 of the Swimming Pools Act 1992, a current resuscitation (CPR) must be installed which includes updated details of DRSABCD which can be easily read from a distance of 3 metres.

### **Non-Conforming Issues**

There is no appropriate or current resuscitation (CPR) sign, including updated details of DRSABCD which can be easily read from a distance of 3 metres.

### **Requirement/s**

As per section 17 of the Swimming Pools Act 1992, a new updated resuscitation (CPR) sign must be installed which includes updated details of DRSABCD which can be easily read from a distance of 3 metres.

## **Reason 10**

Where the registered certifier determines to issue under the SP Act a notice of noncompliance that states the certifier is of the opinion that the pool does or does not pose a significant risk to public safety, the certifier must when doing so comply with Requirement 9 of the Code of Conduct provided in Schedule 5 of the BDC Regulation. The certifier's documented reasons per Requirement 9 are to be dated and signed by the certifier, and must competently and professionally address and reference Requirements 8, 9 and clauses (1) and (2) of Requirement 2 of the Code of Conduct and the applicable provisions of the SP Act and Regulations. A copy of the certifier's documented reasons is to be attached by the certifier to the notice retained with the records required to be kept per cl.52(b)(vi) of the BDC Regulation.

As per section 8 & 9 of the Code of Conduct

Section 8. A swimming pool safety inspector must take all reasonable steps to obtain all relevant facts.

An inspector must:

- keep informed and consider all relevant and available information when performing pool safety inspection functions
- demonstrate that all reasonable steps have been taken to obtain and document all relevant facts when performing pool safety inspection functions. For example, an inspector must take all reasonable steps to determine whether or not any exemptions, variations, appeals or alternative solutions apply to a pool.

Section 9. A swimming pool safety inspector must clearly document reasons for decisions. An inspector must keep properly documented reasons for decisions relating to their pool safety inspection functions. An inspector must, for at least five years from the date a pool is inspected, keep an adequate record of the inspection.

Examples of documentation that must be kept include:

- fact findings, for example, reliance on the results of tests carried out
- any pool safety certificate and nonconformity notice given
- details of any exemptions, variations, appeals or alternative solutions that apply to the pool
- photographs, video recordings, drawings and reports