



## NOTICE OF SWIMMING POOL NON-COMPLIANCE

(Clause 22E, Swimming Pools Act 1992)

**Notice Date:** 30 March 2026

**Premises to which this notice relates:** 156 Frenchs Forest Rod Frenchs Forest.

**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 30 March 2026.

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.

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

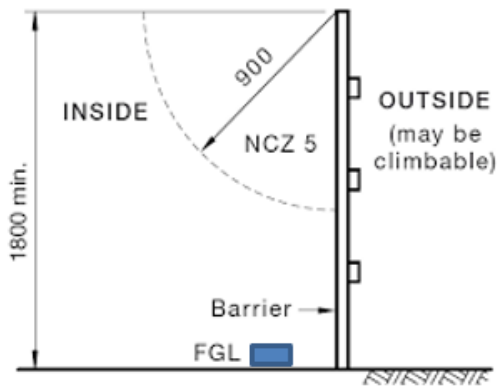
The effective height of a small section of the boundary fence was not 1800 mm or more. The height of the fence was measured from the top of the fence to the ground level on the pool side of the fence. The garden bed below the wall has built up with leaf litter etc


### **Suggested solution for rectification**

Raise the height of the boundary fence so it is 1800 mm or more in height (measured on the pool side of the fence). The height of the 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 any fence extension construction provided on top of the existing fence does not have any foothold greater than 10 mm wide within 900 mm of the top of the extended fence.



Below boundary barrier requirements



 Steps, retaining wall or change of level within 500mm of base of fence

Below examples of raising boundary fence height



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

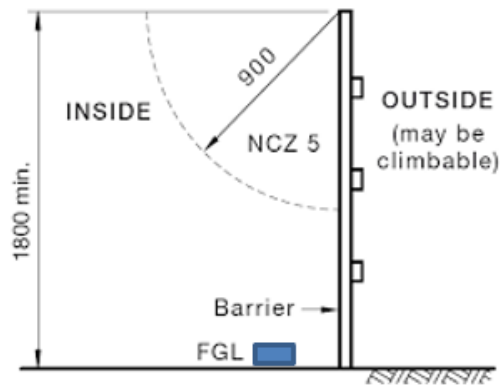
Vegetation was located on the inside of the boundary fence that could be used as a foothold for children to climb down into the pool enclosure.

**Suggested solution for rectification**

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



Below boundary fence non climb zone NCZ 5.



Steps, retaining wall or change of level within 500mm of base of fence

Further, it is advised that with respect to the above matter(s), it is the certifier's opinion that the swimming no longer constitutes a risk to public safety. In this regard, Council was previously advised of the risk and a copy of the defect notice was forwarded to Council as required by Clause 22E (f) of the Swimming Pools Act 1992.

Pursuant to clause 18BA of the Swimming Pools Regulation, a Certificate of Non-compliance has also been issued by accredited pool 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