

the provisions of the Swimming Pools Act 1992 and Swimming Pools Regulation 2006 within a period of **eighty (80) days** from the date of this Direction to Comply.

SCHEDULE 2

1. The two swimming pool gates did not self-close. The swimming pool gates must be modified so that each gate will self-close back to the latched position, even when being opened the latching device, in accordance with the Australian Standard.
2. The latching device on the gate was less than 1500mm from the finished ground level. You are required to relocate the latching device in accordance with the Australian Standard.
3. The latching device was less than 1500mm from the top of the metal gate. You are required to relocate the latching device in accordance with the Australian Standard.
4. A new warning notice must be provided in a prominent position within the immediate vicinity of the swimming pool area. The warning notice must comply with the Swimming Pools Regulation 2006. A warning notice was present at the time of the inspection however it was not clearly legible at a distance of 3m.
5. The boundary barrier is being used as part of the swimming pool barrier. The boundary barrier is required to be a minimum height of 1800mm when measured from the inside of the swimming pool area in order to comply with the Australian Standard.
A 900mm non-climbable zone (900mm NCCZ) must be maintained on the inside of the boundary barrier. The 900mm NCCZ is measured from the top of the fencing. The 900 NCCZ on the boundary barrier is not maintained by an intersecting internal barrier so long as the internal barrier does not have a substantially horizontal surface exceeding 50mm. In addition, the boundary barriers must extend for a distance of 900mm beyond the junction of any 1200mm swimming pool barrier.
The inspecting officer noted that the boundary barrier was less than 1800mm in height and had one and two branches in the 900mm NCCZ. It was also noted that the boundary barrier appears to be constructed from aluminium slatting. Please find an information sheet attached to this Direction which provides some basic details about aluminium removal. Please telephone SafeWork NSW for further information.
Please replace or modify the existing boundary barrier to create compliance with the Australian Standard.

SWIMMING POOLS ACT 1992 (SECTION 23) DIRECTION TO COMPLY

Council is in receipt of information there is a swimming pool situated at premises area whereby the child resistant barrier installed thereon does not comply with the requirements of the provisions of the Swimming Pools Act 1992 and Swimming Pools Regulation 2006.

The Council has determined that Australian Standard 1500.1-2012 Part 1: Safety barriers for swimming pools must be applied as the existing swimming pool barrier does not comply with the pre-existing Standard. This determination has been made in accordance with Clause 23 of the Swimming Pools Regulation 2006.

In accordance with the provisions of Section 23(6) of the Swimming Pools Act 1992, the enclosed Direction to Comply is issued without a prior notice as the safety of a person would be at risk if the requirements of the Direction to Comply were not carried out as soon as possible.

The areas where the non-compliance occurs is specified in Schedule 1 as follows:

SCHEDULE 1

1. Gate closure x 2
2. Latch height
3. Warning notice
4. Boundary barrier
5. Gaps under barrier
6. Gaps within barrier
7. Non-climbable zones
8. 900mm setback

Pursuant to the provisions of the Swimming Pools Act 1992 I hereby give this Direction to Comply under Section 23, requiring you as the owner of the above nominated property, to comply with the terms of Schedule 2 to satisfy

6. There were openings between the bottom of the metal barrier and the finished ground level that exceed 100mm. The surface beneath the barrier shall be permanent and not easily removed or eroded by a young child, animals or weather. The openings are to be reduced to no greater than 100mm in accordance with Part 2.3.7 of the Australian Standard.
7. There were large openings within the boundary barrier which exceeded 100mm. The openings are to be reduced to no greater than 100mm in accordance with Part 2.3.8 of the Australian Standard.
8. There were climbable objects such as trees and a vine on the outside of the 1200mm swimming pool barrier within the 900mm non-climbable zone. All climbable objects within 900mm of the outside of the swimming pool barrier are to be permanently removed in accordance with the Australian Standard.
9. A minimum of 900mm has not been provided between the base of the barrier and a change in ground level on the outside of the barrier. This was affected by a large length of timber near the metal barrier. The barrier needs to be relocated or the ground level modified in order to create compliance with Part 2.3.1 and Figure 2.1 of the Australian Standard.
10. All works carried out to the swimming pool barrier must be carried out in accordance with the Australian Standard 1500.1-2012 Part 1: Safety barriers for swimming pools.

Reasons for the Order

This Direction to Comply is issued existing barrier does not form an effective child resistant barrier that separates the swimming pool from the residence or other structures on the premises or from any public place or private premises adjoining the subject site.

Non-compliance

Non-compliance with this order is an offence. This means that Council is able to issue Penalty Infringement Notices for having a non-complying barrier or commence legal proceedings against you in the Courts for non-compliance with the terms of the Order.

Appealing the Order

A person on whom an Order is served, or any other person affected by the service of the Order, may appeal to the Land and Environment Court against the Order within TWENTY EIGHT (28) days after the service of the Order upon you.

Enquiries

Completion of Works

Upon completion of the terms of the order, please contact the issuing officer to arrange an inspection to determine whether the terms of the order have been completed to the satisfaction of Council. A fee of \$100 is payable prior to the re-inspection taking place.