

# Pool safety nonconformity notice

# 26

Version 1 effective 15 October 2010.

**This form is to be used for the purposes of section 246AB of the Building Act 1975.**

## 1. Pool owner/s

For a shared pool the owner is usually the body corporate.

**Owner/s name:**

Mr & Mrs Poolowner

## 2. Location of the swimming pool

Lot/s on plan details are usually shown on title documents and rates notices.

**Street address:** (include number, street, suburb/locality and postcode)

1 Fictitious St  
Noosaville  
Queens, 4566

**Lot/s on plan:** (include all lots if the pool spans lot boundaries)

1BUP012345

**Local Government area:**

Sunshine Coast Regional Council

## 3. Shared pool or non-shared pool (please tick)

Shared pool

Non-shared pool

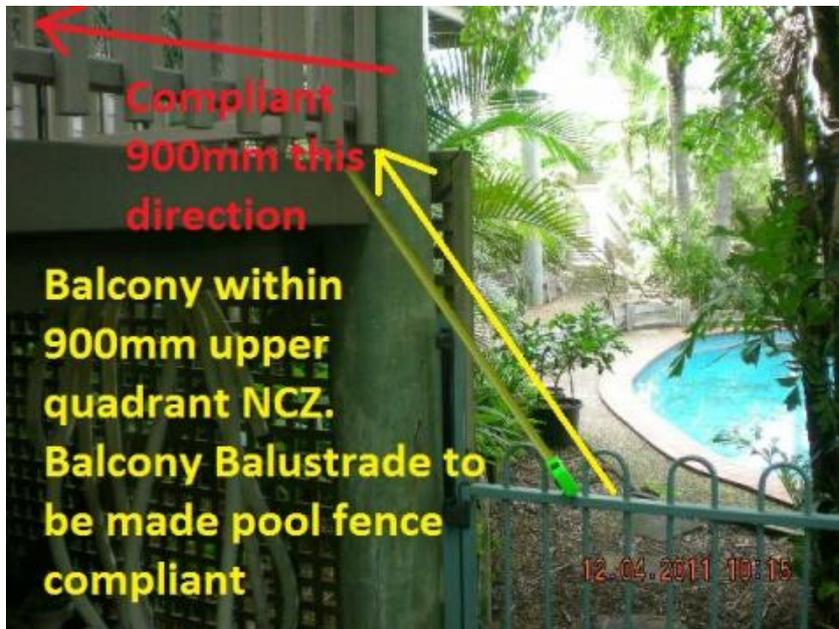
## 4. How the pool is not a complying pool

Provide a brief description of how the pool does not comply with the pool safety standard - use attachments if required.

**Description:**

1. Balustrade to comply with QDC MP3.4 (Pool Fence compliant) Fig.22 as attached compiles with the part (QDC MP3.4 Fig.22)
2. Object within Clear Area (300mm inside pool fence) (QDC MP 3.4.Fig 1)
3. Projections/indentations act as a hold for climbing (surface area > 10mm) (QDC MP 3.4.Fig 1)
4. Safety hinge cap required. (AS 1926.1-2007 2.3.3)
5. Climbable feature within lower NCZ (QDC MP 3.4.Fig 1)

**Drawing:**



1. Balustrade to comply with QDC MP3.4 (Pool Fence compliant)  
Fig.22 as attached compiles with the part



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2. Object within Clear Area (300mm inside pool fence)



3. Projections/indentations act as a hold for climbing (surface area > 10mm)



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4. Safety hinge cap required.



5. Climbable feature within lower NCZ

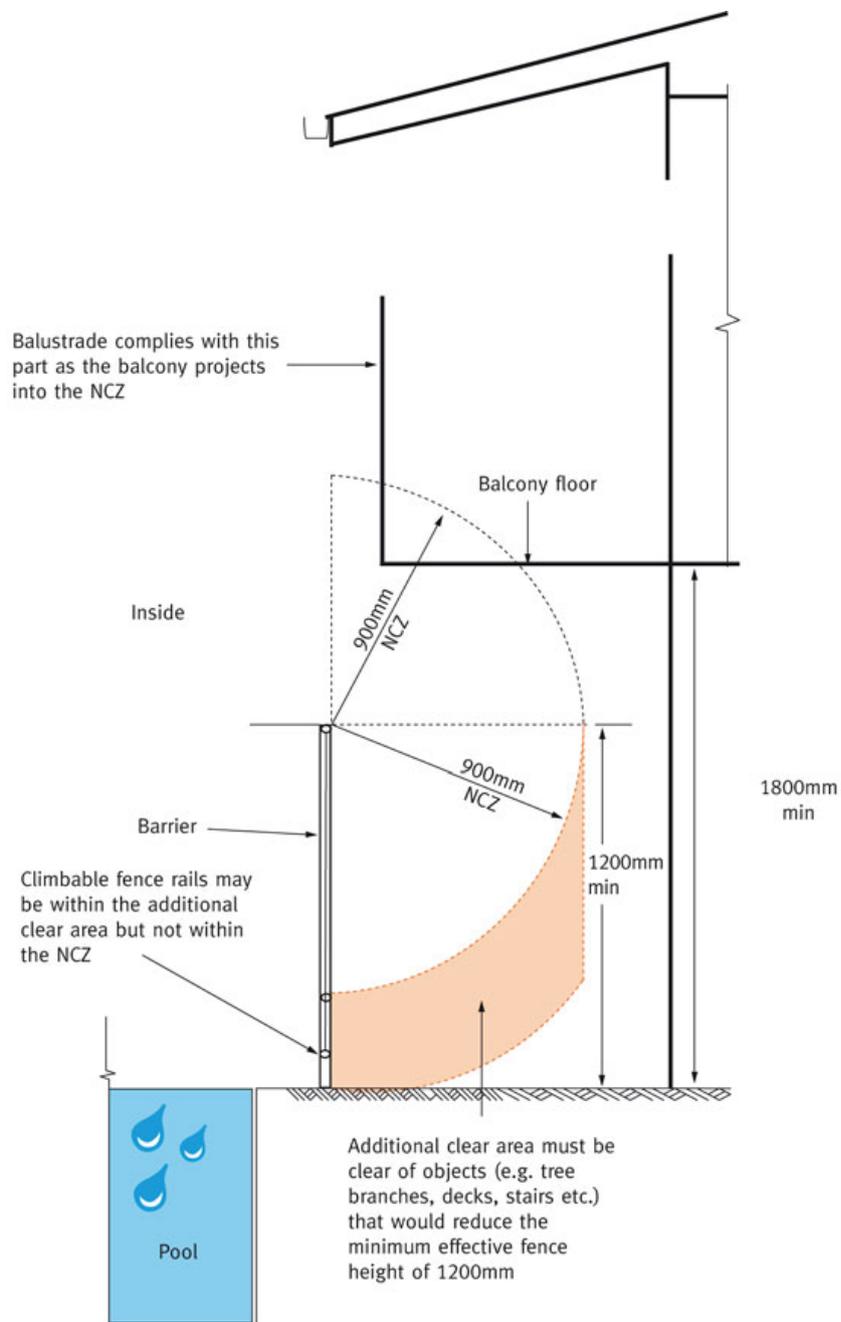
## 5. Action required to make the pool a complying pool

Briefly describe what must be done to comply with the pool safety standard - use attachments if required.

### Rectification:

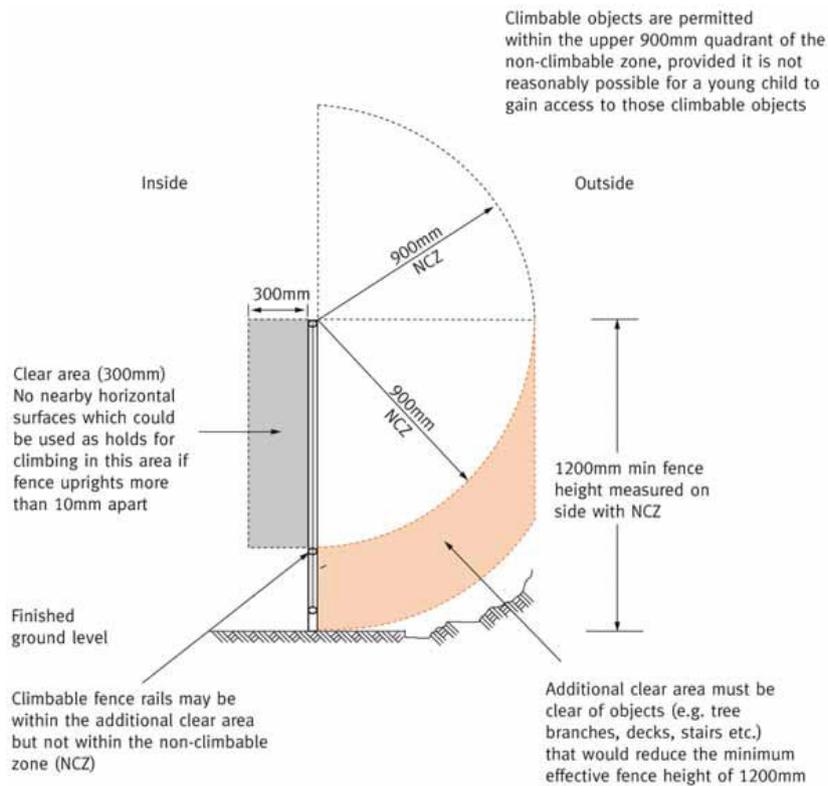
1. Balustrade to be made pool fence compliant. (i.e. 1.2m height, no gaps greater than 100mm, horizontal rails not closer than 900mm). Photographs provide further explanation regarding rectification
2. Shield the outside of the barrier to prevent access to the internal foothold i.e. Perspex, polycarbonate or perforated mesh <13mm (min 120 gauge). In this instance the tap(pictured) provides the foothold and shielding of the outside of the gate will rectify this issue.
3. Projections on the pool barrier substantially of a horizontal surface >10mm require shielding or removal. - centre gatepost support requires shielding -
4. Secure 60 degree hinge safety cap to bottom hinge. (In this instance the hinge is a true-close poolgate hinge - small)
5. Raise fence height in that area to provide 900mm clear space between the object and the top of the pool barrier, OR shield the top of the balustrade rail out 900mm from the junction with the pool fence (see photograph attached)

### Drawing:



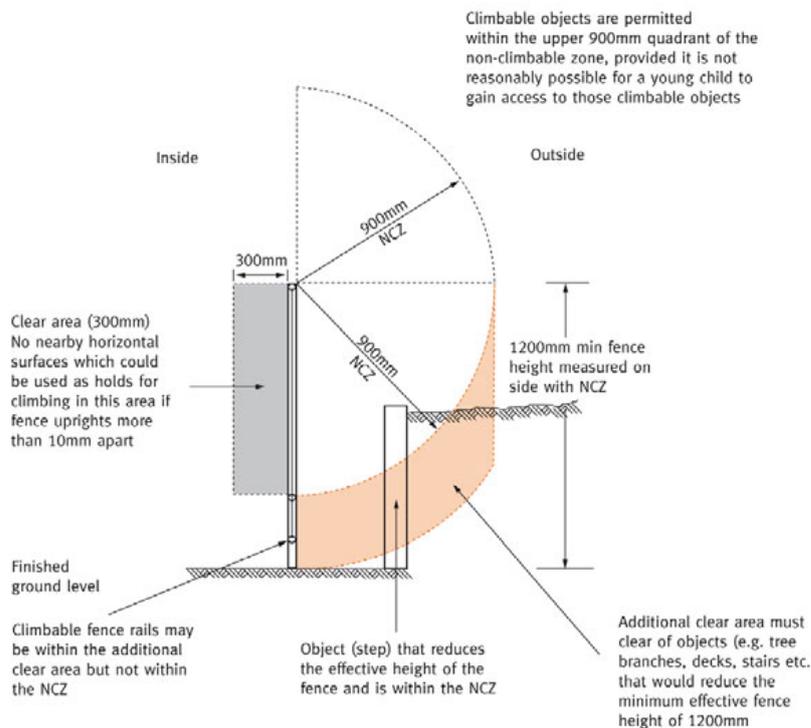
**Figure 22**  
Balcony adjacent pool area  
**Acceptable**

1. Balustrade to comply with QDC MP3.4 (Pool Fence compliant)  
Fig.22 as attached complies with the part



**Figure 1**  
1200mm min high fence NCZ on outside  
**Acceptable**

2. Object within Clear Area (300mm inside pool fence)



**Figure 4**  
1200mm min high fence NCZ on outside  
**Not acceptable**

5. Climbable feature within lower NCZ

## 6. Date nonconformity notice given to pool owner

Date:

## 7. Statement

Having inspected the swimming pool, I am not satisfied the pool is a complying pool under the Building Act 1975 for the reasons stated in section 4 above.

Name:

Pool safety inspector licence number:

Signature:

### Important information about this notice

1. To obtain a pool safety certificate, the action in section 5 must be completed in compliance with the pool safety standard and the owner must ask the pool safety inspector to reinspect the pool. A pool safety certificate must be obtained when selling, buying or leasing a property with a regulated pool. Penalties of up to \$16 500 apply for noncompliance.
2. Pool safety inspectors and pool owners can carry out certain minor repairs, without a building development approval, to make a regulated pool comply with the pool safety standard. A building development approval is required for more significant work (refer to schedule 2B and 2C of the Building Regulation 2006 or visit [www.dip.qld.gov.au/poolsafety](http://www.dip.qld.gov.au/poolsafety)). Work valued at more than \$3300 can generally only be carried out by a person suitably licensed by the Queensland Building Services Authority.
3. The pool owner may ask the pool safety inspector named in this notice to reinspect the pool within three months after this notice is given.
4. The pool safety inspector must notify the Local Government if the owner does not ask the pool safety inspector to reinspect the pool within three months after this notice is given. The Local Government may take enforcement action, impose penalties or take other action.
5. It is an offence under the Building Act 1975 for the owner to ask, within three months after this notice is given, a person other than the following to inspect the pool for the giving of a pool safety certificate:
  - . if the owner initially asked that inspector to inspect the pool—the pool safety inspector named in this notice; or
  - . if the owner initially asked the Local Government to inspect the pool—the Local Government.Penalties of up to \$5000 apply for noncompliance. If the owner wishes to ask another person to inspect the pool within three months after this notice is given, they may make a written request to the Pool Safety Council. If the Pool Safety Council gives the owner a written notice agreeing to the request, the owner can then ask another person to reinspect the pool without committing an offence. Written requests can be made to the Pool Safety Council at:  
Post: GPO Box 907, Brisbane QLD 4001  
Deliver: Ground floor, 63 George Street, Brisbane QLD 4000 (office hours: 8:30 am-4:30 pm Monday-Friday)  
Email: [psc@dip.qld.gov.au](mailto:psc@dip.qld.gov.au) Fax: +61 7 3237 1248
6. The owner may appeal the pool safety inspector's decision in this notice to a building and development committee under the Sustainable Planning Act 2009. The appeal must be made 20 business days after this notice is given. For further information about how to appeal, please contact the Building and Development Dispute Resolution Committees at:  
Website: [www.dip.qld.gov.au/disputeresolutioncommittees](http://www.dip.qld.gov.au/disputeresolutioncommittees)  
Phone: +61 7 3227 8548  
Fax: +61 7 3224 4683  
Email: [info@dip.qld.gov.au](mailto:info@dip.qld.gov.au)  
Post: PO Box 15009, City East QLD 4002

This is a public document and the information in this notice may be made available to the public.