



SWIMMING POOL EXEMPTION

UNDER SECTION 22 OF THE SWIMMING POOLS
ACT 1992

APPLICATION FORM

Revision No. 11-02-2022

OFFICE USE ONLY	
CertNo: ...191/.....	
Parcel No:	
Fee:	
Receipt No:	
Date:	
Rec type: 17	

APPLICATION DETAILS

INFORMATION FOR APPLICANT

- Use this Application Form to apply for exemption from barrier (fencing) requirements.
- Council may need to discuss the proposal with you and undertake a site inspection in order to provide an adequate assessment.
- Fees are payable at lodgement of this application

PROPERTY DETAILS

Unit No	House No	Street	
Suburb		Site Area m ²	
Lot(s)	Section	Deposited Plan (DP)	
Other		Strata Plan (SP)	

APPLICANT DETAILS

Name		Company	
Postal Address		PO Box	Telephone
Suburb	State	Postcode	Mobile
Email		Customer Reference	

APPLICANT DECLARATION

I/We declare that all the information in the application to the best of my/our knowledge is true and correct.

Applicant(s) Name	Date
Signature(s)	

OWNER(S) DETAILS AND CONSENT

Name(s)		Company	
		Position Title	
Postal Address		PO Box	Telephone
Suburb	State	Post Code	Mobile

I/We the undersigned are the owner(s) of the property described in this application and consent to its lodgement. I/We hereby permit a duly authorised officer of Cessnock City Council to enter the land or premises to carry out inspections and undertake work as required for the administration of the Act(s), Regulations or Planning Instrument.

Signature(s)

Name of Person signing <i>(Please print)</i>
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<i>Please indicate by 'X'</i>	Private Land Owner	Sole Director	Director, Secretary & Company Seal
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Note: All owner(s) of the land, the subject of this application, must sign this form. If you are not the owner of the land, you must have all the owners sign the application.

Note: If signing on the owner's behalf, please state your legal authority and provide documentary evidence (e.g., copy of power of attorney, trust deed etc).

Note: In the case of land that is the subject of a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#), the owners corporation for that scheme must be constituted under the [Strata Schemes Management Act 1996](#). A development application for a lot in a strata plan does not require the consent of the Body Corporate when that work does not affect any common property.

Note: In the case of land that is a community, precinct or neighbourhood parcel within the meaning of the [Community Land Development Act 1989](#), the association for the parcel must provide consent.

Note: If signing on behalf of a corporate body or company, the application should be signed by an authorised person under common seal and the position of that person in the corporate body or company must be stated on the form. Alternatively, the Common Seal is not required if two Directors or authorised persons sign the application form, or if you are a sole Director.

PRIVACY NOTIFICATION

Council is subject to the *Privacy and Personal Information Protection Act 1998* (NSW) in dealing with your personal information. [Council's Privacy Management Plan](#) and [Privacy Statement](#) describe how the agency meets these obligations. Personal information is being collected for the purpose of processing your application in accordance with the *Swimming Pools Act 1992* and Regulation. This includes notification and advertising purposes, and consultation with other NSW government agencies in relation to your application. By providing your personal information you agree for Council to share it from time to time with a third party to conduct customer research or satisfaction surveys relating to your application in order to improve Council processes. You also agree that Council may use your personal information from time to time to contact you and notify you of legislative and other amendments that may have an impact on you. Delegated Council officers and agents acting on behalf of Council will be the recipients of your personal information. The provision of personal information is voluntary, however if you do not provide it we may not be able to process your application. Your personal information will be kept securely in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325. You may access, correct or update your personal information by visiting [Council's website](#), contacting Council's Privacy Contact Officer on 4943 4100 or by sending an email to council@cessnock.nsw.gov.au.

SUPPORTING DOCUMENTATION

Please detail the reason(s) explaining why an exemption should be considered and what measures will be taken to provide suitable alternative safety provisions.

Plans and Photos Attached		Yes		No
Other <i>please describe</i>		Yes		No

CONDITIONS

Council may exempt the swimming pool from all or any of the requirements of Part 2 of the *Swimming Pools Act 1992* if we are satisfied, in the particular circumstances of the case that:

- a) It is impractical or unreasonable (because of the physical nature of the premises, because of the design or construction of the swimming pool or because of special circumstances of a kind recognised by the regulations as justifying the granting of an exemption) for the swimming pool to comply with those requirements; or
- b) Alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.

Council may grant an exemption unconditionally or subject to conditions as considered appropriate to ensure that effective provision is made for restricting access to the swimming pool concerned or the water contained in it.

CIRCUMSTANCES THAT JUSTIFY EXEMPTION

For the purposes of section 22(1)(a) of the Act, the fact that an adult occupier of the premises in or on which a swimming pool is situated (because of the physical disability or impairment of the occupier) be significantly impeded in gaining access to the swimming pool if the requirements of Part 2 of the Act were complied with is a special circumstances that justifies granting of an exemption from those requirements.

Note: Supporting evidence from a General Practitioner may be requested by Council to ensure that the disability or impairment of the occupier is factual.

For the purposes of any appeal proceedings arising in connection with an application under section 22 of the Swimming Pools Act 1992, Council is taken to have refused the application if it has not finally determined the application within 6 weeks after the application was made.

If Council refuses the application for an exemption, or is taken to have refused the application, or imposes a condition on an exemption, the owner of the premises on which the relevant swimming pool is situated is entitled to appeal to the Land and Environment Court against Council's decision. Such an appeal must be made within 28 days after the date on which the decision was made or is taken to have been made.

Section 22 of the *Swimming Pools Act 1992* and Part 4 of the *Swimming Pools Regulation 2018* provides further information if required.

LODGE MENT INFORMATION

HOW TO LODGE YOUR APPLICATION

<p>Address the application to</p> <p>General Manager Cessnock City Council PO Box 152 CESSNOCK NSW 2325</p> <p>Payment Method By mail - Cheque, Money Order or Credit Card (complete the section below)</p>	<p>Lodge in person (between 9am – 4pm) at Council's Administration Building</p> <p>Cessnock City Council 62-78 Vincent Street CESSNOCK NSW</p> <p><i>You will need to spend some time with a Help and Information Officer when lodging your application. Typically you will require 30 minutes, however this may vary depending on the complexity of your application</i></p> <p>Payment Method In person - Cash, Cheque, Money Order, Bankcard, Mastercard, Visa, and/or EFTPOS.</p>	<p>Lodge via email council@cessnock.nsw.gov.au</p> <p>How to Contact Us Phone: 02 4993 4100 Fax: 02 4993 2500 www.cessnock.nsw.gov.au</p> <p>Office Hours 9am to 5pm Monday to Friday <i>*Payments are accepted until 4pm</i></p> <p>Duty Officers are available weekdays: Planning - 9am to 5pm Building - 9 to 10am & 1 to 5pm</p> <p>Fees Fees are calculated in accordance with Council's adopted fees and charges.</p>
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If you require further information regarding this request, please contact Council's Customer Relations Team on telephone 02 4993 4100.

Cessnock City Council takes the privacy and security of personal information very seriously. To eliminate the risk associated with Credit Cards, Council does not collect or store Credit Card information.

Credit Card payments are processed by Council's Customer Relations Team using a call in or call back facility.

If you wish to make payment via Credit Card, please nominate your preferred telephone contact number for our Customer Relations Team to contact you on.

Payment Contact Name:

Payment Contact Phone Number: