



Application for Certificate of Exemption for a Swimming Pool

Under Section 22 of the *Swimming Pools Act 1992*
Planning & Development Services Group

City Administrative Centre Bridge Road, Nowra NSW, Australia, 2541

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Fees apply to this application, visit <http://shoalhaven.nsw.gov.au/mycouncil/feesandcharges.aspx>

1 Owner details

The application can only be made by the owner of the property.

Owners Name/Company Name

Contact Person (if Company)

Postal Address

Town/Locality

Phone No

Email

2 Swimming pool details (property identification details)

Street No

Street Name

Town/Locality

Lot and DP (if known)

Area of land (in m2 or hectares)

Year of pool construction

Pre August 1990

1 August 1990 to 31 August 2008

1 September 2008 to 31 March 2013

After 31 March 2013

Type of pool

In-ground

Semi In-ground

Above ground

Indoor

Spa/Hot tub

Inflatable/Portable

3 Access details for inspection

Contact Name

Contact Phone

Access Details (if required)

The information on this form is being collected by Council for administrative and assessment purposes. It will be used by Council staff and other organisations for the purpose mentioned and may be included on a public register. Personal information contained on this form will be published on Council's website as required by the GIPA Act 2009. Persons identified on this form may at any time, apply to Council for access or amendment of the information.

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Alternatively within: DA/BA:	Charge Code: 25486.24060.23657 (Nil GST)
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F O R M D E V 0 2 1

Provide a detailed submission that describes the circumstances for which the exemption is being sought in the area below

4 Exemption request details

5 Reasons to support the request

6 If you propose to install alternative safety measures please clearly detail these measures

7 Property sketch (street name, north point, all existing buildings including their use, all existing fencing including type, any other child resistant barriers to pool access and location of the pool)

(Note : If insufficient space, attach property sketch on a separate sheet)

4 Owners consent

As the owner(s) of the land to which this application relates, I/we consent to this application and authorise Council officers to undertake all necessary inspections of the premises in order to properly assess this certificate of compliance application.

Registered Owners Name (please print)

Registered Owners Name (please print)

Organisation/Company Name (if applicable)

ABN/ACN (if applicable)

Note: If the land is owned by a company (P/L) the signature of at least one (1) director residing in Australia is required. If a company signatory, indicate position held.

Signature

Date

Signature

Date

5 General information

Applicants are advised that:

1. If the local authority fails to finally determine the application within 6 weeks after it is made, then the local authority is taken, for the purposes of any appeal proceedings, to have refused the application and
2. If the local authority refuses the application for an exemption and/or compliance certificate, 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 the local authority's refusal or against the condition.
3. Individual owners must print and sign their names. Where there is more than one owner, all owners must print and sign their names on this application.
4. Consent and seal of the Owners Corporation is required if the swimming pool is located on common property. The Strata Managing Agent or two (2) members of the Owners Corporation must sign.
5. Owners who are companies can indicate consent by signing under seal or as otherwise authorised under Corporations Law. Alternatively owners who are companies can indicate consent by meeting the following criteria:
 - a) ABN or ACN number must be provided and;
 - b) Name, position and signature of:
 - One company director and company secretary; or
 - Two company directors; or
 - If a sole director company, only one signature is required.

Swimming Pools Act 1992 – Section 22

Local authority may grant exemptions from barrier requirements that are impracticable or unreasonable in particular cases

- 1) The local authority may, on application made by the owner of any premises in or on which a swimming pool is situated, or proposed to be constructed or installed, exempt the swimming pool from all or any of the requirements of this Part if it is satisfied, in the particular circumstances of the case:
 - a) That it is impracticable 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) That alternative provision, no less effective than those requirements, exists for restricting access to the swimming pool.
- 2) An exemption may be granted unconditionally or subject to such conditions as the local authority considers appropriate to ensure that effective provision is made for restricting access to the swimming pool concerned or the water contained in it.
- 3) A person is not guilty of an offence under this Part:
 - a) if the swimming pool concerned is the subject of an exemption under this section, and
 - b) if the conditions (if any) to which the exemption is subject are being complied with.
- 4) For the purposes only of any appeal proceedings arising in connection with an application under this section, the local authority is taken to have refused the application if it has not finally determined the application within 6 weeks after the application was made.