



116 Adelaide Street, Raymond
Terrace NSW 2324

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Raymond Terrace NSW 2324

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ABN 16 744 377 876

Application for Certificate of Compliance Section 22D Swimming Pools Act 1992

Received / / File No.

PART A APPLICANT DETAILS

Applicant name


Applicant phone Email

Applicant postal address

Suburb State Postcode

Preferred method of correspondence Post Email

NSW Swimming Pool Register pool number
Section 30B Swimming Pools Act 1992

 To register your swimming pool or spa visit:
<https://www.swimmingpoolregister.nsw.gov.au/>


PART B ACCESS FOR INSPECTION

Access details

Contact name Phone

I give permission to Council's officer to enter the property for the purpose of an inspection of the swimming pool/ spa

Signature of Owner(s) Date / /

 Full access to the swimming pool/spa and associated barriers must be made available on the day of inspection.
Any animals are to be restrained separate to the swimming pool/spa area.

PART C POOL DETAILS

Registered owner name(s)

Signature Signature Date / /

Phone Email

Address Lot Postcode

Suburb State DP

Type of pool (Above ground/ in ground, pool/spa) Location (Rear of property via driveway access)

Construction date / / Development Approval reference no.

Single residential dwelling Multiple/dual occupancy or units Tourist/ visitor accommodation

PART D

FEES

Initial inspection fee **\$150.00** (Nil GST)

Re-inspection fee **\$100.00** (Nil GST)

Information regarding inspection fees can be located via the Fees and Charges section of Council's website

www.portstephens.nsw.gov.au

Council encourages applicants to complete a self-assessment of the pool/ spa area prior to inspection. The NSW Swimming Pool Register have self-assessment checklists available via <https://www.swimmingpoolregister.nsw.gov.au/checklists>. Please note these checklists are a guide to assist in identifying common areas of non-compliance. The inspecting officer will complete a more comprehensive and technical inspection guided by The Australian Standard (AS1926).

PART E

SUBMIT

Please return your completed and signed application to:

In person 116 Adelaide Street / PO Box 42
or by post: Raymond Terrace NSW 2324

Email: devbuild@portstephens.nsw.gov.au

PRIVACY

Port Stephens Council is committed to protecting your privacy. We take all reasonable steps to comply with relevant legislation and Council policy.

Purpose: The purpose of this form is to obtain owner, applicant and pool details in order to complete an inspection for the purpose of issuing a Certificate of Compliance under Section 22D of the Swimming Pools Act 1992.

Intended recipients: Council staff and third parties as appropriate.

Supply: Involuntary.

Consequence of Non Provision: A Certificate of Compliance or Certificate of Non-Compliance cannot not be issued.

Storage and security: This document will be placed on the relevant file and/or saved in Council's records management system in accordance with Council policy and relevant legislation.

Access: Please contact Council on 02 4988 0255 to enquire how you can access information.

RETAIN THIS PAGE

RIGHTS OF APPEAL

1. You are entitled to appeal to the Land & Environment Court should Council determine to refuse the application.
2. For the purpose of appeal proceedings arising in connection with an application under Section 22D 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 of the application being made.
3. Section 22D of the Swimming Pools Act and Clause 17, 18, 19 and 25 of the Swimming Pools Regulation 2018 are outlined below.

SWIMMING POOLS ACT 1992 SECTION 22D

The local authority must grant Certificate of Compliance if the swimming pool complies with this part

1. The owner of any premises on which a swimming pool is situated may apply to the local authority for a Certificate of Compliance with respect to the swimming pool.
2. If satisfied that the swimming pool complies with the requirements of this part, the local authority must issue to the applicant a certificate to the effect that, as at the date on which it is issued, the swimming pool complies with those requirements.
3. The issue of a certificate under this section does not prevent the local authority from later given a direction under Section 23 in respect to the swimming pool concerned.
4. For the purposes only of any appeal proceedings arising in connection with an application under this section, authority is taken to have refused the application if it has not finally determined the application within 6 weeks after the local application was made.

SWIMMING POOL REGULATION 2018 CLAUSE 17, 18, 19 AND 25

Certificates of Compliance Section 22D

1. For the purposes of section 30B (2) (b) of the Act, the maximum fee that a local authority may require for the provision of registration information within the meaning of section 30B of the Act is \$10.
2. For the purposes of section 22F (1) of the Act, the maximum fee that a local authority may charge the owner of premises in or on which a swimming pool is situated for carrying out an inspection of the swimming pool is:
 - (a) if it is the first inspection since the person became the owner—\$150, or
 - (b) any or all subsequent inspections after the first inspection since the person became the owner—\$100, or
 - (c) if it is the first inspection since a certificate of compliance in relation to the premises ceased to be valid—\$150, or
 - (d) any or all subsequent inspections after the first inspection since a certificate of compliance in relation to the premises ceased to be valid—\$100.

Note: Certificates of compliance for a swimming pool are valid for a period of 3 years from the date of issue, in accordance with section 22D (6) of the Act. After a certificate of compliance has ceased to be valid, the local authority may charge a fee in accordance with this clause for an inspection carried out for the purpose of issuing a new certificate of compliance.

3. An application made to a local authority under section 22D of the Act is to be in the form approved by that authority.
4. The form must contain a statement to the effect that: (a) the applicant is entitled to appeal to the Land and Environment Court against the local authority's refusal of the application, and (b) the local authority's failure to determine the application within 6 weeks after it is made is taken, for the purposes of any such appeal, to be a refusal of the application.
5. A local authority that refuses to issue a certificate under Section 22D of the Act in respect of a swimming pool must cause notice of its decision to be served on the owner of the premises in or on which the swimming pool is situated.
6. Such a notice: (a) must give reasons for the decision, and (b) must state that the owner of the premises is entitled to appeal to the Land and Environment Court from the decision.