



Swimming Pool Barrier Exemption Application

Section 22 of the Swimming Pools Act 1992

116 Adelaide Street
Raymond Terrace NSW 2324

PO 42
Raymond Terrace NSW 2324

p | 02 4988 0255
e | council@portstephens.nsw.gov.au

DX 21406 | ABN 16 744 377 876

This is an application to request an exemption from swimming pool barrier requirements of the Swimming Pools Act 1992 that are impracticable or unreasonable or alternative provision, no less effective than the requirements of the Act, exists for restricting access to the swimming pool.

Part 1: Property Details

Address					Postcode	
Legal property Description	Lot		Section		DP/SP	

Part 2:

Owner(s) Name						
Address of owner						
Owners consent	<p>As the owner(s) of the land to which this application relates, I/we consent to this application and consent for the authorised council officer to enter the land to carry out an inspection(s) of the safety barriers of my swimming pool/ spa pursuant to the Swimming Pools Act 1992. I/we declare that the information provided in this application is accurate and correct.</p> <p>All owners of the property must sign this application. If the property is a unit under strata title or community title, the common seal of the owner's corporation must be stamped on this application and signed by the chairman or secretary of the owner's corporation. If the owner is a company, the form must be signed by an authorised director and the common seal must be stamped on this application. If the property has been recently purchased, written confirmation from the purchaser's solicitor must be provided. If the contracts have been exchanged for the purchase of the land, the current owner is to sign the application.</p>					
Signature					Date	



Part 3: Applicant's Details

Title	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other <input type="checkbox"/>				
First Name					
Last Name					
Property Owner	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Managing Agent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Address					
Phone			Alternate		
Mobile			Fax		
Email					
Is your Swimming Pool or Spa registered in the NSW Swimming Pool Register?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If yes, Registration Number:
Signature of Applicant					Date

Part 4: Swimming Pool Details

Type of Swimming Pool OR Spa	In-Ground Pool <input type="checkbox"/>	Above Ground Pool <input type="checkbox"/>	Indoor Pool <input type="checkbox"/>	In-Ground Spa <input type="checkbox"/>	Above Ground Spa <input type="checkbox"/>	Other <input type="checkbox"/>
Type of Property	Waterfront <input type="checkbox"/>		Greater than 2 Hectares <input type="checkbox"/>		Less than 230m2 <input type="checkbox"/>	
Year of Installation/Construction	Prior to 1 August 1990 <input type="checkbox"/>	Between 1 August 1990 and 31 August 2008 <input type="checkbox"/>	Between 1 September 2008 and 296 April 2013 <input type="checkbox"/>		After April 2013 <input type="checkbox"/>	
Has there been any alteration to the safety barriers of the Swimming Pool/Spa?				Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, Please describe alterations						



Part 5: Supporting Documents

Submit with this application (please attach):	Attached
i) Detailed reasons explaining why an exemption should be considered; and	<input type="checkbox"/>
ii) What measures will be taken to provide suitable alternative safety provisions.	<input type="checkbox"/>
iii) Site plan and elevation plans with dimensions to support the application	<input type="checkbox"/>
Council may need to discuss the proposal with you and undertake a site inspection in order to provide an adequate assessment	

Part 6: Reasons for Exemption

It is impracticable or unreasonable to comply with Part 2 of the Swimming Pools Act 1992, for the following reason/s (Please tick ONE)	
The physical nature of the premises or the design or construction of the swimming pool is impractical.	<input type="checkbox"/>
The existence of special circumstances (e.g. Clause 14 of the Swimming Pools Regulation 2018 – ie Physical Disability or Impairment)	<input type="checkbox"/>
An 'Alternative solution' is proposed to restrict access to the swimming pool, which is no less effective than the requirements of Part 2 of the Swimming Pools Act 1992.	<input type="checkbox"/>

Part 7: Detailed Plans / Information

Detailed plans and supporting information must be provided with this application which demonstrates that the circumstances described in the section above Reasons For The Proposed Exemption and provisions of the Swimming Pools Act 1992 are satisfied
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Part 8 Application fees

An application fee of \$250 applies for the issue of exemption from swimming pool barrier requirements – as prescribed by NSW Swimming Pool Regulation 2018.
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Part 9: Exemption Conditions

This is an application to request an exemption from swimming pool barrier requirements of the Swimming Pools Act 1992 that are impracticable or unreasonable or an alternative provision, no less effective than the requirements of the Act, exists for restricting access to the swimming pool.

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

- a) 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) 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.

For the purposes only 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.

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

Council impose a fee of \$250 for an application for an exemption under section 22 of the Swimming Pools Act 1992. Applications provided without payment of the fee will not be considered.

Part 10: Applicant(s) Declaration

I/We hereby make application to Port Stephens Council for the issue of a Certificate of Compliance in response to the Swimming Pool at the address nominated in Part 1 - Property Details.

Signature		Date	
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