



SWIMMING POOL EXEMPTION APPLICATION

This is an application for exemption under Section 22 of the Swimming Pools Act 1992

818 Pacific Highway, Gordon NSW 2072 | Locked Bag 1006, Gordon NSW 2072
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Office Use Only

SP No _____

Date Rec _____

Receipt No _____

PREMISES DETAILS

Lot: _____ Section: _____ DP: _____

Address: _____

OWNER APPLICATION DETAILS

This application can only be made by the owner of the premises or by a managing agent/solicitor who has the authority to act on their behalf.

Name/Company: _____

Contact Person: _____

Postal Address: _____

Phone: _____

Mobile: _____

Email: _____

ACCESS FOR INSPECTION

Are there any animals on the premises that may be a risk to the inspecting officer? Yes No

If yes please specify the type of animal _____

A colour plan is required to accompany this application form. The plan must clearly highlight the extent of your exemption proposal.

Is the application made under section 22 (1) (a) or section 22 (1) (b) of the Act?

I give permission to Council's Officer to enter the premises for the purpose of inspection of the swimming pool and consent to the Council Officer taking photographs of the pool area.

OWNER'S SIGNATURE

Date: _____

Date: _____

Please note: If more than one owner, every owner must sign. 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 premises have 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.

An Application Fee of \$250 is payable at the time of lodging this application. Council will not process an application where the fee has not been paid.

RIGHTS OF APPEAL

In accordance with Clause 12 of the Swimming Pools Regulation 2018 and Section 22 (4) of the Swimming Pools Act 1992;

If the Council fails to finally determine the application within six weeks after the application is made, then the Council is taken, for the purposes of any legal proceedings, to have refused the application.

If the 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 an appeal to the Land and Environment Court against the Councils refusal or against the condition.

SWIMMING POOLS ACT 1992 – SECTION 22

The Council, for the purposes of Section 22 (1) (a) and (b) and (2) of the Act may 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;

(1) (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.

SWIMMING POOLS REGULATIONS 2018 – CLAUSE 14

Circumstances that justify an exemption

1. For the purposes of Section 22 of the Act, the fact that an adult occupier of the premises in or on which a swimming pool is situated would (because of a 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 circumstance that justifies the granting of an exemption from those requirements.

NOTE- Supporting evidence from a General Practitioner may be requested by the Council, to ensure that the disability or impairment is factual.



CREDIT CARD PAYMENT FORM

Swimming Pool Exemption Application

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E kmc@kmc.nsw.gov.au **W** www.kmc.nsw.gov.au **ABN** 86 408 856 411

Introduction	This form can be used for providing payment by credit card for Council services. Please attach this form to the front of any relevant documentation to ensure fast processing of your payment.
Payment Details	<input type="checkbox"/> Application fee - \$250 – Swimming Pool Exemption Application.
Applicant Details	Name:..... Property:..... Mailing Address:..... Phone Number:.....
Amount to be Debited	\$
Card Details	Card No: _ _ _ _ _ Expiry: _ _ / _ _ CSV Name on Card:..... Signature:..... Date:..... <input type="checkbox"/> Visa <input type="checkbox"/> Mastercard <input type="checkbox"/> American Express NOTE: A merchant fee surcharge is applicable to all credit card payments
Your Privacy	The personal information you have supplied on this form is legally required and assists Council officers when determining your application. Failure to provide some details may result in rejection or delays. The details provided are not publicly available. At any time you have access to view or correct any information you have supplied.
Office Use Only	CSO Initials: _____ Date: _____ Receipt No: _____