

Use this form to apply for exemption from barrier (fencing) requirements

Property details

Lot Number

Deposited/Strata Plan Number

Section Number

Suburb/Town

Postcode

Address

Applicant details

Applicant(s) Surname/Company

Given Names

Postal Address

Phone

Mobile

Email

Owner details

Owner(s) Surname/Company

Given Names

Postal Address*

Suburb/Town

State

Postcode

Phone

Mobile

Email

Owner(s) Consent

As owner(s) of the land to which this application relates, I/We consent to this application. I/We also consent for authorised Council Officers to enter the land to carry out inspections and take photographs of the pool area.

Signature(s)

Please note: All owners must sign this application. If the owner is a company or owner's association, the application must be signed by an authorised person. If you are signing on the owner's behalf as their legal representative, you will need to state your legal authority (eg Power of Attorney, Executor, Trustee) and attach evidence of this authority.

Office use only

Fee Paid

Receipt Number

Staff Initials

Date

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 and 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 circumstance 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 2008 provides further information if required.

Reasons for exemption applicaiton (to be attached)

Submit with this application:

- a) detailed reasons explaining why an exemption should be considered; and
- b) what measures will be taken to provide suitable alternative safety provisions.

Plans and diagrams may be used to assist the application.

Council may need to discuss the proposal with you and undertake a site inspection in order to provide an adequate assessment.

How to lodge this form

Completed form can be:

- Emailed (select the submit button below) and attach supporting documents as required. Payment by credit card or EFT can be arranged; or
- Forwarded by post with payment; or
- Lodged at our Customer Service Counters - Monday to Friday (excluding public holidays).

Privacy: This information is required to assist with your transaction and will not be used for any other purpose without seeking your consent, or as required by law. Your application will be retained in Council's Records Management System and disposed of in accordance with current legislation. Your personal information can be accessed and corrected at any time by contacting Council.

Forster | 4 Breese Parade | PO Box 450 Forster 2428 | **6591 7222**
Gloucester | 89 King Street | PO Box 11 Gloucester 2422 | **6538 5250**
Taree | 2 Pulteney Street | PO Box 482 Taree 2430 | **6592 5399**
www.midcoast.nsw.gov.au