

# Application for Exemption from Swimming Pool Barrier Requirements

Section 22 of the Swimming Pools Act 1992



REFERENCE NUMBER:

Effective 1 July 2023 to 30 June 2024

## ABOUT THIS FORM

This form relates to an application to Council for an exemption to specific swimming pool barrier provisions or requirements under Section 22 of the *Swimming Pools Act 1992*.

## WHAT YOU'LL NEED

- ☐ Plan/s or diagrams of pool, pool fences/barriers, gates and adjacent buildings
- ☐ Written details/report providing reasons and justification for the proposed exemption

## SUBJECT PROPERTY

Unit/Street No: ..... Street: .....

Suburb: ..... Post Code: .....

## APPLICANT DETAILS

Title: ☐ Mr ☐ Mrs ☐ Ms ☐ Other: .....

Applicant's Name: .....

Company Name / Contact: .....

Postal Address: .....

Suburb: ..... Post Code: .....

Email: .....

Phone No(s): ..... Mobile: .....

Applicant's signature: ..... Date: .....

*Please note: The applicant must be the owner of the land or the owners authorised agent*

For access to the property we will need a Contact Person

Name/s: .....

Phone No(s): ..... Email: .....

## GET IN CONTACT

Randwick City Council  
30 Frances Street  
Randwick NSW 2031  
ABN: 77 362 844 121

Phone 1300 722 542  
council@randwick.nsw.gov.au  
www.randwick.nsw.gov.au

## SWIMMING POOL REGISTER

Has your pool been registered on the NSW Swimming Pool Register?

☐ Yes - Certificate No: .....

☐ No (Pool must be registered before determination)

## PARTICULARS OF THE SUBJECT SWIMMING POOL

Description of the subject swimming pool. (i.e. in-ground swimming pool located in the rear yard of the residential premises)

*Please provide a plan or sketch of the subject swimming pool or spa pool and location on the property*



## REASONS FOR THE PROPOSED EXEMPTION

- ☐ It is impracticable or unreasonable to comply with Part 2 of the *Swimming Pools Act 1992*, because of the following reason/s:
- ☐ The physical nature of the premises or the design or construction the swimming pool is impractical
  - ☐ The existence of special circumstances (Clause 14 of the *Swimming Pools Regulation 2018*)
- ☐ 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*.

*Detailed supporting information must be provided with this application which demonstrates that the abovementioned circumstances and provisions of the Swimming Pools Act are satisfied.*

## NOTES

Council may require further information to assist in the assessment and determination of the application (i.e. detailed plans, certificates and details or reports) which demonstrates that the proposed exemption satisfies the relevant provisions of the *Swimming Pools Act 1992* and associated requirements.

You are entitled to appeal to the Land and Environment of New South Wales on the following grounds:

- (a) Council refuses this application, and
- (b) Council fails to determine this application within 6 weeks after the application is made.

## HOW TO LODGE THIS APPLICATION

**BY MAIL** with a cheque attached **OR**

**OVER THE COUNTER** at Council with payment made via cash, cheque, credit card or EFTPOS.

Address the Application to:      Randwick City Council

Post:    30 Frances Street  
Randwick NSW 2031

Courier or Personal Delivery to our Customer Service Centre:

*Randwick City Council*

30 Frances Street

Open 8:30am – 5:00pm, Monday – Friday

## FEES

Application fees are in accordance with Council's Fees and Charges Policy. To avoid delays at lodgement, please contact us to obtain a fee quote prior to lodging your application.

Fees may be paid by cash, cheque, MasterCard, Visa, American Express & EFTPOS. Do not send cash in the mail. Make cheques payable to Randwick City Council.

If lodging multiple applications, a separate payment must be made for each application.

If the Regulations provide for a greater fee than specified below, the maximum fee specified in the Regulation applies.

FEE TYPE	RECEIPT CODE	FEE	GST
Application for Exemption	RC 503	\$250	N/A

## PRIVACY NOTIFICATION

The personal details requested on this form are required under the *Swimming Pools Act 1992* and will only be used in connection with the requirements of this legislation. Access to this information is restricted to Randwick City Council officers and other people authorised under the Act. Council is to be regarded as the agency that holds the information. You may make application for access or amendment to information held by Council. You may also request Council to suppress your personal information from a public register.

## COPYRIGHT DISCLAIMER

The Government Information (Public Access) Act (GIPA) provides that anyone may inspect, free of charge, certain documents held by a council, including (among others) development applications and associated documents. GIPA provides that a right to inspect a document under the Act includes a right to take away a copy of the document, whether free of charge or subject to reasonable copying charges.

It follows that anyone has a statutory right to inspect development application and associated documents, subject to GIPA, and to take away copies. A council complying with its obligation under GIPA does not breach copyright law. However, a person who through this process obtains a copy of survey or other plans subject to copyright would be in breach of copyright law if those plans were later used in a way adverse to the interest of the holder of the copyright.

If you do copy, reproduce, republish, upload to a third party, transmit or distribute in any way plans, building specifications or other documents subject to copyright, contrary to the provisions of the *Copyright Act 1968* (Cth) you will be taken to have indemnified Randwick City Council against any claim or action in respect to breach of copyright.

## OFFICE USE ONLY

Application/Request received by: .....

Date: .....

Referred to: .....

Date: .....

Receipt No: .....

Date: .....

Fee:      \$ .....