

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



Please **complete** form and **deliver** or **fax** to Port Stephens Council.

Please ensure that your pool fence/barrier is satisfactory. If not reinspection fees will need to be paid.

APPLICANT DETAILS

Applicant's name/s (in full):

Applicant address:

Applicant telephone: Phone: Mobile:
Email:

Signature of Applicant: Date:

Indicate preferred method of receiving completed compliance certificate: ☐ Post ☐ Email

Is your pool registered on the NSW Government Swimming Pool Register? ☐ Yes ☐ No

If yes, Registration Cert. No:

ACCESS FOR INSPECTION

Access to the swimming pool (external or internal pool) for inspection must be made available.

Access details:

Contact name: Phone:

I give permission to Council's Officer to enter the property for purpose of inspection of the swimming pool.

Signature of owner(s): Date:

OWNERS DETAILS

Registered Owner name:

Signature: Date signed:

Registered Owner name:

Signature: Date signed:

Telephone:

Type of pool:

Location of pool:

House number:

Street name:

Lot Number: DP:

Suburb:

Date of Construction: DA Ref No:

POOL DETAILS

Single Residential Dwelling ☐ Multiple – Occupancy – Dual Occ, Units ☐ Tourist or Visitor Accomodation ☐

Fee Applicable: **\$150** (Nil GST) (Office use only - (402)
\$100 Re-inspection Fee (Nil GST) (Office use only - (402)
Please refer to Council's Fees and Charges on Council's website www.portstephens.nsw.gov.au

Return to: Port Stephens Council,
PO Box 42 RAYMOND TERRACE NSW 2324
Telephone: 02 4980 0215 Fax: 02 4987 3612

Notes

FEES

The application fee for this certificate, is \$150 (or \$100 re-inspection fee) as outlined in clause 17 of the Swimming Pool Regulation 2008.

PRIVACY

The information provided in this application and supporting documentation is required to enable it to be assessed by Council and relevant State agencies. The information may be advertised to the public for comment and the public may be entitled to inspect the application and any associated documents under Section 12 of the Local Government Act 1993. Additionally, an image of the application and any associated documents may be placed on Council's website for public access. In collecting, using and disclosing the information on this form, Council is bound by the obligations of the Privacy & Personal Information Protection Act 1998.

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 the 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 18 of the Swimming Pools Regulation 2008 are outlined below.

SWIMMING POOLS ACT 1992 SECTION 22D

Local authority must grant certificate of compliance if 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 giving a direction under section 23 in respect of the swimming pool concerned.
4. For the purposes only of any appeal proceedings arising in connection with an application under this section, the local authority is taken to have refused the application if it has not finally determined the application within 6 weeks after the application was made.

SWIMMING POOL REGULATIONS 2008 CLAUSE 16, 17 AND 18

Certificates of Compliance: section 22D

1. A local authority may impose a fee on an application for a certificate of compliance under section 22D of the Act.
2. An application made to a local authority under section 22D of the Act is to be in the form approved by that authority.
3. 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.
4. 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.
5. 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.