



# SWIMMING POOL CERTIFICATE OF COMPLIANCE APPLICATION FORM

*Made under the Swimming Pools Act 1992, Section 22D*

Revision No. 11-02-2022

OFFICE USE ONLY

Cert No: 19/.....  
 Parcel No: .....  
 Zone No: .....  
 Fee: .....  
 Receipt No: .....  
 Date: .....

## APPLICATION DETAILS

### INFORMATION FOR APPLICANT

Application is made for a Swimming Pool Certificate of Compliance under Section 22D of the *Swimming Pools Act 1992* (the Act) in relation to the existing pool (includes a spa pool) and any child resistant barrier located on the subject property. A Certificate of Compliance may be issued by Council or by an appropriately accredited certifier.

By making this application you are requesting for Council to inspect the pool within the subject property to determine whether the pool and associated child resistant barrier complies with the Act. You are advised that once Council has become aware of any non-compliance with a pool, Council is obligated to pursue compliance regardless of whether a decision is made by the owner or its legal representative to withdraw the application for a certificate of compliance.

The Certificate of Compliance will only be issued to the owner of the property or their legal representative in accordance with Section 22D (5) of the *Swimming Pools Act 1992*. A Certificate of Compliance is valid for a period of 3 years unless a direction is issued under Section 23 for non-compliance with the Act.

Where a Certificate of Compliance is unable to be issued due to non-compliances with the Act, Clause 18BA of the *Swimming Pools Regulation 2018* requires Council to issue a Certificate of Non-Compliance. A Certificate of Non-Compliance is valid for the period of 12 months. Council is also likely to issue a notice and/or direction requiring the matters of non-compliance to be rectified within a specified timeframe. **You are warned that failure to comply with a Council direction or where there is a non-compliance with the Act, Council may issue a Penalty Infringement Notice (PIN) of up to \$550.**

Once the circumstances permit Council to issue the Certificate of Compliance, this will be issued to the owner or its legal representative as explained above.

Please indicate by 'X' which of the following is relevant for your application

- 1. The applicant is the owner of the property or part of any other person having the owner's consent to make the application; or
- 2. The applicant is the purchaser under a contract for the sale of property, which comprises or includes the building or part, or the purchaser's solicitor or agent

### MANDATORY INFORMATION TO ACCOMPANY THE APPLICATION

NSW Swimming Pool Certificate of Registration:  Yes  No (NOTE: application not accepted without a copy of the Certificate of Registration)  
 Is the Certificate of Registration attached?

Reason for requiring a Certificate of Compliance?  Sale  Tenancy  Other (please explain)

### FEE PAYABLE

Minimum Lodgement Fee - \$250

**Note:** This fee includes the prescribed \$150 fee for the Certificate of Compliance and the payment of a reinspection fee. Where a reinspection is not required to be undertaken, Council will refund the \$100 reinspection fee.

### IDENTIFICATION OF PROPERTY

#### Description and location of land

Unit No	House No	Street
Suburb		Parish
Lot(s)	Section	Deposited Plan (DP)

### ACCESS TO PROPERTY/BUILDING

Please provide a contact person and phone number to arrange access to the property.

Name	Telephone
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APPLICANT DETAILS <i>Please indicate by 'X'</i>					
<b>APPLICANT DETAILS ARE THE SAME AS OWNER'S DETAILS</b> <input type="checkbox"/>				<i>Please proceed to section "Owners Details and Consent"</i>	
<b>INDIVIDUAL LODGEMENT</b> <input type="checkbox"/>			<b>COMPANY LODGEMENT</b> <input type="checkbox"/>		
Surname:			Company:		
First Name:			Company Contact:		
Postal Address:		PO Box:		Telephone:	
Suburb:		State:	Postcode:	Mobile:	
Email:			Customer Reference:		
Signature(s):				Date:	
DECLARATION OF CONFLICT OF INTEREST					
Is the land owner or the applicant of this Swimming Pool a 'Council Official'? <input type="checkbox"/> Yes <input type="checkbox"/> No					
'Council official' means a Councillor or Council staff member; or a spouse, de-facto or same sex partner of a Councillor or Council staff member.					
<i>Note: Please refer to Council's Policy: Lodgement of a Development Application, Section 96 Application, Section 82A Application and/or other application by a Council Official, which is available on Council's website <a href="http://www.cessnock.nsw.gov.au">www.cessnock.nsw.gov.au</a></i>					
OWNER(S) DETAILS AND CONSENT					
Name(s)			Company		
			Position Title		
Postal Address:	No.	Street		Telephone	
Suburb		State	Post Code	Mobile	
Email					
<i>I/We the undersigned are the owner(s) or legal representatives of the property described in this application and consent to its lodgement. I/We hereby permit a duly authorised officer of Cessnock City Council to enter the land or premises to carry out inspections and undertake work as required for the administration of the Swimming Pool Act 1992 and Swimming Pool Regulation 2018. I/We acknowledge Council will charge fees (including reinspection fees where applicable) in accordance with adopted fees and charges and that Council officers are obligated once it has come to Council's attention to ensure any defective matter(s) relating to a swimming pool is resolved. I/We acknowledge that works may be required to rectify any matter required by Council and that failure to comply with legislation may result in punitive legal action being taken against me.</i>					
Signature(s)					
Name(s) of Person(s) signing <i>(Please print)</i>					
<i>Please indicate by 'X'</i> <input type="checkbox"/> Private Land Owner <input type="checkbox"/> Sole Director <input type="checkbox"/> Director, Secretary & Company Seal					

## PRIVACY NOTIFICATION

Council is subject to the *Privacy and Personal Information Protection Act 1998* (NSW) in dealing with your personal information. [Council's Privacy Management Plan](#) and [Privacy Statement](#) describe how the agency meets these obligations. Personal information is being collected for the purpose of processing your application in accordance with the *Swimming Pools Act 1992* and Regulation. This includes notification and advertising purposes, and consultation with other NSW government agencies in relation to your application. By providing your personal information you agree for Council to share it from time to time with a third party to conduct customer research or satisfaction surveys relating to your application in order to improve Council processes. You also agree that Council may use your personal information from time to time to contact you and notify you of legislative and other amendments that may have an impact on you. Delegated Council officers and agents acting on behalf of Council will be the recipients of your personal information. The provision of personal information is voluntary, however if you do not provide it we may not be able to process your application. Your personal information will be kept securely in Council's Information Management System in accordance with the relevant legislation. Council's address is 62-78 Vincent Street CESSNOCK NSW 2325. You may access, correct or update your personal information by visiting [Council's website](#), contacting Council's Privacy Contact Officer on 02 4943 4100 or by sending an email to [council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au).

## LODGEMENT INFORMATION

### HOW TO LODGE YOUR APPLICATION

#### Address the application to

General Manager  
Cessnock City Council  
PO Box 152  
CESSNOCK NSW 2325

#### Payment Method

**By mail** - Cheque, Money Order or Credit Card (*complete the section below*)

#### Lodge in person (between 9am – 4pm) at Council's Administration Building

Cessnock City Council  
62-78 Vincent Street  
CESSNOCK NSW

*You will need to spend some time with a Customer Service Officer when lodging your application. Typically you will require 30 minutes, however this may vary depending on the complexity of your application*

#### Payment Method

**In person** - Cash, Cheque, Money Order, Bankcard, Mastercard, Visa, and/or EFTPOS.

#### Lodge via email

[council@cessnock.nsw.gov.au](mailto:council@cessnock.nsw.gov.au)

#### How to Contact Us

Phone: 02 4993 4100

Fax: 02 4993 2500

[www.cessnock.nsw.gov.au](http://www.cessnock.nsw.gov.au)

#### Office Hours

9am to 5pm Monday to Friday

*\*Payments are accepted until 4pm\**

Duty Officers are available weekdays:

Planning - 9am to 5pm

Building - 9 to 10am & 1 to 5pm

#### Fees

Fees are calculated in accordance with Council's adopted fees and charges.

If you require further information regarding this request, please contact Council's Customer Relations Team on telephone 02 4993 4100.

*Cessnock City Council takes the privacy and security of personal information very seriously. To eliminate the risk associated with Credit Cards, Council does not collect or store Credit Card information.*

*Credit Card payments are processed by Council's Customer Relations Team using a call in or call back facility. Customers are able to select their preferred option.*

If you wish to make payment via Credit Card, please nominate your preferred telephone contact number for our Customer Relations Team to contact you on.

**Payment Contact Name:** .....

**Payment Contact Phone Number:** .....

# CESSNOCK CITY COUNCIL SWIMMING POOL GENERIC CHECKLIST

\* REFER TO DISCLAIMER

## DISCLAIMER

The information within this checklist will be applicable to the majority of swimming pool and/or spa situations. Due to changes in swimming pool legislation and standards over time, there may be additional requirements that apply to your particular swimming pool and/or spa situation. The information within this checklist does not substitute a comprehensive compliance inspection that can be undertaken by a Council officer.

## SWIMMING POOL GATE

- Gate must open outward from pool
- Gate must be self-closing and self-latching
- Latch must be more than 1.5m from the ground
- Gate must self-latch on the first swing

Does gate swing back to the closed position after being opened?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Replace hinges
Does gate latch and stay closed after it returns to the closed position?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Replace latch
Is gate secure so that it can't be pulled open once latched?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Fix or replace latch
Is gate secure and doesn't open if a child bounces on the bottom rail of the gate?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Fix or replace latch
Can the gate open and close freely without becoming held open on any object?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Remove obstruction
Are you aware of the dangers of propping the gate open?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Never prop gate open
Is the gap between the gate and the fence less than 100mm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Reduce the gap

## SWIMMING POOL FENCE

- Pool fencing is at least 1.2m high
- Boundary fences that form part of the pool fence should be at least 1.8m high
- No more than 100mm gaps under, through or around the fence
- No horizontal rails less than 900mm apart

Are all of the fence panels in place?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Replace fence panels
Are all of the fence panels securely fixed in place?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Secure panels
Have you checked the fence for gaps or holes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Check and fix fence
Are all gaps under, through or around the fence panels less than 100mm?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Reduce the gap
Have you checked for rusted, loose or missing screws?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Check and replace
If the property boundary fence forms part of the pool fence, is there at least 900mm separation between any foothold and the top of the pool fence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Remove hand or foot holds within 900mm of the top of the fence

## AROUND THE SWIMMING POOL FENCE

- Pool aids and toys should be stored securely and not left around the pool area
- Objects that could be used to climb the fence should be removed from the area

Have climbable objects within 500mm from the outside of the pool fence and 300mm from the inside of the fence been removed? i.e. chairs, ladders, trees, pot plants, BBQ's	<input type="checkbox"/> Yes	<input type="checkbox"/> No – remove climbable objects away from pool fence
Are toys always removed from the pool and stored securely after use?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Store toys securely
Have trees or climbable shrubs near the fence been removed or trimmed so that there is a minimum 900mm separation from the top of the pool fence?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Trim trees and shrubs
Is there a Resuscitation (CPR) Chart in good readable condition visually displayed facing into the pool area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Obtain and fix a chart facing into the pool area

## SPAS

- If a Spa is surrounded by a pool fence, the above checklist requirements apply. If no fence is provided, the following is required to be satisfied.

Is the spa covered by a child-resistant lockable lid?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Obtain an approved spa cover that is key lockable
Is there a Resuscitation (CPR) Chart in good readable condition visually displayed facing into the pool area?	<input type="checkbox"/> Yes	<input type="checkbox"/> No – Obtain and fix a chart facing into the spa area