

To apply for a disability exemption:

- The applicant **must** complete **Part A** or a legal agent/ parent /carer may complete the form if the applicant is under 18 years of age or legally unable to do so.
- Part B **must** be completed by the applicant's Medical Practitioner or Occupational Therapist.
- Pay the appropriate fee of **\$317.00**
- Lodge the **completed** application.

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## Part A

### 1. Applicant(s) Details

It is important that we are able to contact you if we need more information during business hours.  
Please give us as much detail as possible

Mr  Mrs  Ms  Other

Full family name (No initials):

Full given names (No initials):

or

Company name

ACN

Postal address -

All correspondence will be posted to this address:

Postcode:

Phone:

Mobile:

Contact Person

Person who may be contacted to discuss the application during business hours

Email:

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### 2. Site Details

#### Swimming pool address

Unit/House no: Street:

Suburb

Legal property description: Lot: Plan:

This information must be supplied

Is the pool existing: Yes/No

If Yes - the pool registration number

Is the pool to be constructed? Yes/No

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### 3. Reasons for Exemption Application (to be attached)

**Submit with this application:**

- (i) Detailed reasons explaining why an exemption should be considered;
- (ii) Part B completed by the applicant's Medical Practitioner or Occupation Therapist;
- (iii) What measures will be taken to provide suitable alternative safety provisions; and
- (iv) Plans and diagrams may be used to assist the application.

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

#### DECLARATION

I declare that the information provided in this application is complete, true and correct in every detail.

\_\_\_\_\_  
Applicant's signature                      Date

**You must have a Medical Practitioner or Occupational Therapist complete part B**

\_\_\_\_\_  
Signature of applicant's Agent, Parent, Carer, guardian etc

\_\_\_\_\_  
Date

\_\_\_\_\_  
State relationship to applicant

\_\_\_\_\_  
Contact details including phone number

#### IMPORTANT NOTICE - Privacy Statement

Your personal information is handled in accordance with the *Information Privacy Act 2009*. Logan City Council is collecting your personal information in accordance with the *Building Act 1975* in order to process your request for and disability exemption. The information will only be accessed by Logan City Council for Council business related activities only. Your information will not be given to any other person or agency unless you have given us permission or we are required by law.

#### CONDITIONS

Council may grant the exemption under the Building Act 1975 only if it is satisfied that—

- (a) a person with a disability is, or is to become, an occupier of land on which the regulated pool is situated; and
- (b) it would be physically impracticable for the person, because of the person's disability, to access the pool if it had barriers complying with the pool safety standard.

Council may grant the exemption on the reasonable conditions it considers necessary or desirable to prevent a young child accessing the pool. If the exemption is granted on conditions, the applicant must comply with each condition of the exemption at all times.

For the purposes only of any appeal proceedings arising in connection with an application under Section 235 of the Building Act 1975, Council is taken to have **refused** the application if it has not finally determined the application within 5 business days after the application is 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 regulated swimming pool is situated is entitled to appeal to a building and development dispute resolution committee under the Sustainable Planning Act, section 532.

**Pursuant to Section 240 of the Building Act 1975**, the pool safety standard continues to apply for the regulated pool to the extent the exemption does not apply.

Pursuant to Section 241 of the Building Act 1975 the exemption ends if -

- (a) the applicant stops being the owner of the regulated pool; or
- (b) the person because of whom the exemption was granted is no longer an occupier of the land on which the pool is situated; or
- (c) it would no longer be physically impracticable for the person because of whom the exemption was granted to access the pool if it complied with the pool safety standard.

Pursuant to Section 242 of the Building Act 1975, Council can revoke the granted exemption if the local government is satisfied 1 or more of the following applies—

- (i) the decision on the application for the exemption was based on a false or misleading particular given by the applicant;
- (ii) the exemption has ended under section 241;
- (iii) the exemption was subject to conditions and there has been a contravention of a condition.

**Part B**

*To be completed by a Medical Practitioner or Occupational Therapist*

Name of applicant:

Medical Practitioner's name (please PRINT)

Health Profession

Medical Practitioner's address

Telephone number

Medical Practitioner's signature

Date

Provider's number (if applicable)

**MEDICAL ASSESSMENT**

I certify that I have examined the person shown as the applicant for a Disability Exemption and certify that.....( full name of the patient ) has:

- Total dependence on a wheelchair
- Total dependence on a carer/caregiver
- Total dependence on large mobility device (walking frame):

*This does not include splints, crutches or walking sticks*

Or

The applicant's ability to access the pool is severely impaired because: (give reason)

.....  
.....

And

This condition is:

- Permanent
- Temporary

### **PAYMENT OPTIONS**

The application may be lodged and paid via any of the methods listed below. Please use the checkboxes to indicate the method selected for this application, noting that credit card details must not be provided either via email or post.

- Via **email** to [Council@logan.qld.gov.au](mailto:Council@logan.qld.gov.au). A Council Officer will phone you for your payment via credit card;
- By **post** to Logan City Council, PO Box 3226, Logan Central, QLD 4114. Payment can be made via:
- Cheque
  - Money order
  - Credit card - a Council Officer will phone you for your payment details
- In **person** at one of Council's customer service centres located at [Logan Central](#), [Jimboomba](#) or [Beenleigh](#). Payment can be made in cash, via cheque, money order or using EFTPOS.

***Please note: processing of the application will take place after payment is successfully received.***