

South Australia

# Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019

under the *Planning, Development and Infrastructure Act 2016*

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### Legislative history

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019*.

### 3—Interpretation

In these regulations—

*Act* means the *Planning, Development and Infrastructure Act 2016*.

## Part 2—Swimming pools—designated safety requirements

### 4—Swimming pool safety features

For the purposes of the definition of *swimming pool safety features* in section 3(1) of the Act, the following features are prescribed (insofar as they are relevant to the particular circumstances taking into account the provisions of the Building Code):

- (a) fences;
- (b) barriers;
- (c) water recirculation systems;
- (d) secondary outlets from a swimming pool;

- (e) warning notices.

## 5—Prescribed event

- (1) For the purposes of the definition of *prescribed event* in section 156(1) of the Act, the transfer of title to land where a swimming pool is situated is prescribed as constituting a prescribed event.
- (2) For the purposes of subregulation (1)—
  - (a) if a formal settlement forms part of the processes associated with a transfer of title to land, the title will be taken to be transferred at the time of settlement; and
  - (b) the transfer of the interest of—
    - (i) a unit holder of a unit under the *Strata Titles Act 1988*; or
    - (ii) an owner of a community lot under the *Community Titles Act 1996*; or
    - (iii) an occupant of a unit in a building unit scheme,will be taken to be a transfer of title of land; and
  - (c) land will be taken to include a unit under the *Strata Titles Act 1988*, a community lot under the *Community Titles Act 1996* and a unit in a building unit scheme.

## 6—Requirements for designated safety features for swimming pools

- (1) For the purposes of section 156(2) of the Act, the following requirements are prescribed in relation to existing pools:
  - (a) in relation to a swimming pool approved, constructed or installed before 1 July 1993—the requirements set out in a Ministerial building standard published for the purposes of this regulation;
  - (b) in relation to any other swimming pool—the requirements relating to the construction and safety of swimming pools under the Building Code, as it applied at the time the application for a relevant consent or approval was made (being an application that related to the construction of the swimming pool or to some other form of building work where designated safety features are relevant).
- (1a) For the purposes of section 156(3)(a) of the Act—
  - (a) the requirements under subregulation (1) are prescribed; and
  - (b) the designated owner of a swimming pool must ensure that designated safety features are installed and maintained in accordance with the relevant requirements under subregulation (1).
- (2) For the purposes of section 156(3)(b)(i) of the Act, the designated owner of an existing swimming pool must ensure that designated safety features are installed in accordance with the relevant requirements under subregulation (1) before the occurrence of a prescribed event.

## **7—Designated safety requirements—construction of designated safety features**

If building work that involves the construction of a swimming pool is being carried out within the area of a council, then—

- (a) a licensed building work contractor who is carrying out the work or who is in charge of carrying out the work; or
- (b) if there is no such licensed building work contractor, the designated owner of the swimming pool,

must ensure that the construction of all relevant designated safety features is completed within 2 months of the completion of the construction of the swimming pool.

## **8—Expiation of offences**

For the purposes of Schedule 5 item 46 of the Act—

- (a) an expiation fee of \$750 is fixed in respect of an offence against section 156(4) of the Act; and
- (b) authorised officers under the Act, and authorised persons appointed under section 260 of the *Local Government Act 1999*, are designated as persons who are authorised to give expiation notices with respect to an expiation of an offence against section 156(4) of the Act.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2019	175	<i>Gazette 27.6.2019 p2553</i>	1.7.2019: r 2
<b>2019</b>	<b>225</b>	<b><i>Gazette 31.10.2019 p3620</i></b>	<b>31.10.2019: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>31.10.2019</i>
<b>Pt 2</b>		
<b>r 6</b>		
<b>r 6(1)</b>	<b>varied by 225/2019 r 4(1)</b>	<b>31.10.2019</b>
<b>r 6(1a)</b>	<b>inserted by 225/2019 r 4(2)</b>	<b>31.10.2019</b>