

South Australia

Development (Swimming Pools) Variation Regulations 2003

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Swimming Pools) Variation Regulations 2003*.

2—Commencement

These regulations will come into operation on 1 January 2004.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Development Regulations 1993*

4—Insertion of regulation 6B

After regulation 6A insert—

6B—Aboveground and inflatable pools

- (1) Any work or activity involving the construction of an aboveground or inflatable swimming pool which is capable of being filled to a depth exceeding 300 millimetres is prescribed under paragraph (c) of the definition of *building work* in section 4(1) of the Act.

- (2) However—
- (a) subregulation (1) does not apply if—
 - (i) the swimming pool is being placed where, or approximately where, the pool, or another pool capable of being filled to a depth exceeding 300 millimetres, has been previously located within the last 2 years; and
 - (ii) the placing of the pool, or another pool, at that location (or approximately that location)—
 - (A) has been previously granted development approval under the Act, other than where any safety features required on account of that approval have been removed; or
 - (B) occurred before the commencement of this regulation, other than where the pool that was previously so located did not incorporate a filtration system; and
 - (b) subregulation (1) applies subject to any exclusions from the ambit of the definition of *development* under Schedule 3 or 3A.
- (3) In this regulation—
- swimming pool* includes—
- (a) a paddling pool; and
 - (b) a spa pool (but not a spa bath).

5—Variation of Schedule 3

- (1) Schedule 3, clause 4(1)(c)—delete "which does not have a maximum capacity exceeding 9 000 litres and does not have a depth exceeding 300 mm" and substitute:
which—
- (i) does not have a depth exceeding 300 millimetres; or
 - (ii) in the case of an aboveground or inflatable swimming pool, does not incorporate a filtration system
- (2) Schedule 3, clause 4(1)(ca)—after "a spa" insert:
pool
- (3) Schedule 3, clause 4—after subclause (6) insert:
- (7) In this clause—
- swimming pool* includes a paddling pool.

6—Variation of Schedule 3A

- (1) Schedule 3A, clause 4(1)(c)(i)—delete subparagraph (i)

- (2) Schedule 3A, clause 4(1)—after paragraph (c) insert:
- (ca) without limiting paragraph (c), an aboveground or inflatable swimming pool constructed in association with a dwelling and intended primarily for use by the occupants of that dwelling, and which does not incorporate a filtration system; or
- (3) Schedule 3A, clause 4(1)(d) after "a spa" insert:
- pool
- (4) Schedule 3A, clause 4—after subclause (7) insert:
- (8) In this clause—
swimming pool includes a paddling pool.

7—Variation of Schedule 4

Schedule 4, clause 1—after subclause (10) insert:

- (11) Without limiting subclause (1)(f), the construction of a swimming pool associated with a dwelling and intended primarily for use by the occupants of that dwelling, and which is not designed to be permanently in place or to be fixed in any way when in use.
- (12) In this clause—
swimming pool has the same meaning as in regulation 6B.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 11 December 2003

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