

South Australia

Development (Swimming Pool Safety) Variation Regulations 2008

under the *Development Act 1993*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Swimming Pool Safety) Variation Regulations 2008*.

2—Commencement

These regulations will come into operation on the day on which section 29 of the *Development (Assessment Procedures) Amendment Act 2007* comes into operation.

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 76D

After regulation 76C insert:

76D—Swimming pool safety

- (1) For the purposes of the definition of *new prescribed requirements* in section 71AA of the Act, the following requirements are prescribed:
 - (a) in relation to a prescribed swimming pool—the requirements set out in Part 3.9.3 of Volume 2 of the *Building Code*;

- (b) in relation to a swimming pool other than a prescribed swimming pool—the requirements relating to the construction and safety of swimming pools under the *Building Code*, as in force 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 swimming pool safety features are relevant).
- (2) For the purposes of section 71AA of the Act, the transfer of title to land where a swimming pool is situated is prescribed as constituting a "prescribed event".
- (3) For the purposes of the definition of *swimming pool safety features* in section 71AA of the Act, the following structures and equipment are prescribed (insofar as 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.
- (4) Pursuant to section 71AA(2) of the Act, the owner of a prescribed swimming pool must ensure that swimming pool safety features are installed in accordance with the new prescribed requirements before the occurrence of a prescribed event.
- (5) For the purposes of this regulation—
 - (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.

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 24 April 2008

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