

South Australia

Planning, Development and Infrastructure (Swimming Pool Safety) (Fencing) Variation Regulations 2021

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Planning, Development and Infrastructure (Swimming Pool Safety) Regulations 2019*

- 4 Variation of regulation 4—Swimming pool safety features
 - 5 Variation of regulation 6—Requirements for designated safety features for swimming pools
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (Swimming Pool Safety) (Fencing) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which they are made.

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

4—Variation of regulation 4—Swimming pool safety features

Regulation 4—after its present contents (now to be designated as subregulation (1)) insert:

- (2) For the purposes of these regulations, in relation to a swimming pool constructed after the commencement of this subregulation, temporary fencing will not be regarded as a designated safety feature installed and maintained in accordance with the relevant requirements applying under these regulations (except as provided in subregulation (3)) after the period of 2 months has elapsed from the completion of construction of the swimming pool.
- (3) The designated owner of a swimming pool will not, while a swimming pool fence is being maintained or repaired, be regarded as having installed and maintained designated safety features in accordance with the relevant requirements applying under these regulations, unless the designated owner ensures that temporary fencing is installed and maintained such that those requirements are satisfied in respect of the swimming pool during the period of maintenance or repair.

Note—

In order for temporary fencing to be regarded as having been installed and maintained in accordance with the relevant requirements applying under these regulations, the temporary fencing would need to satisfy the relevant requirements applying, such as requirements relating to the minimum height of the fencing, the maximum distance between vertical bars or posts, the securing of openings by child proof locks (or other effective locking mechanisms) and the absence of foot or handholds.

5—Variation of regulation 6—Requirements for designated safety features for swimming pools

Regulation 6(1)—delete "in relation to existing pools"

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 4 March 2021

No 25 of 2021