

This practice direction is issued by the State Planning Commission under section 156(5) of the *Planning, Development and Infrastructure Act 2016* (Act) to ensure that swimming pools and related safety features are inspected to ensure their safe use and operation, noting the high risk they can pose, particularly for young children.

Introduction

Section 156(5) of the Act allows the State Planning Commission (the Commission) to issue a practice direction that requires councils to carry out inspections of swimming pools to ascertain compliance with that section of the Act.

This policy applies to all land areas of the State within a council area and the requirements set out within this practice direction apply uniformly across all council controlled areas.

A council must comply with the requirements of this practice direction as it relates to the council.

Practice direction

Part 1 – Preliminary

1 – Citation

This practice direction may be cited as the *State Planning Commission Practice Direction (Swimming Pool Inspection Policy) 2019*.

2 – Commencement of operation

This practice direction will come into operation on the day on which it is published on the SA planning portal.

3 – Object of practice direction

The object of this practice direction is to, applicable to all council controlled areas within the State, ensure that swimming pool safety features are installed in accordance with prescribed requirements, to ensure the safe operation and use of swimming pools within these areas of the State.

4 – Interpretation

In this practice direction, unless the contrary intention appears –

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

Swimming pool has the same meaning as under section 3 of the Act.

Swimming pool safety features has the same meaning as under section 3 of the Act.

Note: Section 14 of the Acts Interpretation Act 1915 provides that an expression used in an instrument made under an Act has, unless the contrary intention appears, the same meaning as in the Act under which the instrument was made.

Part 2 – Swimming Pool Inspection Policy

1 – Levels of Inspection

- (1) Councils must comply with the following minimum requirements relating to the inspection of swimming pools (including all swimming pool safety features such as safety fences and barriers), within the area of the council:
 - a. at least 80% of swimming pools constructed over the course of the year must be inspected within 2 weeks of the council being notified of the completion of—
 - (i) in the case of a swimming pool the construction of which required the construction of a safety fence or barrier—the construction of the safety fence or barrier; or
 - (ii) in any other case—the construction of the swimming pool;
 - b. the remaining 20% of swimming pools constructed over the course of the year must be inspected within 2 months of the council being notified of the completion of—
 - (i) in the case of a swimming pool the construction of which required the construction of a safety fence or barrier—the construction of the safety fence or barrier; or
 - (ii) in any other case—the construction of the swimming pool.

2 – Counting Inspections

- (1) Inspections must be counted to determine whether minimum inspection levels are met.
- (2) The first inspection of a swimming pool is counted as one inspection.
- (3) Where a swimming pool is inspected and any problem is found, any re-inspection undertaken to determine whether the problems have been corrected does not count as a new inspection. Any re-inspection is taken to be part of the initial inspection.

3 – Review

- (1) This policy to be reviewed following the implementation of the Commission approved inspection policies practice direction under section 144 of the Act.

Issued by the State Planning Commission on 5 September 2019