



This practice direction is issued by the State Planning Commission (the Commission) under section 42 of the *Planning, Development and Infrastructure Act 2016* (Act) for the purposes of section 156(5) of the Act to ensure that swimming pools and designated safety features for swimming pools (swimming pool safety features) are inspected.

### Introduction

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

This policy applies to all areas of the State within a council area and the requirements set out within this practice direction apply uniformly across all such areas with the exception of inspection timeframes between Metropolitan Adelaide and regional 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 (Council Swimming Pool Safety Inspections) 2025.

##### 2 – Commencement of operation

This practice direction will come into operation on 1 July 2025.

##### 3 – Object of practice direction

The object of this practice direction is to ensure that swimming pool safety features are installed, replaced or upgraded in accordance with prescribed requirements, to ensure the safe operation and use of swimming pools, particularly for young children.

##### 4 – Interpretation

In this practice direction, unless the contrary intention appears –

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

**authorised officer** has the same meaning as within section 3(1) of the Act;

**council** has the same meaning as within section 3(1) of the Act;

**Commission** means the State Planning Commission established under Part 3 Division 1 of the Act;

**Filled with water** means a swimming pool that has a water level exceeding a depth of 300mm

**Metropolitan Adelaide** means Metropolitan Adelaide as defined by General Registry Office Plan 639/93 as well as the balance of the Adelaide Hills local government area;

**Regulations** means the Planning, Development and Infrastructure (General) Regulations 2017.

**swimming pool** has the same meaning as under section 3(1) of the Act.

**swimming pool safety features** has the same meaning as under section 3(1) of the Act.

*Note: Section 12 of the Legislation Interpretation Act 2021 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 – Inspections**

### **1 – Application**

- (1) Upon commencement this practice direction applies to all councils.
- (2) This practice direction does not apply to areas outside of councils.

*Note: Practice Direction 7 – Inspection Policy for Out of Council Areas has been issued for the purpose of detailing inspection requirements for Out of Council areas.*

### **2 – Mandatory inspections**

- (1) Councils must inspect 100% of safety features associated with swimming pools over the course of the relevant reporting year as expeditiously as possible and, subject to subclause (2), within 10 business days (in Metropolitan Adelaide) and 15 business days (outside of Metropolitan Adelaide) of the council being notified –
  - i. of the completion of the swimming pool and/or swimming pool safety features; or
  - ii. the pool being filled with water.
- (2) In relation to subclause (1), any period between the time that a council has requested access to the property for the purposes of undertaking an inspection and the granting of such access, is not to be included in the time within which the Council is required to undertake the inspection.

## **Part 3 – Authorised officers**

### **1 – General requirements**

- (1) Only authorised officers appointed by a council may carry out inspections for the purpose of this practice direction.
- (2) A council must ensure that an inspection under Part 2 - 2(1) of this practice direction is carried out by a person who has the appropriate qualifications, skills, knowledge and experience to carry out an inspection assigned to that officer under this practice direction.

## Part 4 – Other matters

### 1 – Record keeping

- (1) Councils must keep records of inspections carried out in accordance with this practice direction in the SA Planning Portal.
- (2) The relevant reporting year for purposes of record keeping is the year starting 1 July and ending 30 June of the following year (**relevant reporting year**).
- (3) This clause does not derogate from any authorisation to dispose of records under the *State Records Act 1997*.

### 2– Counting inspections

- (1) One inspection of swimming pool safety features is required to meet the mandatory inspection requirements under Part 2 - 2(1) of this practice direction.  
*Note - A Council may determine (and is encouraged) to undertake additional inspections as it deems necessary in accordance with its own inspection policies or practices and should record these in the SA Planning Portal for reporting purposes.*
- (2) The first inspection of swimming pool safety features under the mandatory inspection requirements is to be counted as the one required inspection.
- (3) An additional inspection at a later stage is not to be counted towards the mandatory requirements of this practice direction but will instead be acknowledged by the Commission as having been undertaken in pursuit of the achievement of the object of this Practice Direction.
- (4) Where an issue is detected requiring further inspection, any further inspection related to the particular issue is not to be counted towards the mandatory requirements of this practice direction but will instead be acknowledged by the Commission as having been undertaken in pursuit of the achievement of the object of this Practice Direction.

**Varied by the State Planning Commission on 10 April 2025**

#### Versions

Version 5	10 April 2025
Version 4	25 March 2021
Version 3	24 December 2020
Version 2	12 March 2020
Version 1	5 September 2019