



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 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.

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 Inspections) 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 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;

**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: The terms above have been included merely for ease of reference. 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 – Inspections**

### **1 – Application**

- (1) Upon commencement this practice direction applies to all councils.

### **2 – Mandatory inspections**

- (1) Councils must comply with the following minimum requirements relating to the inspection of swimming pools (including all swimming pool safety features), within the area of the council:
  - a. councils must inspect 100% of swimming pools and swimming pool safety features constructed over the course of the relevant reporting year within 10 business days 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 swimming pool safety features—the construction of those safety features; or
    - (ii) in any other case—the construction of the swimming pool and swimming pool safety features.

## **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) 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) In relation to developments that received final development approval under the Act, councils must keep records of inspections carried out in accordance with this practice direction, and keep those records in a register that is available for inspection by the Commission upon 5 business days' notice.
- (2) In relation to developments that received final development approval under the *Development Act 1993*, councils must ensure that records of these inspections are available for inspection within a timeframe determined by the Commission.

- (3) Records of inspections should include, without limitation, the following details: date and time of an inspection, type of inspection, who undertook the inspection, elements inspected, breaches, issues, or faults found, rectification required, requirements for re-inspections (including timing) and enforcement action, as is appropriate in the circumstances.
- (4) The relevant reporting year for purposes of record keeping is the year commencing 1 July and ending 30 June of the following year (**relevant reporting year**).
- (5) This clause does not derogate from any authorisation to dispose of records under the *State Records Act 1997*.

## **2 – Counting inspections**

- (1) The first inspection of swimming pool safety features under the mandatory inspection requirements is to be counted as one inspection.
- (2) Where an issue is detected requiring further inspection, any further inspection related to the particular issue is to be counted as part of the prior inspection related to that issue.

## **3 – Review**

- (1) This policy will be reviewed after two years of operation or at an earlier time if appropriate.

## **Versions**

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