

Subordinate Local Law No. 16.2

(Swimming Pools) 2008

Consolidated version

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Subordinate Local Law No. 16.2 (Swimming Pools) 2008
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Council of the City of Gold Coast Subordinate Local Law No. 16.2 (Swimming Pools) 2008

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Council of the City of Gold Coast Subordinate Local Law No. 16.2 (Swimming Pools) 2008

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 16.2 (Swimming Pools) 2008*.

2 Authorising local law

This subordinate local law is made pursuant to *Local Law No. 16 (Licensing) 2008*.

3 Object

The object of this subordinate local law is to assist in the implementation of *Local Law No. 16 (Licensing) 2008* to ensure that the operation of a private swimming pool complies with appropriate standards of health and safety.

4 Definitions—the dictionary

The dictionary in Schedule 2 (Dictionary) of this subordinate local law defines particular words used in this subordinate local law.

Part 2 Licensing

5 Requirement for a licence

For the purposes of section 5(2) of *Local Law No. 16 (Licensing) 2008*, a licence is not required in respect of the operation of an exempt private swimming pool.

6 Prescribed criteria

For the purposes of Schedule 2 (Dictionary) of *Local Law No. 16 (Licensing) 2008* an exempt private swimming pool must comply with the following prescribed criteria—

- (a) The private swimming pool must meet the prescribed water quality standard at all times in accordance with Schedule 1.
- (b) The operator of a private swimming pool must maintain the private swimming pool including plumbing fittings, surfaces and apparatus associated with the use of the private swimming pool in a good state of repair and in good working order.

7 Application for a licence

For the purposes of section 6(1)(c)(iv) of *Local Law No. 16 (Licensing) 2008*, an application for a licence for the operation of a private swimming pool must, if required by the local government, be accompanied by—

- (a) the street address, real property description and details of the owner of the premises where the private swimming pool is to be operated; and
- (b) the name, street address, telephone number, facsimile number and email address of the person who will be operating the private swimming pool; and
- (c) trading name, street address, telephone number, facsimile number, email address, registered business name and Australian Company Name of the business under which the private swimming pool is to be operated; and
- (d) details of the operation of the private swimming pool including—
 - (i) the hours of operation of the private swimming pool; and
 - (ii) whether the private swimming pool is located indoors or outdoors; and
 - (iii) whether the private swimming pool is heated or non-heated; and
 - (iv) the type of sanitizer used for the private swimming pool; and
 - (v) the existence or otherwise of automatic dosing equipment; and
 - (vi) the number of dwelling units in the premises; and
 - (vii) the intended use of the private swimming pool; and
- (e) details of the proposed inspection, monitoring and management programs.

8 Deciding application for a licence

For the purposes of Schedule 2 (Dictionary) and section 7(2)(h) of *Local Law No. 16 (Licensing) 2008* the local government must grant a licence for the operation of the private swimming pool if satisfied that the operation of the private swimming pool complies with the following assessment criteria—

- (a) The operation of the private swimming pool can be lawfully conducted on the premises.
- (b) The matters which are the subject of the conditions specified in section 9 (Conditions of a licence) of this subordinate local law which are relevant to the operation of the private swimming pool can be adequately addressed by the imposition of those conditions.

9 Conditions of a licence

For the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the local government may impose all or any of the following conditions on a licence for the operation of a private swimming pool¹—

- (a) The operation of the private swimming pool must not detrimentally affect the amenity of neighbouring premises.
- (b) The operation of the private swimming pool must only be undertaken within the hours specified in the licence.
- (c) The hours of operation of the private swimming pool must not detrimentally affect the amenity of neighbouring premises.
- (d) The operation of the private swimming pool including any premises, building, structure, vehicle, facility or equipment must be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition.
- (e) The operation of the private swimming pool must not constitute a nuisance under *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.
- (f) The grounds of the private swimming pool must be maintained in a safe and tidy condition at all times.
- (g) The water used in the private swimming pool must comply with the prescribed water quality standard.
- (h) An animal, other than a guide dog, must not be allowed within the enclosed area of premises on which the private swimming pool is situated.
- (i) All access ways and other areas to which the public has access within the premises at which the private swimming pool is operated must be maintained in a clean, tidy and sanitary condition at all times.
- (j) Amplified noise must be directed away from a noise sensitive place.

¹ This section prescribes, for the purposes of section 9(3) of *Local Law No. 16 (Licensing) 2008*, the conditions that will ordinarily be imposed in a licence. However, the local government may, pursuant to section 9(1) of *Local Law No. 16 (Licensing) 2008*, grant a licence on any conditions the local government considers appropriate.

- (k) A contaminant must not be released to the environment as part of the operation of the private swimming pool if the release may cause environmental harm unless such release is specifically authorised by the *Environmental Protection Act 1994*.
- (l) Any spillage of waste, a contaminant or another material must—
 - (i) be cleaned up immediately; and
 - (ii) must not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or waters.
- (m) Lighting used to illuminate any areas of the operation of the private swimming pool must be angled or shaded in such a manner that the light does not cause a nuisance.
- (n) The operation of the private swimming pool must be kept free of pests and conditions offering harbourage for pests.
- (o) The private swimming pool, including all fixtures, fittings, equipment, furniture and facilities that form part of the operation of the private swimming pool, must be maintained in a clean, tidy, sanitary and hygienic condition.
- (p) An adequate and continuous supply of water must be maintained to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the private swimming pool.
- (q) An adequate and continuous supply of hot water must be maintained to all bathroom, kitchen and laundry facilities that form part of the operation of the private swimming pool.
- (r) The water supply for drinking purposes must be potable water.
- (s) All water supply connections must be carried out and maintained in accordance with any relevant approval.
- (t) The holder of the licence must not change the water supply system without the prior notification of the local government and the approval of an authorised person.
- (u) Adequate shower, toilet and ablution facilities, as specified by the local government, must be provided as part of the operation of the private swimming pool.
- (v) Adequate sanitary conveniences as authorised by the local government and sanitary facilities must be provided to service the operation of the private swimming pool.

- (w) Sanitary conveniences as authorised by the local government and sanitary facilities must be kept open during the hours of operation of the private swimming pool and signs must be erected indicating the location of the sanitary facilities.
- (x) Waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the private swimming pool must be provided in the manner and locations specified by the local government.
- (y) Waste containers that are provided as part of the operation of the private swimming pool must at all times be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition.
- (z) All waste (including waste water) generated as part of the operation of the private swimming pool must be disposed of in a safe and sanitary manner and in accordance with the *Environmental Protection Act 1994* and the *Water Supply (Safety and Reliability) Act 2008*.
- (aa) All waste generated as part of the operation of the private swimming pool must be disposed of in a manner which maintains the operation of the private swimming pool and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (ab) All waste water generated during or from the operation of the private swimming pool must be discharged in a manner approved by the local government.
- (ac) Human waste resulting from the operation of the private swimming pool must be disposed of at a dedicated sanitary facility, a sanitary convenience as authorised by the local government, the sewerage system, an on-site sewerage facility or in another manner approved by the local government.
- (ad) Adequate signage, including a resuscitation sign and a health information notice, must be exhibited as part of the operation of the private swimming pool in the form, manner and location prescribed by the local government.
- (ae) A faecal accident or incident policy must be implemented by the operator of a private swimming pool in the manner prescribed by the local government.
- (af) Any building or structure that forms part of the private swimming pool must comply with the *Building Act 1975* and the *Building Regulation 2006*.
- (ag) The operation of any prescribed activity as part of the operation of the private swimming pool the subject of this licence must be the subject of a separate licence under *Local Law No. 16 (Licensing) 2008*.

- (ai) The operation of the private swimming pool must comply with—
 - (i) any relevant development approval; and
 - (ii) the provisions of the planning scheme and any relevant planning scheme policy.
- (aj) The holder of the licence must carry out water quality monitoring in accordance with section 11(1) or as required by the local government.

Part 3 Enforcement

10 Records to be kept

For the purpose of section 15 (Records to be kept) of *Local Law No. 16 (Licensing) 2008*—

- (a) a person operating a private swimming pool, other than an exempt private swimming pool, must keep records that must be—
 - (i) legible; and
 - (ii) kept in the form prescribed by the local government; and
 - (iii) contain details of compliance with the prescribed water quality standard; and
- (b) keep the records for a period of 12 months.

11 Inspection, monitoring or management program

- (1) For the purposes of section 16 (Inspection, monitoring or management program) of *Local Law No. 16 (Licensing) 2008*, the following water quality monitoring program must be maintained for a private swimming pool other than an exempt private swimming pool—
 - (a) testing of the chemical parameters of the private swimming pool water in accordance with the following—
 - (i) for levels of free chlorine or bromine, total chlorine or bromine and pH—once daily or as required under the conditions of a licence, and on the request of an authorised person; and
 - (ii) for levels of total alkalinity, water temperature and cyanuric acid—once a fortnight and on the request of an authorised person; and
 - (b) either the provision and use of suitable and accurate testing apparatus on the premises where the private swimming pool is located or the carrying out of the tests specified in subsection (1)(a) by an appropriately qualified professional; and

- (c) recording of the results obtained from the tests specified in subsection (1)(a).
- (2) For the purposes of section 16 (Inspection, monitoring or management program) of *Local Law No. 16 (Licensing) 2008*, for a private swimming pool other than an exempt private swimming pool, the local government may also impose the following requirements on a water quality monitoring program—
- (a) testing of the private swimming pool water and the associated chemical or bacteriological analysis to be carried out at the frequency, duration and identified parameters determined by the local government; and
 - (b) collection of samples in the vicinity of the skimmer box or scum gutter at a depth of between 300mm and 400mm; and
 - (c) testing is to be carried out and analysed by the National Association of Testing Authority (“NATA”) or equivalent registered laboratory; and
 - (d) immediate notification of the local government by the operator of the private swimming pool on receipt of test results which do not satisfy the prescribed water quality standard.

Example of subsection (2)—

A hotel that has been approved to use ozone and ultra violet disinfection methods in lieu of chlorine or bromine could be required to conduct a weekly microbiological sampling program by having the private swimming pool water analysed for micro-organisms to ensure compliance with the prescribed water quality standard.

Schedule 1 Prescribed water quality standard

- (a) The prescribed water quality standard for water in a private swimming pool, including an exempt private swimming pool, is that the water in a private swimming pool must—
 - (i) not be cloudy, turbid or unclean in appearance; and
 - (ii) be free from any algae, other aquatic flora or other extraneous matter; and
- (b) the water in a private swimming pool must comply with the standard of sanitisation that achieves the criteria specified in Table 1; and
- (c) the water in a private swimming pool, if sanitised by the use of a chemical specified in Table 2, must comply with the standard specified in Table 2² and shall comply with the following—
 - (i) combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 parts per million (“ppm”); and
 - (ii) the operator must maintain the private swimming pool at a standard equal to or greater than the standards specified in the chemical parameters table at all times that the pool is available for use.

Table 1—Microbiological Criteria Table

Type or Organism	Maximum Count allowable
Heterotrophic Plate Count	100 Colony Forming Units (“CFU”) per ml
Thermotolerant coliforms or <i>E. coli</i>	Nil per 100ml
<i>Pseudomonas aeruginosa</i>	Nil per 100ml

² Table 2 specifies the minimum chemical criteria at which a private swimming pool should be operated to minimise the health risks to bathers to acceptable levels. Also, the level of one chemical parameter can adversely affect another, for example, if the pH is too high or too low the disinfectant properties of chlorine are decreased.

Table 2—Chemical Parameters Table

	Indoor Pool	Indoor Pool (Heated)	Outdoor Pool	Outdoor Pool (Heated)	Spa
Water Temperature		>26°C		>26°C	35°-37°C ideal (40°C max)
Free Chlorine (mg/L, ppm) minimum	1.5	2.0	1.5	3.0	3.0
Free Chlorine with Cyanuric Acid (mg/L, ppm)	3.0	4.0	3.0	4.0	4.0
Total Chlorine (mg/L, ppm)	Free chlorine + 1	Free chlorine + 1	Free chlorine + 1	Free chlorine + 1	Free chlorine + 1
Bromine (mg/L, ppm) minimum	3.0	4.0	3.0	4.0	4.0
Ozone (for chlorine level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
pH	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8
Total Alkalinity (mg/L, ppm)	80-200	80-200	80-200	80-200	80-200
Cyanuric Acid (mg/L, ppm)	N/A	N/A	30-50	30-50	N/A

Schedule 2 Dictionary

section 4

ancillary has the meaning given in the local government's planning scheme.

approved water source means a potable water source approved by the local government and may include a nominated reticulated water delivery point and a recognised water source.

contaminant has the meaning given in the *Environmental Protection Act 1994*.

development approval has the meaning given in the *Sustainable Planning Act 2009*.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

environment has the meaning given in the *Sustainable Planning Act 2009*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

exempt private swimming pool means a private swimming pool which is—

- (a) on residential premises that is used for a maximum of two dwelling units; and
- (b) not used for a commercial purpose.

groundwater means water occurring in a geological structure or formation under the surface of a road.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

human waste means urine and faeces from human beings.

noise sensitive place has the meaning given in the *Environmental Protection (Noise) Policy 2008*.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

planning scheme policy has the meaning given in the *Sustainable Planning Act 2009*.

potable water means water that is acceptable for human consumption.

prescribed fencing standard means—

- (a) the standard for the design, building and performance of swimming pool fencing in *AS 1926.1—1993*, ‘*Swimming pool safety part 1: Fencing for swimming pools*’, other than clause 2.14 of the standard; and
- (b) the standard for the location of fencing contained in *AS 1926.2—1995*, ‘*Swimming pool safety part 2: Location of fencing for private swimming pools*’, other than clause 1.4.4 of the standard.

prescribed water quality standard means the water quality standard for exempt private swimming pools and private swimming pools specified in Schedule 1 (Prescribed water quality standard) of this subordinate local law.

public swimming pool complex means a complex consisting of at least one swimming pool of which the local government is the owner or occupier other than a swimming pool in a camping area.

recognised water source means a source of water recognised in writing by the local government as—

- (a) complying with the Australian Drinking Water Guidelines prepared by the National Health and Medical Research Council and the Agricultural Resources Management Council of Australia and New Zealand; or
- (b) being suitable for domestic purposes.

regulated pool has the meaning given in section 231B of the *Building Act 1975*.

resuscitation sign has the meaning given in the *Building Act 1975*.³

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sanitary facility includes the matters (such as shower, toilet and ablution

³ Section 236(3) (Resuscitation sign for outdoor swimming pool) of the *Building Act 1975* defines a resuscitation sign as “a sign showing procedures for providing first aid, including, for example, expired air resuscitation and external cardiac compression.”

facilities) specified in the *Building Code of Australia*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

stormwater system means—

- (a) a roadside gutter; or
- (b) a stormwater drain; or
- (c) surface water; or
- (d) any other land or structure that is used to convey stormwater.

surface water means water other than groundwater.

swimming pool has the meaning given in the *Building Act 1975*.

vermin means rats, mice, guinea pigs and other rodents capable of carrying or transmitting a notifiable disease, but does not include a protected animal within the meaning of the *Nature Conservation Act 1992*.

waste has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

waste container means a weatherproof container for the storage of waste that—

- (a) is vermin proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leakproof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

watercourse has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

waters has the meaning given in *Local Law No. 8 (Public Health, Safety and Amenity) 2008*.

water source means the source from which water is obtained.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.