

Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

3A Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 2 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

4 Matters regarding the prescribed activity—Authorising local law, s 6(3) and (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activity stated in section 2 of



schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.



Schedule 1 Operation of public swimming pools

Section 4

1. Prescribed activity

Operation of public swimming pools.

2. Activities that do not require an approval under the authorising local law

- (1) Section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity if the person undertaking the prescribed activity complies with the minimum standards specified in subsection (2).
- (2) A person undertaking the prescribed activity of the operation of a public swimming pool must comply with the following minimum standards—
 - (a) water in the public swimming pool must at all times comply with each of—
 - (i) the chemical parameters specified in subsection (3), table A; and
 - (ii) the microbiological criteria specified in subsection (3), table B; and
 - (b) facilities provided at the public swimming pool, such as toilets and change rooms, must be maintained in a clean and sanitary condition at all times; and
 - (c) facilities, fittings and equipment provided at the public swimming pool must be maintained in a good state of repair and working order and condition; and
 - (d) the operator of the public swimming pool must—
 - (i) keep and maintain, for a minimum period of 24 months, and have available for inspection at all times at the public swimming pool—
 - (A) written results of all testing of water in the public swimming pool; and
 - (B) written particulars of all backwashing, chemical adjustments and dose settings undertaken by the operator in relation to the water in the public swimming pool at any time; and
 - (ii) install and maintain all necessary equipment for the disinfection, filtration and recirculation of water in the public swimming pool; and
 - (iii) provide and maintain dressing rooms and facilities for showering and sanitation; and
 - (iv) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint, to enter the public swimming pool; and
 - (e) the operator of the public swimming pool must test the water in the public swimming pool to ensure compliance with the prescribed chemical parameters and microbiological criteria—
 - (i) at least daily; and



- (ii) more often than daily, if necessary, having regard to any of the following—
- (A) bather load and likely use;
 - (B) level of environmental contamination;
 - (C) climatic considerations;
 - (D) health status of pool users; and
- (f) the operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
- (i) in good working order and condition; and
 - (ii) in a clean, tidy and sanitary condition; and
 - (iii) each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of water.
- (3) This subsection (3) specifies prescribed chemical parameters and microbiological criteria for public swimming pool water.

TABLE A

CHEMICAL PARAMETERS TABLE

	Indoor Pool	Indoor Pool (Heated)	Outdoor Pool	Outdoor Pool (Heated)	Spa
Water Temperature		>26°C		>26°C	35°C – 37°C Ideal 40°C Max
Free Chlorine (mg/L, ppm minimum)	1.5	2	1.5	3	3
Free Chlorine (mg/L, ppm with cyanic acid)	N/A	N/A	3	4	N/A
Total Chlorine (mg/L, ppm)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	Free chlorine + 1 (10max)	10.0
Bromine (mg/L, ppm)	3.0	4.0	3.0	4.0	4 - 6
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	0*	0*	30 - 50	30 - 50	0*
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* As indoor pools are protected from direct sunlight, cyanuric acid must not be used as the effectiveness of chlorine is reduced.

NOTE: Combined chlorine shall not exceed half the total chlorine concentration with a maximum of 1.0 ppm.

TABLE B


MICROBIOLOGICAL CRITERIA TABLE

Type of Organism	Maximum Count Allowable
Heterotrophic Colony Count (HCC), 35-37 C/48	<100ml
Thermotolerant (Faecal) coliforms or <i>Escherichia coli</i>	Nil per 100mL
<i>Pseudomonas aeruginosa</i>	Nil per 100mL

3 Documents and materials that must accompany an application for an approval

- (1) Details of the public swimming pool including a plan or other information identifying the public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (3) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner's written consent to the application.
- (4) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (5) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (6) Details of the equipment which will be used for emergency medical treatment and first aid.
- (7) Details of the operation of the public swimming pool including —
 - (a) the hours of operation of the public swimming pool; and
 - (b) whether the public swimming pool is to be heated or non-heated; and
 - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water in the public swimming pool.

4. Additional criteria for the granting of an approval

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- (1) The equipment for chlorination, filtration and recirculation of public swimming pool water must be adequate to protect public health.
 - (2) The management and supervision of the public swimming pool must be

adequate to protect public safety and prevent nuisance.

- (3) Any proposed manager or supervisor of the public swimming pool must be suitably qualified.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) Provision must be made at the public swimming pool for separate dressing rooms for male and female users of the pool that are—
 - (a) of a size sufficient to accommodate the likely maximum number of users (at any 1 time) of the pool; and
 - (b) situated and constructed so that they totally conceal persons within the dressings rooms from persons who may be outside the dressing rooms.
- (6) Provision must be made at the public swimming pool for proper and sufficient male and female sanitary conveniences.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

The holder of the approval must comply with the minimum standards specified in section 2(2) and (3).

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.



Schedule 2 Dictionary

Section 3A

building has the meaning given in the *Building Act 1975*.

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

public swimming pool means a swimming pool that is made available for use by—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

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

structure has the meaning given in the *Local Government Act 2009*.

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

This and the preceding 7 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Bundaberg Regional Council by resolution dated the 24th day of April 2018.


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Chief Executive Officer