

Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2012

Contents

Part 1 Preliminary.....1

- 1 Short title 1
- 2 Purpose and how it is to be achieved 1
- 3 Authorising local law 1
- 4 Definitions 1

Part 2 Approval for prescribed activity1

- 5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)..... 1
- 6 Approvals that are non-transferable—Authorising local law, s 15(2) 2

Schedule 1 Operation of public swimming pools3

Schedule 2 Categories of approval that are non-transferable7

Schedule 3 Dictionary.....8

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) 2012*.

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) 2012* 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) 2012* (the **authorising local law**).

4 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (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 activities stated in section 2

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Ken Holt
Chief Executive Officer

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 1 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.
- (10) For section 12 of the authorising local law, this subordinate local law prescribes—
 - (a) the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) the individuals or organisations that are declared to be third party certifiers; and
 - (c) the qualifications that are necessary for an individual or organisation to be a third party certifier.

6 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 2 are non-transferable.

Schedule 1 Operation of public swimming pools

Section 5

1. Prescribed activity

Operation of public swimming pools.

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

The operation of a public swimming pool if the swimming pool is—

- (a) on a local government controlled area; or
- (b) a State school swimming pool; or
- (c) a swimming pool made available by a body corporate of a community titles scheme for use by the owners or occupiers of the lots of the scheme or their invitees.

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

- (1) Details of the proposed public swimming pool including a plan or other information identifying the location of—
 - (a) the proposed public swimming pool; and
 - (b) all buildings proposed to be used in the operation of the public swimming pool; and
 - (c) all chlorination, filtration and recirculation equipment proposed to be used in the operation of the public swimming pool.
- (2) Details of the nature and extent of the public use that is proposed by the applicant.
- (3) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (4) 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.
- (5) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (6) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (7) Details of the equipment which will be used for emergency medical treatment and first aid.

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Ken Holt
Chief Executive Officer

- (8) 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

- (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

- (1) The public swimming pool water must be tested daily to ensure that chemical parameters are kept within specified levels.
- (2) The approval holder must—
 - (a) provide and maintain specified equipment for emergency medical treatment, first aid and the rescue of persons in difficulty; and
 - (b) erect and display specified notices at the public swimming pool that—
 - (i) provide information about basic life saving, resuscitation and first

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Ken Holt
Chief Executive Officer

- aid techniques; and
 - (ii) warn about possible dangers; and
 - (c) install and maintain specified equipment for the chlorination, filtration and recirculation of water in the public swimming pool; and
 - (d) provide and maintain specified dressing rooms and facilities for showering and sanitation; and
 - (e) maintain a daily record or register of the number of persons who use the public swimming pool for inspection by an authorised person of the local government on request; and
 - (f) display, in prominent positions around the public swimming pool, 1 or more specified notices stipulating that children using the public swimming pool must be accompanied by an adult; and
 - (g) not permit or allow any person under the influence of an intoxicating or stupefying substance or liquor to be at, or use, the public swimming pool; and
 - (h) 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
 - (i) not permit or allow any animal to be brought onto any part of the land upon which the public swimming pool is located; and
 - (j) immediately remove any animal found on any part of the land upon which the public swimming pool is located.
- (3) The approval holder and each employee and agent of the approval holder involved in the operation of the public swimming pool must hold a current first aid certificate, bronze medallion or other life saving qualifications specified in the approval.
- (4) The operation of the public swimming pool must not—
- (a) detrimentally affect the amenity of neighbouring premises; or
 - (b) cause environmental harm; or
 - (c) cause environmental nuisance.
- (5) The operation of the public swimming pool must only be undertaken during specified hours on specified days.
- (6) 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—
- (a) in good working order and condition; and

.....
Ken Holt
Chief Executive Officer

- (b) in a clean, tidy and sanitary condition.
- (7) Lighting used to illuminate the operation of the public swimming pool must be angled or shaded so that the light does not cause a nuisance.
- (8) The approval holder must provide and maintain—
 - (a) specified sanitary conveniences and sanitary facilities for the operation of the public swimming pool; and
 - (b) waste containers sufficient to accommodate the collection and storage of waste generated by the operation of the public swimming pool in the manner, and at the locations, specified by the local government.

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 3 years.

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 3 years.
- (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 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

body corporate has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

community titles scheme has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

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

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 to —

- (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 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2012* made in accordance with the provisions of the *Local Government Act 2009* by Burdekin Shire Council by resolution dated the 26th day of June 2012.

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Chief Executive Officer