

GOLD COAST CITY COUNCIL



LOCAL LAW NO. 31
(SWIMMING POOLS)

REPEALED (GAZETTE 19/12/08)

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Citation

1. This local law may be cited as Gold Coast City Council Local Law No. 31 (Swimming Pools).”

Objects

2. The object of this local law is to ensure that swimming pools generally comply with essential standards of health and safety.

Definitions

3. For the purpose of this local law the following terms shall have the meanings given them by the *Building Act 1975*:-

“Outdoor swimming pool”

“Owner”.

“Portable wading pool”

“Residential land”

“Swimming pool”

“Watercourse

“Young child”

For the purpose of this local law the following terms shall have the meanings set against them respectively, that is to say:-

“Authorised person” means a person authorised by the Council to exercise the powers of an authorised person under this local law.

“Indoor swimming pool” means a swimming pool –

- (a) wholly enclosed by the walls of a building; or
- (b) on a building.

“Pool enclosure” means the area around the pool within the fencing required under this local law.

Application

4. An Authorised Person may at any time prescribe a form of application for a swimming pool permit and such form only shall be used thereafter.

Approval Required

5. (a) An owner, occupier, builder or other person shall not construct nor alter nor cause nor allow to be constructed or altered a swimming pool until he has given notice to the Council of his intention to do so and obtained approval of the Council for such work. Such notice shall set forth a description of the intended construction or alteration and shall be accompanied by:-
- (i) A plan of the site with sufficient description to identify the property together with a tracing thereof showing the immediately adjoining properties and also the position and width and name of the street or road from which the property has access or upon which it abuts;
 - (ii) Plans, sections, elevations and specifications and such detailed drawings in duplicate as are necessary to show the mode of structure and arrangement of the intended constructions or alteration and the location of the swimming pool;
 - (iii) A plan of the drainage scheme in duplicate showing the intended lines of the drains, the intended size, depth and inclination of each drain and the details of the arrangement proposed to be adopted for the trapping and ventilation thereof and the disposal of the drainage; and
 - (iv) Plans and specifications of the proposed filtration plant complete in every detail including size and layout of proposed suction and return lines and provision for back washing and proposed methods of disposing of filter wastes.
- (b) Detailed engineering drawings and calculations shall be submitted when required by an Authorised Person.
- (c) The plans, sections, elevations, specifications and detailed drawings to be delivered as prescribed by this clause shall be drawn (except in the case of detailed drawings) to a scale of not less than 1 to 100 dimension in millimetres, except plans of the site which may be drawn to a scale of not less 1 to 500 dimension in metres to three decimal places. Plans showing drainage shall be drawn to a scale of not less than 1 to 200 dimension in millimetres. Such drawings (if not helio prints) shall be finished in ink on tracing cloth or drawing paper.

Such notice, plans and sections with such alterations thereon as may from time to time be made shall be registered and indexed by the Council. If such plans, section, elevations, specifications and detailed drawings of a swimming pool or alteration to a swimming pool are approved the Council shall endorse one copy thereof with such approval and return the same to the applicant and shall retain and carefully preserve the other copy which shall become the property of the Council.

Maximum Penalty Units - 50 Penalty Units

Siting and Safety

6. (a) A swimming pool shall be sited in such a position as may be approved by an Authorised Person but in any case not closer than 1.2 metres from side and back alignments and 3 metres from a road alignment: Provided that where a masonry or panelled fence at least 1.8 metres high is erected on a road alignment, the swimming pool may be sited not closer than 1.8 metres to that road alignment.

Maximum Penalty Units - 50 Penalty Units

- (b) Council may upon application to it, grant a relaxation for the siting provisions of Clause 6(a).

Minimum Requirements

7. (a) Unless otherwise authorised by an Authorised Person a swimming pool shall be fitted with an approved filtration unit and a chlorination unit approved by an Authorised Person: Provided that the installation of a filtration unit shall not be required for an above ground swimming pool having a depth of 300 millimetres or less from top of wall.

- (b) A recirculation outlet shall be provided at the lowest point of each swimming pool, and the line therefrom shall be sized as a suction line. In any swimming pool in which the depth of water is not uniform multiple outlets shall be provided where the width of the pool is more than 9.0 metres. In such cases, outlets shall be spaced not more than 9.0 metres apart, nor more than 4.50 metres from side walls at the deepest part of the pool.

- (c) The recirculation inlet or inlets shall be sized and spaced to produce uniform circulation of the incoming water throughout the swimming pool. There shall be at least one (1) inlet for each 32.0 square metres of swimming pool water surface or fraction thereof. The entire recirculation inlet piping system shall be of such size that the velocities do not exceed 3.0 metres per second using the design flow. Suction lines shall not exceed 1.50 metres per second using the design flow during the filtration period.

The water inlets and outlets are to be so placed as to allow for the complete circulation of the water to prevent short circuiting and dead spots in the swimming pool.

- (d) A suitable hair and lint strainer of an approved type specifically made for this service shall be placed in the suction line ahead of the pump.

This device shall have an easily removable screen that shall have a free area of five (5) times the cross sectional area of the suction line.

- (e) The filtration unit installed at premises other than a single unit dwelling shall be capable of giving at least six (6) complete changes of the water in twenty four (24) hours at the time of maximum head loss. The filtration unit installed at premises of a single unit dwelling shall be capable of giving at least four (4)

complete changes of the water in twenty four (24) hours at the time of maximum head loss.

- (f) A free residual chlorine content of at least 1mg/L for water temperature at or below 26°C and 2mg/L for water temperature above 26°C shall be maintained in the swimming pool water if no stabilising chemical such as cyanuric acid is used.

If cyanuric acid is used as a stabilising agent of residual chlorine, or if the source of residual chlorine is from a chlorinated cyanurate, a free chlorine residual of at least 2mg/L for water temperature at or below 26°C and 3mg/L for water temperature above 26°C shall be maintained in the swimming pool water.

The swimming pool water shall be maintained in an alkaline condition as indicated by a pH of not less than 7.0 and not more than 8.0, and a total alkalinity of not less than 60mg/L.

The swimming pool water may be subject to tests by the Council's Department of Health, Building and Local Laws to ensure that the minimum chlorine residual and the alkalinity specified by this clause is maintained.

- (g) Notwithstanding anything herein before contained in this local law, an Authorised Person may dispense with the requirement for the provision of a free residual chlorine content to be maintained in swimming pool water provided that alternate chemicals or substances approved by an Authorised Person are used to maintain disinfection of swimming pool water to a standard not less than that provided for in the preceding Section 7(f).

Maximum Penalty Units - 50 Penalty Units

Water Tightness

8. Every swimming pool and all plumbing, fittings and apparatus associated or used therewith shall be so constructed and maintained as not to permit water or any chemical substance to leak out.

Maximum Penalty Units- 50 Penalty Units

Angles

9. All internal angles and junctions of sides and bottom of a swimming pool shall be rounded off so as to facilitate cleaning.

Maximum Penalty Units- 50 Penalty Units

Lining of Swimming Pool

10. Every concrete swimming pool shall be lined with glazed light coloured tiles or cement linings machine polished to give a smooth non absorbent surface, vinyl liner or other material approved in writing by an Authorised Person and shall be free of open cracks and joints.

Maximum Penalty Units- 50 Penalty Units

Removal of Extraneous Matter

11. (a) Scum gutters of an open design to permit of easy cleaning or approved surface skimmers shall be provided to remove all extraneous floating matter from a swimming pool. Where surface skimmers are used the minimum width of the skimmer shall be 25.0 millimetres for every 9.30 square metres of surface area or fraction thereof with a minimum surface skimmer of 75.0 millimetres in width for any swimming pool with a surface area of under 23.25 square metres and one (1) skimming device shall be provided for each 46.50 square metres of surface area or fraction thereof.
- (b) A swimming pool shall be maintained at all times free of extraneous matter.

Maximum Penalty Units - 50 Penalty Units

Approved Equipment

12. Swimming pool equipment used for water care or treatment shall be provided and maintained in good working order by the owner or occupier to the approval of an Authorised Person.

Maximum Penalty Units - 50 Penalty Units

Coping

13. (a) Coping shall be provided around the edge of a swimming pool and be of substantial permanent material, have continuous surfaces without protrusions, crevices or corners, be non slip when wet, be capable of being firmly-secured to the pool shell or form a part of the pool shell and shall not protrude over the edge of the swimming pool by more than 30mm.
- (b) Where beach or walk-out areas are created and the grading is reversed to direct water into the pool, a crest must be incorporated so that the crest level is not less than the level of the remainder of the surround at water's edge.

Maximum Penalty Units - 50 Penalty Units

Surround

14. (a) (i) The surround of an in-ground swimming pool must be adequately graded away from the pool towards the surrounding ground surface to prevent surface waters from flowing into the pool causing discolouration and contamination.
- (ii) Swimming pools and surrounds must be designed so that water run off shall not discharge onto neighbouring property.
- (iii) Any swimming pool surround comprising of coping, adjacent paving, decking or the like must have a surface finish that is non-slip.

- (iv) Swimming pools must be provided with adequate and convenient means of entry to and exit from the swimming pool.
- (b) A swimming pool other than a swimming pool located on land on which only a single dwelling house or two residential units exists shall be provided with a surround which shall comply with the following:
 - (i) The surround shall be constructed of material with a non-slip surface of a minimum width of 900 millimetres and shall be provided around the coping and laid with a fall away from that coping.
 - (ii) Up to a maximum length of 33 1/3 percent of the surround specified in clause (b)(i) may be landscaped to the satisfaction of an Authorised Person, provided that such landscaping shall not penetrate through or break continuity of the coping.

Maximum Penalty Units - 50 Penalty Units

Water Supply

- 15. The water supply to a swimming pool shall be clean and meet the bacterial requirements for a domestic water supply and shall be maintained at all times to the satisfaction of an Authorised Person.

Maximum Penalty Units - 50 Penalty Units

Water Clarity Test

- 16. A swimming pool water shall be kept clear enough to enable a person with normal vision to see a matt black disk 50.0 millimetres in diameter on a white field when it is placed at the bottom of such swimming pool at the deepest part when viewed vertically from above.

Maximum Penalty Units - 50 Penalty Units

Filling and Emptying Swimming Pool

- 17. A person shall not empty or fill a swimming pool except strictly in accordance with written approval from an Authorised Person which may specify the time and/or method to be used.

Maximum Penalty Units - 50 Penalty Units

Dressing, Ablutionary and Sanitary Accommodation

- 18. A swimming pool used for public purposes or coaching or when so reasonably required by an Authorised Person shall be equipped with dressing, ablutionary and sanitary accommodation for each sex as required by an Authorised Person. Such a swimming pool shall not be used unless and until the said facilities have been provided to the reasonable satisfaction of an Authorised Person.

Maximum Penalty Units - 50 Penalty Units

Lighting

19. Artificial lighting or means of illumination of a swimming pool shall be so placed or shaded as to eliminate direct or reflected rays of light on adjoining premises.

Maximum Penalty Units - 50 Penalty Units

Registration

20. (a) A person shall not conduct nor use a swimming pool nor cause nor permit nor suffer a swimming pool to be conducted or used unless such swimming pool is registered or provisionally registered under the provisions of this local law.
- (b) An application for registration under this local law shall be made in writing in the form required by an Authorised Person and shall be lodged by the applicant with the Council together with the fee as fixed by resolution of the Council.
- (c) A swimming pool which complies in every respect with all relevant local laws shall be capable of registration. A swimming pool which does not comply with all relevant local laws shall not be capable of unconditional registration but may be granted provisional registration as hereinafter appears.

An application for registration shall be granted or refused in the first instance by an Authorised Person (or the Council on appeal as hereafter provided) may stipulate as a condition of registration that the swimming pool and the fittings and apparatus associated or used therewith or any part or parts thereof shall be altered, added to, repaired or replaced so as to make the same comply in every respect with the relevant local laws and may specify a time within which such work shall be done and may grant provisional registration of such swimming pool for the time so specified. An Authorised Person (or the Council on appeal as hereafter mentioned) may extend the period of any provisional registration from time to time. Any provisional registration shall lapse at the expiration of the time for which it was granted or at the expiration of the period to which such time has been extended as the case may be. An applicant for registration of a swimming pool under the provisions of this local law may appeal to the Council against a refusal of registration by an Authorised Person. Every Notice of Appeal shall be in writing and shall set forth clearly and concisely the ground or grounds upon which the appeal is made and shall be delivered or posted by prepaid post addressed to an Authorised Person within seven clear days after the date on which the applicant receives notice of the refusal of his application.

- (d) A person shall not use a swimming pool for exhibition or swimming carnivals unless and until the premises are registered with the Council as a "Place of Amusement" in accordance with the provisions of Council's local laws.
- (e) Section 20(a) does not apply to the conduct of a swimming pool located on land on which only a single dwelling house or two residential units exist.

Maximum Penalty Units- 50 Penalty Units

Application for Registration

21. Every registration shall, unless previously revoked, remain in force until the thirty first day of August then next ensuing or until such earlier date as the person in whose name the swimming pool is registered ceases to be the occupier of the land whereon the swimming pool is situated.

Registration may be re-issued within any one year upon the lodgement of an application for registration by the occupier of the land and the payment of the fee as fixed by resolution of Council: Provided that if a boundary of the land on which the pool is to be built abuts a canal or other natural waterway, such boundary shall not be required to be fenced.

Registration may be renewed form year to year upon lodgement of an application for registration and the payment of the fee as fixed by resolution of Council prior to the thirty first day of August in every year.

Registration of swimming pools is not transferable.

Lifesaving Notices

22. A notice explaining mouth to mouth resuscitation shall be prominently displayed at a swimming pool.

Maximum Penalty Units- 50 Penalty Units

Application Fees and Charges and permit Fees

23. Such fees as the Council may fix by resolution shall be paid to the Council in respect of application and permit fees and registration fees under this local law.

Miscellaneous

24. Where there are more owners than one of any land on which there is a swimming pool all such owners shall be jointly and severally liable to perform the obligations of an owner under these local laws.

Where a local law requires the doing of work or the expending of money in relation to any premises the owner of those premises shall in all cases be obliged to comply with that local law.

Where premises are occupied by some person who is not the owner and who is not a tenant for a term of less than one (1) year such occupier shall be liable for performance of these local laws as if he were the owner and the Council may proceed against such occupier or the owner or against such occupier and the owner as the Council may see fit.

The occupier of land or premises shall be deemed to be the person in charge of such land or premises and shall be liable as such provided always that if there is no occupier then the owner shall be deemed to be the person in charge.

Wherever in these local laws, it is provided that the owner or the occupier or the person in charge of land or premises or a swimming pool shall observe the provisions of that local law then (except as specified to the contrary elsewhere in this local law) all of such persons shall be guilty of an offence, if a breach of that local law occurs and they shall be jointly and severally liable to the penalty for a breach as provided in this local law.

Penalty

25. A person who commits a breach of the provisions of this local law shall be guilty of an offence.

Outdoor Swimming Pools on Land Other than Residential Land Must be Fenced

26. (1) This section and sections 27 to 31 apply if an outdoor swimming pool is to be constructed or installed on, or is on, land other than residential land.
- (2) Before the pool is intentionally filled by the owner with water to a depth of 300 mm or more, the owner of the land must construct around the pool, fencing that complies with the design, construction and performance standards prescribed at section 31.
- (3) If a pool contains water to a depth greater than 300mm at the time of commencement of this amendment, the owner of the land must within 90 days, construct around the pool, fencing that complies with the design, construction and performance standards prescribed at section 31.

Maximum Penalty Units- 165 Penalty Units

- (4) The owner must unless the owner has a reasonable excuse-
- (a) keep the fencing in good condition; and
- (b) at all times, ensure the fencing complies with the standards prescribed at section 31.

Maximum Penalty Units - 165 Penalty Units

- (5) If the fencing no longer complies with the standards applying at the time of construction because the owner or occupier of adjoining land has constructed or placed something on the adjoining land, the owner of the land with the pool on it is not required to construct additional fencing or change existing fencing to comply with the standards.

Application for Exemption from Fencing

27. (1) An owner of land other than residential land on which there is an outdoor swimming pool, or on which an outdoor swimming pool is to be constructed or installed, may apply for exemption from complying with section 26.

- (2) Council may grant the application only if it is satisfied it is unlikely a young child would gain access to the pool because of:-
 - (a) the physical nature or location of the land concerned; or
 - (b) the design or construction of the pool or fencing; or
 - (c) the location of the pool or fencing; or
 - (d) any other reasonable circumstances.
- (3) Council may grant the application subject to the conditions it considers appropriate to inhibit young children accessing the pool.

Revocation of Decisions

28. (1) This section applies if, in relation to fencing around an outdoor swimming pool on land other than residential land, Council has previously made a decision and is satisfied 1 or more of the following has happened:-
 - (a) the decision was based on a false or misleading particular given by the owner of the land; or
 - (b) a significant change has happened so that reasonable provision no longer exists for inhibiting access by young children to the pool; or
 - (c) if the decision or variation was subject to conditions - the owner has contravened a condition.
- (2) Council must give the owner a show cause notice inviting the owner to show cause why the decision or variation should not be revoked.
- (3) Subsection (2) applies only if the work the owner must do to comply with section 26 is not of a minor nature.
- (4) After considering any representations made to it under the show cause notice, Council may, by a further written notice (a "**revocation notice**") given to the owner, revoke the decision or variation previously given.
- (5) The revocation notice must specify:-
 - (a) what the owner must do to comply with section 26; and
 - (b) the day by which the work must be done.
- (6) The owner must comply with the revocation notice.

Maximum Penalty Units for Subsection (6) - 165 Penalty Units

- (7) If the owner fails to perform the work required to be performed under the revocation notice, the failure is taken to be a failure mentioned in the *Local Government Act 1993*, section 1066.
- (8) Subject to the provisions of this section, a relaxation or exemption granted by Council prior to the commencement of this section, for the fencing of a swimming pool on land other than residential land, is confirmed and continues to have effect.

Advice as to Compliance

29. (1) The owner of land other than residential land on which there is an outdoor swimming pool may make written application to Council for written advice as to whether the fencing around the pool complies with section 26.
- (2) If an application is made under subsection (1), the local government must:-
- (a) decide if the fencing complies with section 26; and
 - (b) give the owner written notice of its decision within 20 business days after receiving the application.
- (3) If Council decides the fencing does not comply with section 26, it must:-
- (a) include in the written notice given under subsection (2) the reasons why the fencing does not comply; and
 - (b) advise the owner what must be done to make the fencing comply with section 26.
- (4) The owner must comply with the notice.

Maximum Penalty Units - 165 Penalty Units

Access to Outdoor Swimming Pools Must be Kept Secure

30. The occupier of land other than residential land on which there is an outdoor swimming pool must ensure that any gate or door giving access to the pool is kept securely closed at all times when the gate or door is not in use.

Maximum Penalty Units - 165 Penalty Units

Prescribed Standards for Fencing

31. For fencing around a swimming pool, the prescribed standard is, subject to section 27 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.