



Western Australia

## **Local Government Model By-laws (Holiday Accommodation) No. 18**

Compare between:

[11 Apr 1974, 00-b0-02] and [17 Oct 2005, 00-c0-05]



Western Australia

Local Government (Miscellaneous Provisions) Act 1960

## **Local Government Model By-laws (Holiday Accommodation) No. 18**

Local Government Department,  
Perth, 15th February, 1974.

L.G. 644/68.

HIS Excellency the Governor in Executive Council, acting pursuant to the powers conferred by sections 199A and 258 of the *Local Government Act 1960*, has been pleased to cause the Draft Model By-laws set out in the Schedule hereto to be prepared and published, in substitution for the *Local Government Model By-laws (Holiday Cabins and Chalets) No. 18* published in the *Government Gazette* on the 13th August, 1968, as amended by notice so published on the 6th October, 1970.

Councils of municipalities proposing to adopt the Draft Model By-laws now published should, where they have adopted the former (No. 18) Model By-law, resolve to substitute the new by-law for that previously adopted and frame the adopting resolution so as to show an appropriate title at by-law 1 and the name of the Council in the first definition of by-law 2.

R. C. PAUST,  
Secretary for Local Government.

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### **1. Citation**

These by-laws may be cited as the *Local Government Model By-laws (Holiday Accommodation) No. 18*.

**2. Interpretation**

In these by-laws, unless the context otherwise requires —

“**Council**” means the executive body of the municipality of;

“**holiday accommodation**” means accommodation which, by way of trade or business or for the purpose of any trade or business, is held out as being available or is made available for holiday purposes for occupation by persons other than the proprietor, and which comprises not less than four units;

“**proprietor**” means the owner or occupier of the land on which holiday accommodation is situated;

“**unit**” means a cabin, apartment, chalet, cottage, or flat.

**3. Holiday accommodation to be registered**

- (1) A proprietor shall not permit the occupation or use of holiday accommodation unless —
  - (a) the land can be lawfully used for the purposes of holiday accommodation;
  - (b) the land and the units have been registered by the Council under these by-laws; and
  - (c) the annual registration fee has been paid.
- (2) The annual registration fee shall be either \$2.00 per annum for each unit of holiday accommodation situated on the land or \$20.00 per annum for the land without regard to the number of units, whichever is the greater.

**4. Application**

A proprietor shall make written application to the Council in Form 1 in the Schedule to these by-laws for registration of the holiday accommodation —

- (a) where the holiday accommodation was in use prior to the commencement of these by-laws, within one month after the commencement; or

- (b) in any other circumstances, before commencing or continuing work on the establishment of that holiday accommodation.

**5. Information to be provided with application**

Every application to the Council pursuant to by-law 4 of these by-laws shall be accompanied by a plan for the retention of the Council together with the specifications and particulars setting out —

- (a) the location of the land to be registered;
- (b) a scale plan showing the layout of the various units on the land together with all roads, sanitary and ablution facilities, plumbing and drainage details, and an electrical diagram;
- (c) the materials used and the methods of construction of all buildings; and
- (d) the provision to be made for fire prevention.

**6. Town planning**

The Council shall not register any holiday accommodation unless the appropriate provisions of the *Town Planning and Development Act 1928* and the *Metropolitan Region Town Planning Scheme Act 1959* have been complied with.

*[By-law 6 erratum in Gazette 11 April 1974 p.1316.]*

**7. Certificate of registration**

- (1) Where a council approves an application for registration of holiday accommodation a certificate of registration in Form 2 in the Schedule to these bylaws shall be issued to the applicant.
- (2) A certificate of registration may be made subject to the conditions specified therein, and any such condition shall be complied with by the proprietor.

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- (3) The certificate of registration issued by the Council in relation to any holiday accommodation shall be prominently displayed at all times so as to be legible by patrons and prospective patrons.

**8. Effect of change of ownership**

Registration by the Council pursuant to these by-laws is granted to a specific person in respect to a specified area of land and specified units on that land; continued registration after transfer or assignment of the land is subject to the approval of the Council.

**9. Duration of registration**

Subject to these by-laws, the registration of any holiday accommodation under these by-laws —

- (a) in the case of an original application — has effect on and from the date of issue of the certificate of registration and expires on the 30th day of June next following the date of registration, except where the registration is effected in the months of May or June, when it shall extend to the 30th day of June in the year next following;
- (b) in the case of a renewal, has effect on payment of the prescribed fee, from the 1st day of July to the 30th day of June in the following year.

**10. Existing holiday accommodation**

- (1) Notwithstanding the provisions of these by-laws the Council may register holiday accommodation for a period of one year although that holiday accommodation does not conform with the provisions of these by-laws if that holiday accommodation was in use at the commencement of these by-laws.
- (2) The Council may, with the consent of the Minister and subject to such conditions as the Minister may impose, extend the registration of any holiday accommodation granted under this by-law beyond a period of one year and those conditions shall,

notwithstanding any other conditions that may be imposed by the Council under this by-law, be complied with by the proprietor.

- (3) In granting registration of any holiday accommodation under this by-law, the Council may impose conditions which shall be complied with by the proprietor.

**11. Extensions and alterations**

- (1) The proprietor of any holiday accommodation shall obtain the prior approval of the Council for any proposed extensions or alteration to that holiday accommodation.
- (2) Where any work is carried out with the approval of the Council under this by-law, the Council shall amend the registration accordingly when the work is completed to the satisfaction of the Council.

**12. Standards for holiday accommodation**

A person shall not establish, maintain or conduct holiday accommodation unless —

- (a) it is situated on an area of at least 4 000 m<sup>2</sup>;
- (b) the buildings and appurtenances of the group of units are so constructed, maintained and conducted that —
  - (i) any part of a building is not between the street alignment or the street alignments of the land and the building line fixed by the Council by any by-law for the particular street or streets or that part of the street or streets, or where a building line has not been fixed by the Council, within 7.5 m of the street alignment or any street or streets to which the land has a frontage or frontages;
  - (ii) every wall of a building is a minimum distance of 3.7 m from a boundary not being a street boundary of the land;

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- (iii) the minimum distance between the external walls of any building and another on the land is 9 m but so that if it is shown to the satisfaction of the Council or its duly authorised officer, that a permanent, adequate, reticulated water supply is available on the land, and permanent and adequate fire fighting appliances are provided there, or that buildings are of masonry construction or material having a minimum fire rating of one hour, the minimum distance may be reduced to 4.5 m;
- (iv) all partition walls of multi-unit accommodation shall be constructed of material having a minimum fire rating of one hour;
- (v) open space is provided for the exclusive use of the occupants of the holiday accommodation at the rate of 28 m<sup>2</sup> per unit and in addition parking space is provided at the rate of 17 m<sup>2</sup> per unit;
- (vi) each room of each unit has a minimum height from floor to ceiling of 2.4 m;
- (vii) every room intended for sleeping purposes has at least one door of at least 760 mm in width and 1.95 m in height and is provided with artificial light;
- (viii) every room intended for sleeping purposes contains not less than 11 m<sup>3</sup> of air space per adult and 8.5 m<sup>3</sup> of air space per child, calculated for each person who sleeps in that room, and for the purpose of this by-law, any air space more than 3 m above floor level shall be disregarded;
- (ix) the entrance of each unit has clearly indicated in indelible lettering the maximum number of persons permitted to occupy the unit;



- (x) wherever two storey single unit holiday accommodation is provided both ground floor and first floor shall be in the one occupancy;
- (xi) provision is made for liquid waste disposal in accordance with Model By-laws Series A and the *Bacteriolytic Treatment of Sewerage and Disposal of Effluent and Liquid Waste Regulations* under the *Health Act 1911*;
- (xii) every electrical apparatus and equipment for lighting or heating or power supply or application of electricity on the land is of a type approved by the State Electricity Commission pursuant to the provisions of the *Electricity Act Regulations 1947*, and the electrical installation conforms to the Wiring Rules of the Standard Association of Australia; and
- (xiii) there are communal toilets, ablutionary, laundry and other facilities to the number and nature prescribed by the *Health Act (Caravan Parks and Camping Grounds) Regulations 1974*, reckoned as if each unit of holiday accommodation were a site within the meaning of those Regulations but excepting from the reckoning any unit of holiday accommodation that has self-contained toilet, ablutionary and laundry facilities.

**13. Types of holiday accommodation**

A person shall not construct a unit of holiday accommodation unless it conforms to one of the following types —

- (a) a cabin — a one roomed unit constructed without cooking, toilet, ablution or laundry facilities and having a minimum floor area of 9.2 m<sup>2</sup>;
- (b) an apartment — a unit including toilet and ablution facilities but not including cooking facilities having a minimum floor area of 14 m<sup>2</sup>;

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- (c) a chalet — a unit including cooking facilities with or without toilet and ablution facilities having a minimum floor area of 27.5 m<sup>2</sup>;
- (d) a cottage — a detached self-contained unit including cooking, toilet, ablution and laundry facilities and having a minimum floor area of 46 m<sup>2</sup>;
- (e) a holiday flat — a unit including toilet, ablution and laundry facilities, and a cooking and dining area physically separated from the sleeping area, and having a minimum floor area of 27.5 m<sup>2</sup> designed for use as a separate tenement in a building containing two or more such tenements.

**14. Fire hoses**

Where a reticulated water supply is available, and is capable of delivering water at the required quantity and pressure the proprietor shall provide approved fire hose reels.

- (2) Where fire hose reels are provided —
  - (a) no part of any unit shall be beyond the reach of a nozzle end of a fully extended hose reel, but the length of hose on any hose reel shall not be less than 18 m or more than 36 m;
  - (b) They shall comply with the Australian Standards A155 or 1221 “Fire Hose Reels” and be installed in accordance with the relevant provisions of the Australian Standards C.A. 18 “Installation of Portable Fire Extinguishers and Hose Reels”;
  - (c) the water pressure at the nozzle end of every hose reel, when fully extended, shall be not less than 200 KPA with the 6.5 mm nozzle fully opened;
  - (d) the minimum size of any water main inclusive of upstand on which fire hose reels are installed shall not be at less than 25 mm.

- (3) Where sub-by-law (2) of this by-law does not apply, the proprietor shall provide not less than one water type fire extinguisher having a capacity of not less than 9 litres and conforming with the requirements of the Australian Standards A31, for each six units, installed at a central location within 30 m of any unit on the land.

**15. Storage of flammable liquid**

- (1) Where the proprietor stores bulk quantities of flammable liquid or liquified petroleum gas within any land registered for the purposes of use as holiday accommodation all such substances shall be stored in accordance with the *Flammable Liquid Regulations 1967*, and S.A.A. L.P. Gas Code CB 20.
- (2) Oil fuel installations coming within the scope of the Australian Standard Code C.B. 5 shall be provided with either one dry chemical type extinguisher having a capacity of not less than 9 kg and conforming with the requirements of the Australian Standards A137 or one halogenated hydro-carbon type extinguisher having a capacity of not less than 5 kg and conforming with the requirements of Australian Standards A163.
- (3) The fire fighting appliances referred to in this by-law shall be clearly designated by red markers and carry name plates approved by the W.A. Fire Brigades Board.

**16. Fire extinguishers**

The proprietor shall maintain in proper working order and condition, all fire extinguishers and hose reels in accordance with the requirements of the Australian Standards C.A. 18 “Installation and Maintenance of Portable Fire Extinguishers and Hose Reels” and shall arrange with the W.A. Fire Brigades Board, or any person approved by that Board for the periodical inspection and testing of all extinguishers and fire reels.

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**17. Outdoor fires; removal of fire hazards**

The proprietor shall at all times maintain the land free of debris and material that is a fire hazard, and shall not permit the lighting of outdoor fires other than in incinerators and barbecues approved by the Council.

**18. Restriction on use of flammable liquids**

- (1) No person other than the proprietor shall take onto any land registered for the purposes of use as holiday accommodation any flammable liquid or liquefied petroleum gas in excess of 20 litres excluding that contained in the tanks or cylinders of vehicles or boats.
- (2) A person shall not do any cooking in a cabin or an apartment.

**19. Approval required if remaining for more than 6 months a year**

Except with the prior approval in writing of the Council —

- (a) a person shall not occupy a unit of holiday accommodation, or more than one unit in the same registered location; and
- (b) the proprietor shall not permit any one or more unit, or units of holiday accommodation to be occupied by the same person,

for an aggregate period of more than six months in any consecutive twelve months.

**20. General offence**

A person who contravenes any provision of these by-laws commits an offence and is liable to a penalty not exceeding \$100 and to a daily penalty of \$10 for every day that the offence continues after conviction.

**21. Refusal to register or renew, and cancellation of registration**

- (1) The Council may, by notice in writing to the applicant, refuse to register, or to renew the registration of, or to approve the assignment or transfer of the registration of, any land or units used for the purposes of holiday accommodation.
- (2) Where a proprietor is convicted of an offence against these by-laws and thereafter again contravenes any provision of these by-laws, the Council may by notice in writing served upon him, and where he is not the owner of the land, upon the owner, cancel the registration of the land or units used for the purposes of holiday accommodation and subject to the succeeding provisions of this by-law, that land or unit shall thereupon cease to be used for the purposes of providing holiday accommodation.
- (3) The provisions of this by-law may be applied in relation to any unit, or to the whole of the land used for the purposes of holiday accommodation.

**22. Appeal**

- (1) A person aggrieved —
  - (a) by the cancellation of the registration in relation to any land or the unit on any land;
  - (b) by the refusal of the Council to register, or to renew the registration of, or to approve the assignment or transfer of, any land or the unit on any land; or
  - (c) by the provisions of any condition imposed by the Council,

may within 14 days after the receipt by him of the notice of the decision, appeal to the Minister against the decision and, pending the determination of the Minister, the land or unit may where it was in use for the purposes of providing holiday accommodation, continue to be so used.

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- (2) The determination of the Minister on an appeal under this by-law is final and where the appeal is dismissed the land or unit shall forthwith cease to be used for the purpose of providing holiday accommodation unless a further registration is granted by the Council, pursuant to these by-laws.
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**Schedule**

**Form 1**

**APPLICATION FOR REGISTRATION**

**RENEWAL OF REGISTRATION  
OF HOLIDAY ACCOMMODATION**

To the Council of City, Town or Shire of .....  
I, the undersigned, hereby apply to register/renew registration for the purpose  
of providing Holiday Accommodation the land and units described hereunder  
and depicted on the plan attached hereto.

Name of applicant in full .....

Address of applicant .....

Name and address of owner .....

.....

Situation of land.....

.....

Total area of land.....

The number of holiday units.....

Signature of applicant .....

Date .....

**Form 2**

**CERTIFICATE OF REGISTRATION OF LAND  
AND UNITS FOR HOLIDAY ACCOMMODATION**

The Council of the ..... of .....  
in pursuance of the powers vested in it by the *Local Government Act 1960*,  
hereby registers.....

.....  
the land and holiday accommodation units as depicted in the plan lodged, (a  
copy of which is attached hereto) and situated at .....

.....  
for the purpose of providing holiday accommodation.

Maximum No. of holiday units .....

Conditions (if any) .....

.....  
This certificate of registration  
renewal of registration

is granted to .....  
and shall have effect subject to the *Local Government Act* and the *Local  
Government Model By-laws (Holiday Accommodations) No. 18*.

PLAN ..... attached



### **Notes**

- <sup>1.</sup> This is a compilation of the *Local Government Model By-laws (Holiday Accommodation) No. 18*, and includes the amendments referred to in the following Table.

#### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Local Government Model By-laws (Holiday Accommodation) No. 18.</i>	22 Feb 1974 p. 589-93	22 Feb 1974
Erratum	11 Apr 1974 p. 1316	

[Superseded by Local Laws made under the \*Local Government Act 1995\*](#)

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