



Western Australia

# **Local Government Model By-laws (Motels) No. 3**

Compare between:

[05 Jul 1974, 00-h0-02] and [17 Oct 2005, 00-i0-05]



Western Australia

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)  
ACT 1960

## **Local Government Model By-laws (Motels) No. 3**

Local Government Department,  
Perth, 18th September, 1961.

L.G. 65261.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council, acting pursuant to the powers conferred by the *Local Government Act 1960*, has been pleased to make the draft model by-laws set out in the schedule hereto.

GEO. S. LINDSAY,  
Secretary for Local Government

### **1. Definition**

- (1) In these by-laws “motel” means any premises that provide, or are held out as providing accommodation for the motoring public at large, for reward; and that are denominated by the owner or occupier by the word “motel” or any combination of the word “motor,” “auto” or “travel,” or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words.
- (2) Without limiting the generality of sub-by-law (1) of this by-law, a motel may be, or comprise, premises licensed under the provisions of the *Licensing Act, 1911*.

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*[By-law 1 amended in Gazette 13 June 1962 p.1559.]*

**2. General**

- (1) A person shall not establish or operate a motel, other than in accordance with these by-laws.
- (2) A person shall not use the word “motel” or any combination of the word “motor,” “auto,” or “travel,” or any derivation or contraction of those words, with a word, or any derivation or contraction of a word, denoting lodging or accommodation, whether alone or in conjunction with other words, in connection with any premises of which the occupancy is offered or given for reward, unless those premises are currently registered as a motel, with the Council.

*[By-law 2 amended in Gazette 13 June 1962 p.1559.]*

**3. Sites**

- (1) A motel shall not be established or operated other than upon a site set apart under any Town Planning Scheme or Zoning By-law as a site for “special use (motels),” in accordance with the provisions of the *Town Planning and Development Act 1928*, and the *Local Government Act, 1960*.
- (2) A motel shall not be established or operated on any site having an area of less than 2 000 square metres, where the land is capable of being connected to an adequate system of sewerage, or 4 000 square metres in any other case, but, in special circumstances, with the consent in writing of the Minister for Local Government, and of the council, a motel may be established on a piece of land smaller in area than that specified in the foregoing provision.
- (3) Any site used for the establishment or operation of a motel shall be provided with means of ingress from, and egress to, a public road by an entry and drive-ways, properly paved and approved by the council.

- (4) The maximum number of residential units which may be built and operated as a motel shall be such that, after deducting from the area of land the area of the buildings erected or to be erected as a cafe, cafeteria, restaurant or dining room, kitchen, laundry, flat or residence for the manager or person in charge of the motel and any parking space for use by members of the public, as distinct from persons occupying motel units, the remaining area of the land is not less than ninety-three square metres per unit.

*[By-law 3 amended in Gazette 21 June 1974 p.2092.]*

**4. Distance of Buildings from Boundaries**

- (1) A motel shall not be constructed in such way that any portion of a building is nearer to the street alignment than is permitted under the provisions of any Building Line By-laws, Building By-laws, Town Planning Scheme or Zoning By-laws of the council and in the absence of such by-laws or scheme, within 7.6 square metres of the street alignment.
- (2) A motel building shall not be so constructed that any portion of the walls of that building is nearer to the side or rear boundary of the site than three metres, but in special cases, with the consent of the Minister for Local Government and the council, a motel building may be erected with walls nearer than three metres to the side or rear boundary of the site.
- (3) Notwithstanding the provisions of sub-by-laws (1) and (2) of this by-law, eaves, hoods and ornamental fixtures may be extended a distance of one metre nearer to any boundary than thereby prescribed.
- (4) A motel building that comprises more than two storeys shall be so constructed as to incorporate a passenger lift serving each storey and being of a size and standard approved by the Council.

*[By-law 4 amended in Gazette 9 August 1967 p.1984;  
21 June 1974 p.2092.]*

**5. Composition of Motels**

Any motel shall comprise at least —

- (a) ten residential units;
- (b) a cafe, cafeteria or restaurant or, in the alternative to the foregoing, a kitchen for common use;
- (c) a common laundry;
- (d) a flat or residence for the manager or person in charge of the motel;
- (e) parking space as in these by-laws provided; and
- (f) a garden or plantation surrounding the site.

**6. Composition of Residential Unit**

- (1) Any residential unit of a motel shall comprise at least —
  - (a) a bed-sitting room;
  - (b) luggage storage space;
  - (c) a car park; and
  - (d) an ablution and toilet unit.

- (2) The minimum floor area of any residential unit, exclusive of any patio, covered way or car park, shall be 23.2 square metres where the ceiling height is 2.4 metres and may be slightly reduced where ceiling heights are greater, but a residential unit shall not, in any event, contain less than 56.6 cubic metres of space and shall be such as will ensure to the occupants at least the amount of air space as is required by any by-laws made under the *Health Act 1911*.

*[By-law 6 amended in Gazette 21 June 1974 p.2092.]*

**7. Structure**

- (1) Any motel shall be constructed in accordance with the Building By-laws of the council and any provisions of the building by-laws which are applicable to flats shall, as far as practicable, be applicable to motels.

- (2) Where provision is made in any building for one residential unit to open into another residential unit, there shall be an intervening door having a fire resistance rating of a least one hour's duration and being capable of being locked from either side.

*[By-law 7 amended in Gazette 23 July 1962 p.1849.]*

**8. Ablution Units**

- (1) An ablution unit shall include —
- (a) a shower cubicle;
  - (b) a hand basin;
  - (c) an air lock and water closet.
- (2) Hot and cold running water shall be provided to the shower and hand basin of each ablution unit.
- (3) Where it is desired to provide baths in addition to showers, those baths may be installed in a common bathroom.

**9. Cooking Facilities**

- (1) Any residential unit shall be provided with one power point.
- (2) Where, in any motel, no cafe, cafeteria or restaurant is provided and operating, there shall be a common kitchen having a floor area of at least 9.3 square metres.
- (3) Any common kitchen shall have installed at least one stove and one sink for every ten residential units or part of that number of units.

*[By-law 9 amended by Gazette 21 June 1974 p.2092.]*

**10. Laundry**

In any motel there shall be a common laundry of a floor area of at least 4.6 square metres, having therein installed either one copper or one washing machine and one set of wash troughs for

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every one hundred residential units or part of that number of units.

*[By-law 10 amended in Gazette 5 April 1974 p.1234; (Erratum in Gazette 10 May 1974 p.1534); 21 June 1974 p.2092.]*

**11. Car Parking**

- (1) Any motel shall have a car park appurtenant to and within a distance of 4.5 metres of each residential unit, unless the local authority shall approve of a car park being of a greater distance from any residential unit; and the parking site allotted to each unit shall comprise not less than 16.2 square metres in area.
- (2) There shall be adequate means of access to and manoeuvring space at each car park.
- (3) In the case where a restaurant, swimming pool, dance floor or other facilities are provided at any motel for the use of the public, other than residents, there shall, in addition to that provided by sub-by-law (1) of this by-law, be on site parking space in the ratio of one car space for every three patrons additional to residential patrons.
- (4) In the case where any motel is licensed under the provisions of the *Licensing Act 1911*, there shall, in addition to any parking space hereinbefore provided by this by-law, be on site parking space in the ratio of one car space for every 2.3 square metres of licensed floor space or part of that area, exclusive of floor space devoted to storage, service areas, refrigeration areas and like utility areas.

*[By-law 11 amended by Gazette 21 June 1974 p.2092; (Erratum 5 July 1974 p.2466).]*

**12. Furniture**

- (1) A residential unit in any motel shall be provided with a suitable complement of bedding and furniture in good order, repair and condition and there shall be in each residential unit at least —
  - (a) one spring bedstead for each person occupying the unit;



- (b) one mattress for each bedstead;
- (c) all usual linens, blankets and bedspreads for each bed;
- (d) one easy chair;
- (e) one luggage rack;
- (f) hanging space for clothing; and
- (g) one table, desk or dresser or any combination of those articles of furniture.

**13. Advertising Sign**

An entrance sign or gate-way shall not be erected on the front boundary of any motel unless that sign or gate-way shall first have been approved by the council.

**14. Resident Manager**

- (1) In any case where the owner or occupier of a motel is not in residence at that motel he shall appoint a manager or other responsible person to reside at, and be in charge of, the motel.
- (2) A person shall not be the manager of, or be in charge of, a motel who —
  - (a) is an undischarged bankrupt;
  - (b) has been convicted of any indictable offence; or
  - (c) has been or is convicted more than three times of offences against these by-laws or against the *Health Act Regulations*.

**15. Compliance with Other By-laws**

Nothing in these by-laws shall be deemed to relieve any person from obligation to comply with any regulation or by-law made pursuant to the provision of the *Local Government Act 1960*, the *Town Planning and Development Act 1928*, or the *Health Act 1911*.

**16. Registration**

- (1) Any person requiring to establish or operate a motel shall apply for initial registration of the motel to the council, and registration, if approved, shall operate until the 31st day of December then next following.
- (2) Any application for renewal of the registration of a motel shall be made in the month of January and unless registration is renewed a person shall not continue the operation of the subject premises as a motel.

**17. Penalty**

- (1) Any person committing a breach of these by-laws shall be liable to a penalty not exceeding twenty pounds and the imposition and payment of any penalty shall not relieve any person of liability to rectify any breach of these by-laws.
- (2) Where by the Act, or by any of these by-laws, any act is directed to be done, or forbidden to be done, or where any authority is given to the council, or any officer of the council, to direct any act to be done, or to forbid any act to be done, and that act remains undone, or having been forbidden is done, in every such case the person making default as to any such direction or prohibition, as the case may be, is guilty of an offence.

**18. Citation**

These by-laws may be cited as *the Local Government Model By-laws (Motels) No. 3*.

**Notes**

- <sup>1.</sup> This is a compilation of the *Local Government Model By-laws (Motels) No. 3* 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 (Motels) No. 3</i>	20 Sep 1961 p. 2709-12 13 Jun 1962 p. 1559 23 Jul 1962 p. 1849 9 Aug 1967 p. 1984 5 Apr 1974 p. 1234	20 Sep 1961
Erratum	10 May 1974 p. 1534 21 Jun 1974 p. 2092	
Erratum	5 Jul 1974 p. 2466	

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

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