



New South Wales

Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2021

under the

Environmental Planning and Assessment Act 1979

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Environmental Planning and Assessment Act 1979*.

ROB STOKES, MP
Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is prohibit a dwelling from being used for the purpose of short-term rental accommodation, even if that use is otherwise permissible, unless—

- (a) the dwelling complies with certain fire safety and evacuation controls, and
- (b) the dwelling is registered on the register established by the Planning Secretary on the NSW planning portal.

This Regulation also revises the location of certain references to offences under the *Environmental Planning and Assessment Regulation 2000* so that the maximum penalties for the offences are attributed to the correct enabling provision.

This Regulation is made under the *Environmental Planning and Assessment Act 1979*, including sections 6.34, 9.58 and 10.13 (the general regulation-making power) and Schedule 3, clause 3.

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2021*.

2 Commencement

This Regulation commences on 30 July 2021 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

[1] Clause 167 Application of Part

Insert after clause 167(1)(c)—

- (d) Division 7D applies only to—
 - (i) class 1a and class 2 buildings, and
 - (ii) a class 4 part of a building.

[2] Part 9, Division 7D

Insert after clause 186U—

Division 7D Fire safety for short-term rental accommodation

186V Definitions

- (1) In this Division—

fire safety standard means the *Short-term Rental Accommodation Fire Safety Standard* approved by the Planning Secretary and published on the Department's website, as in force from time to time.
- (2) Terms used in this Division have the same meanings as they have in Part 3A of *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

186W Additional fire safety and evacuation controls for short-term rental accommodation

- (1) A dwelling must not be used for the purpose of short-term rental accommodation unless it complies with the requirements of the fire safety standard.
- (2) The requirements referred to in subclause (1) are in addition to any other requirements that may apply to the dwelling under this Part.
- (3) Nothing in this Division authorises development for the purpose of short-term rental accommodation.

186X Register to be established and maintained for fire safety

- (1) The Planning Secretary is to establish and maintain a register on the NSW planning portal of dwellings used for the purpose of short-term rental accommodation.
- (2) The register is to include the following information (the *registration information*) for each dwelling used for the purposes of short-term rental accommodation—
 - (a) the address of the dwelling,
 - (b) the type of residential accommodation of the dwelling,

Example. A dwelling house or a residential flat building.
 - (c) whether the dwelling will be used as hosted short-term rental accommodation or non-hosted short-term rental accommodation,
 - (d) the name and address of the person who is providing the dwelling for the purposes of short-term rental accommodation,
 - (e) a description of how the dwelling complies with the fire safety standard.

- (3) A person must not provide a dwelling for the purposes of short-term rental accommodation unless the dwelling is included on the register and the registration is in force.
Maximum penalty—20 penalty units.
- (4) The Planning Secretary is to register a dwelling on the register if the person who is proposing to provide the dwelling for the purposes of short-term rental accommodation—
 - (a) provides the registration information to the Planning Secretary in a form approved by the Planning Secretary, and
 - (b) pays to the Planning Secretary the registration fee of \$65.
- (5) The Planning Secretary is to notify the person of the date of registration.
- (6) Registration, including a renewal of registration, remains in force for a period of 1 year.
- (7) A person may apply to renew registration of a dwelling by—
 - (a) providing notice of any changes to the registration information to the Planning Secretary in a form approved by the Planning Secretary, and
 - (b) paying to the Planning Secretary the renewal fee of \$25.
- (8) A renewal application may be made—
 - (a) up to 45 days before the registration ceases to be in force, or
 - (b) up to 3 months after the registration ceased to be in force.
- (9) If an application for renewal is made before the registration ceases to be in force, the registration continues in force even if the new period of registration commences after the registration would otherwise have ceased to be in force.
- (10) If an application for renewal is made within 3 months after the registration ceased to be in force, the new period of registration commences on the date notified to the person by the Planning Secretary.
- (11) The Planning Secretary is to make the contents of the register available to the following persons—
 - (a) a member of staff of the Department of Customer Service authorised by the Secretary of that Department,
 - (b) a member of staff of a local council authorised by the local council,
 - (c) any other person, if the Planning Secretary considers it necessary to make the contents available to ensure the safety of persons occupying the dwelling as short-term rental accommodation.

[3] Clause 284 Penalty notice offences

Omit clause 284(5)(b) and (c). Insert instead—

- (b) an offence under clause 283A in relation to a contravention of clause 183(1), 184(a), (b) or (c), 185(b), 186(a), (b) or (c), 186A(2), (3), (4), (5) or (6), 186AA(2), 186C(1) or (1A), 186S or 186T.

[4] Schedule 5 Penalty notice offences

Omit the heading relating to section 6.34 of the Act and appropriately reorder the matter under that heading, under the heading relating to clause 283A.

[5] Schedule 5

Insert in appropriate order under the heading relating to clause 283A—

clause 186W(1)	1,500	3,000
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