



New South Wales

# Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Amendment Regulation (No 2) 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 to amend the *Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2021*, which commences on 1 November 2021, as follows—

- (a) to allow the letting agent of a dwelling used for the purposes of short-term rental accommodation to register the dwelling, including renewing a registration,
- (b) to require the host or letting agent of a dwelling to provide the Planning Secretary with a declaration, on, or no earlier than 5 days before, the first day of an arrangement to lease the dwelling, that the dwelling meets the fire safety standards and the number of days of the arrangement.

## **Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Amendment Regulation (No 2) 2021**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Regulation**

This Regulation is the *Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Amendment Regulation (No 2) 2021*.

### **2 Commencement**

This Regulation commences on 1 November 2021 and is required to be published on the NSW legislation website.

## Schedule 1      **Amendment of Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2021**

### Schedule 1[2]

Omit proposed Division 7D. Insert instead—

### **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.

*letting agent* means a person who carries on business as an agent to enable persons to enter into short-term rental accommodation arrangements.

(2) Terms used in this Division have the same meanings as in *State Environmental Planning Policy (Affordable Rental Housing) 2021*, Part 3A.

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

(1) A dwelling must not be used for the purposes of short-term rental accommodation unless, in addition to other requirements that may apply to the dwelling under this Part, it complies with the requirements of the fire safety standard.

(2) Nothing in this Division authorises development for the purposes of short-term rental accommodation.

#### **186X      Register to be established and maintained for fire safety**

(1) The Planning Secretary must establish and maintain a register on the NSW planning portal of dwellings used for the purposes of short-term rental accommodation.

(2) The register must 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 host of the dwelling,

(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 must—

- (a) register a dwelling on the register if the host or the letting agent of the dwelling—
    - (i) provides the registration information to the Planning Secretary in a form approved by the Planning Secretary, and
    - (ii) pays to the Planning Secretary the registration fee of \$65, and
  - (b) notify the host or the letting agent of the date of registration.
- (5) Registration remains in force for a period of 1 year.
- (6) The Planning Secretary must 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) another 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.

**186Y Renewal of registration**

- (1) The host or letting agent of a dwelling may apply to renew registration of the dwelling by—
- (a) providing notice of changes, if any, 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) A renewal of registration remains in force for a period of 1 year.

**186Z Information on letting arrangements to be provided to Planning Secretary**

- (1) The host or letting agent of a dwelling let for the purposes of short-term rental accommodation under an arrangement must provide the following information to the Planning Secretary—
- (a) a declaration that the dwelling complies with the fire safety standard,
  - (b) the number of days of the arrangement.
- (2) The information must be provided—
- (a) no earlier than 5 days before, or on the day, each arrangement commences, and
  - (b) in the form approved by the Planning Secretary.