

September 2021

What is STRA?

STRA is accommodation that is made available to others on a commercial basis for a temporary or short-term period. STRA is often facilitated through online booking platforms such as Stayz, Airbnb or Booking.com.

What are the new rules?

The NSW Government has implemented a [new state-wide regulatory framework for short-term rental accommodation \(STRA\)](#), which includes a new planning framework, fire safety standards for STRA dwellings and a Government-run STRA Register. The new framework complements the mandatory [Code of Conduct](#) and changes to strata legislation made by the [NSW Department of Customer Service](#).

Under the new rules, short-term rental accommodation means:

Short-term rental accommodation means a dwelling used by the host to provide accommodation in the dwelling on a commercial basis for a temporary or short-term period.

As a home sharing activity, STRA can be undertaken in most dwellings under the new rules as exempt development.

You can check whether you can undertake STRA in your dwelling by [checking the legislation](#) or seeking advice from your local Council.

Why has the Government made these changes now?

The new regulatory framework seeks to ensure local communities continue to enjoy the economic benefits of STRA, while managing potential adverse impacts.

STRA has become a fast-growing industry, and there is a need to balance the benefits of short term accommodation with the needs of neighbours and local communities. The government has been consulting with the community, councils and the short term rental industry to reach a balance that provides certainty within the planning system for STRA while also clearly outlining the responsibilities of all participants.

When do the new rules start?

The new laws start on 1 November 2021.

What do I need to do?

If you plan to use any part of your property as short term rental, you must now:

- register it on the NSW STRA Register (see below)
- make sure it meets the fire safety standards
- make sure you abide by the new Code of Conduct
- take note of any restrictions on the number of days it can be rented each year, and make sure you do not allow it to be rented out for more days that are allowed.

There are penalties for not complying with the new rules.

What kinds of dwellings count as STRA?

STRA can be undertaken in lawfully constructed dwellings used for the purpose of residential accommodation in all land use zones in which dwellings are currently permissible.

Typical residential accommodation dwelling types include:

- a dwelling house (eg. a detached house), an attached dwelling, or a semi-detached dwelling
- a dual occupancy,
- multi dwelling housing,
- a residential flat (eg. a unit in a block of flats),
- a secondary dwelling (e.g. a granny flat),
- shop top housing.

What kinds of dwellings are *not* permitted for STRA?

The following dwellings are **not** considered to be STRA under the new STRA rules:

- Boarding houses
- Seniors housing
- Rural workers' dwellings
- Group homes
- Hostels
- Refuge or crisis accommodation
- Build-to-rent housing
- Co-living housing.

Is tourist accommodation included?

Approved tourist and visitor accommodation such as serviced apartments, bed and breakfasts, eco-tourist facilities, hotels, motels, resorts, camping grounds or caravan parks are **not** required to register for STRA.

They are allowed to continue to be listed on online accommodation platforms.

If you are unsure of the status of the accommodation, contact your local Council for assistance.

Are dwellings such as caravans and tiny homes included?

Moveable dwellings such as caravans or tiny homes on private property are **not** required to register for STRA. Please note these are subject to the provisions of the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation](#) and local council approval may be required.

What is a 'host'?

The host is the person who provides a property to others for short term rental accommodation. In most cases the host is the owner, tenant or permanent resident of a dwelling. Hosts must abide by the rules for hosts in the STRA Code of Conduct.

What is the difference between ‘hosted’ and ‘non hosted’ STRA?

Hosted STRA means that the host lives on the premises during the period of the accommodation provided. For example:

- a granny flat or room in a property that is the host’s principal place of residence. The host may come and go from the property during the time of the accommodation (eg. for work or recreation)
- where there are two or more dwellings, on the premises and one is used for STRA.

Hosted STRA may be undertaken on any land in a zone in which residential accommodation of a type corresponding to the dwelling is permitted with or without development consent, 365 days per year.

Non-hosted STRA means that the accommodation can be carried out without the host residing on the premises. For example:

- a holiday house or unit at a premises separate from the host’s principal place of residence.

Non hosted STRA may be undertaken on any land in a zone in which residential accommodation of a type corresponding to the dwelling is permitted with or without consent.

What if my dwelling is part of a strata building?

Some strata buildings have by-laws that prohibit STRA in a building where the dwelling is not your principal place of residence. This means that if you want to undertake non-hosted STRA in a strata building you must first check that there are no by-laws which prohibit STRA.

For more detail, visit the NSW Fair Trading [website](#).

If your dwelling in a strata building is also your principal place of residence, then you can undertake STRA under the policy without reference to possible strata by-laws. However, as a host you must still comply with all requirements of the policy such as fire safety standard and registration on the STRA Register.

What if I have two or more dwellings or rooms at the one address that I use for STRA?

If you have more than one STRA listing at the one property address, then you can register them all under the same registration number. If the non-hosted STRA day limit applies, then each day booked will be counted as one day for the property as a whole, regardless of the number of dwellings or rooms booked on that day.

What are the day limits?

In some NSW council areas, there are limits on the number of days that a property can be used for non-hosted STRA.

Hosted STRA is not restricted by any day limits and can be carried out 365 days per year.

Non-hosted STRA is restricted to a maximum of 180 days a year in the following areas:

- o the Greater Sydney region (see below)
- o the Ballina area
- o certain land in the Clarence Valley area, and
- o certain land in the Muswellbrook area.

In all other LGAs, non-hosted STRA may take place 365 days a year.

Byron Shire Local Government Area is exempt from the STRA policy until 31 January 2022.

Under tenancy legislation, a STRA booking cannot last more than 3 months. For more information, visit [NSW Fair Trading](#).

The Greater Sydney region includes the following LGAs:

Bayside	City of Ryde	Ku-ring-gai	Sutherland
Blacktown	City of Sydney	Lane Cove	The Hills
Blue Mountains	Cumberland	Liverpool	Waverley
Burwood	Fairfield	Mosman	Willoughby
Camden	Georges River	North Sydney	Wollondilly
Campbelltown	Hawkesbury	Northern Beaches	Woollahra
Canterbury-Bankstown	Hornsby	Penrith	
City of Canada Bay	Hunter's Hill	Randwick	
City of Parramatta	Inner West	Strathfield	

Please note that 11 councils currently have rules relating to STRA in their local planning controls. When the new state-wide planning rules come into effect on 1 November 2021, these local council provisions will no longer apply.

Are there any exemptions to day limits?

For non-hosted STRA, where the booking is for **21 or more consecutive days**, the booking will not count towards the day limits.

This exemption will help support mobile workforces which tend to have longer stays and lower amenity impacts.

However, these properties must still be registered and comply with any other relevant STRA provision including the fire safety standards.

What is the STRA Register?

A new Government-run register for STRA has been developed to ensure compliance with the new rules including the fire safety standards.

The STRA Register is now live to the public via the NSW Government's [NSW Planning Portal](#).

When registering, you will need to confirm that the property meets the fire safety standards. There will be a non-refundable one off registration fee of \$65 for the initial 12 months and an ongoing annual renewal fee of \$25.

The Register will capture the number of days a property is used for STRA to enable monitoring of compliance with day limits. This is through connecting with the STRA booking platforms (eg. Booking.com, AirBnB), but if you manage bookings yourself, then you will need to make sure you enter each booking into the register.

Councils will be able to access information about properties in their area to support them with compliance.

For technical assistance call **1300 305 695** or email epanning.support@planning.nsw.gov.au.

How do I register?

You or your agent can register at the [STRA home page](#) on the NSW Planning Portal.

Can an agent register on my behalf?

Yes. With the host's permission, an agent can register on a host's behalf.

What is the Code of Conduct?

There is a new STRA Code of Conduct that sets out the rights and obligations of everyone who participates in STRA in NSW, including hosts, guests, letting agents and accommodation booking platforms.

The Code covers expected behaviour such as:

- For hosts, presenting an accurate description and a fire-safe premises
- For guests, keeping noise levels down and minimising impacts on neighbours
- For booking platforms, ensuring properties are listed on the NSW register before they are listed.

View the Code of Conduct on the NSW Fair Trading [website](#).

What are the new Fire Safety Standards?

New fire safety standards provide for the safety of guests and visitors. They strike a balance between the need for robust safety requirements and cost prohibitive safety measures.

The new fire safety standards are outlined in the following table.

Table 1 – Fire Safety requirements for STRA dwellings

Dwelling type	Standard
All dwellings	<ul style="list-style-type: none">• Mains-powered smoke alarms or long life, sealed battery powered smoke alarms in:<ul style="list-style-type: none">○ dwelling floor levels containing bedrooms, every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and○ each other storey not containing bedrooms.• Smoke alarms must comply with AS 3786.• Smoke alarms must be interconnected where there is more than one alarm. Wireless interconnected smoke alarms are permitted.• An Evacuation Plan and signage to familiarise guests with the exit system, including the national emergency services number (000) and advice for guests to download the <i>Emergency+</i> app.
Dwellings in multi-unit buildings only (Dwellings in Class 2 and Class 4 buildings)	<ul style="list-style-type: none">• Entry doors that can be opened from inside the dwelling without a key• Fire extinguisher and fire blanket in the kitchen

Dwelling type	Standard
Secondary dwellings above a garage – in single dwelling houses (Class 1a buildings)	<ul style="list-style-type: none"> An inter-connected heat alarm in the garage <p>To clarify: a heat alarm is required where there is an approved secondary dwelling such as a 'Fonzie flat' or studio above the garage of the main dwelling. A standalone dwelling with a garage does not require a heat alarm in the garage.</p>
All	<ul style="list-style-type: none"> An Information Booklet/Advice Sheet on general emergency advice for the STRA and its location.
All	<p>STRA hosts and guests are also encouraged to download an appropriate emergency application to their mobile phones that provides sufficient information on potential environmental hazards for the location the STRA. For example:</p> <ul style="list-style-type: none"> 'Fires near Me' app: developed by NSW Rural Fire Service to provide warnings about bush fires and other incidents.

Useful information to help you prepare your Information /Advice sheet is available on the [STRA website](#).

What if I already have a valid approval for STRA from my local council?

Where a valid development consent (DA) has been issued by a local council permitting the use of a dwelling for STRA, that development consent remains valid until proven otherwise or is amended by the applicant to vary the conditions of that consent.

If you already have a valid DA, then the day limit does not apply to your premises. Any day limit set out in a development consent condition must be complied with. However, you must comply with all the other new STRA rules including the Code of Conduct and fire safety regulations, and you must register it on the register.

What are the policy details?

The new planning framework includes:

- a new planning policy for STRA in [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#), that:
 - introduces a new definition for short-term rental accommodation, hosted STRA and non-hosted STRA
 - introduces an exempt development approval pathway for hosted and non-hosted STRA, facilitating:
 - hosted STRA as exempt development in a dwelling, 365 days per year
 - non-hosted STRA as exempt development in a dwelling, 180 days per in Greater Sydney and nominated regional NSW LGAs, and 365 days per year in all other locations.
 - provides an exemption of bookings of 21 consecutive days or more from the 180 day limit on non-hosted STRA.

- an amendment to the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) to:
 - introduce new fire safety standards for dwellings used for STRA and associated penalty notice offences for non-compliance
 - create a new Government-run STRA Register that will ensure compliance with the new fire safety standards, as well track the day limits of each STRA dwelling.

What is an Exempt Development approval pathway?

Exempt development typically relates to minor building renovations or works that don't need any planning or building approval. Exempt development is very low impact development that can be done for certain residential, commercial and industrial properties. As long as the proposed works meet all of the development standards (identified in the relevant State Policy), approval may not be needed.

The new STRA planning framework provides a single, streamlined exempt development approval pathway that facilitates STRA in existing, lawfully approved residential accommodation. A single exempt pathway allows for STRA to be undertaken without development consent so long as the new fire safety standards are met. Compliance of these standards will be enforced through the new Government-run STRA Register.

Please note the exempt development pathway is for the dwelling and does not exclude any particular zone in which STRA may occur. The exempt development pathway relies on the dwelling STRA is proposed to be carried out in being permitted with or without development consent on the land on which the dwelling is located.

How do these changes work with residential tenancy laws?

In April 2020, the Department of Customer Service amended the *Fair-Trading Act 1987*, *Strata Schemes Management Act 2015* and the *Residential Tenancies Act 2010* that provides owners' corporations the ability to pass by-laws prohibiting STRA from lots in their strata scheme that are not the principal place of residence of the host.

The changes also clarify that STRA activities of three months or less are not agreements covered by the residential tenancy framework.

For further details about the changes to strata and residential tenancy laws, visit the NSW Fair Trading [website](#).

What is the status of STRA in Byron Shire LGA?

It is acknowledged that STRA is a complex issue in the Byron Shire LGA.

The new STRA provisions will start on 31 January 2022 for properties in the Byron Shire LGA. The provisions are expected to include a maximum of 180 days per year for non-hosted STRA, although Byron Shire Council is finalising its planning proposal lodged in response to [Ministerial Direction 3.7](#), that seeks to limit non-hosted STRA to 90 days in its LGA.

Information will be available on the Department's STRA website as it becomes available.

Who do I contact if I have concerns or questions?

For Code of Conduct matters such as noise and amenity impacts, contact the Department of Customer Service by visiting [NSW Fair Trading](#).

Contact your local council for planning matters such as:

- number of days operating as non-hosted STRA
- compliance with fire safety standards.

Where can I find out more?

Visit the Department of Planning, Industry and Environment's [STRA webpage](#) for factsheets and information, or phone 1300 305 695 or email our Policy team on STHL@planning.nsw.gov.au.

For technical problems with the Register, please phone 1300 305 695 or email epanning.support@planning.nsw.gov.au.

If you require an interpreter, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.

Definitions

New definitions have been introduced to provide statewide consistency in the permissibility of STRA. This includes a definition of STRA, types of STRA and the roles of individuals participating in STRA in NSW including;

- **short-term rental accommodation** means a dwelling used by the host to provide accommodation in the dwelling on a commercial basis for a temporary or short-term period.
- **host** means the owner, tenant or permanent resident of a dwelling who uses the dwelling to provide short-term rental accommodation.
- **hosted short-term rental accommodation** means short-term rental accommodation provided where the host resides on the premises during the provision of the accommodation.
- **non-hosted short-term rental accommodation** means short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation.
- **permanent resident of a dwelling** means a person who permanently resides at the dwelling.
- **tenant** has the same meaning as in the *Residential Tenancies Act 2010*.

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