



New South Wales

Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2019

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*.

Minister for Planning and Public Spaces

Explanatory note

The object of this Regulation is to prohibit a dwelling from being used for the purpose of short-term rental accommodation (where that use is otherwise authorised under the relevant State environmental planning policy) unless the dwelling complies with certain fire safety and evacuation controls. The controls apply in addition to any other requirements that apply to the dwelling under Part 9 (Fire safety and matters concerning the Building Code of Australia) of the *Environmental Planning and Assessment Regulation 2000*. The prohibition is prescribed both as an offence against the Regulation (attracting a maximum penalty of \$110,000) and a penalty notice offence (with a penalty amount of \$1,500 for an individual and \$3,000 for a corporation).

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).

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1 Name of Regulation

This Regulation is the *Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2019*.

2 Commencement

This Regulation commences on [*Date to be advised*] and is required to be published on the NSW legislation website.

public consultation draft

Environmental Planning and Assessment Amendment (Short-term Rental Accommodation) Regulation 2019
[NSW]
Schedule 1 Amendment of Environmental Planning and Assessment Regulation 2000

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[1] Clause 167 Application of Part

Insert after clause 167 (1) (c)—

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

[2] Part 9, Division 7D

Insert after clause 186U:

Division 7D Additional fire safety and evacuation controls for dwellings used as short-term rental accommodation

186V Application

This Division applies to development for the purpose of short-term rental accommodation that is exempt or complying development under the *State Environmental Planning Policy (Short-term Rental Accommodation) 2019*.

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 *Short-term Rental Accommodation Fire Safety Standard* approved by the Secretary and published on the Department's website, as in force from time to time.
- (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 clause authorises development for the purposes of short-term rental accommodation.

Consultation note: A draft of the Standard referred to above is also the subject of consultation and is available on the Department's website or the NSW Planning Portal.

[3] Schedule 5 Penalty notice offences

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

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