

» short term rental accommodation



February 2022

Short Term Rental Accommodation (STRA) is a dwelling used to provide residential accommodation on a commercial basis for a temporary or short-term period. The host either lives on the premises (hosted), or not (non-hosted).

Short term rental accommodation is commonly available through booking platforms such as 'Airbnb' and 'Stayz' and holiday rentals through real estate agencies.

» Can I use my house or apartment for STRA?

The NSW Government implemented new rules for STRA from 1 November 2021.

Under the new rules, STRA can be undertaken in any location within Ballina Shire if your house or apartment has been approved by a planning authority (eg. Council) as a dwelling.

All hosts or letting agents must comply with the new fire and safety requirements for STRA and agree to follow the code of conduct.

Hosts will need to register their STRA property on the new State Government-run **STRA Register**. Create a NSW Planning Portal account or login with your Service NSW account at pp.planningportal.nsw.gov.au/stra

» What is Council's role?

Council operates in accordance with the new rules for STRA developed by the NSW Government, which came into force on 1 November 2021.

Under the NSW Government rules for STRA, Councils have a limited role, as most houses/apartments are able to operate for STRA without specific approval for the accommodation use. However, regional councils have the ability to choose to retain a 365-day threshold (for non-hosted establishments); or to reduce the threshold to no less than 180 days.



Ballina Shire Council has chosen to adopt **180 days** as the number of days that non-hosted STRA will be able to be undertaken.

Council will monitor customer requests in relation to issues raised by the operation of STRA. This will enable Council to capture sufficient data and evidence to identify if significant land use conflict is occurring in particular localities. Council can then inform the appropriate State Government agencies directly responsible with this legislation and hence assist in developing future compliance or educational material and programs.

»» How do the rules apply?

The new rules intend to provide a balanced approach to allow homeowners access to the benefits of a sharing economy, while providing certainty for communities and visitors. The new rules allow both hosted and non-hosted STRA to be undertaken within the Ballina Shire LGA without approval from Council for 180 days per year, provided the following standards are met:

- The dwelling has been lawfully constructed to be used for the purposes of residential accommodation
- The type of residential accommodation that the dwelling is being used for is permitted either without or with consent on the land on which the dwelling is located
- The dwelling has been registered on the STRA register
- The STRA Fire Safety Standard has been satisfied
- If the dwelling is part of a Strata Title Scheme, the by-laws permit the subject lot to be used for the purposes of STRA.

Short term rental accommodation is **NOT permitted** in boarding houses, seniors housing, rural workers dwellings, ecotourist facilities, hostels, camping grounds, caravan parks, moveable dwellings, group homes, refuge or crisis accommodation or within tourist and visitor accommodation uses (which includes serviced apartments).

»» How will it be regulated?

Any dwelling used for STRA purposes is required to be registered on the State Government-run register for STRA.

Information such as compliance with fire safety standards and the number of days a property is used for STRA is captured and integrated with key STRA booking platforms (such as Stayz and AirBnB) and the NSW Planning Portal.

This register assists councils with monitoring and compliance of registered STRA dwellings and is available to the public via the NSW Planning Portal.

»» What is the code of conduct?

As part of the STRA reforms, the NSW Government introduced a mandatory Code of Conduct for the STRA industry. This new code came into force on 18 December 2020 and imposes obligations on booking platforms, hosts, letting agents and guests. It sets new minimum standards of behaviour and requirements for all industry participants.

For more information on this Code of Conduct, please visit the NSW Fair Trading website [fairtrading.nsw.gov.au/housing-and-property/short-term-rental-accommodation](https://www.fairtrading.nsw.gov.au/housing-and-property/short-term-rental-accommodation).

»» What are the rules for strata schemes?

Another important change introduced as part of the STRA reforms relates to strata and tenancy laws.

Owners Corporations can now adopt by-laws that limit STRA in their strata scheme, by banning it in lots that are not the host's principal place of residence. However, if someone lives in a strata property as their principal place of residence, they will still be able to rent out their home or rooms while they live there, or while they are temporarily away.

»» Further information

NSW Planning
[planning.nsw.gov.au](https://www.planning.nsw.gov.au)

Department of Fair Trading
[airtrading.nsw.gov.au/housing-and-property/short-term-rental-accommodation](https://www.fairtrading.nsw.gov.au/housing-and-property/short-term-rental-accommodation)

NSW Police
[police.nsw.gov.au](https://www.police.nsw.gov.au)

Service NSW
[service.nsw.gov.au](https://www.service.nsw.gov.au)

Community Justice Centres
[cjc.justice.nsw.gov.au](https://www.cjc.justice.nsw.gov.au)

»» Further Information:

Ballina Shire Council Planning and Environmental Health Division ph 1300 864 444
[ballina.nsw.gov.au/short-term-rental-accommodation](https://www.ballina.nsw.gov.au/short-term-rental-accommodation)

