

Short Stay Accommodation Fact Sheet

Purpose

This fact sheet gives an overview of the [Short Stay Accommodation Act 2019](#) (SSA Act), which started on 4 June 2019.

What is short stay accommodation?

Short stay accommodation means premises that are let out to paying guests for overnight temporary accommodation, generally to people who are on holiday or vacation.

Short stay accommodation doesn't mean premises under a residential tenancy agreement under the [Residential Tenancy Act 1997](#), or any other arrangement where a person uses the premises as their primary place of residence. If a person is granted a right of occupancy of a premises for longer than three (3) months, it would normally be considered as a residential tenancy agreement.

Why was the Act brought in?

On 15 March 2018, the then Premier of Tasmania hosted a Housing Summit. Introducing the SSA Act was one of the outcomes of the summit. It addressed community concerns that long term rental housing was becoming harder for residents to find. The SSA Act aims to collect data to give a clearer indication of how much housing is used for short stay accommodation.

What does the Act do?

The SSA Act tracks use of properties for short stay accommodation over time. This gives evidence for decision making on housing policy and helps councils with enforcement of the Tasmanian Planning Scheme.

Where does the Act apply?

The SSA Act applies to short stay accommodation let out to guests through a dedicated booking platform, such as Airbnb, Stayz, or Booking.com, if it is located within any of the following zones:

State Planning Office
Department of State Growth

- General Residential Zone
- Inner Residential Zone
- Low Density Residential Zone
- Rural Living Zone
- Landscape Conservation Zone
- Village Zone
- Activity Area 1.0 Inner City Residential (Wapping)

The SSA Act does not apply to hotels, motels or caravan parks.

To find your zone you can type your address into [PlanBuild](#).

Why is the Act limited to certain types of accommodation?

While short stay accommodation exists in many zones, such as business and rural zones, the impacts on housing are clearly greatest in the residential zones. It is in the residential zones that converting existing houses to short stay accommodation can affect housing affordability and housing availability.

The SSA Act is also limited to short stay accommodation listed on a booking platform like Airbnb, Stayz, Booking.com, which the majority of short stay accommodation providers use. The booking platforms provide a convenient and coordinated means for collecting information on the operation of short stay accommodation in Tasmania.

What do SSA providers have to do?

A short stay premises provider is the owner or occupier of a premises who uses or wants to use it for short stay accommodation. An agent acting on behalf of the owner or occupier is not a short stay premises provider for the purposes of the SSA Act.

New or existing short stay accommodation providers must give the following information to a booking platform before they start operating:

- planning permit status, either:
 - statement that a planning permit is not required (exempt)¹, or
 - if a permit is required, evidence of planning permit with number, or

¹ Short stay accommodation within a dwelling is exempt from requiring a planning permit if it is used by the owner or occupier as their primary place of residence, and if:

- the dwelling is only let while the owner or occupier is on holiday or temporarily absent, or
- visitors are accommodated in not more than 4 bedrooms while the owner or occupier is living there.

- statement of existing use rights under section 12 of the [*Land Use Planning and Approvals Act 1993*](#)²
- the full address and how many bedrooms are used for guests, and
- if the provider uses the premises as their primary place of residence.

Penalties apply for not supplying the information, or for supplying false or misleading information.

What is the booking platform provider required to do?

The SSA only applies to online booking platforms that provide a means for **both** advertising and booking short stay accommodation for multiple premises, such as Airbnb, Stayz, and Booking.com.

The booking platform provider can only enter into a formal agreement with a short stay premises provider, once the short stay premises provider has supplied all the required information detailed above. The platform provider must also display which permit status applies.

The booking platform provider must give to the Director of Building Control each financial quarter:

- all information received from the short stay premises provider for each premises listed, and
- the period that the premises was displayed on the platform.

Penalties apply if the booking platform does not comply with these requirements. However, the booking platform provider is not responsible for the accuracy of the information. That responsibility is on the SSA provider.

The SSA Act does not apply to online platforms:

- that only advertise short stay accommodation without a booking service, such as newspaper classifieds, Gumtree and Facebook,
- that are price comparison websites for short stay accommodation that link to separate platforms for booking accommodation,
- that have a booking service through the provider's own website, or

² Section 12(1) of the *Land Use Planning and Approvals Act 1993* allows the use of building to continue even after the planning requirements change. This establishes existing use rights for short stay accommodation that was legally commenced. Clause 4.0.2 of the Tasmanian Planning Scheme confirms that these uses do not require a planning permit.

- that are add-on booking service software used by providers on their website, such as Newbook, Channel Manager and Resonline.

What is the information used for?

The information will be used to:

- monitor compliance with planning and building requirements,
- analyse the impact of policies on housing and the use of housing for short stay accommodation,
- reporting on short stay accommodation, and
- any other purposes prescribed by Regulation in the future.

There are penalties for supplying the information to others or publishing information that means individual premises or owners/occupiers could be identified.

What penalties apply?

There are penalties for offences by a short stay premises provider or a booking platform provider under the SSA Act. These include:

- A short stay premises provider entering into a formal agreement with a booking platform provider without giving the required information.
- A booking platform entering into a formal agreement with a short stay premises provider without receiving the required information.
- A short stay premises provider giving false or misleading information to the booking platform provider.
- A booking platform not displaying the required information on the booking platform for each premises.
- A booking platform not providing the required information to the Director of Building Control on each premises with 30 days of the end of each financial quarter.

Penalties also apply to the misuse of information collected under the SSA Act. These include:

- Making information available to a person that is not allowed under the SSA Act.
- Publishing information that allows individual premises or owners/occupiers to be identified.

Existing penalties under the *Land Use Planning and Approvals Act 1993* and the [Building Act 2016](#) apply to short stay premises providers operating without any required planning or building permits.

Further information

If you are thinking of becoming an SSA provider, contact your [local council](#) to find out if you need a planning permit.

The [data](#) collected under the SSA Act is published by Consumer, Building and Occupational Services.

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