

DP 270241 – CITY QUARTER

59. Keeping an animal

59.1 Subject to section 130(6) of the *Community Land Management Act 2021*, an Owner or Occupier of a Lot may keep an animal on the Lot if the animal is approved in accordance with the by-laws of their Strata Scheme.

59.2 Conditions for Keeping an Animal

a) An Owner or Occupier who obtains consent in writing to keeping an animal in a

Strata Scheme must also ensure:

- i. To the extent permitted by law, the animal (except a small caged bird or fish) must be microchipped and registered with the City of Sydney Council or any other authority having such jurisdiction.
- ii. The keeping of any animal adheres to the City of Sydney Council Companion Animals Policy dated 19 April 2021, or any prevailing policy.
- iii. the animal does not become dangerous, offensive, vicious, aggressive, noisy or a nuisance to another Owner or Occupier of a Lot;
- iv. the animal does not enter the Lot of any other Owner or Occupier without their consent;
- v. the animal does not soil on the Community Property, Common Property or Lot of any other Owner or Occupier;
- vi. an Owner or Occupier must keep their Lot free of offensive odours likely to interfere with the peaceful enjoyment of other Lot Owners or Occupiers;
- vii. that the animal does not engage in any destructive behaviour on the Community Property, Common Property or the Lot of any other Owner or Occupier of a Lot;
- viii. in the event that the animal is left unattended on the courtyard or balcony area of the Lot, the animal must not create persistent noise that unreasonably interferes with the peace, comfort or convenience of another Owner or Occupier; and
- ix. the animal is not left unattended on the Community Property or Common Property.

b) Subject to section 130(6) of *the Community Land Management Act 2021*, an Owner or Occupier of a Lot must not bring an animal into the Swimming Pools Area, Gym or area known as The Village Green.

c) An Owner or Occupier of a Lot who owns an animal is responsible to the Community

Association and a visitor using the Community Property for:

- i. any noise that their animal makes which causes unreasonable disturbance;
- ii. damage to or loss of property or injury caused to any person caused by the animal;
and
- iii. cleaning up after their animal.

d) An Owner or Occupier of a Lot must control their animal and not permit their animal to wander on to the Community Property or Common Property or to enter the Lot of another Owner or Occupier without that Owner or Occupier's permission.

e) If it is necessary for an Owner or Occupier of a Lot to transport an animal across the Community Property or Common Property, an Owner or Occupier of a Lot must ensure that their animal is sufficiently restrained by either a leash or cage at all times.

f) The Lot Owner or Occupier must pay any costs incurred by the Community Association as a result of damage from an animal on the Community Property (either by a resident or their visitor).

g) Nothing in this management statement excludes any person from keeping an assistance animal as defined in the *Disability Discrimination Act 1992* (Cth) on any Lot.

59.3 Restricted animals

a) An Owner or Occupier must not keep:

- i. An animal which has not been approved by their Strata Scheme (excluding a small caged bird or fish);
- ii. A dog which is defined as a "dangerous dog", "menacing dog" or a "restricted dog" under the *Companion Animals Act 1988*;
- iii. A dog which is defined as a "restricted dog" in the City of Sydney Companion Animal Policy dated 19 April 2021, or any prevailing policy; and
- iv. A dog that is menacing, vicious, aggressive, noisy or difficult to control.

59.4 Strata Scheme Approval Process

a) Each Strata Scheme must make their own by-law to determine the keeping of animals within that Strata Scheme, however such by-law must include that the following information is provided by an Owner or Occupier to that Strata Scheme in any application for the keeping of animals:

- i. Owner's name, address, Strata Plan number, Lot number, email, phone;
- ii. Occupier's name, address, lot number, email, phone (if different to Owner details);
and

- iii. Animal name, photo, breed, sex, age at time of application, Local Council microchip details and Assistance Animal registration details (if relevant).

b) Any by-law of a Strata Scheme approving the keeping of animals in that Strata Scheme must require that a copy of this by-law together with the relevant by-law of that Strata Scheme is provided to the Owner or Occupier:

- i. As a part of any prescribed application form seeking approval to keep an animal in that Strata Scheme; or
- ii. If there is no prescribed application form, are provided to the Owner or Occupier prior to any animal application being considered by that Strata Scheme.

c) Any by-law of a Strata Scheme approving the keeping of animals must include a requirement that the Owner or Occupier provides a written undertaking to the Strata Scheme for the keeping of the animal in accordance with the Strata Scheme's by-laws together with this by-law.

59.5 Each Member or Strata Scheme Must Keep a Register of Animals

- a) Each Strata Scheme must keep and maintain a register of all animals kept within the Lot, whether these animals are approved by the Strata Scheme or otherwise.
- b) A copy of this animal register must be updated regularly and provided to the Community Association on request.
- c) The Community Association's authorised representative may inspect the animal register of a Strata Scheme at any time.