

## POA Submission on Community Land Management Amendment (Pets) Regulation 2024

### BACKGROUND

The proposed recommendation to extend strata pet reforms to community land schemes is supported by the Property Owners Association of NSW with additional provisions.

Keeping an animal in a community land scheme unless it unreasonably interferes with another occupant's use and enjoyment of their lot or the association property is fully justified with the proposed limitations that have been drafted, but The Property Owners Association of NSW has additional recommendations.

The Property Owners Association of NSW recommends that the *Community Land Management Regulation 2021* draft regulations needs to be expanded.

The draft Regulation prescribes some of the circumstances in which the keeping of an animal in a community land scheme unreasonably interferes with another occupant's use or enjoyment of their lot or association property. The circumstances are the same as those already prescribed in the *Strata Schemes Management Regulation 2015*.

Previous blanket by-laws restricting pets are no longer allowed in community living.

People living in community schemes want the option of being able to have pets, this must be allowed but with common sense guidelines to ensure all are able to enjoy a satisfactory living environment.

The proposed regulation amendments provide additional elements that pets by-laws have to comply with.

Under the new laws refusal can be granted on the following grounds:

- if the animal unreasonably interferes with another resident's use and enjoyment of their lot or the common property
- applicants must still apply for approval to keep an animal
- reasonable conditions in the by-laws to manage the keeping of animals can be set. By-laws that set a blanket ban on the keeping of any animals are not valid.

The new proposed draft regulations include a list of reasonable circumstances where an animal causes an unreasonable interference. Steps can be taken to prohibit an animal being kept if the animal causes a nuisance, hazard or unreasonable interference.

## Proposed Draft Amendment Recommendations :-

POANSW supports the introduction of the proposed new draft regulations but recommends the inclusion of the following additional clauses:-

- animals that endanger or potentially present a danger to other occupants such as, snakes, spiders, insects, rodents, venomous animals or similar which unreasonably interferes with another occupant's use and enjoyment of the occupant's lot or association property
- animals of a size larger than can be carried by the pet owner will not be allowed
- tenants wishing to have a pet in a rental property will be required to pay a "pet damage bond" equivalent to two weeks rent prior to approval being able to be granted
- all pets must be desexed and proof given prior to approval
- all cats must be microchipped and registered prior to approval
- no breeding of pet animals is allowed
- a realistic cap on the number of pet animals be established
- animals classified as pests will not be allowed

The process and requirements of establishing proof that an animal unreasonably interferes with another resident's use and enjoyment of their lot or the common property needs to be documented.

It is recommended that the *Strata Schemes Management Regulation 2015* be amended to incorporate these same additional clauses outlined above.

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