

Resolution of Council

24 August 2020

Item 11.2

Pet Bans in NSW Strata Schemes

Moved by Councillor Forster, seconded by the Chair (the Lord Mayor) –

It is resolved that:

(A) Council note:

- (i) pets play a crucial role in many people’s lives. They offer vital companionship, have well-documented mental and physical health benefits, and are increasingly recognised as part of the family;
- (ii) according to a 2019 study by Animal Medicines Australia, there are over 29 million pets in Australia, and we have one of the highest pet ownership rates in the world. Approximately 61 per cent of households in Australia own pets;
- (iii) in NSW, prior to the commencement of the Strata Schemes Management Act 2015, there were three model by-laws regarding pets. These model by-laws offered a choice to ban pets, to allow pets with permission, or to allow small pets without permission. One of these by-laws could be registered when the strata scheme was established, however the default by-law was to ban pets;
- (iv) under post-2015 strata laws, there is no model by-law banning pets, while the new default by-law is that pets are allowed and the owners corporation must be notified;
- (v) the two new model by-laws either allow pets to be kept if the owner’s corporation is notified, or allow pets to be kept with written approval, which must not be unreasonably refused;
- (vi) blanket pet bans in NSW strata schemes still exist and it is difficult for pet-owners to overturn these blanket bans in strata as it only takes a small minority, 25 per cent of voting owners, to object for the by-law to remain; and

- (vii) there is a current NSW Parliament ePetition calling for the Strata Schemes Management Act 2015 to be amended to allow the keeping of pets in all strata schemes and invalidate retrospectively any by-law that prohibits the keeping of pets; and
 - (B) the Lord Mayor be requested to write to the Premier, The Hon. Gladys Berejiklian MP, the Minister for Customer Service, The Hon. Victor Dominello, and the Member for Sydney, Mr Alex Greenwich MP, expressing the City's support for the ePetition and its call for the removal of blanket bans of pet ownership in NSW strata schemes.
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Note – the motion above was not carried. The resolution as below was carried –

It is resolved that:

(A) Council note:

- (i) pets play a crucial role in many people's lives. They offer vital companionship, have well-documented mental and physical health benefits, and are increasingly recognised as part of the family;
- (ii) according to a 2019 study by Animal Medicines Australia there are over 29 million pets in Australia, and we have one of the highest pet ownership rates in the world. Approximately 61 per cent of households in Australia own pets;
- (iii) in NSW, there are three model by-laws regarding pets. These model by-laws offer a choice to ban pets, to allow pets with permission, or to allow small pets without permission. Prior to the commencement of the Strata Schemes Management Act 2015, the default by-law was to ban pets;
- (iv) in 2012, Clover Moore Lord Mayor and NSW Member for Bligh, sought to establish a select committee to inquire into companion animal welfare, the terms of reference to include sale of pets, breeding, pets on public transport and strata pet bans;
- (v) this led the government to set up the New South Wales Companion Animals Taskforce;
- (vi) the Taskforce recommended removal of the barriers to cat and dog ownership in rental and strata accommodation;
- (vii) in 2013, the Member for Sydney the Hon. Alex Greenwich asked then Minister for Fair Trading, the Hon. Anthony Roberts to adopt this Taskforce recommendation;
- (viii) in response, the government changed the default by-law for new strata apartments from a blanket ban to one that is pet friendly;
- (ix) this was formalised in the Strata Schemes Management Act 2015;
- (x) under post-2015 strata laws, there is no model by-law banning pets, while the new default by-law is that pets are allowed and the owners corporation must be notified;

- (xi) the two new model by-laws either allow pets to be kept if the owner's corporation is notified, or allow pets to be kept with written approval, which must not be unreasonably refused;
 - (xii) however blanket pet bans in NSW strata schemes still exist in schemes registered before 2015 or because the default by-law was changed;
 - (xiii) it can be difficult for pet-owners to overturn these blanket bans in strata as it only takes a small minority, 25 per cent of voting owners, to object for the by-law to remain;
 - (xiv) the Lord Mayor has not received a response to a letter she wrote to The Hon. Gladys Berejiklian MP in 2018 to say the City of Sydney supports action on prohibiting 'no pets clauses' in rental agreements, and asking for legislative change to support renters having pets;
 - (xv) there is a current NSW Parliament ePetition calling for the Strata Schemes Management Act 2015 to be amended to allow the keeping of pets in all strata schemes and invalidate retrospectively any by-law that prohibits the keeping of pets; and
 - (xvi) the petition has been assigned to the Hon. Jenny Leong MP, who will submit it to the NSW Legislative Assembly,
- (B) the Lord Mayor be requested to write to the Premier, The Hon. Gladys Berejiklian MP, the Minister for Better Regulation and Innovation The Hon. Kevin Anderson MP, and the Member for Sydney, Mr Alex Greenwich MP, expressing the City's support for the ePetition and its call for the removal of blanket bans of pet ownership in NSW strata schemes; and
- (C) the removal of the blanket pet ban should be considered as part of the NSW Government's five year statutory review of the Strata Schemes Management Act 2015, that is due to be undertaken this year.

The amendment was carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Forster, Kok, Miller, Phelps Scott, Scully and Thalís

Noes (2) Councillors Chung and Vithoukás.

Amendment carried.

The motion was carried on the following show of hands –

Ayes (8) The Chair (the Lord Mayor), Councillors Forster, Kok, Miller, Phelps Scott, Scully and Thalís

Noes (2) Councillors Chung and Vithoukás.

Motion carried.

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