

Special By-Law - Animals

The following supersedes by-law 6.3.1.

KEEPING AN ANIMAL

- 1) Subject to section 139(5) of the Strata Schemes Management Act 2015, an owner or occupier of a lot must not without prior approval in writing of the Owners Corporation keep any animal on the lot or the common property. The Owners Corporation delegates its functions under this by-law to the strata committee.
- 2) An owner or occupier of a lot must:
 - (a) obtain approval in writing of the Owners Corporation to keep any animal on a lot or the common property and
 - (b) agree in writing with the Owners Corporation to the conditions referred to in this by-law prior to the animal being introduced to the scheme.
- 3) An owner or occupier of a lot must not keep any animal on a lot or the common property other than the animal for which the approval in writing of the Owners Corporation is obtained.
- 4) Subject to section 139(5) of the Strata Schemes Management Act 2015, an owner or occupier of a lot must ensure that a visitor to the scheme is not permitted to bring any animal on common property without the approval in writing of the Owners Corporation. For the avoidance of doubt, a visitor includes an occupier under a short term letting arrangement.
- 5) The Owners Corporation must not unreasonably withhold its approval of the keeping of an animal.
- 6) If an owner or occupier of a lot obtains the prior written approval of the Owners Corporation and keeps an animal on the lot then the owner or occupier must:
 - (a) ensure that the animal is vaccinated with all the common vaccines given to an animal of its type, and is further vaccinated as required
 - (b) ensure that the animal has been treated to prevent fleas and is further treated as required
 - (c) if that animal is not a cat, ensure that the animal is under the owner's control and not left unattended when on the common property
 - (d) if that animal is a cat ensure that the cat is not left on the common property unattended after 6.00pm
 - (e) take such action as may be necessary to clean all areas of the lot or the common property that are soiled by the animal
 - (f) not leave food on the common property
 - (g) ensure that the animal is microchipped desexed and registered with the local Council or any other authority having such jurisdiction
 - (h) advise the owners corporation in writing when the animal is no longer residing in the lot.

CONSENT FROM OWNERS CORPORATION

- 7) An owner or occupier of a lot who applies for approval to keep an animal on the lot or the common property must provide the following details to the Owners Corporation including any proposed restraining or management strategies:
 - (a) copies of relevant certifications that the animal is treated to prevent fleas and has had the appropriate vaccinations referred to in clause 2.6(a) of this by-law.
 - (b) a photograph of the animal
 - (c) the type of animal
 - (d) the breed of the animal
 - (e) the size of the animal
 - (f) the average height of the animal when fully grown
 - (g) the age of the animal.
- 8) The Owners Corporation will observe the applicable guidelines published by the local Council when determining a request by an owner or occupier of a lot to keep a dog that is a restricted dog or dangerous as defined under the Companion Animals Act 1998.
- 9) The Owners Corporation may impose additional conditions at the time of giving approval to keep an animal but additional conditions can only relate to protecting an owner or occupier's use and enjoyment of a lot or the common property from unreasonable interference caused by an animal.
- 10) The owners corporation will attempt to make a decision whether or not to give approval to an owner or occupier to keep an animal within a reasonable period of time after receiving such an application.

CONDITIONS FOR KEEPING AN ANIMAL

- 11) An owner or occupier of a lot who keeps an assistance animal on the lot must if required to do so by the Owners Corporation provide evidence to the Owners Corporation demonstrating that the animal is an assistance animal as referred to in section 9 of the Disability Discrimination Act 1992 (Commonwealth).

- 12) The Owners Corporation has the right to withdraw its approval to an owner or occupier of a lot to keep an animal if:
- (a) the animal makes a noise that persistently occurs to the degree that the noise unreasonably interferes with the peace, comfort or convenience of another occupant
 - (b) the animal repeatedly runs at or chases another occupant, a visitor of another occupant or an animal kept by another occupant
 - (c) the animal attacks or otherwise menaces another occupant, a visitor of another occupant or an animal kept by another occupant
 - (d) the animal repeatedly causes damage to the common property or another lot
 - (e) the animal endangers the health of another occupant through infection or infestation
 - (f) the animal causes a persistent offensive odour that penetrates another lot or the common property
 - (g) for a cat kept on a lot: the owner of the animal fails to comply with an order that is in force under section 31 of the Companion Animals Act 1998 or
 - (h) for a dog kept on a lot: the owner of the animal fails to comply with an order that is in force under section 32A of the Companion Animals Act 1998, the animal is declared to be a menacing dog or a dangerous dog under section 34 of the Companion Animals Act 1998 or the animal is a restricted dog within the meaning found in section 55(1) of the Companion Animals Act 1998.
- 13) If the owners corporation withdraws the right of an owner or occupier of a lot to keep an animal, the owner or occupier of a lot must remove the animal within two months of such a request being made by the owners corporation, or such other time as approved by the owners corporation.

ANIMAL OWNER RESPONSIBILITIES

- 14) An owner or occupier of a lot who owns and keeps an animal on the lot or common property is responsible for:
- (a) any noise or odour that their animal makes which causes unreasonable interference or a nuisance
 - (b) any action that their animal does which causes unreasonable interference or a nuisance
 - (c) damage to or loss of property or injury caused to any person caused by the animal and
 - (d) cleaning up after their animal.