



Kevin Anderson  
Minister for Better Regulation and Innovation  
NSW Government

Dear Sir,

I am Chair of the Strata Committee of Altair, a residential Strata Plan of 141 lots in Kings Cross.

**Altair by-laws allow residents to keep pets.**

Nevertheless, on behalf of the Altair Strata Committee, I write to seek your opposition to the amendment to the SSMA (Sustainability Infrastructure) Bill 2020 titled *Keeping of Animals* passed by the Legislative Council on the evening of Monday 24<sup>th</sup> August 2020.

Our objections are:

- The proposed amendment has not had any discussion or stakeholder input.
- The Sustainability Bill has been used as a vehicle to interfere with the democratic checks and balances already in the Strata Schemes legislation.
- Section 139 (1) of the Strata Schemes Management Act 2015 provides adequate protection against the enactment of bylaws which are 'harsh, unconscionable or oppressive'. Indeed, a recent decision on appeal by NCAT upheld the right of Strata Plans to rely upon long-standing by-laws such as prohibiting keeping pets.
- It is proposed that the amendment regarding the keeping of animals be made retrospective. This is unconscionable to the many people who have chosen to live in a pet-free scheme and accordingly invested considerable amounts of money (sometimes multiple millions).
- The process of review of the Strata Schemes Management Act 2015, planned for this year, will be hijacked by this amendment which makes no provision for input by Strata Scheme owners
- The proposed amendment seeks to over-regulate the lives and rights of all individuals in their specific communities – communities which the NSW government has specifically charged through legislation to regulate themselves
- Strata was invented in NSW (1960) to give the shared economy of strata the right and obligation to make rules relating conduct within those communities
- The proposed amendment will deny a majority in a strata community the right to define their community – for example, to live in an animal free domestic environment, if that is what they prefer.

**This is a serious attack on the ability and obligation of Strata Plans to make and enforce democratically determined resolutions relative to their local communities as prescribed and required by the NSW Government.**

We, at Altair, are for pets - we are, however, totally opposed to pet-lovers saying - "I don't like the by-laws so I will just ignore them".

Altair has no plan or intention of changing our by-laws which allow pets.

Notwithstanding, the proposed amendment directly challenges the inherent concept of Strata Plans and (the sixty-year) time-proven systems of democratic self-regulation. It is vital to the continued success of strata that each community control their own destiny by retaining -

- The current democratic principle of legislation as it provides a framework for Owners Corporations to develop and apply by-laws which reflect the wishes of the majority of its owners.
- The current democratic arrangement. This provides for Strata Plans which permit animals, and for Strata Plans where residents choose to live in an animal free environment. That choice should remain. It is entirely possible to recognise the benefits of pet ownership without proposing legislative change to impose that claimed benefit on all communities.
- To misquote Voltaire - *we disapprove of other strata plans by-laws that ban pets but defend their right to democratically elect to have such a by-law*

Strata is now one of the world's most popular forms of housing. This is in large part because of the democratic systems and safeguards originally put in place by the NSW Government to allow these communities to run themselves within the laws of NSW.

We seek your support in protecting strata and grassroots democracy.

We seek your support to oppose the amendment to the SSMA (Sustainability Infrastructure) Bill 2020 titled *Keeping of Animals*

Yours sincerely

Ralf Harding  
Chair, Altair Strata Committee