



## SUBMISSION FOR CONSIDERATION OF LOT OWNER MOTION FOR COMMITTEE FOR BODY CORPORATE FOR BIARRITZ TO CONSIDER<sup>1</sup>

**TO:** The Body Corporate for Biarritz Community Titles Scheme No. 10247

**From:** The Applicant(s)

### When to use this form:

The Applicant(s) described in **Part 2** seek consent of the Body Corporate under by-law 16 of the Biarritz by-laws to keep the domestic animal(s) described in **Part 3** of this Application in their Lot. The Applicant seeks the Body Corporate’s confirmation about whether the Body Corporate agrees to give its written approval to bring or keep a domestic pet on the lot or common property.

### **PART 1: Applicant’s Proposed Motion for Committee**

**Committee Motion:** That the Committee decide whether to grant written approval to the Applicant to keep the domestic animal described in Part 3 of this Application, and if so, what conditions will apply to any approval.

### **Please note the following obligations and restrictions:**

1. Please read By-Law 16 relating to the Keeping of Animals at Biarritz attached.

### **PART 2: Applicant Details** *[Applicant(s) to complete this Part 2]*

<b>Full Name(s) of Applicant(s):</b>	
<b>Are you the owner or tenant of the Lot?</b>	<i>If you are the tenant, please attach written consent from the lot owner consents to you keeping the proposed animal.</i>
<b>Your Lot Number:</b>	
<b>Your Best Contact Email Address:</b>	
<b>Your Best Phone Number:</b>	
<b>Applicant acknowledgements:</b>	
1. The Applicant(s) acknowledges that they have read the Biarritz By-law 16 attached to this application.	
<b>Applicant(s) Signature(s) confirming the above acknowledgements:</b>	
<b>Date of signature(s):</b>	

<sup>1</sup> Lot owners have the right to submit up to a maximum of 5 proposed motions to the Committee to decide within a 12-month period: [Regulation 50 of the Body Corporate and Community Management \(Accommodation Module\) Regulation 2020](#). The Committee must decide a lot owner’s motion as soon as reasonably practicable, and within a 6 week period after the motion is submitted unless it gives the lot owner a written notice stating that the committee requires more time to decide the motion, with the reasons it requires more time and the committee’s decision is made within an additional period not exceeding a further 6 weeks (on top of the original 6-week period = 12-weeks). The Committee is not permitted to make decisions on lot owner motions that are about ‘restricted issues’ that the Committee can’t make decisions about, or motions that would conflict with the Body Corporate and Community Management Act 1997, regulations or by-laws, or would be unlawful or unenforceable. If the Committee does not make its decision within the decision period (maximum of 12 weeks), then it means the Committee has not agreed to the motion.



**PART 3: Proposed Domestic Pet** *[Applicant(s) to complete this Part 3]*

<b>Brief description of your application:</b>	
<b>Name of the animal:</b>	
<b>Description of animal (breed, age):</b>	
<b>Photograph of the animal</b>	Please confirm you have attached a photograph of the animal to this application: Please also confirm you have attached Council registration details:
<b>Proposed length of stay (if not permanent)</b>	
<b>Any other information you wish the Committee to consider</b>	



## Considerations

When the Committee is considering this application it will consider By-Law 16 and any potential impact on the common property and residents.

### 16. KEEPING OF ANIMALS

- 16.1 The Occupier of a Lot must not, without the Body Corporate's written approval:
  - 16.1.1 bring or keep an animal on the Lot or the Common Property; or
  - 16.1.2 permit an invitee to bring or keep an animal on the Lot or the Common Property.
- 16.2 The Occupier must obtain the Body Corporate's written approval before bringing, or permitting an Invitee to bring, an animal onto the Lot or the Common Property.
- 16.3 An Occupier is only entitled to keep a maximum of two (2) animals within its Lot.
- 16.4 If the Committee approves the Occupier's application to bring or keep, or permit an Invitee to bring or keep an animal on the Lot or the Common Property, the Committee may grant the approval on reasonable conditions considering the factors outlined in this By-Law and any other factors the Committee deems relevant, and the Occupier must comply with all reasonable conditions imposed by the Committee.
- 16.5 The approval is given for the specific animal only. A new approval would be required for any additional and/or replacement animal:
  - 16.5.1 The animal must be of a size and weight which permits the Occupier to comply with the conditions within this by-law (when the animal is fully grown);
  - 16.5.2 The animal's weight must not exceed 10kg when the animal is fully grown;
  - 16.5.3 The Occupier must ensure that the animal is kept within the Lot and not allowed to roam, dig, soil or otherwise damage Common Property or another Lot except that the animal may be transported across Common Property to provide access to and from the Lot and that the animal is restrained when on Common Property;
  - 16.5.4 The animal is domesticated, kept clean, quiet and controlled at all times, whilst within the Lot;
  - 16.5.5 The animal must not urinate or defecate nor run loose, whilst on Common Property, the Owner may be subject to a cleaning fee for a breach of this condition;
  - 16.5.6 The animal is prohibited within the pool and must be restrained by the Owner within the pool area at all times;
  - 16.5.7 The animal does not cause a nuisance to or disturb, any other Owner or Occupier;
  - 16.5.8 The animal should be kept in compliance with all statutory and or governmental regulations in respect with the care, keeping and control of such animals and a copy of the relevant registration or other license type approvals be provided to the Body Corporate Committee within 60 days receipt of the letter advising granting of the approval from the Body Corporate.
  - 16.5.9 That copy of the permit from the Gold Coast City Council permitting the Owner to keep an animal in a Lot pursuant to Subordinate Local Law No.12 (Keeping of Animals) 2007 (Gold Coast City Council) and a photo of the animal is provided to the Body Corporate.
  - 16.5.10 The animal wears an identification tag clearly showing the Owners address and telephone number;
  - 16.5.11 The animal must be vaccinated if/as recommended by a practicing Veterinary Surgeon and evidence of compliance must be supplied to the Body Corporate within seven (7) days of request.
  - 16.5.12 The Occupier of the Lot of which the animal is being kept shall indemnify and keep indemnified the Body Corporate and or the Owner or Occupant of any other Lot within the Scheme against any injury, damage, loss or expense legal or otherwise incurred or suffered as a result of the animal being on the Common Property or another Lot;
- 16.6 The animal must not:
  - 16.6.1 cause damage to the Common Property or any other Lot and/or;
  - 16.6.2 cause injury or death to any other animal (including any wildlife) on the Common Property or any other Lot; and/or
  - 16.6.3 cause noise or nuisance to any other Lot Occupier or person lawfully using the Common Property.
- 16.7 The Body Corporate reserves the right to withdraw the approval should three (3) substantiated complaints be received the Body Corporate shall have the right to direct the Owner to remove the animal within seven (7) days thereafter shall have the pet removed from the Scheme Land;
- 16.8 What constitutes damage, noise or nuisance shall be decided by the Body Corporate in its sole discretion acting reasonably.