Special By-law 46 — Installation of External Awnings (April 18 2016: AK395469J)

1. Each owner for the time being of each lot in the strata scheme is conferred with the right to install weather protection devices (hereinafter defined as including blinds, awnings, shades and all associated equipment) to provide shade and protection from the sun) (hereinafter referred to as the "devices") to service the owners lot within the strata scheme subject to the following terms and conditions:
    (a) Any lot proposing to undertake the installation of any devices must submit a formal application to the Secretary or Strata Managing Agent including comprehensive plans, specifications and diagrams of the proposed installation and obtain formal written approval prior to any works commencing;
    (b) the devices shall not be, or become, or in any way be construed to be common property and shall always remain the sole property of the owner for the time being of the lot which they service;
    (c) the style, design and finish of any proposed devices shall be consistent with the architectural theme established throughout the remainder of the strata scheme buildings and shall not detract from the overall appearance of the property. Any such style, design and colour to be notified to the secretary or the strata managing agent will, if it complies with subclause (1) (a) to (j) hereof, set the precedent for any future installations of devices that may be proposed elsewhere in the strata scheme;
    (d) the owners of any lot undertaking the installation of any devices must obtain all necessary permits, licenses or consents required by local authority or other statutory or lawful authority for such installation;
    (e) the installation of any devices must be effected in a workmanlike manner by licensed and insured tradespersons;
    (f) the devices must not interrupt the free flow of air or unreasonably shadow any other lot or the common property or generally interfere with access to the common property by any owner or occupier of a lot in the strata scheme or any person lawfully using the common property;
    (g) any damage to common property that occurs during, or results from, the installation or subsequent removal or replacement of, or use of, any devices must be forthwith made good by the owners of the lot from which the damage results at no cost to the owners corporation;
    (h) the devices must be maintained in good working order and condition by the owner without claim on the owners corporation in respect of such maintenance;
    (i) the owner shall inform the secretary or strata managing agent of the scheme not later fourteen (14) days before *any* devices are to be replaced or renewed;
    (j) all paint, stain and trim finishes applied to the devices shall be, and shall always remain, consistent with the materials and finishes in use throughout the remainder of the strata scheme at no cost to the owners corporation.
2. In the event that an owner or occupier of a lot to which any devices are installed, after notice, fails to comply with any matters set out in conditions (a) to (j) hereof then the owners corporation may terminate the right of the owner or occupier to install such devices.
3. In the event that an owner of a lot proposes the installation of any devices that, in their absolute discretion, the secretary or the strata managing agent believes is not consistent with the architectural theme established throughout the remainder of the, strata scheme buildings, the proposal must be decided by vote at a general meeting.