

Hamilton Park – Rules for UP 523

Introduction

The owners corporation endorsed the *Rules for UP 523* by special resolution at the Annual General Meeting on 13 May 2026, to be registered under the *Land Titles (Unit Titles) Act 1970*.

These rules are made under Division 6.1 of the [Unit Titles \(Management\) Act 2011](#) (UT(M)A) and are consistent with the provisions in sections 7A (Default rules) and 7B (Alternative rules requirements) of the [Unit Titles \(Management\) Regulation 2011](#).

These rules are supplemented by the Hamilton Park Handbook, which provides additional information about living and owning in Hamilton Park.

Effect of rules – where the occupier is not the owner

As set out in section 107 of Division 6.1 of the UT(M)A, where the occupier of the unit is not the owner of the unit:

- The occupier of the unit is bound by each rule as if the occupier were the owner of the unit, except in relation to payments to the general or sinking fund, or if provided otherwise.
- The owner is liable separately and together with the occupier for any breach of the rules of the owners corporation by the occupier, unless the owner proves they took reasonable precautions and exercised appropriate care to prevent the breach.

Owners should ensure all occupiers of their unit are aware of their obligations as residents of Hamilton Park.

Breach of rules

If the executive committee believes that an owner or occupier of a unit has breached a rule and this is likely to be continued or repeated, they can issue a *rule infringement notice*. If the person does not comply with the notice, the owners corporation may apply to the ACT Civil and Administrative Tribunal (ACAT) for an order. [UT(M)A S109]

The maximum penalty that can be applied is 5 penalty units (as of June 2025, each penalty unit is \$160, so a total of \$800). [UT(M)A S110]

If there is a dispute between owner/occupiers in different units, a complainant may ask the owners corporation to issue a rule infringement notice. [UT(M)A S111]

Hamilton Park – Rules for UP 523

Rules for Units Plan 523

1.1 Definitions – rules for Units Plan 523

- (1) In these rules:
owner, occupier or user, of a unit, includes an invitee or licensee of an owner, occupier or user of a unit.
- (2) A word or expression in these rules has the same meaning as in the *Unit Titles (Management) Act 2011*.

1.2 Payment of rates and taxes by unit owners

A unit owner must pay all rates, taxes and any other amount payable for the unit.

1.3 Repairs and maintenance

- (1) A unit owner must ensure that the unit is in a state of good repair.
- (2) A unit owner must carry out any work in relation to the unit, and do anything else in relation to the unit, that is required by a territory law.
- (3) A unit owner must ensure that the unit is maintained consistent with the specifications for colours, roofing and fencing as set out in Annexure A1, unless the executive committee has given the owner written permission for the variation to the specifications.

1.4 Erections and alterations

- (1) A unit owner may erect or alter any structure in or on the unit or the common property only—
 - (a) for the following alterations and erections, where in accordance with the specifications in Annexure A1 (as relevant) and after informing the executive committee of the erection or alteration planned (as required for insurance purposes);
 - (i) changes that are internal and not structural (that is, not requiring ACT Government planning or development approval), including renovations of kitchens or bathrooms
 - (ii) installation of an airconditioning unit, evaporative cooler unit or heat pump for hot water services, where the external unit is fully contained within the property boundary
 - (iii) installation of solar panels
 - (iv) installation of roof ventilators and exhausts for rangehoods, dryers etc
 - (v) replacement of a window or door, where no change to the overall dimensions
 - (vi) installation of awnings and roller shutters
 - (vii) replacement of fences

Hamilton Park – Rules for UP 523

- (viii) installation or replacement of gates within rear fences
- (ix) installation of decks, ensuring that they do not block access to infrastructure such as drains.
- (b) for any other alterations or erections, in accordance with the express permission of the executive committee; and

Examples of structures, erections and alterations requiring EC approval

- Air conditioning heat pumps for hot water services where the external unit is on common property
 - Pergolas and other structures that are higher the fence
 - Outdoor spas, swimming pools, ornamental ponds with a capacity of 1,000 litres or more
 - Any structure, erection or alteration that is not consistent with the specifications for colours, roofing and fences in Annexure A1
 - Any structure, erection or alteration that is structural (requiring ACT Government planning or development approval).
- (c) in accordance with the requirements of any applicable territory law (for example, a law requiring development approval to be obtained for the erection or alteration).
- (2) Permission under 1.4 (1) (b) may be given subject to specified conditions.
- (3) For erections and alterations under 1.4 (1) (b), where neighbouring units(s) may be impacted, the executive committee or managing agent must notify those neighbouring unit owner(s), who have 14 days to comment.
- (4) However, if the structure is sustainability infrastructure, the executive committee's permission must not be unreasonably withheld.

Examples—permission not unreasonably withheld

- safety considerations
- structural considerations
- financial considerations
- equity of access to common property, easements, facilities or utility services

Example—permission unreasonably withheld

external appearance of a unit or the units plan

1.5 Pets in units

- (1) A unit owner or occupier (the **pet owner**) may keep an animal, or permit an animal to be kept, within the unit if—
- (a) the total number of animals kept within the unit (other than birds in a cage or fish in an aquarium) is not more than 3; and
 - (b) the pet owner ensures that the animal is appropriately supervised when the animal is on the common property; and
 - (c) the pet owner keeps the animal secure so that it cannot escape the unit unsupervised; and

Hamilton Park – Rules for UP 523

- (d) the pet owner cleans any area of the units plan that is soiled by the animal; and
 - (e) the pet owner takes reasonable steps to ensure the animal does not cause a nuisance or a risk to health or safety.
- (2) The pet owner must, within 14 days of the day the animal is first kept within the unit, tell the owners corporation, in writing, that the animal is to being kept within the unit.

1.6 Assistance animals

The owners corporation may require a person who keeps an assistance animal to produce evidence that the animal is an assistance animal.

1.7 Use of common property

- (1) A unit owner must not use the common property, or permit it to be used, to interfere unreasonably with the use and enjoyment of the common property by an owner, occupier or user of another unit, other than in accordance with a special privilege rule.
- (2) A unit owner must not leave, or permit an occupier or user to leave, unwanted goods in or near the garbage bays or elsewhere on common property.
- (3) A unit owner may not erect, or permit to be erected, a sign (such as that from a real estate agent) within 50cm of irrigation or other infrastructure.

Note: Signs may be erected on the verge/nature strip, at least 50cm from the garden beds and taking care to ensure there is no obstruction of vision for drivers on the road or driveway. Section 7 (1) (viii) of the Movable Signs Code of Practice 2023 provides an exemption to erect real estate agent signs on residential nature strips.

Note: sprinkler heads are located adjacent to the yellow marks on the garden edging, and there are hoses and sprinklers within the gardens. If a sign damages the irrigation system, any damage caused will be the responsibility of the owner, and the owners corporation may recover the cost of any repairs under Section 31 of the Unit Titles (Management) Act 2011.

- (4) A unit owner must not drive or ride, or permit an occupier or user to drive or ride, any type of vehicle in an unsafe manner within the complex.

Note: to ensure safety of residents and visitors, the maximum speed limit for vehicles within the complex should be no more than 10km per hour.

- (5) A unit owner must not park, or permit an occupier or user to park, a vehicle on the roadway or in such a manner that it protrudes onto the roadway or blocks the access for another unit.

- (6) A unit owner must not park, or permit an occupier or user to park, a caravan, boat or trailer on common property (including in parking bays).

Note: a trailer may be parked temporarily on common property when required for removals or maintenance activities.

- (7) A unit owner must not undertake repairs, or permit an occupier or user to undertake repairs, on a vehicle on common property (including in parking bays).

Hamilton Park – Rules for UP 523

- (8) A unit owner must not park, or permit an occupier or user to park, an unregistered vehicle on common property (including in parking bays).

Note: any unregistered vehicle parked on common property may be dealt with under the Uncollected Goods Act 1996.

- (9) A unit owner must not park, or permit an occupier or user to park, a vehicle in a parking space allocated to a unit through special privilege, unless the vehicle is parked there by an owner or occupier of that unit or with the consent of an owner or occupier of that unit. *This applies to all parking spaces allocated to units through special privilege, whether on the apron in front of a unit or nearby a unit.*
- (10) A unit owner must not park, or permit an occupier or user to park, a vehicle belonging to an owner or occupier in a parking space allocated for Visitors.

1.8 Hazardous use of unit

A unit owner must not use the unit, or permit it to be used, to cause a hazard to an owner, occupier or user of another unit.

1.9 Use of unit—nuisance or annoyance

- (1) A unit owner must not use the unit, or permit it to be used, in a way that causes a nuisance or substantial annoyance to an owner, occupier or user of another unit.
- (2) This rule does not apply to a use of a unit if the executive committee has given an owner, occupier or user of the unit written permission for that use.
- (3) Permission may be given subject to stated conditions.
- (4) Permission may be withdrawn by special resolution of the owners corporation.

1.10 Noise

- (1) A unit owner must not make, or permit to be made, such a noise within the unit as might (in the circumstances) be reasonably likely to cause substantial annoyance to an owner, occupier or user of another unit.
- (2) This rule does not apply to the making of a noise if the executive committee has given the person responsible for making the noise written permission to do so.
- (3) Permission may be given subject to stated conditions.
- (4) Permission may be withdrawn by special resolution of the owners corporation.

1.11 Illegal use of unit

A unit owner must not use the unit, or permit it to be used, to contravene a law in force in the ACT.

1.12 What may an executive committee representative do?

- (1) An executive committee representative may do any of the following in relation to a unit at all reasonable times:
- (a) if the committee has reasonable grounds for suspecting that there is a breach of the Act or these rules in relation to a unit— inspect the unit to investigate the breach;

Hamilton Park – Rules for UP 523

- (b) carry out any maintenance required under the Act or these rules;
 - (c) do anything else the owners corporation is required to do under the Act or these rules.
- (2) An executive committee representative may enter a unit and remain in the unit for as long as is necessary to do something mentioned in subrule (1).
- (3) An executive committee representative is not authorised to do anything in relation to a unit mentioned in subrule (1) unless—
- (a) the executive committee or the representative has given the owner, occupier or user of the unit reasonable notice of their intention to do the thing; or
 - (b) in an emergency, it is essential that it be done without notice.
- (4) The executive committee may give a written authority to a person to represent the corporation under this rule.

executive committee representative means a person authorised, in writing, by the executive committee under rule 1.12 (4).

1.13 Enclosing Rear Courtyards – Special Privilege

- (1) The Owners Corporation, by special resolution, grants a Special Privilege for exclusive use to the areas marked to the Owners of Units 1-23 and Units 30-33 to also be allowed to erect a fence to enclose the rear portion of common property land at the rear of the Units, subject to the respective owners taking responsibility for the upkeep and maintenance of this area.

1.14 Seal of owners corporation

- (1) For attaching of the seal of the owners corporation to a document to be effective, the seal must be attached:
- (a) by decision of the executive committee; and
 - (b) with 2 executive members witnessing the attaching and signing the document as witnesses.
- (2) The Manager may affix the common seal without following the procedure in 1.14 (1) for:
- (a) certificates under section 119 of the Act (Unit title certificates);
 - (b) reduced quorum notices.

Note: registration/lodgement of owners corporation rules requires the procedure in 1.14 (1).

1.15 Electronic meetings

- (1) A unit owner may attend and participate in a general meeting of the owners corporation and/or a meeting of the executive committee by electronic means from a remote location such as videoconferencing (electronic attendance), provided the unit owner is able to communicate with other participants in the meeting and participate in the meeting.

Hamilton Park – Rules for UP 523

- (2) Where a unit owner has participated in a meeting through electronic attendance, they are deemed to be present at the meeting for the purposes of calculating a quorum for the meeting.
- (3) There is no limit to the number of unit owners who may participate in a meeting by electronic attendance.
- (4) Where a unit owner participates in a general meeting of the owners corporation or a meeting of the executive committee through electronic attendance, the unit owner may participate in all aspects, including:
 - (a) participating in debate at the meeting; and
 - (b) voting in resolutions at the meeting.

Note: These rules regarding electronic meetings are made in accordance with Schedule 2 Part 2.2 (2.8 Meetings of executive committee) and Schedule 3 Part 3.1 (3.1 Conduct of General meetings) of the Unit Titles (Management) Act 2011.

1.16 Proxy and absentee votes at general meetings

- (1) Owners can submit an absentee vote or appoint a proxy to vote on their behalf at a general meeting. (*UT(M)A Schedule 3 3.26 – proxy votes and 3.31 – absentee votes*)
 - (a) A single vote is exercisable for each unit at a general meeting (*UT(M)A Schedule 3 3.22*).
 - (b) Where an owner submits both an absentee vote and proxy appointment, the proxy appointment will take effect and the absentee vote be discarded.

1.17 Car parking spaces – Special Privilege

- (1) The Owners Corporation, by special resolution, grants a Special Privilege to each unit owner for exclusive access to one car parking space on common property under Section 112A of the Unit Titles (Management) Act 2011, as indicated by the approved Site Plan. The Owners Corporation will continue to be responsible for maintenance of all common property parking spaces (including visitor parking spaces). Parking spaces for an individual unit without an apron will be indicated with a U and the unit number, and visitor parking spaces will be indicated with a V.

Hamilton Park – Rules for UP 523

Annexure A1: Specifications for colours, roofing and fences

Colour scheme

Component	Colour	Format	Notes
Gates Fences Lattice	Mission Brown ¹	Paint	Wooden components
	Colorbond Jasper ¹	Powder coat	Metal components
Garage roller doors	Colorbond Jasper ¹	Powder coat	
Gutters Downpipes Meter boxes	Colorbond Jasper ¹	Powder coat	If replacing
	Mission Brown ¹	Paint	If painting existing
Wooden fascia boards	Mission Brown ¹	Paint	
Metal fascia boards	Colorbond Jasper ¹	Powder coat	
Eaves	Off white	Paint	
Front doors Back doors Garage side doors ²	<i>Various – owners can choose style and colour of doors</i>		
Window frames Fly screens Glass sliding door frames	Hammersley Brown ^{1 & 3}	Powder coat	
Evaporative cooling systems (external component)	Hammersley Brown ¹	Powder coat	EC permission required
Air conditioners (external component)	Off white (no specific colour)	Powder coat	EC permission required if outside unit boundary
Roof ventilators (e.g. whirlybirds)	Colorbond Jasper ^{1 & 4}	Powder coat	EC permission required
Window roller shutters – metal	Brown, beige or cream	Powder coat	EC permission required
Awnings – fabric	Stripes or solid colours in brown, beige or cream	Fabric	EC permission required
Awnings – fittings	Hammersley Brown ¹	Powder coat	
Pergolas	Mission Brown ¹	Paint	EC permission required
Decks (ground)	Medium to dark brown	Stain	EC permission required
Balcony, decks, rails, railing caps, posts, balusters, siding ⁵	Light Brown ⁶	Paint	For 2-storey units
Siding ⁷	Colorbond Paperbark (pale brown/cream)	Paint	For 2-bedroom units

¹ Mission Brown or equivalent. Compatible paint colours include Fudge Truffle, Chocolate Mousse, Dark Granite, Phantom Mist, Mission Brown 2003 and Rocky Road. For metal, colours include Jasper or Hammersley Brown.

² Applicable for 3-bedroom, 1-storey units – the external door from the courtyard to the garage.

³ Originally Mission Brown, no longer available, Hammersley Brown is the closest equivalent.

⁴ Some units have ventilators with a red brown colour, but Jasper is now the standard.

⁵ Applicable for 2-storey units (26-29, 34-40): sidings are the wooden palings beside front doors.

⁶ There is no commercial product for the Light Brown used. See note on next page for colour match to use.

⁷ Applicable for 2-bedroom units (41-50): diagonal wooden palings above garage & entrance.

Hamilton Park – Rules for UP 523

Light Brown

This applies to balconies, decks, rails, railing caps, posts, balusters, siding for 3-bedroom, 2-storey units.

There is no commercial product available that matches the Light Brown used in the two storey units.
The Dulux colour match details are set out to the right.

Dulux formula – Extra Bright

G – 76.73

M – 23.40

W – 67.07

XX – 220.80

Roofing specifications

Unit roofing must be consistent with the existing tiled roofing, as set out to the right.

Manufacturer = Monier

Model = Centurion

Colour = Saffron

Fence specifications

Definitions:

- Front Fences – those around front courtyards, facing common property or a roadway.
- Dividing Fences – those around front or rear courtyards and forming a barrier between the yards of neighbouring units.
- Rear Fences – those around rear courtyards, facing common property or a roadway.

Fence specifications – permitted styles

Material	Front Fences	Rear Fences	Dividing Fences
Wooden palings – hardwood or treated pine	Palings up to 100mm wide, vertical. Options: Lapped or no gaps or gaps up to 50mm		Palings 100mm wide Lapped
Galvanised metal or recycled plastic palings	Palings up to 100mm wide, vertical. May have gaps up to 50mm.		Palings up to 100mm Must be without gaps
Metal sheeting (e.g. Colorbond sheets)	Not permitted	Permitted	Permitted
Lattice	Not permitted	Lattice may be attached to the height of 1m above the fence or brick wall it is attached to.	

Fence specifications – all fence styles

Component/ aspect	Specifications
Height	• Maximum height is 1.8 meters or the height of the adjoining brick fence, whichever is the smaller. <i>The EC may approve exemptions to the maximum height where minor.</i>
Colour	• Fences, and lattice if attached, must be Mission Brown or equivalent (e.g. Colorbond Jasper for metal). • If painted – colour requirement for external side only.
Posts	• Fence posts must be securely cemented into the ground or secured by dyna bolts to the existing brick fence. • The maximum distance between each post is 3 meters. • If galvanised fence posts are used, they must have a galvanised cap. • Galvanised fence posts may be left unpainted. However, if painted the colour must be Mission Brown or equivalent.
Rails	• Must be adequate to ensure stability. Generally requires three rails, secured to the fence posts using galvanised bolts or screws.
Gates within rear fences	• Gates are allowed within rear fences if of the same materials, colour and style as the surrounding fence.