

**Pat McGlade - SSKB BRISBANE**

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**From:** John Gilliland [john.gilliland@syzygycorp.com.au]  
**Sent:** Thursday, 4 November 2004 9:45 AM  
**To:** Pat McGlade - SSKB BRISBANE  
**Subject:** Carpark exclusive use issue

Mick Lyons called yesterday to advise CPCBC of his progress in settling a By-Law to confirm exclusive use of the remaining carparks in the complex that are not protected by current easements etc. He had a conference with a representative of the Minister for Local Govt to discuss his proposed plan for completing his brief from CPCBC. The representative required clarification on an interpretation of the legislation.

To ensure that the interpretation to be provided can be actioned in the courts and to give substance to Mick's interpretation, Mick recommends CPCBC obtain the required interpretation from a QC who practices in the area and who is also highly regarded by the Minister. Mick estimates this will cost up to \$3000 to obtain, further he confirms that this is the lowest cost - line of least difficulty in obtaining the Minister's consent to the new By-Law. The alternative is essentially to seek an amendment to the Act or to convert the complex to operate under the BCCM, both of which will take many years and much expense to complete.

Please instruct Lyons & Co to proceed to obtain the opinion and if favourable (i.e. confirms Mick's interpretation) further instruct him to prepare the enabling By-Law, have it approved by the relevant BUP and CPCBC and submit it to the Minister for consent.

Regards  
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