

Your Ref:  
Our Ref: AJS:MRA:jbp:44071  
Contact: **Melissa Arnell**  
Direct E-Mail: mra@nicholsons.com.au  
Direct Line: 3226 3940

~~17 September~~, 2008

Brisbane City Council  
GPO Box 2287  
BRISBANE QLD 4001

Dear Sir/Madam

**RE: CATHEDRAL PLACE COMMUNITY BODY CORPORATE – 41 GOTHA STREET,  
FORTITUDE VALLEY**

We act on behalf of Cathedral Place Community Body Corporate MCP 106902 (the Body Corporate).

The Body Corporate passed a motion at an Extraordinary General Meeting (EGM) held on 3 December, 2007 to change the allocation of exclusive use car parks as follows:

*“That the Body Corporate resolves by resolution without dissent that the following lots be allocated the exclusive use of the following car park numbers:-*

- a. Lot 78 Notre Dame BUP 106923 – car park number 410; and*
- b. Lot 97 Kensington & Sandringham BUP 106966 – car park number 436; and*
- c. Lot 82 Kensington & Sandringham BUP 106966 – car park number 497.”*

Pursuant to section 206 of the Mixed Use Development Act 1993 (the Act), the amendments do not have effect until:

- (a) The Minister approves the amendment; and
- (b) Notification of the Minister’s approval is published in the Gazette.

A request was sent to the Queensland Government Department of Infrastructure and Planning on 4 December 2007. To date however, the changes have not yet been published in the Gazette as there is some confusion around whether or not the proposed allocations are in breach of the original approval conditions of the development application.

We have been liaising with Marian Wheeler of the Department of Infrastructure and Planning who has asked that the Body Corporate make a request to the Brisbane City Council for written information. In particular, Marian requires the Brisbane City Council to locate the original approval conditions for the Cathedral Place development and advise in writing whether or not the new parking allocations are in conflict of these conditions.

The Body Corporate also passed a motion at their Annual General Meeting (AGM) held on 5 June, 2008 to amend the existing Community Management Statement (CMS) by replacing the current exclusive use plans as follows:

*“That the Car parking Plan detailed in By-law 25(b) be amended to provide the required correction of the present incorrect Car parking Plan No 4428-46B sheets 1, 2 and 3 and*

Brisbane City Council

17 September, 2008

*titled 'Sketch Plan for Exclusive Use Purposes – Over Part of Basement Level 1 of the Building be erected over Common Property Lot 4 on MCP 10690' which is recorded at the Titles Office that it be withdrawn and replaced by Car parking Plan No 4428-46C sheets 1, 2 and 3 and titles 'Sketch Plan for Exclusive Use Purposes – Over Part of Basement Level 1 of the Building erected over Common Property Lot 4 on MCP 106902' to enable the correct recording of the plan showing the position of exclusive use car spaces 26, 27, 34, 35, 81, 82, 89, 90, 142 and 143."*

Again, the Body Corporate requires written advice from the Brisbane City Council as to whether or not the above is in accordance with the original approval conditions of the development application.

Please find **enclosed** the following:

1. Cheque for \$336.00 inc GST to lodge the request;
2. Copy of page 1 of the EGM minutes (3/12/07) where the motion regarding car park allocations was carried;
3. Proposed new car park allocation schedule;
4. Copy of page 8 of the AGM minutes (5/6/08) where the motion regarding replacement of exclusive use plans was carried;
5. Copy of the current By-law 25, including the current car park allocations and associated plans; and
6. Proposed new Exclusive Use car parking plans - 4428-46C.

Once completed, please forward the written information to our office – GPO Box 454, Brisbane QLD 4001.

Should you wish to contact Marian Wheeler of the Department of Infrastructure and Planning, please call (07) 3405 8551. I am also available if needed on (07) 3226 3940 or by email at [mra@nicholsons.com.au](mailto:mra@nicholsons.com.au)

Yours faithfully,

**NICHOLSONS**

Per:

**Melissa Arnell**

**Paralegal**

Enc(6)

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**Conrad Beal**

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**From:** WHEELER Marian [Marian.Wheeler@dip.qld.gov.au]  
**Sent:** Thursday, 24 July 2008 3:09 PM  
**Subject:** Cathedral Place Community Body Corporate By-law

Dear Melissa,

In relation to the amendment for Cathedral Place Community Body Corporate By-law 25 car parking allocations, I'm afraid a further issue has arisen.

There is concern that the action of the Body Corporate in re-allocating car parking spaces could potentially be in conflict with the conditions and approved development granted for the site by Brisbane City Council. Can you please provide advice from Council that the proposed car parking allocations are not in conflict with the approved conditions and development for the Cathedral Place Development.

Council's town planning scheme regulated the initial provision for parking based on the proposed uses. There appears to be potential for conflict between the approved development and the actions of the Body Corporate, notwithstanding the powers of the Body Corporate in relation to the allocation of car parking spaces.

Clarification of the nature of the proposed changes would also be beneficial - bays allocated for commercial development being re-allocated for private residential use for example. If all the visitor parking bays for a development were re-allocated to residential units within a site, for example, such action would be likely to be in conflict with the conditions of a development approval .

Your submission of the advice at your earliest convenience would be appreciated to enable the processing of the application. If you require any further information, please contact me on 34058551.

Kind Regards

Marian Wheeler

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Marian Wheeler  
Planner, Southern Region Division, Planning Group  
Department of Infrastructure and Planning  
Queensland Government

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