



Our Ref: Jockah.#256293

18 January, 2001



Councillor
Jason O'Brien
Division 5

Australian Retirement Homes Ltd, Dr Charles MacDonald
GPO Box 2447
Brisbane Qld 4001

Phone: (07) 4053 763
Email: j.o.brien@cityofbrisbane.qld.gov.au
http://www.cityofbrisbane.qld.gov.au

Dear Dr MacDonald

Recently you lodged an objection to the proposed brothel at 12 Cava Close Bungalow.

At this stage, this matter should come to Council to the full Council meeting scheduled for 7.00 pm Thursday 1 February. Fifty-seven (57) letters of objection were received regarding the application.

I have arranged for copies of all the objections to be made available to the other Councillors for their perusal. Over the next couple of weeks I will make personal representations to each of them and seek their support in rejecting the application.

The principle argument against the proposed brothel is that it is situated within 200 metres of a residential area and a place regularly frequented by children (the creek).

If you have a relationship with any of the other Councillors now might be a good time to contact them and seek their support in rejecting the brothel.

I am doing everything within my power to ensure that this brothel does not go ahead. I have recently become a resident of Dalton Street (no. 3) and share the concerns that many people have raised in their objections to Council.

Thank you for taking the time to put in your objection. If you would like further information on this matter please do not hesitate to contact me at home on 4033 7414.

I will let you know the result of Council's decision after the 1st of February.

Yours sincerely

Cr Jason O'Brien
Division 5





CAIRNS CITY COUNCIL

22 February 2001

ENQUIRIES: Mr Brendan Nelson
PHONE: (07) 4044 3546 Fax (07) 4044 3836
YOUR REFERENCE:
OUR REFERENCE: CLP (288281) 8/34/5-01

DECISION NOTICE FOR DEVELOPMENT APPLICATION – 8/34/5

PROPOSAL: Licensed Brothel

TYPE OF DEVELOPMENT: Material Change of Use

REAL PROPERTY DESCRIPTION: Lot 8 on SP101286, Parish of Cairns

REFERRAL AGENCIES: None Applicable

DECISION DATE: 13 February 2001

DECISION: Refused

REASONS FOR REFUSAL:

1. S 64(1) of the Prostitution Act requires Council to refuse the application on the following grounds:
 - a. The proposal is within 200m of a residential area (40 metres to The Parks Retirement Village).
 - b. The proposal is located in an area which can easily be accessed by children. It is within 200m of areas frequented by children (less than 10 metres to Chinaman Creek, 25 metres to Earlville Pony Club)
2. The proposed brothel will have an unacceptable adverse impact on the amenity, safety and security of the surrounding area:

The proposed brothel, comprising a relocated low set dwelling with open verandahs and outdoor swimming pool, screened by a 1.8 metre colorbond fence at the rear and sides of the allotment, provides opportunity for noise transference, loitering, concealment and other forms of anti social behaviour. The location of the proposed brothel site, immediately adjacent an unfenced drainage reserve (Chinaman Creek) further reinforces the opportunity for loitering, concealment and other anti social behaviours.

3. The inclusion of an outdoor swimming pool is contrary to S 79 (1) of the Prostitution Act which provides that a licensed brothel must not operate other than in a building, where 'building' means a fixed structure that is wholly or partly enclosed by walls and is roofed.
4. The layout of the proposed brothel does not ensure the safety and security of staff. The design of the premises provides opportunity for prostitution to occur outside identified working rooms. The layout of the premises does not provide sufficient separation between staff and client areas.

PROPERLY MADE SUBMISSIONS MADE ABOUT THE APPLICATION:

Yes, fifty-seven (57) submissions were made

APPEAL RIGHTS:

See Attachment 1



for DB Farmer
Chief Executive Officer

Att.

RECEIVED
- 9 APR 2001

Your ref:

Our ref: JB/pmh #

BY: 4 April 2001



Councillor
Jason O'Brien
Division 5

Australian Retirement Homes Ltd, Dr Charles MacDonald
GPO Box 2447
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Email: jobrien@brisbanecity.qld.gov.au

Dear Sir

As you are probably aware the proponents of a brothel in Cava Close have appealed Council's decision to refuse the application.

As a submitter to the original application you now have the right to become a respondent to the appeal.

This means that if you are prepared to go to the Courthouse and register as an appellant (a small fee of approximately \$30 applies), you will have the right to be informed on the legal process and have your views heard by the Planning and Environment Court.

If you want your views to be heard by the Court, it is important that you register as soon as possible.

You may wish to seek your own legal advice on this matter to ensure your interests are properly represented.

From my end I will try to ensure that Council vigorously defends its decision to refuse this application.

If enough people think that it is necessary, I am happy to organise a community meeting and invite Council officers along who are better equipped to explain the process and your rights under the Integrated Planning Act.

Please feel free to contact me on 4033 7414 or 0408 331 969 if you wish to discuss this matter further.

Yours sincerely

CR JASON O'BRIEN

cc Peter Skompanovic **FAXED**

