
Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

08-11-08

Att: Mayor of Cairns Regional Council

This file has also been forwarded to the hon. Peter Garrett The federal minister for environment and planning,

Dear Val Schier,

I have received correspondence from Desley Boyle the member for Cairns and her unwillingness to call for an inquiry into our plight.

As discussed with you prior to you becoming mayor on or about the 22-02-08 at our premise here at Northern Belle 11 Cava Close Bungalow Cairns. You said at the time that you could do nothing as you were not the mayor **yet**

You are now !!! So therefore, as discussed at the time you now inherit Aart The Aardvark's case. (to be read in www.aartbrons.com)

I Aart Brons again and still accuse the former Cairns City Council of **perjury** and am asking **you to now** hold an internal investigation in as to how a legal brief could have been obtained by Mc Donald's lawyers with submissions submitted to the court room of judge White of witch **one** was **absolutely withdrawn** as per attachment. **(The Parks)**

This question is still outstanding with the general manager for planning Mr. Peter Apulo, and should now also be on your priority list.

NOT ONE submission out of the so called 56 left were ever registrant to the court room of Judge White and yet were presented to him by council to be judged upon **THUS WILLFULLY PERVERTING THE CAUSE OF JUSTICE**

How could the Parks Retirement Village submission still have landed in front of Judge White if it was officially withdrawn???

Please look into this **as a matter of urgency** and get back to me a.s.a.p. as this issue will be put officially to Julie Spence the police minister and to the C.M.C if and when the matter becomes neglected !!! **It being my right** as suggested by Desley Boyle



Kind regards

Aart brons

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA

Ph 07 4033 5955 Fax 07 4054 3976

www.northernbelle.com.au

	 <p>Desley Boyle MP Member for Cairns</p>	<p><i>Office 1 "McLeod South"</i> <i>78-84 Spence Street</i> <i>P O Box 1259 Cairns 4870</i></p> <p><i>Ph: (07) 40 51 28 68</i> <i>Fax: (07) 40 51 67 60</i></p> <p><i>cairns@parliament.qld.gov.au</i></p>
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6th November 2008

Mr Aart Brons
Northern Belle Pty Ltd
11 Cava Cl
BUNGALOW QLD 4870

Dear Mr Brons

I have followed up your concerns with the Cairns Regional Council.

They have advised that despite the former Cairns City Council originally recommending the refusal of your application, the brothel was lawfully established under the Integrated Planning Act, through the P&E Court. They acknowledged that the files relating to your application have been reviewed a number of times with the Council decision making and the officers actions not being considered contrary to the Act.

Given these prior investigations, I will not be calling for an enquiry into the actions of the former Cairns City Council.

You may wish to re-open investigations with the Cairns Regional Council if you have any new evidence that has come to light. Failing this you are within your rights to contact the Crime and Misconduct Commission on 1800 061611 to seek further assistance.

Regards,



Desley Boyle MP
Member for Cairns

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

HAS BEEN SENT

02-10-08

Dear Val,

As a matter of urgency the issue of "**DUST**" (council's second hand rubble and concrete recycling plant) and its **illegal activity** in a light industrial area hidden behind a 10 meter high man made structure that is interfering with the natural flow of "**WATER**" which is in your own words a disaster waiting to happen as observed by you on the 22-02-08

I now need you to re- address these issues as council is threatening to sell our property in January of 2009 if we don't pay our rates and as such close our business.

- (1) We are still being sifted full of **dust** on a daily basis
- (2) The weeds and cane from council's easements growing along our boundaries are still permitting snakes and vermin onto our property.
- (3) The development next door being constructed as we speak again have grave concerns about "**WATER**" as all the concrete poured there this week slopes our way (there is "no way" 10% garden on that property !!!) How could this have been passed by Peter Apulo planning department ??? Compared to the cost in gardening we had to comply with !!!

The wet season is soon upon us and I have grave concerns about our safety and the well being of our business

Peter Tabulo's report to you "without delay" on the above matters must be available soon (we hope) as it has a lot to answer for

I am available to talk anytime. Please call, I am your servant

Kind regards

Aart Brons

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au

ENQUIRIES: Mr Rob Reilly
PHONE: 4044 3183
YOUR REF:
OUR REF: #1836357

22 September 2008

Mr A Brons
11 Cava Close
BUNGALOW QLD 4870

Dear Mr Brons

RE: ASSESSMENT 636712 – LOT 7 SP101286

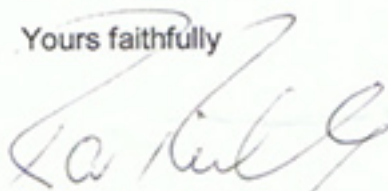
In reply to your letter of 3 August 2008, I have to advise that Council does not recognise your claim for cleaning, as rates and charges are recoverable against the land and cannot be withheld because of other issues with Council.

I was unable to find a reply to the issues you raised in your letter date 4 February 2008, so I will forward a copy of that letter on to Cairns Works in case they have not replied. Furthermore, if you believe that you have a valid claim, I suggest that you provide more detail together with a revised claim and lodge same with Council for consideration

I wish to advise, your rates are accruing interest and under *section 1039 (b) of the Local Government Act 1993* Council has the power to sell the above property (if Council were to obtain judgement) for rates that remain unpaid for 1 year. This would mean that Council can proceed to sell the property after 1 January 2009, if it obtains judgement.

Please note if you do not settle these rates as soon as possible, Council will take such action.

Yours faithfully



Rob Reilly
Senior Coordinator Revenue & Collections

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

03-08-08

Dear Mr Rob Reilly.

Explanation for not paying rates is in a letter sent to council and dated 04-02-08.

A further letter was sent the mayor Val Schier on the 10-07-08, and a response was given by her on the 17-07-08 as per attachments

Please seek some advise from her as full services need to be restored before rates can be resumed deem able.

We are in full anticipation of the general manager, planning & environment Mr. Peter Tapulo's report on this matter, and the response from Val once that is in.

Until then I trust this information will hold.

Kind regards

Aart Brons

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au

30 July 2008

A Brons & W M Brons
11 Cava Cl
BUNGALOW QLD 4870

Dear Sir/Madam

LETTER OF DEMAND: OUTSTANDING RATES AND CHARGES

PLEASE DISREGARD THIS REMINDER IF YOU HAVE RECENTLY MADE A PAYMENT
TO CLEAR THIS DEBT

Assessment Number: 636712
Property Address: 11 Cava Close, BUNGALOW 4870
Outstanding Rates: \$3,233.59

Council records indicate that you have not paid the outstanding amount
since our reminder notice was sent to you.

Please arrange payment of this amount immediately or contact Council on
07 40443041 to discuss a suitable payment plan.

Failure to pay within seven (7) days of the date of this letter will result in
legal recovery action being taken without further notice. Council will also
seek to recover any legal costs incurred from you.

Continual failure to pay rates and charges could ultimately result in your
property being sold to recover the debt.

Compound interest of 11% is being charged on overdue rates and charges.

Your prompt attention and co-operation is required to avoid recovery action
being instigated.

Regards



ROB REILLY
Senior Coordinator Revenue & Collections

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

Cairns City Council
PO Box 359
Cairns Qld 4870

04 February 2008

To whom it may concern

Northern Belle Pty Ltd will not be paying its upcoming Cairns City Council rates bill, for 11 Cava Close Bungalow Cairns, until the Council's quarry-like activity stops and goes back to an activity for which it is 'zoned'.

The quarry-like activity has dumped such considerable dust, of questionable content, onto the premises that Northern Belle Pty Ltd will also be presenting Council with a cleaning bill of \$33,498 (20 hrs/wk @ \$32.21/hr) for the past year.

Northern Belle Pty Ltd will also be seeking a refund of its Council rates for the first half of the year, as council has consistently failed to keep up with its services obligations.

The drain reserve on two sides of our property have not been cleared of debris since Cyclone Larry and there is now sugar cane growing 8 feet high along our boundary. Subsequently, our business is at high risk of having snakes and vermin entering the property. Any injury to staff or client will therefore be the sole responsibility and liability of the Cairns City Council.

Regards

Aart Brons
Licensee & Owner
Northern Belle Pty Ltd

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

Cairns City Council
PO Box 359
Cairns Qld 4870

Account for

LOT: 7 SP: 101286
11 Cava Close BUNGALOW
Fhold-Commercial
1000.0000SQUARE METRES

Date of issue 04 February 2008

Commercial cleaning of the above premises

Dates	Costing	Total
17 Jan 2007 to 17 Jan 2008	20 hrs/wk @ \$32.21/hr	\$33,498
	total	\$33,498

Accounts payable by within 30 days of date of issue.
Cheques or money orders to be made payable to Northern Belle Pty Ltd.
Post to 11 Cava Close Bungalow CAIRNS 4870 Qld

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

10-07-08

This letter also forwarded to

- 1 Cairns Regional Council Complaints Department (Kerrie Evans)
- 2 Cairns Regional Council - C.E.O
- 3 Senior E.P.A officer Steven Smith of Cairns and Chris Buckingham.
- 4 Alan Blake division 5
- 5 Kirsten Lesina division 4
- 6 And will be presented to the Cairns Post Newspaper on 21-07-08

Dear Val,
Congratulations on the Mayorship.

This request is in relation to the **in-house** conversation we had about the quarry-type activity behind our business here at Northern Belle (Cava Close Bungalow, zoned light industrial) back in February of this year.

I now call upon your insight at the time where you agreed to look into this matter here at "Belle" as it was in your words **"A DISASTER WAITING TO HAPPEN" and that you would not be paying your rates either.**

The quarry has resumed its **ILLEGAL CONCRETE CRUSHING ACTIVITY hiding behind** a 10 metre high bung wall. The amount of **constant dust** created through the councils illegal activity is **THREATENING TO CLOSE OUR BUSINESS.**

(**Read "cairns city council dust file"** in www.aartbrons.com)

Northern Belle and concrete recycling plant CANNOT co-exist AND SHOULD STOP ITS ACTIVITY IMMEDIATELY (Council cannot breach its own light industrial zoning restrictions)

This needs **urgent** attention as a request was made, via e-mail, on the **12-06-08** for you to contact me, but has **not been replied to as yet.**

Please respond as **we don't want to lose business**, and have it become **a further legal battle.** Please call 4033 5955 after 12 noon, Mon to Sat

Kind regards Aart Brons

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au



OFFICE OF THE MAYOR

17 July 2008

YOUR REFERENCE

OUR REFERENCE VS:kbj 1753994

Mr Aart Brons
Northern Belle
11 Cava Close
BUNGALOW QLD 4870

EMAILED 17/7/08
OFFICE OF MAYOR

Dear Mr Brons,

Thank you for your letter dated 10 July 2008 the contents of which are noted.

I apologise that I did not respond to your email of 10 June 2008. I have asked the General Manager, Planning & Environment, Mr Peter Tabulo to investigate this matter without delay.

Once I have the relevant information I will respond in more detail.

Yours sincerely,

Val Schier

Val Schier
Mayor
Cairns Regional Council

cc: Mr Peter Tabulo, GM P & E

Postal Address: P.O. Box 359, Cairns, Queensland 4870.
COUNCIL CHAMBERS, 119-145 Spence Street, Cairns
Telephone: (07) 4044 3083 Facsimile: (07) 4044 3049 Email: v.schier@cairns.qld.gov.au

ENQUIRIES: Mr P Tabulo
PHONE: 40443545
YOUR REF:
OUR REF: #1665593



29 February 2008

Mr Aart Brons
Northern Belle
11 Cava Close
BUNGALOW QLD 4870

119-145 Spence Street,
Cairns Qld, 4870
P.O. Box 359,
Cairns, Qld, 4870

Telephone: (07) 4044 3044

Facsimile: (07) 4044 3022

council@cairns.qld.gov.au

www.cairns.qld.gov.au

ABN 21 543 571 965

Dear Sir

**THIRD PARTY ADVICE FROM PROSTITUTION LICENSING
AUTHORITY, BROTHEL, 11 CAVA CLOSE, BUNGALOW,
DEVELOPMENT APPLICATION 8/8/564**

I refer to your recent letter to Council and hereby re-provide a response given to you to in October last year.

*Council refers to your enquiry received on Friday 28 September 2007 which states as follows :

"Please explain where did Hon Judge W J Carter's QC letter of comment from the PLA land up in connection to the 11 Cava Close Bungalow brothel application. The aardvark still wants to know, and will not rest until he does."

Request was made from Council to the Prostitution Licensing Authority (PLA) for Third Party Advice by letter dated 28 February 2004. In response Council received correspondence from the Prostitution Licensing Authority which included a letter from Hon Judge W J Carter QC dated 12 March 2004.

It is not standard practice for a physical copy of all correspondence received by Council to be actually presented to Council. Instead it is usual that the issue raised is summarised and duly reported where appropriate.

Council at the Ordinary Meeting held on 22 July 2004 considered a report that recommended that the application proceed as Impact Assessable and required public notification.



-2-

The letter from the PLA was considered by officers as part of this report, however as concluded in the "Planning Comment" it was considered that the application should be Impact Assessable, in order for the community to have their views considered by Council."

Again I trust this above advice answers your enquiry to the extent that there is no further discussion on this matter required.

Yours faithfully



PETER TABULO
General Manager City Development

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

06-03-08

In response to the letter sent on 29-02 2008

General Manager City Development.- [PETER TABULO](#)

This letter is also being forwarded to your current CEO- [NOEL BRIGGS](#)

I have read The Professional Planner's "excuse" in the Cairns Post newspaper on two occasions and it **does not** reflect the truth.

As a **matter of fact**, the '[withheld letter](#)' **surpassed** [both you](#) and the "Professional Planner" ranking, as it was addressed, on the 02/07/04 in a letter to re-assess the coding, to the Chief Executive Officer, your boss at the time, David Farmer sent by Morrow Petersen Solicitors and my Council Mr Stewart M Ure. ([As per attachment](#))

Now can you please give me a true answer to a simple question. If **you cannot**, then put the question to your [current CEO](#) and seek some advice on this. The extracts in that letter were from the '[withheld letter](#)' sent to [David Farmer CEO](#) from the PLA and was signed by [The Honorable W J Carter QC](#).

As a ratepayer and a victim I now expect a true and honest democratic answer to a very easy democratic question...why was the letter, put to the CEO of Cairns City Council by my legal team Morrow Petersen solicitors and my Council Mr Stewart M Ure, not in the report to the [special Planning and Environment meeting held on the 22/07/04](#).

By the way, [the planner's report](#) to council also states that the amendment of the QLD Prostitution Act **was** taken into consideration by Hon judge White.

THIS WOULD HAVE BEEN ILLEGAL FOR HIM TO DO SO

So therefore again **fraudulent reporting** by the Planning Department to councillors to vote on at their [special planning and environment meeting held on the 22-07-04](#).

I advise you to seek some advice, and give me an **honest democratic answer** to that question **as well**.

THERE ARE SERIUOS CONSEQUENCES FOR TWISTING THE TRUTH TO A JUDGE'S READING.

There might be some easy way for you to get free quality information by reading www.aartbrons.com

I also advise you **not** to use the "**excuse**" of 57 submissions again as **not one** was registered to the court room of Hon JUDGE WHITE. (**NOT ONE PAID THE \$30.00 REGISTRATION FEE**) thus could be seen as **perjury** if **they did** land up in the Court room of **Hon JUDGE WHITE**. (AND THEY DID !!!!)

Remember the Aartvark was also "spokesperson" in the [Grant v Council](#) case.

We will get to that as the clock turns back (this whole mess has been costly hurtful, and time consuming) to me, and Cairns Rate payers. Cairns Council **lost** the court case remember.

I look forward to your reply **to both** urgent questions.

Regards

Aart Brons
Brothel owner & licensee

*11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au*

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

Aart Brons
21-10-08

Dear Peter Garrett,

I am writing to you, to see if I can be of any assistance in the matter before you namely the controversial "False Cape" project in FN QLD Cairns.

I have had and still have grave concerns on how my own development application to local council was dealt with (it can be read in www.aartbrons.com)

The new mayor of Cairns Regional Council Val Schier shares the same concerns (E- MAIL ATTACHED)

The two projects "False Cape" and "Aart Brons ver cairns City Council" for a material change of use to build a legal brothel in a industrial area applications were put to council during the same time period and under the same X-mayor Kevin Byrnes and X-C,E,O David Farmer's watch as they chaired all the Planning and Environment meetings on the day.

I have grave concerns that there have been some serious breeches within Council and Councils planning department through absolutely "as a matter of fact" **DEALING BEHIND CLOSED DOORS** in both cases. (again please refer to www.aartbrons.com)

I have put my concerns to Desley Boyle state minister, and holder of the seat of Cairns on several occasions and asked for a C.M.C **brothel gate** type inquiry via her department, but up to now no success

Maybe you could look into this, and clear this mess up and get to the bottom of both wrong doings in one inquiry and save ratepayers a lot of money in the future.

Looking forward to your reply

Kind regards

Aart Brons

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4054 3976
www.northernbelle.com.au

manager@northernbelle.com.au

From: "Val Schier, candidate for Mayor" <val@cairnsfirst.org.au>
To: "Aart Northernbelle" <manager@northernbelle.com.au>
Sent: Thursday, 28 February 2008 8:37 PM
Attach: 0804 22 February 2008.doc.pdf
Subject: Fw: Chinaman Creek is a disaster waiting to happen.doc

Aart, It was great to catch up with you and to hear your issues with Council. KB is advertising that we need to keep the city in experience hands. Huh!?? The hands that have stuffed you around, created the situation below, allowed sediment to damage the reef at False Cape, let Villa Romana take over public footpath with no approvals, supported a developer to push for a "town centre" at Smithfield without any consultation. It goes on and on. Val



Eaton Engineering Services
 Engineering Surveys and Design

223 McCoombe Street, Cairns, 4870
 Ph. 07 40543608 Fax. 07 40 332222

ABN: 74 880 810 644
 Email. eaton2@edonet.com.au

Chinaman Creek is a local disaster waiting to happen.

Personal observations of the rainfall on the evening of Monday, 25 February 2008, support the conclusions of my report into 2006/2008 flooding incidences.

The conclusions were:

- That development across the flood plain opposite Cava Close was affecting flows.
- That the flood flow level that was previously a 10 to 20 year event is now possibly a less than one-year event.
- That the creeks capacity has been reduced to accommodating a less than one year event.
- That similar flooding to 7/8 January was going to become a regular occurrence with only moderate rain falling for approximately 75 minutes

The observations on Monday evening were:

- Chinaman Creek at Cava Close reached peak flow at Cava Close after approximately 75 minutes.
- The rainfall was light to moderate only, of an intensity and duration that is consistent with an annual pattern or less.
- The level and time of the next high tide was low enough and far enough away in time to have no effect on flow.
- The peak flow was only approximately 300mm below the levee at the peak flow of the evening.
- The peak flow had broken its banks and was being impeded from spreading across its natural path by retirement village development.
- The level of flow impacted on outflow of drainage from Hutchings Street resulting in street flooding from incapacity of runoff behind levee to escape.
- It was observed that the flood level was impacting on the efficiency of the Ishmael Road culvert.
- It was observed that the flood level was impacting on the efficiency of Mulgrave Road culvert.
- BOM rainfall figure for the 24 hour period was only 38.6mm.

Council's community letter of proposed works fails to show any commitment to addressing any of the real issues that are causing the increased incidences of flooding and amounts to little more than what should be an annual maintenance program.

I have responded to council with regards their letter and have also forwarded my observations of recent

15/07/2008

"minor" event, which occurred after writing response to council. I have attached a copy of this letter to council.

15/07/2008

22 February 2008

The CEO,
Cairns City Council,
P.O.Box 359,
Cairns. 4870.

Dear Sir,

Re: Community letter "Update-Flooding in the Chinaman Creek area", your reference, 1655261v4.

The Council's community letter of the 15 February 2008 fails to show any commitment on the part of council to addressing any of the real issues that are causing the increased incidences of flooding problems along the lower reaches of Chinaman Creek from Mulgrave Road to Smiths Creek. My independent report, delivered to Cairns City Council 30 January 2008, into the flooding incidences shows the problem being caused by a council approved development encroaching on and impeding the flood flow path of Chinaman Creek. This encroachment has reduced the flow capacity and increased the flow levels by "bottle-necking" the flow resulting in increased flow depths. Council's letter conveying it's proposed works strategy does not detail any proposed work to increase the capacity of the creek to accommodate the loss of flow from the council approved development.

There is another issue I would like to raise and have on record that is directly linked to council's approval of the development that now occupies the flood path of Chinaman Creek. Prior to development the land usage was rural grazing land, whether it was zoned this or not. The land was capable of being developed with improvements to Chinaman Creek being incorporated into any advanced planning. According to council policy, in this case, a drainage study should have been undertaken and future-upgrading works investigated for incorporation into a drainage management plan. Chinaman Creek is a major overland flow path and the flow path should have been recognised and incorporated as a legitimate land use in the planning of any development adjacent to it. This is both council policy and Queensland Urban Drainage Management policy.

It was possible, prior to the existing development, to allow for flood management works that would have accommodated 100 year flooding within the natural overland flow path limits. The Hutchings Street area would have benefited from this to the point of flooding frequency being reduced considerably from what it was prior to the existing council approved development. There would be

no talk now of increasing levee bank levels and installing pumps as flood flows could have been catered for to a point where flood levels in the drain would be kept low enough to allow relatively free outlets for the streets stormwater drainage system. This level of efficiency and management is no longer possible solely as a result of the council approved development impeding so far across the flood path.

Cairns City Council failed the community by approving a development that has compromised the long-term management of the Chinaman Creek catchment. Cairns City Council has failed the community by allowing development that contravenes it's own stormwater policy and the accepted Queensland Urban Drainage Management standard. The development adversely affects upstream drainage, potentially affects downstream drainage, critically reduces the overland flow path of a major drainage system to below council policy, increased surcharge flow paths with the effect of increasing the recurrence of private property damage and local flooding in an area that was already on the border line of council policy.

Cairns City Council is continuing to fail the community by putting forward a plan of works that is little more than a cosmetic screen in an attempt to alleviate their position in the short term. The plan of works, put forward in their letter, represents little more than what should be annual maintenance procedures and in no way addresses any of the real issues. The real issues are, that Chinaman Creeks flow capacity has been reduced, flood levels have been increased, frequency and severity of private property flooding has been increased, risk to public health and safety has been increased and the overland flow path of Chinaman Creek has been cut off.

Council's letter refers to the only new work to be carried out is to lift the level of the existing levee banks and install a pump station at the end of Hutchings Street. I find it hard to contain my outrage at such a non- engineering and apparent contemptuousness toward the community needs and expectations. These "solutions" in no way address improving the damage that has been caused by Councils approval of the downstream works that have caused the present situation and complicated the acceptable management of the combined Chinaman Creek/Clarkes Creek catchments.

Levee banks are a last ditch effort to control flooding by keeping flows from spreading to undesirable limits. The consequence of this is to reduce the flow of the stream and in so doing either increase flow levels or force flows to be accommodated somewhere else on the flood plain or upstream catchment. As in this case the flood plain has been reduced the stream will need to flow to increased levels once the flows break over the banks of the formed channel. Higher flood levels

will be experienced more frequently and flooding and drainage problems will be extended further upstream. The existing problem caused by Council approval of development on Chinaman Creek flow path will be exacerbated and extended to a wider community area (including the retirement village development and businesses and communities bounded by Ishmael Road, Mulgrave Road and McCoombe Street) by Council's reluctance to address the real issues.

With regard the installation of a pump station at the end of Hutchings Street, this is a short term answer in helping to alleviate the pressure off local residents and is not an acceptable final solution. If a pump station was to become a final solution levee banks would need to be at a level to prohibit inundation behind the wall of a 100 year flood event (levee banks at this level would be unworkable and would have enormous impact on the surrounding area) and the pumps of a capacity to remove 100 year runoff of the existing catchment behind the levee. This pump would need to have it's own auxiliary power supply to ensure it's use during times of cyclonic activity and power outages, a very likely scenario to coincide with this level of flooding. Even in the short term any pump station proposed should have a backup power supply. This is a reasonable public expectation.

I have had no written personal replies to my earlier correspondence or report nor has any of the requested information to aid in investigation been forthcoming. I repeat the request for this information in addition to digital and hard copy of recent council survey and any reports prepared pertaining to the development or Chinaman Creek/Clarkes Creek management. This investigation is being carried out as an unfunded community service and as such requires access to existing terrain data pre and post development that is available through council's records.

Your's Faithfully

Kerry Eaton.

Northern Belle Pty Ltd

Cairns first Licensed Parlour Est. 2006

04-09-08

To the member for Cairns
And regional business & planning minister for QLD

Dear Ms Boyle,

Seeing we now have a newly elected local government headed by Mayor Val Schier. And saving having this matter stuck on her portfolio

I now officially request an inquiry into the past local government, and its **dealings behind closed doors**, headed by the X mayor Kevin Byrnes in Aart Brons development application for a material change of use to build a brothel at 11 Cava Cl Bungalow Cairns.

My plight in **Aart Brons ver Cairns City Council** can best be read in aartbrons.com and or "how we got here" page in northernbelle.com.au Your attention is directed to the last updated PDF file 28 feb 2008 important to read. Before they all run away.

As the outstanding questions to council are still unanswered till date I **can not** move on like council suggests, and therefore ask for your urgent attention to clear these issues up through a "**brothel gate**" type inquiry (in my opinion the C.M.C needs to become involved)

I am available to answer any questions relating to this at your earliest convenience hoping to hear from you soon.

Kind regards
Aart Brons

11 Cava Close Bungalow CAIRNS 4870 QLD AUSTRALIA
Ph 07 4033 5955 Fax 07 4033 5971
www.northernbelle.com.au

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File Format: PDF/Adobe Acrobat - [View as HTML](#)

licenced **brothel** on the land in question is Code Assessable because the land is ... It is our respectful submission that the **Cairns City Council** is ...

services.dip.qld.gov.au/appeals/appealsearch/file.asp?ID=1&appealID=2317 -

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[Brothel sex slave case back in court : Downunder Newslinks](#)

Brothel owner Wei Tang (pictured right) was found guilty in 2006 of five counts of ...

Australian National Imams **Council**, Australian Protectionist Party ...

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SOLICITORS

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Our Ref: Tracy Fantin 204091

6 August, 2004

The Chief Executive
Department of Local Government, Planning, Sport
and Recreation
Level 18
41 George Street
BRISBANE QLD 4000

BY FACSIMILE NO (07) 3247 3679

Dear Sir/Madam

**AART BRONS -V- CAIRNS CITY COUNCIL
PLANNING AND ENVIRONMENT COURT APPLICATION**

We act for Aart Brons. Mr Brons has filed an Application in the Planning and Environment Court at Cairns seeking a declaration that the establishment of a licenced brothel on the land in question is Code Assessable because the land is in "an Industrial Area" (Schedule 1 of the *Integrated Planning Regulation 1998* and Section 63A(3) of the *Prostitution Act 1999*).

We are obliged to serve the State with the Application pursuant to Section 4.1.21(6) of the *Integrated Planning Act*. We enclose an unsealed copy of the Application which was filed on 3 August 2004.

The matter involves interpretation of a relatively new amendment to the *Prostitution Act*, Section 63A (introduced by the *Prostitution Amendment Act 2001*). It is our respectful submission that the Cairns City Council is maintaining an untenable position in its interpretation of that provision, by insisting that the subject application is Impact rather than Code Assessable. The Council's position is also contrary to the view expressed by the Prostitution Licencing Authority, whose Chair has written stating that "the Application of Section 63A to the land in question should properly lead to the conclusion that the land is in "an Industrial Area" and the Application is therefore Code Assessable".

It is our view that the matter involves a State Interest in "ensuring that there is an efficient, effective and accountable planning and development assessment system" and in the IDAS Code for Licenced Brothels.

We have not yet received a sealed copy of the Application from the Planning and Environment Court. The application has been set down for a callover at 2:15pm next Thursday, 12 August 2004 in the Planning and Environment

Page 2.

Court at Cairns. That callover is for sittings before His Honour Senior Judge Skoien in Cairns from Monday, 30 August 2004 to Friday, 10 September 2004.

At the callover on 12 August 2004 we will be seeking a hearing date for the Application during those sittings before Senior Judge Skoien. We estimate a hearing time of 1 day.

We also enclose for your information an Entry of Appearance which has been filed by Cairns City Council.

Yours faithfully



Tracy Fantin
for MORROW PETERSEN
Email: tracy@morrow.com.au

Enc

In the Planning and Environment
Court
Held at: Cairns

340
No of 2004

Between

AART BRONS

Applicant

And

CAIRNS CITY COUNCIL

Respondent

Filed on 3 August 2004

Filed by: Morrow Petersen (on behalf of the Applicant)
Service Address: Ground Floor, Cairns Corporate Tower, 15 Lake Street,
Cairns 4870
Phone: 07 4052 1199
Fax: 07 4052 1711

ORIGINATING APPLICATION

Aart Brons of C/Planning Far North, Level 12, Cairns Corporate Tower, 15 Lake Street, Cairns applies to the Planning and Environment Court at Cairns, for the following declaration and orders:

1. a declaration that the development the subject of this application, namely the establishment of a licensed brothel on land described as Lot 7 on SP101286, Parish of Cairns, is code assessable development pursuant to Schedule 1 of the *Integrated Planning Regulation 1998* (the Regulation); and
2. such further or other orders as the Court may deem appropriate.

Originating Application
Filed on behalf of the Applicant
Form PEC-3

Morrow Petersen
Ground Floor, Corporate Tower
15 Lake Street, Cairns Queensland 4870
Ph: (07) 4052 1199
Fax: (07) 4052 1711

Ref: TLF:204091

204091-Application-TLF.doc August 3, 2004 2:09 PM Form PEC-3

- 2 -

The grounds relied on are:

1. By application dated 19 January 2004 the Applicant applied to the Respondent for the issue of a development permit for a material change of use for the purposes of a licensed brothel on Lot 7 on SP101286, Parish of Cairns.
2. By letter dated 26 February 2004 the Respondent issued an acknowledgment notice stating that the subject application was impact assessable and including the Prostitution Licensing Authority (PLA) as a referral agency. On the same date, the Respondent referred the subject application to the PLA.
3. By letter dated 10 March 2004 from its consultants, Planning Far North, to the Respondent, the Applicant submitted that the subject application was code assessable rather than impact assessable.
4. By letter dated 12 March 2004, the Chair of the PLA, the Honourable WJ Carter QC, wrote to the Respondent, in relation to the subject application, stating that:
"the application of Section 63A to the land in question should properly lead to the conclusion that the land is in "an industrial area" and the application is therefore code assessable".
5. By letter dated 15 March 2004, the Respondent issued an information request to the Applicant concerning the subject application.
6. By letter dated 2 July 2004 from its solicitors, Morrow Petersen, to the Respondent, the Applicant again submitted that subject application was code assessable rather than impact assessable.
7. On 22 July 2004 the Respondent at its ordinary meeting resolved that the application was impact assessable and required public notification.
8. The Applicant was notified by letter dated 26 July 2004 received on 29 July 2004 of the Respondent's decision.
9. The site of the proposed licensed brothel is in an "industrial area" as defined in section 63A(3) of the Prostitution Act 1999, being:
"land, however described, that is designated in the planning scheme or other planning instrument under the Integrated Planning Act as industrial or that is predominantly industrial in character having regard to:
 - a) *dominant land uses in the area; or*
 - b) *the relevant provisions of a planning scheme or planning instrument applying to the area"*.

- 3 -

10. Schedule 1 of Regulation provides that an application for a material change of use of premises for a licensed brothel in an industrial area requires code assessment.

Morrow Petersen
.....
Solicitors for the Applicant
Morrow Petersen

NB. This application is to be heard by the Court at Cairns on a date during the next sittings of the Court commencing 30 August 2004/the day of 2004 at am/pm.

If you wish to be heard on this application you must within ten business days of receipt of this application, file an entry of appearance in the Registry of the Court. The entry of appearance should be in the form set out in form PEC-6 for the Planning and Environment Court.

ENTRY OF APPEARANCE

Application No. 340 of 2004

In the Planning and Environment Court
Held at: CAIRNS

Between: **AART BRONS**

Applicant

And: **CAIRNS CITY COUNCIL**

Respondent

Filed On: 5 August 2004

Filed By: MacDonnells Solicitors, Picha Djohan

Service Address: Cor Shields & Grafton Streets
CAIRNS QLD 4870

Phone: 4030 0573

Fax: 4030 0699

CAIRNS CITY COUNCIL of 119-145 Spence Street, Cairns Qld 4870, the above Respondent enters an appearance to the Originating Application.

MacDonnells Solicitors
MacDonnells Solicitors
Solicitors for the Respondent



ENTRY OF APPEARANCE
Filed on behalf of the Respondent
Form PEC-6

MacDONNELLS Solicitors
Cor Shields & Grafton Streets, Cairns Qld 4870
Ph: (07) 4030 0573 Fax: (07) 4030 0699
Our Ref: PD-44660

#TET_44660_1.DOC

BETWEEN: MR A. B. GRANT
Appellant

AND: CAIRNS CITY COUNCIL
Respondent

NOTICE OF APPEAL

Take notice that Mr A. B. Grant of C/- Planning Far North, Level 12 Cairns Corporate Tower, 15 Lake Street, Cairns in the State of Queensland, hereby appeals to the Planning and Environment Court at its next sittings at Cairns against the decision of the respondent local authority whereby it refused an application for a development permit for a Material Change of Use for the purpose of a licensed brothel at premises located at 12 Cava Close at Bungalow at Cairns in lieu thereof seeks the following orders or judgement: •

1. An order that this appeal be allowed;
2. An order that the application for a development permit for a Material Change of Use for the purpose of a licensed brothel be allowed;
3. Such further or other orders as the Court may deem appropriate.

PARTICULARS OF THE DECISION THE SUBJECT OF THE APPEAL:

The street address of the relevant land is 12 Cava Close, Bungalow, Cairns.
The real property description is Lot 8 on SP 101286.

The decision appealed was made by the Cairns City Council on or about the 13th day of February 2001. Upon the application made by the Appellant in respect of land bearing the real property description and located at the street address stated above, which application sought a development permit for a Material Change of Use for the purpose of a licensed brothel.

The appeal is against the refusal of the application for a development permit.

The grounds of this appeal and the facts and circumstances relied upon in support thereof are as follows: •

1. By application dated 20 October 2000, the Appellant applied to the Cairns City Council for the issuing of a development permit for a Material Change of Use for the purpose of a licensed brothel.
2. The application for a Development Permit for a Material Change Of Use was in a form provided by the respondent local authority and was accompanied by a covering letter, plans and supporting information and the appropriate fee.

3. On or about the 15th day of January 2001, the Appellant delivered to the Respondent a Notice of Compliance with respect to the notification requirements pursuant to the Integrated Planning Act 1997.
4. On or about the 13th day of February 2001 the Respondent local authority resolved to refuse the application.
5. The Appellant was notified by letter, which included a Decision Notice, from the Cairns City Council dated 22 February 2001 that the application had been refused.
6. The decision notice in respect of the application identified four reasons for refusal namely: -
 1. S 64(1) of the Prostitution Act requires Council to refuse the application on the following grounds: -
 - (a) The proposal is within 200 metres 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 200 metres of areas frequented by children (less than 10 metres to Chinaman Creek, 25 metres to Earville 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 1.6 metre high colourbond 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 the identified working rooms. The layout of the premises does not provide sufficient separation between staff and client areas.
7. The grounds relied upon by the Appellant in the bringing of this appeal are as follows: -
 - (a) The proposed brothel is not in conflict with Section 64 (1) of the Prostitution Act and in particular: -



- (i) The land the subject of the application is not in or within 200 metres of a primarily residential area or an area approved for residential development or intended to be residential in character;
 - (ii) The land is not within 200 metres of a residential building, place of worship, hospital, school, kindergarten or any other facility or place regularly frequented by children for recreational or cultural activities;
- (b) There is no basis upon which it can be asserted that the proposed brothel will have an unacceptable adverse impact on the amenity, safety or security of the surrounding area.
- 5. The proposed brothel in both layout and design complies with the IDAS code outlined in Schedule 3 of the Prostitution Regulation 2000.
 - 9. The location and condition of the unfenced drainage reserve (Chinaman Creek) does not provide nor reinforce an opportunity for loitering, concealment or other anti-social behaviour.
 - 10. The respondent local authority has applied an inappropriate or wrong test to determine the distance between the proposed brothel and any residential area or area which can be easily accessed by children and in particular has disregarded the provisions of S 64(2) of the Prostitution Act 1999.
 - 11. The inclusion of an outdoor swimming pool is not contrary to Section 79 (1) or any other section of the Prostitution Act in so far as the use of the swimming pool by the staff of the brothel does not constitute "operation" of the brothel as that term is used in either the Prostitution Act or the Regulations pursuant to that Act.

PARTICULARS: OF THE APPLICANT

Name: Mr A. B. Grant
Business Address: C/ - Planning Far North
Level 12 Cairns Corporate Tower
15 Lake Street, Cairns
Solicitor's Name and Firm: H. A. Mellick Jnr.
Mellick Smith & Associates -Solicitors and
Mediators
Solicitor's Business Address: First Floor, 32 Sheridan Street, Cairns
Telephone: (07) 4051 5611
Facsimile: (07) 4031 1145

Signed: 
Description: Mellick Smith & Associates
Solicitors for the Applicant



To the Submitters:

Ms Dolly Morgan
22 Dalton Street, Westwurt QLD 4870

Ms Sarah Adlington
3/217 Mc Coombe Street, Westcourt QLD 4070

Australia Post, Property Division, Queensland Office,
Ms Catherine Berry
GPO Box 779, Brisbane QLD 4001

Mr Arthur Petersen
227 Mc Coombe Street, Westcourt QLD 4870

Ms Joan McAuley
229 McCoombe Street, Westcourt QLD 4870

Ms Kathleen Petersen
227 Mc Coombe Street, Westcourt QLD 4070

Mr Geoff and Mrs Vicki Murphy
245 Mc Coombe Street, Westwurt QLD 4870

Lee Bowman and Ashley Hayler
8 Dalton Street, Westcourt QLD 4870

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

Ms Dorothy Woodhouse
17 Dalton Street, Westwurt QLD 4870

Mrs Bridie Connelly
14 Dalton Street, Westcourt QLD 4870

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Ms Gloria T. Hayles
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Mr Carlo Prandolini
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Ms Hazel Morrison
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Ms Delys M. Graham
W Telford Street, Earville QLD 4870

Mr Henry F. Graham
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Mr John Muirhead
22/1 Telford Street, Eadville QLD 4870

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Ms Sarah Jane Roberts
McCoombe Street, Westcourt QLD 4870


AL & PI Callaghan
PO Box 7004, Cairns QLD 4870

H Lis, G Lis and J Lis
8 Dalton Street, Westcourt QLD 4870

Mrs K. Buckley
30 Dalton Street, Westcourt QLD 4870



13 June 2002


 Ms Willy Brons
4/393 Draper Street
CAIRNS QLD 4870

Dear Willy,

RE: TOWN PLANNING APPEAL

I enclose herein for your reference copy letter from Minter Ellison Solicitors 11/06/02.

You will note that the co-respondent has withdrawn from the Appeal.

 I am unaware as to why the co-respondent has elected to withdraw from the Appeal, however this is good news.

Kind Regards,


H. A. MELLUCK Jnr

Enc.

11 June 2002

WATERFRONT PLACE 1 EAGLE STREET BRISBANE
PO BOX 7844 WATERFRONT PLACE QLD 4001 AUSTRALIA
DX 102 BRISBANE www.minterellison.com
TELEPHONE +61 7 3119 6000 FACSIMILE +61 7 3119 1000



COPY

Mr H A Mellick Jnr
Mellick Smith & Associates
PO Box 627
CAIRNS QLD 4870

Dear Mr Mellick

Mr A B Grant v Cairns City Council and Australian Retirement Homes Limited
P&E Appeal No. 9 of 2001

We enclose, by way of service, a copy of our client's Notice of Withdrawal of Election to Co-Respond.

Yours faithfully
MINTER ELLISON

Contact: James Ireland Direct phone: +61 7 3119 6265
E.mail: james.ireland@minterellison.com
Partner responsible: Amanda McDonnell Direct phone: +61 7 3119 6255
Our reference: JRI AJM 1113066
Your reference: HAMj:TT 01/237

NOTICE OF WITHDRAWAL OF ELECTION TO CO-RESPOND

In the Planning and Environment
Court

No 9 of 2001

Held at: Cairns

Between: MR A B GRANT

Appellant

And: CAIRNS CITY COUNCIL

Respondent

And: AUSTRALIAN RETIREMENT
HOMES LIMITED

Co-Respondent

Filed on:

03/06/2002

Filed by:

Minter Ellison, Solicitors for the Co-Respondent

Service Address:

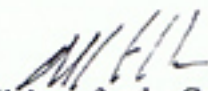
Waterfront Place, 1 Eagle Street Brisbane Qld 4000

Phone:

07 3119 6000

TAKE NOTICE that the Co-Respondent's Election to Co-Respond is withdrawn.

Signed:


Solicitors for the Co-Respondent

Dated:

25 May 2002

NOTICE OF WITHDRAWAL OF ELECTION TO
CO-RESPOND

Filed on behalf of the CO-RESPONDENT

MINTER ELLISON
LAWYERS
Waterfront Place
1 Eagle Street
BRISBANE QLD 4000
Telephone: (07) 3119 6000
Facsimile: (07) 3119 1000
JRI AJM 1113066

The Chief Executive Officer
Cairns City Council
PO Box 359
CAIRNS QLD 4870

THE
PARKS.



Dear Sir

Submission against development application by Mr AB Grant for the purpose of a licensed brothel at 12 Cava Close, Bungalow

I am writing to you because I am very concerned about the application that has been made for the development of a brothel on land less than 100 metres from The Parks Retirement Village in which I live.

I believe that the application should be refused for the following reasons:

- The brothel is located within 200 metres of both The Parks Retirement Village and the Earlville Pony Club. Chinamen's Creek which runs directly behind the brothel is used regularly by children who play along the banks of the creek. The brothel is therefore clearly inconsistent with Section 64 of the Prostitution Act 1999.
- This is a quiet residential area in which many people have chosen to retire. The brothel is clearly not compatible with such an environment.
- The brothel will have an unacceptable impact on the amenity of residents. In particular:
 - there will be a loss of security and peace of mind for residents who have chosen to retire in an area that has offered a secure lifestyle within an active and caring community;
 - it will have a detrimental impact on a happy and tranquil atmosphere; and
 - it will create a bad impression for children visiting family, attending the pony club or playing along the creek.

The area in which I live is a caring community. It provides retirees with a secure and comfortable lifestyle. Please do not jeopardise this lifestyle by allowing a brothel to be established. Please refuse this application.

Yours faithfully

254225

05-01-01 (Date)

31 of those received.

THE Parks

3 January 2001



The Chief Executive Officer
Cairns City Council
PO Box 359
CAIRNS QLD 4870

Dear Sir,

Development Application by Mr AB Grant (c/- Planning Far North) for the purpose of a licensed brothel

Land situated at 12 Cava Close, Bungalow and described as Lot 8 on SP101286

_____ is the owner of _____
_____ which is located at _____ and submits that the above
application should be refused on the following grounds.

1. **The application does not comply with the provisions of Section 64 of the Prostitution Act 1999.**

Section 64(1) of the *Prostitution Act 1999*, provides that the Council must refuse an application for a material change of use of premises for a licensed brothel where the land the subject of the application is within 200 metres of a residential area or a place regularly frequented by children for recreational or cultural activities.

For the purposes of the *Prostitution Act 1999*, distance is to be measured according to the shortest route that may reasonably be used in travel. Such a route may include pedestrian travel (eg. paths frequently used by children). The decision of the Planning and Environment Court in *Craig Leach v Council of the City of Gold Coast* (3 November 2000), makes it clear that the 200 metres should be measured from the subject site, and not from the entrance to the proposed brothel. In that case, it did not matter that the shortest route in fact involved trespass and was therefore unlawful.

The proposed brothel is located less than 100 metres from The Parks Retirement Village and the Earlville Pony Club.

Chinamen's Creek which flows between the proposed brothel and both the retirement village and the pony club forms part of the Council's integrated open space network and is regularly frequented by children. Children play on both sides of the creek directly behind the proposed brothel and regularly cross the creek at that point by walking over the main sewerage pipe which passes over the creek.

For the purposes of measuring the 200 metres referred to in Section 64(1) of the *Prostitution Act 1999*, the shortest route that may reasonably be used includes the route frequently used by children both along and across Chinaman's Creek.

The proposed brothel is therefore clearly within 200 metres of a residential area (being The Parks Retirement Village) and places regularly used by children (the Earlville Pony Club and Chinamen's Creek itself).

The proposed brothel is also adjacent to the Australia Post Business Centre which is frequently attended by children who come with their parents to collect mail from post boxes and to purchase items from the retail office shop.

The proposed brothel therefore does not comply with the provisions of Section 64 of the *Prostitution Act 1999* and must be refused.

2. The proposal is contrary to the intention of the Prostitution Act 1999.

The proposed brothel is also located in close proximity to:

- the Council animal refuge which is regularly attended by parents with their children; and
- the Cairns Croatian Club which is a family social club.

The intention of the legislation is to avoid a situation where a brothel would be located in close proximity to those uses or to a retirement village, pony club or creek land frequently visited by children.

The proposal is therefore clearly unacceptable.

3. The proposal will have an unacceptable adverse impact on amenity.

The application acknowledges that the subject site is on the fringe of a residential area and is within 200 metres of The Parks Retirement Village. That proximity to residents makes the subject site unsuitable for the development of a brothel as:

- the brothel is not located in a discrete position with the external pool and spa areas, in particular, being visible to children and other pedestrians from the abutting Chinamen's Creek area;
- the use is not consistent with the expectations of residents in the area, particularly the expectations of the existing and future residents of the retirement village; and

- there would be an unacceptable impact on the amenity of those residents.

The decision of the Planning and Environment Court in *Craig Leach v Council of the City of Gold Coast* (3 November 2000) recognised that "the geographical location of a brothel can reasonably be regarded as having an adverse impact on the amenity of the area in which it is located". In doing so, the Court acknowledged that adverse impacts on amenity include psychological impacts relating to the perceptions of the locality held by residents.

The proposed brothel will have the following unacceptable impacts on residents' perceptions of the locality:

- a loss of security and peace of mind for retirees in an area that has offered retirees a secure, comforting lifestyle within an active and caring community;
- a lowering of a happy and tranquil atmosphere; and
- a creation of bad impressions for children visiting family at the retirement village, attending the pony club or playing along the creek.

Having regard to the impacts of the proposed brothel on the perceptions held by the residents of the area, the proposal is clearly unacceptable.

4. Lack of information about any need for the development.

The application has not demonstrated that there is a need for the proposed brothel at this location. No studies were included with the application.

Yours faithfully,

**CAIRNS**

Cnr. Shields & Grafton Streets,
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FAX TRANSMISSION

TO:	Mellick Smith & Associates	DATE:	14 October, 2002
ATTENTION / REF:	HAMJ:JC 01/237	FAX NO:	4031 1145
FROM:	Picha Djohan	DIRECT LINE:	07 4030 0573
EMAIL:	PDjohan@MacDonnells.com.au	DIRECT FAX:	07 4030 0699
MATTER:	CAIRNS CITY COUNCIL ats GRANT - P & E APPEAL NO 9 OF 2001		
NO. OF PAGES:	1 (incl. this page)	OUR FILE NO:	11369

MESSAGE:

We advise that we do not require Ms Taylor or Mr Clifton for cross-examination during the hearing of preliminary matters on Thursday 17 October 2002.

Please advise whether you require either Ms Wright or Mr Murphy for cross-examination?

Yours faithfully
MacDONNELLS

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MESSAGE:

Please find enclosed draft Affidavit of Mr Geoff Murphy. We anticipate that Mr Murphy will return to Cairns sometime today and will be in a position to execute his Affidavit.

Yours faithfully
MacDONNELLS

Encl.

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*CRM_11369_79.DOC

DRAFT**AFFIDAVIT**

Appeal No. 9 of 2001

In the Planning and Environment Court
Held at: CAIRNS

Between: **MR A.B. GRANT**

Appellant

And: **CAIRNS CITY COUNCIL**

Respondent

Filed On:

Filed By: MacDonnells Solicitors, Picha Djohan

Service Address: Cnr Shields & Grafton Streets
CAIRNS QLD 4870

Phone: 4030 0573

Fax: 4030 0699

I, **GEOFFREY MICHAEL MURPHY** of 245 McCoombe Street, Cairns in the State of Queensland, Protective Service Officer, being under oath say:-

1. I reside at 245 McCoombe Street, Cairns. Exhibit "GMM1" is a map which identifies the general location of my residence.
2. The subject premises is located at 12 Cava Close, which adjoins McCoombe Street.
3. The only vehicular access to Cava Close is from McCoombe Street. The public must travel along part of McCoombe Street to access Cava Close.
4. I have observed that the general public on a regular basis utilise the area in the vicinity of the subject premises, including McCoombe Street and Cava Close. In particular, I have observed:
 - (a) elderly couples and individuals walking along McCoombe Street down towards the subject premises, and also in the general vicinity of the subject premises;

 Page 1

Deponent

Justice of the Peace/Solicitor

AFFIDAVIT
Filed on behalf of the Respondent
Form PEC-5

MacDONNELLS Solicitors
Cnr Shields & Grafton Streets, Cairns Qld 4870
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Our Ref: PD:11369

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DRAFT

- (b) couples and individuals walking their dogs along McCoombe Street, and also in the general vicinity of the subject premises;
- (c) children riding bicycles along McCoombe Street and Cava Close;
- (d) adults and children utilising the grassed verge of the storm water drain, which adjoins the subject premises;
- (e) individuals, including groups of children, fishing on the banks of Saltwater Creek, and on the pedestrian bridge at the end of McCoombe Street;
- (f) young adults, both male and female, in groups and individually, moving along McCoombe Street during the day and night; and
- (g) adults moving along McCoombe Street and across the pedestrian bridge at night.

5. All the facts sworn to in this Affidavit are true to my knowledge and belief except as stated otherwise.

Sworn by Geoffrey Michael Murphy at Cairns this)
 day of 2002)
 Before me:)

A Justice of the Peace/Solicitor

DRAFT

EXHIBIT MARKING

Appeal No. 9 of 2001

In the Planning and Environment Court
Held at: CAIRNS

Between: **MR A.B. GRANT**

Appellant

And: **CAIRNS CITY COUNCIL**

Respondent

Exhibit "GMM1" to the Affidavit of **GEOFFREY MICHAEL MURPHY** sworn on the
~~23~~ day of ### ~~NOVEMBER~~ 2002.

Deponent

Justice of the Peace/Solicitor

EXHIBIT MARKING
Filed on behalf of the Respondent

MacDONNELLS Solicitors
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Our Ref: PD:11369