

ATTACHMENT 5

Our Ref: C04-023

Your Ref: 8/8/564

Chief Executive Officer
Cairns City Council
P O Box 359
CAIRNS QLD 4870

09 March, 2005

Attn: Ms Jenny Elphinstone

Dear Sir,

**RE: DEVELOPMENT APPLICATION 8/8/564
MATERIAL CHANGE OF USE – BROTHEL
11 CAVA CLOSE, BUNGALOW
RESPONSE TO THE INFORMATION REQUEST.**

Further to the Information Request (IR) received by letter dated 15 March 2004, I provide the following response, which references each item listed in the IR by number and topic.

The Prostitution Act limits the premises to five (5) rooms where prostitution will be provided. The application form states that five rooms will be provided.

- 1. Clarification is required as to the extent of development proposed. Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site, including the internal layout of the premises. The purpose and dimensions of all rooms must be detailed on the plan.*

Comment

Details of the proposed Brothel are outlined on Concept Plans No BD05.02.525/SK1, dated February 2005 and prepared by Buck Designs. 1 – A1 copy and 1 – A3 copy of the Concept Plan are attached. The Plan is at a scale of 1:100. Council Officer, Ms Jenny Elphinstone, agreed to accept the Concept Plans at this scale, provided they are clear and legible. It is my view that the Concept Plans at a scale of 1:100 meet the criteria for assessment.

General Requirements

A previous application was made for a property opposite the subject premises, at 12 Cava Close. This application was Impact Assessable development and was refused by Council as being inappropriate development. The applicant for



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this proposed development appealed Council's decision. The Planning and Environment Court dismissed the appeal (AB Grant and Cairns City Council P&E Appeal No.9 of 2000). The application submitted for 11 Cava Close, the proposed development, is virtually identical to the previous development application for 12 Cava Close.



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2. *Please demonstrate how the current application varies in detail from the previous application.*
3. *Please demonstrate how such variation:*
 - 3.1 *Suitably and adequately addresses the concerns and issues raised by Council's determination of the development proposed at 12 Cava Close; and*
 - 3.2 *Suitably and adequately addresses issues mentioned by the Court in the determination of the Appeal 9 of 2000, to the extent and reasons whereby a different determination would be made by either Cairns City Council or the Planning and Environment Court.*

Comment

This part of the Information Request has been superseded by the Judgement handed down on the 10th September 2004 by the Honourable Judge Skoein (SJDC) in relation to this application, a copy of the Judgement is attached at Appendix 1.

This application is now a Code Assessable application and on that basis must satisfy Schedule 3 IDAS Code for the Use of Premises for a Licensed Brothel and the relevant Codes in the Planning Scheme.

On that basis there is no requirement or intention to provide a response to Items 2, 3, 3.1 and 3.2 above.

IDAS Brothel Code

Car Parking for Clients

4. *Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site detailing all car parking areas for clients. The car parks must be designed in accordance with Australian Standards and the requirements of the Planning Scheme for Part of the City of Cairns. In particular adequate separation and screening must be provided to boundaries and pedestrian movement areas.*



Comment

Refer to Concept Plan which identifies location of car parking, screening and separation of pedestrian movement areas.

5. *It is known that a proportion of clients visit a brothel premises by taxi. Please provide details of the proposed drop-off and collection area(s) and whether such area(s) occurs on-site or off-site.*

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Comment

Refer to Concept Plan which identifies a setdown/drop off area located on site adjacent to the site frontage of the proposed Brothel.

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6. *Please provide detail of whether there is any intention to provide group services. If there is any such intention then at least one car parking space should be of adequate dimensions to provide parking for a mini-bus type vehicle. If any larger buses are anticipated please demonstrate how the site and location can adequately cater for this operation. Please provide the location of any such drop-off and collection area for these services and whether this area is provided on or off site.*

Comment

There is no intention to provide group services or to offer a mini-bus (or large coach) delivery service, in association with the proposed Brothel.

7. *Please provide a statement as to whether there is any intention to offer a mini-bus type private transport service for clients. If such a mini-bus private transport service is to be provided by the establishment then please demonstrate that one car parking space of adequate dimensions must be provided in addition to any other client parking.*

Comment

See comment above, in Item 6.

8. *Please provide details of how the spaces will be identified to any visitor or employee of the premises that the spaces are for brothel client use.*

Comment

The car parking area will be sign posted to designate staff parking (1 space) and client parking (5 spaces). Although it should be noted that all parking will be available for staff delivery parking during the 3 hour shut down period every day between 6.00 am to 9.00 am. This shut down period is a designated 3 hour period every day when the premises are cleaned internally and externally (as necessary) and linen delivery services occur (clean linen/towels in, soiled linen/towels out).

Employee Car Parking

9. Please provide details of all staff that will attend the site, including management, prostitutes, reception staff, security personal, cleaners, landscape maintenance staff and any anticipated additional services such as money collectors and anticipated deliveries. Details are to include the number of staff, approximate frequency of attendance at the premises and anticipated length of attendance.

Comment

The employees will include:

- 5 prostitutes – during weekends and busy nights with a reduced number of prostitutes (estimated 3) on an “as needed” basis once demand is established during other times. In this regard it is proposed the Brothel will operate 24/7 – 3 x 7 hour shifts (21 hours) and a 3 hour shut down/cleaning period each day.
- 1 licensed management/security staff member on the premises 24/7, in shifts.
- Cleaners, garden maintenance and linen delivery service will occur during the 3 hour shut down period, when there are no prostitutes on the premises.

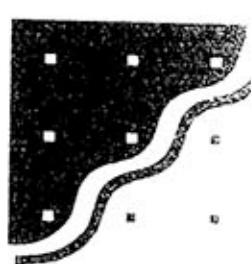
The maximum number of staff on the premises during any peak periods will be 6, with less numbers during slower periods and no prostitutes on site during the 3 hour shut down period.

In effect, staff numbers will be staggered during a normal 24 hour period with an average 3 prostitutes on premises 21 hours a day, one management staff member on premises 24 hours a day, cleaning and maintenance staff and management staff on premises 3 hours a day.

10. Please provide a minimum dimensioned 1:50 metric scale plan detailing all car parking areas for all employees and persons anticipated to attend the premises in the course of the normal operation of the premises. The car parks must be designed in accordance with Australian Standards and the requirements of the Planning Scheme for Part of the City of Cairns. In particular adequate separation and screening must be provided to boundaries and pedestrian movement areas and at least one disabled driver car space must be provided.

Comment

There are two designated car parking areas proposed. One area is integrated into the building and provides 2 secure staff parking spaces; which facilitate



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easy access direct from the Brothel to vehicles. This will provide safety for management leaving the premises for banking purposes.

The second car parking area is located on site and provides 6 car parking spaces in close proximity to the reception/waiting area and in view of the office. The car parking area is for staff and for clients. Access to the car parking area is via a security roller door. It is proposed to provide an intercom/surveillance system connected to the office and the reception area to facilitate/control access, as required.

11. *It is known that a proportion of employees who attend the premises would utilize taxi services. Please nominate on the plan proposed drop-off and collection areas and whether these areas are on-site or off-site.*

Comment

Refer Item 5 above.

12. *Please provide a statement as to whether there is any intention to retain any commercial transport vehicle to assist with the operation of the premises (for example, to assist in the collection and delivery of linen services).*

Comment

No commercial vehicles will be owned and operated by the proposed Brothel operator. Any collection and delivery of linen will be contracted out to a local linen service.

13. *If such a commercial transport vehicle is to be retained then please demonstrate on the plans that one car parking space of adequate dimensions is dedicated to this use in addition to any other employee parking.*

Comment

Not applicable, see Item 12 above.

14. *Please provide details of how the spaces will be identified to any visitor or employee of the premises that the spaces are for brothel employee use or associate employee use.*

Comment

Refer Item 8 above. Further, regular service providers such as the linen service will be advised of the availability of car parking on site to be used during the 3 hour shut down period. During this time the security roller door may well be left open to facilitate ease of access for deliveries and any maintenance vehicles..



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Vehicle Access

15. Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site (including the head road way of Cava Close and the vehicle entrances of nearby and adjoining properties) detailing the location of vehicle site entrance and exit (providing for all vehicles to be capable of entering and exiting the site in a forward gear). Vehicle crossovers and driveways should be of adequate dimensions to cater for all intended vehicles utilising the site.

Comment

Refer Concept Plan.

16. Please provide details of whether there is any intention that any other part of the site will be used for any land use other than Brothel.

Comment

No land use activity, other than the establishment of a Licensed Brothel is proposed on the site.

17. If there is any intention to use part of the site for use other than for a Brothel then the please demonstrate as to how any parking, vehicle manoeuvring and pedestrian movement for the brothel will be undertaken without adversely affecting the safety of traffic using the land.

Comment

Not applicable.

Lighting

18. Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site detailing the proposed external lighting together with a report by a qualified Architect. The type of illumination to be used is to be static, hooded and directed downwards with no characteristic indicating the premises are used for a brothel. The plan and report should detail all external lighting details including proposed colour and arc of illumination. The plan and report should detail areas of concerns in regards to surveillance and how proposed illumination addresses the areas of concern.

Comment

Refer attached Architects Report, (Appendix 2), and Concept Plan.



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Signage

19. Please provide a minimum dimensioned 1:50 metric scale plan of all proposed signage, the location of where it will be positioned on the premises and an elevation of the building if the signage is to be affixed to a wall or roof of the building. Details of all proposed content, colour, illumination and whether the sign is to be two or three dimensional, and/or animated must be included on the plan.

Comment

Refer attached Architects Report and Concept Plan.

Loitering

20. Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site, including the internal layout of the premises. The purpose and dimensions of all rooms must be detailed on the plan. The plan must demonstrate that a reception area and waiting room(s) of adequate size to cater for the number of Brothel rooms to be established. The plan must demonstrate that the reception and waiting areas are suitably located within the building and the proximity of the brothel entry to reflect a design that discourages loitering outside the premises.

Comment

Refer attached Architects Report and Concept Plan.

Appearance

21. Please provide a minimum dimensioned 1:50 metric scale plan of all building elevations and to detail building materials, finishes, colours and any illumination. The plans are to be accompanied by a report by a qualified architect demonstrating how the design and building finishes ensure that the colours and materials for the brothel premises are unobtrusive having particular regard to the development of surrounding environs.

Comment

Refer attached Architects Report and Concept Plan.

Entrances – Security

22. Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site, including the internal layout of the premises. The purpose and dimensions of all rooms must be detailed on the plan. The plan is to be accompanied by a report by a qualified security professional. The qualifications and suitability of the security professional preparing the report must be demonstrated in the report. The



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plan and report must demonstrate how the proposed design demonstrates the staff and client entrances to the brothel are positioned to facilitate surveillance from both within and external to the premises and how security within the premises is to be achieved and maintained.



Comment

Refer attached Security Report, (Appendix 3), and Concept Plan.

Entrance – Client

23. *Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site, including the building elevations, internal layout of the premises, client entry and proposed illumination of external facades. The plans should demonstrate how the client entrance is identifiable to any visitor.*

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Comment

Refer attached Architects Report and Concept Plan.

Brothel Siting and Design

24. *Please provide a minimum dimensioned 1:50 metric scale plan of the proposed building and site, including the building elevations, car parking and vehicle access, pedestrian entries, proposed landscaping and proposed illumination of external facades. The plans should be accompanied by a written report (or these details are to be included on the plan) certifying that the proposed siting and design achieve the minimum requirements for such under the Planning Scheme for Part of the City of Cairns.*

Comment

Refer attached Concept Plan which includes certification by draftsman.

Infrastructure

25. *Please provide a minimum dimensioned 1:50 metric scale plan of the proposed internal building layout detailing all proposed plumbing fittings and fixtures (including the extent of laundry facilities if, any) are to be provided on site. This detail must also include the number of washing machines and dryers.*

Comment

Refer attached Concept Plan.

26. *Please provide details of proposed hard waste collection. If a commercial bin is to be provided the location of this facility must be*

detailed on the plan together with the specification of any screening and waste truck movements. Details of the frequency of collection must also be specified.



Comment

Refer attached Concept Plan. Frequency of collection will be limited to weekly Council collections, unless demand dictates additional pick ups and then a private contractor will be engaged to deal with all refuse collection.

In summary, my client has provided all necessary information and documentation requested by Council to facilitate the assessment of the application against the relevant Code/s.

The level of detail provided at this stage, prior to any Council approval, could potentially have been reduced and any specific Council requirements imposed as conditions by Council on any subsequent approval. However, to facilitate the assessment of the application my client instructed me to provide the level of detail specified in the Information Request to reinforce his ongoing commitment to undertaking the development in a totally professional manner.

I trust the information provided, in addition to the annotated Concept Plan, meets with all Council requirements. I look forward to the favourable determination of the application by Council.

Yours faithfully,

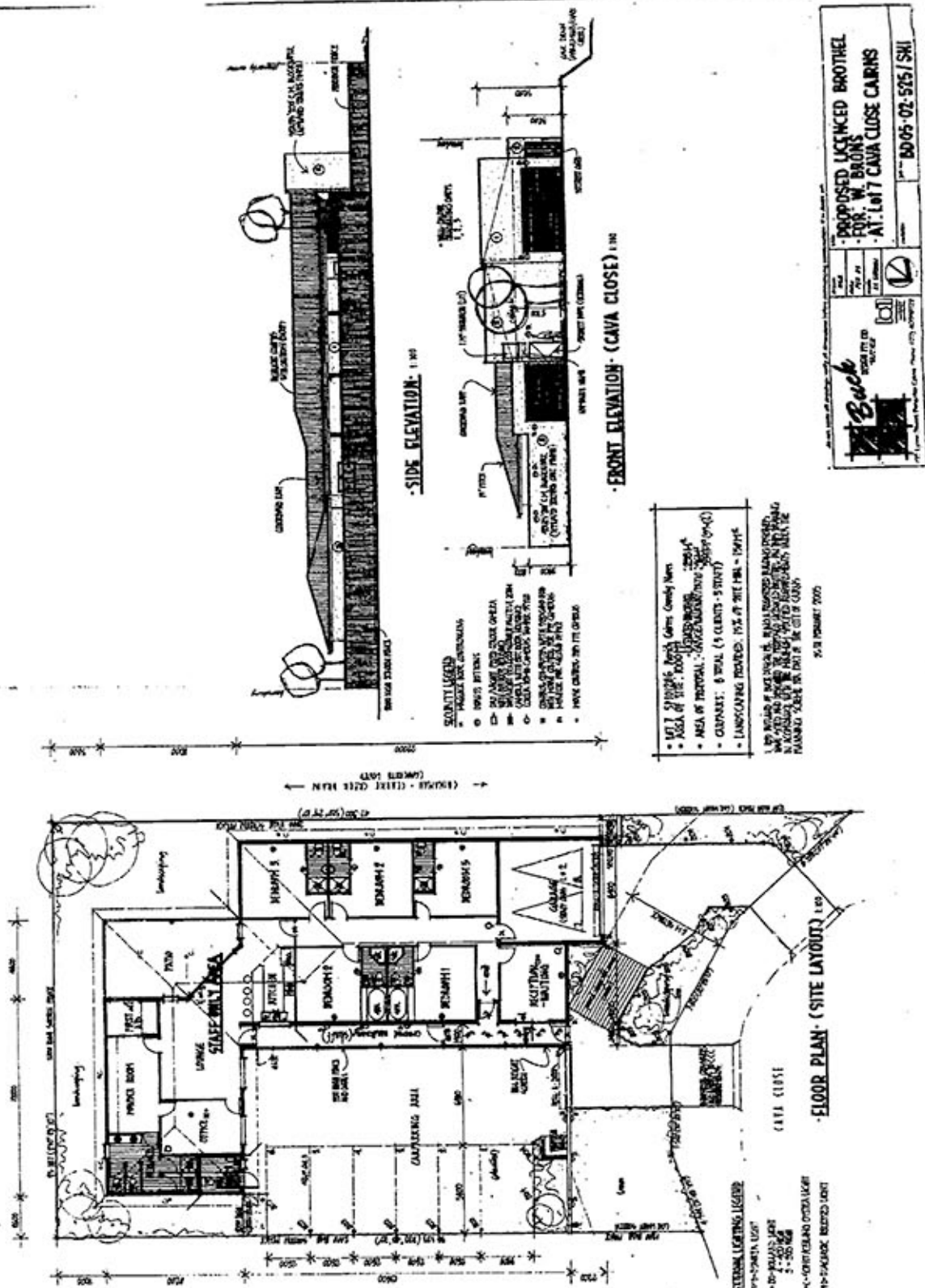
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ELIZABETH TAYLOR
Director

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APPENDIX 1



APPENDIX 1

PLANNING & ENVIRONMENT COURT OF QUEENSLAND

CITATION: *Brons v Cairns City Council*

PARTIES: AART BRONS
(Applicant)
v
CAIRNS CITY COUNCIL
(Respondent)

FILE NO/S: 340 of 2004

DIVISION:

PROCEEDING: Application

ORIGINATING COURT:

DELIVERED ON: 10 September 2004

DELIVERED AT: Cairns

HEARING DATE: 3 September 2004

JUDGE: Skoien SJDC

ORDER: Declaration made as sought

CATCHWORDS: Whether proposed brothel site in an industrial area.

COUNSEL: Mr S Ure for applicant
Ms Djohan (solicitor) for respondent

SOLICITORS: Morrow Petersen for applicant
MacDonnells for respondent

- [1] This is an application for a declaration that a development application made by Mr Brons for the establishment of a legal brothel in Cairns is code assessable development.

The law

- [2] Schedule 1 of the *Integrated Planning Regulations* states that an application for a licensed brothel is code assessable if the site is in an industrial area.

- [3] "An industrial area" is defined in Section 63A(3) of the *Prostitution Act 1999* (as amended) as follows:-

"...land, however described, that is designated in a 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 in the area.*

Examples of ways of describing industrial areas -

- 1. heavy industry*
- 2. commercial industry*
- 3. light industry*
- 4. service industry*
- 5. general industry*
- 6. waterfront industry"*

The site

- [4] The site is a regular shaped allotment located at 11 Cava Close, Bungalow. Cava Close is a cul de sac which provides access to a fairly recently developed industrial subdivision of 14 lots of which only 3 lots have yet been built on. The site has an area of 1000 m², has frontage to Cava Close of approximately 33 metres, and is vacant. It is located close to the cul de sac head and is beside the Chinaman Creek drain along the side boundary. It is included in the light industry zone of the planning scheme and is identified for industrial purposes in the strategic plan. Under the draft Cairns Plan it is included in the industry planning area.

The locality

- [5] The site is located to the south-west of the Cairns central business district (CBD), on the fringe of the primary industrial area of Portsmouth. Development in the immediate vicinity is industrial in nature.
- [6] To the north east the site adjoins a vacant allotment which is also included in the light industrial zone. To the west the site fronts Cava Close. To the east is the Cairns City Council cleansing depot and dog pound located at the eastern end of

McCoombe Street. The depot is zoned special purpose because of the Council ownership of the land. However, the use established on the site is an industrial use and it is unlikely that anything but an industrial use will ever be established there.

- [7] To the south and west, the site is adjacent to a large drainage reserve which accommodates a concrete drain which discharges into Chinaman Creek and adjacent low lying mangrove areas. In fact, there is a narrow allotment which is a reserve for local government (drainage) purposes, the trustee of which is the Council, which further separates the site from the concrete drain and the land to the south and west. There is no vehicular or pedestrian access over the drain.
- [8] Further to the south and west (that is, over the drain from the site) are large parcels of land which accommodate the Parks retirement village and the Earlville pony club, which are surrounded by undeveloped bushland and low lying areas. These two land uses, whilst being proximate to the site are physically separated from the site (and hidden from it) by bushland and the large concrete drain. In addition, the retirement village and pony club are orientated toward and have pedestrian and vehicular access to and from Telford Street/Ishmael Road, Earlville, that is, away from the site. There is no opportunity for direct pedestrian or vehicular access to the site from the retirement village or the pony club
- [9] To the north west a large site contains the Australian Post business centre which is in effect, a freight depot. The centre is currently zoned Special Facilities for its site specific use. Its current use could be said to be light industrial and it is proposed to be included in the Industry Planning Area under the draft Cairns Plan.
- [10] On a wider perspective, land to the north and east is predominantly developed for industrial purposes or is covered by mangroves and creek systems. Land to the west and south has been developed for a mix of commercial and residential uses.
- [11] The locality is unusual in that of the relevant local roads, McCoombe Street, Scott Street and Marshall Street are not "through" roads, because of constraints imposed by creeks, drains and swamps. Therefore vehicular access in and out of the area which I have described is limited to McCoombe Street and Dalton Street, with McCoombe Street being the most direct route and carrying the largest volumes of

traffic. McCoombe Street has a 40 metre wide road reserve which can readily accommodate the industrial and commercial traffic frequenting the area.

- [12] The unformed part of Scott Street will ultimately be constructed and provide a connection to McCoombe Street. Scott Street is identified on the road hierarchy overlay map of the draft Cairns Plan as a collector road with future connection between McCoombe Street and the consolidated industrial area to the north east. This connection will ultimately allow direct access to this industrial section of McCoombe Street (and the site) from Scott Street and the adjacent industrial area and from the CBD located further to the north east. No date has been set for that roadwork to occur.

The Planning Scheme for part of the City of Cairns

- [13] Under the Strategic Plan the site and surrounding area is included in the industry preferred dominant land use designation.

"This designation includes those areas which are used or intended to be used for industrial purposes. The major industrial area is located at Portsmith, generally to the south of Spence Street and includes all Port facilities except those related to tourist ferry vessels and cruise liners.

It is intended that the areas designated for industry should be used primarily for industrial purposes and that the development of commercial and retail uses within these areas should be limited."

- [14] Under Development Control Plan 2 the site and surrounding area is identified within Precinct 8, which includes, primarily, all land zoned for industrial purposes. Under Development Control Plan 5 – Cairns Port and Major Industrial Area, the site is identified in the light/service industry designation. Development within this designation is intended to provide a transition area between the commercial uses located adjacent to Mulgrave Road and the more heavy industrial uses located to the south of Hartley Street.

Zoning

- [15] The site is included in the light industry zone. The intent of the light industrial zone states:

"The intent of the light industry zone is to provide for localized, small scale and non-offensive industrial activities which can be located in proximity to commercial or business uses and which generally do not require large sites and can provide a buffer to other industrial zones where the scale of industrial activity is of a greater magnitude"

- [16] I accept the view expressed by the applicant's consultant town planner, Ms Taylor that in town planning a licensed brothel is more appropriately located in a light industrial area, as opposed to a heavy industrial area where permitted land uses can include large scale, often noisy activities such as concrete batching plants, electric welding works, a foundry, panel beaters, saw mills, etc.

The Draft Cairns Plan

- [17] Under the draft Cairns Plan the site is included in the Inner Suburbs District and the site and the surrounding area are included in the Industry Planning Area.
- [18] The Australia Post business centre and a large vacant block adjoining it to the west have also been included in the Industry Planning Area, thereby consolidating the industrial land use designation around the site.
- [19] The boundary of the Inner Suburbs District is close to the site and is adjacent to the eastern boundary of the Council cleansing depot site. The adjacent district is in the Portsmouth - Woree Industrial District.
- [20] I accept Ms Taylor's view that when viewed together the two District Plans clearly identify the extent of the major industrial area of Cairns. The site of the proposed licensed brothel is within this industrial area made up by the entire suburb of Portsmouth and part of the suburbs of Bungalow and Woree.

Area

- [21] On 18 October 2002 His Honour Judge White heard an application for a declaration in the same terms as that before me. Although the *Prostitution Act* had by then been amended to include s 63A (para [3] above). Section 142 of the *Prostitution Act* required him to decide the application on the law as it stood before the amendment. So, while His Honour made some remarks on the possible meaning of the s 63A.

they were of course *obiter dicta* and I would think made without the benefit of hearing considered argument on it by counsel.

- [22] His Honour, importantly, had before him no statutory definition of "industrial area" and thus looked at the question on first principles. In doing that he was prepared to take into account the presence of residences to the west of the site in McCoombe Street and the effect of brothel vehicular traffic on them. While he did not use the expression "area of influence" it seems to me that his decision (against making the declaration) was based on a conclusion that the residences would lie within the area of influence of the brothel at least from the effect of the traffic on the amenity of the residential area. As the law then stood I would not be critical of that conclusion of fact.
- [23] However in my opinion the inclusion in the *Prostitution Act* of s 63A has made an important change to the central questions in this application. There are three questions to be answered. The first is, is the site of the proposed brothel designated as industrial in a planning scheme or other planning instrument under IPA? The answer to that, here, is clearly "yes". Although the current designation was conferred by a pre-IPA scheme, that scheme continues to have effect as an IPA scheme (see IPA, s 6.1.4(1)). The second question is whether there is a relevant tract of land which is designated as industrial (or is predominantly industrial in character) and which is of sufficient size as to constitute, as a matter of fact, an industrial area. The third question is whether, as a matter of fact, the site is in, forms part of, that industrial area.
- [24] The second question is not one which involves question of the effect which the proposed development may have on the amenity of a nearby residential area. It is simply a matter of fact which can be answered by looking at maps forming part of the planning scheme. The answer to the second question is that there is a relevant industrial area, the area which I have identified in paras [5]-[7], [9]-10].
- [25] The third question again does not raise questions such as the amenity of a nearby residential area. It involves a study of the site and its locality to determine whether the site can truly be said to be "in an industrial area" as Schedule 1 of IPA Regulations requires. This necessitates a decision, as a fact, whether the site is

sufficiently within the boundaries of the industrial area which I have identified as to be clearly in that industrial area. Even though a site is actually within the boundaries of the overall identified industrial area, it could be that it lies in an identifiable discreet area which has a dual character, part residential, part industrial. In that case the further decision would have to be made whether the area was "predominantly industrial in character". (see s 63A).

- [26] At the outset, I dismiss any suggestion that the relevant area in which the brothel site stands includes the retirement village or the pony club. They are admittedly quite close to it as the crow flies. The nearest boundary of the land on which the retirement village stands is a little less than 100 metres from the site; the nearest boundary of the pony club is a little less than 200 metres from the site. But as a matter of fact the concrete drain presents as an impassable barrier to vehicles and pedestrians. The heavy vegetation acts as a complete visual barrier. The village and the club face away from the site.
- [27] On the site side of the concrete drain there is no residence, nor land used for residential purposes, within 300 metres of the site as the crow flies. That is the distance from the site of the closest residence in McCoombe Street. Within that radius there is no realistic prospect of land being used for other than industrial purposes. The planning scheme instruments to which I have referred designate all of this area as industrial. The current zoning, the current strategic plan and the proposed Cairns Plan make that clear. And to the north east, east and south east are much larger stretches of land which is industrial now and/or will be industrial. The only residential land relevant to the identification of the relevant area of the proposed brothel is that in McCoombe Street.
- [28] Does the residential area of McCoombe Street form part of the area of the site? If it did, then I would have to decide the predominant character of that area. As the crow flies the residential area of McCoombe Street begins more than 300 metres to the west of the site. On my estimate, by most direct road access, the distance is about 500 metres. The site itself would not be visible to users of McCoombe Street as it lies, I estimate about 200 metres from the intersection of McCoombe Street and Cava Close. So there is a considerable physical separation of the brothel site from the closest McCoombe Street house.

[29] I am unable to conclude that the area of the brothel site extends to include any residence in McCoombe Street. Indeed, I think it is helpful to ask myself, would the residents of McCoombe Street, if asked to describe the "area" in which they live, have mental reference to the obvious industrial area commencing about 300 metres to the east and to the industrial traffic that passes them to and from that area, and answer "we live in an industrial area"? I think not.

[30] My decision on the third question is therefore that the relevant area which contains the site is not, even in part a residential area. It is an industrial area, appropriately designated by the planning instruments.

[31] I should record that I was told that some residents of McCoombe Street make use of some of the vacant industrial land near the site as a recreational area. That does not convert industrial land into a residential area or part residential area. It simply means that the residents are making opportunistic use of land which happens to be vacant but which is, undeniably, industrially designated land.

Conclusion

[32] I declare that the development the subject of this application, namely the establishment of a licensed brothel on land described as Lot 7 on SP 101286, Parish of Cairns, is code assessable development pursuant to Schedule 1 of the *Integrated Planning Regulation 1998* (the Regulation).

APPENDIX 2

GAYLE PLUNKETT ARCHITECT

B Des St, B Arch

Registration No: 2081 ABN: 35188400610

Address: PO Box 914E, EARLVILLE Q 4870

Ph/Fax: 07 40321067 Mobile: 0418 873 112

Brief Report on Lighting, Signage and Design Issues Proposed Licenced Brothel For W Brons Lot 7 Cava Close, Cairns

1. Lighting

External lighting is static, hooded and directed downwards. Selected lighting types indicated on elevations and plan and as follows: Bollard Lights 900mm high with hooded lamp – 2 m diam lit area; Wall Bunkers – Hip Bunker with Eyelid – 1.25 radius lit area @ 2m above ground and wall wash; oyster lamp – 3m diam lit area; recessed diachroic lamps – 1.5m diam lit area.

For camera coverage of the front garden and entrance spaces and to allow safe transition of clients from the street to the building low garden lights combined with wall bunker lights to illuminate head height are positioned as shown on the plans. The entrances via door or roller door are most important for client safety. Garden areas require a lower height of lighting to reduce dull areas where loitering may occur.

The main door entry is illuminated above with the business signage which will also have a lit 'Entrance' sign with underside lighting to flood just the door itself with warm tube fluorescent light. A single bunker adjacent is directed over the intercom and signage (not otherwise lit) stating nominee to business.

Carparking areas inside perimeter fencing will be lit with general lighting spilling from the verandah area and low bollard lights at the junction of each carparking space. The lighting over the staff entrance area (warm light 75 watt – standard ceiling mounted external vandalproof oyster light) is secondary to the entry path to reception and waiting which will be illuminated with recessed diachroic downlights (cool white light) to allow it to be the focus.

Remaining garden areas (which also have camera surveillance) will be lit by vandalproof eaves mounted oyster fittings with low wattage bulbs sufficient only for security purposes and showing figures entering those restricted areas. The patio area will again be lit with warm light (75 watt standard ceiling mounted external vandalproof oyster lights).

2. Signage

Signage positioned as indicated on the elevations and plan. Intention is for discreet static signage with no flashing or neon lighting.

Main business sign to be backlit translucent White (body of sign) and Red (heart only as per corporate logo) Perspex with fixed 3D Black letters. Size 1000 x 1000 as indicated. Lettering to read 'Northern Belle' only on main sign.

Entrance sign over doorway – backlit translucent White Perspex as per main sign with Black lettering. Size 1000 wide x 200 high.

Nominee for Business Signage – Flat 6mm Opaque White Perspex with Black 6mm thick letters fixed to backing. Size – 300 x 300 max fixed to wall in position as noted above in lighting.

Any other requirements to meet licence identification standards will be covered in this sign as advised.

3. Loitering

The purpose and dimensions of rooms are indicated on the plans.

The entry and reception areas have been clearly delineated by structure and lighting. The reception is adjacent to the street entry point and allows entry direct from the carpark as well. Entry is by intercom through a secure entry and secured roller shutter. Camera surveillance increases coverage of these areas.

Loitering within the site can only potentially occur if a client leaves the premises and moves into the carpark area. Camera surveillance and appropriate lighting as noted and designed to eliminate dark spots reduces the potential for this to happen. All other areas are accessible by staff only and secured from outside intrusion as well as having camera surveillance.

The only other potential area for loitering is the front garden space. With the lighting as noted and designed to eliminate dark areas and landscaping of knee height level (groundcovers) generally and higher trees (not shrubs) the foliage level and dark spots to aid concealment is minimised. Additionally, camera surveillance of the entire front area is achieved with the camera positions as indicated on the plans.

4. Appearance

Building materials as noted on plans and elevations:
External walls generally – Texture finish to blockwork - painted
Roofing – Colorbond corrugated metal sheeting
Fascias and Gutters – Colorbond metal
Columns – 250diam FC concrete filled - painted
Roller Doors – Colorbond metal
External Doors – Solid core – painted

External Wall Colours:

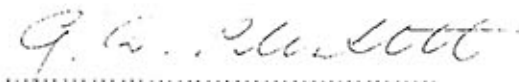
Grey tones with tints of cool colours (green or blue) – three shades to be utilised. Darkest grey noted (1), lightest as (3) on drawings.

Roofing – colorbond colours – select from Night Sky, Deep Ocean, Ironstone, Woodland Grey or Plantation.

All colours to reflect depth of tones in distant hills – subtle grey tones of cooler colours.

The adjacent industrial buildings are white to off white and beige colours. By their very nature and function they are industrial sheds with a no or low level of architectural design input – pure engineering type works – as was the case in long past years. They are also aged and only moderately, if at all, maintained.

The building finishes and colours for the new structure are in keeping with current levels of design input required for industrial buildings where design input requirements are more highly detailed and regulated. The building will therefore be much more in keeping with any new structures to be built on adjacent blocks. By its very height and proportion it will be more lowkey and would fit in quite well with a well designed factory with office frontage or warehouse with office frontage which would occur in this area.



Gayle Plunkett, Principal Architect

APPENDIX 3

01 March 2005

W Brons
Draper St
Cairns
QLD 4870

Dear Mrs Brons,

SECURITY REPORT FOR PROPOSED LICENCED BROTHEL.

This report is prepared and presented on Behalf of Twenty Four Hour Security Trading as FNSS Guards and Patrols, by James Alfred Gilbert, Managing Director of the Company.

Mr Gilbert has been active in the Security Industry for thirty one years, and has been actively designing security system installations for the past sixteen years.

Installation Proposed

Three Day/Night 22X colour zoom cameras with pan and tilt, located:

- Two at front of building facing Cava Close,
- One at rear of building located in rear courtyard

One fixed Day/Night colour camera with outdoor housing covering the car park area

Three Tamper style, colour, dome cameras located in:

- Reception
- The hallway between bedrooms, and
- Main Office

These locations are shown colour coded on the attached plan.

A CCTV call button mounted on a post beside the main entry to allow visitors to be monitored before being allowed entry to the car park.

For pedestrian, or taxi visitors, a call button will be provided beside the main entry. The main entry camera will be used to monitor the visitor before allowing entry.

These cameras will communicate with a Digital Video Recorder computer with 320GB HDD, 16 camera real time card, mouse and keyboard installed in the main office. A monitor, keyboard and mouse will be provided in reception.

MagLocks will be fitted to the main two doors

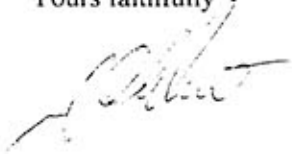
Seven Duress Buttons will be located throughout the premises for the safety of the staff. These will be situated in:

- Each bedroom
- Reception
- Office

These will be connected to a reader in Reception and one in the main office. A light on the reader will indicate the location of the Duress Alarm. This system will be connected to a monitoring station who will notify Patrols and Police in the event of the alarm being activated.

Please do not hesitate to contact us if you require any further information, and we look forward to working with you in your project.

Yours faithfully



Jim Gilbert
Managing Director

MR GILBERT IS LICENSED TO OPERATE A SECURITY BUSINESS AND HAS A LICENSE FOR CROWD CONTROL AND AS A SECURITY OFFICER.

HE HAS BEEN ACTIVELY INVOLVED IN THE SECURITY OF THE EARL LULLE SHOPPING CENTRE AND DESIGNED + INSTALLED THE SECURITY SYSTEM AT THE CALENS CONVENTION CENTRE