

Chief Executive Officer  
Cairns City Council  
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Cairns Qld  
4870



253885

**OBJECTION TO DEVELOPMENT APPLICATION LOT 8, 12 CAVA CL BUNGALOW.**

Dear Sir,

A development application is before Council for the property located at 12 Cava Close Bungalow. I wish to lodge an objection to this development application pursuant to the provisions of the Integrated Planning Act 1997.

Allow me to begin by quoting from the speech made by the Minister for Police and Corrective Services, the Honorable T. A. Barton, when he introduced the Bill for the regulation of Prostitution in Queensland. The Minister in part said, "*The framework for regulation of prostitution has been developed in the Prostitution Bill 1999 with the guidance of five principles-*", one of which is, "*ensuring the quality of life for local communities*". The Minister then went on to emphasize that "*The operation of brothels should not be an intrusion into the day-to-day lives of members of the community who do not want to be exposed to the nuisance of brothel activity and advertising*".

It is clear that the intention of the Government was to ensure that the operation of these brothels should not impinge on the lives of the community. While making a decision about the legality of an application is of importance, I submit that just as much importance and weight should be paid to the intent and spirit in which the legislation was framed. We, as a community must look beyond the rigid interpretation to the essence of what was intended.

The Minister went on to say, "*brothels will not be allowed within specified distances of peoples homes or places like hospitals, kindergartens or other places frequented by children*". The final requisite is of significant importance in this objection, let me state it once more, "*or other places frequented by children*", as McCoombe Street is 99% residential it is evident that the application falls well short of fulfilling this outcome. One home with small children is located barely outside the legislated minimum distance. Since there is no physical barrier to prevent children from approaching the street and brothel, and kids being inquisitive by nature and in the area it is evident that again the intension of the Government will not be met, nor for that matter community expectations. The street itself is because of its quite nature frequented by children. Children, use the vacant land adjoining the proposed site as a play area, the creeks for fishing. At a latter stage in the speech, the Minister again referenced that brothels will not be established in residential areas.

Given that access and egress to the proposed brothel can only be made by accessing a residential street unless the patrons choose to covertly park in the industrial area beyond Salt pan creek and then walk 500 metres across two foot bridges in the dark to access the brothel.

I submit that the intention of Government was to allow the establishment of licensed brothels in exclusively commercial and industrial areas. The design of the proposed brothel demonstrates that even the applicants recognise that McCoombe Street and its environs are a residential area. The bulk and design of the proposed brothel are that of a residential home not a commercial/ industrial building.

Experience has shown that even with the best law that brothels attract into an area a range of antisocial behavior. There is nothing to suggest that this brothel will be any different.

- Impact on Amenity, urban design, and character.

McCoombe Street is in design and character a residential street. It is also a dead end; this has led to a streetscape that revolves around the typical Queensland town model. A Street that kids can ride their bikes on. A Street imbued with the character of old Queenslanders and newer and environmentally sound developments of medium density housing. A Street for families and their children to grow and develop in safety and peace.

- Traffic.

Increased traffic at all hours of the day and night. It is well established, as noted by the Minister, that antisocial behavior is associated with brothels.

- Street lighting / Safety and Security

A lack of street lighting, significant areas of vacant land in and around the area of the proposed brothel. Approaches that will allow an unobserved approach to the area, together with the opportunity for persons to loiter in the vicinity. Will the brothel serve intoxicated patrons? If not, what steps will be taken to protect the local community from these disgruntled people.

- Hansard statement of the minister

The statement made by the Minister suggesting the intention and spirit of the Government's legislation.

- Regulations

The proposal would not in the strictest sense meet the intention of the Act and Regulations.

- Noise

The increased noise from traffic and the associated behavior of patrons.

- Cultural

Queensland is historically a conservative community; Councils must respect the desire of the established community not to be forced to embrace undesired change.

- Planning scheme

Questions must be asked in relation to the design of the building. A report, which appeared in the Cairns Post, stated that a pool and deck is planned for the brothel. These fly in the face of the Act that stipulates that patrons must not be allowed to loiter in the brothel. It shows a disregard for the law by the applicants from the start.

- Reasonable expectation

The community has an expectation that the status quo should be respected when an alternative is available and more appropriate. Council needs to send a clear message that this type of operation will only be approved in industrial areas. In a like manner to the decision taken by Brisbane City council to restrict brothel to industrial areas.

- Property values

Real-estate agents have acknowledged that the proposed brothel would have an adverse effect on the value of residential housing in the area. A comment was made that the brothel if approved would not be commonly known as the Cava Close brothel, but as the brothel at the end of McCoombe Street. Potential residents with children or the elderly would be reticent to move to a street that presents a possible threat. In a similar way to Everleigh Street in Sydney has developed a reputation for trouble.

Our objection to this application is based in the clear intention of the Government and the spirit in which the Act should be interpreted. In passing the legislation, Government passed to local authority the local administration and implementation of licensed brothels. They did this, to be seen, to be taking into consideration the feelings and expectations of local communities, who are directly affected by these proposals. It is insufficient for a Council to duck its responsibility and attempt to delegate its authority back to Government. There are ample grounds to legitimately reject this development application. The application is not in keeping with the environmental, cultural or expectations of the people who live in McCoombe Street. The truth is that when making its decision Councilors should ask themselves these questions:-  
Will my decision stand;

Scrutiny- of the community, media, fellow Councilors.

Ensure compliance- with public expectations, policy, and procedures.

Legal- is the decision lawful and within the intention of the law.

Fair- is the decision defensible to the public, fellow Councilors, family members, and personal ethics.

The above is known as the SELF-test, if you cannot answer yes to each challenge then the decision may be questionable.

Thank you for the opportunity to voice our objection to the application. We would be willing to assist Council by testifying should this matter be the subject of challenge in the courts.

Yours truly,

03 January, 2001