

ENQUIRIES: Mrs J Elphinstone
PHONE: 4044 3365
YOUR REF:
OUR REF: 8/8/564-01 983066



18 April 2005

**DECISION NOTICE FOR
DEVELOPMENT APPLICATION – 8/8/564
- BROTHEL – 11 CAVA CLOSE, BUNGALOW**

PROPOSAL: Licensed Brothel

TYPE OF DEVELOPMENT: Material Change of Use
(Impact Assessment)

REAL PROPERTY DESCRIPTION: Lot 7 on SP101283, Parish of Cairns

REFERRAL AGENCIES: Prostitution Licensing Authority
P O Box 3196
BRISBANE Q 4001

DECISION DATE: 14 April 2005

DECISION: Refused

REASONS FOR REFUSAL:

1. The Assessment Manager is required under Section 64(1)(a)(ii) Prostitution Act 1999 to refuse the application where the application land is within 200 m of the closest point on any boundary of land on which *there is a residential building* and such a building is located on land at 150-172 McCoombe Street, more particularly described as Lot 2 on RP730391 for which the Detached Dwelling existing at 150-172 McCoombe Street was established under a Consent Permit No1630 issued on the 10 January 1977 by the former Cairns City Council. The approved use has not been abandoned under the Integrated Planning Act and the use rights associated with the use of "Detached Dwelling" continue.


PROPERLY MADE SUBMISSIONS MADE ABOUT THE APPLICATION:

None applicable

APPEAL RIGHTS:

See Attachment 1

*'Providing for today,
Planning for tomorrow'*


Neil Beck
Acting Manager, City Assessment

Att.

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Our Ref: C04-023

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

BC Mr Aart Brons
PLA

27 April, 2005

Attn: Ms N Huddy/Ms J Elphinstone

Dear Sir,

**RE: DECISION NOTICE FOR DEVELOPMENT
APPLICATION 8/8/564
PROPOSED LICENSED BROTHEL – 11 CAVA CLOSE,
BUNGALOW.**

Council determined the above referenced application on 14 April 2005. A Decision Notice was issued, dated 18 April 2005, copy attached.

My client, Mr A Brons, intends to Appeal the Council's decision to the Independent Assessor.

In this regard, my client is required to provide the Independent Assessor with a copy of the Decision Notice (refer Form 1 ver. 1-08/02/2002).

The Decision Notice issued by Council is incorrect in two instances.

Firstly, the Decision Notice calls up the Type of Development as *Material Change of Use (Impact Assessable)*. However, this should correctly state: **Material Change of Use (Code Assessable)**.

Secondly, in the Reasons for Refusal it states:

..... there is a residential building and such a building is located on land at 150 – 172 McCoombe Street, more particularly described as Lot 2 on RP 730391 for which the Detached Dwelling existing at 150 – 172 McCoombe Street was established under a Consent Permit No 1630 issued on the 10 January 1977 by the former Cairns City Council.

(My emphasis).

This is also not correct. The land use approved under Consent Permit No 1630 is "A Residence To Replace an Existing Residence", and not a Detached Dwelling which is a defined land use term and as such suggests (due to the use of Capitals in its description) that this is the specific use approved on the site. (A copy of Consent Permit No 1630 is attached).

My client is seeking the reissue of a Decision Notice which can then be forwarded with his Notice of Appeal to the Independent Assessor.

On the basis of the timeframes for lodging an Appeal, I request on behalf of my client, that an amended Decision Notice be issued and that written confirmation be provided to my client at that time indicating that the Appeal period restarts upon receipt of the amended Decision Notice.

My client is the applicant for the application and receives all correspondence direct from Council. However, could I request that Council copy any further correspondence in this matter to me, to assist in expediting further action?

Thank you for your assistance in this regard and my client and I look forward to receiving an amended Decision Notice at your earliest convenience.

Yours faithfully,

PLANNING FAR NORTH
Town Planning Consultants

ELIZABETH TAYLOR
Director