

ENQUIRIES: [REDACTED]

PHONE: [REDACTED]

YOUR REF: [REDACTED]

OUR REF: [REDACTED]

23 December 2010

ProstitutionActReview2010@cmc.qld.gov.au

Dear Susan Johnson,

RE: REVIEW OF PROSTITUTION ACT

Council officers have considered the queries raised by the CMC regarding planning and approvals under the Prostitution Act and offer the following comments:

1. Number of development applications received between 30/6/2005 to 30/6/2010?

Cairns Regional Council received one new development application for a brothel and one request to change an existing application, between 30 June 2005 and 30 June 2010. Cairns Regional Council also received four pre-lodgement enquiries that did not progress to application stage.

2. How many applications were a) approved b) refused c) withdrawn d) other?

Both applications mentioned above were approved; one pre-existing development approval lapsed during this period. Two pre-lodgement enquiries were directed to Section 64(b) of the Prostitution Act 1999 which states that an Assessment Manager must refuse an application where the application land is within 100m of land on which there is a residential building and told that "Because of this ... Council would be required to refuse your application should such application be lodged." Two pre-lodgement enquiries received no notice of barriers to making an application under the Act.

3. Are there sites currently approved for a brothel not being used for that purpose?

Other than the lapsed application, there are no sites in the Cairns Regional Council area currently approved for a brothel not being used for that purpose.

4. Is there a specific planning policy and process for brothel licence applications?

Brothel licence applications are processed under State Planning Requirements, Material Change of Use, Land Use sections of the Sustainable Planning Regulation 2009, and the Cairns Regional Council's Cairns Plan Planning Scheme 2009, 4.7.18 Restricted Premises Code (copy attached).

5. How well are the planning processes that apply to brothels operating?
What problems exist?

As per Council's previous submissions to the CMC Prostitution Act reviews, no discernible problems exist with the current planning processes regarding brothel licensing.

6. Number of licensed brothels within the council area? Do they have an effect on community amenity?

Two licensed brothels operate in the Cairns Regional Council area. They have had no reported negative effects on community amenity.

7. Are there other known prostitution activities within the council area? Do they have an effect on community amenity?

There are legal, single providers working from home, as well as a modicum of reported illegal activity. There have been no known reports of prostitution adversely affecting community amenity.

Should you require any further information please do not hesitate to contact [REDACTED] on direct line [REDACTED]

Yours faithfully,

[REDACTED]
General Manager Community, Sport and Cultural Services

cc. [REDACTED]

enc.

4.7.18 Restricted Premises Code

Purpose

The purpose of this Code is to ensure that Restricted Premises are established without adversely affecting amenity or community safety.

Applicability

This Code applies to development that is:

- Assessable;
- A Material Change of Use for the purpose of Restricted Premises.

Elements of the Code

Part A – For Self-Assessable and Assessable Development

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
None	None

Part B – For Assessable Development Only

Location

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P1 Restricted Premises must be located to satisfy reasonable community expectations in relation to location and accessibility.	<p>A1.1 The Restricted Premises is located a minimum of 400 metres from an Educational Establishment (being a primary school or high school), an Indoor Sport and Entertainment catering for young people or an Outdoor Sport and Entertainment catering for young people; and</p> <p>A1.2 The distance of 400 metres is measured according to the shortest route that reasonably may be used in travelling from the public entrance to the Restricted Premises to the boundary of the lot containing the particular facility or facilities listed in A1.1 above.</p>

Public Access

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P2 The public access to the Restricted Premises must be safe and have a high level of visibility.	<p>A2.1 The Restricted Premises has a single point of public access; and</p> <p>A2.2 In the case where a Restricted Premises is located as a free-standing facility on a single lot, public access to the Restricted Premises is provided via the main road frontage; and</p> <p>A2.3 A sign stating "Persons Under 18 Not Permitted" is located adjacent to the public entrance to the Restricted Premises and the sign is clearly visible to the general public.</p>

Presentation

PERFORMANCE CRITERIA	ACCEPTABLE MEASURES
P3 The presentation of Restricted Premises must satisfy reasonable community expectations.	A3.1 The display window of the Restricted Premises is completely screened to prohibit viewing into the interior of the premises where goods are displayed.