



Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

Our Ref: ACT19/1447; CTS 11628/19
Your Ref: A439819

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30 MAY 2019

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

Thank you for your letter of 1 May 2019 regarding Parliamentary Petition No. 3041-18 concerning the protection of Queensland cultural heritage and the Broadway Hotel (the Hotel).

Since the fire of 2 September 2018, I have issued four stop orders under section 154 of the *Queensland Heritage Act 1992* (Heritage Act), the first on 7 September 2018, to prevent the owner demolishing the Hotel. Stop orders under the Heritage Act last a maximum of 60 business days.

The Department of Environment and Science (department) has had ongoing contact with the Hotel owner about security and maintenance since 2010. An inventory of enforcement actions and notices undertaken and issued by the department is at **Attachment 1** to this letter.

The petitioners' request a repair and maintenance notice be issued under section 84 of the Heritage Act, to secure and protect the remaining fabric of the Hotel. Repair and maintenance notices are limited to work of a minor nature. The work required to stabilise the Hotel is of a much greater scale and exceeds the scope of works enforceable under section 84 of the Heritage Act.

I have written to the former Lord Mayor of Brisbane requesting Brisbane City Council (BCC) use the more extensive powers available to local governments under the *Building Act 1975* to enforce major repairs to the Hotel. BCC has issued two enforcement notices to the owner of the Hotel, to make safe and stabilise the building. I am advised that the owner has appealed the second enforcement notice.

I have also written to the current Lord Mayor of Brisbane requesting that BCC issue a further enforcement notice for the owner to install a temporary roof. The Lord Mayor has replied, stating that a second enforcement notice would not be issued at this time.

The Queensland Government made extensive changes to the Heritage Act which commenced in 2015. These changes gave local governments the same power to issue repair and maintenance notices for local heritage places, as the department has for State heritage places, although there is a requirement for local governments to be prescribed by regulation. On 22 March 2019, the Government amended the Queensland Heritage Regulation 2015 to enable BCC to issue repair and maintenance notices for local heritage places.

The petitioners raise as a concern the condition of a number of sites in Brisbane, other than the Hotel. All of these places with the exception of the Lyceum Theatre are either on the Queensland Heritage Register or identified as being of local cultural heritage significance under BCC's City Plan 2014. Further information on this is at **Attachment 2** to this letter.

I would be pleased if you would arrange for the tabling of this letter in response to the Petition in accordance with Standing Order 31.

I thank the petitioners for raising this matter, and I trust this information has been of assistance.

Yours sincerely



Leeanne Enoch MP

**Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts**

Encl. (2)

Broadway Hotel

History of previous enforcement actions and notices July 2010 to May 2019

Date	Event/activity
11 July 2010	A fire caused severe damage to the Broadway Hotel (the Hotel) and the Hotel ceased trading.
13 July 2010 to 13 August 2018	Departmental officers engaged in on-going dialogue with the owner and the owner's representatives about maintenance and repair works, as well as site security issues. This included site inspections and meetings, and email correspondence.
9 and 27 November 2015	Formal letters sent from the department to the owner requesting action with respect to maintenance and site security.
2 September 2018	Another fire caused severe damage to the Hotel.
3 September 2018 to current	Further dialogue between departmental officers, the owner and the owner's representatives about repair works and site security. This has included site inspections and meetings, email correspondence and provision by the department of expert technical advice and information on the costs and methodology for safe repair and stabilisation of the Hotel.
7 September 2018 30 November 2018 4 March 2019 28 May 2019	Stop orders issued by the Minister to the owner under section 154 of the <i>Queensland Heritage Act 1992</i> (Heritage Act), prohibiting demolition of the surviving undamaged fabric of the Hotel.
7 September 2018	Letter from the Minister to the former Lord Mayor of Brisbane requesting that Brisbane City Council (BCC) take enforcement action under the <i>Building Act 1975</i> (Building Act).
2 November 2018	Letter from the Minister to the former Lord Mayor of Brisbane, after BCC issued an enforcement notice to the owner on 12 October 2018, requesting that BCC take further enforcement action under the Building Act.
26 November 2018	Letter from the Minister to the former Lord Mayor of Brisbane regarding enforcement action by BCC under the Building Act.
4 February 2019	Letter from the Director-General of the department to the Chief Executive Officer of BCC requesting that BCC take further enforcement action under the Building Act.
14 March 2019	Pre-enforcement letter from the department to the owner highlighting an alleged contravention of the Heritage Act in relation to removal of the chimney on 30 October 2018.
11 April 2019	Letter from the Minister to the Lord Mayor of Brisbane requesting BCC issue a further enforcement notice under the Building Act to install a temporary roof. BCC advised another enforcement notice will not be issued at this time.

Summary of condition of sites in Brisbane

Property	Heritage listings	Summary
Lamb House (or "Home"), 9 Leopard Street, Kangaroo Point	State and Local Heritage Place	Two repair and maintenance notices have been issued to the owner, but to date department has been unsuccessful in compelling the owner to carry out repairs. I am advised the department is considering further enforcement action.
Keating Residence, 10-12 Westminster Road, Indooroopilly	State and Local Heritage Place	The building has been boarded up and made secure as a result of a repair and maintenance notice made by the department under the Heritage Act. The department does not have the power to compel owners to re-occupy a building.
Red Hill Skate Arena, 2 Enoggera Terrace, Red Hill	Local Heritage Place	BCC is responsible for ensuring this building is in a proper state of repair, and can take action it considers necessary, under the Heritage Act and Building Act. The site is currently the subject of a development approval which seeks to retain the building for re-use as a cinema. The development approval has been appealed.
Walton's Building, 240 Brunswick Street, Fortitude Valley	Local Heritage Place	BCC is responsible for ensuring this building is in a proper state of repair, and can take action it considers necessary, under the Heritage Act and Building Act.
Belvedere Building, 35 Edmondstone Street, West End	no longer a Local Heritage Place	Destroyed by fire in 2013. The loss of the Belvedere in part prompted Heritage Act legislative amendments enabling local governments to be prescribed to issue repair and maintenance notices.
Lyceum Theatre, 346 George Street, Brisbane	not a heritage-listed place	Has recently been renovated and is used for services by the Hillsong Church.