DEPARTMENT OF INFRASTRUCTURE AND PLANNING
BRIEF FOR DECISION

Our Ref: TN128075
Date:
TO Deputy Premier and Minister for Infrastructure and Planning
FROM Sustainable Planning Branch/Legal Services
SUBJECT Ministerial Direction – Regent Theatre
Requested by Deputy Premier and Minister for Infrastructure and Planning
Decision required by Decision is required prior to development application being finalised.

RECOMMENDATION(S)

• That you note the contents of this brief;
• That you determine to give a direction to the Brisbane City Council (Council) in relation to a development application to redevelop the Regent Theatre, Wintergarden Shopping Centre and Hilton Hotel at 163-167 and 171-209 Queen Street, Brisbane (bearing real property descriptions Lot 2 on RP 49018, Lot 1 on SP 134044, Lot 100 on CP838589, Lot 217 on B11826, Lot 1 on RP574, Lot 1 on RP575, Lot 1 on RP65292, and Lot 1 on CP SL838587);
• That, in accordance with your determination to give a direction, you sign: the Notice of Direction (Attachment A); the letter to the assessment manager (Attachment B) advising of your determination, enclosing a copy of the signed Notice of Direction; the letter to the applicant (Attachment C) advising of your determination, enclosing a copy of the signed Notice of Direction; and letters to each referral agency – Department of Main Roads, Queensland Transport, Queensland Heritage Council, Energex, Department of Natural Resources and Water and Environmental Protection Agency (Attachments D - I).

BACKGROUND SUMMARY

• On 7 February 2008, ISPT Pty Limited as Trustee for the Industry Superannuation Property Trust No. 2 (the applicant) lodged a development application with the Brisbane City Council to redevelop the Regent Theatre, Wintergarden Shopping Centre and Hilton Hotel. (Attachment J sets out relevant aspects of the development application).
• The current proposal will involve:
  o 38 level commercial office tower and podium providing an additional 69,403m² of gross floor area on part of the existing Regent Theatre and Wintergarden Shopping Centre;
  o Internal and external refurbishment of the existing Wintergarden Shopping Centre (14,361m²) and Hilton Hotel (47,311m²) including extended retailing and a redesigned pedestrian entry to both the Queen Street Mall and Elizabeth Street;
o Vast and intricate illuminated façade upgrades with pedestrian shelter to all street frontages of the site;

o Integrated basement, podium car parking, and servicing areas for all three buildings; and

o Demolition of existing Elizabeth Street vehicular access ramps and pedestrian viaduct across Queen Street Mall.


- The development proposal will preserve the elements of the Regent Theatre that are currently entered on the Queensland Heritage Register (Attachment L). These elements include the Entry Foyer, the Grand Foyer and the marble staircase.

- However, the current development proposal requires demolition of the cinema box at the rear of the property which contains 4 cinemas that is not protected by the Queensland Heritage Register entry.

- The Heritage Impact Assessment Report for the Regent Theatre submitted by the applicant in support of the development application provides at page 25:

  5.2.7 Impacts on Social Values

  The Regent Theatre is valued by the community as demonstrated by the 1970s "Save the Regent" campaign which came about as a result of plans to demolish the Regent Theatre. Social value of the Regent Theatre is also demonstrated by its use as a meeting place.

  The proposed development seeks to retain the heritage listed part of the Regent Theatre, including the highly valued ornate interior, and to remove the c1979 additions. The proposed redevelopment aims to reinvigorate this area as an important meeting place by connecting it to functions within the new development, reinforcing the significant social value of the place.

  5.2.8 Mitigation of Social Impacts

  Loss of the cinema will be mitigated through the reinvigoration of this area as an important meeting place and possible development of a theatre/cinematography interpretive display or museum.

  - The application itself accepts the significant social value of the Regent Theatre as a working cinema but nonetheless proposes to demolish the cinema box, and not to reinstate the cinema function.

  - A synopsis setting out the history of the Regent Theatre and its role in Brisbane's cinema industry has been provided by Mr Peter Hutchison of the Environmental Protection Agency. (Attachment M)

  - The Regent Theatre is the last remaining example of a Hollywood Picture Palace in Brisbane, albeit in an altered state since the demolition of the auditorium.

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1 Refer to Appendix F – Heritage Impact Assessment of the Development Application set out in Attachment J.
Retention of the social values embodied by the Regent Theatre is consistent with objective three of the Pacific Film and Television Commission's, "Policy and Strategic Direction - August 2007" relating to developing a screen culture for Queensland audiences (Attachment N). The Commission supports this objective by supporting the International Film Festival and other industry events that are regularly conducted at the Regent Theatre.

ISSUES

(Sch. 3(7) - Legal professional privilege)
CONSULTATION

- Peter Hutchison of the Environmental Protection Agency on 23 February 2008.

FINANCIAL IMPLICATIONS

- Opportunities exist to promote this decision as a positive action and commitment by the State government to protect the Regent Theatre's ongoing contribution to the amenity, harmony, and sense of community for the Brisbane region.

LEGAL PROFESSIONAL PRIVILEGE

- This document contains legal advice and is subject to legal professional privilege.
NOTED or APPROVED / NOT APPROVED
Deputy Premier and
Minister for Infrastructure and Planning
Comments

Paul Lucas
Deputy Premier and
Minister for Infrastructure and Planning
25/2/08

Principal Advisor

Political Representatives
Local Government
N/A
State Government
N/A
Federal Government
N/A

Contact Officer:
Lindsay Walker
A/Director, Legal
Services
323 69569

Endorsed:
Colin Jensen
Coordinator-General
Director-General

Approved:
Colin Cassidy
Executive Director
Statutory Planning
323 71242

□ Election Commitment □ CBRC / Cabinet related □ ECM related
Dear Sir or Madam

Re: Notice of Ministerial Direction to Assessment Manager - Integrated Planning Act 1997

In accordance with section 3.6.1(4) of the Integrated Planning Act 1997 (IPA), I give you, as applicant, a copy of the enclosed notice made under the IPA dated 25 February 2008 given to the Brisbane City Council as assessment manager.

If you have any queries in relation to this matter, please contact Graeme Bolton, Director, Statutory Planning, of the Department of Infrastructure and Planning on (07)3237 9968.

Yours sincerely,

Paul Lucas MP
Deputy Premier
Minister for Infrastructure and Planning

Enc (1)
NOTICE OF MINISTERIAL DIRECTION TO AN ASSESSMENT MANAGER UNDER THE INTEGRATED PLANNING ACT 1997

Pursuant to section 3.6.1(1)(a) of the Integrated Planning Act 1997 (IPA), I hereby give written notice of a direction to the Brisbane City Council (Council) as the assessment manager for the following development application.

Applicant: ISPT Pty Limited as Trustee for the Industry Superannuation Property Trust No. 2.

Type of Application:

1. Development Permit: Material change of use – Centre Activities (Office, Shop, Restaurant, Hotel, Cinema, Convention Centre, Indoor Sport and Recreation); and Carpark.

2. Preliminary Approval: Carrying out Building Work (including demolition) – adjoining a Heritage Place; on the site of a Heritage Place; and alterations to the façade of a building facing the Queen Street Mall.

Location: 163-167 and 171-209 Queen Street, Brisbane.

Proposed Use:

38 level commercial office tower and podium providing an additional 69,403m² of gross floor area on part of the existing Regent Theatre and Wintergarden Shopping Centre;

Internal and external refurbishment of the existing Wintergarden Shopping Centre (14,361m²) and Hilton Hotel (47,311m²) including extended retailing and redesigned pedestrian entry to both Queen Street Mall and Elizabeth Street;

Vast and intricate illuminated façade upgrades with pedestrian shelter to all street frontages of the site;

Integrated basement, podium car parking, and servicing areas for all three buildings; and

Demolition of existing Elizabeth Street vehicular access ramps and pedestrian viaduct across Queen Street Mall.

Subject Site: Lot 2 on RP 49018, Lot 1 on SP 134044, Lot 100 on CP838589, Lot 217 on B11826, Lot 1 on RP574, Lot 1 on RP575, Lot 1 on RP65292, and Lot 1 on CP SL838587.

Direction:

Pursuant to section 3.6.1(2)(a) of the IPA, and in the event that Council intends to approve the application, I hereby direct the Council to:

1. Approve only that part of the application relating to a material change of use set out in the schedule to this notice; and

2. Attach to any development approval relating to building work the condition set out in the schedule to this notice.
Reasons and State interest giving rise to this direction:

Under section 3.6.1(3) of the IPA, I am required to state the reasons for deciding to give the direction and to identify the State interest giving rise to the direction.

In considering whether to issue this direction and in forming my opinion that this development involves a matter of State interest I have had regard to the following material:

Documents:
- Development application lodged by the applicant with the Council on 7 February 2008.
- Pacific Film and Television Commission, "Policy and Strategic Direction – August 2007".
- History of the Regent Theatre provided by Peter Hutchison of the Environmental Protection Agency.

Legislation:
- Queensland Heritage Act 1992

From the material I have had regard to I make the following findings of fact:

Background:
- The Regent Theatre site has been used continuously as a place to screen movies since 1929. The original auditorium had a dual function as theatre and cinema. The Regent Theatre was part of the development of Queen Street as a centre for cultural activity from the 1920s.

- As a consequence of a redevelopment of the site in the 1970s, the auditorium was demolished. As there were no heritage laws at that time, it was as a result of a large public campaign that parts of the theatre were retained and incorporated into the existing Hoyts Cinema Complex. On the Ground floor, behind the Grand Stair, is a smaller foyer and 2 cinemas that are part of the 1970s project. Two more cinemas are accessed via the Grand Staircase.

- In 1992 the surviving elements of the original theatre were entered in the Queensland Heritage Register. These elements include the Entry Foyer, the Grand Foyer and the marble staircase. The registration does not extend to any of the cinemas in the complex. The four cinemas were constructed in the late 1970s after the demolition of the original theatre.

- In December 2007 the Heritage Council considered a nomination for remnant brick walls and the projection box that were put forward as surviving fabric from the 1920s. The Heritage Council thought the elements were of cultural heritage significance but that as so little fabric survived the elements did not meet the stringent criteria required by the Heritage Act. The 1970s cinemas were not included in this nomination and the value of the cinemas has not been considered by Heritage Council since 1992. As a result these areas are not subject to the Heritage Council's concurrence agency jurisdiction.
The use of the place as a cinema is an integral part of the history of the Regent Theatre. When it opened, Brisbane residents had the opportunity to experience the glamour of Hollywood’s golden era — the romance of the silver screen, the extravagance of celebrity appearances — in the lavish surroundings of a picture palace. Despite substantial changes, the Regent has continued since that time to be associated with many glittering social and cultural events.

The Regent Theatre is the iconic cinema in Brisbane of the Hollywood Picture Palace era. Its prominent location and long history combined with its spectacular ornate foyers have made it a place that is highly valued by the movie-going public and high profile members of the performing arts community.

As the favoured location for many gala events associated with the film industry, such as the opening night parties for the Brisbane Film Festival and film industry award ceremonies, the Regent Theatre has retained its importance to the people of Queensland. The many calls to radio and letters to the editor demonstrate the high value placed on the Regent Theatre. When proposals to demolish were first floated in the 1970s, a petition with over 30,000 signatories was presented to government.

Through continued association with many film related events including the Brisbane International Film Festival (BIFF) the Regent Theatre has continued and strengthened its association with the Queensland film industry.

The Regent Theatre is the last remaining example of a Hollywood Picture Palace in Brisbane, albeit in an altered state since the demolition of the auditorium.

Current proposal:

- On 7 February 2008 the Council received the development application from the applicant. On 21 February 2008 the Council issued an acknowledgment notice.

- The current proposal will involve:
  - 38 level commercial office tower and podium providing an additional 69,403m2 of gross floor area on part of the existing Regent Theatre and Wintergarden Shopping Centre;
  - Internal and external refurbishment of the existing Wintergarden Shopping Centre (14,351m2) and Hilton Hotel (47,311m2) including extended retailing and redesigned pedestrian entry to both Queen Street Mall and Elizabeth Street;
  - Vast and intricate illuminated façade upgrades with pedestrian shelter to all street frontages of the site;
  - Integrated basement, podium car parking, and servicing areas for all three buildings; and
  - Demolition of existing Elizabeth Street vehicular access ramps and pedestrian viaduct across Queen Street Mall.

- The Council has not decided the application.
The matter the subject of this direction is not within the jurisdiction of a concurrence agency for the application as it does not extend to the areas covered by the existing entry in the Queensland Heritage Register.

State interest is defined in the IPA (schedule 10) as:

"an interest that, in the Minister's opinion, affects an economic or environmental interest of the State or a region".

The definition of environment contained in the IPA (schedule 10) includes:

(a) ecosystems and their constituent parts including people and communities; and
(b) all natural and physical resources; and
(c) those qualities and characteristics of locations, places and areas, however large or small, that contribute to their biological diversity and integrity, intrinsic or attributed scientific value or interest, amenity, harmony, and sense of community; and
(d) the social, economic, aesthetic and cultural conditions affecting the matters in paragraphs (a), (b) and (c) or affected by those matters.

State interest giving rise to the direction

For the following reason I am of the opinion that the development involves a State interest:

- The Regent Theatre as a functional cinema complex makes a significant contribution to the amenity, harmony, and sense of community for the Brisbane region.

Reasons for deciding to make direction

For the following reasons I have decided to make this direction:

- Failure to protect the Regent Theatre as a functional cinema complex will have a significant negative impact on the amenity, harmony, and sense of community for the Brisbane region.

- The current Regent Theatre entry in the Queensland Heritage Register is limited to the Entry Foyer, Grand Foyer and marble staircase and does not extend to the four cinemas and associated areas.

- The condition set out in the schedule to this direction will complement the existing entry in the Queensland Heritage Register by ensuring that the Regent Theatre can continue to contribute to the amenity, harmony, and sense of community of the Brisbane region as a functional cinema complex.

PAUL LUCAS MP
Deputy Premier
Minister for Infrastructure and Planning

8 - 2 - 0 8
Partial Approval – Material change of use

If Council intends to approve the application it is directed to:

1. Partially approve the application by not permitting a material change of use over the four existing cinemas and associated areas identified in the attached map.

Condition – Preliminary Building Approval

If Council intends to approve the application it is directed to attach the following condition to the approval:

1. The development must preserve in its current state the four existing cinemas and associated areas identified in the attached map.
Four existing cinemas and associated areas.
DEPARTMENT OF INFRASTRUCTURE AND PLANNING
BRIEF FOR DECISION

Our Ref: TN128201/MC08.700
Date: 25 February 2008
TO Deputy Premier and Minister for Infrastructure and Planning
FROM Sustainable Planning Branch/Legal Services
SUBJECT Ministerial Direction – Regent Theatre
Requested by Deputy Premier's Office
Decision required by Decision is required prior to development application being finalised.

RECOMMENDATIONS

• That you note the contents of this brief.

• That you determine to give a direction to the Brisbane City Council in relation to a development application to redevelop the Regent Theatre, Wintergarden Shopping Centre and Hilton Hotel at 163-167 and 171-209 Queen Street, Brisbane (bearing real property descriptions Lot 2 on RP 49018, Lot 1 on SP 134044, Lot 100 on CP835859, Lot 217 on B11826, Lot 1 on RP574, Lot 1 on RP575, Lot 1 on RP65292, and Lot 1 on CP SL83587).

• That, in accordance with your determination to give a direction, you sign: the Notice of Direction (Attachment A); the letter to the assessment manager (Attachment B) advising of your determination, enclosing a copy of the signed Notice of Direction; the letter to the applicant (Attachment C) advising of your determination, enclosing a copy of the signed Notice of Direction; and letters to each referral agency – Department of Main Roads, Queensland Transport, Queensland Heritage Council, Energex, Department of Natural Resources and Water and Environmental Protection Agency (Attachments D-I)

BACKGROUND SUMMARY

• On 7 February 2008 ISPT Pty Limited as Trustee for the Industry Superannuation Property Trust No. 2 (the applicant) lodged a development application with the Brisbane City Council to redevelop the Regent Theatre, Wintergarden Shopping Centre and Hilton Hotel. (Attachment J sets out relevant aspects of the development application).

• The current proposal will involve:

  o 38 level commercial office tower and podium providing an additional 69 403 metres squared of gross floor area on part of the existing Regent Theatre and Wintergarden Shopping Centre.

  o Internal and external refurbishment of the existing Wintergarden Shopping Centre (14 361 metres squared) and Hilton Hotel (47 311 metres squared) including extended retailing and a redesigned pedestrian entry to both the Queen Street Mall and Elizabeth Street.
o Vast and intricate illuminated facade upgrades with pedestrian shelter to all street frontages of the site.

o Integrated basement, podium car parking, and servicing areas for all three buildings.

o Demolition of existing Elizabeth Street vehicular access ramps and pedestrian viaduct across Queen Street Mall.

- On 21 February 2008 Council issued its acknowledgement notice (Attachment K). The Council has not decided the application.

- The development proposal will preserve the elements of the Regent Theatre that are currently entered on the Queensland Heritage Register (Attachment L). These elements include the Entry Foyer, the Grand Foyer and the marble staircase.

- However, the current development proposal requires demolition of the cinema box at the rear of the property which contains four cinemas that is not protected by the Queensland Heritage Register entry.

- The Heritage Impact Assessment Report for the Regent Theatre¹ submitted by the applicant in support of the development application provides at page 25:

  5.2.7 Impacts on Social Values

  The Regent Theatre is valued by the community as demonstrated by the 1970s "Save the Regent" campaign which came about as a result of plans to demolish the Regent Theatre. Social value of the Regent Theatre is also demonstrated by its use as a meeting place.

  The proposed development seeks to retain the heritage listed part of the Regent Theatre, including the highly valued ornate interior, and to remove the c1979 additions. The proposed redevelopment aims to reinvigorate this area as an important meeting place by connecting it to functions within the new development, reinforcing the significant social value of the place.

  5.2.8 Mitigation of Social Impacts

  Loss of the cinema will be mitigated through the reinvigoration of this area as an important meeting place and possible development of a theatre/cinematography interpretive display or museum.

- The application itself accepts the significant social value of the Regent Theatre as a working cinema but nonetheless proposes to demolish the cinema box, and not to reinstate the cinema function.

- A synopsis setting out the history of the Regent Theatre and its role in Brisbane's cinema industry has been provided by Mr Peter Hutchison of the Environmental Protection Agency. (Attachment M)

- The Regent Theatre is the last remaining example of a Hollywood Picture Palace in Brisbane, albeit in an altered state since the demolition of the auditorium.
Retention of the social values embodied by the Regent Theatre is consistent with objective three of the Pacific Film and Television Commission's, "Policy and Strategic Direction – August 2007" relating to developing a screen culture for Queensland audiences (Attachment N). The Commission supports this objective by supporting the International Film Festival and other industry events that are regularly conducted at the Regent Theatre.

ISSUES

Sch. 3(7) - Legal professional privilege
CONSULTATION

• Mr Peter Hutchison of the Environmental Protection Agency on 23 February 2008.
• Mr Glenn Wilshier of Crown Law on 24 February 2008.

FINANCIAL IMPLICATIONS

POTENTIAL MEDIA

• Opportunities exist to promote this decision as a positive action and commitment by the State Government to protect the Regent Theatre's ongoing contribution to the amenity, harmony, and sense of community for the Brisbane region.

LEGAL PROFESSIONAL PRIVILEGE

• This document contains legal advice and is subject to legal professional privilege.
NOTED or APPROVED / NOT APPROVED
Deputy Premier and Minister for Infrastructure and Planning
Comments

Paul Lucas
Deputy Premier and Minister for Infrastructure and Planning

Principal Advisor
Policy Advisor

Political Representatives
Local Government
N/A
State Government
N/A

Contact Officer:
Lindsay Walker
A/Director
323 59559

Endorsed:
Colin Cassidy
Executive Director
323 71242

☐ Election Commitment ☐ CBRC / Cabinet related ☐ ECM related

Federal Government
N/A
1 Refer to Appendix F – Heritage Impact Assessment of the Development Application set out in Attachment J.
21 February 2008

Ispt C/- Humphreys Reynolds Perkins Planning Consultants
Att: Mr Mark Viney
Level 20, 344 Queen St
BRISBANE QLD 4000

Permit Type: DA - Carry Out Building Work, DA - Material Change of Use
Description of Proposal: Centre Activities (Office, Shop, Restaurant, Hotel, Cinema, Convention Centre, Indoor Sport and Recreation), Car Park, Building Work on the Site of and on Land Adjoining a Heritage Place, and Building Work Involving Alterations to the Facade of a Building Facing the Queen Street Mall

Address of Site: 167-185 Queen Street, Brisbane Qld 4000
146-162a Elizabeth Street, Brisbane Qld 4000

Real Property Description: Lot(s) 100 on Crown Plan 838589 & Lot(s) 2 on Registered Plan 49018 & Lot(s) 1/2 on Survey Plan 134044, Lot(s) 217 on Crown Plan B11826 & Lot(s) 1 on Crown Plan SL838587 & Lot(s) 1 on Registered Plan 574 & Lot(s) 1 on Registered Plan 575 & Lot(s) 1 on Registered Plan 65292

Application Reference: A002014434

Dear Sir/Madam

RE: Acknowledgment notice under Section 3.2.3 of the "Integrated Planning Act 1997": Development Application

I refer to the above application that the Council received on 07 February 2008 and advise that I have been appointed as the Council's Assessment Manager for the application. Please find attached the acknowledgment notice details in accordance with the requirements of Section 3.2 of the "Integrated Planning Act 1997". I would appreciate it if you would check the attached details and contact me if any of these are incorrect or incomplete.

I anticipate that I will be able to advise you of the progress of your application within 10 business days.

The team has also identified a number of issues that require comment from the agencies listed on the attached acknowledgment notice details.

The application will be determined by Full Council.

Ref: A002014434
Please contact me on the telephone number below during normal business hours if you have any queries regarding this matter.

Yours sincerely,

Ashley Lane
Principal Urban Planner, Development Assessment
Development Assessment Central BSQ
(07) 3403 6650
Development Assessment Branch
Acknowledgement Notice Details
(Section 3.2.3 of the "Integrated Planning Act 1997")

APPLICANT DETAILS:
Ispt C/- Humphreys Reynolds Perkins Planning Consultants
Att: Mr Mark Viney
Level 20, 344 Queen St
BRISBANE QLD 4000

SITE:
Address of Site:
167-185 Queen Street, Brisbane Qld 4000
146-162a Elizabeth Street, Brisbane Qld 4000

Real Property Description:
Lot(s) 100 on Crown Plan 838589 & Lot(s) 2 on Registered Plan 49018 & Lot(s) 1/2 on Survey Plan 134044, Lot(s) 217 on Crown Plan B11826 & Lot(s) 1 on Crown Plan SL838587 & Lot(s) 1 on Registered Plan 574 & Lot(s) 1 on Registered Plan 575 & Lot(s) 1 on Registered Plan 65292

City Plan Area Classification:
CP-MP1

Name of Owner:
ISPT Pty Ltd & Department of Natural Resources and Water
ISPT Pty Ltd & Department of Natural Resources and Water

Name of Ward:

APPLICATION:
Aspects of development and development approvals sought:
• Carry Out Building Work / Preliminary Approval under s3.1.5
• Material Change of Use - Development Permit

Description of Proposal:
Centre Activities (Office, Shop, Restaurant, Hotel, Cinema, Convention Centre, Indoor Sport and Recreation), Car Park, Building Work on the Site of and on Land Adjoining a Heritage Place, and Building Work Involving Alterations to the Facade of a Building Facing the Queen Street Mall

Council file reference:
A002014434

Ref: A002014434

3 of 5
Lodgement date:
07 February 2008

CODE OR IMPACT ASSESSMENT:
In accordance with Section 3.2.3(2) of the "Integrated Planning Act 1997", Council advises that the application will be assessed using Impact Assessment Procedures.

PUBLIC NOTIFICATION REQUIRED:
Public notification is to be carried out in accordance with the requirements of Section 3.4.4(1) of the "Integrated Planning Act 1997". You are therefore required to:
(a) Publish a notice at least once in a newspaper circulating generally in the locality of the land; and
(b) Place a notice on the land in the way prescribed under the regulations; and
(c) Give notice to the owners of all land adjoining the land.

The notice must describe the development proposal in PLAIN ENGLISH so that the public is aware of the nature of the application. The use of only planning scheme definitions will not be sufficient. Where appropriate, indicate the proposed scale or intensity of development eg. Number of Dwelling Units proposed in a Multi-Unit Dwelling.

The notice must state:

(1) The application can be viewed at www.brisbane.qld.gov.au/development. Alternatively, the application can be viewed at the self-help terminals in the Central Business Centre or at one of the Regional Business Centres; and
(2) The application number A002014434

Council requests that the notice placed on the land under (b) be accompanied by a drawing or sketch of the proposed development mounted on a similar notice board.

The notification period for this application is to be not less than 30 business days starting on the day after the last action under Section 3.4.4(1) of the Act is carried out.

REFERRAL AGENCIES:
The following were Advice Agencies for this application:

Department Of Natural Resources And Water
PO BOX 1164
BEENLEIGH QLD 4207

Energex
G P O Box 1461
BRISBANE QLD 4001
Telephone: (07) 3407 4000

Queensland Heritage Council
Environmental Protection Agency
PO Box 2771
BRISBANE QLD 4001
The following were Concurrence Agencies for this application:

Department Of Main Roads (Metropolitan District)
PO Box 70
SPRING HILL QLD 4004
Telephone: (07) 3834 8344
Email: development.control@mainroads.qld.gov.au

E.P.A.- Contaminated Land Unit
GPO Box 2771
BRISBANE QLD 4001
Telephone: (07) 3225 1827

Queensland Heritage Council
Environmental Protection Agency
PO Box 2771
BRISBANE QLD 4001

Queensland Transport
GPO Box 213
BRISBANE QLD 4001
Telephone: (07) 3117 5512
Fax: (07) 3117 5502

There were no State Agencies for this application.

You are therefore required (under Section 3.3.3 of the "Integrated Planning Act 1997") to forward a copy of this acknowledgment notice and your application to the above addresses (where agencies are external to Council) together with any applicable fee.

INFORMATION REQUEST:
The Council may make an 'information request' under Section 3.3.6 of the "Integrated Planning Act 1997". We will notify you within 10 business days whether or not further information is required.
12 December 2007

Mr John Moore
Partner
Thynne & Macartney
GPO Box 245
BRISBANE QLD 4001

Dear Mr Moore

Re: Application under s.35 of the Queensland Heritage Act 1992 proposing the entry in the Queensland Heritage Register of the brick building fronting Elizabeth Street, which is part of the Hoyts Entertainment Centre (former Regent Theatre), 167 Queen Street, Brisbane.

I wish to advise that the Heritage Council considered this matter at its meeting of 7 December 2007 and resolved not to enter the place in the Queensland Heritage Register. The Queensland Heritage Council made the following resolution:

RESOLUTION NO. 212.12
Having considered the report of the Agency and the recommendation of the Heritage Register Advisory Committee for the brick building fronting Elizabeth Street, which is part of the Hoyts Entertainment Centre (former Regent Theatre), 167 Queen Street, Brisbane, the Heritage Council resolves in accordance with Section 35(4) of the Queensland Heritage Act 1992 not to enter the brick building fronting Elizabeth Street, which is part of the Hoyts Entertainment Centre (former Regent Theatre), 167 Queen Street, Brisbane, provisionally in the Heritage Register because it is not a place of cultural heritage significance, and does not satisfy one or more of the criteria for entry in the Queensland Heritage Register.

If you have any further queries concerning this matter, please do not hesitate to contact Ms Maureen Lillie, A/Planning Manager, Southern Region on (07) 3225 1046.

Yours sincerely

Gail Pini
A/Manager
Queensland Heritage Council Secretariat
C/c Ms Maureen Lillie, A/Planning Manager, Environmental Planning, Environmental Protection Agency, Southern Region (Jetset)