



# Iconic Queensland Places Act 2008

Reprinted as in force on 6 March 2008

Reprint No. 1

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This Act is reprinted as at 6 March 2008.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- omit the enacting words (s 42A)
- correct minor errors (s 44).

This page is specific to this reprint. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including a table of corrected minor errors.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

**Replacement reprint date** If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

# Iconic Queensland Places Act 2008

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
<b>Division 1</b>	<b>Introduction</b>	
1	Short title . . . . .	5
2	Purpose of Act and its achievement. . . . .	5
<b>Division 2</b>	<b>Interpretation</b>	
3	Definitions. . . . .	6
4	What is an iconic place. . . . .	6
<b>Part 2</b>	<b>Declarations</b>	
<b>Division 1</b>	<b>Making declarations</b>	
5	Declaration of iconic values for iconic places under sch 1 . . . . .	6
6	Minister's power to declare additional iconic places. . . . .	7
7	Declarations are not subordinate legislation . . . . .	8
8	Ministerial guidelines about gauging local community support for iconic place declaration. . . . .	8
<b>Division 2</b>	<b>Publication of and access to information about iconic areas</b>	
9	Publication of declarations . . . . .	8
10	Access to declarations and sch 1 maps. . . . .	9
<b>Part 3</b>	<b>Making or amending local planning instruments for iconic places</b>	
<b>Division 1</b>	<b>Preliminary</b>	
11	Definitions for pt 3. . . . .	10
<b>Division 2</b>	<b>Modifications to general scheme and structure plan processes</b>	
12	Application of div 2. . . . .	10
13	Report about impact on iconic values . . . . .	11
14	No dispensation of consultation under general scheme process. . . . .	11
15	Ministerial consideration of effect on iconic values before public notification . . . . .	11

Contents

---

16	Treatment of scheme proposal if Minister considers the iconic values are affected . . . . .	12
17	Public notification of impact report . . . . .	12
18	Reconsideration of scheme proposal after public notification . . .	13
19	Treatment of scheme proposal if reconsideration is that the iconic values are affected . . . . .	13
<b>Division 3</b>	<b>Modifications to TLPI process</b>	
20	Application of div 3 . . . . .	14
21	Report about impact on iconic values . . . . .	14
22	Ministerial consideration of effect on iconic values . . . . .	14
23	Treatment of proposed TLPI if Minister considers the iconic values are affected . . . . .	15
<b>Division 4</b>	<b>Modifications to scheme policy process</b>	
24	Application of div 4 . . . . .	15
25	Deferral of consultation stage . . . . .	15
26	Report about impact on iconic values . . . . .	16
27	Giving of policy proposal and impact report to Minister . . . . .	16
28	Ministerial consideration of effect on iconic values . . . . .	16
29	Treatment of policy proposal if Minister considers the iconic values are affected . . . . .	16
<b>Part 4</b>	<b>Development assessment in iconic places</b>	
<b>Division 1</b>	<b>Preliminary</b>	
30	Meaning of Minister for pt 4, other than div 5 . . . . .	17
<b>Division 2</b>	<b>Development assessment panels for iconic places</b>	
<b>Subdivision 1</b>	<b>Establishment and functions</b>	
31	Minister's obligation to establish and appoint members . . . . .	17
32	Notice to relevant local government . . . . .	17
33	Functions . . . . .	18
<b>Subdivision 2</b>	<b>Panel membership</b>	
34	Members . . . . .	18
35	Remuneration . . . . .	19
36	Disclosure of material personal interests . . . . .	19
<b>Subdivision 3</b>	<b>Miscellaneous provisions</b>	
37	Panel represents the State . . . . .	20
38	Annual report by each panel . . . . .	20
39	Conduct of panel's business . . . . .	20
40	Appointment of officers to help panel . . . . .	20

41	Delegation of Minister's functions under div 2 . . . . .	21
<b>Division 3</b>	<b>Reference to panel</b>	
42	Application of div 3 . . . . .	21
43	Decision stage does not start until after reference decision. . . . .	21
44	Making of reference . . . . .	22
45	Making of reference decision by panel . . . . .	22
46	Notice of reference decision. . . . .	22
47	Effect of reference decision . . . . .	23
<b>Division 4</b>	<b>Deciding of application by panel</b>	
48	Application of div 4 . . . . .	23
49	Local government proceeds with decision stage up to decision notice . . . . .	23
50	Local government's decision becomes a recommendation to the panel . . . . .	23
51	Notice to panel of local government's decision . . . . .	24
52	Panel decides application. . . . .	24
53	Panel's decision become the assessment manager's decision . . . . .	24
54	Provision about appeals against decision . . . . .	25
<b>Division 5</b>	<b>Ministerial reversal of reference decision</b>	
<b>Subdivision 1</b>	<b>Preliminary</b>	
55	Application of div 5 . . . . .	25
56	Meaning of Minister for div 5 . . . . .	26
<b>Subdivision 2</b>	<b>Reversal provisions</b>	
57	Power to reverse panel's decision . . . . .	26
58	Effect of reversal. . . . .	26
<b>Division 6</b>	<b>Changes to development approvals decided by panel</b>	
59	Panel decides request for change . . . . .	27
<b>Part 5</b>	<b>Requirements for changing or extending local laws identified in declarations</b>	
<b>Division 1</b>	<b>Preliminary</b>	
60	Application and operation of pt 5 . . . . .	27
<b>Division 2</b>	<b>Requirements for all types of proposed action</b>	
61	Report about impact on iconic values . . . . .	28
62	Requirements for consultation . . . . .	28
<b>Division 3</b>	<b>Additional requirements if State interests must be considered</b>	
63	Application of div 3 . . . . .	29

Contents

---

64	Giving of report to LGA Minister when Minister’s advice sought .	29
65	Iconic place and iconic values included in considering State interests . . . . .	30
<b>Division 4</b>	<b>Additional requirements for other types of proposed action</b>	
66	Application of div 4 . . . . .	30
67	Public notice of proposed action . . . . .	30
68	Public access to impact report . . . . .	30
<b>Part 6</b>	<b>Miscellaneous provisions</b>	
69	Master plan applications for iconic places . . . . .	31
70	Consideration of iconic values in local government policy-making . . . . .	31
71	Regulation-making power. . . . .	32
72	Review of Act . . . . .	33
<b>Part 7</b>	<b>Transitional provisions</b>	
73	Deferral of pt 3 for a local government until after changeover day . . . . .	33
74	Development applications decided before changeover day . . . . .	33
75	Development applications made but not decided before changeover day . . . . .	33
<b>Schedule 1</b>	<b>Iconic places at commencement of Act</b> . . . . .	35
<b>Schedule 2</b>	<b>Dictionary</b> . . . . .	36
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	39
2	Date to which amendments incorporated. . . . .	39
3	Key . . . . .	40
4	Table of reprints . . . . .	40
5	List of legislation. . . . .	40
6	Table of corrected minor errors. . . . .	41

---

# Iconic Queensland Places Act 2008

[reprinted as in force on 6 March 2008]

## An Act to protect particular places in Queensland with iconic characteristics or qualities

### Part 1 Preliminary

#### Division 1 Introduction

##### 1 Short title

This Act may be cited as the *Iconic Queensland Places Act 2008*.

##### 2 Purpose of Act and its achievement

- (1) The purpose of this Act is to protect places with characteristics or qualities in their natural or built environment that reflect or contribute in a substantial way to Queensland's character.
- (2) The purpose is achieved primarily by—
  - (a) identifying, under schedule 1, some of the places and by providing, under section 6, for the Minister to declare others; and
  - (b) modifying laws and procedures about planning and development assessment by local governments in the places; and
  - (c) imposing additional requirements for making changes to particular local laws relating to the places.

[s 3]

---

## Division 2 Interpretation

### 3 Definitions

- (1) The dictionary in schedule 2 defines particular words used in this Act.
- (2) Other words used in this Act that are defined under the Integrated Planning Act, schedule 10 have the meaning given to them under that schedule.

### 4 What is an *iconic place*

An iconic place is a place—

- (a) stated in schedule 1; or
- (b) declared under section 6 to be an iconic place.

## Part 2 Declarations

### Division 1 Making declarations

#### 5 Declaration of iconic values for iconic places under sch 1

- (1) This section applies for each of the iconic places stated in schedule 1.
- (2) The Minister must, by gazette notice, make a declaration that identifies—
  - (a) the characteristics or qualities of the place's natural or built environment that the Minister is satisfied reflect or contribute in a substantial way to Queensland's character (the place's *iconic values*); and
  - (b) any provisions (each a *protected planning provision*) of the local planning instruments of each relevant local



- 
- government that the Minister is satisfied protect the place's iconic values; and
- (c) any local laws of each relevant local government that the Minister is satisfied protect the place's iconic values.
- (3) The declaration must be gazetted as soon as practicable after the date of assent of this Act.

## **6 Minister's power to declare additional iconic places**

- (1) The Minister may, by gazette notice, declare (an *iconic place declaration*) a place to be an iconic place if the place—
- (a) after the changeover day for a new local government area under the Local Government Act, chapter 3, part 1B, will be in the new local government area; or
- (b) is in a new local government area under the Local Government Act, chapter 3, part 1B.
- (2) However, the Minister can not make an iconic place declaration after 30 June 2008.
- (3) Also, an iconic place declaration may be made only if the Minister is satisfied that—
- (a) the characteristics or qualities of the place's natural or built environment reflect or contribute in a substantial way to Queensland's character; and
- (b) the place is under pressure from population growth and new development; and
- (c) there is a demonstrated threat to the characteristics or qualities; and
- (d) local planning instruments for the place contribute in a substantial way to the protection of the characteristics or qualities; and
- (e) there is substantial support by the local community in the place for the making of the declaration.
- (4) An iconic place declaration must identify—
- (a) the place; and

[s 7]

---

- (b) the place's characteristics or qualities mentioned in subsection (3)(a) for which the declaration is made (the place's *iconic values*); and
- (c) any provisions (each a *protected planning provision*) of the local planning instruments of each relevant local government that the Minister is satisfied protect the place's iconic values; and
- (d) any local laws of each relevant local government that the Minister is satisfied protect the place's iconic values.

## **7 Declarations are not subordinate legislation**

A declaration is not subordinate legislation.

## **8 Ministerial guidelines about gauging local community support for iconic place declaration**

- (1) The Minister may, by gazette notice, publish guidelines about how the Minister proposes to work out whether there is substantial support by a local community in a proposed iconic place for the making of an iconic place declaration for the place.
- (2) In deciding whether to make an iconic place declaration for the place, the Minister may consider, but is not bound by, the guidelines.

## **Division 2 Publication of and access to information about iconic areas**

### **9 Publication of declarations**

- (1) As soon as practicable after making a declaration the Minister must—
  - (a) give a copy to—
    - (i) each relevant local government; and

- (ii) any other local government that, under the Local Government Act, chapter 3, part 1C, is a merging local government in relation to the relevant local government; and
  - (b) publish a copy of the gazette notice in a newspaper circulating in the place the subject of the declaration.
- (2) A failure to comply with subsection (1) does not invalidate or otherwise affect the declaration.

## **10 Access to declarations and sch 1 maps**

- (1) The chief executive must keep a copy of each declaration available for inspection—
  - (a) at the department's head office and regional offices at all times when the offices are open for the transaction of public business; and
  - (b) on the department's website.
- (2) The chief executive must keep a copy of each area map mentioned in schedule 1 at the department's head office at all times when the office is open for the transaction of public business.
- (3) On payment of a fee, a person may buy a copy of the declaration or area map.
- (4) The fee for the copy must not be more than the reasonable cost of publishing it.

[s 11]

---

## **Part 3                      Making or amending local    planning instruments for iconic    places**

### **Division 1                Preliminary**

#### **11        Definitions for pt 3**

In this part—

*general scheme process* means the Integrated Planning Act, schedule 1.

*Minister* means the Minister who administers the Integrated Planning Act, chapter 2, part 1.

*scheme policy process* means the Integrated Planning Act, schedule 3.

*structure plan process* means the Integrated Planning Act, schedule 1A.

*TLPI process* means the Integrated Planning Act, schedule 2.

### **Division 2                Modifications to general scheme    and structure plan processes**

#### **12        Application of div 2**

This division applies if—

- (a) under the Integrated Planning Act, a local government proposes to make or amend its planning scheme (the *scheme proposal*); and
- (b) if made, the scheme proposal—
  - (i) would or may have effect in an iconic place; and
  - (ii) would change or replace a protected planning provision relating to the place.

*Note—*

See however section 73 (Deferral of pt 3 for a local government until after changeover day).

### **13 Report about impact on iconic values**

- (1) The local government must prepare a report (the *impact report*) about the scheme proposal evaluating its effect on the place's iconic values.
- (2) The local government must give the Minister the impact report when, under section 9(3) of the general scheme process or section 2(2) of the structure plan process, it gives the Minister the scheme proposal.

### **14 No dispensation of consultation under general scheme process**

The Minister can not advise the local government under section 10(2) of the general scheme process in relation to the scheme proposal.

*Notes—*

- 1 Under section 10 of the general scheme process, the power to advise only applies to particular planning scheme amendments and not to planning schemes.
- 2 The structure plan process has no equivalent of section 10 of the general scheme process.

### **15 Ministerial consideration of effect on iconic values before public notification**

- (1) This section applies if the Minister is, under section 11 of the the general scheme process or section 3 or 7 of the structure plan process, considering whether or not State interests would be adversely affected by the scheme proposal.
- (2) The Minister must also consider whether or not the scheme proposal would, if given effect to, be inconsistent with protecting the place's iconic values.

[s 16]

---

- (3) In making the consideration under subsection (2), the Minister must have regard to the impact report.

## **16 Treatment of scheme proposal if Minister considers the iconic values are affected**

- (1) This section applies if the Minister considers the scheme proposal would, if given effect to, be inconsistent with protecting the place's iconic values.
- (2) If the scheme proposal is for a planning scheme, the Minister must, under section 11(2) of the general scheme process or section 3(2) of the structure plan process, impose conditions on the notification of the scheme that the Minister considers are necessary to preserve the iconic values.
- (3) If the scheme proposal is for an amendment, the Minister must, under section 11(3)(b) of the general scheme process or section 7 of the structure plan process, notify the local government that—
  - (a) it may not proceed with the amendment; or
  - (b) it may notify the proposal under the provision, subject to conditions the Minister considers necessary to preserve the iconic values.

## **17 Public notification of impact report**

A notice about the scheme proposal under section 12 of the general scheme process or section 8 of the structure plan process must state—

- (a) that the local government has given the Minister a report about the scheme proposal evaluating its effect on the place's iconic values; and
- (b) that the report is available for inspection and purchase.

---

**18 Reconsideration of scheme proposal after public notification**

- (1) This section applies if, under section 18 of the general scheme process or section 13 of the structure plan process, a decision is made to proceed with the scheme proposal.
- (2) When acting under section 18(1) or (2) of the general scheme process or section 13(2) of the structure plan process, the local government must give the Minister a copy of each properly made submission made to it about the place's iconic values.
- (3) If the Minister is, under section 18(3) of the general scheme process or section 14(1) of the structure plan process, considering whether or not State interests would be adversely affected by the scheme proposal, the Minister must also consider whether or not the scheme proposal would, if given effect to, be inconsistent with protecting the place's iconic values.
- (4) In making the consideration under subsection (3), the Minister must have regard to each of the submissions.

**19 Treatment of scheme proposal if reconsideration is that the iconic values are affected**

- (1) This section applies if, under section 18, the Minister considers the scheme proposal would, if given effect to, be inconsistent with protecting the place's iconic values.
- (2) If the Minister advises the local government under section 18(4)(b) of the general scheme process or section 14(2)(b) of the structure plan process, the Minister must impose conditions on the adoption of the scheme proposal that the Minister considers are necessary to preserve the iconic values.
- (3) If the structure plan process applies to the scheme proposal, the Minister may, instead of advising under section 14(2) of that process, advise the local government that it may not proceed further with the scheme proposal.

*Note—*

For the general scheme process, see section 18(6) of that process.

## **Division 3                      Modifications to TLPI process**

### **20            Application of div 3**

This division applies if—

- (a) under the Integrated Planning Act, a local government proposes to make a temporary local planning instrument (the *proposed TLPI*); and
- (b) if made, the proposed TLPI—
  - (i) would or may have effect in an iconic place; and
  - (ii) would suspend or otherwise affect the operation of a protected planning provision relating to the place.

### **21            Report about impact on iconic values**

- (1) The local government must prepare a report (the *impact report*) about the proposed TLPI evaluating its effect on the place's iconic values.
- (2) The local government must give the Minister the impact report when, under section 2(1) of the TLPI process, it gives the Minister the proposed TLPI.

### **22            Ministerial consideration of effect on iconic values**

- (1) This section applies if, under section 2 of the TLPI process, the Minister is considering whether the proposed TLPI proposal should be made.
- (2) The Minister must also consider whether or not the proposed TLPI would, if given effect to, be inconsistent with protecting the place's iconic values.
- (3) In making the consideration under subsection (2), the Minister must have regard to the impact report.



---

**23 Treatment of proposed TLPI if Minister considers the iconic values are affected**

- (1) This section applies if, under section 22, the Minister considers the proposed TLPI would, if given effect to, be inconsistent with protecting the place's iconic values.
- (2) The Minister must—
  - (a) under section 2(2)(b) of the TLPI process, impose conditions that the Minister considers are necessary to preserve the iconic values; or
  - (b) under section 2(4) of the TLPI process, advise the local government that it may not proceed with the proposed TLPI.

**Division 4 Modifications to scheme policy process**

**24 Application of div 4**

This division applies if—

- (a) under section 1 of the scheme policy process, a local government formulates a proposal to make or amend a planning scheme policy (the *policy proposal*); and
- (b) if made, the policy proposal—
  - (i) would or may have effect in an iconic place; and
  - (ii) would change or replace a protected planning provision relating to the place.

**25 Deferral of consultation stage**

- (1) The consultation stage under part 2 of the scheme policy process can not start until the Minister has given the local government an advice under this division.
- (2) Subsection (1) is subject to section 29(2) and (3).

[s 26]

---

## **26 Report about impact on iconic values**

The local government must prepare a report (the *impact report*) about the policy proposal evaluating its effect on the place's iconic values.

## **27 Giving of policy proposal and impact report to Minister**

The local government must give the Minister a copy of the policy proposal and the impact report.

## **28 Ministerial consideration of effect on iconic values**

- (1) The Minister must consider whether the policy proposal would, if given effect to, be inconsistent with protecting the place's iconic values.
- (2) In making the consideration under subsection (1), the Minister must have regard to the impact report.
- (3) The Minister must, after making the consideration, advise the local government whether or not the Minister considers the policy proposal would, if given effect to, be consistent with the place's iconic values.

## **29 Treatment of policy proposal if Minister considers the iconic values are affected**

- (1) If the Minister considers the policy proposal would, if given effect to, be inconsistent with protecting the place's iconic values, the Minister must—
  - (a) impose conditions about the content of the policy proposal that the Minister considers are necessary to preserve the iconic values; or
  - (b) advise the local government that it may not proceed with the policy proposal.
- (2) If conditions are imposed under subsection (1)(a), the local government may take a step under the scheme policy process only if the conditions, to the extent they are relevant to the taking of the step, have been complied with.

- (3) If the Minister gives advice under subsection (1)(b), the local government can not proceed with the policy proposal.

## **Part 4                      Development assessment in    iconic places**

### **Division 1                Preliminary**

#### **30        Meaning of *Minister* for pt 4, other than div 5**

In this part, other than division 5, *Minister* means the Minister who administers the Integrated Planning Act, chapter 3.

### **Division 2                Development assessment panels    for iconic places**

#### **Subdivision 1        Establishment and functions**

#### **31        Minister's obligation to establish and appoint members**

- (1) The Minister must, by gazette notice—
- (a) establish a development assessment panel for each iconic place; and
  - (b) appoint its members; and
  - (c) appoint its chairperson.
- (2) The appointments must comply with section 34.

#### **32        Notice to relevant local government**

The Minister must, on establishing a panel, give the relevant local government notice of that fact and of its members.

[s 33]

---

### **33 Functions**

A panel's functions are to do the following if the relevant local government is the assessment manager for a development application relating to the iconic place—

- (a) decide, under division 3, whether or not it is to decide the application instead of the local government (the *reference decision*);
- (b) if the reference decision is that the panel is to decide the application instead of the local government—decide the application as if the panel were the assessment manager for the application.

*Note—*

The Minister administering this Act may reverse the reference decision. See division 5.

## **Subdivision 2 Panel membership**

### **34 Members**

- (1) The number of members of a panel can not be more than 5.
- (2) The members must include 1 person of each of the following types—
  - (a) a person with community or environmental experience or expertise;
  - (b) a person with professional or technical qualifications appropriate to assessing development applications;
  - (c) a councillor of the relevant local government.
- (3) However, councillors of the relevant local government must not make up a majority of the number of members.
- (4) To remove any doubt, it is declared that a person may be a member of more than 1 panel.

---

### 35 Remuneration

- (1) A member is to be paid the remuneration and allowances the Governor in Council decides.
- (2) A member who is a public service officer must not be paid remuneration if the officer acts as a member during the officer's ordinary hours of duty as a public service officer.
- (3) However the member is entitled to be paid expenses necessarily incurred by the member in acting as a member.

### 36 Disclosure of material personal interests

- (1) This section applies if—
  - (a) a member, has a material personal interest in an issue being considered, or about to be considered, by the panel; and
  - (b) the material personal interest could conflict with the proper performance of the member's functions relating to the issue.
- (2) The member must, as soon as practicable, disclose the material personal interest to all the other members.
- (3) If a member has disclosed a material personal interest in an issue, the member must not participate in the panel's consideration of the issue.
- (4) A member must not fail to comply with this section.  
Maximum penalty—200 penalty units.
- (5) In this section—  
*material personal interest*, in an issue, see the Local Government Act, section 6.

### **Subdivision 3      Miscellaneous provisions**

#### **37      Panel represents the State**

- (1) A panel represents the State.
- (2) Without limiting subsection (1), a panel has the status, privileges and immunities of the State.

#### **38      Annual report by each panel**

- (1) Each panel must prepare and give the Minister administering this Act and the Minister administering the Integrated Planning Act, chapter 3 a written report about the performance of its functions during each financial year.
- (2) The report must be given as soon as practicable after the end of the financial year, but within 4 months after the year ends.
- (3) To remove any doubt, it is declared that subsection (2) does not limit or otherwise affect any obligation under the *Financial Administration and Audit Act 1977* to give a report relating to the panel.

#### **39      Conduct of panel's business**

- (1) A panel may make a decision only by a majority of all of its members.
- (2) A regulation may provide for how a panel must otherwise conduct its business, including its meetings.
- (3) Subject to subsections (1) and (2) and divisions 3 and 4, a panel may conduct its business, including its meetings, in the way it considers appropriate.

#### **40      Appointment of officers to help panel**

- (1) The chief executive may appoint officers the chief executive considers appropriate to help a panel to perform its functions.

- (2) A public service officer may be appointed under subsection (1) or may be assigned by the chief executive to perform functions to help a panel, and may hold the appointment or perform the functions concurrently with any other appointment the officer holds in the public service.

#### **41 Delegation of Minister's functions under div 2**

- (1) The Minister may delegate the Minister's functions under this division to the chief executive or an appropriately qualified public service officer.

- (2) In this section—

*appropriately qualified*, in relation to a delegated function, includes having the qualifications, experience or standing to perform the function.

*Example of standing—*

a person's classification level in the public service

*functions* includes powers.

### **Division 3 Reference to panel**

#### **42 Application of div 3**

This division applies if the relevant local government is the assessment manager for a development application for premises that are wholly or partly in an iconic place.

#### **43 Decision stage does not start until after reference decision**

The decision stage of IDAS for the application does not start until the panel has made the reference decision for the application.

[s 44]

---

#### **44 Making of reference**

The local government must, within the information request period for the application, give the panel a copy of—

- (a) the application, apart from any supporting material for the application; and
- (b) the acknowledgement notice for the application.

*Note—*

Generally, the information request period is 10 business days after the giving of the acknowledgement notice for the application. See the Integrated Planning Act, section 3.3.6(3) and (4).

#### **45 Making of reference decision by panel**

- (1) The panel must make the reference decision for the application within the earliest of the following periods to end—
  - (a) 20 business days after the local government has complied with section 44;
  - (b) 20 business days after the information request period ends.
- (2) If the panel does not comply with subsection (1), the reference decision is taken to be that the panel is not to decide the application instead of the local government.
- (3) In making the reference decision the panel must consider any substantial effect that the development the subject of the application has, or may have, on the place's iconic values, having regard to the protected planning provisions for the place.

#### **46 Notice of reference decision**

The panel must, as soon as practicable after making the reference decision, give the Minister, the local government and the applicant notice of the decision.



---

**47 Effect of reference decision**

- (1) If the reference decision is that the panel is to decide the application instead of the local government, the application must be decided under division 4.
- (2) Otherwise, the local government must continue to decide the application, under IDAS.

**Division 4 Deciding of application by panel**

**48 Application of div 4**

This division applies if the reference decision for a development application is that the panel is to decide the application instead of a local government.

*Notes—*

- 1 The Minister who administers this Act may, at any time before the panel gives a decision notice for the development application, reverse the reference decision. If the decision is so reversed, this division is taken never to have applied. See division 5.
- 2 See also section 75 (Development applications made but not decided before changeover day).

**49 Local government proceeds with decision stage up to decision notice**

The local government must continue to decide the application under the stages of IDAS up to, but not including, the giving of the decision notice for its decision about the application.

**50 Local government's decision becomes a recommendation to the panel**

- (1) On the making of the local government's decision about the application, the decision becomes a recommendation to the panel.
- (2) Subject to section 58(2), the decision has no effect other than under subsection (1).

[s 51]

---

## **51 Notice to panel of local government's decision**

- (1) The local government must, as soon as practicable after making the recommendation, give the panel notice of the recommendation.
- (2) The notice must be accompanied by a copy of all supporting material and common material for the application.

## **52 Panel decides application**

- (1) The panel must, after the local government complies with section 51, decide the application under IDAS—
  - (a) as if the panel were the assessment manager for the application; and
  - (b) as if a reference in the decision stage under IDAS to the assessment manager were a reference to the panel; and
  - (c) as if the compliance with section 51 were the start of the decision stage.
- (2) However, despite the Integrated Planning Act, section 3.5.7(1), the panel may, at any time, decide to defer the deciding of the application until the end of 20 business days after the decision making period.
- (3) If the panel decides to defer under subsection (2), for IDAS, the decision making period is taken to be period that ends at the end of the 20 business days.

## **53 Panel's decision become the assessment manager's decision**

- (1) This section applies if, under the Integrated Planning Act, section 3.5.15 as applied under section 52, the panel gives a decision notice or negotiated decision notice for the application.
- (2) The panel must also give the local government a copy of the notice.

- (3) If no negotiated decision notice is given, the decision notice is, for the Integrated Planning Act, taken to have been given by the local government as the assessment manager for the application.
- (4) If a negotiated decision notice is given, that notice is, for the Integrated Planning Act, taken to have been given by the local government as the assessment manager for the application.
- (5) This section applies subject to section 54 and division 5.

#### **54 Provision about appeals against decision**

- (1) This section applies for any appeal relating to the application under the Integrated Planning Act, sections 4.1.27 to 4.1.29.
- (2) Despite the Integrated Planning Act, section 4.1.43, the State, as represented by the panel, is the respondent for the appeal.
- (3) The local government may appeal to the court as if it had been a submitter for the application.

### **Division 5 Ministerial reversal of reference decision**

#### **Subdivision 1 Preliminary**

#### **55 Application of div 5**

- (1) This division applies if—
  - (a) division 3 applies to a development application made to a local government; and
  - (b) the panel has made, or is taken to have made, the reference decision for the application.
- (2) However, this division ceases to apply if the local government or the panel has given a decision notice for the application and the giving of the notice was permitted under this part.

[s 56]

---

## **56 Meaning of *Minister* for div 5**

In this division, *Minister* means the Minister who administers this Act.

## **Subdivision 2 Reversal provisions**

### **57 Power to reverse panel's decision**

- (1) The Minister may, by notice to the panel, the local government and the applicant, reverse the panel's decision.
- (2) In acting under subsection (1), the Minister must consider any substantial effect that the development the subject of the application has, or may have, on the place's iconic values, having regard to the protected planning provisions for the place.
- (3) On the giving of the notice, the panel is taken to have given a notice under section 46 about the decision as reversed by the Minister.

### **58 Effect of reversal**

- (1) If the Minister reverses the panel's decision, that decision is taken always to have been the reversed decision.
- (2) If the panel's decision was to decide the application instead of the local government—
  - (a) despite section 48, division 4 is taken never to have applied to the application; and
  - (b) the local government may decide the application as if the panel's decision had always been not to decide the application instead of the local government.

---

## **Division 6                      Changes to development approvals decided by panel**

### **59            Panel decides request for change**

- (1) This section applies if a development approval is a decision notice or negotiated decision notice given by the panel.
- (2) The Integrated Planning Act, section 3.5.24 applies as if a reference in the section to the assessment manager were a reference to the panel.
- (3) If—
  - (a) under the Integrated Planning Act, section 3.5.33, a person wants to change a condition; and
  - (b) under section 52(1)(a), the panel decided the condition;for the Integrated Planning Act, section 3.5.33, the panel is taken to be the entity that decided the condition.

## **Part 5                              Requirements for changing or extending local laws identified in declarations**

### **Division 1                      Preliminary**

#### **60            Application and operation of pt 5**

- (1) This part applies if—
  - (a) a declaration for an iconic place identifies a local law that the Minister is satisfied protects the place's iconic values; and
  - (b) the relevant local government is proposing to do any of the following (the *proposed action*)—

[s 61]

---

- (i) amend or repeal the local law;
  - (ii) decide, under the Local Government Act, section 899C, that any provision of the local law is or is not a redundant provision.
- (2) This part imposes requirements for taking the proposed action.
- (3) Despite the Local Government Act, chapter 12, the local government may take the proposed action only if it has complied with this part to the extent it applies to the taking of the proposed action.
- (4) Apart from the requirements, this part is in addition to and does not limit or otherwise affect the process under the Local Government Act, chapter 12 for taking the proposed action.
- (5) In this section—  
*amend*, the local law, includes changing the area or persons to which the local law applies, by a direct amendment to the local law or by making another local law that makes the change expressly or by implication.

## **Division 2                      Requirements for all types of proposed action**

### **61            Report about impact on iconic values**

The local government must prepare a report (the *impact report*) evaluating the effect of taking the proposed action on the place's iconic values.

### **62            Requirements for consultation**

- (1) This section applies if the local government engages in public consultation about taking the proposed action.
- (2) The local government must, in any public notice it gives for the consultation, identify the place and state that—

- 
- (a) the proposed action, if taken, will have effect in the place; and
  - (b) the local government has prepared a report evaluating the effect of taking the proposed action on the place's iconic values; and
  - (c) the report is available for inspection at the local government's public office and on its website.
- (3) The local government must during the period in which it engages in the consultation—
- (a) allow any person to inspect the report free of charge at its public office when the office is open for the transaction of public business; and
  - (b) keep the report available for inspection on its website.

### **Division 3                      Additional requirements if State interests must be considered**

#### **63            Application of div 3**

This division applies, as well as division 2, if the Local Government Act, chapter 12, part 2, division 2 or 3 applies to the taking of the proposed action.

#### **64            Giving of report to LGA Minister when Minister's advice sought**

- (1) The local government must give the impact report to the LGA Minister when it gives that Minister the documents or information required under the Local Government Act, section 861(1), 867(1) or 872(2)(b) in relation to the proposed action.

- (2) In this section—

***LGA Minister*** means the Minister administering the Local Government Act.

[s 65]

---

**65 Iconic place and iconic values included in considering State interests**

For applying the Local Government Act, chapter 12, part 2, division 2 or 3 in relation to the taking of the proposed action, State interests are taken to include the place and its iconic values.

**Division 4 Additional requirements for other types of proposed action**

**66 Application of div 4**

This division applies, as well as division 2, if a provision of the Local Government Act, chapter 12, other than part 2, division 2 or 3, applies to the taking of the proposed action.

**67 Public notice of proposed action**

The local government must, in a newspaper circulating in the place, publish a notice that identifies the place and states—

- (a) the local government's name; and
- (b) what the proposed action is; and
- (c) that taking the proposed action will have effect in the iconic place; and
- (d) that the local government has prepared a report evaluating the effect of taking the proposed action on the place's iconic values; and
- (e) that the report is available for inspection at the local government's public office and on its website.

**68 Public access to impact report**

The local government must, for at least 21 days after publishing the notice under section 67—



- (a) allow any person to inspect the impact report free of charge at its public office when the office is open for the transaction of public business; and
- (b) keep the report available for inspection on its website.

## **Part 6                      Miscellaneous provisions**

### **69            Master plan applications for iconic places**

- (1) This section applies if a master plan application is made for a declared master planned area and the area is, or includes, an iconic place.
- (2) The Minister is taken to be a participating agency for assessing the application.
- (3) The Minister's jurisdiction for the application is the purpose of this Act.
- (4) In assessing the application under the Integrated Planning Act, section 2.5B.34, the Minister must consider the effect of the proposed master plan on the place's iconic values.
- (5) If the Minister is satisfied an aspect of the proposed master plan is inconsistent with protecting the iconic values, the Minister may, in making a recommendation under the Integrated Planning Act, section 2.5B.36, only recommend one of the following to the coordinating agency—
  - (a) that stated conditions to remove the inconsistency must be included in any approval of the proposed master plan;
  - (b) that the application be refused.

### **70            Consideration of iconic values in local government policy-making**

- (1) This section applies if—

[s 71]

---

- (a) a local government proposes to make or amend a policy;  
and
  - (b) if made, the policy or amended policy would or may  
have effect in an iconic place.
- (2) The local government must, before it makes or amends the  
policy, consider the effect of the policy or amended policy on  
the place's iconic values.

## **71 Regulation-making power**

- (1) The Governor in Council may make regulations under this  
Act.
- (2) Without limiting section 39(2), a regulation may provide  
for—
  - (a) the establishment, maintenance and operation of a  
register of the interests of members of panels and of  
persons who, under the regulation, are related to  
members of panels, the obligations of members of  
panels and related persons in relation to the register of  
interests and the consequences applying to a failure to  
comply with any obligation; and
  - (b) the adoption of a code of conduct for the members of  
panels, the obligations of members of panels in relation  
to the code of conduct and the consequences applying to  
a contravention of any obligation; and
  - (c) requirements for panel members to record conflicts of  
interest (not including any conflict of interest arising out  
of a material personal interest as mentioned in section  
36) in issues arising in the performance of panels'  
functions.
- (3) A regulation under subsection (2)(b) need not state the terms  
of the code of conduct, but may state ethics principles to be  
included in the code of conduct.
- (4) A regulation may impose a penalty of no more than 20 penalty  
units for contravention of a regulation.

---

**72 Review of Act**

- (1) The Minister must, within 3 years after the date of assent of this Act, carry out a review of the operation and effectiveness of this Act.
- (2) In carrying out the review, the Minister must have regard to the effectiveness of the operations of panels and the need to continue their functions.
- (3) The Minister must, as soon as practicable after the review is finished, cause a report on its outcome to be laid before the Legislative Assembly.

## **Part 7 Transitional provisions**

**73 Deferral of pt 3 for a local government until after changeover day**

Part 3 applies to a scheme proposal, proposed TLPI or a policy proposal only if the decision to prepare or propose it is made by the local government after the changeover day for its local government area.

**74 Development applications decided before changeover day**

Part 4 does not apply to a development application made to a local government and decided before the changeover day for its local government area.

**75 Development applications made but not decided before changeover day**

- (1) This section applies to a development application made to a local government (the *original local government*) if—

[s 75]

---

- (a) on the changeover day for a new local government area, the original local government area is abolished to form part of the new local government area; and
  - (b) the development application was not decided before the changeover day.
- (2) Part 4, division 3 does not apply to the application.
- (3) However, if part 4, division 3 would, other than for subsection (2), have applied to the application, the panel may nevertheless choose to make a reference decision for the application as if that division did apply to the application.
- (4) If, under subsection (3), the panel makes a reference decision for the application, part 4, divisions 4 to 6 apply to the application.

## **Schedule 1      Iconic places at commencement of Act**

sections 2(2)(a), 4(a) and 10(2)

### **1      Douglas area**

- the local government area of the Douglas Shire Council at the date of assent, described in area map LGB45, edition 2

### **2      Noosa area**

- the local government area of the Noosa Shire Council as at the date of assent, described in area map LGB100, edition 8

*Note—*

For access to the area maps, see section 10(2).

## Schedule 2 Dictionary

section 3(1)

***applicant***, for a provision about a development application, means the person who made the application.

***changeover day***, for a local government area, means its changeover day under the Local Government Act, section 159YE.

*Editor's note—*

As at the date of introduction for the Bill for this Act, the changeover day was 15 March 2008. See section 159YE(2) and the gazette of 23 November 2007, page 1680.

***declaration***, for a provision of this Act that does not mention its type, means any declaration made under part 2.

***general scheme process*** see section 11.

***iconic place***—

- 1 Generally, an *iconic place* means an iconic place as defined under section 4.
- 2 For a provision about a panel, *iconic place* means the iconic place for which the panel is established.

***iconic place declaration*** see section 6(1).

***iconic values***, for an iconic place—

- (a) for an iconic place stated in schedule 1—see section 5(2)(a); or
- (b) for an iconic place declared under an iconic place declaration—see section 6(4)(b).

***impact report***—

- (a) for part 3, division 2—see section 13(1); or
- (b) for part 3, division 3—see section 21(1); or
- (c) for part 3, division 4—see section 26; or

(d) for part 5—see section 61.

***Integrated Planning Act*** means the *Integrated Planning Act 1997*.

***Local Government Act*** means the *Local Government Act 1993*.

***member***, of a panel, means a member of the panel appointed under section 31(1)(b) and includes its chairperson appointed under section 31(1)(c).

***Minister*** means—

- (a) for part 3—see section 11; or
- (b) for part 4, other than division 5—see section 30; or
- (c) for part 4, division 5—see section 56; or
- (d) otherwise—the Minister who administers this Act.

***notice*** means a notice in writing.

***panel***—

- 1 Generally, *panel* means a development assessment panel established under section 31(1)(a).
- 2 For a provision of this Act about a development application or development approval relating to an iconic place, *panel* means the particular development assessment panel established for the iconic place.

***policy proposal*** see section 24(a).

***proposed action*** see section 60(1)(b).

***proposed TLPI*** see section 20(a).

***protected planning provision***, for an iconic place—

- (a) for an iconic place stated in schedule 1—see section 5(2)(b); or
- (b) for an iconic place declared under an iconic place declaration—see section 6(4)(c).

***reference decision***, for a development application—

- 1 Generally, the *reference decision* for a development application is the reference decision under section 33(a).
- 2 However, if, under section 57, the Minister reverses a decision made under section 33(a), the *reference decision* is the decision as reversed by the Minister.

***relevant local government***—

- (a) for a provision about an iconic place—means the local government in whose area the place is located; or
- (b) for a provision about a panel—means the local government in whose local government area the panel's iconic place is located.

***scheme policy process*** see section 11.

***scheme proposal*** see section 12(a).

***structure plan process*** see section 11.

***TLPI process*** see section 11.



## Endnotes

### 1 Index to endnotes

	Page
2 Date to which amendments incorporated . . . . .	39
3 Key . . . . .	40
4 Table of reprints . . . . .	40
5 List of legislation . . . . .	40
6 Table of corrected minor errors . . . . .	41

### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Iconic Queensland Places Act 2008 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	6 March 2008	

### 5 List of legislation

#### Iconic Queensland Places Act 2008 No. 7

date of assent 6 March 2008  
 commenced on date of assent

## 6 Table of corrected minor errors

under the Reprints Act 1992 s 44

Provision	Description
59(3)(a)	ins 'the' before 'Integrated Planning Act'

© State of Queensland 2008