



Iconic Queensland Places Act 2008

Reprinted as in force on 1 July 2010

Reprint No. 1D

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Iconic Queensland Places Act 2008

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Iconic Queensland Places Act 2008

[as amended by all amendments that commenced on or before 1 July 2010]

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 particular development assessment by local governments in the places; and
 - (c) imposing additional requirements for making changes to particular local laws relating to the places.

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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 Planning Act, schedule 3 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

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- (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.

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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 process for making or amending a planning scheme under the guideline mentioned in the Planning Act, section 117(1).

Minister means the Minister who administers the Planning Act, chapter 3.

scheme policy process means the process for making or amending a planning scheme policy under the guideline mentioned in the Planning Act, section 117(1).

structure plan process means the process for making a structure plan under the guideline mentioned in the Planning Act, section 145.

TLPI means a temporary local planning instrument as defined under the Planning Act, section 101.

TLPI process means the process for making a temporary local planning instrument under the guideline mentioned in the Planning Act, section 117(2).

Division 2 Modifications to general scheme and structure plan processes

12 Application of div 2

This division applies if—

-
- (a) under the 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 the general scheme process or the structure plan process, it first gives the Minister the scheme proposal.

14 Modified application of general scheme process

- (1) Any power of the Minister under the general scheme process to allow a local government not to carry out public notification of the scheme proposal can not be exercised by the Minister in relation to the scheme proposal.
- (2) Also, a power of the Minister under the general scheme process to allow a local government not to submit the scheme proposal to the Minister for approval can not be exercised by the Minister in relation to the scheme proposal.

15 Ministerial consideration of effect on iconic values before public notification

- (1) This section applies if the Minister is, under the general scheme process or the structure plan process, considering

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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.
- (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 the general scheme process or 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 the general scheme process or 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 relevant process, subject to conditions the Minister considers necessary to preserve the iconic values.

17 Public notification of impact report

Any public notice of the scheme proposal under the general scheme process or 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 the general scheme process or the structure plan process, a decision is made to proceed with the scheme proposal after public notification of the proposal.
- (2) When giving the Minister a copy of the scheme proposal under the general scheme process or 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 the general scheme process or 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 the general scheme process or the structure plan process that it may adopt the scheme proposal subject to conditions, 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 advise the local government that it may not proceed further with the scheme proposal.
- (4) If there is an inconsistency between subsection (3) and the Planning Act, or a guideline mentioned in section 145 of that Act, subsection (3) prevails to the extent of the inconsistency.

Division 3 Modifications to TLPI process

20 Application of div 3

This division applies if—

- (a) under the 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 the TLPI process, it gives the Minister the proposed TLPI.

22 Ministerial consideration of effect on iconic values

- (1) This section applies if, under 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, under the TLPI process—
 - (a) if the Minister is satisfied the proposed TLPI should be made—impose conditions on the making of the TLPI that the Minister considers are necessary to preserve the iconic values; or
 - (b) if the Minister does not consider the proposed TLPI should be made—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 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

- (1) Public consultation about the policy proposal under 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).

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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 Particular 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 Planning Act, chapter 6.

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.

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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 2009*.

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 Planning Act, chapter 6 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 Accountability Act 2009* 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.

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- (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, other than a building 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.

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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 Planning Act, section 276(4) and (5)(a).

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).

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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 Planning Act, section 318(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 the period that ends at the end of the 20 business days.

53 Panel's decision becomes the assessment manager's decision

- (1) This section applies if, under the Planning Act, chapter 6, part 5, division 4 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 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 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 Planning Act, sections 461 to 464.
- (2) Despite the Planning Act, section 485, 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.
- (4) Despite the Planning Act, chapter 7, part 2, a person can not appeal to a building and development committee under that Act against a decision of a panel.

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.

[s 56]

- (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.

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) For the Planning Act, chapter 6, part 8, division 2, the panel is the responsible entity under that Act—
 - (a) for a condition of the development approval imposed by the panel; or
 - (b) for a change or approval mentioned in section 369(1)(e) of that Act, if the panel was the assessment manager for the development application to which the approval relates.

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 amend or repeal the local law.
- (2) This part imposes requirements for taking the proposed action.

[s 61]

- (3) Despite the Local Government Act, 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 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 3, part 1, division 2 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 29 in relation to the proposed action.
- (2) In this section—

LGA Minister means the Minister administering the Local Government Act.

65 Iconic place and iconic values included in considering State interests

For applying the Local Government Act, chapter 3, part 1, division 2 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 Planning Act, section 173, 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 Planning Act, section 175, 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—
 - (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.

[s 71]

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

Division 1 Provisions for Act No. 7 of 2008

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—
- (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.

[s 76]

- (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.

Division 2 Provisions for Sustainable Planning Act 2009

76 Continuing application of pt 3

- (1) This section applies if, before the commencement, a local government has started but not finished the process under the repealed *Integrated Planning Act 1997* for—
 - (a) making or amending a planning scheme or planning scheme policy; or
 - (b) making a structure plan or temporary local planning instrument.
- (2) Part 3 as in force before the commencement continues to apply for the process as if the *Sustainable Planning Act 2009* had not commenced.
- (3) In this section—

commencement means the day this section commences.

77 Continuing application of pt 4

- (1) This section applies to a development application made but not decided under the repealed *Integrated Planning Act 1997* before the commencement.
- (2) Part 4 as in force before the commencement continues to apply for the application as if the *Sustainable Planning Act 2009* had not commenced.

(3) In this section—

commencement means the day this section commences.

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).

IDAS see the Planning Act, section 230.

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.

Local Government Act means the *Local Government Act 2009*.

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.

Planning Act means the *Sustainable Planning Act 2009*.

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 see section 11.

TLPI process see section 11.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2010. 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	
1A	2009 Act No. 9	1 July 2009	
1B	2009 Act No. 26	11 August 2009	
1C	2009 Act No. 36	18 December 2009	
1D	2009 Act No. 17	1 July 2010	

5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

6 List of legislation

Iconic Queensland Places Act 2008 No. 7

date of assent 6 March 2008

commenced on date of assent

amending legislation—

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

Local Government Act 2009 No. 17 ss 1, 2(4), 331 sch 1

date of assent 12 June 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2010 (2010 SL No. 122)

Resorts and Other Acts Amendment Act 2009 No. 26 s 1, pt 2, s 3 sch

date of assent 11 August 2009

commenced on date of assent

Sustainable Planning Act 2009 No. 36 ss 1–2, 872 sch 2

date of assent 22 September 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 18 December 2009 (2009 SL No. 281)

7 List of annotations

Purpose of Act and its achievement

s 2 amd 2009 No. 26 s 3 sch

Definitions

s 3 amd 2009 No. 36 s 872 sch 2

Definitions for pt 3

prov hdg sub 2009 No. 36 s 872 sch 2

s 11 def “**general scheme process**” sub 2009 No. 36 s 872 sch 2

def “**Minister**” sub 2009 No. 36 s 872 sch 2

def “**scheme policy process**” sub 2009 No. 36 s 872 sch 2

def “**structure plan process**” sub 2009 No. 36 s 872 sch 2

def “**TLPI**” ins 2009 No. 36 s 872 sch 2

def “**TLPI process**” sub 2009 No. 36 s 872 sch 2

Application of div 2

s 12 amd 2009 No. 36 s 872 sch 2

Report about impact on iconic values

s 13 amd 2009 No. 36 s 872 sch 2

Modified application of general scheme process

s 14 sub 2009 No. 36 s 872 sch 2

Ministerial consideration of effect on iconic values before public notification

s 15 amd 2009 No. 36 s 872 sch 2

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

s 16 amd 2009 No. 36 s 872 sch 2

Public notification of impact report

s 17 amd 2009 No. 36 s 872 sch 2

Reconsideration of scheme proposal after public notification

s 18 amd 2009 No. 36 s 872 sch 2

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

s 19 amd 2009 No. 36 s 872 sch 2

Application of div 3

s 20 amd 2009 No. 36 s 872 sch 2

Report about impact on iconic values

s 21 amd 2009 No. 36 s 872 sch 2

Ministerial consideration of effect on iconic values

s 22 amd 2009 No. 36 s 872 sch 2

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

s 23 amd 2009 No. 36 s 872 sch 2

Application of div 4

s 24 amd 2009 No. 36 s 872 sch 2

Deferral of consultation

prov hdg amd 2009 No. 36 s 872 sch 2

s 25 amd 2009 No. 36 s 872 sch 2

PART 4—PARTICULAR DEVELOPMENT ASSESSMENT IN ICONIC PLACES

pt hdg amd 2009 No. 26 s 3 sch

Meaning of “Minister” for pt 4, other than div 5

s 30 amd 2009 No. 36 s 872 sch 2

Disclosure of material personal interests

s 36 amd 2009 No. 17 s 331 sch 1

Annual report by each panel

s 38 amd 2009 No. 9 s 136 sch 1; 2009 No. 36 s 872 sch 2

Application of div 3

s 42 amd 2009 No. 26 s 4

Making of reference

s 44 amd 2009 No. 36 s 872 sch 2

Panel decides application

s 52 amd 2009 No. 36 s 872 sch 2

Panel's decision becomes the assessment manager's decision

prov hdg amd 2009 No. 36 s 872 sch 2

s 53 amd 2009 No. 36 s 872 sch 2

Provision about appeals against decision

s 54 amd 2009 No. 36 s 872 sch 2

Panel decides request for change

s 59 amd 2009 No. 36 s 872 sch 2

Application and operation of pt 5

s 60 amd 2009 No. 17 s 331 sch 1

Application of div 3

s 63 amd 2009 No. 17 s 331 sch 1

Giving of report to LGA Minister when Minister's advice sought

s 64 amd 2009 No. 17 s 331 sch 1

Iconic place and iconic values included in considering State interests

s 65 amd 2009 No. 17 s 331 sch 1

Master plan applications for iconic places

s 69 amd 2009 No. 36 s 872 sch 2

PART 7—TRANSITIONAL PROVISIONS

Division 1—Provisions for Act No. 7 of 2008

div hdg ins 2009 No. 36 s 872 sch 2

Division 2—Provisions for Sustainable Planning Act 2009

div 2 (ss 76–77) ins 2009 No. 36 s 872 sch 2

SCHEDULE 2—DICTIONARY

def “**IDAS**” ins 2009 No. 36 s 872 sch 2

def “**Integrated Planning Act**” om 2009 No. 36 s 872 sch 2

def “**Local Government Act**” amd 2009 No. 17 s 331 sch 1

def “**Planning Act**” ins 2009 No. 36 s 872 sch 2

def “**TLPI**” ins 2009 No. 36 s 872 sch 2