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# Update Summary

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**UPDATE 149**

**JUNE 2024**

## **PLANNING AND DEVELOPMENT QUEENSLAND**

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**Material Code 42725664**

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## *Planning Act 2016 (Qld)*

### Chapter 2 – Planning

Author Anna Vella has reviewed and updated the commentary.

#### **Section 8: What are planning instruments**

The application of s 8(5) is discussed in regard to *Baxter v Preston* [2023] QPELR 244. See [PA8.05].

#### **Section 16: Contents of local planning instruments**

A planning scheme is looked at with reference to *Murphy v Moreton Bay Regional Council* [2020] QPELR 328. See [PA16.05].

#### **Section 17: Minister's guidelines and rules**

The Minister's guidelines and rules are given effect through the *Planning Regulation 2017*, as noted in *Traspunt No 7 Pty Ltd v Moreton Bay Regional Council* [2021] QCA 275. See [PA17.05].

#### **Section 23: Making or amending TLPs**

Temporary local planning instruments are considered at [PA23.05] with reference to:

- *HPC Urban Design and Planning Pty Ltd v Ipswich City Council* [2020] QPELR 534;
- *Cannon Hill Investments Pty Ltd and Australian Country Choice Production Pty Ltd v Brisbane City Council; Wilmar Trading (Australia) Pty Ltd v Brisbane City Council* [2022] QPEC 16;
- *Archer v Council of the City of Gold Coast* [2022] QPEC 59.

#### **Section 25: Reviewing planning schemes**

A 10-year review timeframe is discussed at [PA25.05] with reference to:

- *Kenfrost (1987) Pty Ltd v Cairns Regional Council* [2024] QPEC 15;

- *HPC Urban Design and Planning Pty Ltd v Ipswich City Council* [2020] QPELR 534.

### **Section 27: Power of Minister to take urgent action**

Section 27 is considered in regard to *Cannon Hill Investments Pty Ltd and Australian Country Choice Production Pty Ltd v Brisbane City Council; Wilmar Trading (Australia) Pty Ltd v Brisbane City Council* [2022] QPEC 16. See [PA27.05].

