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Update Summary

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PLANNING AND DEVELOPMENT QUEENSLAND

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Planning Act 2016 (Qld)

Author Rosanne Meurling has reviewed and updated the commentary. Highlights include the following.

Chapter 2 – Planning

State Planning Policy July 2017

In *Black Ink Architecture Pty Ltd v Ipswich City Council* [2021] QPELR 9; [2020] QPEC 13, the Court refused an application for a child care centre on the basis of non-compliance with a flooding constraint in the planning scheme. See [PA.STI.04].

Shaping SEQ – South East Queensland Regional Plan 2017

Commentary on Shaping SEQ has been updated with reference to cases including *Development Watch Inc v Sunshine Coast Regional Council* [2023] QPEC 24 and *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* [2023] QPELR 778; [2022] QPEC 16. See [PA.STI.08].

Section 29A: When superseded planning scheme application for prohibited development may be made

Commentary on s 29A is updated with reference to the *Planning Regulation 2017*. See [PA29A.05].

Section 31: Claiming compensation

Commentary on s 31 is updated in regard to *Roseingrave v Brisbane City Council* [2024] QPEC 7. See [PA31.05].

Section 42B: Process for making or amending guidelines under s 36 or the designation process rules

New commentary on s 42B is provided with reference to the *Housing Availability and Affordability (Planning and Other Legislation Amendment) Act 2024*. See [PA42B.05].

Chapter 4 – Infrastructure

Section 120: Limitation of levied charge

Commentary on s 120 is updated in regard to *Douglas Construction & Engineering Pty Ltd v Logan City Council* [2023] QPEC 28. See [PA120.05].

Section 121: Requirements for infrastructure charges notice

Commentary on s 121 is updated with reference to *Douglas Construction & Engineering Pty Ltd v Logan City Council* [2023] QPEC 28. See [PA121.05].

Chapter 5 – Offences and enforcement

Section 163: Carrying out assessable development without permit

Commentary on s 163 is updated in regard to *Morley v Council of the City of Gold Coast* [2023] QPEC 51. See [PA163.05].

Section 171: Stay of enforcement notice

Commentary on s 171 is updated with reference to *Glesk v Chief Executive of the Department of Environment and Science* [2023] QPEC 43. See [PA171.05].

Section 180: Enforcement orders

Commentary on s 180 is updated with reference to cases including *Cordwell Resources Pty Ltd ACN 066 294 773 v Noosa Shire Council* [2024] QPEC 18, *Baxter v Preston (No 2)* [2023] QPEC 37 and *Karagianis v Body Corporate for Northpoint Carseldine Community Titles Scheme 50962 (No 2)* [2024] QPEC 20. See [PA180.05].

