



Hon Jeff Seeney MP

Deputy Premier

Minister for State Development, Infrastructure and Planning

Our ref: MC14/3192, MC14/3417  
NL01092014, NL110914

Your ref: 10.4 Petitions

30 SEP 2014

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
Corner of Alice and George Streets  
BRISBANE QLD 4001

Dear Mr Laurie

Thank you for your letters of 29 August and 10 September 2014 about petitions 2297-14, 2261-14, 2301-14 and 2307-14.

The Queensland Government appreciates the benefits provided by recreational motor sport facilities and is aware of the concerns raised with respect to the impact of newer residential development on existing facilities.

Urban encroachment on existing activities, such as motor sport facilities, has been an issue over some time. The *Sustainable Planning Act 2009* (SPA) contains provisions (in chapter 8A) that establish a process for such activities to seek some protection, in certain circumstances, from nuisance claims made by the occupants of encroaching activities.

The SPA's arrangements remove a right to bring a common law claim for nuisance in the courts, so they set high standards for businesses seeking such protection to establish the parameters of acceptable noise, dust or other emissions, and significant notification requirements, so that the occupants of encroaching activities can be very clear about their rights. No existing activities have applied for protection under the encroachment provisions since their inclusion in SPA in early 2012.

As part of the process of considering the content of the new planning legislation (which has been released for comment as the draft Planning and Development Bill), the intent and workings of SPA's encroachment provisions have been examined to determine whether and how they should be carried forward. This examination concluded that these provisions have not been utilised because of the high standards that must be achieved to justify the removal of common law rights.

However, these petitions have drawn attention to the need for a renewed consideration of this matter and will therefore be treated as a submission on the draft Planning and Development Bill.

If you require any further assistance, please do not hesitate to contact my office.

Yours sincerely

JEFF SEENEY MP  
DEPUTY PREMIER

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