

Major Sports Facilities (Major Concerts at Brisbane Stadium (Lang Park)) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 189

made under the

Major Sports Facilities Act 2001

General Outline

Short title

Major Sports Facilities (Major Concerts at Brisbane Stadium (Lang Park)) Amendment Regulation 2022

Authorising law

Sections 4, 30A and 33 of the *Major Sports Facilities Act 2001*.

Policy objectives and the reasons for them

The *Major Sports Facilities Act 2001* (the Act) provides for the management, operation, use, development and promotion of facilities in Queensland for staging national or international sports, recreational or entertainment events, special events and for other purposes.

The Act establishes Stadiums Queensland as the statutory authority responsible for operating major sports facilities declared under section 4 of the Act. A major sports facility is a facility that has capacity to stage national or international sports, recreational or entertainment events, or special events. Special events are defined under Schedule 2 of the Act as meaning major concerts, public assemblies or religious events.

The subordinate legislation for the Act, the *Major Sports Facilities Regulation 2014* (the Regulation), restricts the allowable number of major concerts held at Brisbane Stadium (also known as Lang Park or Suncorp Stadium) to no more than six concerts per calendar year.

The current regulatory cap of six concerts per calendar year at Brisbane Stadium will be reached in March 2023, with Ministerial approval already provided for six concert events of major international artists to be held from January to March 2023. A further four concert events with major international artists have already been sought by promoters in 2023, however due to the limit on concerts per year, the stadium is unable secure these events at this stage.

The objective of the *Major Sports Facilities (Major Concerts at Brisbane Stadium (Lang Park)) Amendment Regulation 2022* (the Amendment Regulation) is to temporarily increase the number of major concerts that can be held at Brisbane Stadium per calendar year, for the 2023 and 2024 calendar years only, to satisfy an increase in demand for concerts to be held at the venue.

A cap of 12 concerts per calendar year was identified as the best estimate of the maximum required to meet the extra demand for concerts from significant international artists at Brisbane Stadium in the years of 2023 and 2024, particularly when taking into account some highly popular artists booking two or more concerts at the venue to meet public demand (e.g., Ed Sheeran will play three sold out concerts in February 2023).

Heightened demand for concerts at Brisbane Stadium is a direct result of the easing on COVID-19 restrictions on large gatherings and international arrivals.

As the Regulation specifies and limits the number of concert events permitted in a calendar year, an amendment to the Regulation is the only option to achieve the desired outcome.

Achievement of policy objectives

The Amendment Regulation will amend section five of the Regulation by inserting a new subsection which prescribes an increase in the concerts cap from six to 12 concerts per calendar for the 2023 and 2024 years only. The Amendment Regulation also provides for the expiration of the temporary concert cap on 1 January 2025.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the Act. The purpose is achieved by giving effect to the Amendment Regulation.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Amendment Regulation temporarily increasing the number of concerts for the calendar years of 2023 and 2024 will not incur any potential compliance costs for local businesses, community or government.

To mitigate any adverse impacts on the local community, the Regulation currently stipulates requirements that must be met by the operator of Brisbane Stadium when conducting special events at the venue, including in relation to transport management, operational management, lighting, noise, and reporting on complaints and noise level measurements.

Any costs of complying with mitigation strategies set out in the Regulation (in order to moderate the impacts of events on the surrounding community) will be borne by the venue hirer or promoter.

For example, the cost of police is passed onto the concert promoter or hirer, and not borne by Government. In addition, all Brisbane Stadium events use integrated ticketing and the cost for transport services is included in the ticket price.

Brisbane Stadium offers a capacity of 52,500 seats – providing a large stadium size concert venue in the Brisbane central business district not otherwise available (noting that the Brisbane Entertainment Centre capacity is only 13,500). The stadium is unique due to its physical characteristics, including that it is well serviced by multiple public transport options (heavy rail and buses) and it has been designed to enable easy access for the movement in and out of the significant equipment required to stage international concert acts.

The major concert events that are held at Brisbane Stadium typically bring significant input to the local and regional economy, and due to the international significance of the artists they bring global attention to Brisbane and Queensland. The Brisbane Economic Development Agency (BEDA) estimates that a concert event selling 50,000 tickets (which is the estimated attendance for the first three concerts of 2023 already booked at Brisbane Stadium) will generate \$21.2 million dollars of economic activity, will support 650 FTE jobs, and bring around 30,000 out of region visitors to Brisbane (including interstate, international, intrastate visitors). Temporarily increasing the concert cap will also help to maximise the utility and public benefit of Brisbane Stadium, including supporting return on significant public investment in the venue.

Ultimately, a temporary increase in the concert cap will provide economic and social benefits at local, regional and state levels, satisfy demand for large concert events, support the recovering entertainment industry post the COVID-19 pandemic, and represent the views and support from survey respondents, including local community members and local business owners and operators.

Consistency with fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* outlines principles that require legislation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament.

Fundamental legislative principles have been reviewed to ensure adequate safeguards have been provided for. The proposed amendment may incur minor impacts on the rights and liberties of individuals as an increased number of concert events at Brisbane Stadium will result in increased traffic and parking restrictions, and increased activity around the stadium.

However, the Regulation places significant conditions on the conduct of special events at the Brisbane Stadium which reduce undesirable impacts on the community and local businesses, namely:

- Schedule 2 of the Regulation requires that an operator (the person who manages the facility for Stadiums Queensland) has prepared, and given to the chief executive, a transport management plan that states the operational transport management actions required for the event. The transport management plan must include the following:
 - a car parking scheme to prevent intrusion by event-generated car parking in the area around the facility;
 - a communications strategy;
 - details of road and street closures;
 - details of train, bus, and coach services;

- coach, taxi, limousine and private vehicle parking and set-down areas;
- pedestrian and traffic controls;
- emergency services;
- access, parking, loading and unloading of trucks and semitrailers;
- parking arrangements for the set-up of the event;
- promotion, including, if relevant, a combined ticketing system for public transport and event entry;
- access for disabled persons.
- The operator of the stadium must give a copy of the proposed transport management plan for comment to the transport coordination group for the facility and the stadium management advisory committee for the facility. The operator must arrange for the regulation of the traffic area around the facility to be carried out by the Brisbane City Council under its relevant local law.
- Before the event begins, Stadiums Queensland must ensure that the operator has prepared, and given to the chief executive, an operational management plan which identifies potential adverse impacts of the use of the facility for the event and details the measures to be adopted to mitigate and manage these impacts, such as for noise control, event building and construction work, entertainment activities associated with the event (such as fireworks, helicopters, blimps or public address systems), pedestrian and traffic movement, and crowd behaviour.
- Schedule 2 of the Regulation also requires compliance with AS 4282-1997 for Control of the Obtrusive Effects of Outdoor Lighting and provides several constraints regarding the operating hours for events, to minimise impact on the local community:
 - The operator must ensure that the part of the event that is a rehearsal or a sound test only happens between 10:00a.m. and 8:00p.m., and if audible beyond the facility, it is kept to an absolute minimum and is not more than 3 hours in total on any day.
 - The operator must also ensure that the part of the event other than a rehearsal or a sound test only happens between 10:00a.m. and 10:30p.m., and the stadium is closed to the public by 11:30p.m.
- To minimise the impact of noise during concert events and concert rehearsal, Schedule 2 of the Regulation also details a range of requirements for the operator:
 - During the event, including rehearsals and sound tests, the operator must ensure that noise levels from the event are continuously monitored by a suitably qualified acoustical consultant at, or as near as practicable to, the following locations:
 - 8.5 Petrie Terrace, City; 15 Plunkett Street, Paddington; 36 Judge Street, City; 26 Princess Street, City; 31 Isaac Street, Milton.
 - The operator must ensure the noise level from the event, including rehearsals and sound tests, is equal to or less than at least 1 of the following:
 - 100dB(A) Leq, measured at 15-minute periods, measured at a point 50m directly in front of the front edge of the performance stage;
 - 70dB(A) Leq, measured at 15-minute periods, measured at the locations mentioned above.
- The operator must also ensure the taking of the noise measurements complies with the Queensland Government's Noise Measurement Manual.
- During the event, including rehearsals and sound tests, the Authority must ensure that 1 of its employees or its agent:
 - is present at the sound mixing desk for the event and is able to exercise ultimate

- control on the noise levels from the sound amplification equipment; and
- can contact and communicate with all of the acoustical consultants conducting the monitoring of the noise levels from the event.
- Stadiums Queensland must also take all reasonable and practical measures to ensure that occupiers of land who are likely to be significantly impacted by the event, including occupiers of land in the Lang Park Traffic Area, are given at least 20 business days written notice of the event, including for when sound tests and rehearsals are carried out.

Given the existing significant regulatory requirements in place to minimise adverse impacts for the local community, the Amendment Regulation is considered to have sufficient regard for the rights and liberties of individuals.

The Amendment Regulation also has sufficient regard to the institution of Parliament as the proposed amendments are consistent with the policy objectives of the authorising law and only relate to matters appropriate to subordinate legislation. The Amendment Regulation has also been drafted in an unambiguous, sufficiently clear and precise manner, in accordance with requirements outlined under the *Legislative Standards Act 1992*.

The Amendment Regulation is, therefore, consistent with fundamental legislative principles.

Consultation

Government approved consultation with community on the proposal to temporarily increase the concert cap at Brisbane Stadium from six to 12 concerts per calendar year for 2023 and 2024, to meet heightened demand for concerts to be staged at Brisbane Stadium in that period.

Consultation with the Queensland community, including local residents and business owners within the Lang Park Traffic Area surrounding the stadium, occurred via a publicly accessible survey on the Queensland Government *Get Involved* website from 12 September to 24 October 2022.

The survey was actively promoted to local residents and local business owners in the Lang Park Traffic area by Stadiums Queensland and the Suncorp Stadium Management Advisory Committee to ensure local views on the proposal and perceptions of its potential impacts could be ascertained. Survey results showed most respondents (78%) were in support of a temporary increase in the number concerts from six to 12 per calendar year for the two years of 2023 and 2024, with a majority of local residents (76%) and business owners (83%) who were surveyed also supporting the proposal.

While a small proportion (13%) of local resident respondents strongly disagreed with the proposal, with concerns raised about traffic and noise impacts and nuisance public behaviour, Schedule 2 of the Regulation requires extensive mitigation strategies be implemented by Stadiums Queensland and/or the stadium operator to moderate the impact of events at the stadium on the surrounding community.

Stadiums Queensland will continue to work with the stadium operator, local residents and businesses, Brisbane City Council, and the Suncorp Stadium Management Advisory Committee to minimise disruptions from additional concerts, and to monitor and respond to any issues experienced by local residents.

The Suncorp Stadium Management Advisory Committee, comprising representatives from the local community, including businesses and residents, the Brisbane Central District Queensland Police Service, Queensland Ambulance Services Operations in Metro North, Translink, Queensland Fire and Emergency Services Area Command – Roma Street, the Ward of Paddington and the Member for Cooper, also provided support for a temporary concert cap increase for 2023 and 2024.

The Office of Best Practice Regulation was consulted and advised that based on the results of consultation, including responses from local residents and locals businesses, and existing regulatory requirements to mitigate adverse impacts on the local community from special events, no further regulatory impact analysis of this Amendment Regulation is required under the *Queensland Government Guide to Better Regulation*.