

Fireworks (Pyrotechnic) Display Policy

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Strategic Pillar	Development and Environment
Responsible Branch	Environmental Health

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1. OUTCOMES

- 1.1 Fireworks are a class of low explosive pyrotechnic devices used for aesthetic and entertainment purposes. The most common use of a fireworks is as part of a fireworks display (also called a fireworks show or pyrotechnics), a display of the effects produced by fireworks devices.
- 1.2 Fireworks take many forms to produce the four primary effects: noise, light, smoke and floating materials (confetti). They may be designed to burn with coloured flames and sparks including red, orange, yellow, green, blue, purple, and silver. Displays are common throughout the world and are the focal point of many cultural and religious celebrations.
- 1.3 This Policy will reduce the negative impact firework displays have on surrounding properties. The controls listed in this policy will help to mitigate property damage, livestock/pet impacts, residential disturbance, and improve public safety.

2. POLICY

- 2.1 This policy is concerned with the process of notification to Council, which must be followed by licenced pyrotechnicians who plan on conducting a fireworks display within the local government area. It has been developed to ensure that all proposed pyrotechnical displays taking place within the Queanbeyan-Palerang Regional Council area are reviewed and assessed by Council and that appropriate controls are imposed to limit their impact in relation to safety, noise, and potential to generate pollution.

3. SCOPE OF THE POLICY

- 3.1 The policy is relevant to any fireworks display occurring within the Queanbeyan-Palerang Regional Council area.

4. DEFINITIONS

- 4.1 **Aerials or Aerial Display Shells** – display fireworks that are designed to be projected from a mortar tube by means of a lifting charge and to burst in the air, displaying stars, comets, rings, serpents, crackers, streamers or other effects. Where a pyrotechnician's licence authorises the use of aerial shells, the licence specifies the maximum size aerial shell that can be used under the licence.
- 4.2 **Close Proximity Pyrotechnics (Theatrical Fireworks)** – pyrotechnic articles assigned to compatibility group G that are specifically designed for use at close proximity to performers, audiences and structures; typically used indoors (eg stage or studio) for theatre, concert, film and television productions; include gerbes, fountains, flash pots, fireballs, flame or smoke effects involving pyrotechnics
- 4.3 **Firework** - an article designed to produce a sound or a pyrotechnic signal or a pyrotechnic effect by the explosion or ignition of an explosive substance, including a display firework or toy firework.
- 4.4 **Ground Display Fireworks** – display fireworks that primarily function on the ground and which may project stars, novelty and other effects above the ground, eg mines, roman candles, lances, fountains, comets, multi-shot cakes and wheels.
- 4.5 **Pyrotechnician** – A person who is responsible for the safe storage, handling, and functioning of pyrotechnics and pyrotechnic devices. Additionally for the purpose of

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this policy a pyrotechnician is the holder of a valid Pyrotechnicians or Fireworks (Single Use) Licence issued by SafeWork NSW.

- 4.6 **Salutes** – aerial shells that are designed to produce a single loud report upon bursting in the air. Their receipt and use must be specified on the licence. They are known to disturb animals, particularly dogs and horses, therefore care and consultation are required to ensure that neighbours can protect their animals. Salutes larger than 75mm are prohibited in NSW

5. LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

- NSW Explosives Act 2003
 - NSW Explosives Regulations 2013
- NSW Protection of the Environment Operations Act 1997
 - NSW Protection of the Environmental Operations (General) Regulations 2021
 - NSW Protection of the Environmental Operations (Noise Control) Regulations 2017
- NSW Local Government Act 1993
- Commonwealth Civil Aviation Safety Act 1988
 - Commonwealth Civil Aviation Safety Regulations 1998

6. CONTENT

6.1 PRIOR TO COUNCIL NOTIFICATION

6.1.1 All individuals who wishes to conduct a fireworks display **MUST** have been issued by SafeWork NSW either:

- A Pyrotechnicians licence; or
- A Fireworks (Single Use) Licence (FSUL).

6.1.2 All licenced individuals must have completed and submitted a '*Fireworks Notification Form*' (available from the SafeWork NSW website) to SafeWork NSW, and have received a written confirmation of this Notification from SafeWork NSW.

6.2 COUNCIL NOTIFICATION PROCESS

6.2.1 A Pyrotechnician's or Fireworks (Single Use) Licence is issued by SafeWork NSW by way of the *Explosives Regulation 2013* (the Regulation).

6.2.2 The Regulation requires that as a condition of each Pyrotechnician's Licence or Fireworks (Single Use) Licence issued, the licensee must notify SafeWork NSW and the local Council of an intention to use any fireworks, distress signal or model rocket propellant device at least seven (7) working days before the fireworks, signal or device is to be used (Clauses 29 and 30).

6.2.3 While notice must be given to Councils of an intention to use any firework, Council has no power to approve the use of a firework. However, Council may object to or impose conditions on an applicant's use of fireworks.

6.2.4 After receiving notification of the intended use of fireworks, Council may decide to object to the use of the fireworks. If Council decides to object to the use of the fireworks, we are required to inform the Pyrotechnician and SafeWork NSW of that decision.

6.3 NOTIFICATION SUBMISSIONS TO COUNCIL

6.3.1 All notifications must be received by Council at least seven working days prior to the proposed fireworks display.

NOTE: Pyrotechnicians engaged by and for events organised by Queanbeyan-Palerang Regional Council, are NOT exempt from the requirement to notify Council of a proposed display.

6.3.2 All notifications are to be accompanied by:

- A copy of your Pyrotechnician or Fireworks (Single Use) Licence;
- A copy of your Public Liability Insurance with a value up to \$20 Million;
- A completed 'Fireworks display checklist' as published by SafeWork NSW*;
- A site diagram showing the firing location, buffer zones, emergency equipment (including firefighting equipment and first aid equipment), and any other relevant information; and

* - The checklist can be found on the SafeWork NSW website. Checklists are to be completed by the licence holder.

6.3.3 If the above details are not provided to Council upon notification, it may result in Council objecting to the fireworks display occurring.

6.4 SUBMISSION ASSESSMENT

6.4.1 All notifications received by Council will be assessed against the 'Guidelines for Council when notification of an intention to use fireworks is received' which was issued under s23A of the *Local Government Act 1993* by the NSW Office of Local Government (Circular No. 08-66).

6.4.2 When assessing whether or not to object to a fireworks display Council will take into consideration the following issues:

1. appropriateness of the location of the display, eg. proximity to residences, hospitals.
2. reason for the display, eg. is the display in the public interest? (Information on the public interest can be found on the NSW Ombudsman's website.).
3. types of firework that are proposed to be used, eg. aerial fireworks (in particular Salutes) are considered to have a much greater impact on surrounding areas than ground fireworks.
4. impact on any affected residents and businesses, eg. has the approval or support of local residents and businesses been sought and obtained?
5. impact on animal welfare.
6. public liability issues.
7. Noise.
8. Pollution.
9. public nuisance.
10. appropriate notification by the applicant to properties neighbouring the proposed display. Council will need to decide what it believes to be a reasonable area of notification.
11. the proposed procedure for the disposal of spent fireworks.
12. whether appropriate crowd and traffic management issues have been addressed where the display is likely to draw crowds.

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13. any local conditions that the council may consider to be relevant.

6.5 DETERMINATION OF PUBLIC NOTIFICATION

- 6.5.1 A standard condition which will be applied to ALL proposed firework displays relates to the notification of all landowners within a specific radius of the proposed fireworks firing/ignition site. This mainly takes the form of a mailbox drop however, under certain circumstances additional notification requirements may be imposed at the discretion of the Council. These include but are not limited to notification in local newspapers, media release, roadside signs, and other forms of advertisement.
- 6.5.2 The following distances will be applied to all proposed displays which use fireworks with a shell diameter equal to or less than 100mm. For all displays which propose to use shells with a greater diameter, the notification distances may be increased.
- 6.5.3 Any proposed displays which are to occur within the Urban and Peri-Urban areas of Queanbeyan-Palerang Regional Council will need to notify all landowners and residents with land within (minimum) 500m radius of the fireworks firing/ignition site.
- 6.5.4 Any proposed displays which are to occur outside of the above zones, will need to notify all landowners and residents with land within a (minimum) 1.5 km radius of the fireworks firing/ignition site.

6.6 DETERMINATION AND RESPONSE

- 6.6.1 Although Council is not legally obliged to issue a response in regards to a notification (except in the instance of a 'Late Notification'), Council will always issue one of the following possible responses in relation to any Notification of a Fireworks Display that is received:
- A No Objections Letter
 - A No Objections with Conditions Letter; or
 - An Objection to the Display.
- 6.6.2 Council may impose conditions on an applicant's use of fireworks. A list of some standard conditions imposed by Council can be found in Appendix B.
- 6.6.3 Where Council issues a No Objections with Conditions letter, any conditions issued by Council which contradict operational requirements set forth by SafeWork NSW, will be void and the operational requirements of SafeWork NSW will take precedence.

6.7 DETERMINATION RESPONSIBILITY

- 6.7.1 Responsibility for determining whether or not to object to a fireworks display will be determined by the diameter of the shells to be used.

(Aerial) Shell size in mm	Responsibility
Equal to or less than 100mm	Council's Environment and Health Section
Greater than 100mm	Council Meeting (Via Staff Report)
Aerial Salutes of any size	Banned – Automatic Objection

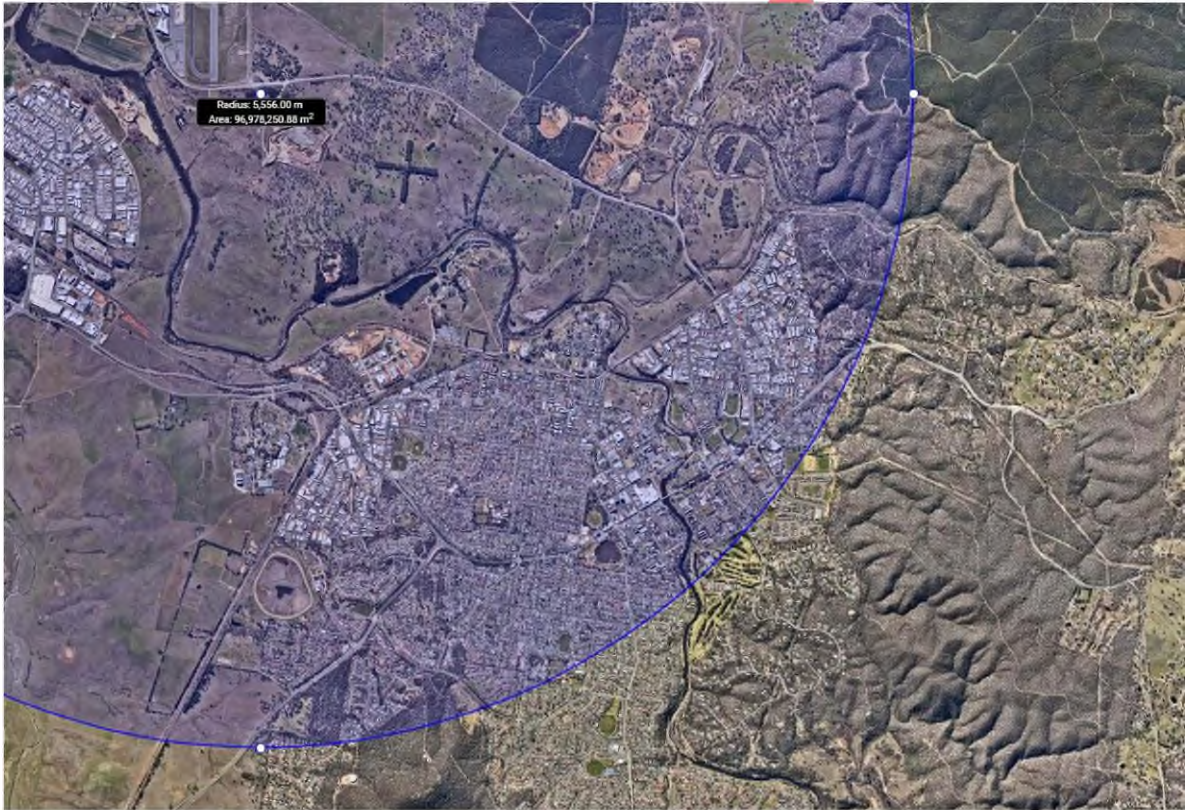
6.8 DISPLAYS DETERMINED AT A COUNCIL MEETING

- 6.8.1 Please note that any displays where it is proposed to use firework with a shell diameter greater than 100mm, will need to go before Council. Council Meetings take place on a fortnightly basis, and due to the time required to prepare for a Council Meeting, all notifications must be received at least Twenty-One (21) days prior to the last Council meeting preceding the proposed event.
- 6.8.2 It is strongly recommended that any such notifications are received several Council meetings prior to the proposed event in case the Council decides to object, or requests modifications.
- 6.8.3 If a notification is received where there is not enough time provided to take the notification before a Council Meeting, Council's Environmental Health Section will automatically object to the proposed display.

7. REVIEW

- 7.1 This policy will be reviewed every four years or earlier as necessary if:
- a) legislation requires it, or
 - b) Council's functions, structure or activities change.

Appendix A: 3 Nautical Mile (5.556km) Civil Aviation Safety Authority (CASA) and Air Services Australia Notification Zone



Appendix B: No Objections Letter Standard Conditions

The following is a list of standard conditions that may be included in a “No Objections” letter. This list of conditions is not comprehensive and additional conditions may be imposed on events as deemed necessary.

- (a) Compliance with SafeWork NSW fireworks licence, general licencing conditions and operational conditions.
- (b) Fireworks must not be released during a Total Fire Ban unless a permit has been granted by either NSW Fire and Rescue, or NSW Rural Fire Service, whichever is the appropriate agency for the firing point.
- (c) Only low level aerial fireworks are permitted for use in the fireworks display with shells of less than 100 mm.
- (d) A minimum exclusion zone of at least 50m shall be placed around the fireworks firing point to prevent pedestrian and vehicular access. Barriers shall be erected by yourself or the organisers before the event and shall remain in place until the conclusion of the display.
- (e) The activity must be conducted in accordance with SafeWork NSW requirements including AS2187.4. Specific requirements of this Australian Standard include but are not limited to the following:
 - Smoking shall not be permitted within the secured area.
 - No person affected by alcohol or drugs is admitted to the display site.
 - Only authorised persons are to enter the display site.
 - The operator shall be primarily responsible for safety.
 - Should any adverse condition exist to affect safety, the display shall be postponed or cancelled.
 - The operator of the display shall be a competent person and be at least 18 years of age.
- (g) Compliance with the Operational Conditions for Pyrotechnics/Fireworks Permits published by SafeWork NSW.
- (h) The authorised permit holder is to be responsible for the safe release of the fireworks.
- (i) The fireworks display must conclude before 9.30pm and not occur for a period greater than 30mins.
- (j) The organiser must provide notice by the way of letter box drop to all residential premises within the prescribed notification zone (as determined by section 6.4 of this policy).
- (k) The event organiser must have on hand a hose or 100L of water to extinguish any fires.
- (l) The event organiser must have on hand a fire blanket to extinguish any fires.

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- (m) All litter and rubbish resulting from the display is to be cleaned up and disposed of lawfully.
- (n) The event organiser must take all reasonable attempts to make the wider community (outside of the letter box drop notification area) aware of the upcoming display. This information must include the date, time and location of the display. This information must include the date, time and location of the display, as well as the contact name, phone number and email address of the event organizer.