

# Fireworks Policy

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## 1. Purpose

This policy has been prepared to provide clear guidance on how Council will consider notifications for firework displays conducted by licensed pyrotechnicians under the *Explosives Regulation 2013* (NSW) and regulated by SafeWork NSW.

Council is committed to ensuring that all events with proposed firework/pyrotechnic displays held on Council owned or managed land exercises an appropriate level of due diligence and identifies and mitigates all potential impacts on the community and the environment.

## 2. Statement

### 2.1. Scope

This policy aims to provide a consistent approach to the operation of fireworks on Council owned and managed land across the Shoalhaven City Council local government area (LGA).

Council must be notified by licensed pyrotechnicians via the SafeWork NSW application process for all fireworks displays held in the LGA. Council has the right to issue objections in relation to fireworks/pyrotechnics displays held on private land if assessment demonstrates potential and foreseeable impacts on the environment, domestic livestock, companion animals and the broader community.

Council does not assess fireworks applications for compliance to the requirements of *Explosives Regulation 2013* (NSW) associated with the use and storage of fireworks. This assessment is the sole responsibility of SafeWork NSW.

It is illegal to buy, possess or discharge fireworks unless a [pyrotechnicians or single use licence](#) is obtained from SafeWork NSW. SafeWork NSW must be notified of all fireworks displays. Authorised events can be found using the SafeWork NSW [fireworks display search](#).

Unauthorised events are to be reported to the NSW Police as the appropriate regulatory authority.

### 2.2. Background

Fireworks comprise aluminium, iron, zinc or magnesium dust encapsulated in a low explosive pyrotechnic mechanism in order to produce bright and shimmering sparks. Fireworks displays still feature in many aesthetic and entertainment related functions and are considered the focal point of these celebrations.

The use of fireworks must be authorised by SafeWork NSW. Their use poses a risk on the environment and the community, predominantly through the noise emitted, but also due to the need for the appropriate management of community and visitor congregations.

As such, assessing the risks imposed by fireworks displays on the environment and the community, and their appropriate mitigation, is integral to maintaining and continuing a balance in the economic, cultural, environmental, and social values of the Shoalhaven.

### 2.3. Legislative context

The following legislation, Australian Standards and Codes are relevant to fireworks displays:

- *Explosives Act 2003* (NSW)
- *Explosives Regulation 2013* (NSW)
- *Environmental Planning and Assessment Act 1979* (NSW)
- *Rural fires Act 1997* (NSW)
- *Biodiversity Conservation Act 2016* (NSW)
- *National Parks and wildlife Act 1974* (NSW)
- *Fisheries Management Act 1994* (NSW)
- *Environment Protection and Biodiversity Conservation Act 1999* (Cth)
- *Australian Standard AS 2187.4 Storage, Transport, and Use – Pyrotechnics – Outdoor Displays*
- *Australian Explosives Code Operational Conditions for Pyrotechnician's and Single Use Fireworks Licences*

## 3. Provisions

### 3.1. Policy principles

Shoalhaven City Council may issue a permit approving firework displays by licensed pyrotechnicians on Council owned or managed land subject to the following conditions:

- Fireworks/pyrotechnics displays are for the specific purpose of public/community events only.
- The event organiser/licensed pyrotechnician has exercised an appropriate level of due diligence to avoid impacts on the environment and community.
- The process and supporting application are fully supported by SafeWork NSW authorisations.
- Relevant State Government agencies have been consulted with in relation to areas within their jurisdiction and where relevant, licenses and permits have been obtained.

Council is entrusted to ensuring that all events held on Council owned or managed land are safe, accessible, well planned and take into consideration and manage potential impacts. SafeWork NSW set the requirements that event organisers must meet when applying for firework approval.

Any unauthorised use of fireworks/pyrotechnics must be referred to the NSW Police Force for legal prosecution.

### 3.2. SafeWork NSW

As the use of fireworks is regulated by SafeWork NSW under the *Explosives Regulation 2013*, more information pertaining to licensing, eligibility criteria and application process can be located on the SafeWork NSW website - [SafeWork NSW Explosives and fireworks licences](#).

A [SafeWork NSW Fireworks Display Checklist](#) must be completed and submitted to SafeWork NSW at least seven (7) business days prior to **any** fireworks display event. It is used to identify areas of potential risk for firework displays and to assist licence holders when developing a written risk assessment required by SafeWork NSW.

Authorities (including Council) must be included in the notification, and these are outlined in the checklist. A letter from Council must be submitted to SafeWork NSW by the applicant stating there is no objection from Council before SafeWork NSW can process the application. Proof of stakeholder consultation and notification must be demonstrated before Council reviews the Council Event Application as per Section 3.3.

### 3.3. Event Application

In addition to the SafeWork notification process outlined in section 3.2, a [Shoalhaven City Council Event Application](#) in accordance with Council's Events Policy must be submitted to Council at least 90 days prior to commencement of the firework displays if they are proposed to occur on Council owned or managed land. The Event Application must include:

- a. A completed copy of the [SafeWork NSW Fireworks Display Checklist](#)
- b. A copy of current SafeWork NSW pyrotechnicians licence
- c. Mitigation measures for all relevant environmental aspects
- d. Confirmation that surrounding residents and any sensitive receivers will be notified between 14 days to a month prior to the event.
- e. Environmental considerations as outlined in section 3.4.

Surrounding residents shall be notified between 14 days to a month prior to the event as follows:

- 1) minimum 1km radius in residential areas; and
- 2) minimum 2km radius in rural areas
- 3) or as specified in the Council issued permit for the approved event.

This notification must include:

- a. Date, time and location of the proposed fireworks.
- b. Tips and links to resources for protection of pets and livestock during fireworks displays.
- c. Contact details for Wildlife Rescue South Coast and local veterinary clinics in the event that residents find injured or disorientated wildlife during or following a fireworks display.
- d. The licensed pyrotechnicians details, including a phone number to make representations.
- e. State that any concerns about the display may be raised with Shoalhaven City Council if they are unable to be resolved with the licensed pyrotechnician.

### 3.4. Environmental considerations

Council is committed to ensuring that licensed pyrotechnicians exhibit an appropriate level of due diligence and compliance with relevant environmental legislation. This includes the provision of licenses and/or permits from State Government agencies for relevant environmental aspects within their jurisdictional control when an Event Application is submitted to Council.

The [NSW Government Directory](#) should be used to determine the relevant State Government agencies that need to be consulted in the preparation of a fireworks notification and the completion of a Council Event Application for firework displays.

Noise emitted from fireworks is an important consideration in this assessment and how it impacts on animals – wildlife, pets, and domestic livestock. Impacts on animals from fireworks may include loss of hearing, death by fright, significantly elevated heart rate, collisions with

objects and infrastructure associated with a flight response, dependent juvenile abandonment and long-term increased panic reactions to future loud noises, such as thunder.

Other impacts on the environment from fireworks displays include:

- air and water pollution (e.g. micro and meso litter from fireworks tubes and fireworks plastic pieces).
- public health concerns (e.g. respiratory disease and asthma trigger).
- waste management.
- pedestrian and traffic control.
- Threats imposed on biodiversity and cultural heritage (e.g., barge mobilisation and anchoring where there are seagrasses present, trampling of vegetation from fireworks spectators).
- Bushfire risk.

To help mitigate these impacts of fireworks displays on the environment, the following considerations and actions should be implemented (but not be limited to) by the licensed pyrotechnician:

- Delineate and implement appropriate controls and adhere to stipulated conditions imposed by Council and State Government agencies for the relevant environmental aspects.
- Undertake a database search for threatened flora and fauna species and threatened ecological communities likely to be affected by the proposed fireworks display.
- Temporary fencing of exclusion zones to ensure sensitive areas such as beach nesting and roosting areas, natural vegetation and any culturally sensitive sites are not impacted or trampled by bystanders.
- Amending proposed displays to minimise impacts, such as lowering noise levels and shortening the display.
- Relocation or postponement based on location of sensitive sites and/or times of the year when threatened species are breeding/nesting.
- Cancellation of the event where impacts on threatened species or sensitive sites are unavoidable and cannot be adequately mitigated.

## 4. Implementation

City Development (Environmental Services) will administer the policy. City Future (Tourism) will assist in the implementation of the policy through advice, information sharing and event bookings.

## 5. Review

The Policy will be reviewed within one year of the election of every new Council.