

s23A GUIDELINES NOTIFICATION OF AN INTENTION TO USE FIREWORKS



AUGUST 2017

S23A GUIDELINES

NOTIFICATION OF AN INTENTION TO USE FIREWORKS

These guidelines have been developed by SafeWork NSW to provide councils with a standard framework when deciding whether to raise an objection with SafeWork NSW to a fireworks display, for which a council has received notification.

REGULATION

A pyrotechnician's or fireworks (single use) licence is issued by SafeWork NSW by way of the *Explosives Regulation 2013* (the Regulation).

The Regulation requires that as a condition of each licence issued, the licensee must notify SafeWork NSW and the local council of an intention to use any firework, distress signal or model rocket propellant device, at least seven business days (or as per local council guidelines should they exceed this limit) before the fireworks, signal or device is to be used (Clauses 29 and 30).

Notice must be given to council of an intention to use any fireworks.

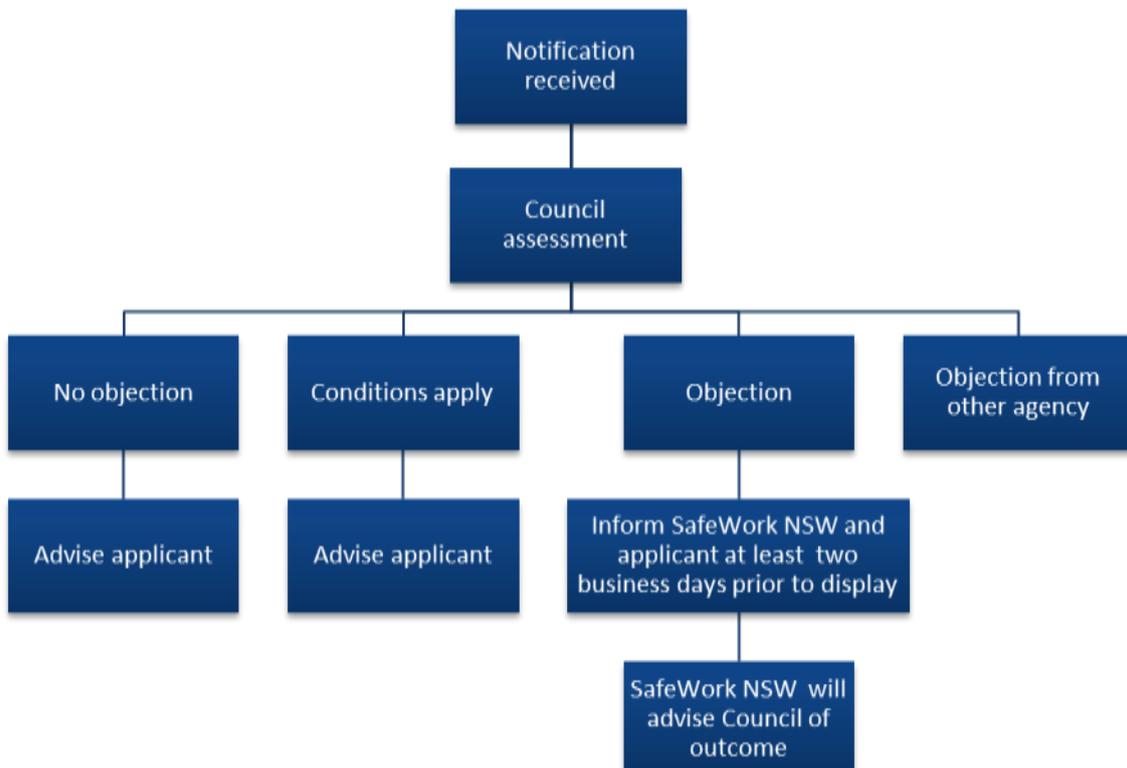
Councils have no power to approve the use of fireworks, but may object to or impose conditions on an applicant's use of them.

AFTER RECEIVING A NOTIFICATION

After receiving a notification of the intended use of fireworks, a council may decide to object to the fireworks display. If a council decides to object, it must inform SafeWork NSW of the decision in writing at least two business days prior to their use.

Councils should be aware that the *Explosives Act 2003* provides for General Licensing Conditions. It is a condition of each pyrotechnician's licence that a notified fireworks display is not to proceed if:

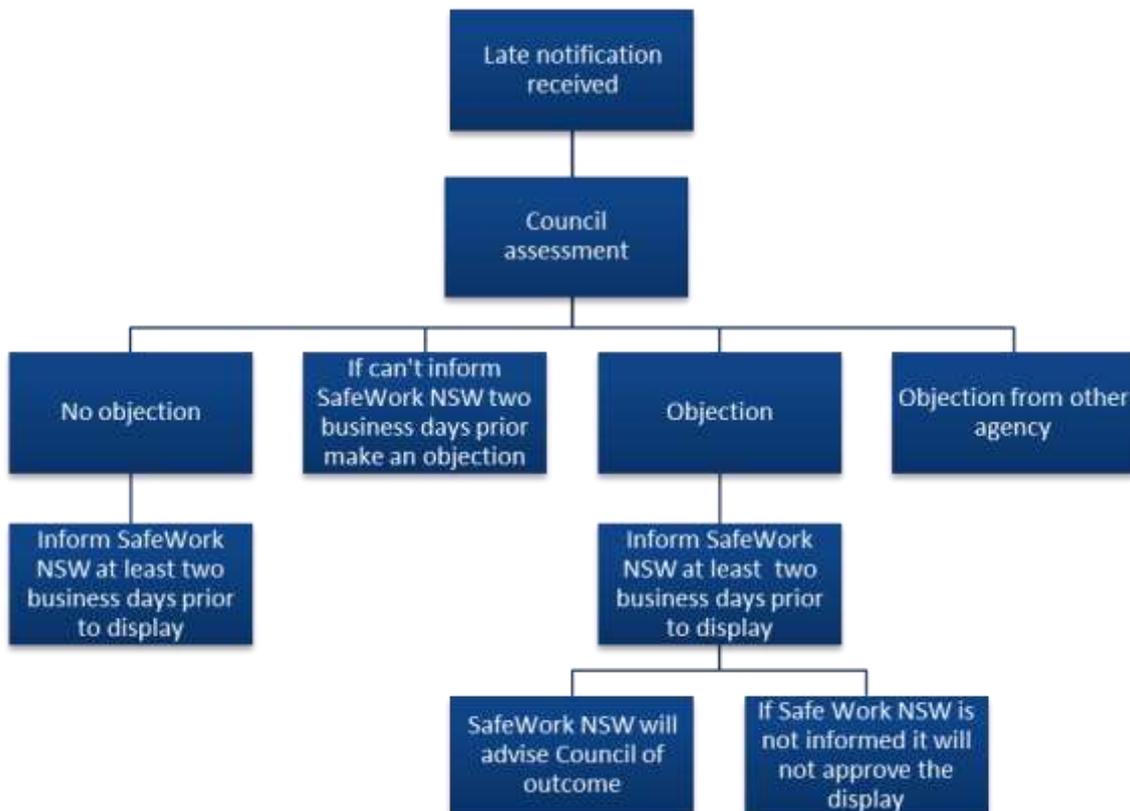
- any of the authorities (for example local council, NSW Police Force, Fire & Rescue NSW) that are notified of the display raise objections to the display; and
- the licensee has not been able to resolve those objections with the authority.



A LATE NOTIFICATION

If a notification is received within seven business days of their intended use, it is deemed to be a late notification. Council must provide SafeWork NSW with written advice of whether it has no objection to the display, or reasons for an objection, no less than two business days prior to the date of their use. Where a council is unable to meet this timeframe due to the lateness of the notification, councils may raise an objection with SafeWork NSW on the grounds that there has been insufficient time to carry out an assessment.

In the situation where SafeWork NSW receives no response from a council, it will not approve the fireworks display and will inform the applicant to follow up with the council to resolve any objections, should they wish to proceed with the display.



ASSESSMENT OF A NOTIFICATION

Some of the issues that a council may consider when deciding whether to object to an application or impose conditions include:

- The appropriateness of the location - proximity to residences, hospitals, aged care facilities, animal shelters and overhead obstructions such as trees and power lines.
- The reason for the display.
- The types of fireworks that are proposed to be used - aerial fireworks, in particular salutes, are considered to have a much greater impact on surrounding areas than ground display fireworks.
- Noise and other pollution.
- Any local conditions council may consider relevant.
- Crowd and traffic management.
- The impact on any residents and businesses – neighbouring properties must be notified appropriately of the intended display such as a letterbox drop. Council must determine the area of notification.
- The impact on animal welfare
- Public liability issues.
- Public nuisance.
- The proposed procedure for the disposal of spent fireworks.

SELF-ASSESSMENT CHECKLIST

SafeWork NSW has a self-assessment Fireworks Display checklist, available on its website.

To assist councils with their assessment of a notification, councils may request the checklist is completed by the applicant as part of the notification process.

FURTHER INFORMATION

SafeWork NSW can assist with information and enforcement should councils decide to raise objections when notified of a fireworks display.

Additional guidance including forms and information about the operational conditions for fireworks displays can be found at www.safework.nsw.gov.au

SafeWork NSW can be contacted on 131050 or by email licensing@safework.nsw.gov.au for further information.

Council can impose conditions on, restrict or prohibit the use of aerial fireworks.

Council should consider the impact on neighbouring properties and animal welfare in making its assessment.

Council can impose any local conditions that it may consider relevant.

If council decides to raise an objection, SafeWork NSW can assist with information and enforcement.

These Guidelines are issued under s23A of the Local Government Act 1993; councils must take them into consideration before exercising any of its functions.