

Council Policy

Fireworks Management



Council Policy	
Legal Authority	<i>Environmental Protection (Noise) Regulations 1997</i> <i>Local Government Act 1995 – Part 9 Division 1</i> <i>Dangerous Goods Safety Act 2004</i> <i>Dangerous Goods Safety (Explosives) Regulations 2007</i> <i>Bush Fire Act 1954</i>
Department	Environment and Health Services

1. Title
Fireworks Management

2. Purpose
This Policy applies to the City of Kwinana when responding to a Fireworks Events Notice administered by the Department of Mines and Petroleum under the *Dangerous Goods Safety Act 2004*.

3. Scope

The City's function in assessing the fireworks applications is restricted to the community impacts associated with noise, proximity to residences and environmental impacts.

The City has no expertise or authority to act in the determining of the safety requirements including the handling, storage and safety clearance distances required for fireworks.

The City does not assess fireworks applications for compliance to the requirements of the relevant legislation for the use and storage of fireworks. The assessment of safety and risk management for fireworks is the sole responsibility of the Licensed Fireworks Contractor and the Department of Mines, Industry Regulation and Safety (DMIRS).

4. Definitions

Fireworks

Has the meaning given to the term in the *Dangerous Goods Safety (Explosives) Regulations 2007* being: "an article or substance containing one or more explosives with or without other substances, that is designed to entertain people by producing light, sound, gas, smoke, or a combination of them, by means of or a combination of them, by means of an exothermic chemical reaction that does not rely on oxygen from external sources to sustain the reaction, but not a model rocket motor".

Fireworks Event

Has the meaning given to that term in regulation 136 of the *Dangerous Goods Safety (Explosives) Regulations 2007* being: "an event or show that involves the use of a firework outdoors to entertain one or more people, whether at a public or private event or show". For the purposes of this policy, fireworks displays that occur over a number of days/times at one venue for the same purpose are regarded as one event.

Fireworks Event Notice

Refers to the relevant DMIRS form or notice submitted to the City for a fireworks event. The Notice is a prerequisite for a Fireworks Event Permit, issued by the Department.

Licensed Fireworks Contractor

The contractor licensed by DMIRS as stipulated in the Fireworks Event Notice.

Private Events

An event that is private (normally by invitation) and not open to the public such as private parties, weddings, etc; held at function centres (or similar venues).

Community/Public Events

An event open to the community or the public, whether ticketed or not (i.e. shows, fairs, fetes, concerts etc).

Responsible Approving Authority

Refers to the authority who is responsible for approving the venue's noise management plan under the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*. The responsible approving authority includes:

- The Chief Executive Officer of City of Kwinana for all venues located within the City of Kwinana unless otherwise specified below;
- The Department of Water and Environmental Regulation for prescribed premises; or
- The Environmental Protection Authority for the Perth Motorplex situated at Lot 435 Rockingham Rd Kwinana Beach.

5. Policy statement

5.1 Assessment of Fireworks Event Notice

When considering a Fireworks Events Notice, the City's principal considerations will include:

- (1) The safety of people, property and the environment in the vicinity of the fireworks event;
- (2) Ensuring the community is reasonably informed of the fireworks event; and
- (3) Reducing unreasonable disturbance to the community.

5.2 No Objection to Fireworks Events Notice

Having regard for the principal considerations outlined in clause 5.1, the City will offer no objection to a Fireworks Event Notice where the following circumstances are met:

- (1) The event at which the fireworks display is proposed, is in the public or community interest, having regard for the reason for the event and expected size of the event;
- (2) The event venue has not had more than three (3) fireworks events in any twelve (12) month period unless a separate noise management plan has been approved by the Responsible Approving Authority;
- (3) The fireworks event is scheduled to occur between the times of 9am to 10pm, unless the event is a community/public event or an exemption has been approved by the Responsible Approving Authority;

- (4) At least 7 days prior to the scheduled event, the applicant or event organiser provides written notification to residents and occupiers of surrounding properties within the notification area. The City of Kwinana Environmental Health will determine the notification area which may include up to 1km of surrounding properties of the fireworks display.

The notice shall contain the following details:

- (a) Name of event and venue
 - (b) Date, time and duration of the fireworks display
 - (c) Address of venue
 - (d) Manned telephone number for reporting complaints
- (5) The applicant and the Fireworks Contractor agree to indemnify the City and any persons acting for or on behalf of the City against any claim for damage or injury to persons or property and the costs associated with such a claim that may arise from the event;
 - (6) All complaint details shall be forwarded to City of Kwinana Environmental Health within 2 business days of the fireworks event. All complaints will be forwarded to the Responsible Approving Authority.

5.3 Consideration of Fireworks Events in other cases

The following Fireworks Event Notices will require consideration by Council:

- (1) Applications that do not satisfy one or more of the items listed in clause 5.2.
- (2) Reported incidents on spectators or surrounding properties from previously approved fireworks events by the same licensed fireworks contractor.

Applications to be considered by Council must be lodged to City of Kwinana Environmental Health at least 60 days prior to the event.

5.4 Conditions Deemed Reasonably Necessary

- (1) Where the City offers no objection to the Fireworks Event Notice, it will be subject to the following conditions:
 - (a) Prior notice of the fireworks event will be given, by the venue's business website (where available) and advertisement in a newspaper circulating generally throughout the City of Kwinana, not more than 21 days prior to and not less than 7 days prior to the event detailing the date, time and duration of the fireworks display and reason for the event, and
 - (b) The licensed fireworks contractor must hold a current public liability insurance policy to a minimum value of \$10,000,000.
- (2) The City reserves the right to vary conditions set out within clause 5.3(1) of this Policy or apply additional conditions on a case-by-case basis in response to events varying in location and size.
- (3) All conditions will be applied with the intention to:
 - (a) ensure the safety of people, property and the environment in the vicinity of the fireworks event;
 - (b) ensure the community is adequately informed of the fireworks event; and
 - (c) reduce any unreasonable disturbance to the community.

5.5 Objection to Fireworks Event Notice

- (1) Having regard for the principal considerations outlined in clause 5.1, the City may object to a Fireworks Event Notice where it believes the fireworks event is not in the public interest or will present an unacceptable risk to the safety of people, property or the environment.
- (2) If the City intends to object after considering a Fireworks Event Notice, it will provide the applicant with a right of reply to the objection before it completes the Fireworks Event Notice.

5.6. Noise Approval

- (1) The City will not require a separate approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997* for fireworks events unless required by the Responsible Approving Authority. Consideration of the noise impact will form part of the City's assessment of the Fireworks Event Notice.

6. References

Date of adoption and resolution No.	13 July 2022 #167
Review dates and resolution No.	N/A
Next review due date	July 2027
Related documents	Acts/Regulations <i>Environmental Protection (Noise) Regulations 1997</i> <i>Local Government Act 1995 – Part 9 Division 1</i> <i>Dangerous Goods Safety Act 2004</i> <i>Dangerous Goods Safety (Explosives) Regulations 2007</i> <i>Bush Fire Act 1954</i>

Note: Changes to references may be made without the need to take the Policy to Council for review.