

# GUIDELINES FOR COUNCIL WHEN NOTIFICATION OF AN INTENTION TO USE FIREWORKS IS RECEIVED

These guidelines were developed to provide councils with a standard framework when deciding whether to raise an objection with SafeWork NSW in regard to a firework display for which a council has received notification.

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 pyrotechnician's licence and 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 business days (or as per local council guidelines should they exceed this limit) before the fireworks, signal or device is to be used (Clause 29 and 30).

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

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

Councils need to be aware that the *Explosives Act 2003* provides for General Licensing Conditions, which state that 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.

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

1. The appropriateness of the location of the display, for example proximity to residences, hospitals, aged care facilities, animal shelters and overhead obstructions such as trees and power lines.
2. The reason for the display.
3. The types of firework that are proposed to be used, for example aerial fireworks (in particular salutes) are considered to have a much greater impact on surrounding areas than ground display fireworks. Councils can impose conditions on, restrict or prohibit the use of aerial fireworks.
4. The impact on any affected residents and businesses – noting, neighbouring properties must be notified appropriately of the intended display such as by the way of a letterbox drop. Council will need to decide what it believes to be a reasonable area of notification.

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5. The impact on animal welfare in proximity to the display.
  6. Public liability issues.
  7. Noise and other pollution.
  8. Public nuisance.
  9. The proposed procedure for the disposal of spent fireworks.
  10. The appropriateness of crowd and traffic management issues where the display is likely to attract crowds.
  11. Any local conditions that the council may consider relevant.
2. SafeWork NSW will accept written confirmation from the council that no objections are raised to the display.
  3. Where a council is unable to provide SafeWork NSW with a written confirmation that there are no objections to a fireworks display due to late notification, councils may raise an objection with SafeWork NSW on the grounds that there has been insufficient time to assess the notification.

These matters are covered by a self-assessment Fireworks Display checklist, available on the SafeWork NSW website. Councils may request the checklist is completed to assist with the review of the notification.

Additional guidance including forms and information about the operational conditions for fireworks displays can be found at [www.safework.nsw.gov.au](http://www.safework.nsw.gov.au).

In the event of a notification being received by a council within seven business days of a fireworks display (a late notification) the following process applies:

1. Any objections should be clearly outlined and made to SafeWork NSW no less than two business days prior to the date of a notified fireworks display.

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

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For further information, or to inform council's decision on whether council objects to a display or not, contact SafeWork NSW, call 13 10 50 or email [licensing@safework.nsw.gov.au](mailto:licensing@safework.nsw.gov.au)

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4. In the situation where SafeWork NSW has received no response from a council in regard to a late notification fireworks display two days before the due date of the display, SafeWork NSW 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.

### Disclaimer

This publication may contain information about the regulation and enforcement of work health and safety in NSW. It may include some of your obligations under some of the legislation that SafeWork NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au)

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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