

<b>Policy number</b>	Policy 404
<b>Policy title</b>	Fireworks management
<b>Strategic outcomes supported</b>	EC1 – A desirable place for commerce and tourism that supports equity, diverse local employment, and entrepreneurship. EC2 – A clean, safe, and accessible place to visit. CL1 – Everyone receives appropriate information in the most efficient and effective way for them.

## Policy objective:

To provide a clear, consistent process for the assessment of applications for fireworks display and to outline the criteria by which the Town will assess proposals for the use of fireworks.

## Policy scope:

The Department of Mines, Industry Regulation and Safety (DMIRS) is responsible for the approval of fireworks displays. Prior to lodging an application with DMIRS, a fireworks contractor must lodge a Fireworks Event Notice with the WA Police, the Department of Fire and Emergency Services (DFES) and the relevant local government. The Town's role is to indicate support or opposition to the fireworks event to assist DMIRS in its decision making process.

This policy applies to all Fireworks Event Notice application for fireworks displays proposed within the Town.

The Town does not assess fireworks applications for compliance with the requirements of the relevant legislation for the use and storage of fireworks. This is the sole responsibility of the Licensed Fireworks contractor and DMIRS under the *Dangerous Goods Safety Act 2004*.

The Town's function in assessing a Fireworks Event Notice is limited to community impacts associated with noise from fireworks display, proximity to residences and environmental impacts.

## Policy 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 Town for a fireworks event. The Notice is a pre-requisite for a Fireworks Event Permit, issued by the Department.

**Licensed fireworks contractor** is the contractor licensed by DMIRS as stipulated in the Fireworks Event Notice.

**Private events** means 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** means an event open to the community or the public, whether ticketed or not (i.e. shows, fairs, fetes, concerts etc).

## Policy statement:

### Assessment of Fireworks Event Notice:

1. When considering a Fireworks Event Notice, the Town's principal considerations will include:
  - a. The environmental health impact of the fireworks event upon the community ~~and surrounding natural environment (including surrounding bird and animal life)~~; including but not limited to the noise impact;
  - b. Ensuring the community is reasonably informed of the fireworks event.

### Process to assess Fireworks Event Notice:

2. A Fireworks Event Notice application is to be submitted to the Town at least 60 days prior to the event.
3. Applications received less than 60 days prior to the event will be charged a late application fee.
4. A Fireworks Event Notice is to be accompanied by an application for approval under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*. The Regulation 18 application is to comprise a completed application form and fee. A Fireworks Event Notice will not be supported by the Town without an application and approval under Regulation 18.

### Assessment criteria considered by the Town:

5. In assessing a Fireworks Event Notice, the Town will consider the following matters:
  - a. Whether the event is in the public interest;
  - b. The duration of the event;
  - c. The frequency, including both for the proposed event as well as the number of other events that have occurred at the same venue in the same calendar year.
  - d. The day(s) and time(s) of the event;
  - e. Shell sizes;
  - f. Consideration of previous applications and any previous complaints;
  - g. The likely noise impacts.

### No objection to Fireworks Event Notice:

6. Having regard for the principal considerations outlined in clause 1 above, the Town will offer no objection to a Fireworks Event Notice where the following circumstances are met:
  - a. The event at which the fireworks display is proposed, is in the officer's opinion in the public or community interest, having regard for the reason for the event and expected size of the event; and
  - b. The fireworks display is no greater than 30 minutes in duration; and
  - c. The subject venue has not had more than five (5) fireworks events in any twelve (12) month period; and
  - d. Scheduled to occur within the following day and time limitations:

- i. From Sunday to Thursday displays will conclude no later than 10.00pm.
- ii. On Fridays and Saturdays, displays will conclude no later than 11.30pm; or
- iii. On New Year's Eve (31 December) displays will conclude no later than 12.30am on 1 January.

#### Consideration of fireworks events in other cases:

7. Where a proposed fireworks event does not satisfy one or more of the items listed in clause 6 above, then the Town will consider the proposal on its merits having regard to the relevant considerations outlined at clauses 1 and 5.

#### Objection to Fireworks Event Notice:

8. Having regard to clauses 1 and 5, the Town may object to a Fireworks Event Notice where it believes the fireworks event is not in the public interest or will present an unacceptable impact upon the residents of Victoria Park.
9. If the Town intends to object to a Fireworks Event Notice, it will provide the applicant with a right of reply to the objection before it completes the Fireworks Event Notice.

#### Conditions deemed necessary:

10. Where the Town supports the Fireworks Event Notice, it will be subject to the following conditions and any other conditions considered appropriate:
  - a. That public notification of the event be undertaken by the applicant as follows:
    - i. In relation to a community or public event, the notification is to comprise
      - a notice published in a newspaper circulated throughout the Town, detailing the location, date and time of the fireworks event, and the relevant event and
      - a letter to all properties within 1 km radius of the event location and
      - a notice on the Town's website.
    - ii. In relation to a private event, the notification is to comprise a letter to all properties within a 250m radius of the event location; and
    - iii. In either instance, the relevant notification is to occur between 7 and 21 days prior to the event and a copy and evidence of the notification is to be provided to the Town prior to the event.
  - b. The licensed fireworks contractor must hold a current public liability insurance policy to a minimum value of \$10,000,000.
11. The Town reserves the right to vary conditions within clause 10a of this policy or apply additional conditions on a case-by-case basis in response to events varying in location and size.
12. All conditions will be applied with the intention to:
  - a. ensure Fireworks Events do not cause unnecessary nuisance to the residents of Victoria Park.
  - b. ensure the community is adequately informed of the fireworks event; and
  - c. reduce any unreasonable disturbance to the community.

## Related documents

[Environmental Protection \(Noise\) Regulations 1997](#)

[Local Government Act 1995](#)

[Dangerous Goods Safety Act 2004](#)

[Dangerous Goods Safety \(Explosives\) Regulations 2007](#)

<b>Responsible officers</b>	Principal Environmental Health Officer Environmental Health Officer
<b>Policy manager</b>	Manager Development Services
<b>Approval authority</b>	Council
<b>Next evaluation date</b>	<i>This will be set by Governance</i>

## Revision history

Version	Action	Date	Authority	Resolution number	Report number
1	Adopted	28/09/2004	Council	-	Item 1.2
1	Reviewed	15/08/2006	Council	-	Item 4.1
1	Reviewed	09/07/2013	Council	-	Item 10.1
1	Reviewed	11/08/2015	Council	-	Item 10.1
2	Reviewed and Amended	20/08/2019	Council	148/2019	Item 10.1