

## Policy Type

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Council

## Policy Purpose

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The purpose of this Policy is to set the principles to apply when responding to a Fireworks Events Notice ('Notice') administered by the Department of Local Government, Industry Regulation and Safety ('DLGIRS') under the *Dangerous Goods Safety Act 2004*.

The City's role in assessing a Notice is restricted to an assessment of the impacts the event may have on the community and the environment. DLGIRS will then consider the City's position before deciding on whether a Fireworks Permit should be issued.

## Policy Statement

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This Policy applies to any event seeking to use Fireworks in the district of the City of Cockburn excluding Rottnest Island.

### Definitions

'Events' include all civic, commercial or community events, meetings, functions, workshops, markets, festivals, expos, parties, information sessions, conferences and organised/formal sport or recreational events. This includes any event requiring the City's Public Health Approval in accordance with the provisions of the *Health (Public Buildings) Regulations 1992*.

'Fireworks' means 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 exothermic chemical reaction that does not rely on oxygen from external sources to sustain the reaction, but not a rocket motor.

'Close proximity fireworks' means a firework that is designed to be electrically initiated only and either:

- Manufactured commercially and is designed and labelled as suitable to be used in close proximity to a person; or
- Manufactured from commercially available constituents that are designed and labelled as suitable to manufacture fireworks to be used in close proximity to a person.

'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 DLGIRS 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' means the contractor licensed by DLGIRS as stipulated in the Fireworks Event Notice.

'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 the City of Cockburn for all venues located within the City, and the Department of Water and Environmental Regulation for prescribed premises.

### Principal Considerations

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When considering the use of fireworks in relation to a Fireworks Events Notice, the City's primary considerations will include:

- the risk in relation to people, property, environment; and
- ensuring people in the vicinity of the proposed event are notified to minimise any disturbance to those people.

### City Events

- Firework displays are supported at City events.

### Other Events

- Firework displays are supported at other events with prior approval from City's Manager Public Health and Building Services.

### Minimum criteria to be met for a Fireworks Event to be supported:

Having regard for the principal considerations outlined above, the following conditions and criteria must be met for a fireworks event to be supported by the City:

- (1) The event venue has not had more than three firework events in any twelve (12) month period unless a separate Noise Management Plan has been approved by the Responsible Approving Authority.
- (2) The fireworks event is scheduled to occur between the hours of 8am to 10pm Monday to Saturday and 9am to 10pm Sundays and Public Holidays, unless the event is a Community/Public Event, or an exemption has been approved by the Responsible Approving Authority.
- (3) The fireworks display should not exceed 30 minutes in duration.
- (4) A Fireworks Event Notice should be received by the City at least 2 weeks prior to the date of the event. This will allow sufficient time to review the proposal.

(5) The Licensed Fireworks Contractor must notify residents within the vicinity of a proposal to conduct a Fireworks Event at least two weeks prior to the date of the event. Notification is to be through publication and promotion of the Fireworks Event using social media, letter box drops, traditional media and other media sufficient to provide general notice to residents impacted by a Fireworks Event.

### Close Proximity Fireworks

In accordance with the *DMIRS Code of Practice – Safe Use of Close Proximity Fireworks* in Western Australia, a Fireworks Management Plan is not required for events seeking to use close proximity fireworks, however, prior consent to use City land for the proposed activity is required.

The Minimum Criteria for outdoor Fireworks Events do not apply to events seeking to use Close Proximity Fireworks, however, the City will assess applications against the Principal Considerations listed in this Policy.

### Objection to a Fireworks Event

Applications may be objected to when the City considers that the Fireworks Event is not in the public interest, or it presents an unacceptable risk to people, property or the environment.

If the City intends to object after considering a Fireworks Event Notice, it will provide the Licensed Fireworks Contractor with a right of reply to the objection before it completes the Fireworks Event Notice.

Strategic Link:	Strategic Community Plan
Category:	Public Health
Lead Business Unit:	Development and Safety
Public Consultation: (Yes or No)	Yes
Adoption Date: (Governance Purpose Only)	10 March 2025
Next Review Due: (Governance Purpose Only)	March 2027
ECM Doc Set ID: (Governance Purpose Only)	12660611