

9 August 2021

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File No: X040279

NSW Government
Better Regulation Division
Department of Customer Service
By email: explosives@customerservice.nsw.gov.au

Dear Sir/Madam,

Submission: Proposed Explosives Regulation 2021

The City of Sydney Council appreciates the opportunity to make this submission on the automatic repeal of the existing *Explosives Regulation 2013* and the proposed replacement regulation *Explosives Regulation 2021*.

To maintain and protect urban amenity, councils need to be made aware of proposals to use pyrotechnics within their Local Government Area to ensure the associated activity is authorised and any potential noise disturbance issues have been addressed. This matter was addressed in the former *Explosives Regulation 2005*, however was removed from the current *Explosives Regulation 2013*. The City advocates this provision should be robust and documented in legislation.

Please find attached Council's formal submission.

Yours sincerely

Monica Barone
Chief Executive Officer

Attachment - City of Sydney Submission on proposed Explosives Regulation 2021

Introduction:

This submission responds to the invitation by the NSW Government Customer Service Division to provide comment on the scheduled automatic repeal of the *Explosives Regulation 2013* (**Regulation 2013**) on 1 September 2022, and the replacement regulation being the *Explosives Regulation 2021* (**Regulation 2021**).

The City acknowledges that the Regulation 2021 contains many of the same provisions of the Regulation 2013, with a number of key changes to the further improve the operation and administration of *the Explosives Act 2003*. The City accepts and makes no further comment on the majority of the changes. However, the City recommends the notification of pyrotechnic events to councils be mandated in legislation by including this provision in the proposed *Explosives Regulation 2021*.

Key Messages:

- Councils have a responsibility to ensure the that activities conducted within their Local Government Area are authorised.
- Councils need to ensure the urban environment amenity is maintained.
- Councils need to be notified of all pyrotechnic events occurring within their Local Government Area to be able to manage environmental amenity.
- The inclusion of the requirement to notify councils of proposed pyrotechnic activity has no additional costs or time implications for holders of a pyrotechnic licence

Response:

A pyrotechnician's licence is required to discharge fireworks. A fireworks (single use) permit from SafeWork NSW is also required for each pyrotechnic event.

Under the former *Explosives Regulation 2005* (Clauses 48 and 49), the holder of the pyrotechnic licence was required to notify the local council of the intention to use any fireworks or pyrotechnics at least 7 working days before they are to be used. Councils used the notification to ensure the associated activity was authorised and any potential noise disturbance or environmental issues have been addressed.

The provisions of those aforementioned clauses in the Regulation 2005 were removed from the current *Explosives Regulation 2013* on commencement on 1 September 2013. However, holders of pyrotechnic licences continue to-date to informally notify councils of their fireworks or pyrotechnic events under the provisions of Guidelines published by SafeWork NSW and conditions on a Pyrotechnic licence. However, the requirements of those guidelines are able to change without any required comprehensive review process.

To assist councils in their environmental management responsibilities, notifications of this nature should be robust and documented in legislation as a legal and enforceable requirement. Re-instating the provisions to notify councils (as documented in Clauses 48 and 49 of the former *Explosives Regulation 2005*) into the proposed *Explosives Regulation 2021* can resolve this issue.

Recommendation:

The provisions similar to Clauses 48 and 49 of the former *Explosives Regulation 2005* be included in the proposed *Explosives Regulation 2021* to ensure councils are notified of fireworks or pyrotechnic events. This recommendation will not place any additional

financial or time costs on licence holders, and will ensure that environmental impacts are managed.