

Fireworks policy

SUBJECT: Fireworks

PURPOSE: To provide guidance on the manner in which Council will consider applications for permission to set off fireworks.

DATE OF ADOPTION BY COUNCIL: 6 December 2005

DIRECTORATE RESPONSIBILITY: Civic Administration

Council Policy Statement

Council may issue a permit for the discharge of fireworks in a 'public place' in the municipality subject the following conditions:

- The applicant is in receipt of a "Notification of Intention to Display Fireworks" form/permit issued by Work-safe Victoria;
- The 'public place' is within the City of Whittlesea municipal boundary;
- The display takes place prior to 9.30pm (with the possibility of 10:00pm in exceptional circumstances);
- That advice is provided to adjoining and surrounding residents and owners as set out in the guidelines document associated with this Policy;
- The display is associated with a significant public event (1);'
- The provision of evidence that the event organiser has public liability insurance cover for the minimum amount of \$5 million cover.
- The provision of evidence that the pyro-technician has public liability insurance for a minimum amount of \$10 million cover.

No permit will be issued for a display that would occur outside the City of Whittlesea municipal boundary or where the display would occur after 10:00pm.

(1) A 'significant public event' would include events such as Australia Day and Whittlesea Community Festival as well as smaller scale community activities.

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 Free Telephone Interpreter Service

عربي	9679 9871	Hrvatski	9679 9872
廣東話	9679 9857	Ελληνικά	9679 9873
Italiano	9679 9874	Türkçe	9679 9877
Македонски	9679 9875	Việt-ngữ	9679 9878
普通话	9679 9876	Other	9679 9879

Background to Council Policy Statement

Council is concerned about the possible effects of setting off fireworks in its municipal district.

Under the provisions of section 4(j) of the **Summary Offences Act 1966** the City of Whittlesea may provide permission for the discharge of fireworks in any 'public place' in the municipality.

Council has a statutory responsibility for fireworks in two contexts. First, where a person sets off fireworks in a 'public place' permission must be obtained from Council. Secondly, where a person sets off fireworks in a country area during the 'fire danger period' that person must obtain a Permit to Burn (issued by Council relating to Country Fire Authority required conditions).

Fireworks and the law

Any person who sets off fireworks in a public place (refer to definitions at the end of this document) without first obtaining permission from Council is guilty of an offence under sub-section 4(j) of the Summary Offences Act 1966, and is liable, upon conviction, to a penalty of up to five penalty units (\$530 in 2006).

Council's decision making process

In deciding whether to grant permission for fireworks to be set off in a 'public place'

Council will:

1. Consult with;
 - The Victorian Work-Cover Authority; and/or
 - The relevant fire authority (i.e.; CFA or MFB); and/or
 - Any other authority/body that Council considers relevant (eg; Victoria Police).
2. Consider the proposed location, and on some occasions may inspect the proposed location – noting that no permit will be issued for a display that would occur outside the City of Whittlesea municipal boundary.
3. Consider the date, time and purpose for the fireworks display noting that no display is to occur after 9.30pm (10:00pm in exceptional circumstances).
4. Consider whether any, and if so what type of, safety measures are to be implemented and used at the time of the proposed fireworks – noting that these matters are also considered by Work-safe Victoria as part of their process to consider the issue of a permit.

5. Not grant permission for fireworks in a 'public place' unless an applicant agrees to;
 - Provide evidence that the event organiser has public liability insurance cover for an amount to be determined by Council. The minimum amount of cover will be \$5 million.
 - Provide evidence that the pyro-technician has public liability insurance for an amount to be determined by Council. The minimum amount of cover will be \$10 million.

Council's investigations

Council may make inquiries with whomsoever it deems fit so as to inform itself upon the subject of permitting, or not permitting, the application.

Notice to be provided

Council will require an applicant to provide prior notice:

- In a newspaper circulating generally throughout its municipal district no more than 21 days prior and no less than 7 days prior to the event. Note that Council may require the placement of two or more notices in the above described newspaper;
- To adjoining landowners and/or residents of the proposed fireworks display. Such notice should be provided by Registered Australia Post mail service 28 days prior to the event;
- To landowners/residents of properties situated within a minimum 200m radius from the property boundary of the proposed location of the fireworks display. Such notices shall be sent by standard postal service or another means agreed to by the Council and delivered 28 days prior to the event; and
- Place a sign advertising the date and approximate time of the firework display in a prominent location on the premises where the display is to take place.

Council will request the applicant to show proof of the above notice/s having been advertised or posted in compliance with the above conditions prior to the event being conducted. **Failure to comply may result in the permit being revoked.**

Assistance

To assist applicants in obtaining permission for fireworks, Council will consult with the applicant and provide any relevant additional advice.

Further, at cost to the applicant, Council may write and post notices on behalf of the applicant to the adjoining and/or nearby landowners and/or residents.

Permit conditions

Where Council issues a permit to allow a fireworks display to be set off on Council land, it may set on the Permit such conditions as it deems appropriate to the matter.

Definition of 'public place'

The Summary Offences Act 1966 defines 'public place' to include;

- a) Any public highway, road street, bridge, footway, footpath, court, alley passage or thoroughfare notwithstanding that it may be formed on private property;
- b) Any park, garden, reserve or other place of public recreation or resort
- c) Any railway station platform or carriage
- d) Any wharf, pier or jetty;
- e) Any passenger ship or boat plying for hire
- f) Any church or chapel open to the public or any other building where divine service is being publicly held;
- g) Any State school or the land or premises in connexion therewith;
- h) Any public hall, theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;
- i) Any market;
- j) Any auction room or mart or place while a sale by auction is there proceeding;
- k) Any licensed premises or authorised premises within the meaning of the Liquor Control Reform Act 1998
- l) Any racecourse, cricket ground, football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;
- m) Any place of public resort;
- n) Any open space to which the public whether upon or without payment for admittance have or are permitted to have access or
- o) Any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise.