



Fireworks Policy

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Review date	1 July 2020
Responsible officer	Manager Engagement and Advocacy
Policy owner	Coordinator Events

1. Purpose

This policy outlines requirements for authorised use of fireworks/pyrotechnics within the City of Melton. Melton City Council is committed to ensuring that all events with planned fireworks/pyrotechnic displays held on Council owned or managed land are safe, well planned, and further consider and manage potential impacts.

This policy aims to provide clear guidelines for the use of fireworks within the City of Melton.

This policy further aims to

- Guide Council officers in assessing applications for fireworks on Council land and buildings/assets.
- Ensure event organisers undertake all appropriate planning when discharging fireworks/pyrotechnics on Council land or assets.
- Address nuisance and amenity concerns regarding to the use of fireworks/pyrotechnics within the City of Melton.

2. Scope

Council's function in assessing a fireworks application is limited to community impacts associated with the potential noise/disruption from fireworks displays, proximity to residences, litter, traffic and environmental impacts.

This policy applies to the following:

- All decisions and approvals made by Council Officers, in respect of fireworks displays conducted within the City of Melton on Council owned or managed land.
- To event organisers wishing to conduct fireworks displays on Council owned or managed land only.

Council retains the right to intervene in fireworks/pyrotechnics displays held on private land, if in Council's view, there is a foreseeable negative impact to the broader community.

This policy supplements existing Council policies and procedures such as:

- Events Policy
- Internally Managed Event Procedure
- Externally Managed Event Procedure
- Event Management Guide.

3. Definitions

Word/Term	Definition
Bookable space	An open space within the municipality that is owned or operated by Council that may be reserved for exclusive use by the event organisers.
Council land	Includes “local government land” and “public roads” as defined in the <i>Local Government Act 1989</i> (as amended).
Event	<p>An organised one-off or infrequent occurrence to be held within the City of Melton on public land (outdoors) or public buildings (indoors), where people assemble at a given time and location for the purpose of entertainment, recreation, community, ceremonial or promotional purposes, either for free or for the payment of a fee and include but not limited to:</p> <ul style="list-style-type: none"> • Concerts and shows or other gatherings showcasing • performing arts • Fundraising events • Military Commemoration • One off sporting events • Film screenings • Festivals and fairs • Exhibitions • Civic, civil and religious ceremonies • Historical or significant commemorative celebrations • Corporate activations or promotions • Publicised social gatherings with or without infrastructure <p>For the purpose of this Policy, an event is any planned public or social occasion that takes place wholly or partly on public land (including roads, footpaths, parks, Council venues, community facilities and sports grounds).</p>
Event Permit Application	The application for all events run externally, by third party event organisers. Successful completion of the application is required for the proposed event to be granted an Event Permit and a subsequent Fireworks Permit.
Event Organisers	The individual or organisation responsible for producing the event. This will usually be the person/organisation listed on the event application form or the permit holder.
Community Event	An event managed and delivered by a community group, business or individual. This type of event may have the purpose of education, fundraising, tourism or similar with the primary aim to provide economic or social benefits to the local community. Such events encourages local celebration and/or community capacity building.
Non-profit organisations	An organisation that is not operating for the profit or gain of its individual members, whether these gains would have been direct or indirect.
Private Event	An event that is either ticketed, or targeted to a selected audience or is attended by invitation only.
Provisional approval	The event location is approved and the date is being held while the event application progresses to the next stage of assessment. An event permit is required before the event can proceed.
Public Events	Events conducted by ‘non-profit’ organisations that occur in public places within the City of Melton, and which are open to all members of the public, whether upon payment of a fee or not.

4. Policy

Melton City Council may issue a permit approving the discharge of fireworks on Council owned or managed land subject to the following conditions:

- Fireworks/pyrotechnics displays on Council owned or managed land and buildings are for the specific purpose of public/community events only.
- The event organiser has obtained “provisional approval” from Council’s Leisure Department for the Council owned land in which they plan to set up the pyrotechnic display, prior to submitting their applications for both Events and Fireworks Permits.
- All applications are to be received in writing at least sixty days prior to the fireworks event.
- All fireworks displays must be approved in writing by Council
- Fireworks displays may generally occur up to 10.00pm.
- Event organisers must ensure that all residential properties within a 1.5 kilometre radius of the site must receive a notice of the display detailing the date, time and duration of the display and a precautionary warning for animals and individuals that may be affected by loud noises.

4.1. Council’s Fireworks Application Process

As part of the approval assessment process for a fireworks display, licensed fireworks contractors and/or community event organisers are required to apply for an Event Permit from Melton City Council.

Event organisers are required to complete the following steps in order for their application for fireworks permit to be considered by Council.

Step One: Review Council’s community event management documents available at melton.vic.gov.au, including (but not limited to):

- Event Management Guide
- Council’s Event Policy
- Externally Management Event Procedure

Step Two: Complete council’s online Event Permit Application, ensuring the following requirements have been met and submitted with completed Fireworks Permit Application form:

- Provisional approval has been granted by Council’s Leisure team for the fireworks location.
 - Note: Not all open spaces within the municipality are bookable. A complete lists of those spaces available for exclusive use may be found on Council’s website. It is the responsibility of the event organiser to select and assess the suitability of the bookable site for each event.
- The certified pyrotechnician (on behalf of the) event organiser has provided a copy of the “Notification of intention to discharge fireworks” form issued by Worksafe Victoria prior to 28 days out from the event.
- The event organiser has provided Council with a site plan – illustrating the fireworks exclusion zones and public viewing areas.
- The provision of evidence that the event has public liability insurance for a minimum of \$20 million.

- The provision of evidence that the pyrotechnician has public liability for a minimum of \$20 million.
- The provision of the pyro technician's license details

Step Three: Notify Victoria Police station and CFA branch, providing details of proposed date, time and duration of fireworks/pyrotechnics display.

All event organisers are responsible and accountable for keeping accurate and complete records of their activities related to both their event and to fireworks/pyrotechnic display. Records created, received and maintained by organisers in conducting fireworks displays must be kept as evidence.

4.1.1. Approval and Permitting

Timeframes are dependent on the complexity and size of the event with approval and permitting processes running from four weeks up to six months. Event and Fireworks Permits will only be issued after all requirements are met. Including but not limited to:

- All event documentation received and approved from the event organiser
- All process/procedures are approved (i.e. traffic management plans, risk management plans)
- Approval is received from all applicable Council stakeholders including:
 - Leisure and Recreation Services
 - Venues
 - Parks and Operations
 - Events
 - Design and Traffic
 - Building Services
 - Community Development
 - Economic Development and Tourism

4.2. Council's decision making process

Applications for fireworks/pyrotechnic displays will be assessed for their impact on the local community and amenity and may be approved with conditions or declined with reasons provided.

In assessing an application for fireworks, Council will:

1. Consult with;
 - The Victorian Work-Cover Authority; and/or
 - The relevant fire authority (i.e. CFA or MFB); and/or
 - Additional relevant authorities/emergency services (e.g. Victoria Police)
2. Consider the proposed location, and likely implications to surrounding residents, traffic and pedestrian management.
3. Consider whether any, and if so what type of, safety measures are to be implemented and used at the time of the proposed fireworks (e.g. traffic and pedestrian management plans, risk and emergency management plans).
4. Consider the date, time and purpose for the fireworks display, noting that displays may generally occur up to 10.00pm.
5. Consider the number of applications received for the same/similar time period from a same/similar location.
6. Not grant permission for fireworks in a Council owned or managed public space unless the applicant agrees to:

- a. Provide evidence that the event organiser has public liability cover for minimum \$20 million.
- b. Provide evidence that pyro-technician contracted has public liability insurance for a minimum \$20 million.

4.2.1. Public Notice of Fireworks Display

Council will require an applicant to provide prior notice:

- To adjoining landowners and/or residents of the proposed fireworks display those situated within a 1.5km radius. Such notice should be provided by Registered Australia Post mail service 28 days prior to the event. This notification will provide the exact date, time and duration of the proposed fireworks display.
- In a local newspaper which circulates throughout the municipality no more than 21 days prior and no less than seven days prior to the event. Such notice will advertise the date and approximate time of the fireworks display in a prominent location of the premises where the display is to take place.

Council will request the applicant to show proof of the above notifications prior to the event being conducted. Failure to do so may result in the permit being revoked.

4.2.2. OH&S and Risk Management

Council and its officers offer no expertise or authority to act in the determining of the safety requirements including the handling, storage and safety clearance required for fireworks. Melton City Council does not assess fireworks applications for compliance with the requirements of the relevant legislation for the use and storage of fireworks. The assessment of safety and risk management for fireworks is the sole responsibility of the Licensed Fireworks Contractor and WorkSafe Victoria.

Event organisers and fireworks contractors have an obligation to ensure that all potential risks associated with an event are identified and managed. Event organisers are required to have in place appropriate systems for incident/injury management and timely reporting. Council must be notified in writing within 24 hours of the conclusion of the event of any incidents that occurred throughout the event and actions taken.

4.3. Permit Conditions

Where Council issues a permit to allow fireworks on Council owned or managed land, it may set on the permit such conditions as it deems appropriate to the matter.

Council reserves the right to withdraw permission for any fireworks/pyrotechnic display at short notice. This is in consideration with extreme climatic conditions, which Council (and other authorities such as the CFA) deems has the potential to adversely affect the amenity and safety of the area.

- No display shall occur on any day of total fire ban or EPA Smog Alert Day.
- No display shall occur on any day where the prevailing winds exceed 10 knots

Melton City Council will not be held responsible for any loss of monies in the event that Council withdraws permission for fireworks or pyrotechnic displays.

4.3.1. Appeal process

Appeals regarding the fireworks/pyrotechnic permitting process:

- Are to be addressed in writing to either the Coordinator of Events or the Manager Engagement and Advocacy.
- Will be addressed against this Policy, the Events Policy and Externally Managed Events Procedure

- Will be considered by an internal working group and where applicable, with the input of external regulatory bodies
- Outcomes will be issued in writing within fourteen (14) working days.

5. Responsibility /Accountability

5.1	Coordinator Events The Events Coordinator is the policy owner and is responsible for updating and amending this policy and related policy procedures.
5.2	Event Organisers All event organisers are responsible for ensuring they notify Council and relevant departments of their intentions to engage a qualified pyro technician for the purposes of conducting a fireworks display.
5.3	All Officers that advise and have a regulatory/compliance role in the delivery of events with fireworks/pyrotechnic displays within the City of Melton. <ul style="list-style-type: none"> • Design & Traffic (Engineering Services) Responsible for approving Traffic Management Plans for events in the municipality. They will advise on requirements and permissions for road closures and considerations for fireworks/pyrotechnic displays that may be adjacent to a main road. • Events Team (Engagement and Advocacy) Responsible for approving issuing Event Permit with the inclusion of Fireworks • Leisure Services (Recreation and Youth) Responsible for provisional approval of any bookable open space with the municipality. • Local Laws (Compliance) Responsible for ensuring compliance with Local Laws in conduct and activities in Council buildings, on reserves and roads. • Parks (Operations) Responsible for assessing a fireworks application with potential to litter and the environmental impacts of the open space reserved as the firing zone.

6. References and links to legislation and other documents

Name	Location
Local Government Act 1989 (as amended)	http://classic.austlii.edu.au/au/legis/vic/consol_act/lga1989182/
Externally Managed Event Procedure	Policy Intranet
Events Policy	Policy Intranet
Event Management Guide	Policy Intranet
Event Permit Application Form	www.melton.vic.gov.au
Notification of intention to discharge fireworks advice	www.worksafe.vic.gov.au