

# FIREWORKS ON COUNCIL OWNED AND MANAGED LAND POLICY

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<b>Policy Reference No.</b>	POL/203
<b>File No.</b>	HCC04/355
<b>Strategic Objective</b> strong sense of place.	2.2 Design and maintain our City with accessible spaces and a
<b>Adopted by Council</b>	28 November 2011
<b>Re-Adopted</b>	26 August 2024
<b>Date for Review</b>	26 August 2029
<b>Responsible Officer</b>	Manager City Safety
<b>Department</b>	City Safety

# FIREWORKS ON COUNCIL OPEN SPACE POLICY

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## 1 POLICY STATEMENT

To provide a clear framework for the evaluation and approval process for fireworks displays on land owned and/or managed by Council.

## 2 PURPOSE

This policy outlines requirements for the authorised and approved use of fireworks on Council owned and managed land. Hume City Council is committed to ensuring the safety of events that feature fireworks, while also minimising adverse impacts for residents, animals and the local environment.

The policy details:

- The requirement for event organisers/pyrotechnicians to obtain approval from Council prior to the use or discharge of fireworks on Council land.
- Specific information that must be supplied to Council by event organisers/pyrotechnicians as part of the approval procedure.
- Criteria and considerations that will be considered by Council officers when making a determination to approve or decline firework displays on Council land.
- Responsibilities and expectations of event organisers/pyrotechnicians responsible for discharging fireworks during an event.

## 3 SCOPE

- 3.1 This policy applies to event organisers/pyrotechnicians seeking to conduct fireworks displays on Council owned or managed land.
- 3.2 It is important to note, alongside obtaining approval from Council for fireworks displays on Council land, event organisers/pyrotechnicians are first obligated to satisfy requirements and procure approvals from other regulatory bodies and entities.
- 3.3 Approval from other regulatory bodies and entities does not guarantee approval will be provided by Council. Alongside approval being provided from other regulatory bodies, Council considers a range of criteria beyond these approvals when evaluating fireworks display requests.
- 3.4 This policy does not apply to fireworks displays conducted on privately owned land. Council does not provide approvals for such displays, and organisers must ensure compliance with applicable requirements for private properties.

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## 4 POLICY IMPLEMENTATION

### Application for the display of fireworks on Council owned and managed land

- 1.1 Prior to any fireworks display on Council owned or managed land, event organisers/pyrotechnicians are required to obtain approval from Hume City Council.
- 1.2 Applications for approval are to be submitted to Council at least 28 days before the scheduled fireworks display date.
- 1.3 Applicants will be required to provide the following information for the request to be considered:
  - a) A copy of the 'Notification of Intention to Display Fireworks', as submitted to WorkSafe Victoria, including details of fireworks transport and storage, site assessments and site plans, as well as details about the types and quantities of fireworks to be utilised.
  - b) A copy of the approval granted by WorkSafe Victoria.
  - c) Copies of valid pyrotechnicians licenses.
  - d) Documentation of notification to and approval from the Civil Aviation Safety Authority (CASA). In cases where CASA approval is not applicable, applicants must provide a clear statement justifying this exemption.
  - e) Proof of Public Liability Insurance with coverage of not less than \$20 million, in the form of a Certificate of Currency.

### Council's decision-making process for assessing fireworks requests

- 1.4 Applications for fireworks displays will be assessed with consideration given to their potential impact on the local community and amenity. Approval may be granted with conditions or declined, with reasons provided for any decisions made. An appeal process is available for declined requests, as detailed in section 1.14 - 1.20 of this policy.
- 1.5 When evaluating applications for fireworks displays on Council owned or managed land, the following factors will be taken into account:
  - a) The proposed date, time and purpose of the fireworks display, noting that approvals generally will not be granted for fireworks displays after 10.00 pm.
  - b) The volume of applications and approvals granted for the same or similar period and within the same/similar location.
  - c) Recommendations from WorkSafe, the relevant fire authority (i.e. CFA or MFB) and other relevant authorities such as Victoria Police.
  - d) Consideration of the applicant's previous conduct on the management of the display and the site.
- 1.6 Council reserves the right to request additional information from applicants to facilitate informed decision making.

### Public notice of fireworks display

- 1.7 The individual listed on the application to Council for the display of fireworks on Council land bears the responsibility of informing landowners and residents of their intended display through a letter box drop. This notification must be made to landowners and/or residents within a 1 km radius of the proposed fireworks discharge location and must be completed at least 10 days prior to the scheduled display.
- 1.8 This notification must include details including the date, time, location and duration of the intended display.

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- 1.9 At least 5 days prior to the intended display, the applicant must provide Council proof of the aforementioned notifications.

### **Other conditions**

- 1.10 Where Council grants approval for a fireworks display on Council owned or managed land, it retains the right to impose any conditions deemed appropriate.
- 1.11 Council reserves the right to rescind approval for a fireworks display, even at short notice, under the following circumstances:
- a) If identified climatic conditions have the potential to adversely affect amenity and safety in the local area.
  - b) If the conditions under which the approval was granted have been violated.
  - c) Failure to notify landowners and/or residents within 1 km radius of the proposed display at least 10 days prior to the scheduled event.
  - d) Inability to provide Council with proof of the notification provided to landowners and/or residents within a 1km radius at least 10 days before the scheduled event.
  - e) If errors or misrepresentations are discovered in the approval application.
- 1.12 Council will not be held liable for any financial losses incurred by the event organiser or the pyrotechnician resulting from a withdrawal of approval for a fireworks display.
- 1.13 An approval granted by Council does not permit the discharge fireworks on any land within the municipal district during a declared Fire Danger Period (including a day of Total Fire Ban) or otherwise in contravention of the regulations set out in the Country Fire Authority Act 1958 or the Fire Rescue Victoria Act 1958.
- 1.14 The individual or organisation named on the approval application for a fireworks display on Council land may be held accountable for any resulting damage, litter or nuisance. Council reserves the right to disclose the contact details of this individual or organisation to authorities empowered to investigate and enforce relevant regulations.

### **OH&S and Risk Management**

- 1.15 Council and its officers do not possess expertise nor authority to determine safety requirements related to the handling, storage, use and discharge of fireworks. Additionally, Council does not assess applications for the display of fireworks for compliance with relevant legislation. The assessment of safety risks and implementation of appropriate risk management strategies concerning the safe use of fireworks solely rests with the licensed pyrotechnician and WorkSafe Victoria.
- 1.16 Council must be promptly notified in writing within 24 hours of the conclusion of a display of any incidents or injuries that occur as a result of a display for which Council has granted approval.

### **Appeal of approval decisions**

- 1.17 Individuals or organisations may lodge an appeal if Council refuses approval and/or against specific conditions outlined in an approval granted by Council.
- 1.18 To initiate an appeal, a written submission must be made to Council, clearly articulating the grounds for the appeal.
- 1.19 Appeals will be evaluated in accordance with this policy and may, if required, involve consultation with other internal and external entities for additional input.
- 1.20 Council will issue a written decision on appeals within 14 days.

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## 5 DEFINITIONS AND ABBREVIATIONS

Nil

## 6 RELATED DOCUMENTS

- 6.1 Local Government Act 1989
- 6.2 Summary Offences Act 1966
- 6.3 Dangerous Goods Act 1985 and Dangerous Goods (Explosives) Regulation 2022

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