



~~Council Policy - Fireworks~~ Policy 4.5.1 - Fireworks

Responsible Directorate	<u>Community and Development Services</u>
Responsible Business Unit/s	<u>Emergency Services</u>
Responsible Officer	<u>Coordinator Emergency Services</u>
Affected Business Units	<u>Emergency Services</u> <u>Community Services</u>

Objective

~~The objective of this Policy is to set the principles to apply when responding to a Fireworks Events Notice administered by the Department of Mines, Industry Regulation and Safety under the *Dangerous Goods Safety Act 2004*. This Policy applies to all fireworks displays conducted in the district of the Shire of Serpentine Jarrahdale.~~

~~The Shire has no expertise or authority to act in the determining of the safety requirements including the handling, storage and safety clearance distances required for fireworks. Additionally, the Shire 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 the Department Mines, Industry Regulation and Safety.~~

~~The Shire's function in assessing fireworks applications is limited to community impacts associated with noise from fireworks displays, proximity to residences and hospitals, litter, traffic and environmental impacts upon Shire property.~~

Scope

This Policy applies to the use of Fireworks at a Fireworks Event conducted in the district of the Shire of Serpentine Jarrahdale.

The Shire's role in assessing a Fireworks Events Notice is restricted to the community impacts associated with noise, proximity to residences and environmental impacts such as litter and bush fire prevention.

The Shire has no expertise or authority to act in the determining of the safety requirements including the handling, storage and safety clearance distances required for Fireworks and does not assess fireworks applications for compliance to the requirements of the relevant legislation. The assessment of safety and risk management for Fireworks is the sole responsibility of the Licensed Fireworks Contractor and the Department of Mines, Industry Regulation and Safety (DMIRS).

Policy

Introduction

Prior to the lodgement of an application for a Fireworks Event Permit with the Department of Mines, Industry Regulation and Safety, the Holder of a fireworks contractor licence must lodge a Fireworks



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Event Notice with the WA Police, the Department of Fire and Emergency Services (DFES), and the local government authority.

On receiving a Fireworks Event Notice, the Shire may give the Hholder a written response that:

- a) agrees to the proposed event; or
- b) objects unless certain conditions specified in the response are met; or
- c) objects on the grounds that the Shire considers the event –
 - is not in the public interest; or
 - will cause danger to the public, or unintended damage to any property or to the environment.

A Fireworks Event Notice should be received by the Shire at least 4 weeks prior to the date of the event. If a Fireworks Event Notice requires consideration by Council, it should be received 8 weeks prior.

Assessment of a Fireworks Event Notice

Authority

The CEO is authorised to sign the Fireworks Event Notice Local Government Authority approval and acknowledgement on the Shire's behalf in accordance with this Policy. This includes the Authority to:

- agree to a Fireworks Event if the minimum criteria outlined in this Policy has been met; or
- object to the Fireworks Event unless conditions consistent with this Policy are met; or
- object to a Fireworks Event for the reasons outlined in this Policy.

The Hholder of a fireworks contractor licence seeking Shire agreement to an event that does not comply with the requirements of this Policy may request an exemption in writing outlining the reasons, for consideration. Exemptions must be considered by Council prior to completion of the Fireworks Event Notice. If an exemption request is not received, the CEO is authorised to object to the event in accordance with this Policy.

Principal Considerations

When considering the use of Ffireworks in relation to a Fireworks Events Notice, the Shire's principal considerations will include:

- the risk in relation to people, property or the environment; and
- whether the event is in the public interest; and
- ensuring people in the vicinity of the proposed event are notified of it and minimising any disturbance of those people.

Minimum criteria to be met, for consideration of a FFireworks EEvent Notice to not be objected:

Having regard for the principal considerations outlined above, the following conditions and criteria must be met for a Fireworks Event to not be objected by the Shire:

(1) The event at which the Fireworks display is proposed, is in the public or community interest, having regard for the reason for the event and expected size of the event.

(2) The event venue has not had more than three (3) Firework Events in any twelve (12) month period unless a separate noise management plan has been approved by the Responsible Approving Authority.



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(3) The Fireworks Event is scheduled to occur between the times of 8am to 10pm Friday and Saturday and 8am to 9pm Sunday to Thursday, unless the event is a Community/Public Event, or an exemption has been approved by the Responsible Approving Authority.

(4) An Event Risk Assessment is provided to the Shire at the time of submitting the Fireworks Event Notice.

(5) A Fire Management Plan is provided to the Shire at the time of submitting the Fireworks Event Notice.

(56) The Licensed Fireworks Contractor agrees to indemnify the Shire and any persons acting for or on behalf of the Shire against any claim for damage or injury to persons or property and the costs associated with such a claim that may arise from the event.

(b7) The Licensed Fireworks Contractor holds current public liability insurance policy to a minimum value of \$20,000,000.

Note – All public liability insurance policies must stipulate that they provide coverage relevant to Fireworks Events within a local government area in relation to the event or contain suitable wording to the satisfaction of the Local Government Insurance Services.

(8) Prior notice of the Fireworks Event will be given, by the venue's business website (where available) and advertisement in a newspaper circulating generally throughout the Shire, not more than 21 days prior to and not less than 7 days prior to the event detailing the date, time and duration of the fireworks display and reason for the event.

(9) At least 7 days prior to the scheduled event, the Licensed Fireworks Contractor or event organiser provides written notification to residents and occupiers of surrounding properties within the notification area.

The Shire's Environmental Health team will determine the notification area which may include up to 1km of surrounding properties of the Fireworks display. The notice shall contain the following details:

- (a) Name of event and venue
- (b) Date, time and duration of the Fireworks display
- (c) Address of venue
- (d) Manned telephone number for reporting complaints

(10) Compliance with the requirements of the Shire's ~~a Public Event Approval~~ Public Event Approval, and where appropriate or requested by the Shire, any other key planning documents including (but not limited to) Traffic Management Plan and/or Noise Management are provided.

Consideration of such things as weather conditions and fire danger rating on the day of such an event may require special conditions be imposed –for safety reasons or possibly even the cancellation or relocation of proposed event.

Objection to a Fireworks Event

Having regard for the principal considerations and the minimum criteria to be met outlined in this Policy, the Shire may object to the use of Fireworks via a Fireworks Event Notice where it believes the Fireworks Event is not in the public interest or presents an unacceptable risk to people, property or the environment.



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If the Shire 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.

Key reasons for objecting to a Fireworks Event may include (but not limited to) circumstances where the event is in areas considered to be:

- a) environmentally sensitive where the application of Fireworks may have a negative impact on local native flora and fauna;
- a) fire prone or at increased fire risk as assessed and determined by the Shire's Emergency Services department
- b)
- c) adversely affect the social wellbeing of the community including areas within 500 metres of: aged care facilities; hospitals; animal care facilities.

Applications for fireworks displays:

- a) must be submitted to the Shire at least 30 days prior to the event to enable processing and assessment of the request.
- b) are required to be presented in the formats stipulated by the Shire and the Department of Mines and Petroleum.
- c) will be assessed having regard to the community impact and local amenity and may be approved with conditions or may be declined with the reasons provided.

Applications for fireworks displays may not be approved:

- b) where the fireworks contractor does not hold or provide a copy of a Public Liability Insurance Policy with a minimum limit of indemnity for General Fireworks – \$20,000,000 coverage.
Note – All public liability insurance policies must stipulate that they provide coverage relevant to fireworks events within a local government area in relation to the event or contain suitable wording to the satisfaction of the Local Government Insurance Services.
- in areas considered environmentally sensitive where the application of fireworks may have a negative impact on local native flora and fauna.
- c) in areas considered to be fire prone or at increased fire risk as assessed and determined by the Shire's Emergency Services Department
- d) in areas considered to adversely affect the social wellbeing of the community including areas within 500 metres of: aged care facilities; hospitals; animal care facilities.
- e) outside the following times: Sunday to Thursday before 8:00 am or after 9:00 pm, Friday to Saturday before 8:00 am or after 10:00 pm.

Conditions of any approval may include the following:

- a) The Shire agrees to the fireworks event, subject to the approval of the WA Police, Department of Fire and Emergency Services, the Department Mines, Industry Regulation and Safety and all conditions stipulated are met and adhered to.
- b) The Applicant and the Fireworks Contractor agrees to indemnify the Shire and any persons acting for or on behalf of the Shire against any claim for damage or injury to persons or property and the costs associated with such a claim that may arise from the event.



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- c) ~~At times when DFES has declared a total fire ban, in order to proceed with a fireworks display, the fireworks contractor must hold a current Total Fire Ban Exemption and must follow all conditions associated with the exemption.~~
- d) ~~Following approval, the Fireworks Contractor is required to ensure that all property owners/residents are notified of the fireworks display in the format and over an area determined and approved by the Shire.~~
- e) ~~Compliance with the requirements of the Shire's Event Management criteria and where appropriate and deemed necessary the preparation of a separate Traffic Management Plan and/or Risk Management Plan which is to be assessed and approved by the Shire's Emergency Services Department.~~
- f) ~~Consideration of such things as weather conditions and fire danger rating on the day of such an event may require special conditions be imposed for safety reasons or possibly even the cancellation or relocation of proposed event.~~

Definitions

Community/Public Events means an event open to the community or the public, whether ticketed or not (i.e. shows, fairs, fetes, concerts etc) and likely requires a Public Event Approval.

~~Fireworks Event Notice~~ **Fireworks Event Notice** means a notice submitted to the Shire for a fireworks event. The Notice is a prerequisite for a Fireworks Event Permit, issued by the Department. ~~Fireworks Event Notice~~ **Fireworks Event Notice** refers to the relevant DMIRS form or notice submitted to the Shire for a fireworks event. The Notice is a prerequisite for a Fireworks Event Permit, issued by the Department.

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 DMIRS form or notice submitted to the Shire for a fireworks event. The Notice is a prerequisite for a Fireworks Event Permit, issued by the Department.

Holder means the holder of a fireworks contractor licence. Also referenced in this Policy as a Licensed Fireworks Contractor.

Licensed Fireworks Contractor means the contractor licensed by DMIRS as stipulated in the Fireworks Event Notice.

Private Event means an event that is private (normally by invitation) and not open to the public such as private parties, weddings, etc; held at function centres (or similar venues).

~~Community/Public Events~~ **Community/Public Events** means an event open to the community or the public, whether ticketed or not (shows, fairs, fetes, concerts etc) and likely requires a Public Event Approval.

Public Event Approval, A certificate of approval issued under the *Health (Miscellaneous Provisions) Act 1911* is required whenever there is a prearranged gathering of people regardless of whether there is any other approval in place. This approval is intended to address public health and safety issues and it is the only approval applicable to almost every event. The certificate of approval links venue suitability with capacity. Sometimes individual approvals are required for specific areas within buildings, or areas, spectator stands or marquees and other temporary structures



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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 Shire of Serpentine Jarrahdale for all venues located within the Shire of Serpentine Jarrahdale, and the Department of Water and Environmental Regulation for prescribed premises.

Relevant Policies/Council Documents

~~Nil Strategic Community Plan 2017–2027~~

- **Guidance on planning an event in the Shire** (available on the Shire's website here: <https://www.sjshire.wa.gov.au/community/your-community/programs/access-and-inclusion/planning-an-event-in-the-shire.aspx>)

Legislation/Local Law Requirements

- ~~Local Government Act 1995~~
- *Dangerous Goods Safety Act 2004*
- *Dangerous Good Safety (Explosives) Regulations 2007*
- Code of Practice – Safe use of outdoor fireworks in Western Australia
- *Bush Fires Act 1954*
- *Bush Fires Regulations 1954*
- Australian Explosives Code, current edition
- *Health (Miscellaneous Provisions) Act 1911*
- *Environmental Protection Act 1986*
- *Environmental Protection (Noise) Regulations 1997*

Office Use Only				
Relevant Delegations	Nil			
Council Adoption	Date	29/09/2015	Resolution #	OCM187/09/15
Reviewed/Modified	Date	18/12/2017	Resolution #	OCM179/12/17
Reviewed/Modified	Date		Resolution #	
<u>Next review due</u>	<u>Date</u>			