

Fireworks Local Law - Submissions and Responses						
Date	Name	Which option for the proposed local law			Comments	Responses
		Fireworks Local Law	Prohibition of Fireworks LL	Neither		
28 Jun	Lorna Smith		1		I feel strongly that fireworks on private land in rural areas should be totally banned. Obviously a ban during the declared Fire Danger Period makes perfect sense, The risk of unintentional fire is too great to be left to chance - there have been several mishaps recently at fireworks displays set by professional pyrotechnicians. The current permit system (Worksafe/CFA) can only be described as a joke and inappropriate for 2019. My concern is for domestic farm and pet animals and also the unknown thousands of native wild animals, some still recovering their numbers from the devastating Black Saturday fires, and this concern applies year round. Community firework displays on Shire land organised by a committee are a reflection of community requests or expectation and anyone can have input into the decision making of such a committee. Private displays on private land have no such community input - there are no opportunities for concerned residents from within the area impacted (particularly by noise and loss of amenity), to appeal that a permit not be granted.	The preparation of a broader ban of fireworks across the entire Shire is beyond the scope of the proposed local laws and falls outside Council's resolution at the Ordinary Council Meeting on 26 February 2019.
28 Jun	Anonymous		1		In terms of fireworks causing harm either directly or indirectly to animals and the environment, I suggest that the risk of the presence of people and pets is higher in urban settings than in rural settings. The by-law intended is surely about the protection of life, property, amenity and environment so why wouldn't the proposed by-law apply equally across the whole shire? All year round. I also don't believe it should be incumbent on local CFA brigades to determine whether there is risk to anyone (in fire season, or outside fire season) as this places an undue burden of responsibility on people who, at the end of the day, are also community members themselves.	The purpose of the draft local laws is to provide regulation in sensitive rural areas and where Council do not have the ability to directly notify all livestock owners. Within urban areas pet ownership is generally limited to domestic cats and dogs, all of whom are registered with Council and can be directly notified of an event
28 Jun	Anonymous		1		No comments provided	
28 Jun	Anonymous		1		I would like to see a clause that prohibits fireworks on fire risk days regardless of whether the person has a previously accepted permit or not for that day.	Both the draft Fireworks Local Law and draft Prohibition of Fireworks Local Law would prohibit fireworks displays during the designated fire danger period. The Fireworks Local Law also includes future conditions that would prevent any permit issued from being utilised on a total fire ban day.
28 Jun	Anonymous		1		No fireworks should be permitted at any time out of respect to our unique wildlife, pets and livestock.	Noted

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28 Jun	Isabel Nalato			1	Fireworks should be banned from private and public land throughout Nillumbik, all year round, given the negative impacts fireworks have particularly throughout our special region.	The preparation of a broader ban of fireworks across the entire Shire is beyond the scope of the proposed local laws and falls outside Council's resolution at the Ordinary Council Meeting on 26 February 2019.
28 Jun	Ingram			1	No comments provided	
28 Jun	Anonymous	1			No comments provided	
28 Jun	Anonymous	1			It's a shame the State Gov couldn't just simple remove 'fireworks' from the CFA Permit 14. Would have saved a lot of council time & effort.	Noted. Council intends to continue advocating for a broader statewide response to this issue.
28 Jun	Katherine Phelps			1	Fireworks need to be banned on public and private land throughout Nillumbik. We have a lot of indigenous wildlife that can be disturbed or possibly harmed by the use of fireworks. Many other forms of night time entertainment can be had.	The preparation of a broader ban of fireworks across the entire Shire is beyond the scope of the proposed local laws and falls outside Council's resolution at the Ordinary Council Meeting on 26 February 2019.
28 Jun	Anonymous		1		No comments provided	
29 Jun	Anonymous		1		No comments provided	
29 Jun	Anonymous			1	Laser light shows are safer & better for the environment overall. Fireworks are out dated.	Noted. Council would be supportive of more sensitive entertainment options currently available.
29 Jun	Jennifer Walsh	1			permits should not be given to anyone wishing to have fireworks in the outer lying areas of Nillumbik shire during fire restriction periods. Granting of said permits by those who are not familiar with the area is verging on the irresponsible. Long time residents of the area are still dealing with the outcome of Black Saturday, not to mention the effect upon domestic animals, farm animals and wildlife	Noted
29 Jun	Anonymous			1	It is time to stop fireworks at all events both public and private. They frighten animals, dirty the atmosphere and leave a mess. Outdated and unnecessary. Find something more appropriate.	The preparation of a broader ban of fireworks across the entire Shire is beyond the scope of the proposed local laws and falls outside Council's resolution at the Ordinary Council Meeting on 26 February 2019. The display of fireworks from Council land is already controled in the existing Nillumbik Fireworks Policy adopted by Council in 2008
29 Jun	Anonymous			1	No comments provided	

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30 Jun	Sue		1		I feel prohibition is the simpler and more easily enforced option. Even if fireworks were allowed on private property with permits etc, the local paper is no sure and certain way to inform residents as the Leader often doesn't make it put to (eg) Strathewen and St Andrews. The risks associated with fireworks in this environment are numerous - fire caused by sparks, danger to livestock, danger to native fauna and flora and stress for residents. If people wish to see firewors they can travel to an organised display in a more suitable location.	Noted
01 Jul	Anonymous			1	Whilst I wouldn't want fireworks in bushland during total fire ban period or on severe or higher rated days... if I had the cash and warned my neighbours with a minimum of two weeks in advance and had the cfa in attendance ...I would like to be able to! If my township wanted fireworks at a fair then it should be ok! Fireworks shouldn't be limited to the city only... especially if emergency services are in attendance and neighbors have been forewarned. There should however be a limit on how long the fire works go for! On private properties be less than 5 mins!	The development of the fireworks local law has been carried out in response to considerable community concern over several years. The purpose of the draft local laws is to regulate fireworks in a rural environment, Diamond Creek and Eltham town fairs would not be impacted. From an enforcement prospective, the length of a firework display would be considered as part of an application process should the Fireworks Local Law be adopted by Council.
01 Jul	Anonymous		1		No comments provided	

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02 Jul	Sharon Murdoch	1			<p>To nillumbik council ,,,,we have been placed under terrible stress because of this situation ,,other councils already have this law in place ,,not only is our area known for the horrific black Saturday fires ,, but these private fireworks have been used 2 weeks before the 10 year anniversary so clearly they do not wish to be part of our community or you would have respect ,,,,but the fact that we have been put through this for 3 years ,,where is your respect for the community you are supposed to protect ,,,, can you imagine if this went to a current affairs ,,,,how it would look for nillumbik council ,,being it the middle of summer in a high fire zone ,,,,now let through in wildlife and livestock ,,,,come and stand with me as I'm trying to cram my old horses who can't be floated ,,,,in the dark waiting for that first firework ,,,,and then all he'll breaks loose and seconds after that as I'm running in the dark to follow my horses who have taken off in fright Now ,,,,I'm being mowed down by panic struck kangaroos And birds thinking it's daylight ,,,,I'm here speaking with you because until you have experienced the fear you can't possible know what it's like to go through ,,,,so when you are sitting in your office try and feel what it's like for us the community,,,it's not just about one family who have no respect ,,it's also about a council who don't act ,,I will take this further depending on your decision ,,kind regards Sharon</p>	Noted.
03 Jul	Martin Purcell		1		<p>Fully support the banning of fireworks local law,for the momentary enjoyment of the fireworks display the dangers and upheaval to animals and other people are too much.</p> <p>The fire danger is a risk that is so often understated ,the trauma that animals are put under is unreasonable,the drama that is caused to other people is not justified by a few minutes of noise and aerial display.</p> <p>I love fireworks displays but they need to be in fully controlled and fire safe areas.</p>	Noted
03 Jul	Anonymous		1		<p>Fireworks should be prohibited in the rural parts of the shire because of the danger to animals on properties.</p>	Noted

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04 Jul	Anonymous			1	<p>I think that fireworks should be banned altogether, but it should be considered as a statewide law, not a local law.</p> <p>I believe that fireworks are a complete waste of resources. They are expensive, last only a few minutes, and while appreciated briefly by some, cause much angst to others. There are many more worthwhile social causes which our money and resources could be channeled into, such as educating our kids, feeding the needy, providing health care to the sick, etc.</p>	<p>Council will continue to advocate to the State Government for broader control of fireworks across the State.</p> <p>The draft local laws relate to private fireworks displays which would not receive any public funding.</p> <p>The preparation of a broader ban of fireworks across the entire Shire is beyond the scope of the proposed local laws.</p>
04 Jul	Anonymous			1	<p>I would like to see Council go one step further and introduce quieter fireworks for displays within Urban areas along with a total ban everywhere during the dryer months .</p>	<p>Noted.</p> <p>The preparation of a broader ban of fireworks across the entire Shire is beyond the scope of the proposed local laws and falls outside Council's resolution at the Ordinary Council Meeting on 26 February 2019.</p>
04 Jul	Anonymous			1	<p>They are not necessary in this area.</p> <p>They are a concern to livestock and wildlife.</p> <p>They trigger concerns of fire risk during summer</p>	Noted
04 Jul	Anonymous			1	No comments provided	
04 Jul	Craig Stevens			1	<p>I would like to hope that you've been fireworks on private property all year round respect to the local wildlife with respect for residents within the vicinity and their concerns about fire danger and the animals and pets I do not think you need fireworks on private property there is no room for a permit as people will work their way around it it needs to just be a ban a total ban and hope you please take into consideration the concerns of many residents thank you</p>	Noted
04 Jul	Anonymous			1	No comments provided	
05 Jul	Anonymous			1	<p>There is no need for show-off things like this. Let's keep CO2 emissions in check, not run the risks of starting bush fires, not scare the animals and not annoy the neighbours.</p>	Noted.

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08 Jul	Mel Ellis			1	<p>I believe that fireworks should be banned from all areas at all times except Council land with a permit - which seems to be in keeping with about a third of other Councils that have some restrictions on fireworks. My reasons are below, some of which were included in the published impact statement and some where not:</p> <ul style="list-style-type: none"> - The risk of fire and the stress caused by that thought/anticipation - Fireworks contribute to polluting and damaging our planet in various ways throughout their life cycle, from manufacturing and transportation to combustion. - Fireworks have toxic effects on water and soil, cause fires and noise pollution, pose health risks and often cause accidents in both humans and animals. - Fireworks terrify animals, create unnecessary waste and produce Greenhouse gasses. - The metallic particles in the smoke emitted by fireworks pose a health risk, particularly to people who have cardiovascular disease, suffer from asthma or have other breathing problems. - Fireworks displays, often held over lakes and other bodies of water to minimise the risk of fire, can deposit significant amounts of perchlorate and particulates and thus contaminate the water, - Every year, fireworks manufacturers, operators and bystanders are injured or even killed in fireworks-related incidents. - Greenhouse gases produced by fireworks displays include Carbon dioxide (CO2) and ozone. - The noise pollution caused by fireworks can cause great distress to domestic pets, wildlife and livestock alike. Animals' hearing is far more sensitive than ours, and unpredictable and deafening blasts from fireworks can cause them immense pain and fear and even damage their hearing. Animals often become so frightened and confused by the noise that they panic and attempt to flee. They can break out of screen doors and fenced yards and become lost or are hit by cars. Horses and other livestock can run into fences and are at times severely injured. - Fireworks are just as disastrous to wildlife. Loud firework explosions cause panic, confusion, fear, and anxiety in wild animals. Panic and disorientation can result in birds' flying into a building or abandoning their babies. After fireworks, wildlife rehabilitators experience an increase in calls from the public relating to wildlife on the roads and wildlife being seen in unusual areas, there is also an increase in orphaned birds and small mammals brought in. 	Noted
10 Jul	Anonymous			1	<p>It is environmentally unsound to allow fireworks to be used at all in the municipality. Moreover, it disturbs all residents not involved in the activity and distresses animals. I am strongly in favour of total prohibition. Council should never spend ratepayers money on fireworks either.</p>	Noted.
16 Jul	Anonymous			1	<p>Fireworks should never be allowed anywhere within the rural area of the Greenwedge. The threat of causing bushfire is too great and the fear and panic experienced by wildlife and pets is totally unacceptable.</p>	Noted

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19 Jul	Anonymous		1		<p>Stupid neighbour on NYE 1999 had an almighty 3rd world war industrial fire-works display, to impress his mates, it went on for hours, I was home alone and was forced to spend the entire duration outside with seriously traumatised horse and dog.</p> <p>Neither were same again, I could feel the blasts thumping in my chest, seriously selfish act.</p> <p>Someone in the neighbourhood phoned the Research CFA fire brigade, when the truck arrived I could hear 'the host' and the male truck volunteers laughing and making derogatory remarks about the female caller, whoever they were. I wish to this day that they had called the Police.</p> <p>It is irrelevant what time of the year that someone wants to impress their 'friends'.</p> <p>Exploding potential bushfire causing devices, in the midst of Nillumbik Rural Green Wedge, must not be an option, ever, and must be policed with huge fines enforced, irrespective of who any perpetrator might be.</p>	Noted
21 Jul	Anonymous		1		<p>It doesn't matter in what area fireworks are set off, farm animals, native animals and pets will be terrified. Even though it may be a fire period, people still ignore this and let fireworks off. Who is going to be responsible for upholding this law? The only solution to the fireworks problem is to completely ban the import of them.</p>	Noted. The importation of fireworks is a federal government issue.

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26 Jul	Anonymous	1			<p>Anyone having a private party or celebration anywhere in the Shire should NOT be allowed to have fireworks during the summer fire season months. This includes private or public property.</p> <p>Fireworks in the town's would be permissible to me but only on special occasions as the fire brigade is in close proximity.</p> <p>There needs to definitely be no council or other community body on total fire ban days. If there was a planned fireworks e.g. New Year's Eve, they definitely need to be cancelled.</p> <p>Overall it would be a relief to those of us living in "The Bush", as is our choice, to see no fireworks at all as even after the fire season the Bush would burn!!!!</p> <p>I saw those fireworks in question out here towards Panton Hill last season and it caused both myself and my husband grave concern should a fire start up from the hot metal and/or sparks from the fireworks.</p> <p>Please put a permanent stop to this sort of thing happening again anywhere in our Shire.</p> <p>Thank you no fireworks for Nillumbik Shire outside of Towns and only on special occasions.</p> <p>"Concerned"</p> <p>Margaret Moore (name anonymous please)</p>	Noted
28 Jul	Anonymous		1		No comments provided	
28 Jul	Anonymous			1	<p>ridiculous initiative, only being brought up due to a set of jealous and whinging locals.</p> <p>Light the sky up, let them have their fun.</p>	The development of the fireworks local law has been carried out in response to considerable community concern over several years.
05 Aug	Anonymous		1		No comments provided	No comments provided
05 Aug	Anonymous	1			I don't know if you've noticed but the map shows that the local wouldn't apply as St. Andrews and Panton hill is inside of the urban growth zone.	Noted - the maps and definition of rural areas in the draft local laws will be amended to ensure the local law applies to these sensitive rural townships
05 Aug	Anonymous	1			No comments provided	
05 Aug	Anonymous		1		No comments provided	
05 Aug	Anonymous	1			No comments provided	
05 Aug	Anonymous	1			No comments provided	
05 Aug	Anonymous			1	We do not require fireworks. It is polluting the air disturbing animals at home and wild and waste if money. We do not require any additional fireworks in our to show off please.	Noted

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06 Aug	Anonymous		1		No comments provided	
06 Aug	Anonymous		1		Any permit system for fireworks on private land can be subject to abuse or misapplication, as has been the case in the past. Permit conditions are not necessarily policed.	Noted.
06 Aug	Anonymous			1	Private land, CFA permits, licenced pyrotechnics, I dont see an issue. People just want to complain because they can. What will it be next, what animals we can and cant keep. Piss off its private land.	The development of the fireworks local law has been carried out in response to considerable community concern over several years.
03 Jul	P & H Rossi		1		See written submission - Fireworks Ban should apply to entire Shire. Not just private rural land	Noted
05 Aug	Sarah Clark		1		See written submission	
		Fireworks Local Law	Prohibition of Fireworks LL	Neither		
		11	27	11		

Sarah Clark

05/08/19

Re Proposed Prohibition of Fireworks Local Law

To Whom it May Concern,

I am writing this submission to provide my feedback on the proposed Fireworks Local Law currently exhibited on the Nillumbik website.

I am in support of the Prohibition of Fireworks Local Law option presented on your website.

I have agisted horses for over 12 years on a property in Lakeview Drive in St Andrews.

In 2018 I was contacted by the landowner I agist with close to the Australia Day weekend in late January. The landowner was on holidays, with the horses being cared for by a minder, and they been contacted by a neighbour who had seen a notice at the general store announcing that fireworks were going to occur at a private party very close by in approximately 48 hours.

With no options to arrange transport off the property, the landowner returned and we arranged a vet to sedate the horses in the hope to minimise the impact of the fireworks given they were going to be let off so close to us. The landowner contacted the CFA and was informed that the fireworks would be set off at 9.45pm. As horses cannot be sedated for a long period of time, we discussed this with the vet and arranged the vet to arrive at 9.30pm and we had the horses lined up ready.

Unfortunately the fireworks began as the vet was crossing the paddock to begin the sedation. I have never experienced anything like what happened. The three horses I was managing bolted. I ran and opened the gates to the larger paddock before they crashed into the gate. The boom overhead lit up the paddock like a war zone and I followed the horses as they galloped through the tea tree in the darkness. All I could do was count the hoof beats to make sure none had gone down as they galloped backwards and forwards in the dark and then hope to see them when it lit up again. I was on top of a hill virtually level with the explosion of the fireworks. The sound was deafening and the light was so bright. I had kangaroos almost run into me and crash into the fences. It was chaos. Even though it was about ten minutes it felt like hours. Both myself and the horses were incredibly lucky to not be seriously injured. It took several hours to calm them down enough to get near them.

The landowners in this area and myself are still living through the nightmare of Black Saturday and this experience mid-summer caused enormous stress. This is a location with one narrow road in. If there was a fire event, with the number of people on the property plus people trying to get out, there would have been serious problems.

After that experience I wrote to both the CFA Head Office and Worksafe Victoria and was told there was no way I could register my concern or prevent this from happening again. This was extremely frustrating.

In 2019, we were provided slightly earlier notice of the same event going forward in January. Both I and the landowner cancelled holidays and arranged to transport the horses off the property. We spent the day moving horses off the property in a two horse float to another suburb 30 minutes away and then the entire Sunday moving them back again. We were lucky that we were able to source overnight agistment. However, moving horses that do not travel regularly is not without risk as is moving horses to a foreign paddock even for a short period. However I would never want myself or my animals to as close to the fireworks as I was in 2018.

If this was a legitimate community festival with proper notification, consultation, a review of the conditions and an emergency management plan submitted for the number of people expected, I would be supportive and move my animals knowing that all precautions had been taken to mitigate risk. But I do not see how the rights of a single landowner outweigh the rights of others.

I would like to thank Nillumbik Council for taking the concerns about fireworks on private property seriously and giving me the opportunity to submit my experiences. If I had not gone through this experience, I would be supportive of the permitted option, however given what I have been through over the last two years I cannot in good conscience support anything other than a complete ban on private property.

Yours,

Sarah Clark

A handwritten signature in black ink, appearing to be 'Sarah Clark', written in a cursive style.



3 July 2019

Shire of Nillumbik
PO Box 476
GREENSBOROUGH VIC 3088

Dear Sir/Madam,

Re: Draft Local Law to completely ban fireworks on private property at any time.

Fireworks must be completely banned in the Shire of Nillumbik. We live in Yarrambat. We hear fireworks going off around us on New Year's Eve, in the middle of summer. It is unbelievable that some residents find this acceptable behaviour. For us it is frightening, and for our animals stressful. It must be a nightmare for the CFA. People seem to have short memories when it comes to bushfires.

A licence is required for firearms and explosives, yet some people are able to buy and discharge fireworks at will. For fun!!!!

Fireworks should only be allowed in the City of Melbourne, under strict conditions, for a limited time, and operated by professionals.

We support a complete ban.

Yours Faithfully,

Peter & Helen Rossi

NILLUMBIK SHIRE COUNCIL

FIREWORKS LOCAL LAW 2019

PART 1 – PRELIMINARY

1. Local Law

This Local Law is the Fireworks Local Law 2019 and is made under Part 5 of the *Local Government Act 1989*.

2. Objectives

The objectives of this Local Law are to:

- (a) manage and regulate the discharge of fireworks on private land in the municipal district to reduce amenity and environmental impacts of fireworks;
- (b) address activities with the potential to be a nuisance and impact on the health and wellbeing of residents in a bushfire prone rural environment; and
- (c) apply standards that address safety matters directed at reducing risk to the community.

3. Commencement

This Local Law comes into operation on *(insert date)*

4. Date this Local Law ceases operation

Unless this Local Law is revoked sooner, its operation will cease on *(insert date)*

5. Application of this Local Law

This Local Law applies to land outside of the urban growth boundary within the Nillumbik Shire.

6. Definitions

In this Local Law:

“**authorised officer**” – means a person appointed by the Council under section 224 of the *Local Government Act 1989*.

“**Council**” – means the Nillumbik Shire Council.

“**CFA**” – means the Country Fire Authority.

“**declared fire danger period**”- means the declaration made under section 4 of the *Country Fire Authority Act 1958*.

“**public notice**” means a notice published in a newspaper generally circulating in the municipal district of the Council chosen for the purpose and a notice on the Council’s website.

“urban growth boundary” – means the boundary defined in the Nillumbik Planning Scheme identifying the scope of urban growth within the municipality and identified on the plan in Schedule 1.

PART 2 – CONTROLS APPLYING TO FIREWORKS

7. Permit requirements

- (1) A person must not without a permit discharge any fireworks on or from private property outside the urban growth boundary.
- (2) An application for a permit must be submitted to Council not less than 60 days before the proposed discharge of fireworks.

8. Information required on an application for permit

A person applying for a permit must provide the following information with the application:

- (a) a site plan of the land, showing all existing buildings, all vegetation, the firing points for the types of fireworks to be discharged, the distances of firing points from adjoining land, access roads and where the audience will be located;
- (b) a risk management plan that assesses the risk associated with discharging fireworks from the intended location, including:
 - an assessment of the risk of fire on the intended location and adjoining land and how those risks will be managed;
 - the risk of harm to people, domestic animals, livestock and wildlife from the noise caused by the fireworks to be used and how those risks will be managed; and
 - an emergency evacuation plan that will apply if there needs to be emergency evacuation from the land;
- (c) any initiative to be applied by the applicant to reduce harm to domestic animals, livestock and wildlife on land within 1.5km of the land where fireworks will be discharged or fireworks displayed;
- (d) evidence that the fire protection measures and separation distances prescribed by the *Dangerous Goods (Explosives) Regulations 2011* are complied with;
- (e) a copy of the licence issued by Worksafe Victoria for the person to conduct fireworks displays;
- (f) a copy of the notice provided to Worksafe and the Country Fire Authority advising of the intention to discharge fireworks on the land;
- (g) whether any temporary advertising signs will be placed on Council land or roads and that they comply with Council's Amenity Local Law and *Signage Policy*;

- (h) a certificate of currency in the name of the occupier that shows adequate public liability insurance is in place for the event; and
- (i) any other information required by an Authorised Officer to make a proper assessment of the application.

9. Notification requirements

- (1) Upon receiving an application Council will, on behalf of the applicant:
 - (a) notify by registered mail all occupiers of land within 1.5km of the land where it is intended to discharge the fireworks;
 - (b) notify by registered mail any other person Council considers could be directly affected by the proposed discharge of fireworks; and
 - (c) give public notice advising of the application that includes details about the location and the time and duration of the discharge of fireworks.
- (2) In addition to any fees or charges to be paid under clause 14, the applicant will pay to the Council the costs of notifications required under this provision.

10. Criteria for assessing applications

In determining whether to grant a permit, an Authorised Officer must consider whether:

- (a) the information submitted with the application under clause 8 is satisfactory;
- (b) the identified risks have been adequately assessed and responded to;
- (c) adequate measures have been taken to manage the risk to livestock on adjoining or nearby properties;
- (d) any other permits or consents from Council are required;
- (e) any additional requirements of the CFA that have been made;
- (f) any comments that have been made in response to the notifications given under clause 9; and
- (g) any other matters relevant to the circumstances of the application.

11. Conditions on a permit

- (1) The permit may contain conditions such as:
 - (a) compliance with any requirements or conditions applied by the CFA;
 - (b) prescribing the times during which the discharge of fireworks can occur;
 - (c) prohibiting the discharge of fireworks from occurring if unpredictable weather conditions, such as winds in excess of 10 knots occur; and
 - (d) compliance with any other permits or consents that may be required for community events in the Nillumbik Shire.

12. Prohibition on Council issuing permits

Council must not grant a permit under clause 7:

- (a) during the declared fire danger period; or

- (b) after 1 November or the declared fire danger period, whichever is earlier, and before 30 March or the end of the declared fire danger period, whichever is the later.

PART 3 – ADMINISTRATION

13. Permits

- (1) An application for a permit must be in a form approved by the Council and accompanied by the fee prescribed by Council.
- (2) The Council may require an applicant to supply additional information or to give public notice of the application.
- (3) A permit may be issued subject to conditions.
- (4) A person must comply with the conditions of a permit issued to them.

14. Fees and Charges

The Council may, from time to time, by resolution determine the fees and charges, guarantees or bonds to apply under this Local Law which may include an administrative or processing fee or charge and the Council must give reasonable public notice of any such resolution.

15. Direction of an Authorised Officer

An authorised officer may give any reasonable direction, including a verbal direction, to a person in respect of any matter under this Local Law and a person must comply with that direction.

16. Notice to Comply

- (1) An authorised officer may serve a Notice to Comply directing any owner or occupier of land or any other person on whom an obligation is imposed by this Local Law to remedy anything which constitutes a breach of this Local Law.
- (2) A person to whom a Notice to Comply is issued must comply with that notice.
- (3) A Notice to Comply must state the date and time by which the breach must be remedied.
- (4) The date and time stated in the Notice to Comply to remedy the breach must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other items;
 - (d) climatic conditions;;
 - (e) the degree of risk or potential risk which a continued breach of this Local Law poses to persons or animals, including any wildlife; and

- (f) any other relevant matter.

17. Power of an authorised officer to impound

A authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or which threatens an animal without serving a Notice to Comply provided that:

- (a) the circumstance arises out of a person's failure to comply with this Local Law;
- (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
- (c) the person to whom the Notice to Comply would have otherwise been served is as soon as possible notified of the urgent circumstances and the action taken to remedy it.

18. Impounding

- (1) An authorised officer may:
 - (a) impound any item that encroaches or obstructs the free use of a public place or any item that contravenes or is being used in contravention of this Local Law.
 - (b) release the item to the owner on payment of a fee determined by the Council which is not to exceed an amount that reasonably represents the cost to the Council of impounding, keeping and releasing the item; and
 - (c) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of the service of the notice under subclause (2) or after taking the steps required under subclause (3).
- (2) If an authorised officer impounds an item under subclause (1), he or she must serve a notice in a form approved by the Council, on the owner as soon as possible after the item is impounded.
- (3) If the identity or whereabouts of the owner of the item impounded under subclause (1) is unknown, the authorised officer must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising his or her powers under subclause (1).
- (4) The Council is entitled to retain out of the proceeds of sale of any impounded item its reasonable costs incurred in impounding, keeping or selling them.

19. Delegation

The powers of the Council under this Local Law to:

- (a) impound an item under clause 18;
- (b) issue, refuse or revoke a permit;
- (c) issue, sign, revoke, exempt, require or cancel any notice, order or agreement; and
- (d) enforce any matter –

are delegated to the Chief Executive Officer of the Council and to all authorised officers who are also members of Council staff.

PART 4 – ENFORCEMENT

20. Offences

A person is guilty of an offence against this Local Law if the person:

- (a) does something which a provision of this Local Law prohibits to be done;
- (b) fails to do something which a provision of this Local Law requires to be done;
- (c) engages in activity without a current permit where this Local Law requires a person to obtain a permit before engaging in that activity;
- (d) breaches or fails to comply with a direction of an authorised officer under this Local Law;
- (e) fails to comply with a condition of a permit issued under this Local Law; or
- (f) fails to remedy a thing in accordance with a Notice to Comply by the date and time stated in the Notice to Comply.

21. Infringement Notices

- (1) Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the authorised officer may issue an infringement notice to the person in a form approved by the Council, as an alternative to a prosecution for the offence.
- (2) A person to whom an infringement notice has been issued must pay to the Council the amount specified in the notice within 28 days.
- (3) A person served with an infringement notice is entitled to disregard the notice and defend the prosecution in Court.
- (4) An infringement notice may be waived by an authorised officer following representations from any person served with an infringement notice or made on behalf of that person.

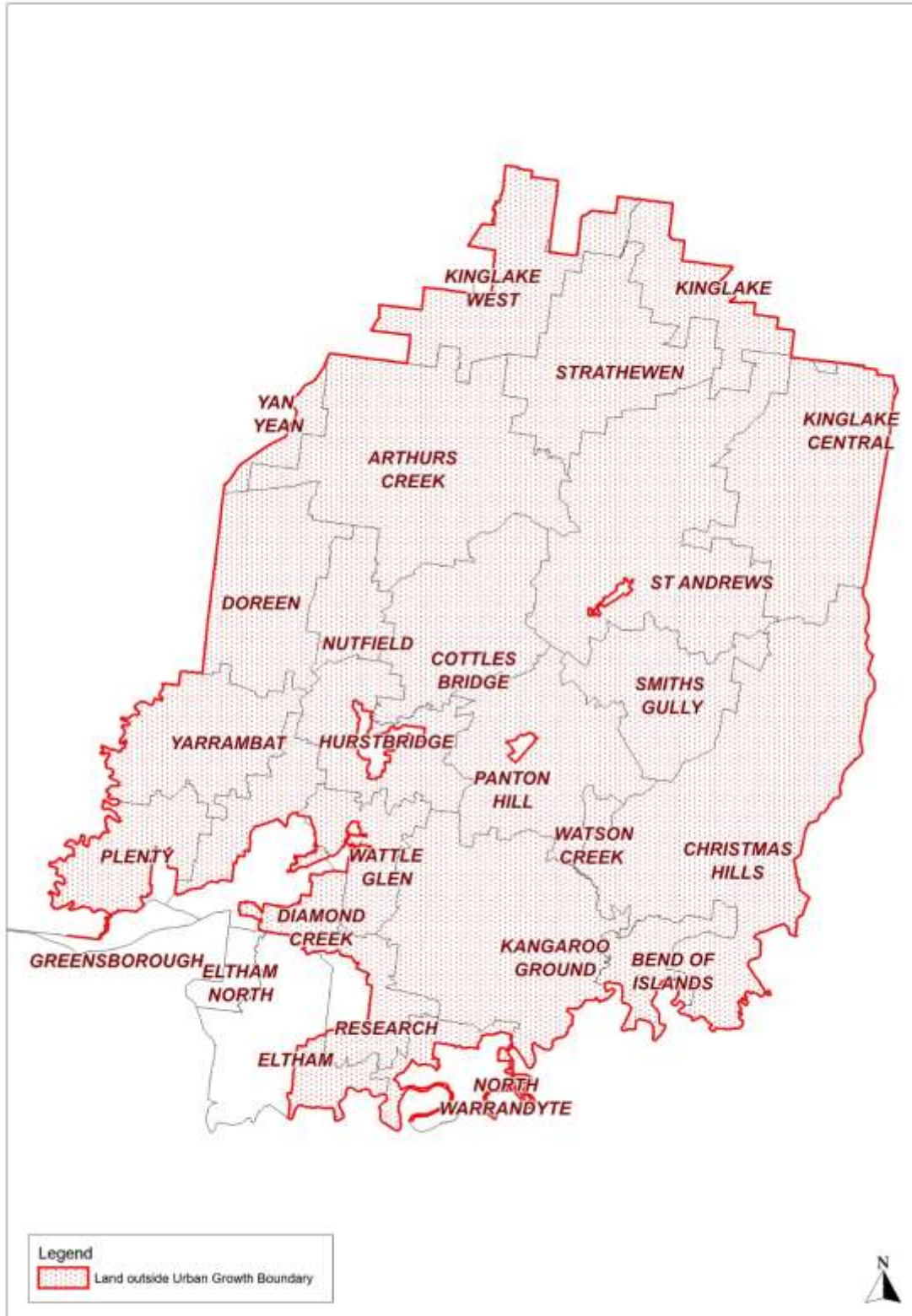
22. Penalties

- (1) The fixed penalty in respect of an infringement notice is set out in Schedule 2.
- (2) A person guilty of an offence is subject to the penalties set out in Schedule 2.

FIREWORKS LOCAL LAW

SCHEDULE 1

Map showing all land (shaded) located outside the urban growth boundary within Nillumbik.



FIREWORKS LOCAL LAW

SCHEDULE 2 – PENALTIES

Clause	Offence	Infringement notice fixed penalty	On conviction first offence
7	Failing to obtain a permit to discharge fireworks from private property outside the urban growth boundary		
13	Failing to comply with conditions of a permit		
15	Failing to comply with a direction of an authorised officer		
16	Failing to comply with a Notice to Comply		

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NILLUMBIK SHIRE COUNCIL

PROHIBITION OF FIREWORKS LOCAL LAW 2019

PART 1 – PRELIMINARY

1. Local Law

This Local Law is the Prohibition of Fireworks Local Law 2019 and is made under Part 5 of the *Local Government Act 1989*.

2. Objectives

The objective of this Local Law is to prohibit the discharge of fireworks in certain parts of the municipality:

- (a) to restrict activities in a bushfire prone rural environment that can impact on the health and wellbeing of residents, specifically those who have experienced catastrophic bushfires;
- (b) to reduce the risk of danger and injury to animals and wildlife arising from the discharge of fireworks;
- (c) to address nuisance, amenity and environmental impacts of fireworks activities;
- (d) apply standards that address safety matters directed at reducing risk to the community.

3. Commencement

This Local Law comes into operation on *(insert date)*

4. Date this Local Law ceases operation

Unless this Local Law is revoked sooner, its operation will cease on *(insert date)*

5. Application of this Local Law

This Local Law applies to land outside of the urban growth boundary within the Nillumbik Shire.

6. Definitions

In this Local Law:

“authorised officer” – means a person appointed by the Council under section 224 of the *Local Government Act 1989*.

“Council” – means the Nillumbik Shire Council.

“urban growth boundary” – means the boundary defined in the Nillumbik Planning Scheme identifying the scope of urban growth within the municipality and identified on the plan in Schedule 1.

PART 2 – PROHIBITION OF FIREWORKS

7. General prohibition

A person must not discharge any fireworks on or from private property outside the urban growth boundary.

PART 3 – ADMINISTRATION

8. Direction of an Authorised Officer

An authorised officer may give any reasonable direction, including a verbal direction, to a person in respect of any matter under this Local Law and a person must comply with that direction.

9. Notice to Comply

- (1) An authorised officer may serve a Notice to Comply directing any owner or occupier of land or any other person on whom an obligation is imposed by this Local Law to remedy anything which constitutes a breach of this Local Law.
- (2) A person to whom a Notice to Comply is issued must comply with that notice.
- (3) A Notice to Comply must state the date and time by which the breach must be remedied.
- (4) The date and time stated in the Notice to Comply to remedy the breach must be reasonable in the circumstances having regard to:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the availability of necessary materials or other items;
 - (d) climatic conditions;;
 - (e) the degree of risk or potential risk which a continued breach of this Local Law poses to persons or animals, including any wildlife; and
 - (f) any other relevant matter.

10. Power of an authorised officer to impound

A authorised officer may act to remedy any circumstance which threatens a person's life, health or property, or which threatens an animal without serving a Notice to Comply provided that:

- (a) the circumstance arises out of a person's failure to comply with this Local Law;
- (b) the action taken is no more than the minimum reasonably necessary to remedy the urgent circumstance; and
- (c) the person to whom the Notice to Comply would have otherwise been served is as soon as possible notified of the urgent circumstances and the action taken to remedy it.

11. Impounding

- (1) An authorised officer may:
 - (a) impound any item that encroaches or obstructs the free use of a public place or any item that contravenes or is being used in contravention of this Local Law.
 - (b) release the item to the owner on payment of a fee determined by the Council which is not to exceed an amount that reasonably represents the cost to the Council of impounding, keeping and releasing the item; and
 - (c) sell, destroy, dispose of or give away the impounded item if the owner of the item has not paid the fee within 14 days of the service of the notice under subclause (2) or after taking the steps required under subclause (3).
- (2) If an authorised officer impounds an item under subclause (1), he or she must serve a notice in a form approved by the Council, on the owner as soon as possible after the item is impounded.
- (3) If the identity or whereabouts of the owner of the item impounded under subclause (1) is unknown, the authorised officer must take reasonable steps to ascertain the owner's identity and/or whereabouts prior to exercising his or her powers under subclause (1).
- (4) The Council is entitled to retain out of the proceeds of sale of any impounded item its reasonable costs incurred in impounding, keeping or selling them.

12. Delegation

The powers of the Council under this Local Law to:

- (a) impound an item under clause 11;
- (b) issue, refuse or revoke a permit;
- (c) issue, sign, revoke, exempt, require or cancel any notice, order or agreement; and
- (d) enforce any matter –

are delegated to the Chief Executive Officer of the Council and to all authorised officers who are also members of Council staff.

PART 4 – ENFORCEMENT

13. Offences

A person is guilty of an offence against this Local Law if the person:

- (a) does something which a provision of this Local Law prohibits to be done;
- (b) fails to do something which a provision of this Local Law requires to be done;
- (c) engages in activity without a current permit where this Local Law requires a person to obtain a permit before engaging in that activity;

- (d) breaches or fails to comply with a direction of an authorised officer under this Local Law;
- (e) fails to comply with a condition of a permit issued under this Local Law; or
- (f) fails to remedy a thing in accordance with a Notice to Comply by the date and time stated in the Notice to Comply.

14. Infringement Notices

- (1) Where an authorised officer reasonably believes that a person has committed an offence against this Local Law, the authorised officer may issue an infringement notice to the person in a form approved by the Council, as an alternative to a prosecution for the offence.
- (2) A person to whom an infringement notice has been issued must pay to the Council the amount specified in the notice within 28 days.
- (3) A person served with an infringement notice is entitled to disregard the notice and defend the prosecution in Court.
- (4) An infringement notice may be waived by an authorised officer following representations from any person served with an infringement notice or made on behalf of that person.

15. Penalties

- (1) The fixed penalty in respect of an infringement notice is set out in Schedule 1.
- (2) A person guilty of an offence is subject to the penalties set out in Schedule 1.

PROHIBITION OF FIREWORKS LOCAL LAW

SCHEDULE 1

Map showing all land (shaded) located outside the urban growth boundary within Nillumbik.



PROHIBITION OF FIREWORKS LOCAL LAW

SCHEDULE 1 – PENALTIES

Clause	Offence	Infringement notice fixed penalty	On conviction first offence
7	Failing to obtain a permit to discharge fireworks from private property outside the urban growth boundary		
8	Failing to comply with a direction of an authorised officer		
9	Failing to comply with a Notice to Comply		

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