
POLICY TITLE: SMOKE FREE ENVIRONMENT

FOLDER NUMBER: F2007/00307

POLICY OWNER / DIVISION: Planning and Compliance

POLICY OWNER / BRANCH: Regulatory Services

FUNCTION: Environment

RELEVANT LEGISLATION:

POLICY ADOPTION/AMENDMENT DATE: 8 May 2019 **REPORT NUMBER:** PL9/19

REVIEW YEAR: 2021

AMENDMENT HISTORY: 9 July 2008 (Report No. EN33/08)
17 July 2013 (Report No. PL69/13)
12 September 2018 (Report No. PL24/18)

RELATED POLICIES:

POLICY PURPOSE / OBJECTIVES:

The objectives of Council in banning smoking in various areas are to:

- Improve the health of community members
- Improve public amenity and maintenance of Council property
- Raise community awareness of the issues associated with smoking
- Provide community leadership in taking measures to protect the health and social wellbeing of the community
- Minimise cigarette butt pollution on Council owned beaches, waterways, parks and other open space areas.

POLICY STATEMENT:

Principles

This Policy recognises that Council has:

- An obligation to promote public health outcomes where Council provides assets and services intended to be of benefit to children and other members of the community
 - A commitment to improve the natural environment and the amenity of the local area by reducing the amount of cigarette butt litter found in outdoor spaces
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- An understanding that the damaging effects of passive smoking while well documented in regard to indoor areas, is also beginning to emerge in regard to outdoor areas
- An acknowledgement that the indirect effects of people smoking in an outdoor area can result in children playing with and swallowing discarded cigarette butts; cigarette-derived particles accumulating on clothing and skin; and smoking causing sensory irritations such as eye watering, coughing, difficulty in breathing or asthma.

Legislation

Under the *NSW Local Government Act 1993* Council has the power to:

- Erect suitably worded and strategically placed notices in “public places” (such places including but not limited to public reserves, Crown reserves, public bathing reserves, public baths, public swimming pools, public parks and public roads) within the local government area of [locality] prohibiting smoking (see, relevantly, s.632 (1) and (2)(e) of the Act)
- Serve, by means of an authorised person, a penalty notice (Penalty: \$110.00) upon any person who fails to comply with the terms of any such notice (see, relevantly, s.679 of the Act and cl.5-7 of, and Schedule 1 to, the General Regulation)
- Demand, by means of an authorised person, the name and address of any person reasonably suspected of failing to comply with the terms of any such notice (see, relevantly, s.680 of the Act)
- Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice (see, relevantly, s.681 of the Act)
- Otherwise prohibit smoking in any place within the local government area of (name), in respect of which Council is the owner or occupier, as a condition of entry to that place.

Areas Covered by the Policy

This Policy includes banning smoking in the following areas on Council land:

- Within 10 (ten) metres of all children’s playground equipment
- On all Council playing fields, sporting grounds and sporting facilities (ie swimming pools, outdoor sports centres)
- At all events run or sponsored by Council
- In Council’s pedestrian malls / plazas with the exception of alfresco dining areas on public land
- Within ten (10) metres of Council owned or managed buildings including balconies or covered areas of those buildings
- On all beaches
- In all bushland parks and reserves
- Within all covered bus stops and taxi ranks
- Within Council car parks
- Any leases, licences or other estates that apply to Council owned or managed lands and properties

Signage

Council open space areas will be signposted, wherever practicable, to provide smoke-free zones.

Signs will be installed in prominent places in the open space areas listed above.

Leases, Licences and Other Council Agreements

Council buildings and outdoor dining areas that are leased, licensed or hired by Council will have smoke-free clauses inserted into their agreements for use.

Enforcement of Ban

In implementing Council's Smoke-Free Environment Policy a program of community education and awareness, specifically targeting residents and day visitors, is to be undertaken.

Enforcement of this policy will be supported by persuasion, self-policing and punitive enforcement.