

## ITEM 14 POLICY REVIEW: SMOKE-FREE (RECREATION AREAS) COUNCIL POLICY

The Smoke-free (Recreation Areas) Council Policy has now been reviewed as part of Council's rolling review schedule of its policies. Proposed amendments include the prohibition of smoking between and within 50m of the flagged area at Council's patrolled beaches, and the incorporation of e-cigarettes in accordance with legislative changes to the Smoke-free Environment Act 2000.

This report seeks Council's endorsement of the revised policy.

### RECOMMENDATION

Council endorse the revised Smoke-free (Recreation Areas) Policy noting the proposed inclusions:

- a) Incorporation of e-cigarettes as per legislation.
- b) The provision of smoke-free areas between and within 50m of the red and yellow flags at patrolled beaches from 1 February 2020.

### REPORT AUTHORISATIONS

Report of: Lucielle Power, Manager Property + Recreation (Acting)

Authorised by: Sue Savage, Director Community Services - Creative + Innovative City (Acting)

### ATTACHMENTS

- 1 Draft Smoke-Free (Recreation Areas) Policy 2019
- 2 Smoke-free (Recreation Areas) Policy 2017
- 3 Letter of Support - CEO Surf Life Saving NSW
- 4 Health Victoria Smoke-free Patrolled Beach Fact Sheet
- 5 Smoke-Free Area Diagram - Patrolled Beaches

### BACKGROUND

Tobacco smoking is the single most important preventable cause of ill health and death in Australia (Australian Institute of Health and Welfare 2019). Wollongong LGA has a higher rate of smoking compared with NSW and Australian rates of smoking (Public Health Information Development Unit 2019) which places substantial social, economic and environmental costs on the community.

Tobacco control is the primary domain of federal and state government however local government can encourage communities to lead healthy lifestyles by reducing exposure to smoke in public places. This strategy may help to de-normalise smoking in social settings by further reducing people's exposure (particularly young people) to role modelling of smoking behaviour, limiting opportunity and by reducing the cues to smoke for those persons who previously smoked.

#### Current Policy

Council's Smoke-free (Recreation Areas) Council Policy was last adopted by Council on 20 November 2017 (Attach 2) and is due for review. In line with the *Smoke-free Environment Act 2000*, the policy designates the following areas as smoke-free areas in the interest of public health and safety:

- Within 10m of all children's playground equipment
- Within 10m of all outdoor fitness equipment
- Around and within the identified perimeter of all Council outdoor sporting facilities and skate parks
- Around and within the identified perimeter of Council leisure centres and public swimming pools
- Within 4m of an entrance used by pedestrians to get into or out of a public building.

Since the adoption of the original policy in 2010, Council has installed signage at the above facilities which assists in the policy's implementation.

The review of this policy has identified that the policy remains valid and is consistent with Section 6A of the *Smoke-free Environment Act 2000* but also identified areas for strengthening of the policy.

This includes extending the policy to include patrolled beaches where a high number of children, young people and families visit and congregate. The proposed approach will provide smoke-free areas between and within 50m of the red and yellow flags during the patrol season which is based on the Victorian Government model (Attach 4). The smoke-free area will not apply beyond the landward edge of the beach's sanded area. This approach provides a smoke-free area where people typically locate on beaches in close proximity to the red and yellow flags whilst allowing persons who smoke to remain in a line of sight to the swimming area between flags and to personal belongings.

An example of its application at North Wollongong Beach is shown in Attach 5.

Finally, the draft policy includes reference to and inclusion of e-cigarettes which are now covered by recent legislative changes to the *Smoke-free Environment Act 2000*.

### **Review of other local government areas**

A review of coastal local government areas in NSW identified that a number of councils have designated smoke-free areas on beaches including:

- Bayside Council (trial only at this stage)
- Bega Valley Shire Council
- Byron Shire Council
- Hornsby Shire Council
- Mosman Council
- Northern Beaches Council
- Port Macquarie Hastings Council
- Randwick City Council
- Richmond Valley Council
- Waverly Council
- Woollahra Municipal Council.

The states of Western Australia, Victoria (2012), and Queensland (2005) have all implemented legislation that designates the area adjacent to the red and yellow flags on patrolled beaches as smoke-free areas.

### **Compliance**

Council's current approach to compliance with the policy is based on self-regulation by the community supported by signage. This policy approach has been implemented since 2010 and has evolved over time to include additional areas without issue. Users of these recreational areas have accepted the changes and complied with policy requirements without the need for punitive enforcement.

NSW Health Authorised Inspectors can enforce smoke-free areas designated by the *Smoke-free Environment Act 2000* and can issue cautions or on the spot fines of \$300. It is noted that beaches are not covered by the current legislation.

Council lifeguards perform an essential service in ensuring visitors to our beach remain safe during summer. It is proposed that they do not have an active role in enforcing the smoke-free areas on patrolled beaches.

Volunteer lifesavers and local surf life saving clubs will also not be required to enforce the smoke-free areas. This is supported by consultation findings with Surf Life Saving NSW (Attach 3), Illawarra Shoalhaven Local Health District and the Heart Foundation.

## PROPOSAL

It is recommended the policy be amended to incorporate:

- a) e-cigarettes reflecting legislative requirements
- b) The provision of smoke-free areas between and within 50m of the red and yellow flags at patrolled beaches from the 1 February 2020.

## CONSULTATION AND COMMUNICATION

The review of this policy has incorporated extensive consultation with representatives from:

- Surf Life Saving NSW and Surf Life Saving Illawarra
- Heart Foundation
- Illawarra Shoalhaven Local Health District – Health Promotion Team and Tobacco Compliance Unit
- Council's Sports and Facilities Reference Group.

Consultation findings support Council's proactive approach in extending the policy to patrolled beaches to protect children, young persons, families and vulnerable populations from smoking. The proposed policy also incorporates recommendations and amendments suggested by these parties. Council officers have also consulted with officers from the following divisions:

- Property and Recreation
- Regulation and Enforcement
- Community Cultural and Economic Development
- Open Space and Environment.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2028 goal 4 "We have a healthy community in a liveable city". It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2018-2021	Operational Plan 2019-20
Strategy	3 Year Action	Operational Plan Actions
4.3.1 Positive leadership and governance, values and culture are built upon	4.3.1.1 Ensure appropriate strategies and systems are in place that support good corporate governance	Conduct rolling reviews of Council's policy register.

### *Ecological Sustainability*

Cigarette butts are the most littered item in Australia. Cigarette butts leach toxic chemicals such as cadmium, lead and zinc. It is anticipated that over time there will be less cigarette butt litter on our patrolled beaches as a result of the proposed policy change.

## RISK ASSESSMENT

Introduction of the policy may create an environment for potential conflict between volunteer lifesavers and Council lifeguards and members of the public. Council's Beach Services will inform local surf clubs of the policy and appropriate protocols for managing potential conflict.

## FINANCIAL IMPLICATIONS

The costs for additional signage and promotional materials will be absorbed by existing operational budget.

## CONCLUSION

Council's Smoke-free (Recreation Areas) Policy confirms Council's commitment to advocating public health outcomes and improving the natural environment and amenity of the city through reducing the community's exposure to smoking in public areas.

The Smoke-free (Recreation Areas) Council Policy has now been reviewed and it is recommended the changes as proposed be approved.



## SMOKE-FREE (RECREATION AREAS) COUNCIL POLICY

ADOPTED BY COUNCIL: [TO BE COMPLETED BY CORP SUPPORT]

### BACKGROUND

This Policy ~~has been developed to~~ recognises that Council plays an important role in advocating public health outcomes and has a commitment to improving the natural environment and amenity of the local area by reducing the negative effects of smoking and use of e-cigarettes in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

In addition to the health impacts, cigarettes also contribute to street, beach and storm water litter and are considered as an environmental issue. The provision of smoke-free recreation areas can assist in reducing cigarette-butt litter and enhance our local environment.

### OBJECTIVE

The main objectives of this policy are to –

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

### POLICY STATEMENT

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;~~
- an understanding that the damaging effects of passive smoking and vapour, while well documented in regard to indoor areas, is also beginning to emerge in regard recognised as a priority in outdoor recreation to outdoor areas; and
- outlined a strategy for Council's management of smoking on and around public playgrounds, swimming pools, patrolled beaches, leisure centres and sports fields; and;
- 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.

### POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.



## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.

### **DEFINITIONS OF THIS POLICY**

#### **RECREATION AREA**

The term 'recreation area' where stated in this policy, refers to Council owned or managed outdoor sporting facilities, playgrounds, skate parks, outdoor fitness equipment, public swimming pools, patrolled beaches and leisure centres.

#### **OUTDOOR SPORTING FACILITIES**

The term 'outdoor sporting facilities' where stated in this policy, refers to Council owned or managed (including leased and licensed) sportsfields and the infrastructure associated with a sportsfield, including amenities buildings, canteens, grandstands and clubhouses.

#### **SMOKE**

Means use, consume, hold or otherwise have control over a tobacco product, non-tobacco smoking product or e-cigarette that is generating (whether or not by burning) smoke or an aerosol or vapour.

#### **PATROLLED BEACH**

An area of a beach that has an active lifeguarding or volunteer lifesaving service supervising a public bathing area where red and yellow flags have been erected.

## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

### 1 SMOKE-FREE AREAS

The following areas of public open space and sport and recreation facilities managed by Council are designated smoke-free areas:

- Within 10 metres of all children's playground equipment;
- Within 10 metres of all outdoor fitness equipment;
- Around and within the identified perimeter of all Council outdoor sporting facilities and skate parks;
- Around and within the identified perimeter of Council leisure centres and public swimming pools (including rock pools);
- Within 4 metres of an entrance used by pedestrians to get into or out of a public building; and
- Between the red and yellow flags to the land edge and within a 50 metre radius of the red and yellow flagged area at Council's patrolled beaches. The smoke-free area will apply during patrolled times, when the red-and-yellow lifesaving flags are erected.

### 2 AREA TO WHICH THIS POLICY APPLIES

This policy applies to the entire Wollongong Local Government Area (LGA).

### 3 EXEMPTIONS

There are no exemptions.

### 4 ENFORCEMENT



## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

### STATEMENT OF PROCEDURES

#### 1 — Signage

The following areas of public open space and sport and recreation facilities managed by Council will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 metres of all children's playground equipment;
- Within 10 metres of all outdoor fitness equipment;
- Around and within the identified perimeter of all Council outdoor sporting facilities and skate parks; and
- Around and within the identified perimeter of Council leisure centres and public swimming pools.
- Within 4 metres of an entrance used by pedestrians to get into or out of a public building.

Signs wherever practicable will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol. Where required, 'smoke-free zone' may be stencilled on concrete along the perimeter of Council's netball courts.

#### 2 — Legislation

Under Section 6A of the Smoke-free Environment Act 2000 the following public places are listed smoke-free areas in NSW:

- a place that is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place;
- open areas within the perimeter of all public swimming pool complexes; and
- an area set aside for, or being used by, spectators to watch an organised sporting event at a sportsground or other recreational area, but only when an organised sporting event is being held there.

Under Sections 632, 670 and 679 of 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 prohibiting smoking;
- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
- 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; and
- otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

#### 3 — Implementation of Policy

Under Sections 632, 670 and 679 of 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 prohibiting smoking;



## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
  - —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; and
  - otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.
- ~~Wollongong City Council's Enforcement Policy will guide the implementation of Council's Smoke-free Policy (Recreation Areas), with the view that this policy will be supported by persuasion and self-policing, rather than punitive enforcement.~~
- ~~A promotion program specifically targeting sporting clubs and associations is also to be undertaken annually.~~

## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

SUMMARY SHEET		
Responsible Division	Property & Recreation	
Date/s adopted	<i>Executive Management Committee</i> [updated by policy owner]	<i>Council</i> [DD Mmmm YYYY]
Date/s of previous adoptions	20 November 2017, 13 July 2015; Reviewed by EMC on 15 July 2013 (no changes); 26 October 2010	
Date of next review	[Mmmm YYYY - Must be within next Term of Council]	
Legislative or other requirement for review	Biannually – Corporate Governance Committee request	
Responsible Manager	Recreation Services Manager	
Authorised by	Manager Property and Recreation	



ADOPTED BY COUNCIL: 20 NOVEMBER 2017

## BACKGROUND

This Policy has been developed to recognise that Council plays an important role in advocating public health outcomes and has a commitment to improving the natural environment and amenity of the local area by reducing the negative effects of smoking in public areas.

There is substantial evidence linking exposure to second-hand smoke with a range of serious and life-threatening health impacts including heart disease, cancer, asthma and other respiratory problems. Children exposed to second-hand smoke are at an increased risk of asthma, acute respiratory infections and other health issues.

In addition to the health impacts, cigarettes also contribute to street and storm water litter and are considered as an environmental issue. The provision of smoke-free recreation areas can assist in reducing cigarette-butt litter and enhance our local environment.

## OBJECTIVE

The main objectives of this policy are to –

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

## POLICY STATEMENT

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;
- 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; and
- outlined a strategy for Council's management of smoking on and around public playgrounds, swimming pools, leisure centres and sportsfields.

## POLICY REVIEW AND VARIATION

- 1 Council is to have opportunity to review and adopt, at least once during its Term, each Council policy.
- 2 A resolution of Council is required to adopt any variations to this policy, with the exception of minor administrative changes, such as updates to legislative references, which may be endorsed by the Executive Management Committee (EMC). Endorsement of administrative changes made to this policy by EMC does not alter the requirement for it to be reviewed and adopted by each Term of Council.



## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

### DEFINITIONS OF THIS POLICY

#### Recreation Area

The term 'recreation area' where stated in this policy, refers to Council owned or managed outdoor sporting facilities, playgrounds, skate parks, outdoor fitness equipment, public swimming pools and leisure centres.

#### Outdoor Sporting Facilities

The term 'outdoor sporting facilities' where stated in this policy, refers to Council owned or managed (including leased and licensed) sportsfields and the infrastructure associated with a sportsfield, including amenities buildings, canteens, grandstands and clubhouses.

### STATEMENT OF PROCEDURES

#### 1 Signage

The following areas of public open space and sport and recreation facilities managed by Council will be signposted, wherever practicable, to provide smoke-free zones:

- Within 10 metres of all children's playground equipment;
- Within 10 metres of all outdoor fitness equipment;
- Around and within the identified perimeter of all Council outdoor sporting facilities and skate parks; and
- Around and within the identified perimeter of Council leisure centres and public swimming pools.
- Within 4 metres of an entrance used by pedestrians to get into or out of a public building.

Signs wherever practicable will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol.

Where required, 'smoke-free zone' may be stencilled on concrete along the perimeter of Council's netball courts.

#### 2 Legislation

Under Section 6A of the *Smoke-free Environment Act 2000* the following public places are listed smoke-free areas in NSW:

- a place that is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place;
- open areas within the perimeter of all public swimming pool complexes; and
- an area set aside for, or being used by, spectators to watch an organised sporting event at a sportsground or other recreational area, but only when an organised sporting event is being held there.

Under Sections 632, 670 and 679 of 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 prohibiting smoking;
- serve, by means of an authorised person, a penalty notice upon any person who fails to comply with the terms of any such notice;
- 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; and
- otherwise prohibit smoking in any place within the local government area of Wollongong, in respect of which Council is the owner or occupier, as a condition of entry to that place.

#### 3 Implementation of Policy

Wollongong City Council's Enforcement Policy will guide the implementation of Council's Smoke-free Policy (Recreation Areas), with the view that this policy will be supported by persuasion and self-policing, rather than punitive enforcement.

A promotion program specifically targeting sporting clubs and associations is also to be undertaken annually.

## SMOKE-FREE (RECREATION AREAS)

## COUNCIL POLICY

SUMMARY SHEET	
Responsible Division	Property and Recreation
Date adopted by Council	20 November 2017
Date of previous adoptions	13 July 2015; Reviewed by EMC on 15 July 2013 (no changes); 26 October 2010
Date of next review	November 2019
Legislative or other requirement for review	Biannually – Corporate Governance Committee request
Responsible Manager	Recreation Services Manager
Authorised by	Manager Property and Recreation



6 November 2019

Mr Mark Bond  
Recreation Services Manager  
Wollongong City Council  
Locked Bag 8821  
Wollongong DC NSW 2500

Via email: [mbond@wollongong.nsw.gov.au](mailto:mbond@wollongong.nsw.gov.au)

Dear Mark

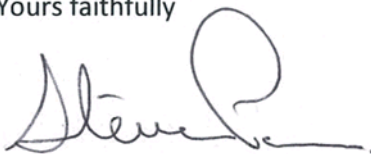
Thank you for your email correspondence dated 31 October 2019 in relation to the current review of Wollongong City Council (WCC) Smoke Free Recreation Areas Policy. I understand there is consideration to extend the smoke free areas to within 50 metres of a patrolled beach which is based on the Victorian Health Approach.

I note the numerous other NSW Councils that have implemented trial or permanent smoke free designated areas along the coastline, and SLSNSW acknowledges and supports each and every local government that continues to implement environmentally sustainable solutions to assist both community and the environment along our coastline.

Surf Life Saving NSW would support WCC proposal to extend smoke free areas to within 50 metres of a patrolled beach, on the condition that our volunteer lifesavers were not required to enforce the restricted areas as per the Victorian Government approach.

Thank you for allowing SLSNSW to comment on this proposal.

Yours faithfully



A handwritten signature in black ink, appearing to read "Steven Pearce".

Steven Pearce AFSM  
Chief Executive Officer  
Surf Life Saving New South Wales



# Smoke-free patrolled beaches

## Summary fact sheet

health

### What is the proposed change?

From 1 December 2012 smoking is banned at all patrolled beaches in Victoria.

Similar bans have been in place in Queensland since 2005, Western Australia since 2010 and in Tasmania from March 2012.

### Why ban smoking on patrolled beaches?

This ban will protect beach users from exposure to second-hand smoke, stop children seeing people smoke (which may influence their behaviour as adults) and reduce environmental damage from butt littering.

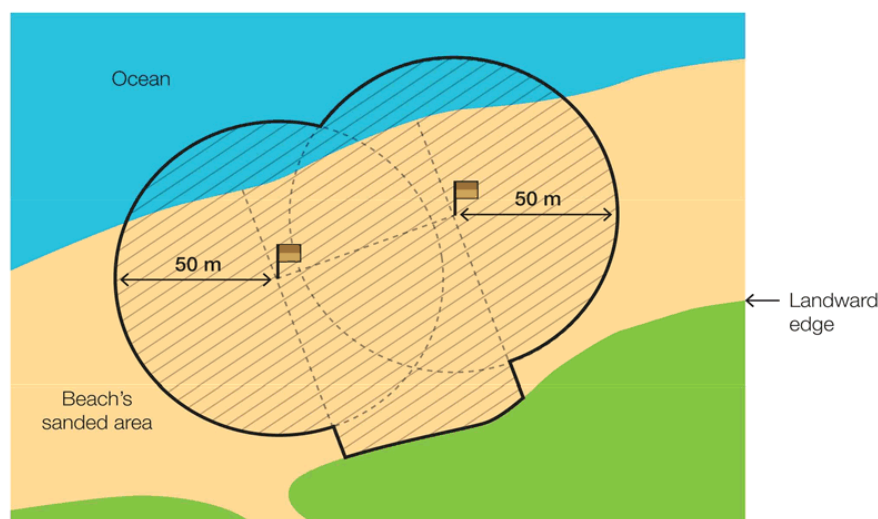
### How will people know about the ban?

To inform people of the ban, 'No Smoking' signs will be installed at patrolled beaches. A community awareness campaign will further emphasise that Victoria's patrolled beaches are now smoke-free.

### Where and when will the ban apply?

Smoking will be banned between the red-and-yellow flags and within a 50 metre radius of a red-and-yellow flag. This includes publicly accessible areas primarily covered by sand and water. The ban will apply during patrolled times, when one or more red-and-yellow lifesaving flags installed by a Life Saving Victoria club are in place.

The ban will not apply beyond the landward edge of the beach's sanded area.

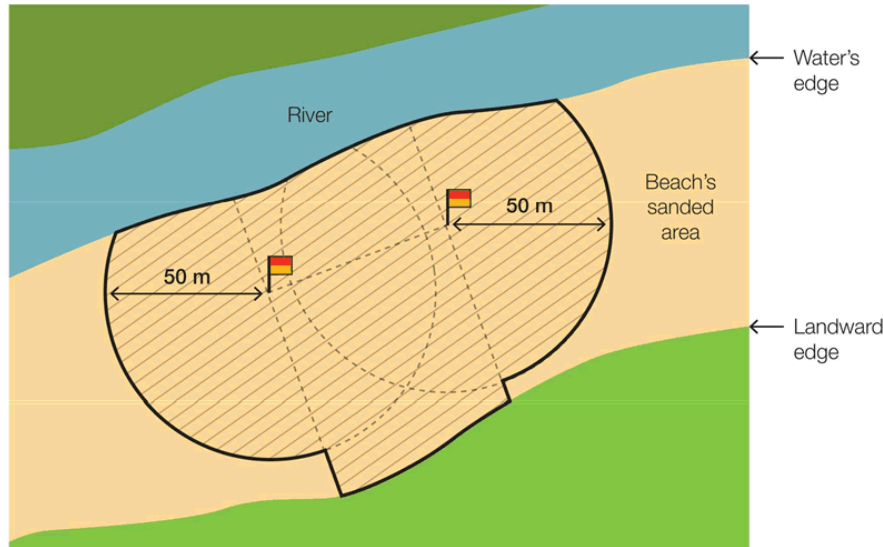


Shading indicates 'No smoking' area

Figure 1: Ocean/bay beaches

### Will the ban apply to riverside beaches?

The ban will apply to the patrolled river beach on the Murray River in Mildura. However, in the case of this beach in Mildura, the ban will not apply beyond the water's edge or beyond the landward edge of the beach.



Shading indicates 'No smoking' area

**Figure 2: Riverside beach**

### How will compliance with the ban be achieved?

Community attitudes towards smoking have changed, especially about smoking around children. Making patrolled beaches smoke-free is expected to be achieved mainly through the observation of signs and the influence of friends and family members encouraging respect for the ban in the specified smoke-free areas.

Initially, inspectors authorised under the *Tobacco Act 1987* may provide information about and, if necessary, enforce the ban. Inspectors will not be available to respond to every complaint, but where circumstances allow, may attend patrolled beaches in response. Lifesavers will not be responsible for enforcing this ban.

The overall goal in responding to a complaint is to make sure smokers understand that smoking is banned between the red-and-yellow flags and within a 50 metre radius of a red-and-yellow flag.

### What penalties might apply?

An inspector can issue an infringement (fine) of 1 penalty unit for smoking on a patrolled beach, and 1 penalty unit if a person fails to stop smoking upon request. In 2012-13, a penalty unit is \$140.84.

Authorised by the Victorian Government, Melbourne. To receive this publication in an accessible format phone the Tobacco Information Line on 1300 136 775 or email [tobacco.policy@health.vic.gov.au](mailto:tobacco.policy@health.vic.gov.au)





**From 1 February 2020, all Wollongong City Council patrolled beaches will be designated smoke-free zones within 50 metres of the red and yellow beach flags.**



**This is a Smoke-Free area.  
Smoking within 50m of the  
red and yellow flags is  
prohibited.**

