

ADOPTED BY COUNCIL: 12 SEPTEMBER 2022

PURPOSE

This Policy 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.

POLICY INTENT

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
- 5 Minimise cigarette-butt pollution on Council-owned beaches, waterways, parks and other public open space areas.

WOLLONGONG 2032 OBJECTIVES

This Policy contributes to the delivery of Our Wollongong 2032 goal 5 “We have a healthy community in a liveable city”.

It specifically contributes to the delivery of Objectives 5.4 “Provide a variety of quality and accessible public places and opportunities for sport, play, leisure, recreation, learning and cultural activities in the community” and 5.5 “Provide safe, well maintained and accessible beaches and aquatic recreation facilities”.

SCOPE

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

DEFINITIONS

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.

POLICY

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

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
- 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. Signage

Signs will be installed in strategically placed areas covered under this Policy and will include the no smoking symbol in accordance with Section 670 NSW Local Government Act 1993.

3. Enforcement

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' within the local government area prohibiting smoking
- serve, by means of an authorised person, a fine upon any person who fails to comply with the terms of any such notice
- 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.

LEGISLATIVE REQUIREMENTS

This policy complies with and supports implementation and compliance with the following policies and instruments:

- Local Government Act 1993
- Smoke-free Environment Act 2000
- Smoke-free Environment Regulation 2016

If any legislation changes occur that are contrary or inconsistent with this policy, the updated legislation will prevail.

REVIEW

This policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

ROLES AND RESPONSIBILITIES

- Property & Recreation is the Division responsible for the administration and review of this Policy.
- Regulation & Enforcement is the Division responsible for any compliance action if required.

RELATED PROCEDURES

Wollongong City Council's Compliance and Enforcement Policy will guide the enforcement of this Policy, with the view that this Policy will be supported by persuasion and self-policing in the first instance, and then punitive enforcement as required subject to resourcing.

APPROVAL AND REVIEW	
Responsible Division	Property and Recreation
Date adopted by Council	12 September 2022
Date/s of previous adoptions	09/12/2019, 20/11/2017, 13/07/2015, 15/07/2013, 26/10/2010
Date of next review	September 2024