

ITEM 16 POLICY REVIEW: SMOKE-FREE (RECREATION AREAS)

The Smoke-Free (Recreation Areas) Policy has been reviewed as part of Council's rolling review schedule of its policies with minor amendments recommended to ensure the policy is consistent with recommendations from NSW Health.

RECOMMENDATION

Council adopt the revised Smoke-Free (Recreation Areas) Policy.

REPORT AUTHORISATIONS

Report of: Peter Coyte, Manager Property and Recreation
Authorised by: Kerry Hunt, Director Community Services - Creative and Engaged City (Acting)

ATTACHMENTS

- 1 Draft policy - Smoke-Free (Recreation Areas)

BACKGROUND

The existing Smoke-Free (Recreation Areas) Council Policy was adopted by Council on 13 July 2015. Council's Executive Management Committee, at its meeting on 11 July 2017, recommended that the proposed amendments be considered by Council as some of the proposed changes broaden the scope of the policy in a way that will impact the community.

The existing Smoke-Free (Recreation Areas) Council Policy designates all Council owned or managed sporting facilities, playgrounds, skate parks, public swimming pools and leisure centres within the Wollongong Local Government Area as smoke-free areas for the interests of public health and safety.

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. Since the adoption of the original policy in 2010, Council has installed signage at all Council owned or managed sporting facilities, playgrounds, skate parks, public swimming pools and leisure centres and this signage effectively assists in the regulation and policy's implementation. Council has received positive feedback from various sporting group representatives who have indicated a self-regulatory approach is successfully occurring at outdoor sporting facilities.

Since Council last adopted the policy in July 2015, Council officers received only a small number of requests from the community to vary the existing policy. In the review of the current policy, the potential prohibition of smoking on beaches was also considered.

Research into expanding the existing Council policy to include beaches confirmed some states have legislated to make smoking illegal on beaches. These include Queensland (2005), Western Australia (2010), Victoria (2012) and Tasmania (2012).

The legislation in these states varies in detail but generally comprises restrictions on patrolled areas of beaches. In addition, a small number of NSW councils have incorporated specific local bans on smoking on patrolled beaches in their Local Government Area which appears to be self-regulatory in nature.

With the 2016 NSW Legislation not encompassing beaches, it is acknowledged that prohibiting smoking on our beaches would be difficult to enforce and likely limited to primarily self-regulating advice. With this in mind, the proposed policy excludes beaches from the definitions of recreation areas and only be included when the NSW Legislation is extended to beaches.

PROPOSAL

It is recommended the policy be amended to include '*all Council outdoor fitness equipment on public open space*' as designated smoke-free areas as these areas were not previously considered for inclusion.

The proposed policy reflects legislative requirements and now includes *'no smoking within four metres from an entrance used by pedestrians to get into or out of a public building which includes sporting and recreational facilities'*.

The NSW Health, Public Health - Tobacco Compliance Unit also recommended to Council that the proposed policy be consistent with the Legislation quoted in regard to playgrounds in particular, the smoke-free 10 metres is from all playground 'equipment'.

The proposed Smoke-Free (Recreation Areas) Council Policy incorporates minor changes that will assist in self-regulation and enforcing smoking bans in public places that is in the interest of public health and safety and to protect people from harmful second-hand tobacco smoke.

Accordingly, Council officers have recommended the proposed policy focus on the NSW Legislation encompassing Section 6A of the Smoke-free Environment Act 2000 which does not specifically designate beaches as smoke-free under the Act as of May 2016.

Council should continue to closely monitor local government trends and future draft NSW Government amendments to ensure that subsequent reviews of Council's Smoke-free (Recreation Areas) Policy remain in line with legislation and the public's requirements. Therefore, it is proposed that this policy continue to be reviewed in line with Council's policy review schedule.

CONSULTATION AND COMMUNICATION

The review of this policy has incorporated extensive consultation with key peak sporting stakeholder groups represented on Council's Sports and Facility Reference Group together with feedback obtained from the NSW Health, Public Health - Tobacco Compliance Unit. The proposed policy now 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

PLANNING AND POLICY IMPACT

This report contributes to the delivery of Wollongong 2022 goal "We are a connected and engaged community". It specifically delivers on the following:

Community Strategic Plan		Delivery Program 2012-2017	Annual Plan 2017-18
Strategy		5 Year Action	Annual Deliverables
5.1	There is an increase in the physical fitness, mental health and emotional wellbeing of all our residents.	5.1.6.3 Policies and plans are developed, reviewed and implemented to encourage physical activity.	Develop, implement and review policies aligned to public open space, playgrounds and sports fields.
5.3	The public domain is maintained to a high standard.		
5.5	Participation in recreational and lifestyle activities is increased.		

CONCLUSION

The Smoke-Free (Recreation Areas) Council Policy reinforces Council's commitment to improving the health of the community as there is no safe level of exposure to tobacco smoke.



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

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	[To be inserted by Corporate Governance]
Date of previous adoptions	13 July 2015; Reviewed by EMC on 15 July 2013 (no changes); 26 October 2010
Date of next review	May 2020
Responsible Manager	Recreation Services Manager
Authorised by	Manager Property and Recreation