

Council Policy

Smoke Free Zones

Policy Purpose

Northern Beaches Council acknowledges the importance of providing community leadership in taking measures to prohibit smoking within public areas to:

- Protect members of the community from the health and social impacts from exposure to smoke from cigarettes, e-cigarettes (vaping), shisha (water pipes) and the like in public places;
- Improve the public amenity and enjoyment of Council owned beaches, parks and other recreational spaces; and
- Minimise the adverse environment impacts of litter resulting from discarded cigarette butts.

Principles

This Policy:

- Bans smoking in public places of congregation and close proximity, or locations used for children's activities;
- Bans smoking in and near Council owned buildings; and
- Promotes voluntary arrangements to discourage smoking in other public places owned or managed by Council through the inclusion of specific arrangements to ensure the requirements of this Policy be enforced in any leases, licences or other commercial arrangements that apply to Council.

The Policy recognises that:

- Passive smoking has identified health risks;
- Children are most vulnerable to the effects of passive smoking on respiratory illness and asthma (Cancer Council; National Health & Medical Research Council);
- Where Council provides assets and services intended to be of benefit to children and other members of the community, Council has an obligation to promote positive public health outcomes;
- Public health impacts of smoking in well-ventilated open spaces are complex, and impacts may be indirect or cumulative. Other, indirect effects can include children playing with and swallowing discarded butts, and from the accumulation of cigarette derived particles on clothing and skin;
- Some outdoor areas identified within the *Smoke-free Environment Act 2000* as locations where smoking is banned include:
 - i. Within 10 metres of children's play equipment in outdoor public spaces;
 - ii. Swimming pool complexes;
 - iii. Spectator areas at sports grounds or other recreational areas during organised sporting events;
 - iv. Railway platforms, light rail stops and stations, bus stops, taxi ranks and ferry wharves;

- v. Within 4 metres of the pedestrian access point to a building accessible to the general public, excluding those buildings that are used or partly used for residential purposes;
 - vi. Commercial outdoor dining areas;
 - vii. A place at a public hospital, health institution or health service under the [Health Services Act 1997](#) that is designated as a smoke-free area by a by-law or regulation under that Act and notified by signs displayed in, or at an entrance to, any such area; and
 - viii. An outside area that is a public thoroughfare, footpath or street where it is within 4 metres of an entrance to or exit from an applicable courtyard or garden.
- NSW Health is the authority responsible for the administration and enforcement of the *Smoke-free Environment Act 2000*. Complaints relating to persons smoking in areas defined under the *Smoke-free Environment Act 2000* shall be referred to NSW Health.
 - Council support further restrictions of areas, in addition to the current legislative requirements, where smoking is banned and that this be primarily implemented by education rather than by enforcement.

Additional smoke free outdoor public places declared under the provisions of the *Local Government Act 1993* and covered under this policy include:

- i. On public access beaches;
- ii. In Council owned parking stations that are partly or fully enclosed by walls and ceilings; and
- iii. At all activities, functions and events run or promoted by Council

In addition to bans identified above, Council will:

- Implement educational programs to support the Policy and to promote community awareness and acceptance; and
- Include specific requirements that this Policy be enforced in any leases, licences or other commercial arrangements that apply to Council owned and managed lands and properties.
- Install internationally recognisable smoke free signage. These signposts will be displayed in locations deemed appropriate by the Chief Executive Officer and in accordance with the *Local Government Act 1993*.

Scope and application

This policy applies to all persons who are within the locations and public places within the Northern Beaches Council local government area as identified within this Policy.

References and related documents

The *Local Government Act 1993* gives Council the authority to further expand upon, manage and enforce smoke-free areas stated under the *Smoke-Free Environment Act 2000* by declaring specified areas to be smoke free.

Additional Legislation

Work Health and Safety Act 2011

Tobacco Legislation Amendment Act 2012

Factsheets from NSW Health

<https://www.health.nsw.gov.au/tobacco/Factsheets/4-metre-law.pdf>

<https://www.health.nsw.gov.au/tobacco/Factsheets/commercial-outdoor-dining.pdf>

<https://www.health.nsw.gov.au/tobacco/Factsheets/swimming-pools-factsheet.pdf>

<https://www.health.nsw.gov.au/tobacco/Factsheets/childrens-outdoor-playground.pdf>

<https://www.health.nsw.gov.au/tobacco/Factsheets/public-transport-stops-and-stations.PDF>

<https://www.health.nsw.gov.au/tobacco/Factsheets/sportsground-smoking-ban.PDF>

Council Policies

Compliance and Enforcement Policy

Smoke Free Workplace Operational Policy

Definitions (in accordance with *Smoke-free Environment Act 2000*)

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.

Public place means a place or vehicle that the public, or a section of the public, is entitled to use or that is open to, or is being used by, the public or a section of the public (whether on payment of money, by virtue of membership of a club or other body, or otherwise).

Responsible Officer

Director Planning and Place

Review Date

April 2024

Revision History

Revision	Date	Status	TRIM Ref
1	24 Sep. 19	For internal consultation	2019/559240
2	30 Sep. 19	For public consultation	2019/559240
3	26 Feb 20	For Council meeting 24 March 2020	2020/113819
4	24 March 20	Adopted by Council	2020/113819