



Our Vision

Nambucca Valley ~ Living at its best

Our Mission Statement

'The Nambucca Valley will value and protect its natural environment, maintain its assets and infrastructure and develop opportunities for its people.'

1.0 Policy objective

To define public areas where smoking is banned and to create smoke free conditions.

The objectives of these smoke free 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

Commencement date for existing approvals is 1 October 2011.

2.0 Related legislation

S632 of NSW Local Government Act 1993

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 Nambucca Valley prohibiting smoking (specifically S632 (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 (Section 679 of the Act and clause 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 (Section 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 (Section 681 of the Act)
- Otherwise prohibit smoking in any place within the Local Government area of Nambucca Valley in respect of which Council is the owner or occupier, as a condition of entry to that place.

3.0 Definitions

Bus Shelter - This is a structure with at least a roof whether it be a solid metal type or a sail. The policy does not apply to Bus Stops which are roadside stop areas without signage or a structure.

4.0 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
- 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.

The defined public areas in which smoking is banned are:

- Within 10 metres of all children's playgrounds
- Within 10 metres of a bus shelter (a covered structure at a bus stop, with a roof or sail)
- Within 10 metres of Council owned building entrances
- Areas within 10 metres of the marked perimeter of sports fields
- On public beaches between the lifeguard flags
- The frontage and within 50 metres of a hotel property side boundary on each side on the public footpath
- Within the area designated as outdoor dining on a public footpath for new approvals.

The areas will be defined by signs.

Signs will be installed in prominent places in the open space areas listed above. The signs will include the international no-smoking symbol and relevant wording:

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The following areas are not included as banned smoking areas but will be considered in future reviews:

- In all bushland, parks, reserves and public plazas
- In all enclosed Council car parks
- At all covered taxi ranks
- Council owned buildings and outdoor dining areas that are leased, licensed or hired from Council by way of a smoke free clause in the agreement.
- At all events run or sponsored by Council

5.0 History

Council currently bans smoking at all offices, libraries and depots where staff work. The Cancer Council has advised that some 45 Local Government Areas have implemented some form of smoking ban in outdoor areas. They also believe that self regulation is reasonably successful.

On 2 October 2008 Council adopted the first version of the policy for Smoke Free Outdoor Areas.

On 15 July 2010 Council adopted the new Smoke Free Areas. These were:

- Areas within 10 metres of the marked perimeter of sports fields
- On public beaches between the lifeguard flags
- The frontage and within 50 metres of a hotel property side boundary on each side on the public footpath
- Within the area designated as outdoor dining on a public footpath for new approvals.

Department:	Development & Environment	Last Reviewed	Resolution Number
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