



Smoke-Free Outdoor Public Places Policy

3 February 2021

Policy No: CCC061

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Purpose

1. The purposes of the Policy are to:
 - a. Protect members of the community from the health and social impacts of smoking by others in public places,
 - b. Improve public amenity and maintenance of Central Coast Council property,
 - c. Help to protect the environment from the impacts of discarded cigarette butts,
 - d. Support the intent of the Smoke-free Environment Act 2000 (NSW) (**SFE Act**).
2. These purposes are to be achieved by prohibiting smoking in various outdoor public places on the Central Coast.

Scope

3. This policy applies to everyone in relation to outdoor public places in the Central Coast Council Local Government Area.

Background

4. The SFE Act bans smoking in enclosed public spaces, and outdoor public spaces. Examples of smoke-free outdoor public places listed in the Act are:
 - a. a place that is within 10 metres of children's play equipment,
 - b. a swimming pool complex,
 - c. 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,
 - d. bus stops and taxi ranks,
 - e. a place that is within 4 metres of a pedestrian access point to a building (as defined by subsection 6A(2) of the SFE Act),
 - f. a commercial outdoor dining area,
 - g. any other outdoor public place that is prescribed by the SFE Regulations as a smoke-free area.
5. Through the application of this policy, Central Coast Council has extended those places where smoking is banned in outdoor public spaces beyond those listed by the SFE Act.

General

Additional 'smoke-free' outdoor public places

6. Additional smoke-free outdoor public places declared under this Policy include the following areas (noting these are categories of community land, as defined in s 36 of the Local Government Act 1993):
 - a. Natural Areas and associated sub-categories of bushland, wetland, watercourses and foreshores. This includes beaches that are categorised as Natural Areas.
 - b. Sportsgrounds
 - c. Parks
 - d. Areas of Cultural Significance.
 - e. General Community Use. This includes beaches which are categorised as General Community Use.
7. The prohibition of smoking in these areas applies at all times, not just the specific times identified by some parts of the SFE Act (such as areas set aside for spectators to watch sporting events only when an organised sporting event is on).

Compliance, Monitoring and Review

8. Inspectors identified under Part 4 of the SFE Act have the authority and are responsible for the administration and enforcement of the smoke-free areas defined under that Act. Complaints relating to people smoking in areas defined under the Act should be referred to NSW Health.
9. The LG Act gives Central Coast Council powers to:
 - a. Erect suitably worded and strategically placed notices in "public places" prohibiting smoking (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 Central Coast Council Local Government Area
 - b. Serve, by means of an authorised person, a penalty notice on any person who fails to comply with the terms of any such notice
 - c. 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

- d. Remove, by means of an authorised person, from community land any person who fails to comply with the terms of any such notice
 - e. Otherwise prohibit smoking in any place within the Local Government Area, in respect of which Central Coast Council is the owner or occupier, as a condition of entry to that place.
10. Council officers are authorised to take enforcement action where a person is smoking if smoking is prohibited and sign posted as provided by section 632 of the *Local Government Act 1993*.
11. This policy will be reviewed at least once every term of local government.

Related resources

12. Legislation:

- a. [Local Government Act 1993](#)
- b. [Local Government \(General\) Regulation 2005](#)
- c. [Smoke-free Environment Act 2000](#)

13. Further information:

- a. [NSW Health – Smoke-free resources](#).

History of revisions

| Amendment history | Details |
|--|---|
| Original approval authority details | <p>Central Coast Council</p> <hr/> <p>3/02/2021 Minute No 16/21</p> <hr/> <p>This policy extends the outdoor public spaces where smoking is banned, beyond those listed by the Smoke-Free Environment Act 2000 (NSW), to protect Central Coast community members from the health and social impacts of smoking.</p> |