

# Draft Smoke-Free Outdoor Public Places Policy **FAQs**

Central  
Coast  
Council

## Frequently asked questions

### Doesn't Council already have a policy for this?

The former Gosford City Council had a Smoke Free Areas on Open Space policy which was adopted in 2014. This policy provides for the same general intent of that policy for application across the whole of the Central Coast.

### Doesn't the State Government already have legislation to manage smoking in public areas?

The Smoke-free Environment Act 2000 is a piece of NSW legislation that applies to smoking in public places. This policy seeks to complement that legislation, and provide for additional restrictions not included in the legislation for the greater benefit of the Central Coast community and environment.

### What are the main differences between this policy and the former Gosford Policy?

As explained, this policy serves the same general intent of that policy.

The former Gosford policy extended areas covered by legislation to include beaches and foreshore reserves, tidal pools, bushland reserves and passive reserves.

The proposed Central Coast Council Policy still includes these areas, and expands on them, but tries to remove any ambiguity by connecting the policy to descriptions of reserves that Council is required to classify in accordance with Division 2 of the Local Government Act 1993 when preparing Plans of Management for these reserves.

The additional smoke free public places determined under this policy are reserves defined under section 36 of the Local Government Act 1993 as:

- Natural Areas (e.g. bushland, foreshores)
- Sportsgrounds
- Parks
- Areas of Cultural Significance.
- General Community Use

This means that some areas may not have had smoking prohibitions previously but now would (such as wetlands, water courses and escarpments).

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**What are the main differences between this policy and the areas where smoking is prohibited under the Smoke Free Environment Act 2000?**

The Smoke Free Environment Act 2000 bans smoking in enclosed public spaces, with examples including:

- 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.

As explained in the previous response, the proposed policy seeks to be applied to a number of various reserve classifications more broadly.

The new policy is also not time limited as are some of the restrictions provided for under the act. For example, under the act, areas set aside for use by spectators during a sporting event (as described in c above) will not only have smoking prohibited whilst an event is underway, but would instead have smoking prohibited in these locations at all times as a result of this policy.

**How is smoking in these areas enforced?**

Areas identified in the Smoke Free Environment Act 2000 may be regulated by inspectors identified under Part 4 of the Act who have authority for 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.

Any additional areas identified within this policy may be regulated by Council officers 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.

In each circumstance successful regulatory action will be based on various factors and will also be managed in accordance with Council's Policy for Compliance and Enforcement or any policy that Council may consider and adopt at a later date that replaces it.