

ITEM 2. SMOKING REGULATIONS IN MARTIN PLACE**FILE NO: S041093****SUMMARY**

On 23 June 2014, Council resolved to request the Chief Executive Officer to investigate options for conducting a six-month trial under which Martin Place would be made a smoke-free zone and report back to Council with the findings.

City staff have researched similar smoke free zones in other Australian cities and conducted surveys and counts of smokers in Martin Place to assess the likely impact and effect.

A survey of 358 smokers and 399 non-smokers was conducted in October 2014 to assess community attitudes towards smoking, the prevalence of smoking, the preference for smoking prohibitions, and the likely impacts if smoking prohibitions were introduced.

Of the survey respondents, 11 per cent (19 per cent of non-smokers) said they preferred a total ban in all areas of Martin Place; 20 per cent (19 per cent of non-smokers) said they preferred smoking to be prohibited within sections of Martin Place; and 22 per cent (40 per cent of non-smokers surveyed) said they would prefer smoking banned in all outdoor public areas and not just Martin Place. If smoking were prohibited within Martin Place, 38 per cent of smokers said they would relocate to nearby areas to smoke. Similarly, if smoking were to be prohibited in some areas of Martin Place only, nearly half of the smokers surveyed said they would move to smoke in the permitted areas. 14 per cent of smokers said that they would continue to smoke in the prohibited areas.

The survey showed that up to 36 per cent of people were not aware of the NSW smoke-free legislation (i.e. areas where smoking is prohibited) highlighting that further work could be done to educate the community and raise awareness.

Smoke-free outdoor areas already exist in Martin Place under NSW legislation. Smoking is restricted within four metres of a pedestrian entrance or exit from a public building (meaning a non-residential building or a building that combines residential and commercial uses). From 6 July 2015, this restriction will also apply to hotels, clubs, restaurants and cafes. Bus stops and taxi ranks are other areas in Martin Place where smoking is restricted under NSW legislation.

A trial smoking prohibition within Martin Place is recommended for a period of 12 months commencing in early 2015, following installation of signage and implementation of a promotional campaign. City staff will visit Martin Place to raise community awareness of the existing smoking regulations and to raise awareness and monitor compliance with the trial 12-month prohibition. The cost of implementing the trial, including signage, promotion and the allocation of one full-time Ordinance Ranger is \$140,000. It is proposed to profile a vacant Parking Ranger position to an Ordinance Ranger position to deliver the monitoring and enforcement elements of the trial.

RECOMMENDATION

It is resolved that:

- (A) all outdoor areas within Martin Place be designated as smoke-free zones for a trial 12-month period commencing in early 2015, preceded by an information campaign to explain the reasons for, and benefits of, the restrictions;
- (B) monitoring be undertaken throughout Martin Place and nearby pedestrian areas following implementation to assess the effects of the trial prohibition;
- (C) the City work with key stakeholders and agencies to deliver a public campaign to promote and raise awareness of NSW smoking regulations and the impacts of smoking in public places;
- (D) a report be submitted to Council, following the trial period, on the result and outcomes; and
- (E) Council approve funding of \$120,000 from the 2014/15 General Contingency budget to commence the smoke-free trial period.

ATTACHMENTS

Attachment A: Monitoring and Intercept Survey of Smokers and Non-Smokers in Martin Place – Xyst Consulting

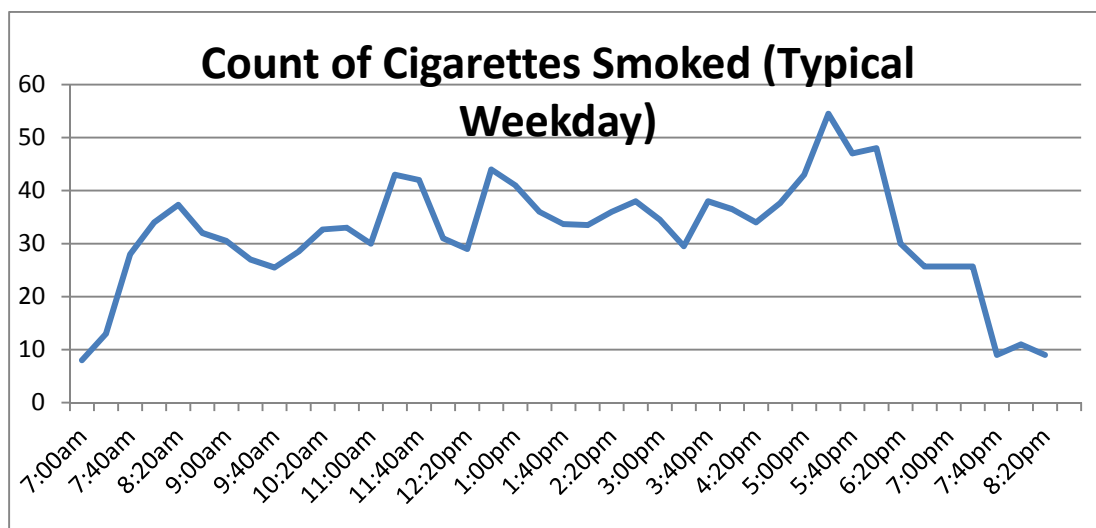
Attachment B: NSW Health Fact and Information Sheets

BACKGROUND

1. On 23 June 2014, Council resolved to request the Chief Executive Officer to investigate options for conducting a six-month trial under which Martin Place would be made a smoke-free zone and report back to Council with the findings.
2. Martin Place is Sydney's premier civic open space and is a gathering place for thousands of the city's nearly one million residents, workers and visitors each day. Martin Place is comprised of five distinct sections separated by city streets:
 - (a) Section One – George Street to Pitt Street;
 - (b) Section Two – Pitt Street to Castlereagh Street;
 - (c) Section Three – Castlereagh Street to Elizabeth Street;
 - (d) Section Four – Elizabeth Street to Phillip Street; and
 - (e) Section Five – Phillip Street to Macquarie Street.
3. Martin Place contains business premises including shopping centres, retail shops, cafes, hotels, and public transport infrastructure including a train station and bus stops.
4. Martin Place frequently hosts community and commercial events of varying scale including performances at the amphitheatre, which can attract thousands of visitors. Public seating and licensed café dining areas are scattered throughout. It is also a busy pedestrian thoroughfare providing east west access across the city.

Smoking Activity in Martin Place

5. In October 2014, 757 intercept surveys were undertaken and smoking activity monitored every 20 minutes within Martin Place to assess community attitudes towards smoking, the prevalence of smoking, the preference for smoking prohibitions, and the likely impacts if smoking prohibitions were introduced (refer to Attachment A).
6. Monitoring of pedestrians and smokers was undertaken over a number of weekdays between 7.00am and 8.00pm to construct a picture of a typical weekday. On a typical weekday, the number of smokers ranged from eight at 7.00am to 45 at 11.20am, 35 at 2.00pm, peaking with 54 at 5.40pm and dropping to 11 at 8.00pm. It was frequently observed that between 30 and 40 people smoking were present across all five sections of Martin Place between George Street and Macquarie Street.
7. The number of people in Martin Place was also counted on a typical weekday, which ranged from 200 people at 7.00am up to 1,400 people at 1.00pm. These figures indicate that people observed smoking comprise approximately 3 to 8 per cent of the people using Martin Place.



8. Smoking was most prominent in the section between George Street and Pitt Street, followed closely by the adjacent section between Pitt Street and Castlereagh Street, and thirdly by the section between Phillip and Macquarie Streets. The two shorter sections between Castlereagh Street and Phillip Street had significantly less smoking activity.
9. The majority (70 per cent) of smokers observed were stationary and equally likely to be seated or standing.
10. Monitoring was also undertaken at various times on two Saturdays to determine the difference in patterns of use between weekdays and Saturdays. On Saturdays, the number of visitors is significantly less than on weekdays. Similarly the number of smokers is significantly less. On a typical walk through on Saturdays, the number of smokers observed ranged from four to 18 and fluctuated widely.

Overview of Intercept Surveys (Weekday)

Preference for smoking controls	Total Respondents	Non-Smokers	Smokers
Prefer smoking to be permitted throughout all public outdoor areas	38%	20%	56%
Prefer smoking to be prohibited throughout all outdoor public areas (not just in Martin Place)	22%	40%	4%
Prefer smoking to be prohibited throughout Martin Place	11%	19%	4%
Prefer smoking to be prohibited in sections/areas of Martin Place	20%	19%	21%
Prefer smoking to be prohibited at certain times in Martin Place	1%	1%	1%

11. A majority of non-smokers stated that the presence of smokers marred their enjoyment of Martin Place, however smoking did not deter many respondents from visiting.

Attitude to Smoking in Martin Place	Total Respondents	Non-Smokers	Smokers
The presence of smoking deters me from visiting Martin Place	7%	12%	1%
Presence of smoking mars my enjoyment whilst visiting Martin Place	29%	53%	4%

Responses of Smokers to Smoking Prohibitions

12. If smoking were to be prohibited within Martin Place, smokers predicted that their response would be:

Relocate to other areas within Martin Place (if smoking prohibited in sections/areas)	49%
Ignore prohibitions and continue to smoke in prohibited area	14%
Relocate to nearby areas adjacent to Martin Place	38%

13. If smoking were to be prohibited within sections of Martin Place, nearly half of smokers interviewed predicted that they would smoke elsewhere (within Martin Place). The impact of a prohibition by section or area could lead to an increase of smoking in adjacent, non-prohibited areas of Martin Place.
14. If smoking were to be prohibited entirely within Martin Place, 38 per cent of smokers stated that they would relocate to nearby areas. The impact of prohibiting smoking entirely within Martin Place could lead to an increase in smoking at nearby sites such as Pitt Street Mall, which already generates complaints about the impacts of smoking.
15. The experience of Perth City Council was that smokers relocated to nearby laneways following the implementation of a smoking prohibition within pedestrian malls. The displacement of smoking generated complaints from occupants and users of the laneways.
16. Monitoring of the effects of a smoking prohibition within Martin Place will be undertaken during the trial to identify if the prohibition generates undesirable impacts in the surrounding area.

Awareness of Smoking Regulations

17. Survey responses indicated that many smokers and non-smokers had limited awareness of current smoking regulations within close proximity of bus stops and public building entrances.

Awareness of NSW Smoking Regulations	Total Respondents	Non Smokers	Smokers
Are you aware that NSW has Smoking Regulations	69%	62%	76%
Aware that smoking is prohibited on a train platform/station	91%	89%	92%

Awareness of NSW Smoking Regulations	Total Respondents	Non Smokers	Smokers
Aware that smoking is prohibited within 5m of a bus stop	64%	61%	67%
Aware that smoking is prohibited within 4m of the entrance of shop, shopping centre and other public buildings	64%	68%	60%

18. These results indicate there is a gap in awareness of smoke-free legislation and that more can be done to educate the city community. It is recommended that the City work in collaboration with relevant NSW Government agencies to raise the awareness of current smoking regulations. The NSW Government has prepared promotional material for this purpose (refer to Attachment B). This would reduce the impacts of smoking in all pedestrian areas, including Martin Place, which contains numerous entrances to public buildings, shops, businesses and public transport.

Smoke Free Pedestrian Malls in other Australian Cities

19. City of Brisbane designated a pedestrianised section of Queen Street smoke-free in 2011. City of Perth designated three pedestrianised malls smoke free in 2013 – Murray Street Mall, Hay Street Mall and Forrest Place. The prohibitions in both cities involved a six-month awareness raising phase, which included the design, manufacture and installation of branded promotional banners, flyers and posters, and face-to-face awareness campaigning utilising community ambassadors and/or event staff. Compliance and enforcement followed and required the installation of extensive signage on infrastructure including light posts, colonnades, bridges and pavers and, in the case of Brisbane, messaging through a public address system.
20. Both City of Perth and Brisbane consider their projects to have been successful, however there has been no formal evaluation of the trials. There are no current plans for additional smoke free areas in either city. In the City of Perth, the smoking prohibition has displaced some smoking activity to nearby laneways, which is generating ongoing complaints from local stakeholders.
21. In the City of Melbourne, some narrow laneways containing extensive outdoor dining areas have been designated smoke-free.

KEY IMPLICATIONS

Organisational Impact

22. The prohibition of smoking within Martin Place or within specific sections or areas within Martin Place will require additional resources (financial and staffing). These include:
- (a) a promotional campaign to raise community awareness. The campaign would require the design, production and installation of branded promotional materials including posters and flyers;

- (b) the installation of signage throughout Martin Place or at the entrances and the periphery of designated non-smoking areas. In the experience of the City of Perth, over 190 signs were installed within three pedestrianised street sections. Signage could be installed on existing light posts, streetscape structures and stencilled on pavers; and
- (c) staff resourcing (City Rangers) would be required to monitor, educate and enforce compliance for six months following implementation. It is expected this would require one additional full-time equivalent City Ranger position. It is proposed to provide this position from existing staff resources by re-profiling a Parking Ranger position to an Ordinance Ranger position with the necessary experience and qualifications to deliver these types of services. The cost of re-profiling the new position is \$20,000.

Risks

- 23. There is a risk that a prohibition of smoking within Martin Place would lead to the relocation of smokers to less desirable locations, including nearby Pitt Street Mall. This may lead to community dissatisfaction and increased complaints.
- 24. Staff (City Rangers) will also monitor the effects of a smoking prohibition to identify unintended consequences of prohibiting smoking within Martin Place. Staff will also educate smokers in surrounding areas to raise their awareness of existing smoking regulations, which prohibit smoking near the entrance to public buildings and at bus shelters.

Social / Cultural / Community

- 25. A smoking prohibition within Martin Place may lead to increased community dissatisfaction and an increase in complaints about smoking being displaced to nearby locations such as Pitt Street Mall. Staff will monitor compliance with smoking regulations in Pitt Street Mall and educate smokers about the provisions of existing smoking regulations, which prohibit smoking within four metres of the entrances to public buildings such as shops and shopping centres.

Environmental

- 26. A ban on smoking would likely decrease the level of cigarette butt littering in the area. However, Cleansing & Waste staff have reported that cigarette butt littering in this area is not a significant problem, relative to other areas within the city, with most smokers disposing of their butts in bins or receptacles.
- 27. The City periodically undertakes awareness raising campaigns to reduce cigarette butt littering. A campaign was undertaken using a 4.5m x 2.4m high "Yuk" sign (perspex filled with cigarette butts), which has been displayed and promoted in Wynyard Park, Hyde Park, Circular Quay and Chinatown.

Economic

- 28. City staff have interviewed the businesses trading on ground level within Martin Place regarding the potential impacts of a smoking ban. The majority of businesses (9 out of 13) thought that a smoking prohibition within Martin Place would have a negative impact on their business. Two businesses said that a smoking ban would not affect their business, while the remaining two businesses were unable to comment.

BUDGET IMPLICATIONS

29. It is estimated the cost of implementing a smoke free trial within Martin Place, including staff resources, promotional events and signage installation, would be approximately \$140,000 for the 12-month trial. The trial was not anticipated and not included in the 2014/15 operational budget, and will therefore need to be funded from General Contingency.
30. Given that the trial period extends beyond the 2014/15 year, the entire \$140,000 will not be required this financial year. It is therefore proposed to fund \$120,000 from General Contingency this year, and to include the remaining \$20,000 within the 2015/16 City Operations budget.

RELEVANT LEGISLATION

31. Local Government Act 1993. The City has an indirect power under section 632 of the Act to regulate smoking in a public place by erecting signage which prohibits smoking in that place. An offence is only committed if the sign is clearly legible and located in a prominent place.
32. NSW Smoke-free Environment Act 2000.
33. The Tobacco Legislation Amendment Act 2012 made the following areas smoke free:
 - (a) within four metres of a pedestrian access point to a non-residential building;
 - (b) railway platforms, light rail stops, bus stops, taxi ranks and ferry wharves;
 - (c) swimming pool complexes, and spectator areas of sportsgrounds when sporting events are being held;
 - (d) within 10 metres of children's playgrounds; and
 - (e) "from 6 July 2015, smoking is not permitted in commercial outdoor dining areas being a seated dining area – an area in which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed – but only while food is being consumed or available for purchase and consumption there" (source: NSW Health website).

OPTIONS

34. Maintain the current conditions and not prohibit smoking within Martin Place. This is not recommended. A trial smoking prohibition will demonstrate that the City is taking positive action to reduce the impacts of smoking in busy public areas.
35. Prohibit smoking entirely within Martin Place on a trial basis. This option is recommended.
36. Prohibit smoking from sections of Martin Place. This option is not recommended because it could increase smoking in other non-prohibited sections of Martin Place.

37. Prohibit smoking within Martin Place between certain times or dates. This option is not recommended because a survey of pedestrians did not indicate a significant demand for time-based restrictions. The benefits of any time-based prohibitions would be relatively low and yet generate similar resourcing (signage and education) requirements of a general prohibition.

PUBLIC CONSULTATION

38. Community consultation was undertaken in the form of an intercept survey of pedestrians, including smokers and non-smokers using Martin Place. The findings of the survey are contained in Attachment A. Thirteen businesses were also interviewed.

GARRY HARDING

Director City Operations

Joel Johnson, Manager, City Greening and Leisure

Mark Driver, Parks and Recreation Planner