

**Smoke-free area consultation findings – Market Street Park****15 September 2020****Presenter:** Russell Webster, Director Health and Wellbeing**Purpose and background**

1. This report presents findings from the consultation on the proposal to make Market Street Park a smoke-free area and seeks endorsement to prescribe the proposed area as smoke-free under clause 3A.3 of Council's *Activities Local Law 2019* (Local Law).
2. The new family-friendly park is part of the Collins Arch development and is scheduled to open in the central city later this year. It will provide 1900m<sup>2</sup> of new open space featuring large lawns, water play, seating, and space for programmed events. The proposed smoke-free area would run between Collins Street and Flinders Lane, within the new park and adjacent footpaths (refer to map at Attachment 2).
3. Prescribing smoke-free areas directly supports Council's commitment to protect the community from passive smoking. There are currently 11 smoke-free areas prescribed in the City of Melbourne.
4. The definition of 'smoking' in Local law has recently been extended to include e-cigarettes (or vaping) meaning from 6 August 2020 the use of an e-cigarette in existing and future smoke-free area is not permitted.
5. Stage three restrictions were in place at the start of the consultation and increased to stage four during the final week of consultation. This resulted in a number of businesses in the area being closed and the capacity to engage with businesses during this period significantly reduced.

**Key issues**

6. Consultation on the proposal took place from 13 July to 9 August 2020. Key stakeholders including all property owners and occupiers adjacent to the area were informed of the proposal via a mail-out. Representatives from the homeless sector, youth, international student and community health sectors were also invited to provide feedback. Online surveys were available for people to provide feedback via the Participate Melbourne website, which was promoted through our social media and communication channels.
7. Due to limitations caused by the COVID-19 pandemic, the consultation was largely delivered online and via phone without on-site intercept surveying or the use of a consultant. This means that results will appear slightly different to previous consultations, including lower rates of smokers responding.
8. Targeted consultation took place via online meetings with key stakeholders in the area including the W Hotel in the Collins Arch precinct, Cbus Property and JLL Property Management. Businesses in the area were also visited and provided with promotional material about the proposal and consultation.
9. A total of 358 individual responses, nine business responses and three submissions were received. Of individual respondents, 95 per cent were in support of the area becoming smoke-free, two per cent were neutral and only three per cent opposed. Businesses were also highly supportive of the proposed smoke free area with 100 per cent in support. Other comments provided included requests for bans to include vaping and to introduce wider smoking bans across the city. Negative sentiment came from criticism as to why Council didn't automatically make the area smoke-free and concerns about what alternatives would be provided for smokers.
10. There is relatively low opposition to the smoke free area proposal from smokers, with 64 per cent of smokers either having a positive or neutral attitude to the proposal.
11. If endorsed, a comprehensive communications and implementation plan to raise awareness of the new smoke free area will be developed. The focus will be on education until 30 January 2021 before any enforcement occurs.

**Recommendation from management**

12. That the Future Melbourne Committee endorses the area of Market Street Park outlined in Attachment 2 to be prescribed as a smoke-free area under clause 3A.3 of the *Activities Local Law 2019*.

**Attachments:**

1. Supporting Attachment (Page 2 of 34)
2. Map of the proposed smoke-free area for prescription (Page 3 of 34)
3. Proposed smoke-free area community engagement report: Market Street Park (Page 4 of 34)
4. Part B of Schedule 2 to the *Activities Local Law 2019* (Page 34 of 34)

**Supporting Attachment**

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**Legal**

1. Clause 3A.3 of the Local Law allows Council to prescribe any other areas within the municipality to be a smoke-free area.
2. Council must follow the guidelines incorporated in Part B of Schedule 2 to the Local Law (refer to Attachment 4) when deciding whether to prescribe an area as a smoke-free area under clause 3A.3.
3. On 5 June 2012, the Future Melbourne Committee resolved to require public consultation with the community as a pre-condition to any future proposed extension of the smoke free areas under clause 3A.3 of the predecessor of the Local Law.

**Finance**

4. An amount of \$55,000 is included in the 2020–21 operational budget for costs associated with prescribing new smoke-free areas. These costs include community engagement, communications, and promotion. In addition, \$50,000 of capital expenditure has been included for the design, production and installation of suitable smoke-free areas signage and maintenance of existing smoke-free areas.

**Conflict of interest**

5. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a direct or indirect conflict of interest in relation to the proposal.

**Health and Safety**

6. Community Health and Safety is a key driver for the expansion of smoke-free areas across the municipality. Smoke-free areas protect the community from passive smoking, reduce the uptake of smoking by children and young people by modelling non-smoking behaviour and provide a supportive environment for people who are trying to quit smoking or have recently quit.

**Stakeholder consultation**

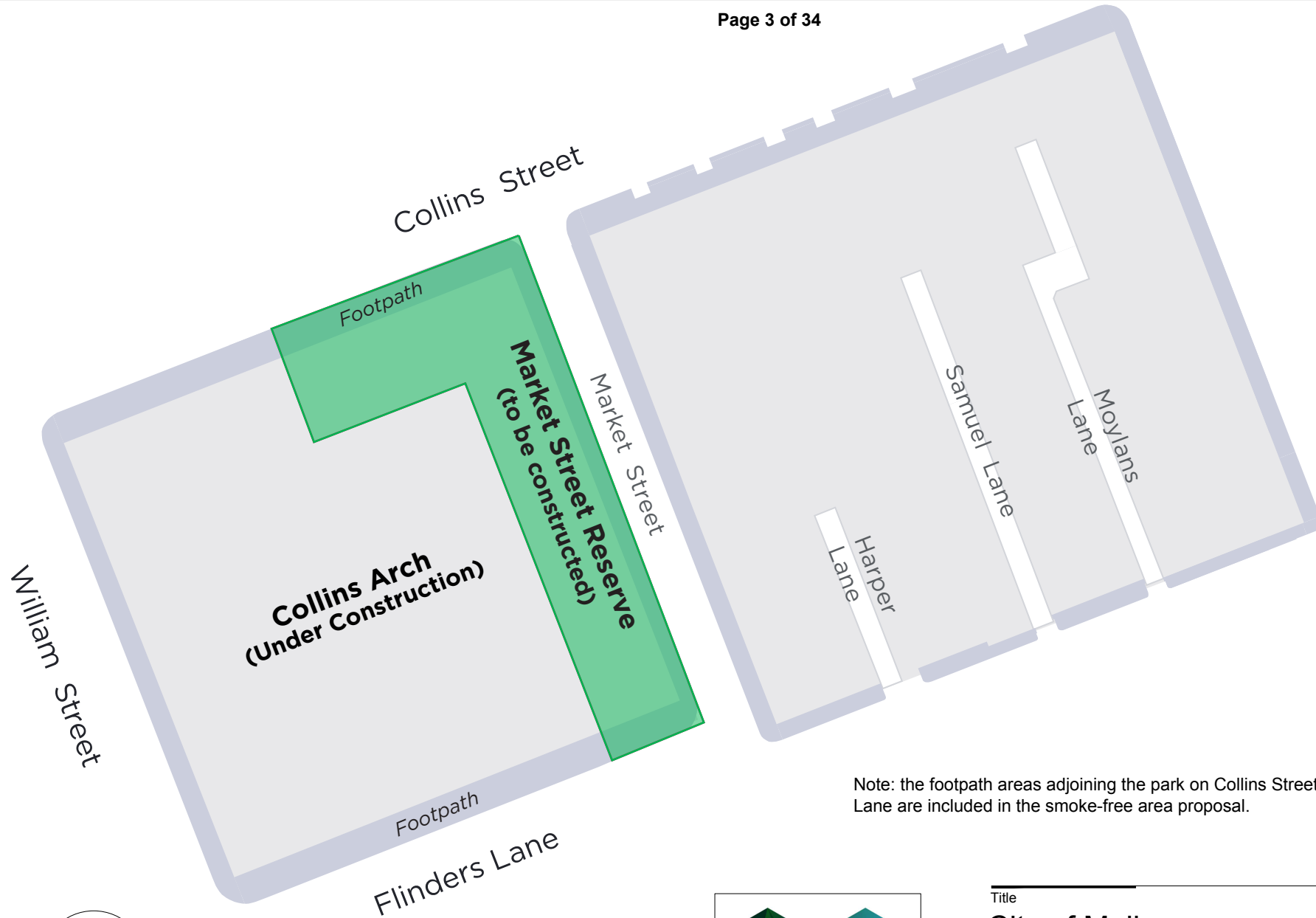
7. City of Melbourne undertook extensive consultation on the proposed smoke-free area at Market Street Park. Due to budget limitations and COVID-19 restrictions consultation activities took place on line with key findings outlined in a report (refer to Attachment 3). Engagement activities consisted of:
  - 7.1 Hard copy mail-out to property owners and occupiers adjacent to the park.
  - 7.2 Online surveys via Participate Melbourne.
  - 7.3 Phone and online meetings with key internal and external stakeholders including the Collins Arch property developer Cbus Property, JLL property management and W Hotel.
  - 7.4 Targeted communication and consultation with key internal and external stakeholders.
  - 7.5 Social media posts via Facebook, Instagram, Twitter and LinkedIn were used to further engage and direct individuals and businesses to the Participate Melbourne website.

**Relation to Council policy**

8. Prescribing smoke-free areas directly supports Council's commitment to protect the community from passive smoking and aligns with the health and wellbeing priorities in Council Plan 2017–21.

**Environmental sustainability**

9. Smoke-free areas assist in reducing smoking activity therefore decreasing the demand for tobacco products and reducing cigarette butt waste.



Proposed  
smoke-free area  
(ground level)

Note: the footpath areas adjoining the park on Collins Street, Market Street and Flinders Lane are included in the smoke-free area proposal.



Prepared by: danhar  
GIS Team - Smart City Office  
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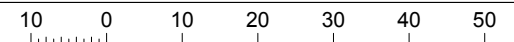
Title

# City of Melbourne Proposed Smoke-Free Area Market Street Reserve

Date

22-06-2020

Scale 1: 1000  
Lengths in Metres



## COMMUNITY ENGAGEMENT REPORT:

## SMOKE FREE AREA PROPOSAL - MARKET STREET PARK



# SMOKE-FREE AREAS INITIATIVE 2020-21

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# SMOKE-FREE AREAS INITIATIVE 2020-21

## INTRODUCTION

The City of Melbourne recognises that tobacco smoke increases the risk of disease and premature death and is committed to protecting the community from passive smoking by expanding smoke-free areas. Following the successful implementation of 11 smoke-free areas across the municipality the City of Melbourne is proposing to make the city's newest open space, Market Street Park a smoke-free area.

Market Street Park is a family-friendly pocket park at the foot of the recently completed Collins Arch development, located at the corner of Collins and Market streets (see map of proposed smoke-free area in Figure 1 below).

Collins Arch is a significant development consisting of 41 floors, comprising 184 residential apartments (up to 400 occupants), 49,000 square metres of office accommodation (up to 4-5,000 occupants) and a 294 room hotel (up to 900 occupants).

The park is in the final stages of construction and is due to open in late 2020. It will feature 1900m<sup>2</sup> of new open space featuring large lawns, a water play area for children, new seating, a café with outdoor dining adjacent to the park and space for programmed events.

In order to protect the health and wellbeing of families, children, residents and visitors in our newest park, the community was asked whether the new park should become smoke-free. Community engagement was conducted over a four week period from 13 July to 9 August 2020.

Figure 1: Proposed smoke-free area: Market Street Park



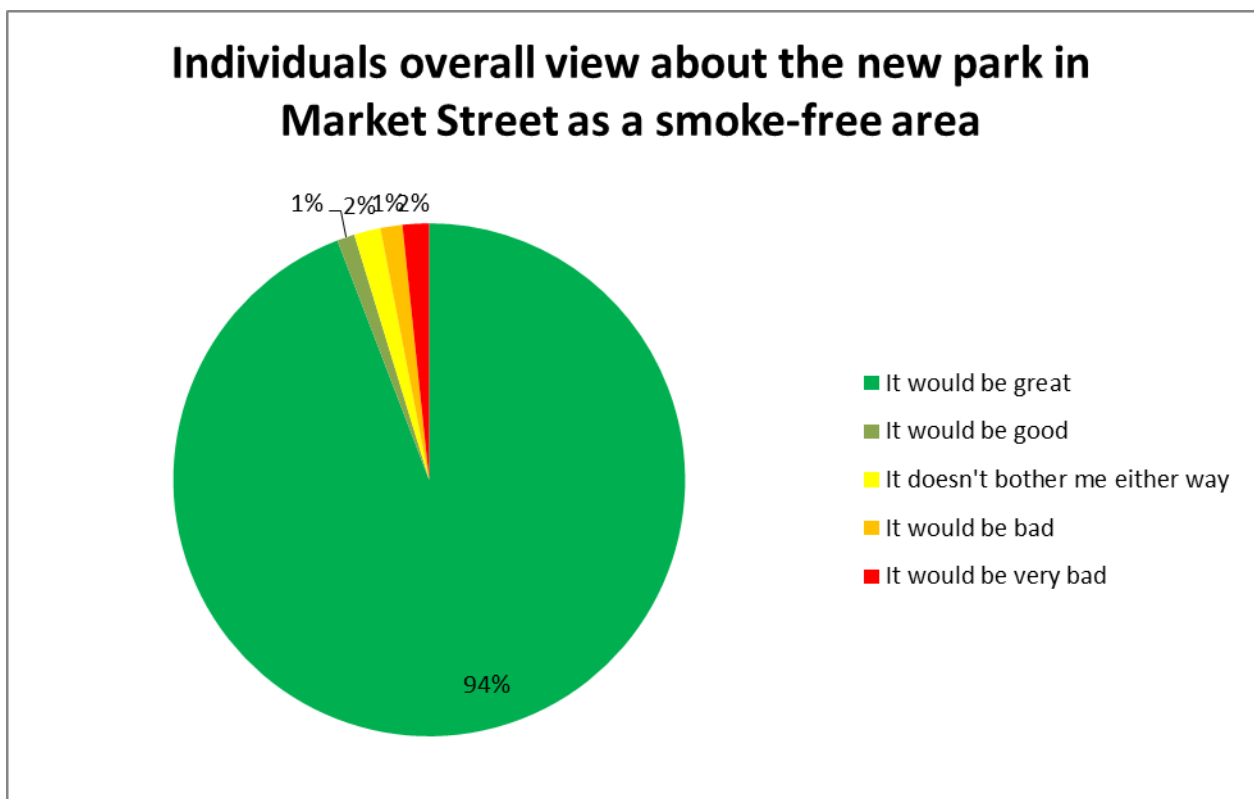
## QUICK SNAPSHOT OF ENGAGEMENT RESULTS

### Participants

- A total of 358 individuals and nine businesses completed a survey on Participate Melbourne.
- Half of respondents are aged over 40 (51 per cent).
- A small number of smokers (14) and vapers (7) completed a survey on Participate Melbourne.
- Three formal submission letters regarding the proposal were received by the City of Melbourne.

### Overall findings

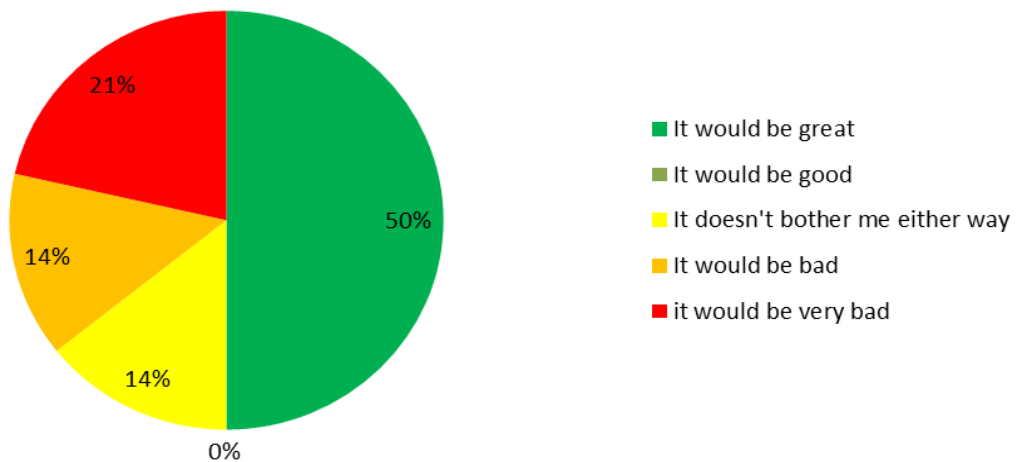
- 95 per cent of individual respondents are in support of the proposed smoke-free area.
- 82 per cent of individual respondents indicated that they would be much more likely to visit the new Market Street Park as a result of the area becoming smoke-free.



# SMOKE-FREE AREAS INITIATIVE 2020-21

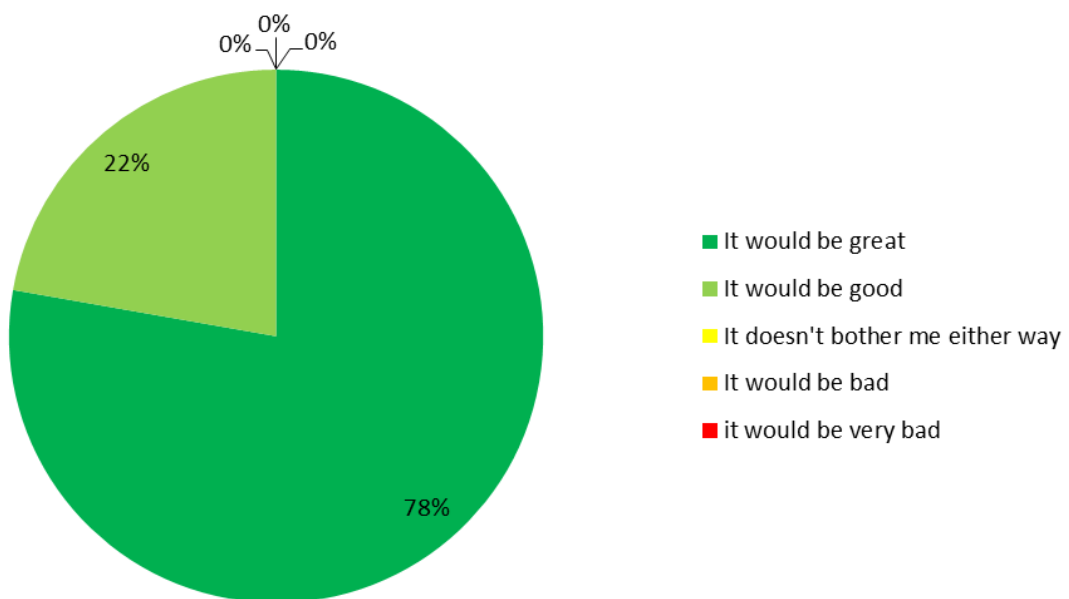
- Support for the proposed smoke-free area is significantly lower among smokers when compared with non smokers (50 per cent vs 95 per cent). However, just one third stand opposed to the change to the new park in Market Street becoming smoke-free (35 per cent), with two thirds either supportive of neutral towards the change (64 per cent).

## Smokers overall view about the new park in Market Street as a smoke-free area Smokers (n=14)



- 100 per cent of businesses are in support of the proposed smoke-free area.

## Businesses overall view of the the new park in Market Street as a smoke-free area





## BACKGROUND

Smoking is a major cause of preventable death in Victoria and a leading cause of avoidable chronic illness and hospitalisation from conditions including cancer and cardiovascular disease. There is also growing evidence that passive smoking, which is the unintentional breathing in of other people's tobacco smoke or second-hand smoke, increases the risk of disease and premature death in young people and in adults who do not smoke. The World Health Organisation advises that there is no known safe level of exposure to tobacco smoke. In order to reduce the harm of passive smoking in the community, the City of Melbourne is committed to expanding smoke-free areas in the central city.

To date Council has resolved to prescribe eleven smoke-free areas in the municipality where it is illegal to smoke under the Activities Local Law 2019. These prescribed areas include The Causeway, Howey Place, Block Place, Equitable Place, Goldsbrough Lane, QV Melbourne, the Tan and Princes Park running tracks, Collins Way, Fulham Place and Bourke Street between Elizabeth Street and Russell Place (including Bourke Street Mall).<sup>1</sup>

A smoke-free area is a public space where smoking is not permitted. This may include open air spaces and dining within the smoke-free area. It is illegal to smoke in a smoke-free area under Clause 3A.3 of the *Activities Local Law (Local Law) 2019*. The definition of 'smoking' under the Local Law has recently been extended to include the use of e-cigarettes (commonly referred to as 'vaping') meaning from 6 August 2020 the use of an e-cigarette in existing and future smoke-free areas is not permitted.

Smoke-free areas support the community in the following three main ways.

- Protect the community from second-hand smoke and aerosol (from vaping)
- Reduce uptake of smoking and vaping behaviour in children and young people by modelling non-smoking behaviour
- Provide a supportive environment for people who smoke who are trying to quit or have recently quit

There are a number of other smoke-free areas in the municipality which are the result of Victorian State Government legislation (Tobacco Act 1987). These areas include children's playgrounds, childcare centres, outdoor dining areas, public transport stops and certain building entrances.

### Creating new smoke-free areas

When considering new areas to become smoke-free, the City of Melbourne takes into account a number of factors. This includes location, total number and type of businesses including hospitality with outdoor dining, adjoining buildings and properties, pedestrian traffic as well as existing smoking controls.

An essential part of prescribing an area as smoke free is community engagement. Consultation must be undertaken at each location to ensure that the requirements of the *Local Law* (and the resolution made by Future Melbourne Committee on 5 June 2012 for further 'public consultation with the community'), are followed. This means that all businesses directly located in or abutting the proposed area would be informed and invited to participate in the consultation. In addition to this, every effort would be made to consult with residents, occupiers, relevant industry sector associations, users of the areas and the broader community.

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<sup>1</sup> City Square was previously a smoke-free area however this prescription has been removed due to the site being under construction for the Metro Rail Tunnel.

## METHODOLOGY OVERVIEW

The City of Melbourne initiated a four week community engagement process on the proposal to make Market Street Park a smoke-free area in July 2020. Community engagement was largely focused online due to COVID-19 restrictions and minimal foot traffic in the area. Stakeholders were also able to make a formal submission to Council about the proposal.

### Participate Melbourne

The online consultation via Participate Melbourne took place from 13 July to 9 August. Two online surveys were offered, one for individuals and one for businesses. A copy of the survey questions are provided as an appendix to this report. The proposal was promoted through a range of City of Melbourne's communication channels outlined below.

### Social media

A number of social media posts on Facebook, Instagram, and LinkedIn were utilised during the engagement period to inform the community of the consultation and directed people to provide feedback via the Participate Melbourne website. The number of likes, reactions and comments on each of these posts has been reviewed.

### Internal engagement

Internal City of Melbourne branches were invited to provide feedback and advice on the proposal: Branches consulted included: Parks and City Greening, City Design, On-street Support and Compliance, Community Services, Customer Relations, Property, City Marketing, Economic Development, International and Civic, Aboriginal Melbourne and Legal. A yammer post was utilised to highlight the proposal to the organisation.

### Other community engagement activities

Other community engagement activities undertaken to ensure a representation of people of diverse ages, backgrounds, abilities and smoking status included:

- Mail out (via post and email) to all 1482 property owners and occupiers adjacent to the Market Street Park including surrounding properties facing the park on Collins St, Market Street and Flinders Lane.
- Targeted communication via online meetings with key stakeholders in the area including the W Hotel in the Collins Arch precinct, Cbus and JLL property management.
- Targeted engagement via email and phone with representatives from the homelessness, youth, international student, resident associations and business precinct associations.
- Face to face engagement and poster drop off with cafes and businesses in the area.
- Promotion of the proposal in the Business in Melbourne and Participate Melbourne e-newsletters.

### Limitations

A scaled back approach which was different from previous smoke-free area consultations was undertaken for the proposed smoke-free area at Market Street Park. In order to reduce costs a consultant was not engaged and the consultation was delivered in-house by the City of Melbourne team. At the beginning of consultation the Victorian State Government had introduced COVID-19 stage three restrictions. During the final week of consultation, restrictions were further increased to stage four, which meant intercept surveys and observational surveys were not utilised due to very low pedestrian activity in the area. This means that the results do not reflect a representative sample of the local population using or visiting the area. Intercept surveying and paid targeted social media promotion can deliver a larger and more representative sample group, however as this was not possible, the results may not capture the views of those who may not be proactive in providing feedback to this type of consultation or those who smoke.

# SMOKE-FREE AREAS INITIATIVE 2020-21

## PARTICIPANTS

This table provides the number and demographics of individuals who completed a survey on Participate Melbourne regarding the proposal.

**Table 1: Profile of survey participants**

In summary:
<ul style="list-style-type: none"> <li>• A total of 358 individuals completed a survey.</li> <li>• Half of respondents are aged over 40 (51 per cent).</li> <li>• A small number of smokers (4 per cent) and vapers (2 per cent) completed a survey on Participate Melbourne.</li> </ul>

	Participate Melbourne (n=358)
<b>Age</b>	
12 to 17	0%
18 to 25	6%
26 to 30	9%
31 to 40	34%
41 to 50	22%
51 to 60	18%
61 to 70	9%
71 or older	2%
<b>Smoking Status</b>	
Regular smoker	1%
Occasional smoker	3%
Non-smoker	96%
<b>Vaping Status</b>	
Regular vaper	0%
Occasional vaper	2%
Non-vaper	98%

### Relationship to the space

The most common response when people were asked about their relationship to the Market Street space was 47 per cent worked nearby or in the city. A further 27 per cent indicated that they were nearby residents to the new Market Street Park and 18 per cent indicated that they were a Melbourne resident visiting to shop or study.

**Table 2: Participants relationship to the space**

	Participate Melbourne (n=358)
<b>Relationship to the space</b>	
Work nearby/in the city	47%
Melbourne resident visiting to shop, study, etc.	18%
Nearby resident	27%
Regional visitor	2%
Interstate tourist	1%
International tourist	0%
Property owner nearby	4%
Other	2%

Q1. Which of these best describes your relationship to the Market Street space?

## COMMUNITY ENGAGEMENT FINDINGS

### Individual findings

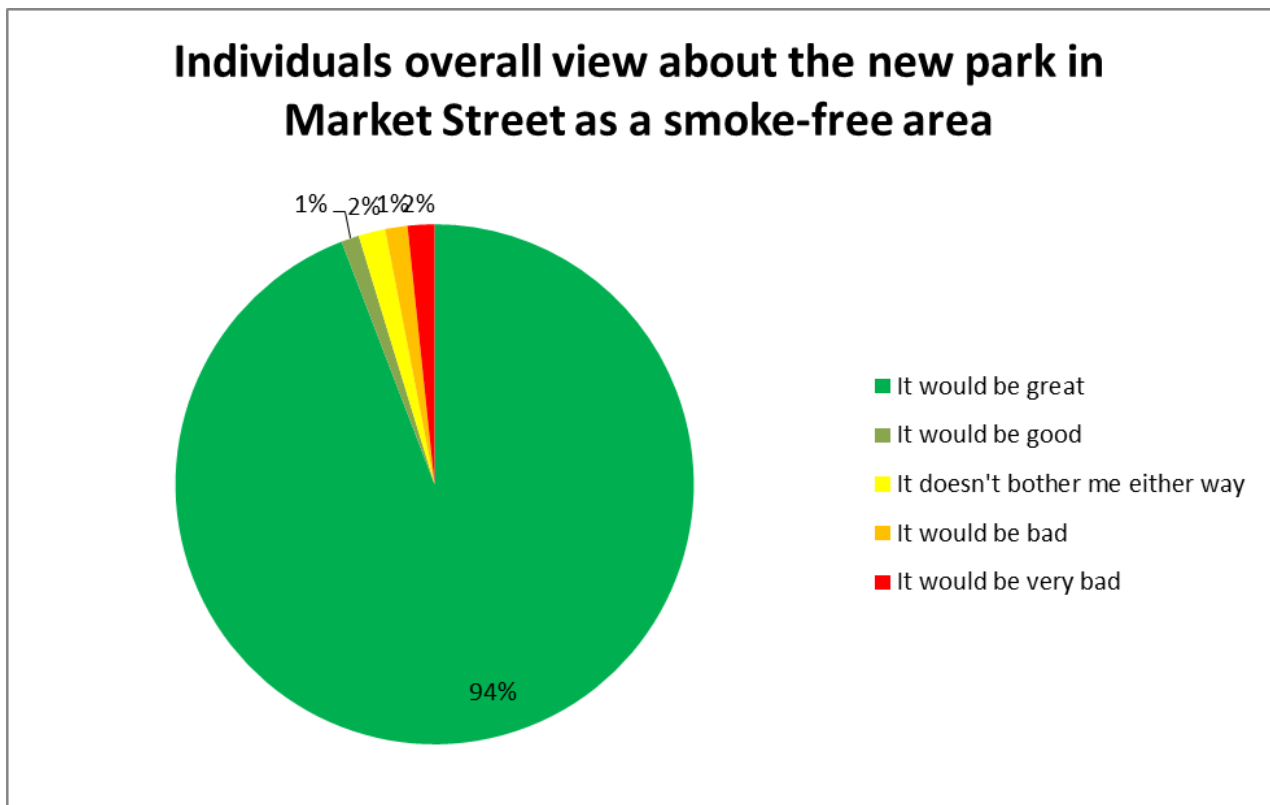
A total of 358 individuals provided feedback via Participate Melbourne on the proposal to make the new park in Market Street smoke-free. An overwhelming 95 per cent of individuals who completed a survey are in support of the new park at Market Street becoming a smoke-free area. Two per cent of individuals were not bothered either way and only three per cent of people were against the proposal. The findings are the highest level of support that has been received for any smoke-free area consultation to date. For a comparison, Bourke Street between Elizabeth Street and Russell Place (including Bourke Street Mall) which became smoke-free in October 2019 received support from 83 per cent of individual respondents. The Tan and Princes Park running tracks which became smoke-free in February 2016 also received strong support from individual respondents (81 per cent and 76 per cent respectively).

**Table 3: Individuals - Overall view of the proposal**

	Participate Melbourne Individuals (n=358)
Overall view about the new park in Market Street as a smoke-free area	
It would be great	94%
It would be good	1%
It doesn't bother me either way	2%
It would be bad	1%
It would be very bad	2%

Q3. What is your overall view about the new park in Market Street as a smoke-free area?

**Figure 2: Individuals - Overall view of the proposal**



# SMOKE-FREE AREAS INITIATIVE 2020-21

## Impact on visitation

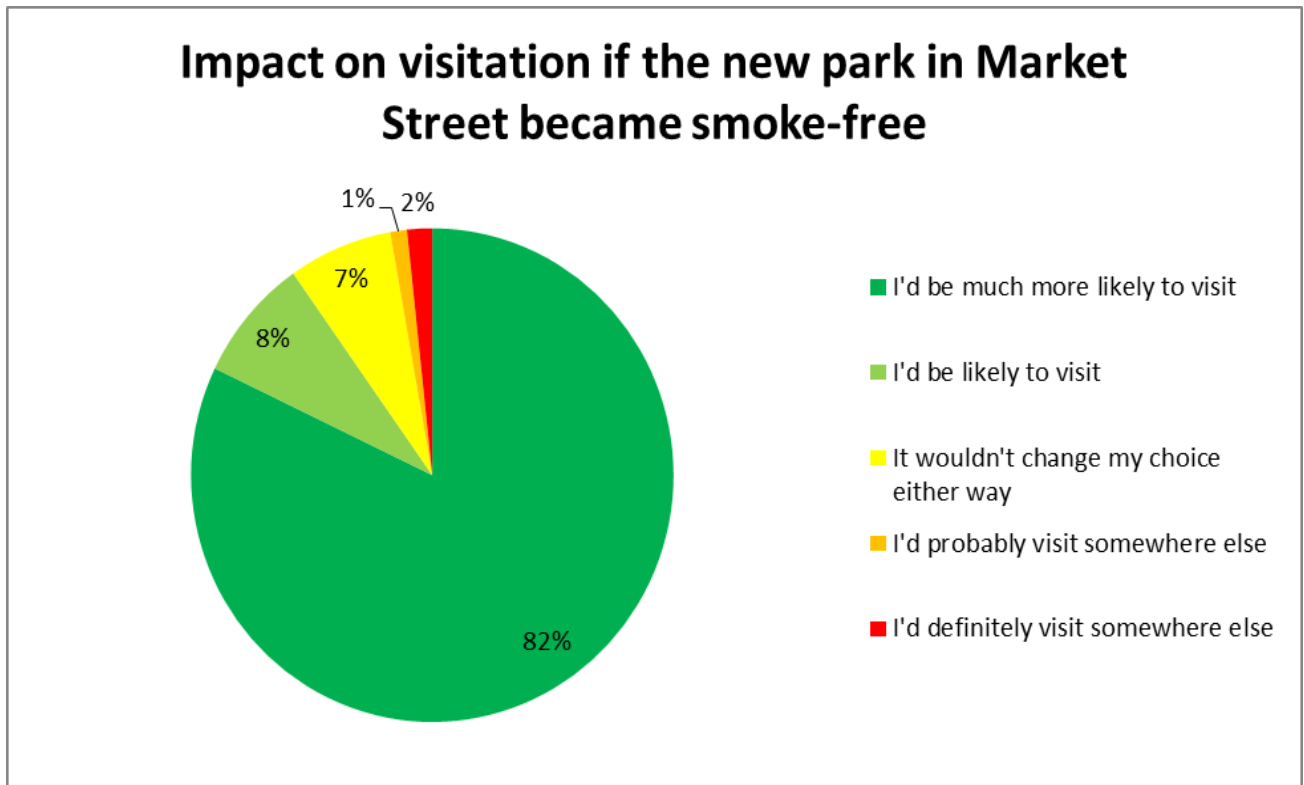
Eight out of 10 individual respondents indicated that they will be either much more likely (82 per cent) or likely (eight per cent) to visit the new Market Street Park as a result of the area becoming smoke-free. Seven per cent said it wouldn't change their choice of visiting the area and only three per cent said that they would choose to visit somewhere else.

**Table 4: Impact on visitation if the new park became smoke-free**

	Participate Melbourne Individuals (n=358)
Impact on visitation if the new park in Market Street became smoke-free	
I'd be much more likely to visit	82%
I'd be likely to visit	8%
It wouldn't change my choice either way	7%
I'd probably visit somewhere else	1%
I'd definitely visit somewhere else	2%

Q4. How would the new park in Market Street being smoke-free influence your choice to visit?

**Figure 3: Impact on visitation if the new park became smoke-free**



**Children utilising the new park in Market Street**

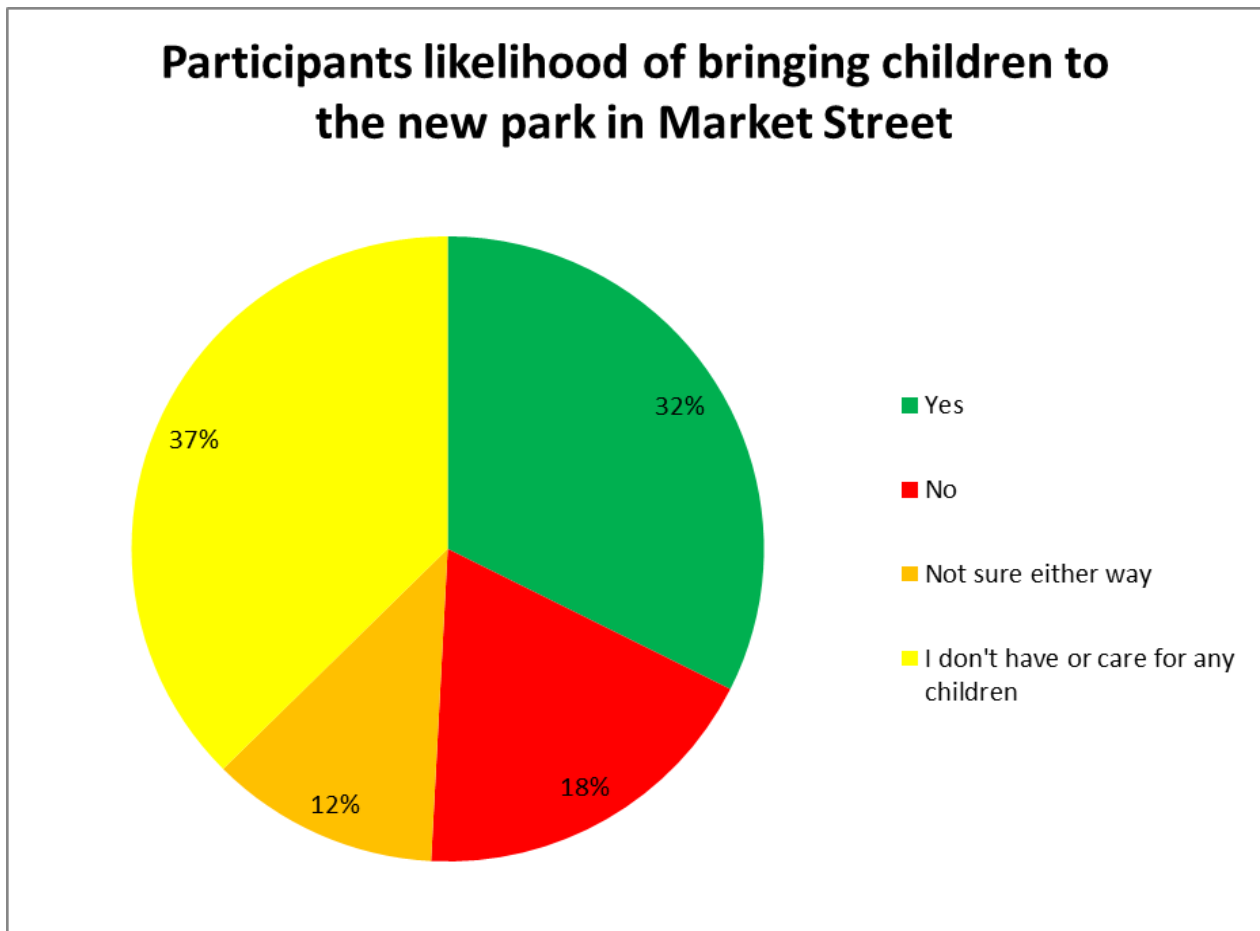
The new park in Market Street includes a water feature designed to be used as a water play area for children. When asked if people were likely to bring children to the new Market Street Park a total of 32 percent of respondents' indicated that they were likely to. A further 12 per cent were unsure, 18 per cent said no and 37 percent of people indicated that they don't have or care for any children.

**Table 5: Participants likelihood of bringing children to the new park in Market Street**

	Participate Melbourne (n=358)
Participants likelihood of participants bringing children to the new park in Market Street	
Yes	32%
No	18%
Not sure either way	12%
I don't have or care for any children	37%

Q2. Are you likely to bring children to the new park in Market Street?

**Figure 4: Participants likelihood of bringing children to the new park in Market Street**

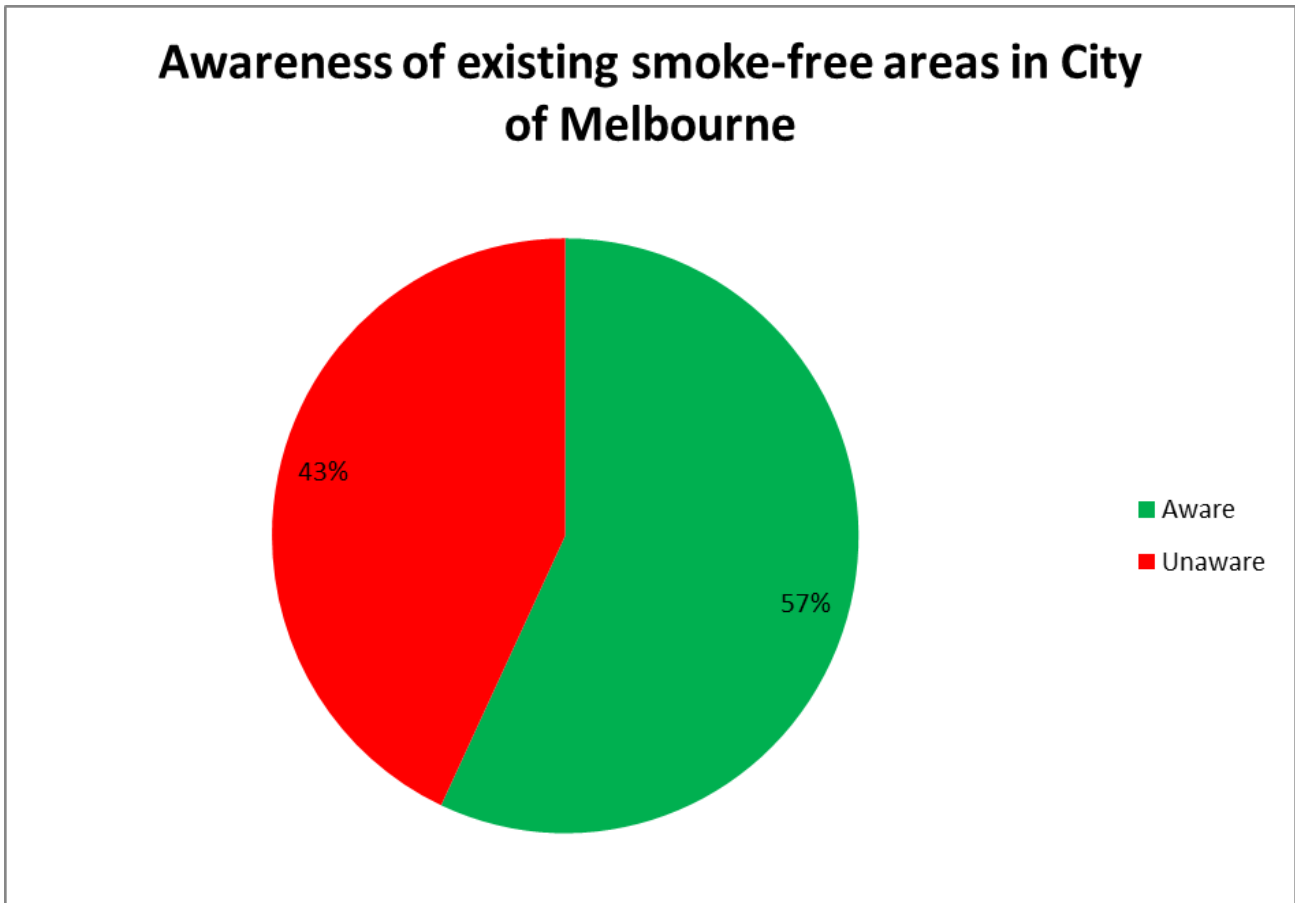


# SMOKE-FREE AREAS INITIATIVE 2020-21

## Awareness of existing smoke-free areas

Approximately five out of 10 individuals indicated that they were aware of existing smoke-free areas in the City of Melbourne. Of those that are aware of existing smoke-free areas majority highlighted awareness of the Bourke Street smoke-free area. Other respondents indicated an awareness of smoking bans in city laneways and those related to public transport, restaurants and café outdoor dining areas. There appears to still be approximately 43 per cent of respondents who are unaware of existing smoking bans in the City of Melbourne.

**Figure 5: Awareness of existing smoke-free areas**



## Comments from individuals regarding the proposal

### Supportive

- *“I work on Market St and the thought of having a park across the road that I could go and eat my lunch at is actually quite exciting. Honestly though, if I knew people were able to stand around there smoking I probably wouldn't go there to eat lunch”*
- *“Smokers have a right to smoke. I have a right to fresh air without passive smoke from the smokers.”*
- *“There are too many areas that aren't smoke-free and often it feels like smokers get priority on outdoor areas at venues because they can't be allocated space”*
- *“A great step by the council. We badly need more and more smoke free zones”*
- *“Good initiative. If smoke free I'm more likely to bring my kids there, if not I wouldn't”*

## SMOKE-FREE AREAS INITIATIVE 2020-21

- *“Being able to walk through the park or sit and have lunch without smoking & vaping would be awesome”*
- *“For a new park, it is best to start on the right foot. And it has got to be good for food-related businesses nearby”*
- *“As I work in Market St - it would be nice to visit on a lunch break - casually sit and eat my lunch - not having to worry about all the people taking smoke breaks”*

### Unsupportive

- *“Bad idea, why not have a smoking area in one corner or space clearly marked and signed as such”*
- *“I’m confused why you’d try ban smoking in a public park. As an area with open ventilation it has minimal impact on local residents, or park-goers. I’ve never witnessed a smoker not provide the courtesy of distance to prevent their smoke from impacting others, so to institute a ban seems like an unnecessary burden on the Melbourne residents and tourists”*
- *“I don’t think it’s a big deal to be near someone smoking when it’s outside”*

### Feedback from smokers

A low number of smokers (14) provided feedback via Participate Melbourne on the proposal to make the new park in Market Street smoke-free. Seven smokers (50 per cent) are in support of the new smoke-free area, two smokers (14 per cent) are not bothered either way and five smokers (35 per cent) are not supportive of the proposal. One smoker who responded suggested that a smoking ban and less time around smokers would assist them in quitting whilst another suggested there should be designated spaces for smokers.

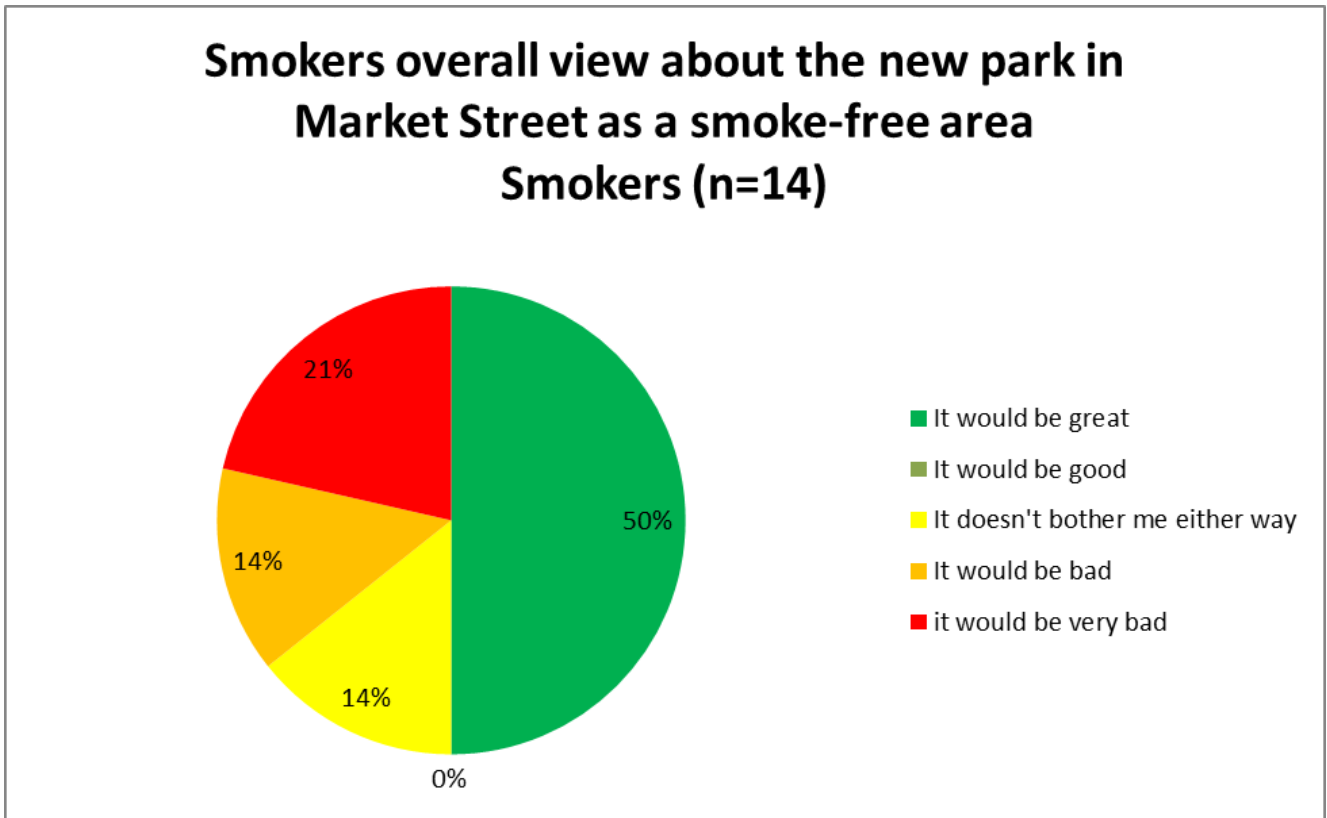
Support for the proposed smoke-free area is significantly lower among smokers when compared with non smokers (50 per cent vs 95 per cent). However, just one third stand opposed to the change to the new park in Market Street becoming smoke-free (35 per cent), with two thirds either supportive of neutral towards the change (64 per cent).

	Participate Melbourne Smokers (n=14)
Overall view about the new park in Market Street as a smoke-free area	
It would be great	50%
It would be good	0%
It doesn't bother me either way	14%
It would be bad	14%
it would be very bad	21%

Q3. What is your overall view about the new park in Market Street as a smoke-free area?



Figure 6: Smokers - Overall view of the proposal



### Comments from smokers

#### Supportive

- *“The less time being around smokers will assist me with quitting”*
- *“As a smoker, I think it would be fantastic to have a clearly marked area where families know they are going to be free of smoke”*
- *“To be inclusive of all it would be great to have a place where people can go to eat their lunch, meet friends and be confident that it will be a safe and healthy space”*
- *“Smoke Free makes for a much more pleasant and cleaner city”*

#### Unsupportive

- *“Perhaps you think smokers should 'hang out' in dirty lanes with the smelly rubbish bins. If you can make areas smoke free, why can't you make designated area”*
- *“People should be free to smoke outside, in open areas. People should not smoke inside a kids' playground, however, they should free to smoke in the park or elsewhere outside. Australia is a free country and you are killing it”*

# SMOKE-FREE AREAS INITIATIVE 2020-21

## Business findings

A total of 10 businesses were spoken to face to face in person, face to face online, via phone or email regarding the Market Street Park smoke-free area proposal. All of these businesses expressed their support of the proposal however did not complete a survey on Participate Melbourne.

A total of nine businesses provided feedback via Participate Melbourne on the proposal to make the Market Street Park a smoke-free area. The nine businesses were from areas of hospitality, education, computer software, professional services, legal, industry association and the utility sector. All nine businesses are in close proximity to the new park and each of them are in support of the new park becoming a smoke-free area.

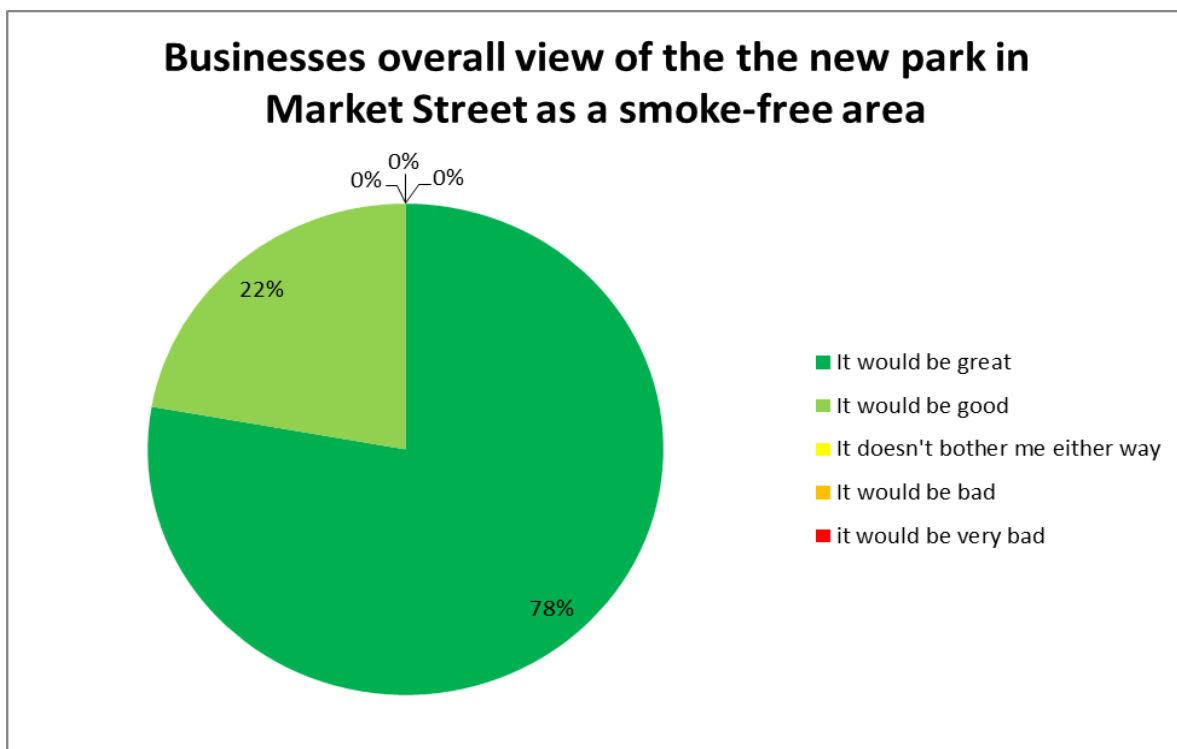
The lower numbers of businesses providing feedback on the proposal may have been due to COVID-19 restrictions that were introduced by the Victorian State Government. Stage 3 restrictions were in place at the start of the consultation and further increased to Stage 4 during the final week of consultation. This resulted in a number of businesses in the area being closed and the capacity of businesses to engage during this period significantly reduced.

**Table 6: Businesses overall view about Market Street Park as a smoke-free area**

	Participate Melbourne Businesses (n=9)
Overall view about the new park in Market Street as a smoke-free area	
It would be great	78%
It would be good	22%
It doesn't bother me either way	0%
It would be bad	0%
it would be very bad	0%

Q5. What is your overall view about making the new park in Market Street a smoke-free area?

**Figure 7: Businesses overall support of the proposal**



## SMOKE-FREE AREAS INITIATIVE 2020-21

In addition to this City of Melbourne staff received further support when engaging directly with business stakeholders through phone calls, online meetings and face to face discussions. Support for the proposal was received from the following stakeholders: W Hotel, JLL property management and Cbus.

### Supportive comments from businesses

- *“Making the area smoke free will demonstrate a commitment to the health and wellbeing to general public and occupants of Collins Arch”*
- *“Please make Market Street park smoke - free zone”*
- *“Smoking should be banned along Collins Street from Spencer to Spring Streets”*

### Submissions received by City of Melbourne

City of Melbourne also received three formal submissions during the community engagement period. The submissions received are summarised below.

- **Lung Foundation Australia** strongly supports the proposal to make Market Street Park a smoke-free area and commend and support Melbourne city Council for their actions in progressively creating smoke-free areas throughout the city.
- **National Heart Foundation of Australia** supports the proposal and commends the City of Melbourne for its ongoing commitment to creating smoke-free areas.
- **Victorian Health Promotion Foundation** supports the proposal to make the Market Street Park smoke-free indicating that this smoke-free space will ensure that the people who live and work around Market Street will be able to enjoy a public space that promotes health and discourages tobacco smoking and vaping. In their submission VicHealth also highlight evidence that the introduction of smoke-free spaces can also encourage quit attempts among current smokers.

A copy of the submissions is provided as an appendix to this report.

### Internal engagement findings

During the community engagement period the Health and Wellbeing team at the City of Melbourne consulted relevant branches across the organisation to seek feedback on the proposal. An online Zoom meeting took place in July 2020 with representatives from the following branches taking part: Parks and City Greening, City Design, On-street Support and Compliance, Community Services, Customer Relations, Property, City Marketing, Economic Development, International and Civic, Aboriginal Melbourne and Legal. There is strong support from across the organisation to make the new park at Market Street smoke-free. Feedback and considerations included:

- Making this park smoke-free from when it opens means less behaviour change required in the future.
- Consideration needs to be given to making all small local parks in the municipality smoke-free areas.
- Appropriate signage and education will be required to inform the community of the change.
- Appropriate butt bin facilities nearby will need to be provided and monitoring of the area of the area to ensure amenity is maintained and nearby spaces aren't impacted by displaced smokers.

# SMOKE-FREE AREAS INITIATIVE 2020-21

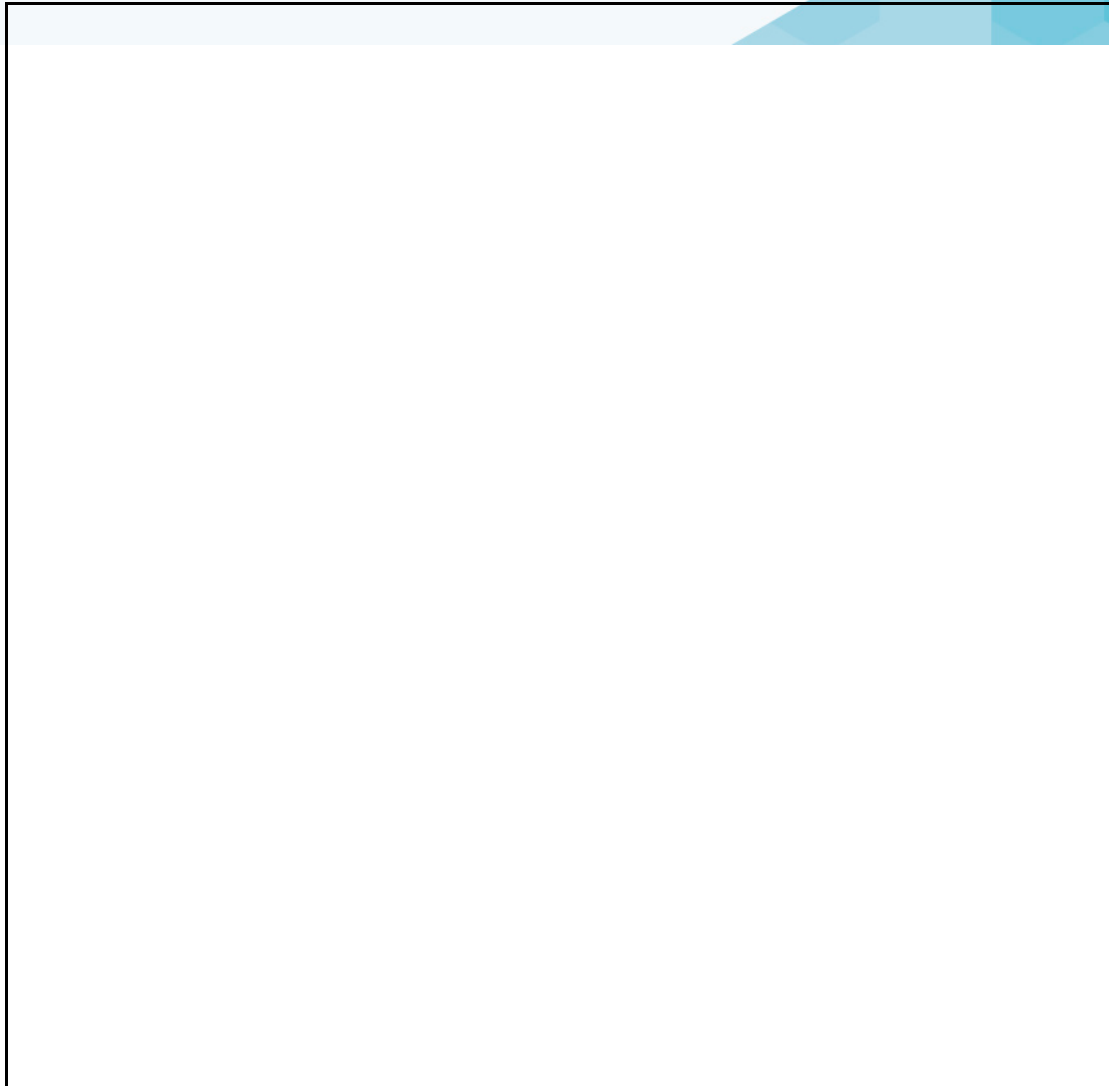
## Social media discussion

As part of the community engagement for the proposed smoke-free area at Market Street Park, a number of social media posts were utilised across platforms such as Facebook, Instagram, Twitter and LinkedIn. A combination of organic posts and tweets were published between 13 July and 9 August. Each of the posts and tweets directed followers to complete the survey on Participate Melbourne. A breakdown of the feedback by channel is provided below. In each post there was a positive reaction to the new park becoming smoke-free with the main source of negativity around criticism for having to even ask the question.

**Table 7: Social media discussion about the proposed smoke-free area in Market Street Park**

<p><b>Facebook</b></p> <p><a href="https://www.facebook.com/209720392384537/posts/3194025060620707/">https://www.facebook.com/209720392384537/posts/3194025060620707/</a></p>  <p>PARTICIPATE.MELBOURNE.VIC.GOV.AU</p> <p>Should Market Street's new park be smoke-free?</p>	<p>Impressions = 19,687  Engagements = 1,168  Reactions = 244. Composed of 220 'Likes', 18 'Loves', 3 'cares', 2 'Hahas' and 1 'Angry'  Shares = 9  Comments = 72</p> <p><b>Commentary</b></p> <ul style="list-style-type: none"> <li>Majority positive sentiment and support for the proposed smoke-free area at Market Street Park.</li> </ul> <p><b>Neil Bourne</b>  Make it smoke free (including vaping and all similar nonsense). Then roll wide.  Like · Reply · Message · 23h</p> <p><b>Nathan Humphrey</b>  I'm a smoker and it should be smoke free.  Like · Reply · Message · 21h</p> <p><b>Carol Hautot</b>  Smoke free def.  Like · Reply · Message · 18h</p> <p><b>Ursula Jenkins</b>  Yes! Can't wait until the whole free tram zone area is no smoking  Like · Reply · Message · 20h</p>
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# SMOKE-FREE AREAS INITIATIVE 2020-21



- Some feedback was received questioning why City of Melbourne even had to ask the question of making the new park smoke-free.



**John Hudson**  
Hilarious that you even have to ask!

Like · Reply · Message · 23h



**Julie Lundgren**  
Why are you even asking? YES smoke free. \*\*\*

Like · Reply · Message · 18h



**Donna Elms**  
Should you even be asking?

Like · Reply · Message · 17h



**Linda Louise**  
Absolutely! Why is this even a question in 2020.

Like · Reply · Message · 18h



# SMOKE-FREE AREAS INITIATIVE 2020-21

## Twitter

<https://twitter.com/cityofmelbourne/status/1282889872613806081>



We want to hear your thoughts on making our new family-friendly park in Market Street a smoke-free area.

🚫🚫 Have your say at

[participate.melbourne.vic.gov.au/smokefree](https://participate.melbourne.vic.gov.au/smokefree)  
#Smokefree



2:09 PM · Jul 14, 2020 · Sprout Social

4 Retweets and comments 41 Likes

Impressions = 12,427  
Engagements = 520  
Link clicks = 67  
Likes = 40  
Retweets = 3  
Comments = 10

## Commentary

- Majority positive sentiment and support for the proposed smoke-free area at Market Street Park.

**Sir Dr St Chicken** @Bob64St · Jul 14  
Replying to @cityofmelbourne  
You are doing smokers a favour in the long run. Less places to smoke means less cigarettes smoked means it is easier to give up. I know, I was one and stopped smoking during the day and then eventually gave up from 1 pkt a week. Very glad during coronavirus to be an ex-smoker.

**Claudia Marck** @drclai · Jul 15  
Replying to @cityofmelbourne and @SallyCapp\_  
Why do you need to do a survey on this? It's a no-brainer surely to make parks, beaches, malls etc smoke-free!!

**BuffBendy** @BuffBendy · Jul 15  
Since when is Market st a 'family friendly' area? @jkmccrann

**Julian Kendall** @jkmccrann · Jul 15  
It isn't - it is the arse end of the Sherlock Holmes and a building site for the last four years. Dust, dust and more dust - very unhealthy & unhygienic.

# SMOKE-FREE AREAS INITIATIVE 2020-21

## Instagram stories



Impressions = 13,856  
Views = 11,885  
Link clicks = 319  
Shares = 2  
Profile clicks = 19

# SMOKE-FREE AREAS INITIATIVE 2020-21

## LinkedIn

<https://www.linkedin.com/feed/update/urn:li:activity:6693714726280564736>



**City of Melbourne**

85,319 followers

2h • Edited •

We want to hear your thoughts on making our new family-friendly park in Market Street a smoke-free area.

[#Smokefree](#) [#Park](#) [#Melbourne](#)

[Cbus Property](#), [JLL](#), [Dr Bronwyn King AO](#), [Cancer Council Victoria](#), [Victorian Health Promotion Foundation \(VicHealth\)](#), [Victoria Walks](#), [Heart Foundation](#)



Have your say - should Market Street Park be smoke-free?

## Commentary

- Majority positive sentiment and support for the proposed smoke-free area at Market Street Park and requests for wider CBD smoking bans

Impressions = 9,913

Engagement rate = 5.13% (good)

Link clicks = 334

(3.37% click through rate)

Reactions = 162

Shares = 8

Comments = 8

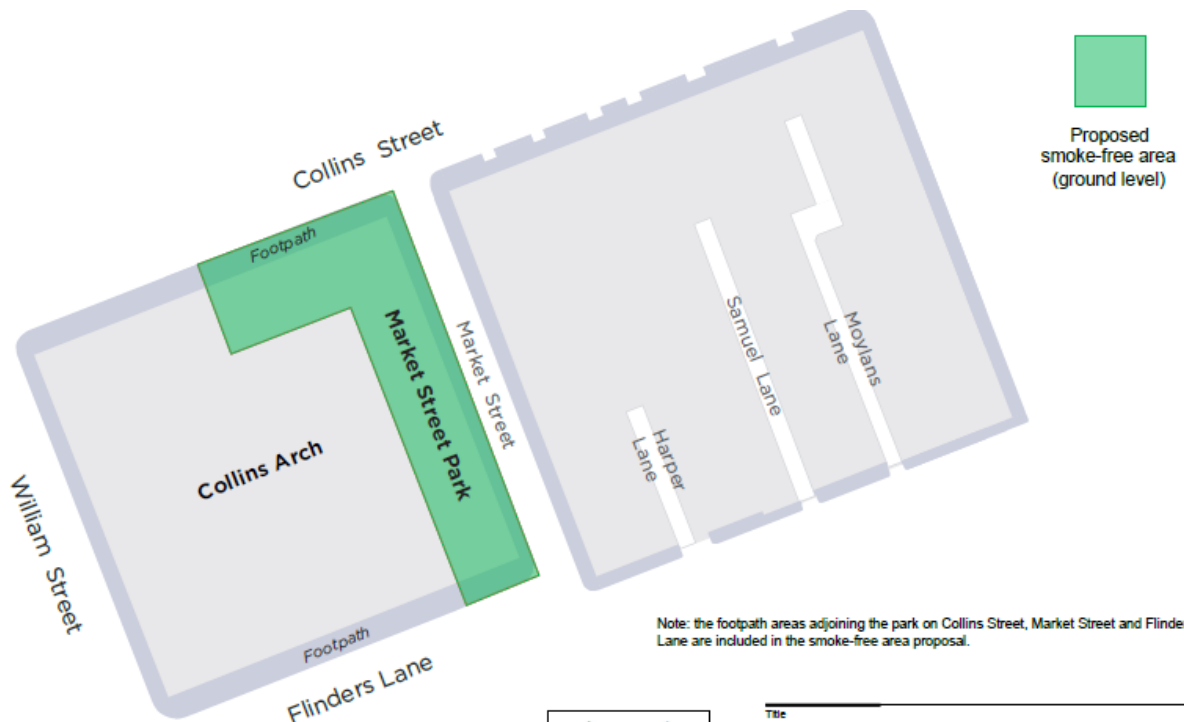


## CONCLUSIONS

Overall the proposal to make the Market Street Park a smoke-free area received extremely strong support from the majority of individuals and businesses who responded. It is clear that respondents want the new park in Market Street to be an open space that is healthy and free of smoking behaviour and second-hand smoke. Respondents have also indicated that they are far more likely to visit the Market Street Park if it were to be made smoke-free. Many comments from this engagement indicate support for expanding smoke-free areas to further locations across the municipality with some indicating a desire for the whole city to become smoke-free.

# SMOKE-FREE AREAS INITIATIVE 2020-21

## Appendix A: Map of proposed smoke-free area



Note: the footpath areas adjoining the park on Collins Street, Market Street and Flinders Lane are included in the smoke-free area proposal.



Prepared by: daniel  
 GIS Team - Smart City Office  
 Y:\GIS\_PlanetPark\_Lessons\MapByLocation\2\_Smoke Free plan\NoSmoking\_MarketStreetReserve.dwg



Title  
**City of Melbourne  
 Proposed Smoke-Free Area  
 Market Street Park**

Date  
 22-06-2020

Scale 1:1000  
 Lengths in Metres

# SMOKE-FREE AREAS INITIATIVE 2020-21

## Appendix B: Submissions received by City of Melbourne

City of Melbourne received three formal submissions during the community engagement period.

- **Lung Foundation Australia**

6 August 2020

Mr Andrew Pell  
Health Projects Coordinator  
Health & Wellbeing Branch  
Melbourne City Council  
GPO Box 1 603  
Melbourne VIC 3001



Via email: [andrew.pell@melbourne.vic.gov.au](mailto:andrew.pell@melbourne.vic.gov.au)

Dear Andrew,

**Re: proposed smoke-free Market Street Park.**

Thank you for the opportunity to comment on the proposal to make Market Street Park a smoke-free area.

On behalf of our clinicians, patients, and their family and carers, we write to support this proposal.

Lung Foundation Australia is Australia's only peak consumer-informed organisation focused on strengthening the lung health of all Australians and supporting Australians experiencing a lung disease.

Lung Foundation Australia believes Australians want to, and will, achieve a tobacco-free and nicotine-free society. We welcome and support amendments to Australian legislation that implement Australia's international obligations under the WHO Framework Convention on Tobacco Control (FCTC) and other treaties including the International Covenant on Economic, Social and Cultural Rights, and maintain Australia's status as a world-leader in combatting the spread of respiratory illness.

We commend and support Melbourne City Council for their actions in progressively creating smoke-free areas throughout the city.

It is well established that smoking and second-hand exposure to tobacco smoke causes disease and death. Many people are exposed to second-hand smoke in community settings; streets, parks, and beaches etc.

There is no safe level of second-hand smoke (SHS; or passive smoke and environmental tobacco smoke) from tobacco, and it poses a serious risk to those exposed to it<sup>1</sup>. SHS as a known human carcinogen; in addition to cancer, exposure to

<sup>1</sup> U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General; U.S. Department of Health and Human Services, Centers for Disease Control and

**FREE CALL**  
1800 654 301

Level 2, 11 Finchley St, Milton QLD 4064  
PO Box 1949, Milton QLD

[enquiries@lungfoundation.com.au](mailto:enquiries@lungfoundation.com.au) | [www.lungfoundation.com.au](http://www.lungfoundation.com.au)

ABN 36 051 131 901

SHS has been associated with respiratory disease, cardiovascular disease, and major bacterial infections<sup>2</sup>. Children exposed to SHS are more likely to suffer asthma, decreased lung function, and middle ear disease<sup>3</sup>.

Globally, 40% of children, 35% of female non-smokers, and 33% of male non-smokers are exposed to SHS, resulting in over 600,000 deaths related to diseases caused by SHS exposure, such as ischaemic heart disease, asthma, and lung cancer<sup>4</sup>. SHS contributes to 1% of worldwide mortality, with the majority of the deaths in women (47%) and children (28%)<sup>5</sup>.

The way to reduce SHS exposure is to limit smoking in public and private spaces via smoke-free policies<sup>6</sup>.

### Benefits of smoke-free spaces to individuals and the Australian community

Smoke-free policies are one of the most important and effective strategies used in tobacco control to combat the disease burden associated with tobacco use and SHS exposure<sup>7</sup>. Taken together with other strategies used in a comprehensive approach to SHS reduction (e.g., cigarette tax increases, increasing access to cessation resources, de-normalization), smoke-free policies are related to direct improvements in air quality, health, and reductions in smoking-related behaviour<sup>8</sup>.

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Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health: Atlanta, GA, USA, 2006.

<sup>2</sup> U.S. Department of Health and Human Services. *The Health Consequences of Smoking -50 Years of Progress: A Report of the Surgeon General*; U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health: Atlanta, GA, USA, 2014.

<sup>3</sup> Campbell, M.A.; Ford, C.; Winstanley, M.H. *Health Effects of Secondhand Smoke for Infants and Children: Tobacco in Australia: Facts and Issues*; Scollo, M.M., Winstanley, M.H., Eds.; Cancer Council Victoria: Melbourne, Australia, 2017.

<sup>4</sup> Oberg, M.; Jaakkola, M.S.; Woodward, A.; Peruga, A.; Pruss-Ustun, A. *Worldwide burden of disease from exposure to second-hand smoke: A retrospective analysis of data from 192 countries*. *Lancet* 2011, 377, 139–146

<sup>5</sup> *Ibid.*

<sup>6</sup> Olivia Wynne, et al. "Signs, Fines and Compliance Officers: A Systematic Review of Strategies for Enforcing Smoke-Free Policy." *International Journal of Environmental Research and Public Health*, vol. 15, no. 7, 2018, p. 1386.

<sup>7</sup> Okoli, Chizimuzo T.C., et al. "Support for a Smoke-Free Bylaw in Parks and on Beaches." *Health Policy*, vol. 111, no. 2, 2013, pp. 127–134.

<sup>8</sup> IARC Handbooks of Cancer Prevention, Tobacco Control Evaluating the effectiveness of smoke-free policies, vol. 13, International Agency of Research on Cancer, Lyon, France (2009)

#### FREE CALL

1800 654 301

Level 2, 11 Finchley St, Milton QLD 4064

PO Box 1949, Milton QLD

enquiries@lungfoundation.com.au | www.lungfoundation.com.au

ABN 36 051 131 901

# SMOKE-FREE AREAS INITIATIVE 2020-21

We believe that a smoke-free Market Street Park will:

- Maintain the amenity of public spaces in the Melbourne CBD for the enjoyment of all Victorians, Australians and international visitors; and
- Protect the health and well-being and human rights of all Victorians, Australians and international visitors.

Lung Foundation Australia and its supporters strongly support the proposal to make Market Street Park smoke-free.

Yours sincerely,



Mark Brooke  
Chief Executive Officer  
Lung Foundation Australia

- **National Heart Foundation of Australia**



4 August 2020

Justin Hanney  
CEO  
City of Melbourne  
GPO Box 1603  
Melbourne VIC 3001

National Heart Foundation  
of Australia  
ABN 98 008 419 761

Level 2,  
850 Collins St  
Docklands  
VIC 3008  
T: (03) 9329 8511

Via email: [Justin.Hanney@melbourne.vic.gov.au](mailto:Justin.Hanney@melbourne.vic.gov.au)

Dear Mr Hanney,

**Re: Proposed smoke-free area for Market Street**

The Heart Foundation welcomes the opportunity to comment on the City of Melbourne's proposal for a smoke-free area in Market Street.

The Heart Foundation is a not-for-profit organisation dedicated to fighting the single biggest killer of Australians – heart disease. For 60 years, we have led the battle to save lives and improve the heart health of all Australians.

As with similar City of Melbourne smoke-free initiatives, we support the proposal and commend the City of Melbourne for its ongoing commitment to creating smoke-free areas.

Smoking rates are coming down in Australia but there are still more than 15,000 deaths caused by smoking every year. Tobacco smoke is one of the main risk factors for heart disease and is responsible for 12% of the burden (death and illness) of cardiovascular disease in Australia.<sup>1</sup>

# SMOKE-FREE AREAS INITIATIVE 2020-21

Exposure to second-hand smoke is associated with immediate and longer-term risks for heart disease. It increases the risk of heart disease by around 30%.<sup>2</sup> Laws that protect the public from second-hand smoke also help smokers to stay quit and de-normalise smoking behaviour, reducing its uptake by young people. This is in addition to improving CBD amenity.

Once again, we commend the City of Melbourne for this proposal. Should you require any further information, please do not hesitate to contact me.

Yours sincerely

  
Kellie-Ann Jolly  
Chief Executive Officer, Victoria

<sup>1</sup> <https://www.heartfoundation.org.au/programs/advocacy-smoking-and-tobacco-regulation>

<sup>2</sup> Barnoya J, Glantz SA. Cardiovascular effects of secondhand smoke: nearly as large as smoking. *Circulation*. 2005;111(20): 2684-98.

For heart health information and support, call our Helpline on 13 11 12 or visit [heartfoundation.org.au](http://heartfoundation.org.au)

- **Victorian Health Promotion Foundation**



7 August 2020

The Right Honourable The Lord Mayor of Melbourne, Sally Capp  
City of Melbourne  
GPO Box 1603  
Melbourne Vic 3001

Dear Lord Mayor,

**Re: Smoke-free area proposal for Market Street Park**

VicHealth supports the City of Melbourne proposal to make the Market Street Park smoke-free. Creating this smoke-free space will ensure that the people who live and work around the Market Street area can enjoy a public space that promotes health and discourages tobacco smoking and vaping. Wherever Victorians live and work, it is important they have access to public spaces that promote good health, free from tobacco smoke and e-cigarette vapour.

# SMOKE-FREE AREAS INITIATIVE 2020-21

While we've seen significant reduction in rates of daily smoking among Victorians aged 14 years and older over the last decade, there are still too many people smoking. In 2019 it was estimated that there were 500,000 daily smokers in Victoria. If this does not change, three quarters will likely die prematurely as a result of their smoking. [1,2]

Implementing smoke-free public spaces and events is one mechanism for local governments to drive further reductions in smoking. Evidence has shown that smoke-free public spaces help to de-normalise smoking among young people and prevent them from becoming regular users of tobacco products. Overall, smoke-free spaces send a clear message about the unacceptability of smoking. [3]

There is evidence that the introduction of smoke-free spaces can also encourage quit attempts among current smokers. The effect is greatest at the point of implementation but lasts up to three years afterwards. [4]

Please feel free to contact me on 0460 528 657 or at [sdemaio@vichealth.vic.gov.au](mailto:sdemaio@vichealth.vic.gov.au) if you have any questions about VicHealth's support for the City of Melbourne's proposal to make the Market Street Park smoke-free.

Yours sincerely,



**Dr Sandro Demaio**  
Chief Executive Officer

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#### Victorian Health Promotion Foundation

Ground Floor, 15–31 Pelham Street, Carlton VIC 3053  
PO Box 154, Carlton South VIC 3053, Australia  
T +61 3 9667 1333 F +61 3 9667 1375  
E [vichealth@vichealth.vic.gov.au](mailto:vichealth@vichealth.vic.gov.au) W [vichealth.vic.gov.au](http://vichealth.vic.gov.au)  
ABN 20 734 406 352

#### Patrons

The Honourable Linda Dessau AM  
Governor of Victoria (Patron-in-Chief)  
Sir James Gobbo  
Professor Emeritus  
Sir Gustav Nossal AC CBE

## References

- [1] Australian Institute of Health and Welfare 2020 National Drug Strategy Household Survey 2019: State fact sheet supplementary tables accessed on 4 August 2020 from <https://www.aihw.gov.au/reports/illicit-use-of-drugs/national-drug-strategy-household-survey-2019/data>
- [2] Australian Institute of Health and Welfare 2019 Burden of Tobacco Use in Australia: Australia Burden of Disease Study 2015, accessed on 4 August 2020 from <https://www.aihw.gov.au/reports/burden-of-disease/burden-of-tobacco-use-in-australia/contents/table-of-contents>
- [3] Wood L, Letcher T, Winstanley M & Hanley-Jones S 2020 Smokefree policies in Scollo M and Winstanley ,M (Eds) Tobacco in Australia: Facts and Issues accessed on 4 August 2020 from <https://www.tobaccoinaustralia.org.au/chapter-15-smokefree-environment/15-9-effectiveness-of-smokefree-legislation-in-reducing-exposure-to-tobacco>
- [4] Ko H 2020 The effect of an outdoor smoking ban: Evidence from Korea, Health Economics 29 278-293 on 4 August 2020 from <https://onlinelibrary.wiley.com/doi/abs/10.1002/hec.3979>

## Appendix C: Participate Melbourne survey questions

### Smoke Free Proposal: Market Street Park - Individual Questionnaire

- Q1. Which of these best describes your relationship to this space?
1. Work nearby/in the city
  2. Melbourne resident visiting to shop, study, etc.
  3. Nearby resident
  4. Regional visitor
  5. Interstate tourist
  6. International tourist
  7. Other – **SPECIFY**
- Q2. Are you likely to bring children to the new park in Market Street?
- Q3. What is your overall view about the new park in Market Street a smoke-free area?
1. It would be great
  2. It would be good
  3. It doesn't bother me either way
  4. It would be bad
  5. It would be very bad
- Q4. How would the new park in Market Street being smoke-free influence your choice to visit?
1. I'd be much more likely to visit
  2. I'd be likely to visit
  3. It wouldn't change my choice either way
  4. I'd probably visit somewhere else
  5. I'd definitely visit somewhere else
- Q5. Prior answering this survey, were you aware of existing smoke-free areas in the City of Melbourne?
1. Yes – please specify where
  2. No I am not aware of any



# SMOKE-FREE AREAS INITIATIVE 2020-21

Q6. Finally some short questions about you. What is your age group?

1. Under 12
2. 12-17
3. 18-25
4. 26-30
5. 31-40
6. 41-50
7. 51-60
8. 61-70
9. 71 or older

Q7a. Do you smoke?

1. Yes – regularly
2. Yes – occasionally
3. No

Q7b. And do you vape?

1. Yes – regularly
2. Yes – occasionally
3. No

Q8. How do you think wider smoking bans might impact your smoking?

1. Smoke less
2. Consider quitting
3. Definitely quit
4. No impact
5. Not sure

Q9. What is your postcode?

## **Smoke Free Proposal: Market Street Park - Business Questionnaire**

Q1. What is your business trading name?

Q2. What is the address of your business?

Q3. What type of business do you operate?

1. Retail
2. Hospitality
3. Other – please specify

Q4. How many staff does your business employ?

1. None
2. 1-4
3. 5-19
4. 20-199
5. 200 or more

Q5. What is your overall view about making the new park in Market Street a smoke-free area?

1. It would be great
2. It would be good
3. It doesn't bother me either way
4. It would not be good
5. It would be really bad

Q6. Prior answering this survey, were you aware of existing smoke-free areas in the City of Melbourne?

1. Yes – please specify where
2. No

## Part B of Schedule 2 to the *Activities Local Law 2019*

### **PART B – GUIDELINES FOR PRESCRIBING SMOKE FREE AREAS**

When determining whether to *prescribe* a *smoke free area* for the purposes of clause 3A.3 of this Local Law, *Council* must have regard to the following factors:

1. The size of the proposed *smoke free area*.
2. The opinions of any *Person* who is the *Owner* or *Occupier* of any part of the proposed *smoke free area* or the area immediately adjoining the proposed *smoke free area*.
3. The proximity of the proposed *smoke free area* to a *public place*, part or all of which is not in a *smoke free area*.
4. The extent and outcome of any public consultation on the proposed *smoke free area*.
5. Any benefits to the community which would be achieved by *Council prescribing* the proposed *smoke free area*.
6. Any detriments to the community which would be caused by *Council prescribing* the proposed *smoke free area*.