

Towards smoke-free and litter free beaches and foreshore areas in the Byron Shire

17 March 2017

#E2017/18771

Purpose:

To investigate the possibility of declaring the foreshore area from Clarkes Beach to Belongil (and possibly further) a 'no-smoking' precinct with appropriate signage and enforcement.

Objectives:

1. To reduce the quantity of cigarette butt and other litter dropped on Byron's beaches and foreshore areas.
2. To protect the precious Cape Byron Marine Park from cigarette butts and other litter that is shown to have detrimental effects on the marine life.
3. To create a 'smoke-free' beach and foreshore environment for the health and safety of the community at large.

Strategic links:

- Byron Shire Council Policy No 11/010, 'Smoke-free Outdoor Areas Policy'
- Byron Shire Council Dumping Action Plan (10-634) - # 9 7 7 6 2 3

Internal sources:

- Ralph James – Legal Services Coordinator
- Michael Matthews – Manager Open Spaces and Resource Recycling
- Lucy Wilson - Resource Recycling Education Officer
- Lloyd Isaacson – Team Leader Resource Recycling and Quarry

External sources:

- Positive Change for Marine Life – Karl Goodsell, founder of PCFML or Kate Akkerman
- NSW Environment Protection Authority - Rupert Saville (Litter Prevention Unit)
- Brigitte Fienberg– Tobacco Control Unit, Cancer Council NSW
- Denise Rodeh - Tobacco Control, Victorian Department of Health and Human Services
- Clean Up Australia Ltd
- City of Port Phillip, Nick Dunstan – Waste Strategy and Operations
- Surf Coast Victoria

Summary

This research report provides information about Council's current policy on 'Smoke-Free Outdoor Areas'. It looks at the litter issue and evidence regarding the types of litter on Byron's beaches and foreshore areas. It also explores the issues posed by litter in a marine park environment and the challenges that a smoking ban and enforcement might raise. In reviewing the smoke-free beach legislation and education campaigns run by other councils and states, this paper sets out a number of ideas and a strong case for an integrated approach for using a mix of education, enforcement, better infrastructure and evaluation tools to achieve rates of around 60 – 70% litter reduction.

Where to next:

There are a number of options to consider:

1. **Continue as is** – no action required.
2. **Enact Council's existing 'Smoke-free Outdoor Areas Policy'** (or review and update this policy) and invest in signage and enforcement resourcing.
3. **Consider the development of an overarching policy for litter reduction**, which could include enforcement of the 'Smoke-free Outdoor Areas Policy' as well as Council's Dumping Action Plan and a new education campaign to enforce the anti-litter messages.

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1. Introduction

Byron Shire Council has been receiving regular feedback and complaints about the number of cigarette butts disposed of along the Byron beach front and foreshore area, within the protected Cape Byron Marine Park. This Marine Park is one of only six in NSW, declared and managed under the Marine Estate Management Act 2014 by NSW Department of Primary Industries. It is recognised as a precious natural environment that provides a platform to showcase and protect distinctive sea life and iconic natural features (see Appendix A).

Council has active programs involving partnerships with organisations such as Positive Change For Marine Life (PCFML) for education and cleaning up micro litter (including cigarette butts) on Byron's beaches. Last year PCFML launched a *Smoke-Free Byron Beaches* campaign. As part of this, a Litter Ambassador Group collected litter from Apex Park and along the Byron beach foreshore (on Saturday and Sundays only from 3pm to 7pm from April-Dec 2016). On these two days a week (64 days over the year) they picked up 7,936 litter items in total. Of this number 4,765 of them were cigarette butts, 1,220 plastic items, 689 metal items and 90 foam items.

This litter issue has been exacerbated by a number of factors in recent years, including rising visitor numbers (around 2 million in 2016) and lack of funding to cope with waste generated by these seasonal, transient populations. There is also a known lack of waste resources and compliance during some events that congregate at the foreshore and on the Cape Byron Marine Park beaches.

Byron Shire Council has an existing 'Smoke-Free Outdoor Areas Policy' (11/010) that was resolved in 2011 and includes the possibility of enforcing a smoking ban on beaches and foreshore areas. However, the policy was never executed and signage was not created. Without the signage in place, enforcement could not proceed.

An opportunity exists to review and update this policy to move towards smoke-free and litter-free beaches and foreshore areas that will better protect the Cape Byron Marine Park as well as the health of the community.

There are numerous ways forward and this research paper has identified an EPA Grant which could enable Council to set up an education campaign and holistic approach to tackling the challenges of litter on Byron's beaches and foreshore areas. There is an opportunity to treat the root cause of the littering problem by implementing an education campaign to change behaviour. It is also an opportunity to highlight the importance of the Cape Byron Marine Park and protecting the marine life from the harmful ingestion of litter.

2. Issues

1. There is a micro litter (cigarette butts and other litter) problem on Byron Bay's beaches that has been documented by both Council (Open Spaces & Resource Recovery) and PCFML over the last 12 months. Litter dropped on the beach including butts, glass and plastic eventually gets washed into the ocean if not binned where it can be ingested by marine life causing harm and even death.

The Litter Ambassadors have suggested that a litter enforcement officer is needed to help solve this issue (Council is currently engaging a new resource in this area).

2. The littering issue is occurring in Cape Byron Marine Park – one of just 6 protected Marine Parks in NSW. Alarming, a CSIRO researcher has recently reported that more than half the world's turtles and two-thirds of some bird species along Australia's east coast are being found to have ingested plastics (*Plastic pollution toll on wildlife expected to rise to 95 per cent, G20 to hear*, Sydney Morning Herald, 6 March 2017).

The CSIRO Marine Debris team spent three years surveying the plastic pollution affecting Australia's beaches and oceans. On current projections, by mid-century, some 95 per cent of all sea birds will be found with plastic inside them, according to Denise Hardesty, a senior CSIRO research scientist.

3. Council is receiving complaints about the litter. Complaints are often received after peak times or events when littering is at its worst. Litter on beaches is perceived as unattractive, unhealthy and creates tourism reputational damage.
4. Council staff report that the micro-cleaning required to collect cigarette butts and bottle tops is extremely time consuming and slow. An average of two hours per day is currently spent cleaning up small litter, with the main focus around picnic tables and BBQ areas. When someone is using a "picker-upper" to collect cigarette butts it can easily be interpreted that they are doing very little (reputational issue). There is not currently the resource available to pick up all the cigarette butts without letting other core tasks slip.

The lack of healthy turf on and around Apex Park and foreshore area is also an issue. Some butts dropped on healthy turf can be picked up by Council lawnmowers.

5. Smoking is a community health issue that is extensively acknowledged and regulated. It has been successfully banned in many outdoor environments due to the risks of passive smoking and also to stop

smoking from being modelled in front of children.

6. Despite having an existing Smoke-Free Outdoor Areas Policy (11/010), Council has not taken action to enforce the smoking-ban on the beaches. There was no funding allocated for the installation of signs and therefore could not be resourced and installed.

In adopting the Council Policy, there was no definition of the areas that could be restricted under s632, making enforcement problematic and requiring that another report to Council was needed for the enforcement of specific areas. No budget meant that it was not progressed.

7. The State Government amended the Smoke-Free Environment Act under the Tobacco Legislation Amendment Act 2012 to cover all of NSW. However, unfortunately the Smoke-Free legislation (See Appendix B) states that only NSW Health appointed officers can enforce the “Smoke-Free” Act. However, Council can still proceed to define restricted areas under Council’s Smoke-Free Outdoor Policy, and sign post and enforce these using s632 of the Local Government Act. The penalties are not as strong under the LGA as they are under the State Act. The signage would need state that fines are no less than \$110.
8. Visitors and locals blame the Council for not removing the litter fast enough. This can become an ongoing reputation issue for Council.
9. Cape Byron Marine Park is a tourist attraction and as a result the beaches are exposed to greater numbers of people and greater rates of littering at peak tourist times throughout the year.
10. To effectively enforce the smoking-ban on the beaches and foreshore, Council needs to be able to fund signage as well as resources for enforcement – or find other funding sources. Enforcement, or the perception of enforcement, is a key issue to be addressed.
11. There are several studies from overseas showing reduced litter outcomes when signage and enforcement are combined (Appendix A). Data from the NSW EPA Council Litter Prevention Grants Program has measured results of 68% litter reduction for round one grant recipients and 60% litter reduction for round two grant recipients. Source:
<http://www.epa.nsw.gov.au/wastegrants/council-litter.htm>.

In Victoria, the Department of Health (Tobacco Control) concede that while they “do not have specific data regarding the rate of compliance with the smoking ban around patrolled beaches, the provision of signage and community support suggests that compliance is high.” What type of reduction in litter would Council view to be successful / worthwhile? Enforcement and education can result in a marked reduction in littering

(but not eradication of the littering problem).

12. There are several media stories about smoke free beaches and the lack of compliance, particularly on popular Sydney beaches such as Bondi and some Gold Coast beaches (Appendix C). There is a risk that these smoking and litter-reducing strategies can appear to be 'toothless', weak and a waste of time.
13. The fining of tourists can be seen to be a negative and can be problematic.
14. "More signage" can be a negative for Council.
15. Signage must include the legally-binding wording at a minimum. However, it could be argued that this type of signage may not be as effective and have as much 'cut through' as something that is humorous, creative and engaging.

3. Opportunities

There are a number of opportunities for Byron Shire Council to consider if it would like to move towards Smoke-Free and Litter-Free beaches and foreshore environments, particularly within the Cape Byron Marine Park (and possibly for the whole of Byron Shire).

1. Highlight the littering problem and put forward a solution

Firstly, Council can enact the official prohibition of smoking on either select Byron Beaches or beaches Shire-wide, appropriate signage can be erected and the ban can be enforced under s632 of the Local Government Act.

To move this forward, Council would need to review and update Policy (11/010) and include the funding for the required signs to enable enforcement under s632 of the Local Government Act 1993. A review should include whether Council intends to extend this opportunity and make all Byron Shire beaches smoke-free (and to look at funding signage and enforcement shire wide via a staged approach) or whether to only apply the smoking-ban to the worst affected beaches and foreshore areas.

2. Invest in a holistic education / communication strategy around littering

This would involve attempting to change behavior (via education and engagement) to curb littering for the longer term. One of the major benefits of attempting to change behavior is that, if successful, the

outcome can become culturally ingrained and self-sustaining.

As part of this, a communications strategy could be devised to assist in getting key messages about Council's decision to enforce smoke-free bans out to Byron Shire residents and further afield. This would include clear messaging about existing cigarette butt bins (where they're located) and any new, larger, more visible bins that are currently being investigated for installation in the main beach car park, at the drum circle and at the wreck access path.

3. Become a champion for marine parks and marine life

Tourists visit the Byron Shire because of the rare natural beauty and marine life within the Cape Byron Marine Park. Council can become a champion for the preservation of marine parks and marine life (both locally and globally).

4. Strengthen existing relationships with stakeholder groups

As PCFML is already running a 'Smoke Free Byron Beaches' campaign (via their website: <http://pcfml.org.au/what-we-do/campaigns/honour-the-ocean/smoke-free-beaches/>) and has been working with Council on litter initiatives and ambassador programs, there is an opportunity to continue to harness the expertise of groups already working in this space in a much appreciated volunteer basis.

Council has recently provided support for Sea Shepard to undertake monthly litter removal activities along the foreshores. There is an opportunity for Council's Resource and Recycling and Better Byron Crew (landscape refurbishment group), the enforcement officer, Council's Tourism team (link in with Don't Spoil Us campaign) and possibly various other partners/supporters like the Surf Club, Beach Hotel, backpacker hostels, anti-litter champions to be part of the effort to change littering behaviors.

5. Build on the successful campaign: Don't Spoil Us, We'll Spoil You

An education campaign around littering is another way to reinforce the messages behind *Don't Spoil Us, We'll Spoil You*.

6. Think outside the square

Why not harness some of the creative energy Byron is famous for and invite creatively-minded individuals or businesses to help create 'cut through'.

This could be via sculpture that conveys the anti-litter messages, creative landscaping, sand sculptures, rock painting – or a combination of ideas.

A community competition to create the signage could assist in engaging the community and inspiring ideas. The creation of a competition process also provides multiple points of engagement with the community and opportunities to strengthen the project's key messages.

7. Apply for funding for an (awesome) education campaign

In addition to enacting its Smoke Free Outdoor Policy, there is an opportunity for Council to piggy back on this action to address the litter problem in general, especially on the beaches and foreshore and in the Cape Byron Marine Park.

Subject to funding, this could be a multi-faceted education campaign to communicate a number of key messages to different audiences and demographics. For example, as achieved by the City of Port Phillip's current Summer In The City Campaign (see the case study below for more detailed information about this campaign):



And this:



This is an example from Frankston City Council which won awards:



8. Revival of the successful Bin Ya Butts campaign – but a retro / eco version

This campaign was conceived around 20 years ago and was a great success in terms of take-up by tourists and festival goers. While the plastic 'film canisters' are antiquated, there may be an opportunity to revive this concept with an item that is compostable or recyclable that can be handed out at events or given out at the beach. This is a practical method of reaching smokers (and potential litterers) and provides a point of engagement.

4. Challenges

1. More fines? More nanny state?

One of the key challenges will be communicating the need for enforcement of smoking bans from an environmental/littering perspective. Clear messages and incentives not to smoke and litter will help to mitigate the risk of negative media about Council looking for ways to fine smokers and litterers.

2. Fining tourists is not cool...

But neither is dropping a cigarette butt that may end up in the stomach of a protected turtle. Everybody is responsible for putting their own litter in the bin - locals and tourists alike. This is the message other councils (including City of Port Phillip) have adopted when dealing with tourism and visitor populations. Byron Shire Council would need to review tourist demographics and devise targeted campaigns to reach and educate visitors.

3. It says 'no smoking' but I see smokers everywhere on the beach

It may also be difficult to communicate the reliance on 'self-regulation'. While Council will need to enforce the smoking ban to a certain extent, it is expected that the signage will act as a threat to protect the community from second-hand smoke while at the same time promoting positive health messages and protecting the precious Marine Park environment and marine life.

4. Changing behavior can be a difficult and costly long-term exercise especially if it is not resourced adequately.

Most education campaigns have a shelf-life and after a certain amount of time will need to be reviewed and recurrent funding may need to be sought.

5. Case Studies

5.1 City of Port Phillip, Victoria

The City of Port Phillip is home to Port Phillip Bay, St Kilda Beach and some of the most heavily visited beaches in Victoria. See below an image of the extent of the litter problem faced on St Kilda Beach (Source: Herald Sun).



In an attempt to combat this, the City of Port Phillip launched its *Summer in the City* education campaign in 2016. It features Phil, a cartoon penguin, and the campaign is divided into four 'case studies' with targeted messages and individual You Tube clips that can be shared on social media. This campaign case study has been included to provide an example of targeting a range of needs and groups of people:

Summer in the City Adventure 1: At the beach

Broken glass is a danger to all beach users, and we don't want anyone suffering nasty cuts this summer. Help us spread the word to not leave glass on our beaches.

Summer in the City Adventure 2: At one of our vibrant villages

Did you know litter dropped in the streets of one of our vibrant villages can travel all the way to the foreshore and into the bay? Litter, especially plastics, can break up in the water and cause serious harm to our marine wildlife and environment. Please remember to do the right thing - pick up after yourself and take your rubbish with you. Keep it clean this summer!

Summer in the City Adventure 3: Heading to an event

The City of Port Phillip is an exciting place to hang out over summer and events hosted in our city can draw huge crowds. So if you're heading our way this summer, have fun, but do it responsibly. The effects of alcohol and littering can leave our city with a nasty hangover.

Summer in the City Adventure 4: *Staying here in the summer*

We're one of the most popular tourist destinations in Victoria and we love making new friends – especially international ones. If you plan on staying here, you'll need to book accommodation. We're an inner urban city and don't have camping facilities.

Source: <http://www.portphillip.vic.gov.au/summer-in-city.htm>

5.2 Bondi Beach, Sydney, NSW

The City of Waverly has taken up some extreme measures over time to assist the Council in addressing substantial littering problems on its popular city beaches including Bondi.

This 'What We Know' information on the City of Waverly website explains the key findings of research and audits on littering (made possible through EPA Grant funding:

What do we know?

Every year, Council conducts a litter audit on the sand at Bondi Beach and Bondi Junction to work out how much and what kinds of litter is being left behind. In 2017, we have included Bronte and Tamarama in this audit. These results will be available for your viewing soon.

In 2016, cigarette butts and old chewing gum were still the top littered items, however, the largest litter item by volume was takeaway packaging litter.

Top Littered Items

Takeaway packaging = over 40% by volume.
Other items include gum and cigarettes

About the Litter

9/10 people observed disposing of a cigarette butt, littered it
45% of all disposal items become litter

Who Litters

50% of people observed chose to litter
A broad range of age and cultural backgrounds

Council Services

- Regular litter audits
- Community partnerships
- Beach and park clean-ups
- Litter picked up 2-4 times per day by two cleaning staff



100%

of those surveyed felt that litter was important and would like a litter free Waverley

Most recently, the City of Waverly commenced a 'Litter Blitz' campaign, funded by the NSW EPA Grants and run by Council.

A media release from 23rd March 2017 sets out Council's intentions for the campaign:

"We want to ensure our local area is as beautiful as it can be and we're asking the community to help us. From the 21 March – 30 April, Council

rangers will be focusing on educating people to put rubbish in the bin, or take it with them, and fine when necessary.

According to the EPA, 25,000 tonnes of litter is tossed on the ground in New South Wales each year. Research shows people are less likely to litter if they think someone is watching. Litter is not just unsightly – it's very costly. More than \$180 million a year is spent managing litter in New South Wales.

Current fines for littering range from \$250 for individuals to \$500 for corporations. Mayor of Waverley, Sally Betts said the campaigns ends a clear message that littering is unacceptable.

"This campaign is for Council and the community –locals and visitors, we should all do our bit to keep our area beautiful. Throwing your rubbish anywhere but the bin is unacceptable.

"If we stop littering, we can re-direct those funds that go towards cleaning up after people to other vital services. If you see people littering, tell us at Council or contact the NSW EPA." For more information about the campaign or to report a breach visit www.waverley.nsw.gov.au/

What does Council do to keep Waverley beautiful?

This year, Council, supported and partially funded by the NSW Environment Protection Authority, is working to reduce litter from takeaway packaging through:

- New Solar Bins to ensure that there is adequate capacity for residents and visitors to dispose of their waste and recycling
- A community education campaign 'Bin it so you don't swim in it' supported by local community groups
- Working with local businesses to reduce packaging sold through their takeaway products and to look for sustainable options
- Face-to-face education with the community through our rangers to educate people to not smoke on the beaches, to put rubbish in the bin, or take it with them. They may also fine when necessary. Current fines for littering range from range from \$250 for individuals to \$500 for corporations.
- Supporting and promoting the NSW EPA's Hey Tosser Campaign

We also have dedicated staff who work hard to keep our beaches and public places clean and to educate the community about litter prevention.

- Council's beach rake operates every evening over summer to help pick up rubbish from our beaches.
- We have a team of public place cleaning staff who help pick up rubbish from the sand, clean bins, remove graffiti, sweep the sand and clean public toilets at the beaches and in the surrounding streets.
- We provide water refill stations at Bondi Beach to encourage people to reuse water bottles, which has contributed to a 27% reduction in plastic bottle litter since 2007.
- We help raise awareness about the smoking ban on the beach, which has been in effect since 2004, by providing Enviropoles at Bondi Beach and Bondi Junction. The cigarettes collected in these are recycled into park benches and other items [click here](#) for more information.

Source: www.waverley.nsw.gov.au

The 'Enviropoles' mentioned previously look like this:



Cigarette Waste Receptacles

You can order exclusive receptacles designed specifically for recycling cigarette waste in your community or at your business location.

Receptacles are perfect for distributing standardizing cigarette recycling in small or large-scale outdoor environments. These metal receptacles can be equipped with steel bolt bands for flexible placement at your location.

Contact partners@terracycle.com to place an order.

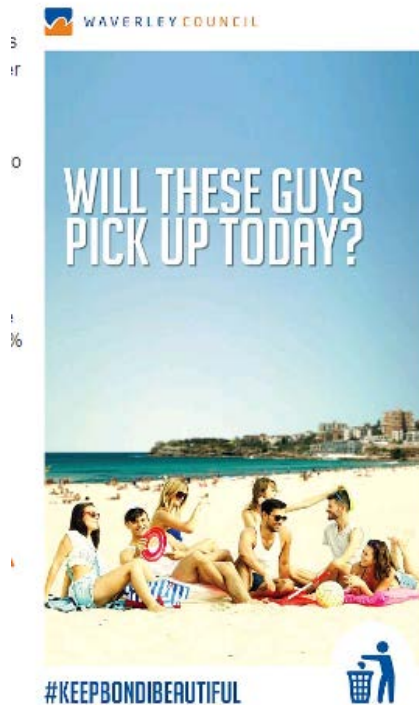
The 'No Smokin on Beach' signage is difficult to miss at Bondi Beach and appears at multiple beach front entry points across the foreshore:



There are many other types of signage on walkways and in key locations that provide a range of messages on the one sign, including 'welcoming' signage and maps:



Here's an example of a previous Council advertising campaign for Keep Bondi Beautiful:



6. Outcome

There are very convincing reasons for Council to take action to prevent littering on Byron's beaches, foreshore areas and within the Cape Byron Marine Park.

If preventing smoking, passive smoking and the impact of this on children is included within the program, then this can be considered another benefit and positive step.

It is acknowledged that any type of enforcement can be viewed as a negative. In the case of smoking, Australians overwhelmingly support smoking bans. Compliance has been high in both indoor and outdoor spaces and behaviour has changed dramatically in outdoor spaces previously the terrain of smokers – such as train station platforms.

Although compliance with smoking bans on beaches is more difficult, evidence from overseas studies does point to reduced litter from cigarettes when there is signage and some level of enforcement.

The case and appetite for working towards a smoke-free and litter free beach and foreshore environment in Byron Bay (and potentially across the Byron Shire) is currently very strong and is supported by collective community activism (PCFML and Sea Sheppard) and greatly appreciated volunteerism.

The NSW EPA Litter Prevention Grants provide case studies and measured outcomes in terms of litter reduction. They also point to the need for an integrated approach for litter prevention, using a mix of education, enforcement, better infrastructure and evaluation tools to achieve rates of around 60 – 70% litter reduction.

Council has an existing Smoke-Free Outdoor Areas Policy (11/010) which could be enacted subject to a possible review of the areas to be enforced, the creation and erection of signage and a commitment to resourcing for enforcement. The signage must state that the minimum fine amount is \$110.

The employment of a Litter/Waste Enforcement and Education Officer (reporting to the Team Leader RR with a functional report into SEE, due to the part compliance nature of the role and the need for support in this space) could greatly assist any 'change behaviour' initiatives, projects and campaigns over both the short and long term. This role could also assist in applying for grant funding and potential manage or assist in managing the campaign process.

If resourcing allows, Council could apply for the next round of EPA grant funding to move towards a campaign with an integrated approach for litter prevention.

7. Resourcing and costs

There are a number of costs to be factored in to any plan to move towards Smoke-free and litter free beaches and foreshore areas in Byron Bay.

Depending on the approach, investment may need to be made into some of the following items. Further details to be provided by Open Spaces:

- Signage
- Enforcement and/or Education Officer (engagement of this resource is already underway)
- Grant writing resource
- Irrigation system to improve turf cover in Apex and Denning Parks
- Purchase of Electrical Litter Collectors
- Review of the size and numbers of bins and their location

More about the cost of electrical litter collectors

To increase efficiency there are a couple of mechanical litter collection options on the market. The cheapest type is four stroke petrol powered, can be self propelled (walk behind), and collects litter into a bag. These machines are effective, but noisy. The noise output would be similar to an urban lawnmower. Because the best time to be using these is very early in the morning, the noise is a significant problem. These machines are around \$4,000.

The second type of machine is an electric vacuum. These are both quiet and efficient, but expensive at around \$36,000.

PRO VAC LITTER VACUUM



- ✔ "Industry-leading suction. Top in airflow for the past 20 year.
- ✔ Large collection capacity 281.9 Litre
- ✔ Low 40" unit height allows for clear visibility over the machine/strong>
- ✔ Nozzle height automatically adjusts
- ✔ Self propelled (model dependent)

[Pro Vac Litter Vacuum Brochure](#)

[Pro Vac Self Propelled Litter Vacuum Brochure](#)



GLUTTON 2411 ELECTRIC



- ✔ Battery powered 48 volt
- ✔ Self propelled urban vacuum litter collector with electric transmiss
- ✔ Zero emission
- ✔ 50 dba. Quiet !
- ✔ Up to 10 hours run time depending on VSP
- ✔ 125mm carbone fibre suction pipe
- ✔ 1 micron dust filter

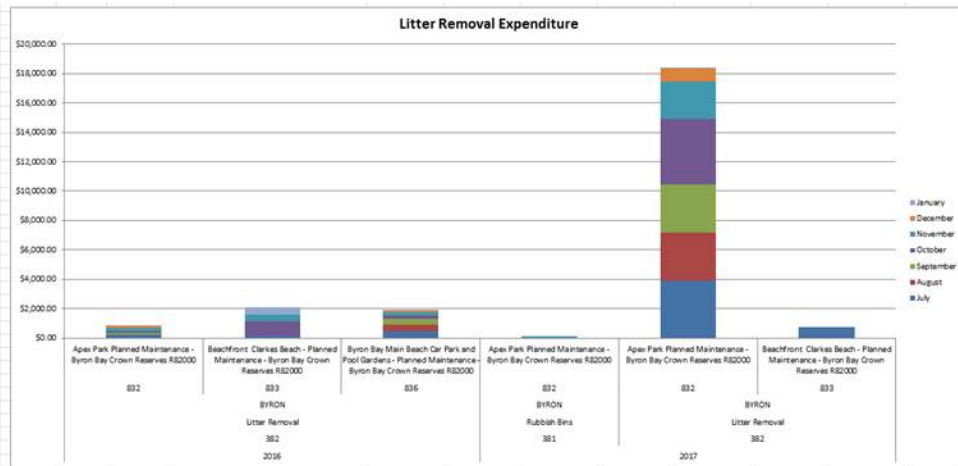
[Glutton 2411 Hot Point Diagram](#)

[Glutton 2411 Brochure](#)

The negative of the vacuums is that they will also intake sand. The turf cover is very poor in Apex and Denning parks, so the underlying sand is unprotected and will easily be sucked into the vacuum.

If the turf cover was thick and healthy, much small litter would be getting collected when the mowing was undertaken. Current mowing programs it would be possible to run a vacuum over the park removing small litter quickly and efficiently.

Litter Removal Expenditure (provided by Resource Recovery)



Total	Posting Year	Task Code	Task Description	Locality	Work Order	Work Order Description	Posting Period	July	August	September	October	November	December	January	Grand Total
2016		382						\$848.58	\$454.39	\$480.45	\$1,347.75	\$912.01	\$245.15	\$530.37	\$4,818.70
			Litter Removal					\$848.58	\$454.39	\$480.45	\$1,347.75	\$912.01	\$245.15	\$530.37	\$4,818.70
				BYRON				\$848.58	\$454.39	\$480.45	\$1,347.75	\$912.01	\$245.15	\$530.37	\$4,818.70
		832	Apex Park Planned Maintenance - Byron Ba					\$240.53	\$18.03	\$76.38	\$107.39	\$265.46	\$119.93	\$0.00	\$827.72
		833	Beachfront Clarkes Beach - Planned Maint					\$155.57	\$0.00	\$4.59	\$974.36	\$437.39	\$24.00	\$518.47	\$2,114.38
		836	Byron Bay Main Beach Car Park and Pool Gt					\$452.48	\$436.36	\$399.48	\$266.00	\$209.16	\$101.22	\$11.90	\$1,876.60
2017								\$4,626.20	\$3,286.37	\$3,299.37	\$4,414.94	\$2,698.18	\$904.56	\$18.05	\$19,247.67
		381						\$0.00	\$0.00	\$0.00	\$0.00	\$118.25	\$0.00	\$0.00	\$118.25
			Rubbish Bins					\$0.00	\$0.00	\$0.00	\$0.00	\$118.25	\$0.00	\$0.00	\$118.25
				BYRON				\$0.00	\$0.00	\$0.00	\$0.00	\$118.25	\$0.00	\$0.00	\$118.25
		832	Apex Park Planned Maintenance - Byron Ba					\$0.00	\$0.00	\$0.00	\$0.00	\$118.25	\$0.00	\$0.00	\$118.25
		382						\$4,626.20	\$3,286.37	\$3,299.37	\$4,414.94	\$2,579.93	\$904.56	\$18.05	\$19,129.42
			Litter Removal					\$4,626.20	\$3,286.37	\$3,299.37	\$4,414.94	\$2,579.93	\$904.56	\$18.05	\$19,129.42
				BYRON				\$4,626.20	\$3,286.37	\$3,299.37	\$4,414.94	\$2,579.93	\$904.56	\$18.05	\$19,129.42
		832	Apex Park Planned Maintenance - Byron Ba					\$3,887.79	\$3,286.37	\$3,299.37	\$4,414.94	\$2,579.93	\$904.56	\$18.05	\$18,391.01
		833	Beachfront Clarkes Beach - Planned Maint					\$738.41	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$738.41
Grand Total								\$5,474.78	\$3,740.76	\$3,779.82	\$5,762.69	\$3,610.19	\$1,149.71	\$548.42	\$24,066.37

8. Funding sources

There are a number of potential funding sources, the most prolific being the NSW Environmental Protection Authority grant system. The EPA has provided grants to local government under the EPA Council Litter Prevention Grants Program since 2014.

Litter grants are funded by the five-year \$465.7 million *Waste Less Recycle More* initiative. They support local councils to deliver litter prevention projects that answer their community needs. These projects play an important role in achieving long-term goals for litter reduction in NSW.

Grant projects apply an integrated approach to litter prevention, using education, enforcement, better infrastructure and evaluation tools. Grants use the EPA's Local Litter Check to measure results and Hey Tosser! Litter campaign materials to education the community (though you don't have to use these if you have your own campaign materials).

The EPA has a current litter grant round in implementation – due to finish in 30 May, 2017. Some of the recent grant winners include the following projects

outlined below. These are not dissimilar to the type of projects BSC might consider seeking funding for (and it is good to see the amounts of funding being awarded – as a guide):

Queanbeyan-Palerang Regional Council	\$87,575	Clean waterways in Jerrabomberra This Project aims to tackle litter at specific sites around Lake Jerrabomberra in order to stop litter entering into the waterways. The Project will develop partnerships with community groups to run education and awareness campaigns, information workshops, and sponsored-clean up days. An enforcement blitz will be conducted by rangers. Hey Tosser campaign material will be displayed in Jerrabomberra Commons and the community centre, and brochures distributed to residents. Eight new eco bins with photographic panels will be installed at hot spots as well as drainage grates to ensure rubbish does not enter waterway.
Randwick City Council	\$125,000	Litter Campaign This project will target litter at foreshore and car parks at Maroubra and Coogee beaches. The project will undertake site clean-ups at project inception, installation of signage along bin cages, railings and walkways leading to sites. Face-to-face engagement of site users as well as ranger engagement will increase during the weekends to promote campaign messages. The campaign will also be promoted through existing council communication channels, bus stops and local newspapers.
Waverley Council	\$92,000	Bondi Unwrapped This project proposes to purchase an on-street bin cleaner to enhance the appearance of bins to encourage users to correctly dispose of waste. The project will also strategically install butt bins at hot spot locations. Hey Tosser campaign messaging will be used at hot spot sites, and rangers will undertake education within the community about littering. The Project will continue work already started, promoting the community to report litterers.

The EPA advised (via email) that while they have not set firm dates for the next rounds they are thinking of the following dates:

Stage 3 - Litter Implementation Program (Delivered through regional Waste groups) – opening August 2017 / Implementation beginning November 2017

Round 4 – Individual Council Litter Grants - opening October / implementation beginning January 2018.

The following is information about current and preceding funding rounds:

<http://www.epa.nsw.gov.au/wastegrants/council-litter.htm>

Round 1: NSW EPA Council Litter Prevention Grants

Amount awarded: \$402,630

Status: Completed 2014-15

Round 2: NSW EPA Council Litter Prevention Grants

Amount awarded: \$2.29 million

Status: Completed: 2014-2015

Round 3: NSW EPA Council Litter Prevention Grants

Amounts awarded: \$1.29 million

Status: Closed – Implementation July 2016 - June 2017

Litter-Regional Implementation Program

Amount awarded: Stage 1. \$300,000 / Stage 2. \$1.2million

Status: Closed – Implementation July 2016 - June 2017

EPA Campaign results

In 2016, Round 1 Councils achieved an average reduction in litter in targeted sites of 68%.

Round 2 Councils achieved an average reduction in litter in targeted sites of 60%.

Round 3 aims to build on the previous program's success to support councils to meet local and state priorities for litter.

9. Where to next

There is a strong imperative, from a community health and litter management perspective, to move ahead with the following actions:

Enact Council's existing 'Smoke-free Outdoor Areas Policy' (or review and update this policy) and invest in signage and enforcement resourcing.

Consider the development of an overarching policy for litter reduction, which could include enforcement of the 'Smoke-free Outdoor Areas Policy' as well as Council's Dumping Action Plan and a new education campaign to enforce the anti-litter messages.

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10. Appendices

Appendix A

The Cape Byron Marine Park is one of only six marine parks in NSW declared and managed under the Marine Estate Management Act 2014 by NSW Department of Primary Industries. It is a precious natural environment that attracts visitors and supports tourism activities and businesses: including whale watching tours, kayaking, snorkelling and diving to name a few.

It was established in November 2002 and its zones and management rules commenced in May 2006. It covers 37km along the shoreline that extends from the Brunswick River to Lennox Head, conserves many subtropical marine habitats which support high levels of biodiversity including some threatened and protected species. It is one of only six marine parks in NSW.

Locally-based not-for-profit group, Positive Change for Marine Life, launched a SMOKE-FREE BYRON BEACHES campaign last year and have been undertaking a Litter Ambassador Program, working with Byron Shire Council. The Litter ambassador group collected litter from Apex Park and along the Byron beach foreshore (on Saturday and Sundays only from 3pm to 7pm from April-Dec 2016). On these two days a week (so 104 days over the year) they picked up 7936 litter items in total. Of this number 4,765 of them were cigarette butts, 1,220 plastic items, 689 metal items and 90 foam items.

On their website, Positive Change for Marine Life say they've collected a total estimated 400,000 pieces of debris from the beaches of Byron Bay since 2012. "We've decided that enough is enough and, with the support of the Byron Bay community we are pushing for SMOKE-FREE BYRON BEACHES to mitigate this issue and work with the Byron Shire Council to implement a shire wide enforceable ban that protects our ocean and ensures healthy coastlines for tourists and locals alike!"

Positive Change for Marine Life quote a 2011 published study on the U.S. National Center for Biotechnology Information's website titled *Toxicity of cigarette butts, and their chemical components, to marine and freshwater fish*. This study revealed a number of findings including:

Cigarette butts are the most common form of litter in the world, as approximately 5.6 trillion cigarettes are smoked every year worldwide.¹ Cigarette waste constitutes an estimated 30% of the total litter (by count) on US shorelines, waterways and on land (LitterFreePlanet, 2009). In fact, cigarette butts are the most common debris item collected along waterways during the Ocean Conservancy's yearly International Coastal Cleanup.

In summary, cigarette butts can take up to 5 years to break down in seawater. Birds and aquatic animals can mistake the butts as food, resulting in serious digestive problems that may lead to death. Butts have been found in the stomachs of young birds, sea turtles and other marine creatures.

Another serious concern is that toxic chemicals such as lead and cadmium, which are trapped in the cigarette filter, can leach out in water. Within just one hour of contact with water, the chemicals begin to leach into the aquatic environment and threaten the wellbeing of marine life.

Source: www.cleanup.com.au

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Appendix B

Smoke-Free Environment Act under the Tobacco Legislation Amendment Act 2012

On October 13, 2011, Byron Shire Council adopted its own Smoke-Free Outdoor Areas Policy (11/010) [Res 11-801]. This was prior to the State Government amending the Smoke-Free Environment Act under the Tobacco Legislation Amendment Act 2012 to cover all of NSW.

Within this legislation, the following section applies for the purposes of this report (but the full Act can be viewed in Appendix 1):

6A Smoke-free areas—outdoor public places

- (1) An outdoor public place is a smoke-free area for the purposes of this Act if it is any of the following places (or part of any of those places):
- (a) a place that is within 10 metres of children's play equipment but only if the children's play equipment is in an outdoor public place,
 - (b) a swimming pool complex,
 - (c) an area set aside for or being used by spectators to watch an organised sporting event at a sports ground or other recreational area, but only when an organised sporting event is being held there,
 - (d) the platform of a passenger railway or light rail station,
 - (e) a ferry wharf,
 - (f) a light rail stop (with light rail stop to include any area where persons queue or gather when waiting at a light rail stop),
 - (g) a bus stop (with bus stop to include any area where persons queue or gather when waiting at a bus stop),
 - (h) a taxi rank (with taxi rank to include any area where persons queue or gather when waiting at a taxi rank),
 - (i) a place that is within 4 metres of a pedestrian access point to a building (as provided by subsection (2)),
 - (j) a commercial outdoor dining area,
 - (k) a place at a public hospital, health institution or health service under the Health Services Act 1997 that is designated as a smoke-free area by a by-law or regulation under that Act and notified by signs displayed in, or at an entrance to, any such area,
 - (l) any other outdoor public place that is prescribed by the regulations as a smoke-free area.

Council's Policy (11/010) included the banning of smoking on patrolled beach areas, but required signs be installed to allow enforcement under s632 of the Local Government Act 1993.

There was no funding for installation of signs, so none were installed, according to Byron Shire Council's Solicitor Ralph James.

"In adopting the Council Policy, there was no definition of the areas that could be restricted under s632, making enforcement problematic and requiring that another report to Council was needed for the enforcement of specific areas.

No budget and a general corporate decision at the time not to progress this meant that it went no further.

It is the unfortunate part of the above Smoke-Free legislation that only NSW Health appointed officers can enforce the "Smoke-Free" Act.

Council can still proceed to define restricted areas under the Byron Policy, and sign post and enforce using s632 of the Local Government Act. The penalties are not that strong unfortunately under the LGA."

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Appendix C

Confusion over enforcing smoking bans on Queensland beaches

Jeremy Pierce, Gold Coast Bureau, The Courier-Mail

January 3, 2015 10:00pm

IT'S been illegal for years, but actually enforcing smoking bans on our beaches seems a bit of a drag.

With new laws introduced this week banning smoking outside public areas including schools and hospitals, attention has again turned to smoking on the serene sands of our beautiful beaches.

The previous Labor State government introduced laws banning smoking between the beach flags five years ago, but not a single Queensland council is actively enforcing it.

On the Gold Coast, which boasts the state's busiest beaches, *The Sunday Mail* had little trouble spotting smokers lighting up between the flags.

None were punished.

Lifeguards and volunteer lifesavers said they occasionally spoke to smokers if someone complained, but admitted they were powerless to actually stop them.

The issue has caused a sand fight between councils and the State Government.



People smoking between the flags in Surfers Paradise. Pic by Luke Marsden.

A Gold Coast City Council spokesman said the enforcement of beach smoking bans was best left to the same Queensland Health officers who would oversee smoking laws in other public areas such as sports stadiums and shopping centres.

"The city has given due consideration to this matter on several occasions however has reaffirmed its position that smoking regulation and enforcement is best managed by Queensland Health," he said.

"Doubts over how effectively it can be enforced, have not provided the city with a sufficient basis to justify its involvement."

Non-smoking beachgoers such as Angela Slink would like to see the law enforced.

“You look at all the places now where you can’t smoke, so why should they be allowed to smoke in front of families and little kids at the beach?” she said.

“There’s miles of beach on the Gold Coast so I’m sure they can find a little spot further on where their smoking won’t be bothering anyone.

“And it’s not just the act of smoking because most of them also just grind their cigarette butts into the sand and walk away. It’s disgusting.”

Source: <http://www.couriermail.com.au/news/queensland/confusion-over-enforcing-smoking-bans-on-queensland-beaches/news-story/53fcdca148816186c731f6682e4fc87b>

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