



# City of Sydney Policy for the Distribution of Printed Matter and Other Material on Footways



November 2008



# Table of Contents

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<b>1. Introduction</b>	<b>1</b>
1.1 Citation	1
1.2 Land to which this Policy applies	1
1.3 Objectives	1
1.4 Relationship to other plans, policies and documents	1
1.5 Date of adoption and commencement	1
1.6 Application of provisions	3
1.7 Permitted activities	3
1.8 Required approvals	3
1.9 Handbills	3
1.10 Concurrent consideration and issue of approvals	3
1.11 Fees to occupy the public road	4
1.12 Distribution of food or drink samples	4
<b>2. Provisions</b>	<b>4</b>
2.1 Distribution limited to footpath area	4
2.2 Making an application	4
2.3 Maintaining the effectiveness of the public footway	4
2.4 Maintaining the general amenity of the public footway	5
2.5 Maintaining the amenity of adjacent premises	5
2.6 General cleanliness	5
2.7 Minimisation of waste and sustainable use of resources	5
2.8 Facilities and servicing	5
2.9 Advertising material	6
2.10 Cumulative impacts	6
2.11 Competitive applications/proposals	6
2.12 Time-limited consents and approvals	6
2.13 Protection of Council-owned property	7
2.14 Public liability insurance	7
2.15 Termination of permits	7
<b>3. Obligation to maintain the public safety and convenience of the roadway.</b>	<b>7</b>
Schedule 1: Categories of distribution activity and required conditions of operation and approval.	8
Figure 1 Area to which this policy applies	2
Figure 2 Plan of the Sydney Central Business District	9



## 1. Introduction

The City may permit the use of the public footway for the distribution of publications, other like printed matter, and other materials of a promotional nature as being consistent with the public nature of roadways provided:

- (i) the convenient, safe and efficient operation of the footway for pedestrian movement is maintained as its primary function;
- (ii) the distribution activity does not involve any sale (except where Council considers the exchange of money to be a contribution or donation for a not for profit social welfare, charitable, political or community-based activity); and
- (iii) the procedures listed in Schedule 1 are followed.

The City will also allow certain structures in conjunction with this use provided additional criteria as listed in Schedule 1 are met.

### 1.1 Citation

This Policy is known as the *City of Sydney Policy for the Distribution of Printed Matter & Other Material on Footways*.

### 1.2 Land to which this Policy applies

This Policy applies to all land within the City of Sydney (see Figure 1).

### 1.3 Objectives

The objectives of this Policy are to:

- (i) allow the use of the public roadway for activities associated with freedom of speech and community welfare as long as these do not compromise the effectiveness and amenity of footways as thoroughfares;
- (ii) set out the need or otherwise to obtain approval from the Council for the distribution of publications, other like printed matter, and other materials of a promotional nature on Council's footway; and
- (iii) establish criteria to ensure that distribution activity:
  - (a) is secondary to maintaining the effectiveness of the footway for pedestrian movement;
  - (b) maintains sufficient footpath area for pedestrian movement; including the needs of pedestrians with disabilities;
  - (c) causes minimum interruption to other street activities;
  - (d) maintains the general amenity and ambience of localities;
  - (e) does not restrict access to adjacent premises; and
  - (f) maintains an environment that is clean and safe.

### 1.4 Relationship to other plans, policies and documents

- This Policy should be read in conjunction with the relevant Local Environmental Plan applying to the land.
- Separate policy documents exist in respect to the establishment, on the footpath, of seating related to restaurant activity, and the display of goods related to adjoining shops and advertising and signage structures not associated with distribution activities.



Figure 1 Area to which this policy applies

## 1.5 Date of adoption and commencement

Date of adoption: 24 November 2008

Date of commencement: 15 December 2008

## 1.6 Application of provisions

- These provisions apply to new proposals and to existing operations which do not have approval and as such may need to apply for approval.
- These provisions apply to distribution activities on land which is public roadway.
- These provisions may also be used to assess proposals on other land for which Council has responsibility such as community land or Crown Reserve.

## 1.7 Permitted activities

- The activity is limited to the distribution, by hand and without sale, of:
  - (i) publications or other like printed matter; and
  - (ii) other materials of a promotional nature.
- Notwithstanding the above Council will allow the exchange of money as a contribution or donation where it is associated with a distribution activity for the purpose of a not-for-profit social welfare, charitable, community-based or political activity or organisation.
- The distribution activity is not to involve direct approaches to the annoyance of pedestrians.
- Small structures, as nominated in this Policy, can be used in conjunction with distribution activities
- Permitted distribution activities are to operate in accordance with the provisions of this policy.

## 1.8 Required approvals

- Depending on circumstance, approval may be required under the *Environmental Planning and Assessment Act 1979*.
- If a structure is proposed, an additional approval under the *Roads Act 1993* is required unless already specifically given by this Policy.
- Schedule 1 lists the circumstances under which approval is required.

## 1.9 Handbills

For the purposes of this Policy, a handbill:

- (i) can be of any size, content and number of pages provided the exemption criteria stated above are achieved, and can include material commonly known as a newsletter or news-sheet; and
- (ii) does not include material commonly known as a newspaper.

## 1.10 Concurrent consideration and issue of approvals

- If more than one approval is required, the Council may consider each required application and may issue any consent and/or approval concurrently.

### **1.11 Fees to occupy the public road**

- The Council may charge a fee for the use of the footway.
- The fee will be as determined by the Council from time to time in its Schedule of Fees and Charges.
- This Schedule may provide for a nil fee where an activity is carried out for a not for profit social welfare, charitable, political or community-based activity.
- This Schedule also includes the cost of any short-term 'Hirer's Liability' insurance cover if required to be obtained from Council to meet the requirement that public liability insurance must be held where a structure is proposed in conjunction with Category 'A' distribution activities.

### **1.12 Distribution of food or drink samples**

- Applicants wishing to distribute material containing food or beverages are advised to contact the Council's Health Unit in respect to any applicable health regulations.

## **2. Provisions**

### **2.1 Distribution limited to footpath area**

- Distribution activities are to be limited to the public footway (ie. the footpath, not on the carriageway of the road).

### **2.2 Making an application**

- Applications are to include, as applicable depending on the nature and the scale of the proposal:
  - (i) nomination of the location(s) of the proposed activity. Generally this should include a plan, at scale and also include the location of:
    - (a) other physical features in the immediate area; and
    - (b) any other activities on the footway as approved by the Council, such as other distribution locations, outdoor dining facilities, and the display of goods (based on information available from the Council);
  - (ii) the days and times within which the activity is to take place;
  - (iii) the number of distributors proposed at each location;
  - (iv) the type, size and intended number of materials to be distributed;
  - (v) the design of any associated structure;
  - (vi) the design of any associated signage; and
  - (vii) details of how the distribution point is to be serviced and how other requirements nominated in this Policy are to be achieved and maintained.

### **2.3 Maintaining the effectiveness of the public footway**

- All distribution activity is to be secondary to maintaining the effectiveness of the footway for pedestrian movement.
- A minimum of two (2) metres width is to be maintained for pedestrians clear of all other obstructions.

- Where an existing clear line of passage is available along the building line, this is to be maintained by establishing the two (2) metres clear width from that line.
- In areas where there is a large volume of pedestrians, a greater clear width for pedestrians may be required and/or it may be appropriate to not allocate any area to the proposed distribution activity.
- Potential impact is to be minimised by:
  - (i) locating the activity as far as possible in 'shadow' areas of columns, furniture etc where pedestrian flow is least; and
  - (ii) reducing the area required for the activity to the bare minimum.

## 2.4 Maintaining the general amenity of the public footway

- Notwithstanding any dimensional and other physical locational requirements, the activity is to be consistent with the general public amenity and ambience of the immediate area. For example, a distribution location may not be appropriate near public seating, near outdoor seating related to a restaurant, and/or in a ceremonial area.

## 2.5 Maintaining the amenity of adjacent premises

- The distribution activity is not to hinder, physically or otherwise, access from the footpath to adjacent shops or other premises.

## 2.6 General cleanliness

- The distributor is to be generally responsible for ensuring the distributed material does not become litter, which is an offence under the *Protection of the Environment Operations Act 1997*.
- The distributor is to collect all distributed material that has been discarded within a radius of 15 metres from the distribution point.
- Printed matter consisting of multiple sheets must be stapled or otherwise bound to prevent the possibility of separate pages creating additional litter problems.

## 2.7 Minimisation of waste and sustainable use of resources

- All material is to be protected from spoiling from the weather or other circumstance.
- Un-used material and collected discarded material is to be re-cycled.

## 2.8 Facilities and servicing

- The activity is not to involve any structure that is permanent.
- Preference will be given to activities that do not involve any structure.
- Where a structure is proposed to assist the distribution activity:
  - (i) it is to be small-scale;
  - (ii) it can only be present for the duration of the activity and is to be stored away from the road at the completion of the activity; and
  - (iii) it is to be positioned and/or designed such that they are stable, including in wind gusts, and will minimise injury if hit by a pedestrian.

- The applicant is to demonstrate that all servicing, including the removal of temporary structures, can be carried out in a legal manner.
- Structures are to be located so that:
  - (i) a clear 2m pedestrian path of travel is maintained adjacent to the building line at all times;
  - (ii) pedestrians are not forced onto the roadway; and
  - (iii) they do not impede sight distance for vehicles exiting driveways, around bends, at intersections or any other location where visibility could be restricted for pedestrians and vehicles within the road reserve.

## 2.9 Advertising material

- There is to be no free-standing advertising.
- Any advertising associated with the activity is to be limited to:
  - (i) signage relating to the distributed material and placed on any approved structure provided to assist the distribution activity; and
  - (ii) signage incorporated as an integral part of the clothing of distributors.
- There is to be no third-party advertising.

## 2.10 Cumulative impacts

- When considering an application, the Council will assess the cumulative impact of the proposal on the functioning of the footway from:
  - (i) the proposal; and
  - (ii) any other existing and/or proposed footway activity.

## 2.11 Competitive applications/proposals

- It may occur that the City will receive more than one application to carry out a similar or different type of footway activity in the same position or locality, and
  - (i) individually those applications are potentially acceptable in terms of these provisions, but
  - (ii) it would not be possible to carry out each proposal due to cumulative impact or because use of the same footway area is being sought.
- In such situations the City:
  - (i) may not issue a permit or give development consent to any of the applications; and
  - (ii) will offer applicants the opportunity to put forward amended proposals that would address any conflict or overlap or cumulative impact.

## 2.12 Time-limited consents and approvals

- In order to ensure the appropriateness of any consent and/or approval for long-term distribution of printed matter or other material is regularly reviewed, consents and/or approvals will be limited in duration to a period of 18 months.
- The operators of any consent and/or approval may lodge new applications for consideration by the Council.

- Where these applications coincide with applications for similar proposals by others, the process of dealing with competitive applications/proposals as detailed in Section 2.11 will apply.

### **2.13 Protection of Council-owned property**

- The activity, including any associated structures and servicing arrangements is not to damage the surface of the footway or any other Council property.

### **2.14 Public liability insurance**

- Operators of distribution activities involving a structure are to maintain a Public Liability Insurance policy to a minimum value of \$10 million.
- Where a structure is proposed in conjunction with the distribution of handbills and the distributor does not hold their own public liability insurance, a short-term 'Hirer's Liability' cover may be able to be obtained from Council (on the basis of a fee as established in Council's Schedule of Fees and Charges).

### **2.15 Termination of permits**

- Any approval under the *Roads Act 1993* may be terminated at any time if the City considers the distribution operation generates excessive disruption or waste.
- This is notwithstanding that an activity may have a valid development consent, or may not require development consent because it is 'exempt development'.

## **3. Obligation to maintain the public safety and convenience of the roadway.**

**3.1** The *Roads (General) Regulation 2000* provides (amongst other matters) that a person must not:

- (i) place on a road anything that is likely to injure any person or damage any vehicle; or
- (ii) place on a road anything that is likely to restrict or endanger the use of a road by the public or interfere with public convenience; or
- (iii) allow to escape onto a road any liquid or any loose or waste material.

**3.2** The *Summary Offences Act 1988* provides (amongst other matters) that a person shall not, without reasonable excuse (proof of which lies on the person), wilfully prevent the free passage of a person or vehicle in a public place.

**Schedule 1: Categories of distribution activity and required conditions of operation and approval.**

	Distribution activity (no associated structure)		* Where a structure is also proposed	
	Conditions of operation	Application required	Additional conditions	Application required
<p><b>Category 'A'</b> Random distribution of handbills. (Throughout the Local Government Area)</p>	<ul style="list-style-type: none"> <li>Nothing placed on the roadway without approval (if required) *</li> <li>No selling</li> <li>No third-party advertising</li> <li>Any advertising to be part of person's clothing</li> </ul>	<ul style="list-style-type: none"> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> </ul>	<ul style="list-style-type: none"> <li>One A-frame board and/or table only</li> <li>For election or community-based activity only (not commercial activity)</li> <li>Not in the CBD (except for election and pre-polling days)</li> <li>For &lt; 40 days over a year.</li> <li>Complies with section 2.8 of this Policy</li> <li>Public risk insurance for \$10 million held.</li> </ul>	<ul style="list-style-type: none"> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> <li><i>Roads Act 1993</i> – NO</li> </ul> <p>[Note an application is required if a structure does not meet the 'conditions of operation'].</p>
<p><b>Category 'B'</b> Distribution of newspapers, other printed matter (not in other categories) and other materials. (Sydney Central Business District – see Figure 2)</p>	<ul style="list-style-type: none"> <li>Nothing placed on the roadway without approval *</li> <li>No selling</li> <li>No third-party advertising</li> <li>Any advertising to be part of person's clothing</li> <li>No harassment of individuals by direct approach</li> </ul>	<ul style="list-style-type: none"> <li><i>Environmental Planning &amp; Assessment Act 1979</i> –</li> <li>(i) NO, if &lt; 40 days over a year (ie. is a 'temporary use')</li> <li>(ii) YES, if &gt; 40 days over a year (ie. is not a 'temporary use', but 'normal' development)</li> </ul>	<ul style="list-style-type: none"> <li>Design and placement to be acceptable to Council (assessed as part of approval process)</li> <li>To be temporary only</li> <li>Accompanied by an attendant at all times</li> </ul>	<ul style="list-style-type: none"> <li><i>Roads Act 1993</i> - YES</li> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO, if for &lt; 40 days over a year.</li> </ul>
<p><b>Category 'C'</b> Distribution of newspapers, other printed matter (not in other categories) and other materials. (Throughout the Local Government Area, excluding the Sydney CBD)</p>	<ul style="list-style-type: none"> <li>Nothing placed on the roadway without approval *</li> <li>No selling</li> <li>No third-party advertising</li> <li>Any advertising to be part of person's clothing</li> <li>No harassment of individuals by direct approach</li> </ul>	<ul style="list-style-type: none"> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> </ul>	<ul style="list-style-type: none"> <li>Design and placement to be acceptable to Council (assessed as part of approval process)</li> <li>To be temporary only</li> <li>Accompanied by an attendant at all times</li> </ul>	<ul style="list-style-type: none"> <li><i>Roads Act 1993</i> - YES</li> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO, if for &lt; 40 days over a year.</li> </ul>
<p><b>Category 'D'</b> Distribution activities where also comprising a not for profit social welfare, charitable, political or community-based activity (Throughout the Local Government Area)</p>	<ul style="list-style-type: none"> <li>Nothing placed on the roadway without approval *</li> <li>No third-party advertising</li> <li>Any advertising to be part of person's clothing</li> <li>No harassment of individuals by direct approach</li> </ul>	<ul style="list-style-type: none"> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO</li> </ul>	<ul style="list-style-type: none"> <li>Design and placement to be acceptable to Council (assessed as part of approval process)</li> <li>To be temporary only</li> <li>Accompanied by an attendant at all times</li> </ul>	<ul style="list-style-type: none"> <li><i>Roads Act 1993</i> - YES</li> <li><i>Environmental Planning &amp; Assessment Act 1979</i> – NO.</li> </ul>

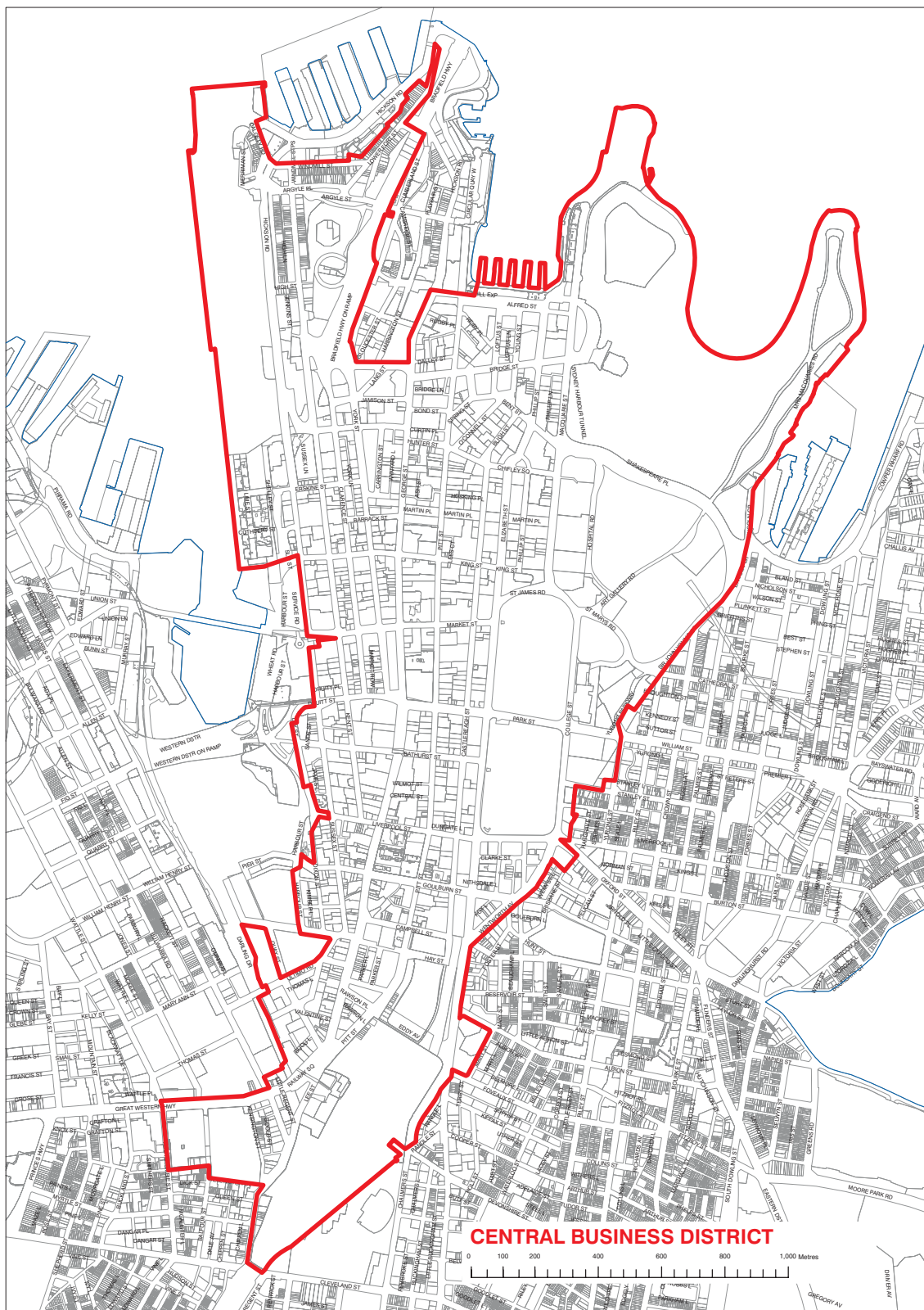


Figure 2 Plan of the Sydney Central Business District