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1 Introduction

This document provides responses to a range of local government enquires as councils respond to changed COVID-19 restrictions in line with public health orders and is for guidance only.

Decisions on whether to open or close a facility or service remains a matter for individual councils. Even if a service or facility is able to remain open, councils should work as far as possible to implement and maintain social distancing requirements and good hygiene practices consistent with NSW Government advice.

For more information please visit the NSW Government and NSW Health websites.

2 Overview of current restrictions

On 1 July 2020 a new [Public Health Order](#) came into effect – the Public Health (COVID-19 Restrictions on Gathering and Movement) Order (No 4) 2020 (the Order). The Order replaced Orders Nos 1-3, which are repealed. **It was last updated on 23 July and includes some measures which took effect on 24 and 25 July 2020, as indicated below where relevant.**

2.1 Recent key changes

Amendments to the Order approved on 23 July 2020 include changes that took effect on 24 July and on 25 July 2020. Those changes that took effect from 25 July are noted below. **Further changes have also been made to a number of COVID-Safety Plan templates, which are not addressed in this guidance.** Key changes to the Order include:

- **since Saturday, 25 July** – a new requirement that the occupier of the following types of premises must be registered with the NSW Government as a COVID-19 Safe Business:
 - crematoria and funeral homes
 - *hospitality venues* (see further below), and
 - places of public worship.

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- a new requirement that the occupier of a place of public worship must ensure that the maximum number of people on the premises is either 100 people or that number that allows 4m² per person, whichever is fewer people,
- a person must not organise, conduct or participate in a *significant event* that is a religious service if the maximum number of people on the premises is 100 people or that number that allows 4m² per person, whichever is fewer people,
- clarifies that, if a person is a responsible person for more than one significant event, he or she may not need to develop a specific COVID-19 Safety Plan for each event – for example, if weddings are held regularly indoors at specific premises, the occupier may have one COVID-19 Safety Plan that applies to all weddings held on the premises,
- Schedule 1 to the Order, which relates to COVID-19 Safety Plans, has been amended:
 - to specify that the following premises and events require COVID-19 Safety Plans:
 - community sporting activities
 - corporate events
 - crematoria and funeral homes
 - funeral and memorial services (and gatherings after these services), and
 - wedding services (and gatherings after these services).
 - includes a new column 3, which states the date of approval of the relevant COVID-19 Safety Plan that must be developed and complied with for specific types of premises (these Plans are subject to change),
- clarification of who is considered a worker engaged on premises and not to be counted in calculating the number of people allowed on the premises (this applies to all premises for which a restricted number of people may be present) (see further below),
- certain new specific measures apply to *hospitality venues*, which includes pubs but also extends to casinos, food and drink premises (such as cafes and restaurants), registered clubs, small bars and microbreweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises. These measures are:
 - **since Saturday, 25 July** - a requirement that, for each hospitality venue, the occupier of the premises must be registered with the NSW Government as a COVID-19 Safe Business,
 - a requirement that the occupier of a hospitality venue ensure, so far as practicable, people on the premises remain seated,

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- a requirement that, for each hospitality venue that has *more than one separate area* (see further guidance below), the occupier of premises must develop, comply with and keep a separate COVID-19 Safety Plan,
- a requirement to have a COVID-19 *Safety Hygiene Marshal* at each premises (or separate area of premises) for which there are more than 250 people in the premises (or area) – a person dressed in distinctive clothing responsible for ensuring the COVID-19 Safety Plan for the venue is being adhered to,
- clarification of the meaning of ‘separate area’ in relation to a hospitality venue (see further below),
- a new requirement that, for an event booking or group on the premises of a hospitality venue, the occupier must ensure that:
 - if the booking or group is for a *significant event* – the booking, reservation and/or group entering the premises does not consist of more people than the maximum number permitted to attend the event under section 14A (see further guidance below), and
 - if the booking or group is for any other event - the booking, reservation and/or group entering the premises does not consist of more than 10 people,
- a requirement that the occupier of premises that are a hospitality venue
 - that consists of a single area - the maximum number of people on the premises is either 300 people or that number that allows 4m² per person, whichever is fewer people,
 - that consists of more than one separate area (see further guidance below) - the maximum number of people on each area of the premises is either 300 people or that number that allows 4m² per person, whichever is fewer people, and
- a requirement that the occupier of each hospitality venue record the contact details of each person entering the premises.
- Certain new specific measures that apply to *significant events*, which includes funerals, memorial services, wedding services and gatherings after these services. These also apply to *corporate events*, which is defined to mean an event, hospitality or social activity that is organised, held or funded by a business or other organisation for staff, clients and stakeholders, and, held on premises that are a function centre. These measures are:
 - for a *significant event* booking or group a person must not organise, conduct or participate in the event if the number of people to attend, or attending the event, is:

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- for a corporate event – 150 people or that number that allows 4m² per person, whichever is fewer people,
- for a wedding service – 150 people or that number that allows 4m² per person, whichever is fewer people,
- for a funeral or memorial service or a gathering following that service – 100 people or that number that allows 4m² per person, whichever is fewer people, and
- for a religious service – 100 people or that number that allows 4m² per person, whichever is fewer people,
- the *responsible person* for a *significant event* must and comply with a COVID-19 Safety Plan and keep a copy of that Plan on the premises during the event and make it available for inspection by an authorised officer or police officer, as requested,
 - the *responsible person* for a *significant event* held in a public park, reserve or garden is the person organising the event or conducting the service (for all other events the responsible person is the occupier of the premises),
- **since Saturday, 25 July 2020**, the responsible person for a *significant event* must be registered with the NSW Government as a COVID-Safe Business before the event is held unless the event is held in a public park, a reserve or a public garden;
- Police officers and other authorised officers under the *Public Health Act 2010* may request inspection of a COVID-19 Safety Plan
- clarification that contact details of people at premises must be provided to the Chief Health Officer as soon as practicable, but no later than 12 hours, after the request is made,
- specify that contact details, of a person who entered premises, means the person's name, their telephone number or email address **and** the time at which the person entered the premises, and
- the COVID-19 Safety Plan template for community sporting activities need not be published on a NSW Government website.

2.2 Premises and activities that are not permitted to open or occur

Importantly, the Order states that a person must not participate in an outdoor public gathering of more than 20 people unless that person or gathering falls within an exception to the rule. Further detail is provided on this requirement below under *outdoor public gatherings*.

The Order also states that no premises may be used for the purpose of a *nightclub*, or, for the purpose of a *music festival* (as defined in the [Music Festivals Act 2019](#)), including a music festival attended by fewer than 2,000 people.

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2.3 Premises and activities that must follow restrictions

The Order provides for restrictions that apply across NSW, including the following two key rules:

1. premises and activities that must have a COVID-19 Safety Plan, and
2. premises and activities with restrictions on numbers of people on premises and in gatherings.

The Order also continues to provide that the Minister for Health and Medical Research directs that an employer must allow an employee to work at the employee's place of residence if it is reasonably practicable to do so.

To ensure compliance with the Order, each council should:

1. identify premises and activities for which they are responsible and those which are regulated by authorised officers of councils
2. identify whether they can open/operate and any restrictions that apply, taking into account key definitions and exemptions, and
3. take steps to comply with those restrictions, including by reviewing relevant COVID-Safe Plans to check for any recent changes.

3. COVID-19 Safety Plans

The occupier of premises of a type listed in Schedule 1 to the Order **must** develop and comply with a COVID-19 Safety Plan. This includes, but is not limited to, the following premises likely to be of interest to councils:

- *caravan parks and camping grounds*
- community sporting activities
- community centres
- *corporate events* and function centres
- *food and drink premises*, food courts, pubs, small bars, registered clubs and markets
- *information and education facilities*, including libraries, museums, galleries and visitor information centres
- public indoor and outdoor swimming pools
- funeral and memorial services and wedding services (and post-service gatherings)

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- indoor recreation facilities, and
- major recreation facilities.

Major recreation facilities means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

3.1 Pubs and other hospitality venues

Since 18 July 2020, pubs have been required to register their COVID-19 Safety Plan with the NSW Government. **Since Saturday, 25 July 2020**, this requirement has also applied to crematoria, funeral homes, places of public worship and hospitality venues (casinos, food and drink premises (such as cafes and restaurants), registered clubs, small bars and microbreweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises.)

Specific measures apply to *hospitality venues*, which includes pubs but also extends to casinos, food and drink premises (such as cafes and restaurants), registered clubs, small bars and microbreweries, small distilleries holding a drink on-premises authorisation under the *Liquor Act 2007* and cellar door premises.

For each *hospitality venue* that has more than one *separate area*, the occupier of premises must develop, comply with and keep a separate COVID-19 Safety Plan for each area.

The Order states that, for a hospitality venue, *separate area* means an area within the venue:

- that is separate from other areas on the premises, and
- that has been designated as a separate area by the occupier of the premises, and
- if food and drink service is provided in the area – that staff providing food and drink are only providing service in that area, and
- that does not allow persons gathering in different areas to mingle.

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The occupier of premises for a *hospitality venue* is also required to have a COVID-19 *Safety Hygiene Marshal* at each premises (or separate area of premises) for which there are more than 250 people in the premises (or area) – a person dressed in distinctive clothing responsible for ensuring the COVID-19 Safety Plan for the venue is being adhered to.

The occupier of premises for a *hospitality venue* is also required to:

- record the contact details of each person entering the premises, and
- **ensure, so far as practicable, people on the premises remain seated.**

For each *hospitality venue*, the occupier of the premises must be registered with the NSW Government as a COVID-19 Safe Business. This applied to pubs since 18 July and also **to all other *hospitality venues* since Saturday 25 July 2020.**

3.2 Community sporting activities

In addition, the Order requires that the organiser of a **community sporting activity** (including training sessions) that involve a gathering of more than 20 participants must develop and comply with a COVID-19 Safety Plan (Plan).

For this purpose, *participants* to be counted include people engaged in the activity, officials and spectators. The Order states that the ‘organiser’ responsible for complying with this requirement is:

- the public officer, for an activity conducted by or on behalf of a registered incorporated association, or
- the Chief Executive Officer, for an activity conducted by any other entity, or
- in all other cases, the person who made the arrangements for the activity.

The Order also requires that a gathering for a community sporting activity involve no more than 500 participants unless an exemption has been issued (see further below). An exemption is currently in place for netball associations, to allow multiple discrete groups of no more than 500 to attend the community sporting activity, under specific conditions as outlined in the [exemption](#).

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To decrease the number of people gathering at events, on 16 July the Chief Health Officer, Dr Kerry Chant, requested that community sporting organisations, **in addition to the requirements of the COVID-19 Safety Plan** for community sports, ensure the following additional steps are promptly incorporated into each COVID-19 Safety Plan;

- ensure processes are in place to exclude participants (including spectators and officials) if they visited Victoria in the 14 days prior
- ensure processes are in place to exclude participants (including spectators and officials) if they have attended any of the reported case locations listed on the [NSW Health website](#)
- if sufficient numbers to field teams cannot be achieved, prioritise delaying the event rather than substituting with people from other teams or from the community
- limiting entry to indoor facilities and fenced venues to one person per participant at junior sport where practical
- restricting spectator entry at adult community sport
- distributing communications to participant databases via e-newsletters, social media and organisations' websites reinforcing that only parents and carers should attend community sports activities where possible
- increasing signage in venue carparks and common entry points at outdoor venues, and
- making PA announcements at venues reminding people to minimise spectators to parents and carers where possible.

3.3 Content and keeping of all COVID-19 Safety Plans

Each COVID-19 Safety Plan must address the matters required by the COVID-19 safety checklist approved for that type of premises by the Chief Health Officer and published on the NSW Government website [here](#). If no checklist has been published for the relevant type of premises, the general checklist that applies to all other industries must be followed.

A copy of the Plan must be kept on the premises and during any relevant event and made available for inspection by an authorised officer or NSW Police officer, if requested.

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4. Numbers of people on premises and in gatherings

Under the Order most premises are required to comply with “the 4m² rule” – this means that the occupier of the premises must not allow persons on the premises if the size of the premises is not sufficient to ensure that there is at least 4m² of space for each person there.

The occupier of premises, or part of premises, means the owner, or any other person entitled to occupy those premises (or part of premises) to the exclusion of the owner.

In calculating the space available for each person on the premises, the following areas are to be **included**:

- for premises with less than or equal to 200m² of floor space – the entire premises, and
- for premises with more than 200m² of floor space – only those areas open to the public.

The following persons are **not to be included** in any space calculations:

- any person engaged in work on the premises for the occupier of premises, including a charity volunteer, or
- if the premises are food and drink premises, any person ordering or collecting food or drink to consume off the premises.

The types of premises set out in the table below **do not** need to comply with the 4m² rule. Further relevant directions in the Order about the number of people allowed on these specific types of premises are also set out for each type of premises.

Exempt premises	Key definitions and relevant, specific directions on numbers of people
a place of residence	See sections 11 and 14 of the Order for further information about visitors, weddings, religious services funerals and memorial services at residential premises.

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hospitality venues	<p>Specific measures apply to <i>hospitality venues</i>, which includes pubs but also extends to casinos, food and drink premises (such as cafes and restaurants), registered clubs, small bars and microbreweries, small distilleries holding a drink on-premises authorisation under the <i>Liquor Act 2007</i> and cellar door premises.</p> <p>For each hospitality venue, the occupier of the premises must be registered with the NSW Government as a COVID-19 Safe Business since 18 July (for pubs) and 25 July (all other venues).</p> <p>The occupier of premises that are a hospitality venue must ensure that:</p> <ul style="list-style-type: none">• for premises that consists of a single area - the maximum number of people on the premises is either 300 people or that number that allows 4m² per person, whichever is fewer people, and/or• for premises that consist of more than one separate area - the maximum number of people on each area of the premises is either 300 people or that number that allows 4m² per person, whichever is fewer people. <p>The Order states that, for a hospitality venue, <i>separate area</i> means an area within the venue:</p> <ul style="list-style-type: none">• that is separate from other areas on the premises, and• that has been designated as a separate area by the occupier of the premises, and• if food and drink service is provided in the area – that staff providing food and drink are only providing service in that area, and• that does not allow persons gathering in different areas to mingle. <p>For an event booking or group on the premises of a hospitality venue, the occupier must also ensure that:</p> <ol style="list-style-type: none">1. if the booking or group is for a <i>significant event</i> – the booking, reservation and/or group entering the premises does not consist of more people than the maximum number permitted to attend the event under section 14A of the Order (see further guidance below), or
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2. if the booking or group is for any other event - the booking, reservation and/or group entering the premises does not consist of more than **10** people.

Section 14A of the Order states that, for a *significant event* booking or group, a person must not organise, conduct or participate in the event if the number of people to attend, or attending the event, is:

- for a corporate event – **150** people or that number that allows 4m² per person, whichever is fewer,
- for a wedding service – **150** people or that number that allows 4m² per person, whichever is fewer,
- for a funeral or memorial service or a gathering following that service – **100** people or that number that allows 4m² per person, whichever is fewer, and
- for a religious service – **100** people or that number that allows 4m² per person, whichever is fewer.

Significant events include funerals, memorial services, wedding services and gatherings after these services. It also includes *corporate events*, which is defined to mean an event, hospitality or social activity that is organised, held or funded by a business or other organisation for staff, clients and stakeholders, and, held on premises that are a function centre.

The *responsible person* for a *significant event* must and comply with a COVID-19 Safety Plan and keep a copy of that Plan on the premises during the event and make it available for inspection by an authorised officer or NSW Police officer, as requested.

If a person is a responsible person for more than one significant event, he or she may not need to develop a specific COVID-19 Safety Plan for each event – for example, if weddings are held regularly indoors at specific premises, the occupier may have one Plan that applies to all weddings held on the premises.

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	<p>The <i>responsible person</i> for a significant event held in a public park, reserve or garden is the person organising the event or conducting the service. For all other events the responsible person is the occupier of the premises.</p> <p>Since Saturday, 25 July 2020, the responsible person for a <i>significant event</i> must have been registered with the NSW Government as a COVID-Safe Business before the event is held unless the event is held in a public park, a reserve or a public garden.</p> <p>Note: A COVID-19 Safety Plan is also required and must be registered with the NSW Government since 18 July for pubs and since 25 July for all other hospitality venues. See section 3 of this guidance above for more information on these Plans and other measures required to be taken at hospitality venues.</p>
<p>a caravan park or camping ground</p>	<p>The Order provides that:</p> <ul style="list-style-type: none"> • a <i>caravan park</i> means land (including a camping ground) on which caravans and/or other moveable dwellings are, or are to be, installed or placed, and • a <i>camping ground</i> means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short-term use, but does not include a caravan park.
<p>a holiday home or short-term rental</p>	<p>The occupier of any premises may not allow those premises to be used for the purpose of a holiday home or short-term rental for more than 20 people unless all of those persons are from the same household.</p>
<p>a major recreation facility</p>	<p>The occupier of a major recreation facility must not allow people, other than people engaged in work (including a charity volunteer), to be on those premises unless:</p> <p>1a - admission to the premises requires a ticket and each person is assigned to a seating area, and</p>

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	<p>1b - the total number of people is either 25% of the premises' capacity or 10,000 people, whichever is fewer</p> <p>OR</p> <p>2a - admission is limited to a maximum number of 500 people, and</p> <p>2b - the size of the premises is sufficient to ensure there is at least 4m² of space for each person on the premises.</p> <p>If a type of premises that is required to have a COVID-19 Plan (such as food and drink premises) is within a <i>major recreation facility</i>, the occupier of those premises must not allow persons to be on the premises unless the size of the premises is sufficient to ensure there is at least 4m² of space for each person.</p>
<p>a gathering at a place of public worship,</p>	<p>The occupier of a place of public worship must ensure that the maximum number of people on the premises is either 100 people or that number that allows 4m² per person, whichever is fewer.</p> <p>Since Saturday, 25 July 2020, the occupier of premises that are a place of public worship, a crematoria or a funeral home must be registered with the NSW Government as a COVID-Safe business.</p>
<p>a gathering referred to in Schedule 2 of the Order</p>	<p>Councils should consult the full list of exempt gatherings in Schedule 2 of the Order. Key gatherings that may be relevant to councils include:</p> <ul style="list-style-type: none"> • a gathering at an office building, farm, factory, warehouse, commercial fishing operation or mining or construction site or on a commercial vessel (excluding vessels providing tours or hosting functions) that is necessary for the normal operation of the tenants of those premises

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	<ul style="list-style-type: none"> • a gathering at a supermarket, market that predominantly sells food, grocery store or shopping centre (but not a retail store in a shopping centre that is not a supermarket, market that predominantly sells food or grocery store) that is necessary for the normal business of that premises • a gathering to provide a service to assist vulnerable members of the public, including, for example, a food bank or a service providing for the needs of homeless persons • a gathering at premises necessary to provide the services of an early education and care facility • a gathering at a disability or aged care facility necessary for the normal business of the facility • a gathering for emergency services purposes, including provision of training by an emergency service, and/or • a gathering at an outdoor space for the purposes of transiting through the place – e.g., at Pitt St Mall
certain vessels.	<p>This includes vessels used for commercial diving and snorkelling tours or for commercial whale, dolphin or marine animal watching tours (Item 27, Schedule 1 of the Order).</p> <p>An exemption is in place under the Order for operators of (non-commercial) recreational vessels, where all persons on the vessel are members of the same household and/or any non-family members maintain a physical distance of 1.5 metres.</p> <p>Note: These types of vessels must have a COVID-19 Safety Plan</p>

4.1 Outdoor public gatherings

The Order states that a person must not participate in an outdoor public gathering of **more than 20 people** unless that person or gathering falls within an exception to the rule. These exceptions are:

- a gathering on premises for which a COVID-19 Safety Plan is required (see above)
- a *community sporting activity* for which a COVID-19 Safety Plan is required (this must involve no more than 500 participants)

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- a gathering listed in Schedule 2 to the Order (noting that these gatherings are also exempt from “the 4m² rule”)
- a gathering of people who are all from the same household
- a gathering for a wedding, funeral, memorial service or a religious service (or a gathering immediately afterwards)
- a gathering to move to a new place of residence or a business moving to new premises
- a gathering to provide emergency assistance to a person or people
- a gathering necessary to allow a person to fulfil a legal obligation
- a gathering of people on real property to enable people to view or inspect that property for the purpose of sale or lease, or
- a gathering of people at a display home or display premises to enable people to view or inspect the home or premises for the purposes of sale or lease of real property.

The number of people to be counted for this purpose at an outdoor public gathering does **not** include:

- any person engaged in work for the occupier of premises, including a charity volunteer, or
- any person providing care or assistance to vulnerable people.

An exemption is in place under the Order for ski resorts, which may operate for winter recreational activities including skiing and snowboarding under specific conditions as outlined in the [exemption](#).

4.2 Significant events that are **not** at a place of public worship

Section 14A of the Order states that, for a *significant event* booking or group, a person must not organise, conduct or participate in the event if the number of people to attend, or attending the event, is:

- for a *corporate event* – 150 people or that number that allows 4m² per person, whichever is fewer,
- for a wedding service – 150 people or that number that allows 4m² per person, whichever is fewer,
- for a funeral or memorial service or a gathering following that service – 100 people or that number that allows 4m² per person, whichever is fewer, and
- for a religious service – 100 people or that number that allows 4m² per person, whichever is fewer.

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Significant events include funerals, memorial services, wedding services and gatherings after these services. It also includes *corporate events*, which is defined to mean an event, hospitality or social activity that is organised, held or funded by a business or other organisation for staff, clients and stakeholders, and, held on premises that are a function centre.

The Order also states that a person must not organise, conduct or participate in a significant event that is a religious service at residential premises if the maximum number of people on the premises is 100 people or that number that allows 4m² per person, whichever is fewer.

The *responsible person* for a *significant event* must and comply with a COVID-19 Safety Plan and keep a copy of that Plan on the premises during the event and make it available for inspection by an authorised officer or NSW Police officer, as requested.

If a person is a responsible person for more than one significant event, he or she may not need to develop a specific COVID-19 Safety Plan for each event – for example, if weddings are held regularly indoors at specific premises, the occupier may have one Plan that applies to all weddings held on the premises,

The *responsible person* for a significant event held in a public park, reserve or garden is the person organising the event or conducting the service. For all other events, the responsible person is the occupier of the premises.

Since Saturday, 25 July 2020, the responsible person for a *significant event* must be registered with the NSW Government as a COVID-Safe Business before the event is held unless the event is held in a public park, a reserve or a public garden.

5. The role of councils

Councils are not responsible for enforcing the Order but are responsible for managing public areas and facilities for which they are responsible. This means that councils are responsible for enforcing closure orders or any conditions placed on use of a public area or facility, even if that is for the purposes of protecting public health. They should work with their Police Local Area Command in implementation of any restrictions.

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It is a matter for each council to determine whether or not to open any outdoor spaces for which they are responsible and any conditions that apply to their use. Councils should exercise caution in applying any additional conditions that are not strictly required to ensure that the Order is complied with. If council applies any further conditions, those conditions must be within council's powers and enforced by council's authorised compliance and enforcement officers.

Councils could consider erecting signage to remind users of community equipment to continue to observe social distancing and gathering advice and to remind them of good health and hygiene practices. Users should maintain social distancing, not go out if they are sick and get tested. NSW Health-approved signage in English and various community languages can be downloaded [here](#).

It is also a matter for each council to determine whether or not to open any sporting grounds and facilities for which they are responsible and any conditions that apply to their use.

5.1 Indoor public facilities

As noted in section 3 of this document, the occupier of premises and events of a type listed in Schedule 1 of the Order must develop and comply with a COVID-19 Safety Plan. This includes, but is not limited to, the following public facilities commonly managed by councils:

- community centres and function centres
- *hospitality venues*
- *corporate events*
- *information and education facilities*, including libraries, museums, galleries and visitor information centres
- public indoor and outdoor swimming pools
- indoor recreation facilities, and
- major recreation facilities.

As the owner/managers of these facilities councils must ensure that they, or any contracted manager of such a facility, are meeting the relevant requirements of the Order, including the 4m² rule and COVID Safety Plan requirements.

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Templates for COVID-19 Safety Plans are available [here](#). Councils should check for updates to these Plans regularly.

Since 23 July 2020, Schedule 1 to the Order has included a new column 3, which states the date of approval of the relevant COVID-19 Safety Plan that must be developed and complied with for specific types of premises (these Plans are subject to change).

5.2 Council and committee meetings

The number of people allowed inside indoor venues will be determined by the ‘one person per 4 square metre’ rule, with no upper limit. This includes council and committee meetings and function centres. All activity must be seated only. An OLG Circular to Councils containing more information can be found [here](#).

5.3 State and local governments partner to ensure businesses are COVID Safe

Councils play a critical role in protecting the community from the transmission of COVID-19 through ongoing engagement and education of the community. The NSW Government is requesting that councils build on this by engaging with businesses that need assistance in complying with COVID-19 Public Health Orders.

The NSW Government has developed the COVID Safe Check app, which provides a way for customers to give feedback in real time to businesses and to regulators for action. The Office of Local Government (OLG) will refer feedback to the appropriate council based on the location of the business.

Councils are asked to review the feedback and respond within available resourcing. Site visits to businesses are likely to be the most effective approach. Where possible, councils are asked to take proactive action by providing information to local businesses even if a complaint has not been received. Ultimately, if a business poses a continuing risk and compliance and enforcement action may be required, councils should refer these matters to NSW Police.

A Circular with more information can be found [here](#). Resources will also be available on the [OLG's COVID-19 webpage](#).

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6. Records and exchanges of information

The Order makes clear that certain people must provide their *contact details* to the occupier of premises if directed to do so by the occupier. This applies to a person:

- entering premises to attend a wedding, funeral, memorial or religious service (or a gathering immediately afterwards),
- consuming food or drink on premises that are food and drink premises, micro-breweries, small distilleries with a drink on-premises authorisation under the *Liquor Act 2007* or cellar doors,
- entering the premises of a casino, and/or
- entering the premises of a pub, a small bar or a registered club (including a racing club as defined in the *Liquor Act*):
 - unless the person enters the premises solely for the purpose of collecting food or drink to consume off the premises.

Since 23 July, *contact details* means the person's name **and** their telephone number **or** their email address **and** the time at which the person entered the premises.

Occupier of premises means the owner, or any other person entitled to occupy those premises (or part of premises) to the exclusion of the owner. If a service is conducted in an outdoor public place, the person conducting or otherwise officiating at the service is taken to be the occupier of the premises for the purposes of records and exchanges of information.

The occupier of premises that are a *hospitality venue* must require **each person** to provide that person's contact details.

The occupier of all other premises must require a person to provide that person's contact details unless:

- the person is a member of a discreet group of people who are attending the premises together, **and**
- the occupier obtains contact details from one adult member of the group (for example, the person who made the booking or reservation).

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The occupier of pubs and other premises must also keep, for at least 4 weeks, a record of all contact details provided to them and, on request, provide the record to the Chief Health Officer as soon as possible and within 12 hours of the request being made.

If a person provides their contact details on as the “one adult member of a group” attending premises (as set out above) he or she must, at the request of the Chief Health Officer, provide that Officer with the name and contact details of all other people in the group, as soon as possible and within 12 hours of the request being made.

7. Further advice and support

A number of State agencies and other organisations have issued specific guidance to support councils and other organisations to comply with the Order or are available to answer questions councils may have. For example:

- The State Library of NSW is working with all NSW public libraries and providing assistance. Please see the State Library's Public Library Services website for details and contacts
- The NSW Food Authority is providing advice and support to councils, including through its Food Regulation Partnership [portal](#) for authorised officers
- Councils may wish to consider guidance and materials such as Sport Australia's Return to Sport [Toolkit](#) or guidelines issued by bodies such as [Sport NSW](#) to assist in their discussions on community sport. These frameworks need to be considered within the context of local conditions, the requirements of Order and any sport specific guidelines and guidance.
- [NSW Health](#) and [Department of Customer Service](#) offer a range of information and tools.
- Councils may also wish to contact the Public Health Unit in their Local Health District for up to date advice.
- In addition, a range of COVID-19 related information and resources are also available from [NSW Planning](#), [Department of Primary Industries](#), [SafeWork](#), the [Water Directorate](#), [Liquor and Gaming](#), and [Fair Trading](#).

Councils are also encouraged to contact their OLG Engagement Manager if they have any further questions.