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## Introduction

This guidance information is provided by the Office of Local Government (OLG) in response to amendments relating to the Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021. The current Order commenced on 16 August 2021.

This information is in response to a range of local government enquires and is provided for guidance only. **Updates in this guidance document (version 16 August 2021) include:**

- Overview of the Public Health Order for Greater Sydney, local government areas of concern and regional and rural New South Wales (NSW).
- Working from home
- Customer record keeping (QR codes)
- COVID testing requirements
- Face mask rules
- Construction sites
- Libraries
- Community sport
- Recreational Facilities
- Financial statements

## Overview of the Public Health Order

The Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order 2021 contains directions on staying at home for all New South Wales (NSW) residents. Rules and restrictions apply for different areas across NSW and can be accessed [here](#).

An overview of some of the reasonable excuses to leave home for Greater Sydney and regional and rural NSW are provided below.

### Greater Sydney

Residents of Greater Sydney (including the Central Coast, Blue Mountains, Wollongong and Shellharbour) can leave home to:

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- shop for essential items within your local government area. Residents can cross into another local government area if it is within 5km of your home and it is not a local government area of concern (unless the food or goods or services or their equivalent are not reasonably available locally).
- go to work if you cannot reasonably work from home, the business is allowed to be opened and comply with relevant rules for COVID-19 tests for Sydney workers.
- exercise and take outdoor recreation within your local government or, if you need to cross into another local government area, stay within 5 km of your home and do not enter a local government area of concern.

For other reasonable excuses please visit [here](#).

#### Local government areas of concern 'declared areas'

- Parramatta, Campbelltown, Georges River, Fairfield, Liverpool, Canterbury-Bankstown, Blacktown, Bayside, Burwood, Strathfield and Cumberland LGAs, along with the suburbs of Caddens, Claremont Meadows, Colyton, Erskine Park, Kemps Creek, Kingswood, Mount Vernon, North St Marys, Orchard Hills, Oxley Park, St Clair and St Marys, are designated as a 'declared area' and residents are subject to an Authorised Workers Order. Only authorised workers in these declared areas may leave their LGA/suburb for work. More information relating to authorised workers can be found [here](#).

Residents of these areas:

- cannot travel more than 5 kms from home for shopping, unless the goods or services are not readily available in that area.
- can leave home to exercise or supervise a child aged 12 or under who is exercising or playing within 5 km of your home.
- must wear masks at all times outside the home regardless of proximity to others.

#### Regional and Rural NSW

Stay at home rules apply to all parts of regional and rural NSW, including those parts of regional and rural NSW which were subject to stay at home rules before 5pm on 14 August 2021. The rules apply to people who live or are temporarily staying in regional and rural NSW. The rules extend to Sunday 22 August 2021. Residents of these areas can leave home:

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- For shopping for essential items residents must stay within their local government area. Residents can cross into another local government area if it is within 5 km from their home (and it is not a local government area of concern unless the food or goods or services are not reasonably available locally).
- to go to work if you cannot reasonably work from home, the business is allowed to be opened and comply with relevant rules for COVID-19 tests for Sydney workers.
- Exercise and take outdoor recreation within your local government or, if you need to cross into another local government area, stay within 5 km of your home.

For other reasonable excuses please visit [here](#).

A permit system to enter regional NSW will be introduced on Saturday 21 August 2021. Travel to regional NSW is only allowed for certain reasons if you have a permit which will be made available on the Service NSW website. The reasons for travel to regional NSW can be found [here](#).

## **OLG Resources and Information**

OLG continues to support the sector through online resources and information sessions. The latest information and resources are provided as follows.

- OLG held a webinar on 17 August 2021 to provide an update and overview of current restrictions. This webinar will be on the OLG website shortly.
- OLG held a webinar for councils on 28 June 2021 to provide information on the latest Order. A recording can be found [here](#). Information on restrictions, including a map of LGAs, can be accessed [here](#).
- OLG also held a webinar for councils on 15 July 2021 about QR Code requirements. A recording can be found [here](#).
- Stay up to date on the latest version of the Public Health Order [here](#).
- For more information please visit the [NSW Government](#) and [NSW Health](#) websites.

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## 1. Council administration buildings, depots and offices

All of NSW are under a requirement to work from home if the employee is reasonably able to do so. Businesses that do not require employees to work from home if they reasonably able to do so face a fine of up to

- \$10,000 for corporations and
- \$2,000 for individuals

If you cannot work from home and you go to your workplace that is allowed to be open, you must wear a face mask.

The NSW Government strongly urges all councils to minimise staff that are not working from home to the maximum extent possible.

### 1.1 Contractors

Councils must make a determination as to whether they consider the work being carried out as essential. Factors to consider include the nature of the work or service and contractual terms. If the work can be delayed without adverse impact on project deliverables, then councils are encouraged to do so.

If councils decide that work cannot be delayed and their contractors are travelling from Greater Sydney or from across regional NSW, councils should implement strategies to minimise risk. This could include consideration of whether those contractors can complete the work without coming into close contact with local staff and generally limiting the interaction and mixing of employees. There is an expectation that such contractors will carry out their work before immediately returning home without mingling with locals.

Where practical, council decisions relating to contractors should be made with a view to minimising the requirement for travel across, from and through Greater Sydney or regional NSW.

Councils are reminded that workers are required to carry a face mask and evidence showing their address and produce that evidence if required to do so by a police officer.

Infrastructure NSW has developed [seven principles](#) for dealing with the impacts of COVID-19 on community infrastructure projects.

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### 1.2 QR codes

To facilitate contact tracing, the Order requires persons entering specified types of premises to register their contact details electronically as well as providing alternative means for persons who cannot register electronically due to age, disability or language issues, or due to internet outages. Further information relating to customer record keeping please visit [here](#).

Councils are required to take reasonable steps to ensure people entering their premises (such as workplaces and depots) check-in using the Service NSW QR codes or digital sign-up sheet. This includes staff and visitors such as maintenance workers and delivery drivers. While many council premises across NSW have adopted and implemented COVID safe plans, including check-in processes, it is a timely reminder for councils check their compliance in light of this mandate. To register to access your COVID Safe resources please visit [here](#) or to find about the changes to the QR code rules please visit [here](#).

### 1.3 Authorised workers

Workers who live in Local government areas of concern can only leave their residence to go to work if:

- they cannot work from home
- the business is allowed to be open
- you are an authorised worker.

Some workers may also require a COVID-19 test to leave their local government area. For more information, please refer to [this list of authorised workers](#) and the [rules for leaving home to go to work](#).

Of particular note to councils are the following categories who are defined to be authorised workers:

- A person employed or engaged to provide services to persons with disability or vulnerable persons.
- Early childhood education and care.
- Biosecurity and food safety personnel undertaking critical duties.
- Electricity, gas, water and waste services described as electricity services, operation of energy systems, gas services, liquid fuels, water supply, sewerage, sanitation and drainage services and waste resource recovery services (including collection, treatment and disposal services).
- Essential services for the maintenance, safety and upkeep of public and recreational spaces.
- Click and collect services

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- A person employed or engaged at a residential aged care facility
- Animal welfare, care and accommodation services
- a person who works on a construction site

Workers from Greater Sydney should be reminded of their [testing requirements](#), which may apply depending on their work and place of residence.

## 1.4 Carpooling in Greater Sydney

In Greater Sydney, you cannot [travel in a vehicle](#) with persons other than members of your own household, and persons over 18 must carry documentation evidence of their address when in a vehicle with another person and provide it to police on request.

This does not apply to vehicles being used:

- to provide public transport.
- for work (e.g. police, ambulance).
- to provide care and assistance to a vulnerable person.
- for an emergency or for compassionate reasons.

## 1.5 Face mask rules

If you cannot work from home and you go to your workplace that is allowed to be open, you must wear a face mask (unless an exemption applies).

In local government areas where the stay at home rules apply (this currently includes all of NSW), when you leave home you must carry a face mask with you at all times. You must wear a face mask:

- when carpooling which includes in council vehicles in which more than one employee is travelling
- at certain outdoor gatherings
- if you are on public transport
- in a major recreation facility such as a stadium
- if you are working in a hospitality venue

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- in indoor and outdoor areas of construction sites, except when an exemption applies such as wearing a face mask creates a safety issue or there is a worksite emergency
- when working in an outdoor area.

NSW Health also advises that, to help stop the spread of COVID-19, masks should be worn at any time that you cannot stay 1.5 metres away from other people. It is required that councils ensure that adequate [physical distancing](#) continues to be maintained. For further information relating to face mask rules please visit [here](#).

For persons who cannot wear a face mask because of a disability, physical or mental health illness or condition, they must carry either:

- a medical certificate or letter signed by a registered health practitioner (such as a doctor) or a registered NDIS provider or
- a statutory declaration.

For all of NSW masks are required in indoor common property areas of residence premises (e.g. lifts and lobbies of apartment blocks).

### 1.6 Construction sites

Work is permitted at construction sites in Greater Sydney (including local government areas of concern) and regional and rural NSW. However, requirements apply to workers at construction sites and occupiers of construction sites.

A construction site is a place at which work, including related excavation, is being carried out to erect, demolish, extend or alter a building or structure, or at which civil works are being carried out, **but not** work carried out on residential occupied dwellings (see below for further information regarding this type of work).

#### Greater Sydney (including local government areas of concern)

Workers from regional NSW or Greater Sydney (but excluding those living in or staying in a local government area of concern) can work at construction sites in Greater Sydney and local government areas of concern.

Workers who live in the local government areas of concern and comply with the COVID-19 vaccination requirements can also work at a construction site in Greater Sydney (including a construction site in a local government area of concern). Further information on requirements for COVID-19 vaccination for workers can be found [here](#).

Construction sites that are permitted to operate in Greater Sydney can have the lesser of:

- 1 person per 4 square metres of space at the construction site; or



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- 50% of the maximum daily workforce. The maximum daily workforce is the maximum number of workers on site on any day from the start to the end of the project. The maximum daily workforce must be derived from the current resourcing plan for the construction site.

For construction workers who live in or are staying in a local government area of concern must not enter or remain at a construction site in Greater Sydney unless they comply with the rules of COVID-19 vaccination requirements.

Any worker whose place of residence is in one of the declared areas must carry the required evidence of compliance with the vaccination requirements when on a construction site and produce it on request to their employer, the occupier, a police officer or authorised officer. There is an obligation on the occupier (including councils) to ensure that the person has the required evidence.

The required evidence is:

- Proof of address, and
- All of the following which apply:
  - Evidence from the Australian Immunisation Register that the person has had 1 or 2 doses of the vaccine
  - Evidence that the person has been tested for COVID
  - Medical certificate showing the medical contraindication

A COVID-19 Safety Plan is mandatory for construction on any site that is not an occupied residence in Greater Sydney.

To mitigate delays incurred due to COVID-19, worksites in Greater Sydney will be able to operate on Sundays and public holidays for the remainder of the year, up until Christmas.

## Regional and Rural NSW

Only workers from regional and rural NSW or Greater Sydney but excluding those living in or staying in a local government area of concern can work at construction sites in regional and rural NSW.

Greater Sydney workers who are authorised to travel to work at construction sites more than 50km outside of Greater Sydney must adhere to testing requirements. COVID-19 test for Sydney workers can be found [here](#).

Workers from a local government area of concern cannot work at a construction site in regional and rural NSW.

Workers at a site in regional NSW who are living in or staying in Greater Sydney must adhere to the testing requirements.

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Construction sites that are permitted to operate in regional and rural NSW can have the greater of either 1 person per 4 square metres at the site or a maximum of 25 persons at the site at any one time.

A COVID-19 Safety Plan, while mandatory in Greater Sydney, is still strongly recommended for all construction sites in NSW.

For further information relating to the COVID-19 Safety Plan please visit [here](#) and for changes to surveillance testing please visit [here](#).

Infrastructure NSW have a comprehensive list of FAQs [here](#).

### Residential occupied dwellings

All work, including *prescribed work*, in residential occupied dwellings in Greater Sydney is permitted (outside of declared areas) and is limited to two workers on site for indoor works and five workers for outside works. There must be no contact between workers and occupants. *Prescribed work* is renovation (alterations or additions), repair, maintenance or cleaning work. This includes maintenance services such as gardening, swimming pool, and pest control services. Prescribed work does not include renovations at unoccupied homes. The rules for construction applies to renovations at unoccupied homes.

For declared areas, work in residential occupied dwellings is only permitted where the work is *prescribed work that is necessary*. Prescribed work will be necessary if it is:

- urgent to ensure the health, safety, or security of the premises or household
- an emergency
- for the installation, maintenance and repairs of essential utilities, including a water, gas, electricity, internet, television or telecommunications service
- for fire protection and safety.

Prescribed work is necessary if it is repairs, maintenance or cleaning (but not renovations) to prepare an unoccupied place of residence for sale or lease.

For further information on work permitted in residential occupied dwellings, visit the NSW Government website [here](#).

### **1.7 Construction supply chain businesses**

Businesses which are critical to the construction supply chain that are located in a declared area are permitted to continue operations. Workers for the construction supply chain have been added to the authorised worker list. This includes workers engaged in manufacturing of

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construction materials, plant and components. This means that if they live in a declared area, they may leave home to attend work. Please note that COVID-19 testing requirements may apply. More information relating to authorised workers can be found [here](#).

## 2. Council meetings and public forums

The NSW Government is ensuring local councils can continue to function during COVID-19 restrictions with existing laws enabling them to hold meetings electronically instead of physically. Virtual meetings will help councils continue to make important decisions on behalf of the community while complying with Public Health Orders and minimising the risk of COVID-19 transmission.

For **councils in areas subject to the stay at home order**, all councillors and staff may attend and participate in meetings by audio-visual link.

The Office of Local Government issued a circular on 28 June 2021 to provide technical advice on the conduct of council meetings in compliance with the Public Health Order. The circular can be accessed by clicking [here](#).

## 3. Libraries and community centres

### Libraries

All libraries across NSW must be closed unless the Order is extended or repealed earlier.

The State Library has advised that libraries can provide home deliveries, provided the service is contactless and within accordance of the Public Health Order. For click and collect services councils are encouraged to seek advice from NSW Health.

### Community centres

The Public Health Order does not mandate the closure of community centres and halls. As councils usually control these places, councils may exercise a discretion to close the space, but that is a matter for councils. If councils decide to keep community centres open it is important a COVID Safe plan is in place. This includes making sure the COVID-19 Safety Plan is relevant to the building's use. For example, councils may need a community hall Safety Plan, as well as a places of worship Safety Plan to cover the different buildings on the site.

Furthermore, multiple buildings on the same site can all have unique QR codes. To get different QR codes for each building, each building needs to be registered as COVID Safe.

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### 4. Community sport

The Order states no community sport (whether training or a match) is allowed in the local government areas where the stay at home rules apply (this currently includes all of NSW).

For residents of Greater Sydney (excluding the Local government areas of concern) and regional and rural NSW undertaking exercise and outdoor recreation activities is a reasonable excuse to leave your home. You can take part in exercising or outdoor recreational activities that comply with the gathering rules (no more than 2 people outdoors, excluding members of the same household) and must stay in their Local Government Area or within 5 kilometres of their home. However, people should limit their movement and undertake exercise and outdoor recreation in their local neighbourhood.

For residents of 'declared areas' leaving home for outdoor recreation is no longer a reasonable excuse. Now only exercise and supervision of children will be allowed.

**Note:** Exercise and outdoor recreation (where it applies) must be done within 5 kms of the person's home.

Exemptions from the 2 person outdoor gathering limit is available on the NSW Government [website](#).

### 5. Recreational facilities

The Order states the following places are directed to be closed to the public.

- Indoor recreation facilities such as squash courts, indoor swimming pools, gyms, table tennis centres, health studios, bowling alleys and ice rinks.
- Public swimming pools (except natural swimming pools, which may open).

### 6. Parks, reserves and beaches

The current Public Health Order states that a reasonable excuse for a person to be away from their residential premises or temporary accommodation, is for exercise and outdoor recreation (excluding the Local government areas of concern). Councils are urged to keep playgrounds and parks, reserves and beaches open and accessible where possible. Ultimately, however, this is a matter for councils to decide.

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Furthermore, the Order states you must not participate in any outdoor public gathering of more than 2 people (excluding members of the same household) and must stay in their Local Government Area or within 5 kilometres of their home. Councils should consider how they can support good social distancing and health and hygiene practices by users, such as by installing signage and notices to communicate the rules that apply.

For all areas of public space, it is a matter for each individual council to decide whether it should be open, any conditions that should be applied and how best to communicate with users. In making this decision, councils should consider how large the area is and how many users are able to use the space at once to allow each person 4m<sup>2</sup> of space. In situations where this is not possible or there is overcrowding councils-should work with their NSW Police Local Area Command to implement any restrictions.

Councils are also reminded the resources from the COVID Safe Summer are still available which has useful tools and guidance. To access these resources please visit [here](#).

## 7. Caravan parks and camping grounds

The Public Health Order states caravan parks and camping grounds are to be closed to the public across all of NSW, except for

- permanent residents or other people who have no other place of permanent residence, and their visitors
- people who were staying there on Thursday 5 August and have not extended their booking
- local workers and overnight travellers.

## 8. Waste

The NSW Environment Protection Authority (NSW EPA) has advised that workers in the waste industry have now been declared exempt as authorised workers, under the latest Public Health Order.

- Workers in the waste industry are now authorised to travel outside an affected local government area if required for work purposes, but only for the provision of critical waste work
- The exemption covers waste resource recovery services, including collection, treatment and disposal services
- Details can be found about [authorised workers](#) on the Service NSW website

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- You can leave home to go to work if you are an authorised worker living in the Bayside, Blacktown, Burwood, Campbelltown, Canterbury-Bankstown, Cumberland, Fairfield, Georges River, Liverpool, Parramatta, Strathfield, or [some suburbs of Penrith](#) local government areas i.e. working in resource recovery including collection, treatment and disposal services
- This exemption allows waste workers to enter common property on a residence under the direction of ensuring the health, safety or security of residents, i.e. waste disposal work can be carried out on common property of residential premises.
- This exemption also allows authorised workers to undertake critical sanitation works, such as the cleaning of parks, amenity blocks and streets.
- Please note some authorised workers require a COVID-19 test to leave their local government area for work. Further information relating to COVID-19 testing requirements can be found [here](#).
- NSW EPA has advised that all licensees and operators need to carefully assess which activities and services are critical and should continue, and which should pause during this lockdown period.
- It is important that the waste and recycling industry and councils continue to provide critical waste services to the public. This includes keeping waste and recycling centres open so that people can easily dispose of their waste.

Further information, including FAQ's are available on the EPA's website [here](#).

Concerns about operations can be raised by contacting the Environment Line on 131 555 or [info@epa.nsw.gov.au](mailto:info@epa.nsw.gov.au).

## 9. Council pounds

### Statutory Duties

Councils are reminded of their statutory obligations under the *Companion Animals Act 1998* and in particular the welfare of animals in their care. It is recommended that local government compliance and enforcement officers take care in undertaking their roles to consider how best to protect public health and safety in all circumstances, including in choosing how to exercise discretion. It is important that council pounds and shelters are able to continue to care for animals, while managing risks to staff, volunteers and the general public.

Councils are encouraged to continue to work with rehoming organisations and volunteers to care for animals, where that can be undertaken consistent with NSW Health advice.

Council compliance and enforcement teams may wish to consider:

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- How best to ensure an appropriate response can be made to dog attacks as well as maintaining controls for restricted and dangerous dogs
- Using social media and websites to provide up to date information to pet owners
- Modifying impounding and lost and found procedures, where possible, to ensure continuity of these services together with the safety and welfare of animals, staff and volunteers, and
- Suspending face to face community outreach and education programs.

### Rehoming Operations

As people look for companionship during this pandemic, there has been a spike in interest in pet dogs and cats. To meet this need, the Government encourages councils to maintain their rehoming efforts throughout the current temporary restrictions where they can do so in a COVID-safe manner.

- Prospective new owners should still be encouraged to “adopt not shop”.
- It is important to highlight that there are no provisions in the current Public Health Orders that stipulate that council pounds must be closed to the public. This includes for pound staff who live in one of the eight locked down LGAs, as they work in the area of “animal welfare, care and accommodation services” and are therefore defined as “authorised workers”.
- Councils are encouraged to consider the implementation of modified, COVID-safe procedures to their rehoming activities so that this crucial service can continue for their community. Councils may wish to consider:
  - Allowing prospective owners to inspect an animal via video call
  - Adoptions by appointment, either at the shelter or at a local park or other location conducive to social distancing requirements
  - Home delivery via ranger services

Ultimately it is a council’s decision as to whether they believe they can keep their pound facility open consistent with COVID-19 safety guidelines and the Public Health Orders.

If councils do decide to temporarily suspend rehoming operations, consideration must be given to the potential impact this may have on the numbers of animals being held in the facility for a prolonged period of time. In this light, councils are reminded of their duty under section 64(5) of *the Companion Animals Act 1998* that before destroying a seized or surrendered animal they must consider whether there is an alternative action and (if practicable) to adopt any such alternative.

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Councils are encouraged to plan early with rehoming organisations and volunteer foster carers in order to be adequately prepare for a potential temporary increase in the number of animals that require care and accommodation. These arrangements would need to remain in place until such a time that the council feels they are in a position to safely recommence their rehoming efforts.

During uncertain times it is important that animal owners and carers, including council pounds and shelters, take appropriate steps to ensure the continued welfare of their animals. All councils should by now have developed business continuity plans ready to deploy during times of tightened restrictions such as those in place currently.

RSPCA NSW has implemented a “Click & Collect” system for animal adoption, allowing animal adoptions to continue in a COVID-safe manner. Applications, house inspections and meeting the pet are facilitated online. The pet owner is able to book an appointment to go to the animal shelter or pound, make a contactless payment and take their new best friend home.

## 10. Providing financial assistance

The Government is aware that some councils may wish to provide rates relief or other forms of financial assistance to residents impacted by restrictions imposed by the Public Health Orders.

Councils that are considering this are reminded that under the *Local Government Act 1993* (the Act), it cannot use restricted funds, which includes monies collected from levying a charge for water, sewer or domestic waste management services, for a reason other than the purpose for which it was levied. Any financial assistance provided must be sourced from general funds as per section 356 of the Act.

Such assistance should be included in Council’s adopted hardship policy, or it will need to be placed on exhibition for 28 days.

To assist councils, the Office of Local Government publishes the *Debt Management and Hardship Guidelines* which includes practical, easy-to-understand information about good debt management and hardship. The guidelines are available [here](#).

## 11. Financial statements

As councils work to implement increased restrictions and changing work practices in response to Public Health Orders, some councils have requested a state-wide extension for the provision of financial statements.

The request for a blanket extension has been considered, however the Office of Local Government requires councils to submit their audited financial statements by the end of October 2021, as required under the section 416 of the Local Government Act 1993 (Act).



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Councils that determine current circumstances require them to seek an extension of time to complete their statements should write to the OLG and provide reasoning to support their request. The Act authorises the Coordinator General – Planning Delivery and Local Government to grant an extension of time to a council for the preparation and auditing of annual financial statements (section 416(5)). Any request received will be considered on a case by case basis.