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## Introduction

This guidance information is provided by the Office of Local Government (OLG) in response to the NSW Government’s announcement of a 3-stage *Reopening NSW Roadmap* that maps out how restrictions will be progressively eased and fully vaccinated citizens be granted more freedoms through until a planned full reopening on 1 December 2021.

## Reopening NSW Roadmap

On 11 October 2021, the [Public Health \(COVID-19 General\) Order 2021](#) was repealed and replaced the Public Health (COVID-19 Additional Restrictions for Delta Outbreak) Order (No 2) 2021. This gave effect to the 3-stage roadmap to recovery and a progressive easing of restrictions as the state meets its vaccination targets. The roadmap is subject to further fine-tuning and health advice if circumstances change drastically or cases remain too high. Key points are as follows:

- **Stage 1:** From 11 October 2021 (which was the Monday after the state reached its 70% double dose vaccination target (16 years and older), reopening commenced. There are significant changes to public health advice and the key difference is how that advice is applied to people who are vaccinated and to those who are not. Eased restrictions will allow **those who are fully vaccinated** to:
  - have a 10-visitor limit in their home
  - access gyms, indoor recreation and sporting facilities - including indoor swimming pools for lessons, squad training, lap swimming and rehabilitation.
  - join outdoor gatherings and recreation activities of up to 30 people (2-person limit for people who are not fully vaccinated).
  - visit hospitality settings with up to 20 people per booking.
  - Workers in regional areas who have received one vaccination dose will be permitted to return to their workplace from 11 October 2021 and will be given a grace period until 1 November 2021 to receive their second dose.
  - Access non-critical retail with density limits (people who are not fully vaccinated can only access non-critical retail via Click & Collect).
- From 11 October 2021, all of NSW has been declared a “general area”. Local Government areas of concern have ceased to exist. There is still the provision for the declaration of “stay at home areas” in the future if case numbers jump or evidence changes.

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The tighter restrictions that will apply for these areas are generally consistent with the restrictions for current stay at home areas. To stay up to date with the latest COVID-19 rules and changes to stay-at-home orders please visit [here](#).

- Greater Sydney will include Central Coast, Blue Mountains, Shellharbour and Wollongong local government areas (LGAs). (Please note Shellharbour and Central Coast LGA's were previously treated as part of regional NSW. This is relevant to the easing of restrictions on intrastate travel (see section 6).
- **Stage 2:** Restrictions will ease further from the Monday after the state reaches the 80% full vaccination target. Eased restrictions will allow **those who are fully vaccinated** to:
  - have up to 20 people visit their home;
  - join outdoor gatherings and recreation activities of up to 50 people (2-person limit for people who are not fully vaccinated);
  - not wear masks indoors at offices;
  - participate in community sport; and
  - enjoy a no person limit in hospitality settings, but density limits will still apply (takeaway only for people who are not fully vaccinated).
- **Stage 3:** NSW will fully reopen from 1 December 2021. Changes will include:
  - most venues moving to the 2sqm rule;
  - no limit to number of visitors in your home;
  - no limit to number of people for informal outdoor gatherings and recreation;
  - non-critical retail reopens to all, density limits apply;
  - community sports permitted for all staff, spectators and participants;
  - indoor pools can reopen for all purposes; and
  - people who are not fully vaccinated will have greater freedoms.
- The Service NSW QR code check-in system will remain in place in the general community. Other settings, including schools, workplaces and high-risk settings, such as healthcare and aged care, will have specific risk assessment approaches.

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- People aged 16 years and over will only be allowed entry into some venues or settings if fully vaccinated, along with people with exemptions. In some venues, children under 16 will have to be accompanied by a fully vaccinated member of their household to enter. This includes hospitality venues, non-critical retail stores, personal services, sporting, recreation and entertainment facilities and events. Critical retail such as supermarkets and pharmacies will still be accessible to those not fully vaccinated.
- For businesses, if a staff member tests positive, whether they are vaccinated or not vaccinated, they must self-isolate for 14 days and follow the advice from NSW Health. Businesses will refer to their COVID-19 Safety Plan and risk assessment approach for further instructions on notifying other staff.
- Businesses must inform NSW Health if three or more employees test positive for COVID-19 in a seven-day period.
- Businesses will be responsible for taking reasonable measures to stop unvaccinated people entering premises. For example, having prominent signs stating requirements, Service NSW QR codes, staff checking vaccination status upon entry and only accepting valid forms of evidence of vaccination.
- Authorised officers will monitor businesses re-opening, particularly those that have vaccination requirements, for example hospitality, retail, and gyms.

Councils can access a comprehensive list of settings planned for each phase in a summary that can be downloaded and shared with their community [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.

- The latest OLG COVID-19 webinar (23 September 2021) on skills and training can be found [here](#); on mental health (16 September 2021) [here](#); and the update with Health and NSW Police (14 September 2021) [here](#).
- To view previous OLG COVID-19 webinars please visit [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

#### Stage 1:

- Employers allow staff to continue to work from home, if reasonably practicable.
- Employers require staff who are not fully vaccinated to work from home, if reasonably practicable.
- COVID Safe check-ins and proof of vaccination, where necessary, for staff and customers. Vaccination checks are generally not required for office-based environments. For customer-facing activities, councils should refer to clause 2.18 of the Public Health Order which provides that certain classes of premises must be closed to unvaccinated persons. These venues include information and education facilities, indoor recreation facilities, markets that do not predominately sell food and public swimming pools.
- An employee who is not a fully vaccinated person must not work at a place other than the employee's place of residence unless it is not reasonably practicable to work at the place of residence.
- Workers in regional areas who have received one vaccination dose are permitted to return to their workplace from 11 October 2021 and will be given a grace period until 1 November 2021 to receive their second dose.
- Masks required for all staff and customers in all indoor settings (even if fully vaccinated) including on public transport, common property on residential premises, planes and in airports (except children under the age of 12).
- Masks no longer required in outdoor settings (except for front-of-house hospitality staff).

The definition of a fully vaccinated person includes a person who has a medical contraindication recorded on the Australian Immunisation Register (AIH). This is in addition to a person who has a medical contraindication form approved by the Chief Health Officer. For further information relating to AIH and vaccination evidence please visit [here](#).

#### Stage 2:

- As above, except masks no longer required in office buildings (unvaccinated persons must still wear a mask in the office).

#### Stage 3 (for all NSW citizens, regardless of vaccination status):

- Employers allow staff to work from home at their discretion.
- Masks required only for public transport, planes and airports, and indoor front-of-house hospitality staff.

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- Masks no longer required in outdoor settings (including for front-of-house hospitality staff).
- Proof of vaccination no longer required by Public Health Order.

NSW Health 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. This means that for stage 1 and stage 2, all premises will operate at 1 person per 4sqm indoors and 1 person per 2sqm outdoors. For stage 3, most venues will move to the 1 person per 2sqm rule.

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.

## 1.1 Contractors

If contractors are based in a stay at home area, councils must make a determination as to whether they consider the work being carried out by those contractors 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, 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.

## 1.2 QR codes

The QR code check-in system will remain in place in the general community. Other settings, including schools, workplaces and high-risk settings, such as healthcare and aged care, will have specific risk assessment approaches. Businesses must also provide 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

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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 Carpooling

#### Stage 1 and Stage 2:

- Carpooling permitted (members of your household only for people who are not fully vaccinated). A person who is at least 16 years of age must carry evidence showing their name and home address and produce the evidence for inspection if requested to do so by a police officer.

#### Stage 3:

- Carpooling is permitted for all, regardless of vaccination status.

If at any time a stay at home area is declared, you must not carpool with people you do not live with.

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.

### 1.4 Constructions and renovations

Construction sites returned to maximum daily workforce numbers on 27 September 2021. COVID-safe check-ins are still required, and COVID safety plans are required for construction sites in Greater Sydney.

### 1.5 Heavy Vehicle Inspections

Heavy vehicles require inspections in order to be registered and to renew their registration in NSW. Inspections are carried out at a Heavy Vehicle Authorised Inspection Station (HVAIS), or by Transport for NSW, depending on the type of vehicle and its use. HVIAS sites continue to operate with COVID-safe measures in place. Registered operators are still able to obtain a HVIAS inspection at a HVIAS site. For all Heavy Vehicles (GVM greater than 4500kg), the usual inspection regime must be followed to ensure the safety of these vehicles and the passengers they carry.

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Transport for NSW generally has formal property leases with a number of regional councils to use their facilities, such as depots, to undertake inspections in a specific area. If a council is closing or restricting access to their site, please advise Transport for NSW of this immediately.

Alternatively, the Compliance Operations team are available to work with councils to assess work areas and partition off areas at depots so that HVIAS inspections can be undertaken in a COVID-safe manner.

If councils require any further information, contact Mr Peter Donnelly, Sector Manager- West, Compliance Operations on 0428 242 127.

## 2. Council meetings and public forums

Councils in the “general area” are no longer subject to stay home restrictions and councils can resume meeting in person.

Councils are not permitted under the Public Health Order to allow more persons to attend a meeting than the number of persons equal to one person per four square metres of space at the meeting venue. Councillors and council staff are not to be counted when calculating the space available for each person at the meeting venue and the number of persons who are attending a meeting.

Councils should continue to ensure appropriate social distancing is practiced at meetings and should undertake their own risk assessment of meeting venues and apply whatever COVID mitigation strategies may be necessary to ensure appropriate social distancing is practiced at meetings.

The *Local Government (General) Regulation 2021* has been amended to temporarily exempt councils from the requirement under clause 5.2 of the Model Code of Meeting Practice for Local Councils in NSW and the equivalent provision in each council’s code of meeting practice for councillors to be personally present at a meeting in order to participate in it. This means, regardless of the Public Health Order, Councils and joint organisations (but not county councils) can continue to meet by audio-visual link and to permit individual councillors to participate in meetings by audio-visual link should they choose to do so.

### **Attendance by staff at meetings**

There is nothing to prevent council staff from continuing to attend meetings by audio-visual link. Attendance by staff at meetings is at the discretion and direction of the general manager subject to the requirements under the Public Health Order.

### **Attendance by members of the public at meetings**



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The relaxation of stay at home restrictions means that there is nothing to prevent members of the public from attending meetings in person. Councils that continue to meet by audio-visual link must provide a physical venue that members of the public can attend to observe meetings in person.

Where councils are required to limit the number of members of the public attending meetings or to exclude them from attending in person because of their vaccination status, they should consider livestreaming their meetings to ensure excluded members of the public can view them in real time.

### **Attendance by unvaccinated councillors and others at meetings**

Councillors who have not been vaccinated are not prevented under the Public Health Order from attending meetings in person. However, councillors who have not been fully vaccinated should consider attending meetings by audio-visual link from their home or other premises to ensure the health and safety of other meeting attendees until they are fully vaccinated or until the rules applying to unvaccinated persons are further relaxed (currently expected to be 1 December 2021).

The Public Health Order restricts access to certain premises by persons who are not fully vaccinated (i.e. who have not had two doses of the vaccine). These restrictions do not apply to council meetings. However, it remains open to councils to restrict access to meetings by members of the public who are not fully vaccinated where they are satisfied that this is necessary to ensure the health and safety of other meeting attendees.

### **Wearing of masks at meetings**

All persons attending meetings are required to wear face masks. It is permissible under the Public Health Order for councillors, staff and others to remove their masks for the purposes of addressing the meeting but must wear masks at all other times. For further guidance on wearing face masks please visit [here](#).

## **3. Libraries**

### **Libraries**

#### Stage 1:

- Information and education facilities (including art galleries, museums and libraries) reopen with the greater of the density limit or 75% fixed seated capacity.

#### Stage 2:

- Information and education facilities (including art galleries, museums and libraries) reopen with density limits.

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## Stage 3:

- Information and education facilities (including art galleries, museums and libraries) reopen for the greater of 100% seating capacity, or the density limit.

## 4. Community sport, exercise and outdoor recreation

### Stage 1:

- Gyms, indoor recreation and sporting facilities (including indoor swimming pools for lessons, squad training, lap swimming and rehabilitation) reopen with density limits and up to 20 people in classes. Facility operators must have a 'Gyms and indoor recreation' COVID-19 Safety Plan in place.
- No distance limits apply for exercise or recreation.
- Community sports not permitted. However, this will enable community sport training activities compliant with the Public Health Order to take place. Organisations are expected to have a COVID-19 Safety Plan in place.

### Stage 2:

- As above, except that community sports will be permitted for fully vaccinated staff, spectators and participants.

### Stage 3 (regardless of vaccination status):

- No person limit in gyms, indoor recreation and sporting facilities, density limits apply.
- Indoor swimming pools reopen for all purposes.
- Community sports permitted for all staff, spectators and participants.

### Parents accompanying children under 16 years of age

- Clause 2.18(3) of the Public Health Order states the occupier of **higher risk premises** in the general area must ensure that a person who is under 16 years of age and who is not a fully vaccinated person is not on the premises unless the person is accompanied by a person who is:
  - a member of the person's household, and

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- a fully vaccinated person.
- A higher risk premises includes an entertainment facility, a major recreation facility, hospitality venues, places of public worship and premises at which a significant event is being held, other than a small funeral or memorial service or small wedding service.
- Indoor recreation facilities are **not** classified as a higher risk premises.

For further information on the rules around sport and recreation, visit the Office of Sport's [COVID-19 information page](#).

## 5. Events and entertainment

### Stage 1:

- Major recreation facilities (including stadiums, theme parks, and racecourses) reopen with density limits for up to 5000 people, or by exemption.
- Entertainment facilities (including cinemas and theatres) reopen with density limit or 75% fixed seated capacity.
- Ticketed and seated outdoor public gatherings permitted for up to 500 people with density limit.

### Stage 2:

- As per Stage 1, except that COVID-safe outdoor public gatherings for up to 200 people will be permitted and up to 3,000 permitted (with density limit) for ticketed and seated outdoor public gatherings.

### Stage 3:

- No person limit for major recreation facilities (including stadiums, theme parks and racecourses), density limits still apply.
- Entertainment facilities (including cinemas and theatres) reopen for the greater of 100% seating capacity, or the density limit.
- No person limit for ticketed and seated outdoor public gatherings. COVID-19 Safety Plans required for attendance over 1000.

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## 6. Caravan parks and camping grounds

Caravan parks and camping grounds will reopen for holidays from 11 October 2021 (including people who are not fully vaccinated). Councils should note the following in relation to travel:

### Stage 1:

- Travel holidays between regional LGAs are permitted (people in regional LGAs cannot enter Greater Sydney for holidays or recreational visits including daytrips).
- Travel holidays within Greater Sydney permitted (people in Greater Sydney can only holiday in the Greater Sydney region including Central Coast, Wollongong, Shellharbour and Blue Mountains. You cannot holiday or take day trips in regional LGAs).

### Stage 2:

- No distance limits for travel.
- Travel for holidays permitted across all NSW (not permitted for people who are not fully vaccinated). This includes between Greater Sydney and regional LGAs.

### Stage 3:

- Travel between Greater Sydney and Regional NSW permitted for all.

## 7. Waste

All waste and recycling operations, including those open to the public, can recommence. This means that councils and other operators can recommence business and open to the public as they are ready. Each operator should consider their particular situation when deciding when and how to safely recommence operations and update their COVID-safe plan accordingly.

Councils are to be mindful of COVID Safe check-ins and requirements relating to proof of vaccination for staff and the community frequenting the facility. For further information please visit [here](#).

Further advice on waste and recycling facilities is available on the EPA's website [here](#).

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### 8. 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. As NSW begins to ease restrictions, councils are expected to return to more standard operating procedures and the full range of community services.

Pounds and shelters are not included in the list of premises at clause 2.18 of the Public Health Order that must be closed to unvaccinated persons. However, councils still need to consider their obligations to protect the wellbeing of staff and customers and to adopt sound COVID-safe practices in the carrying out of their companion animals responsibilities.

#### 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, and with the staged easing of restrictions being introduced, the Government expects those councils that have suspended rehoming operations to resume this vital community service.

If councils decide to temporarily suspend rehoming operations (for example, their LGA is declared a stay at home area and they feel ill-equipped to implement modified, COVID-safe procedures), 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.

Councils are encouraged to plan early with rehoming organisations and volunteer foster carers in order to be adequately prepared 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.

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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. Councils (regardless of location) are able to contact RSPCA NSW on (02) 9770 7555 to talk with a member of their team for advice and guidance.

## 9. 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](#).

## 10. 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).

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.