

These Frequently Asked Questions provide responses to a range of local government enquires as councils progressively ease COVID-19 restrictions in line with public health orders and is for guidance only. Decisions on whether to open 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 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.

Councils should also consider the use of signage exhibiting ‘risk warnings’ under the *Civil Liability Act 2002*.

Council administration buildings, depots and offices	
<b>Can council staff return to work in administration buildings and offices?</b>	The Public Health Order of 14 May 2020 directs employers to allow an employee to work at the person’s place of residence where it is reasonably practicable to do so. It is a matter for individual councils to determine how to comply with this direction, based on the relevant circumstances. The Public Health Order changes certain restrictions on people in office buildings. Specifically, the limit on 100 people in an indoor space and the requirement that a premises provides sufficient space to allow for 4 square metres of space per person (“the 4 square metre rule”) no longer apply in office buildings. However, where staff do return to the office to work, it is recommended that councils ensure that adequate <a href="#">physical distancing</a> continues to be maintained. Staff must continue to stay home if they are sick.
<b>Do the exclusions of the Public Health Order apply to indoor spaces at council works depots?</b>	Yes. The Public Health Order exclusion in terms of eased restrictions for certain gatherings applies to all “office buildings”. It is a matter for individual councils to determine which of their buildings fall into this category.

Council meetings and public forums	
<b>Can council meetings, committee meetings and other decision making meetings of council now be held?</b>	<p>Yes. It is now permissible for councillors and others to leave their homes for the purposes of attending council and committee meetings.</p> <p>Councils should continue to allow councillors and staff to attend and participate in council and committee meetings by audio visual links where it is reasonably practicable to do so.</p> <p>The new Public Health Order maintains the existing restrictions on gatherings and councils must not:</p> <ul style="list-style-type: none"><li>• allow 100 or more persons to attend meetings at the same time, or</li><li>• allow persons to attend meetings if the size of the meeting venue is insufficient to ensure there is 4 square metres of space for each person attending the meeting.</li></ul> <p>Where councillors and staff do participate to face to face meetings, councils must ensure that adequate <a href="#">physical distancing</a> continues to be maintained. Staff and councillors must continue to stay home if they are sick.</p> <p>Further information about compliance with social distancing requirements at council and committee meetings can be found in <a href="#">Council Circular 20-09</a>.</p>
<b>Can councils undertake face to face public consultation (including at public forums)?</b>	<p>Public forums should only be held in a manner that is consistent with the Public Health Order. Where this is not possible, public forums should not be held, or alternative arrangements should be made for the making of public submissions to councillors. For example, submissions could be made to councillors via an audio-visual link or in writing instead of in person. Further information about the ability of councils to hold public forums during the COVID-19 pandemic can be found in <a href="#">Council Circular 20-09</a>.</p>
<b>Do the newly eased restrictions apply to planning panels?</b>	<p>No. Planning panels must continue to not meet face to face. Councils should continue to be guided by the information provided by the Department of Planning, Industry and Environment regarding the operation of planning panels: <a href="https://www.olg.nsw.gov.au/wp-content/uploads/2020/04/COVID-19-Council-QA.pdf">https://www.olg.nsw.gov.au/wp-content/uploads/2020/04/COVID-19-Council-QA.pdf</a></p>

<p><b>What provisions exist to allow council staff to travel more than one per vehicle? As public spaces open up more staff will be required to monitor and clean equipment. Can more than one person travel in a council vehicle if one is on the back seat?</b></p>	<p>SafeWork NSW advises that if more than one person is required in a vehicle, occupants must ensure people are seated in the most distant seats, have the air circulating with outside air and open windows when possible. Further information about safe work practices during the COVID-19 pandemic, including a number of case studies can be found on the <a href="#">SafeWork NSW website</a>.</p>
<p><b>The NSW Food Authority has previously advised council environmental health officers not to undertake routine inspections. With the restricted reopening of cafes and restaurants, are routine inspections expected to commence?</b></p>	<p>The NSW Food Authority has updated its <a href="#">Food businesses and COVID-19 webpage</a> which includes the latest advice surrounding the virus. Councils are advised to keep up to date with the latest developments on COVID-19 and food safety. The Food Authority's Local Government Unit will also continue to regularly engage with local councils.</p> <p>To assist in the reopening of many retail food businesses, food regulators have developed a <a href="#">voluntary checklist</a> for food businesses. It is also available on the FRP Portal.</p> <p>When speaking with food businesses, councils may wish to remind them that they must continue to comply with existing requirements under the Food Standards Code, with particular vigilance on maintaining good hygiene practices.</p> <p>Please refer to the FRP Portal for further specific advice surrounding food surveillance activities, or alternatively contact the <a href="#">NSW Food Authority</a> for further information.</p>
<p><b>What is council's role in enforcing and/or</b></p>	<p>Councils play an important role in disseminating information to businesses and the community, through local networks. For the most up to date information, councils should visit <a href="#">OLG's COVID-19 webpage</a>.</p>

<b>educating business and wider community in relation to restrictions – and under what instrument? For example, religious groups and businesses conducting funerals and weddings – is this the role of local government to enforce the number of persons attending?</b>	
<b>Can there be a form of reconciliation back to the Commonwealth Roadmap given the high publicity and visibility of this within the community and councils.</b>	<p>Every state has its own circumstances and must be able to move at its own pace. NSW will consider other changes when it is safe to do so, based on the data and best available health advice. This advice will be based on testing, tracing and tracking cases and using technology such as the <a href="#">COVIDSafe app</a>.</p> <p>For the most up to date information on the status of restrictions in NSW visit the <a href="#">NSW Government's COVID-19 webpage</a>.</p>
<b>Swimming pools</b>	
<b>Can I open my council's outdoor public swimming pool?</b>	Outdoor pools can open and operate but only if there are no more than 10 people at a time swimming in the pool.

<b>Can I open my council's indoor public swimming pools?</b>	No. Indoor swimming pools must remain closed.
<b>Must I open my council's outdoor public swimming pool?</b>	No. This is a matter for local councils to determine based on their own operating conditions, including seasonal considerations.
<b>How many people can swim in each pool where there are multiple pools within a facility?</b>	There can be up to 10 people swimming in any one outdoor pool within a facility, as long as social distancing rules can still apply. The 10-person limit includes any supervising adult in the pool with their child or children.
<b>Does this requirement apply to artesian baths, ocean pools and baths?</b>	This includes any outdoor pool classified as such by the council. However, in relation to ocean pools, as a rule of thumb, pools which have natural ocean flows entering the pool may be classified by the council as part of the ocean rather than a swimming pool for the purposes of the Public Health Order. This is a matter for consideration of the individual circumstances of each water body.
<b>Must we keep public toilets open?</b>	This is a matter for local councils to determine. However, councils should, where possible and practical, maintain public facilities open.
<b>What about swimming pools for which councils contract out their pool management?</b>	Councils are still responsible for ensuring pools for which they contract out the management of meet the requirements of the Public Health Order. Councils will need to assess the viability of opening any pools under their care and control in consultation with contractors.

Public outdoor play equipment – outdoor play equipment, outdoor gym equipment and skateparks	
<b>Can outdoor play equipment and outdoor gym equipment open?</b>	Yes. Public outdoor play equipment, outdoor gyms and skateparks can open at the discretion of council and if compliant with the Government’s outdoor spacing rules, social distancing and good public health and hygiene practices. Councils should consider how they can support good social distancing and hygiene practices by users.
<b>Is council required to open its outdoor play equipment, outdoor gym equipment and skateparks?</b>	No. This is matter for individual councils. However, where possible councils are encouraged to keep public facilities and equipment open.
<b>What does <i>with caution</i> mean?</b>	The Government is <a href="#">urging</a> people making use of outdoor public facilities to continue to observe health and hygiene standards by washing their hands before and after using equipment and to assume the person who has used the equipment before them has the virus.
<b>What is the expectation of cleaning of outdoor playground equipment - which is rarely cleaned and there would be a significant cost to put in place a cleaning regime that deals with COVID-19?</b>	<p>The NSW Government <a href="#">advice</a> is that users may use outdoor exercise and playground equipment, but should do so with caution, and to wash their hands before and after they use the equipment and to assume the person who has used the equipment before them has the virus.</p> <p>NSW Health suggests, where possible, that councils consider increased maintenance of handwashing facilities or the provision of hand sanitiser near playgrounds.</p> <p>Cleaning of outdoor equipment could improve the health and hygiene of the community, however, councils are not obliged to clean public outdoor equipment.</p>

<p><b>Are there time limits on the use of outdoor equipment?</b></p>	<p>Time limits have not been specified in the Public Health Order. Councils could consider erecting signage to remind users of community equipment to continue to observe the social distancing and gathering advice, and to remind them of good health and hygiene practices.</p> <p>Community members should observe good social etiquette when using public facilities.</p>
<p><b>Libraries and community centres</b></p>	
<p><b>Can libraries re-open now?</b></p>	<p>No. Information and education facilities (including libraries) must remain closed.</p>
<p><b>Will guidelines be issued for managing social distancing and hygiene in libraries?</b></p>	<p>Community centres and information and education facilities (including libraries) must remain closed. If and when that changes, further guidance will be provided.</p>
<p><b>Sporting activities</b></p>	
<p><b>What has changed for sporting activities in the new Public Health Order? When do those changes start?</b></p>	<p>From 14 May 2020 the Public Health Order provides that, in general, people may participate in gatherings outdoors of not more than 10 people in public places. They also provide that outdoor public swimming pools, outdoor play equipment in public places, outdoor gymnasium equipment in public places and skateparks need no longer be closed. This includes exercise and training.</p>
<p><b>Do councils have to reopen any sporting grounds and facilities that are currently closed? Do they have to open them?</b></p>	<p>It is a matter for each council to determine whether or not to open any sporting grounds and facilities for which they are responsible. In making this decision, council may wish to consider whether it is possible to meet social distancing and public hygiene requirements – e.g. or indoor facilities, whether there will be 4m<sup>2</sup> of space per person. However, the NSW Government urges all councils to keep public facilities open and operational where possible.</p>

<p><b>Do councils have to keep facilities at sporting grounds open where they are the only public toilets?</b></p>	<p>No. However, councils should carefully consider whether it is in the public interest to keep these facilities open where they are the only public toilets available to residents.</p>
<p><b>What should councils do where they have waived fees or made similar subsidies on the assumption that sporting activities cannot proceed?</b></p>	<p>It is a matter for each council to determine whether to review the term of any subsidies or waivers previously granted and may wish to take into account whether activities have recommenced and the extent to which fields and related facilities are open and in use.</p> <p>With the ongoing uncertainty associated with the COVID-19 pandemic, councils are being asked to waive fees, and charges for those facing hardship, balanced against compliance with legislative requirements, including local sporting clubs and organisations.</p> <p>To provide flexibility in waiving fees and charges, the Government announced measures that allow councils to waive or reduce fees under a new COVID-19 category. This means that councils can immediately apply a fee waiver or reduction for this purpose, without following the usual requirements to establish a category, while also bypassing the need to provide 28 days' public notice.</p> <p>These measures are discretionary on a council-by-council basis and should take into consideration both the financial circumstances of the local community and the flow-on impacts on council revenue and the wider community.</p>
<p><b>What should councils do if the grounds or facilities needed for sport are not currently ready for use?</b></p>	<p>Each council has separate arrangements in place for the use of sporting fields and facilities as well as the cleaning and maintenance of grounds and on-site facilities. Where these grounds or facilities are currently closed and council is considering opening them, they may wish to consider whether they remain appropriate for use. It is suggested that councils discuss these issues with local organisations that commonly use the grounds or facility to identify how best to manage these issues and when it may reopen.</p>

Use of beaches, parks and other outdoor spaces	
<b>What has changed for beaches, parks and other outdoor spaces in the new Public Health Order? When do those changes start?</b>	From 14 May 2020 the Public Health Order provides that, in general, people may participate in gatherings outdoors of not more than 10 people in public places. They also provide that outdoor public swimming pools, outdoor play equipment in public places, outdoor gymnasium equipment in public places and skateparks need no longer be closed.
<b>Does the total number of people include children?</b>	Yes. Both children and adults must be counted in considering whether a gathering is of more than 10 people in a public place.
<b>Have there been any changes to permitted uses of outdoor areas?</b>	From 14 May 2020 the Public Health Order provides that, in general, people may participate in gatherings outdoors of not more than 10 people in public places. The orders do not specify the purposes for which people may gather. In addition, the Public Health Order no longer states that people can only leave their homes for certain specific purposes, such as to undertake exercise. Taken together, this means that people can gather in outdoor spaces for social purposes, such as to have a picnic or BBQ.
<b>Are councils required to reopen beaches, parks and other outdoor spaces?</b>	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. Where a council determines it is necessary to close a space or to restrict its use, clear public signage should be placed at key access points.
<b>Can BBQ areas and picnic shelters be reopened? If so, what conditions must or should apply?</b>	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. Where a council decides to open BBQ areas and picnic shelters it should consider additional measures to keep facilities clean for the purposes of public hygiene, so far

	<p>as possible. There is no obligation for councils to close these facilities. Ultimately, however, it is a matter for the public to use these facilities at their own risk in terms of their cleanliness.</p>
<p><b>Can councils apply additional conditions that are more restrictive than the Public Health Order?</b></p>	<p>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 Public Health 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.</p>
<p><b>What is councils' role in terms of managing public use of beaches and other outdoor spaces?</b></p>	<p>Councils are not responsible for enforcing the Public Health 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.</p>