



# **AGENDA**

## **Extraordinary Council Meeting**

**I hereby give notice that a Meeting of the Kapiti Coast District Council  
will be held on:**

**Date: Thursday, 2 September 2021**

**Time: 1.30pm**

**Location: Council Chamber  
Ground Floor, 175 Rimu Road  
Paraparaumu**

**Wayne Maxwell  
Chief Executive**

**Kapiti Coast District Council**

**Notice is hereby given that a meeting of the Kapiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Thursday 2 September 2021, 1.30pm.**

**Council Members**

Mayor K Gurunathan	Chair
Deputy Mayor Janet Holborow	Deputy
Cr Angela Buswell	Member
Cr James Cootes	Member
Cr Jackie Elliott	Member
Cr Gwynn Compton	Member
Cr Jocelyn Prvanov	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Robert McCann	Member
Cr Bernie Randall	Member

**Order Of Business**

<b>1</b>	<b>Welcome.....</b>	<b>5</b>
<b>2</b>	<b>Council Blessing.....</b>	<b>5</b>
<b>3</b>	<b>Apologies .....</b>	<b>5</b>
<b>4</b>	<b>Declarations of Interest Relating to Items on the Agenda .....</b>	<b>5</b>
<b>5</b>	<b>Public Speaking Time for Items Relating to the Agenda.....</b>	<b>5</b>
<b>6</b>	<b>Members' Business .....</b>	<b>5</b>
<b>7</b>	<b>Reports .....</b>	<b>6</b>
	7.1 Change to Council calendar of meetings during COVID-19 response .....	6
<b>8</b>	<b>Public Speaking Time.....</b>	<b>20</b>



**1 WELCOME****2 COUNCIL BLESSING**

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

**3 APOLOGIES****4 DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA****6 MEMBERS' BUSINESS**

- (a) Public Speaking Time Responses
- (b) Leave of Absence
- (c) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

## 7 REPORTS

### 7.1 CHANGE TO COUNCIL CALENDAR OF MEETINGS DURING COVID-19 RESPONSE

**Author:** Sarah Wattie, Governance & Legal Services Manager

**Authoriser:** Janice McDougall, Group Manager People and Partnerships

#### PURPOSE OF REPORT

1. The purpose of this report is to propose changes to Council's governance framework including its calendar of meetings while the Wellington region is at Alert Levels 3 and 4 to assist in managing constraints including resourcing and challenges associated with remote meetings.

#### BACKGROUND

2. On 17 August 2021, the Government announced that New Zealand would go into Alert Level 4 from 11:59pm to address a community case of the Coronavirus (COVID-19) caused by the Delta variant; Auckland for 7 days and the rest of the country including the Wellington region for an initial 3 days. Following this original announcement, the Government has made successive decisions to extend the Alert Level 3 and 4 settings for all of New Zealand.
3. On 30 August, the Government announced that:
  - 3.1. Auckland would remain at Alert Level 4 for a further 2 weeks until 14 September 11:59pm
  - 3.2. Northland would move to Alert Level 3 on Thursday 2 September 11:59pm
  - 3.3. the remainder of New Zealand south of Auckland would move to Alert Level 3 on Tuesday 31 August 2021 11:59pm.
4. The decision for the remainder of New Zealand, south of Auckland, to move to Alert Level 3 will be reviewed on 6 September and the Prime Minister has indicated that restrictions could continue to be lowered when it was safe to do so.
5. Under Alert Level 4, only permitted essential personnel movement is permitted. All other work must be conducted remotely (refer Attachment 1 – Advice on Alert Level 4).<sup>1</sup>
6. Under Alert Level 3, workplaces must operate remotely unless this is not possible. Council offices can only open for staff if workers cannot work from home; workplaces are 'operating safely'; customers are not allowed on premises; and Council staff can work without physical contact with public/customers. 'Operating safely' means complying with Alert Level 3 settings; meeting appropriate public health requirements for their workplace, including for workers (e.g. putting up physical barriers); and fulfilling all other health and safety obligations. If these measures cannot be taken, staff must not go to work, and premises should remain closed (refer to Attachment 2 – Advice on Alert Level 3).<sup>2</sup>
7. The Covid-19 Response Urgent Management Measures Legislation Act 2020 ('the Act') came into effect on 25 March 2020. Parts 3 and 4 of the Act amend the Local Government Act 2002 and the Local Government and Official Information Act 1987. In particular, the amendments allow for modified procedures to be followed while an Epidemic Notice is in place.
8. The first Covid-19 Epidemic Preparedness (COVID-19) Notice 2020 came into effect on 25 March 2020 ('Principal Notice'). This notice has been renewed and the last renewal notice was issued on 20 June 2021. As a result of this renewal notice being issued the Principal Notice will remain in force until 20 September 2021, which means that the amendments made to the Local Government Act 2002 and Local Government and Official Information Act 1987 can be relied on up until that date. It is anticipated that the renewal notice will be extended after this date.

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<sup>1</sup> The Covid-19 Public Health Response Alert Level Requirements Order No. 9.

<sup>2</sup> The Covid-19 Public Health Response Alert Level Requirements Order No. 10, which replaces the Order No. 9.

9. The Epidemic Notice enables the use of a number of 'special' or 'emergency' powers that amend the Local Government and Official Information Act 1987. While in force:
  - 9.1. Council meetings, which are required to be 'open to the public' can take place, by way of live audio and/ or video broadcast, which is then made available after the meeting, free of charge, and
  - 9.2. Council meetings that take place by audio or visual link will meet quorum requirements regardless of Council Standing Orders
  - 9.3. Meeting agendas (and any report referred to in that agenda) and meeting minutes can be posted on the Council's website rather than a physical location
10. The current Local Government Response Unit (LGRU) advice is that at Alert Levels 3 and 4 all Council meetings and engagement should be remote. This guidance is in line with sections 47 and 47A of LGOIMA. Section 47 of LGOIMA provides that "except as otherwise provided for by this Part, every meeting of a local authority shall be open to the public". Section 47A provides that while an epidemic notice is in force for Covid-19, "open to the public means that the local authority:
  - 10.1. if it is reasonably practicable, enables access to the meeting by broadcasting live the audio or video of the meeting (for example, by broadcasting it on an Internet Site), and
  - 10.2. does 1 or both of the following as soon as practicable after the meeting ends:
    - makes an audio or a video recording of the meeting available on its Internet Site;
    - makes a written summary of the business of the meeting available on its Internet Site."
11. Schedule 7 of the Local Government Act 2002 sets out requirements that apply to local authorities, local boards, community boards and their members. Paragraph 25B of Schedule 7 of the Act, provides that while an epidemic notice for Covid-19 is in force, a member of a local authority, or a committee of a local authority, may attend a meeting by audio link or audio visual link, and a member who attends by audio link or audio visual link is counted as being present. Section 54 of the Act provides that the requirements set out at para 25B apply to Community boards as if they were local authorities.
12. The provisions of the Epidemic Notice apply to all council, committee and community board meetings, meaning that these may continue to operate, subject to meeting the requirements set out above. Council may consider cancelling official meetings if it is not reasonably practicable to support them during the Alert Level 3 and 4 restrictions.
13. This is not the first time that Council has needed to respond to a change in alert levels due to the COVID-19 pandemic. During New Zealand's shift to Alert Level 3 and 4 in 2020, Council resolved to cancel all meetings of its other committees, subcommittees and decision-making bodies including community boards.
14. It is currently unclear how long Wellington will remain at Alert Levels 3 or 4 and this will depend on how effectively the country is able to address the current COVID-19 outbreak. As such, it is important that Council carefully considers which meetings and agenda items should take place under the alert level settings that require remote working.

## ISSUES AND OPTIONS

### Issues

15. Council must consider how it can continue to function as effectively as possible and discharge its functions as a local authority, while limiting the risk of transmission as well as other factors, which include:
  - 15.1. resourcing constraints with many elected members and staff working from home and also caring for children (this impacts on the ability for the organisation to provide the necessary support to all meetings that ordinarily take place including organising agendas, minutes and facilitating the technology for remote meetings to meet the

requirements of section 47 and 47A of the LGOIMA that meetings be “open to the public”)

- 15.2. ICT considerations in ensuring that meetings are able to be delivered effectively through the use of audio and video links (not all staff currently responsible for providing secretarial support to different meetings of Council are trained in the use of remote technology and this would therefore require training from the ICT team who are currently diverted to other activities.
- 15.3. the community’s focus being diverted to other matters including responding to the pandemic.
16. Staff have considered the approach and recommend the following option, which in our view best balances current staffing and technology constraints against the future disruption and subsequent increase in workload that would result from more significant changes to the current calendar of Council meetings.

Option	Benefits	Risks
<p>Council, Strategy and Operations and Audit and Risk Subcommittee meetings to continue.</p> <p>All other meetings of Council’s committees, subcommittees and decision-making bodies including community boards to be cancelled until Alert Level 3 (or 4) restrictions are lifted.</p>	<p>This approach enables key Council business to continue while addressing constraints facing both elected members, staff and the public due to the current COVID-19 outbreak and restrictions.</p> <p>As we are at the start of the financial year, any impact on allocation of grants funding would be addressed in the coming months.</p>	<p>With the exception of Council, Strategy and Operations and Audit and Risk Subcommittee, this approach cancels all other committee, subcommittee and community board meetings with the outcome that official agenda items will need to be postponed until we move to Alert Level 2.</p>

17. In addition to the above, staff propose to limit the number of agenda items to critical and time sensitive items only to ensure that meetings are able to be conducted efficiently and effectively under the current settings.
18. As an indication, if this approach is adopted key changes to the current agenda over the next two weeks would include:
  - 18.1. Cancellation of Grants Allocation Subcommittee on Thursday 9 September
  - 18.2. Cancellation of the community board meeting on 14 September (Ōtaki Community Board).
19. The continuation of Audit and Risk Subcommittee meetings during Alert Levels 3 and 4 is for two reasons. Firstly, it allows our Annual Report process to continue within planned timeframes as this is considered a time sensitive item. Secondly, it draws on reflections from the last lockdown that taking a regular risk lens to the COVID-19 situation was important, and is therefore being implemented this time as a continuous learning improvement.
20. While this option cancels official meetings (other than Council, Strategy and Operations Committee and Audit and Risk Committee) while the region is in Alert Level 3 or 4 on the basis that the organisation is unable to support legislative requirements that these meetings be “open to the public”, there is nothing to prevent community boards or other committees that are unable to operate officially from meeting in an unofficial capacity; for example, to work on a joint submission on matters that Council or another party is currently consulting on. It would not be appropriate for these committees or local boards to meet to carry out official business during this time; for example, to issue grants to community members. Council will not be able to retrospectively ratify resolutions made in an unofficial or informal capacity.



21. These changes are to be made immediately, and until the region moves to Alert Level 2 or lower. This is in recognition of the uncertainty that exists as to when the current alert levels can be lifted.
22. Furthermore, it is recommended that this approach be adopted whenever the Wellington Region moves to Alert Level 3 or higher for a period greater than 3 days. This would enable staff to take immediate action to ensure the programme of meetings was manageable given the known constraints a lockdown situation creates. Should an Alert Level 3 or 4 lockdown be in place for an extended period of time (months rather than weeks) staff may need to bring forward a further paper to amend the approach as needed to ensure key decision-making activities of subcommittees and community boards can continue during that time.

## **CONSIDERATIONS**

### **Policy considerations**

23. If adopted, these recommendations will result in changes to Council's triennium calendar.

### **Legal considerations**

24. There are no additional legal considerations to consider.

### **Financial considerations**

25. There are no significant financial implications from this proposal. The proposal addresses resourcing constraints on the part of both staff and elected members

### **Tāngata whenua considerations**

26. There are no specific tāngata whenua considerations relating to matters discussed in this paper.

### **Strategic considerations**

27. There are no additional strategic considerations further to those outlined earlier in the report.

## **SIGNIFICANCE AND ENGAGEMENT**

### **Significance policy**

28. This matter is not deemed significant under the Council's Significance and Engagement Policy.

### **Consultation already undertaken**

29. Feedback on the proposed approach was sought from the Mayor.

### **Engagement planning**

30. An engagement plan is not required to implement this decision.

### **Publicity**

31. The change to the calendar of meetings will be promoted via the Council's regular communications channels

**RECOMMENDATIONS**

- 1) That the Council:
  - a) **Receive** the information.
  - b) **Note** that the Covid-19 Epidemic Preparedness (COVID-19) Notice 2020 has been renewed and currently remains in force until 20 September 2021 (with an anticipated extension).
  - c) **Resolves** that official meetings of Council, Strategy and Operations Committee and Audit and Risk Subcommittee will continue to be held remotely while the Wellington Region is at Alert Levels 3 and 4.
  - d) **Resolves** with immediate effect that, all other official meetings of Council's committees, subcommittees and decision-making bodies (including community boards) are cancelled until the Wellington region moves to Alert Level 2 or lower. During this time, time sensitive decisions that would have been considered by those other bodies may be referred to Council for a decision.
  - e) **Resolves** that subject to the Covid-19 Epidemic Preparedness (COVID-19) Notice 2020 being extended beyond 20 September 2021, that whenever the Wellington region moves to Alert Levels 3 or 4 for a period greater than 3 days, other than meetings of Council, the Strategy and Operations Committee and Audit and Risk Subcommittee, all other official meetings of Council's committees, subcommittees and decision-making bodies including community boards be cancelled until the region reverts to Alert Level 2 or lower.
  - f) **Notes** that in the case of an extended period at Alert Level 3 or 4, staff may bring forward a paper to amend this approach if necessary to ensure key decision-making activities of committees, subcommittees and decision-making bodies (including community boards) can continue during that time.

**APPENDICES**

1. Advice on Alert Level 4 [↓](#)
2. Advice on Alert Level 3 [↓](#)

**FOR ADVICE**

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**To:** Senior Leadership Team

**From:** Kerry Wright, Senior Legal Counsel; Sarah Wattie, Governance and Legal Services Manager

**Date:** 18/08/2021

**SUBJECT:** COVID-19 PUBLIC HEALTH RESPONSE ALERT LEVEL REQUIREMENTS ORDER NO.9 & RELATED LEGISLATION

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**PURPOSE**

1. This note provides an overview of the Covid-19 Public Health Response Alert Level Requirements Order No.9 ('the Order') and other key Covid-19 legislation relating to Council business.

**ADVICE*****The Covid-19 Public Health Response Alert Level Requirements Order No. 9***

2. The Covid-19 Public Health Response Alert Level Requirements Order No.9 ('the Order') came into force at 11.59pm on 17 August 2021.
3. The purpose of the Order is to prevent, and limit the risk of, the outbreak or spread of Covid-19 and to otherwise support the purposes of the Covid-19 Public Health Response Act 2020.

***Stay at Home***

4. The Order provides that all persons in the alert level 4 area, which currently extends to the whole of New Zealand, must remain at their current home or place of residence, except for essential personal movement permitted under the Order. Separate provision is made for individuals who have mobile homes to remain in the same general location, except for carrying out essential personal movement permitted under the Order.

***Essential Personal Movement***

5. Essential personal movement includes accessing alert level 4 businesses and services, accessing exempt services, travelling to an alert level 4 business or service for the purposes of work and other specified activities listed in the Order.

***Alert Level 4 businesses and services***

6. Previous versions of the Public Health Response Orders adopted a system of categorising businesses and services, as either category A or B businesses or services and making provision as regards to how they could operate.
7. However, this Order adopts a different approach. Schedule 2 of the Order sets out the definition of what constitutes an 'alert level 4 business or service' being those businesses that may continue to operate on the conditions set out in paragraphs 9 and 10. In addition to

those services commonly understood including supermarkets, petrol stations and pharmacies, the definition includes (but is not limited to):

- i. food banks
  - ii. accommodation services
  - iii. building, construction, and maintenance services required for one or both of the following: to address immediate risks to health and safety or nationally important infrastructure
  - iv. scientific services
  - v. social and community-based services provided to support persons to maintain critical well-being or as crisis support for people who are unsafe or homeless
  - vi. **key utilities, which means utilities that provide for the production, supply, sale, distribution, or disposal of 1 or more of the following: electricity, gas, water, wastewater, waste (rubbish collection and recycling), liquid or solid fuel, telecommunications services**
  - vii. **Government services, including service provided by State services and local authorities but only if – the service is a regulatory, defence, or social service or relates to the Covid-19 response or infrastructure; and provision of the service cannot reasonably be delayed (for example, because a delay would breach an obligation under an enactment, risk harm to people or communities or risk damage to the environment), and**
  - viii. Businesses or services necessary to maintain other alert level 4 businesses and services.
8. The above list is not exhaustive but is designed to capture the alert level 4 businesses and services which most readily apply to the Council.
9. Key agencies such as the Ministry of Social Development and Oranga Tamariki are responsible for providing guidance for social sector agencies, and services, within their remit and enquiries are being made to see if additional guidance will be published by these agencies in response to this Order.
- Alert level 4 requirements for businesses and services***
10. Schedule 2 of the Order also sets out the alert level requirements that apply to each alert level 4 business or service.
11. These requirements include provisions on whether clients and customers are allowed in the workplace, physical distancing rules and additional requirements imposed on specific businesses or services. For example, an additional requirement is imposed on key utilities to

have systems and processes in place to ensure so far as is reasonably practicable that each person who enters the workplace – scans the QR code for the workplace or provides details in a contact tracing record that the person in control of the workplace collects.

***Responsibility for complying with the Order***

12. It is important to note that the requirements set out in the order apply to the person who carries out that business or service. If a person who carries out that business or service fails to comply with the requirements of the Order, then enforcement action may be taken in respect of any breach of the Order. For example, an enforcement officer who has reasonable grounds to believe that a business or undertaking, or part of a business or undertaking, is operating in contravention of a Covid-19 order, may direct any person who appears to be in charge of the business or undertaking, or that part, to close and cease the operation.

***Health and Safety at Work Act 2015***

13. It is also important to note that the Order does replace the obligations set out in the Health and Safety at Work Act 2015, and the obligations set out in this Act remain in force. If, for example, a person is required to use specific PPE for work prior to the Covid-19 pandemic, then this requirement remains in force.

***Other***

14. Certain services are exempt from the requirements of the Order (for example, the NZ Police) and it should also be noted that **nothing** in the Order prevents any person from assisting in, or responding to, an emergency.

***Local Government Official Information and Meetings Act 1987: Local Authority Meetings***

15. Part 7 of the Local Government Official Information and Meetings Act 1987 has been amended by the Epidemic Preparedness (Covid-19) Notice 2020 ('the Notice'). This Notice was renewed on 15 June 2021 and it enables the use of a number of 'special' or 'emergency' powers in legislation. While the Notice remains in place:
  - i. Council meetings which are required to be 'open to the public' will take place, by way of live audio and/ or video broadcast, which is then made available after the meeting, free of charge, and
  - ii. Meeting agendas (and any report referred to in that agenda) and meeting minutes being posted on the council's website.

***Local Government Official Information and Meetings Act 1987: Requests for Official Information***

16. Timeframes for processing LGOIMA information requests remain the same during the Covid-19 emergency. However, the Chief Ombudsman has published guidance acknowledging that complying with the OIA and LGOIMA may be more difficult in the current circumstances.
17. The Ombudsman has encouraged agencies to "*keep the public informed about their arrangements for dealing with official information requests via their social media channels and websites. Individual requestors should also be kept up to date about their requests.*"

18. If it is likely that a request for official information cannot be responded to within 20 working days, agencies may:

- i. Provide a staged approach to the request (where only part of the information is initially released)
- ii. Consider whether to extend the timeframe for responding to the request (which cannot be based only on Covid-19), or
- iii. Consider whether to refuse a request under 17(c) (i) of the LGOIMA (this may apply where making the official information available would contravene Public Health legislation).

**ATTACHMENTS:**

- Covid-19 Public Health Response Alert Level Requirements Order No. 9

**FOR ADVICE**

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**To:** Senior Leadership Team

**From:** Kerry Wright, Senior Legal Counsel; Sarah Wattie, Governance and Legal Services Manager

**Date:** 31/08/2021

**SUBJECT:** COVID-19 PUBLIC HEALTH RESPONSE ALERT LEVEL REQUIREMENTS ORDER NO.10 & RELATED LEGISLATION (SUBJECT TO LEGAL PROFESSIONAL PRIVILEGE)

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**PURPOSE**

1. This note provides an overview of the Covid-19 Public Health Response Alert Level Requirements Order No.10 ('the Order') and other key Covid-19 legislation relating to Council business.

**ADVICE*****The Covid-19 Public Health Response Alert Level Requirements Order No.10***

2. The Covid-19 Public Health Response Alert Level Requirements Order **No. 10** replaces the Covid-19 Public Health Response Alert Level Requirements Order **No.9** (the order that came into force on 17 August 2021).
3. The new Order will keep Auckland and Northland at alert level 4, with the rest of the country moving to alert level 3.
4. Most of the requirements in the new Order will come into force at 11.59pm on 31 August 2021. However, new contact tracing requirements will not come into force until 11.59pm on 7 September 2021.
5. The purpose of the Order is to prevent, and limit the risk of, the outbreak or spread of Covid-19 and to otherwise support the purposes of the Covid-19 Public Health Response Act 2020.

***Alert level 4 area requirements and inter-alert level travel***

6. The Order sets out the alert level 4 requirements that will apply within the alert level 4 area.
7. The Order also provides that individuals can only travel in and out of the alert level 4 area for "permitted reasons". A permitted reason includes, for example, responding to an emergency or to carry out certain work.

***Alert level 3 area requirements***

8. The Order sets out the alert level 3 requirements that apply within the alert level 3 area.
9. In short, all persons, within the alert level 3 area, must remain at their current home or place of residence unless they are carrying out an "essential personal movement".
10. The Order also stipulates that if a person's home or place of residence is mobile, they must keep that home or place of residence in the same general location, unless they are carrying out an "essential personal movement".

***Essential personal movement in the alert level 3 area***

11. Within the alert level 3 area, a person is permitted to, for example, carry out the following essential personal movements:
  - access an 'alert level 3 business or service'
  - work at an 'alert level 3 business or service'
  - attend an education facility
  - undertake limited recreation purposes
  - carry out limited customary purposes
  - access health services, or
  - to care for pets or other animals.
12. This list is not exhaustive but intended to capture the categories, of essential personal movement, that most apply to Council.

***Alert level 3 business or service requirements of schedule***

13. Schedule 3 of the Order sets out which businesses or services may continue to operate at alert level 3, and the requirements that they must follow.
14. Schedule 3 splits businesses and services into either category A businesses and services or category B businesses and services.
15. For example, animal health and welfare services fall within the definition of a category A service, and these services are allowed to have customers in the workplace, subject to complying with the 1-metre physical distancing rule (so far as is reasonably practicable).
16. Category B businesses and services include, for example, supermarkets, foodbanks, transport and health services, and Schedule 3 sets out the specific requirements that apply to these businesses and services.
17. Category B businesses and services also includes "all other businesses or services" that are not specifically listed in Schedule 3 of the Order, and these businesses and services have to:
  - comply with physical distancing requirements
  - comply with the new contact tracing requirements (discussed below), and



- have “systems and processes in place to ensure that, so far as is reasonably practicable, no customers...enter the workplace except to the minimum extent necessary to collect goods through a method that minimises physical contact, and
  - does not involve entering a building
  - involves entering a shopping mall but not an individual store, or
  - involves entering a building but only to access a PO Box...”

18. The intention behind this provision is to allow essential services to open, safely, while at the same time support the whole of Government approach to eliminate the virus.

***Additional face covering requirements for individuals in alert level 3 area***

19. The Order also provides that every person in the alert level 3 area must wear a face covering (unless they are exempt from doing so) when entering/ accessing:

- supermarkets
- dairies
- petrol stations, including any stores operating as part of the petrol station
- licensing trusts
- pharmacies
- food banks
- self-service laundries
- hardware and do-it-yourself stores
- public areas of courts and tribunals
- public areas of category A social services
- retail butchers, fishmongers, and greengrocers
- parts of shopping malls
- banks
- public areas of premises operated by New Zealand Post Limited
- at public transport arrival and departure points
- when entering certain health services, and
- a worker delivering goods to a dwelling house must wear a face covering for any part of the trip during which they are not in or on their vehicle.

***Closure of premises unless operating in accordance with the alert level 3 area requirements***

20. In general, a person in control of premises in the alert level 3 area must close those premises unless the business is operating in accordance with the alert level 3 area requirements. They may, however, undertake any necessary work to do such things as maintain a building, care for animals, enable workers to work, or continue to work, remotely or to prepare for their business to re-open.

***Businesses and services in alert level 3 area must have systems in place to minimise travel***

21. The Order also requires businesses and services within the alert level 3 area to, so far as it is reasonably practicable, minimise travel of its workers between regions or alert level areas and mitigate the risks of any travel between regions or alert level areas. This means that

businesses must assess whether it is essential for a person to travel between regions and if it is, all steps must be taken to reduce any associated risks.

#### ***Contact tracing***

22. The Order also introduces new contact tracing requirements. In short, the Order requires the person in control of a business or service to have systems and processes in place to ensure that, so far as is reasonably practicable, that a person over the age of 12 who enters the workplace:
- a. scans the QR code for the workplace or otherwise makes their own contact record, or
  - b. provides a contact record that the person in control of the workplace collects.

#### ***Responsibility for complying with the Order***

23. It is important to note that the requirements set out in the order apply to the person who carries out that business or service. If a person who carries out that business or service fails to comply with the requirements of the Order, then enforcement action may be taken in respect of any breach of the Order. For example, an enforcement officer who has reasonable grounds to believe that a business or undertaking, or part of a business or undertaking, is operating in contravention of a Covid-19 order, may direct any person who appears to be in charge of the business or undertaking, or that part, to close and cease the operation.

#### ***Health and Safety at Work Act 2015***

24. It is also important to note that the Order does replace the obligations set out in the Health and Safety at Work Act 2015, and the obligations set out in this Act remain in force. If, for example, a person is required to use specific PPE for work prior to the Covid-19 pandemic, then this requirement remains in force.

#### ***Other***

25. Certain services are exempt from the requirements of the Order (for example, the NZ Police) and it should also be noted that **nothing** in the Order prevents any person from assisting in, or responding to, an emergency.

#### ***Local Government Official Information and Meetings Act 1987: Local Authority Meetings***

26. Part 7 of the Local Government Official Information and Meetings Act 1987 has been amended by the Epidemic Preparedness (Covid-19) Notice 2020 ('the Notice'). This Notice was renewed on 15 June 2021 and it enables the use of a number of 'special' or 'emergency' powers in legislation. While the Notice remains in place:
- i. Council meetings which are required to be 'open to the public' can take place, by way of live audio and/ or video broadcast, which is then made available after the meeting, free of charge, and

- ii. Meeting agendas (and any report referred to in that agenda) and meeting minutes being posted on the council's website.

***Local Government Official Information and Meetings Act 1987: Requests for Official Information***

- 27. Timeframes for processing LGOIMA information requests remain the same during the Covid-19 emergency. However, the Chief Ombudsman has published guidance acknowledging that complying with the OIA and LGOIMA may be more difficult in the current circumstances.
- 28. The Ombudsman has encouraged agencies to *"keep the public informed about their arrangements for dealing with official information requests via their social media channels and websites. Individual requestors should also be kept up to date about their requests."*
- 29. If it is likely that a request for official information cannot be responded to within 20 working days, agencies may:
  - i. Provide a staged approach to the request (where only part of the information is initially released)
  - ii. Consider whether to extend the timeframe for responding to the request (which cannot be based only on Covid-19), or
  - iii. Consider whether to refuse a request under 17(c) (i) of the LGOIMA (this may apply where making the official information available would contravene Public Health legislation).

***Consenting timeframes***

- 30. Timeframes for building consent applications remain the same during the Covid-19 emergency.
- 31. With respect to resource consents, consent authorities are encouraged to take a pragmatic approach during this time. There is broad discretion to extend timeframes and waive procedural requirements under sections 37 and 37A of the RMA. These sections give consent authorities the discretion to double the RMA statutory timeframes when special circumstances such as COVID-19 apply and once other considerations are taken into account, such as the interests of directly affected parties. Timeframes can be increased further with the agreement of applicants. Guidance also notes that: *The Ministry for the Environment encourages consent authorities to make use of these provisions where appropriate and communicate openly with applicants around the timeframes. Processing consent applications relating to the delivery of essential services should be prioritised.*

**ATTACHMENTS:**

- Covid-19 Public Health Response Alert Level Requirements Order No. 10

**8 PUBLIC SPEAKING TIME**

- Covering other items if required
- Public Speaking Time responses