

## Food Businesses on Harbour Trust Land

### Application & Enforcement Processes

#### Introduction

The Harbour Trust is the authority responsible for ensuring food businesses operate safely and hygienically on Sydney Harbour Federation Trust (Harbour Trust) land. This document outlines the controls that apply to the operation of food and beverage premises on Harbour Trust land.

The following Acts and Codes are relevant to food businesses:

- *Australian and New Zealand Food Standards Code;*
- *NSW Food Act 2003 and Food Regulation 2015;*
- *Australian Standards;*
- *National Construction Code; and*
- *Sydney Harbour Federation Trust Act and Regulations 2001.*

#### Food Businesses must meet these Objectives

The preparation and sale of food and beverages on Harbour Trust land must meet the following objectives:

- Written approval from the Harbour Trust has been obtained; and
- All premises are checked for compliance with the Food Code and Food Act and Regulation.

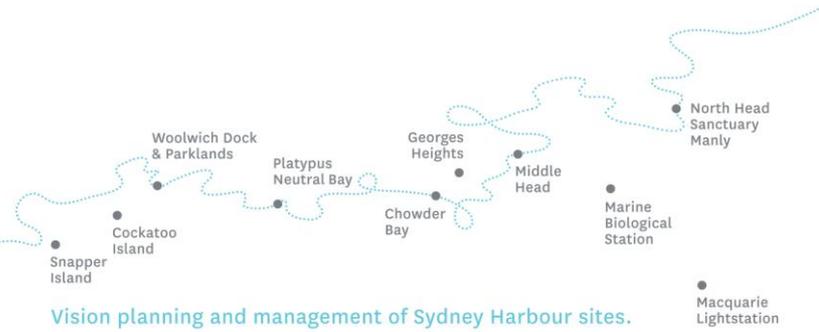
Harbour Trust rangers and security, NSW Police, officers of the NSW Food Authority and other authorised personnel will ensure ongoing compliance with any approval and/or licence issued by the Harbour Trust.

See **Appendix A** for more information about the standards a food business must achieve.

#### What is a Permanent Food Business?

A permanent food business is one that operates for a period of 21 days or more, and/or will be permanently located in a building or structure that is, or will be, designed to accommodate a food business. Permanent food businesses include restaurants, cafes and bars, and food trucks that are in a fixed location.

Persons seeking to establish new permanent food businesses on Harbour Trust land must discuss their proposal with Harbour Trust staff at the earliest opportunity. This is because the heritage significance and at times unique character of some of the Harbour Trust's buildings and landscapes means that certain areas may be unsuitable for food businesses.



Development approval from the Harbour Trust is required for any new permanent food business, or for works on Harbour Trust land (separate development approval is not required from the NSW government or local council). In some instances, applications may be referred to the Australian Department of the Environment for consideration.

Applicants must have obtained relevant approvals from the Harbour Trust such as a lease (for the use of a building), licence (for the use of outdoor space or a building), and/or liquor licence, prior to the operation of a food business on Harbour Trust land.

### What is a Short Term Food Business?

The Harbour Trust defines a short term food business as a place where food is sold or supplied to customers or patrons, and operates for a period of 21 days or less. Short term food businesses are often associated with events and/or are located in buildings or spaces that are not usually used for that purpose.

The Harbour Trust may, at its discretion, consider varying the maximum operation timeframe for a short term food business, subject to the exact nature and location of the businesses, their expected clientele, and ability to achieve compliance with relevant codes and standards.

The NSW Food Authority's *Guidelines for Food Businesses at Temporary Events* (document reference SW/FA/FI146/1302) contains useful information regarding compliance requirements for short term (temporary) food businesses.

It is the Harbour Trust's preference that caterers operating as on Harbour Trust lands hold a Gold Licence issued by the Restaurant and Catering Association.

The Restaurant and Catering Association ensures operational plans, qualifications and insurances of Gold Licence holders are adequate. Non-Gold Licence caterers must provide additional information to the Harbour Trust as part of their application to operate See **Appendix B** for more information.



Vision planning and management of Sydney Harbour sites.

## Approvals Required

Prior to the commencement of trade, all food businesses must have obtained relevant approvals, as outlined in the table below:

Type of activity	Lease (use of building)	Licence (use of building/ outdoor space)	Liquor Licence	Development approval	Food Notify	Food Inspection
Short event		✓	✓	*	✓	✓
Permanent tenant	✓		✓	*	✓	✓
Sell or serve alcohol	✓	✓	✓	*		
Works to building (not reversible or permanent works)				✓		
For more information contact:	Harbour Trust Property and Leasing Management Division		Harbour Trust Planning Team		NSW Food Authority	

\* Depending on the nature of the business, development approval may also be required.

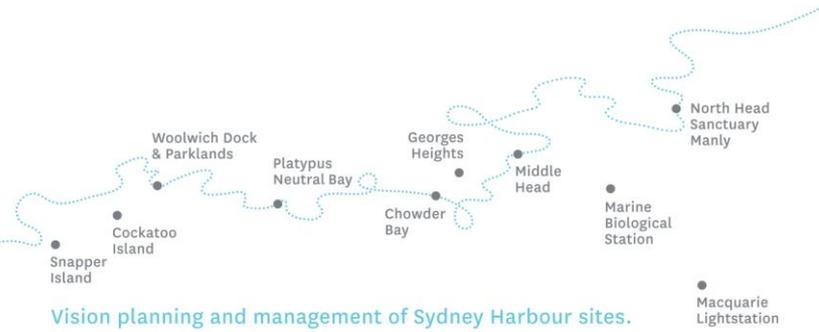
The operator must allow sufficient time to submit relevant application(s), fee(s), and to obtain approvals.

## Food Business Notification

Most businesses that sell food must inform the NSW Food Authority of the operation of their premises, prior to the commencement of trade.

Food businesses that must notify include:

- Retail food outlets
- Businesses which sell food as a smaller part of their business such as chemists, cinemas or corner stores
- Food stall holders at regular, temporary or one-off events
- Mobile food outlets
- Childcare facilities that provide food
- Food transport, storage or wholesale businesses



Visit <http://www.foodnotify.nsw.gov.au> for more information.

## Compliance with the Food Code, NSW Food Act and Regulation

The Harbour Trust requires all operators of food and beverage premises to provide evidence demonstrating how they will achieve compliance with relevant aspects of the Food Code, and Food Act and Regulation.

This would typically be demonstrated at the various stages as follows:

### *Prior to Harbour Trust approval:*

Advice from a specialist food safety consultant or the NSW Food Authority (to be engaged by the applicant to review layout of premises).

### *Prior to commencement of trade:*

Inspections of the premises by NSW Food Authority (to be arranged by applicant in consultation with the Harbour Trust).

### *At any time during operation:*

Inspections of the premises by NSW Food Authority (these inspections will be unannounced).

Compliance with the Food Code on Harbour Trust land is typically enforced by officers of the NSW Food Authority. Fees may be payable for inspections.

Compliance with development approval conditions, lease/licence conditions and liquor licences is enforced by Harbour Trust rangers and security, NSW Police, and other authorised personnel.

## Inspections and Enforcement

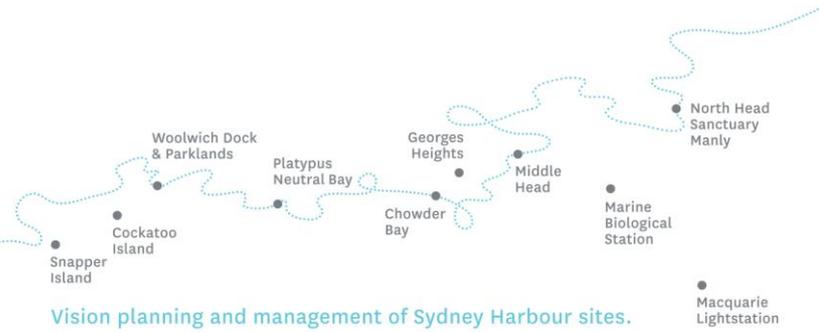
The NSW Food Authority undertakes inspections and enforces compliance with the *NSW Food Act 2003*, *NSW Food Regulation 2015*, and Food Safety Standards on Harbour Trust land.

To maintain public health and safety, the Harbour Trust, NSW Food Authority and other enforcement agencies may share information regarding compliance and enforcement activities on Harbour Trust land.

The NSW Food Authority's template for *Food Premises Assessment Reports* is available to assist businesses to perform self-assessments prior to inspections. This form is available on the NSW Food Authority website.

## Penalties for Non-compliance

Officers of the NSW Food Authority may use a variety of tools to help achieve compliance with the Food Code. These tools include:



- Re-inspection;
- Warning letters;
- Improvement notices;
- Prohibition orders;
- Seizure notices;
- Penalty notices; and
- Prosecution.

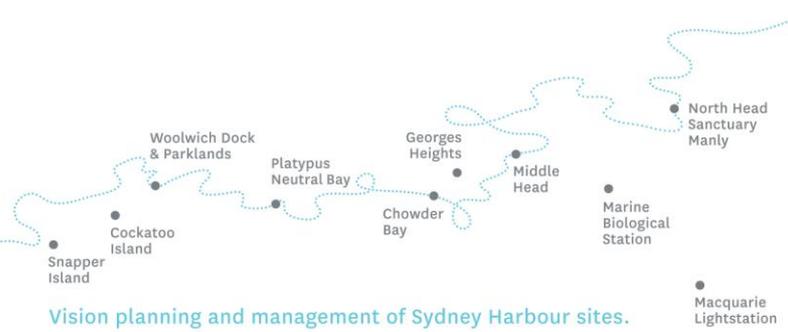
### Pre-Lodgment Meeting

We encourage tenants to discuss any works (including the operation of a food business) with the Harbour Trust before seeking approval or lodging a development application. This will expedite the assessment process and provide an opportunity to identify any relevant issues. It will also allow applicants to more fully understand the assessment process.

### Further Information

Relevant guides and application forms are available on the Harbour Trust website: [www.harbourtrust.gov.au](http://www.harbourtrust.gov.au).

Visit the NSW Food Authority website at [www.foodauthority.nsw.gov.au](http://www.foodauthority.nsw.gov.au) for information regarding compliance with the Food Act and Food Code, including operating short term (temporary) food businesses.

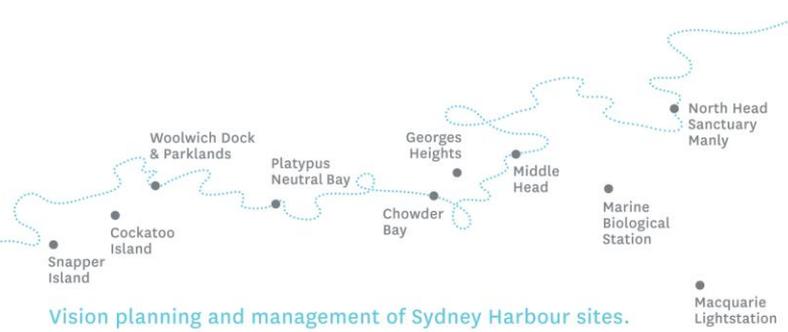


## APPENDIX A

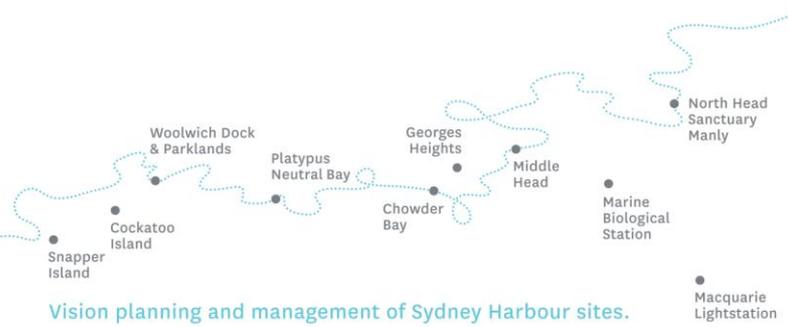
### Food Businesses – Range of Potential Issues to be Addressed

Depending on the nature of the proposed activity, the following building design, construction and operational issues would potentially need to be addressed by permanent and temporary food businesses on Harbour Trust land.

Matter	Detail	Comments
Fire protection	Building and occupants to be adequately protected in the event of fire	<ul style="list-style-type: none"> <li>Protection measures to be in place to ensure building and public will be protected during cooking</li> <li>Compliance with National Construction Code required</li> </ul>
Electrical supply	Sufficient electrical supply to be provided in building	<ul style="list-style-type: none"> <li>SHFT to identify permanent supply to building</li> <li>Business to determine if permanent supply is sufficient, or if additional supply is required</li> <li>Additional supply to be certified by qualified electrician</li> </ul>
Kitchen ventilation	Natural or mechanical ventilation required	<ul style="list-style-type: none"> <li>Exhaust hood required when <sup>1</sup>:                             <ul style="list-style-type: none"> <li>(a) any cooking apparatus has—                                     <ul style="list-style-type: none"> <li>(i) a total maximum electrical power input exceeding 8 kW; or</li> <li>(ii) a total gas power input exceeding 29 MJ/h; or</li> </ul> </li> <li>(b) the total maximum power input to more than one apparatus exceeds—                                     <ul style="list-style-type: none"> <li>(i) 0.5 kW electrical power; or</li> <li>(ii) 1.8 MJ gas, per m<sup>2</sup> of floor area of area of the room or enclosure.</li> </ul> </li> </ul> </li> <li>Works to be certified by qualified electrician</li> </ul>
Gas bottles <sup>2</sup>	To be appropriately sized	<ul style="list-style-type: none"> <li>Do not use gas bottles with greater than 9 kg capacity in outdoor areas</li> <li>Bottles should be secured so that they cannot be tipped over</li> </ul>
Water supply	Hand washing facilities (cold and warm water)	<ul style="list-style-type: none"> <li>Food Code permits portable handwashing facilities for temporary facilities (min 10 litres)</li> <li>Additional supply to be certified by qualified plumber</li> </ul>
	Washing and sanitising facilities for cooking equipment and surfaces	<ul style="list-style-type: none"> <li>Business to demonstrate how cooking equipment will be washed and sanitised</li> <li>Re-useable eating and drinking ware must be washed and sanitised in receptacles for that purpose</li> </ul>



Matter	Detail	Comments
Sewerage and waste water disposal	Facilities for effective disposal of sewerage and waste water required	<ul style="list-style-type: none"> <li>• SHFT to identify permanent sewerage and waste water disposal facilities</li> <li>• Business to determine if permanent facilities are sufficient, or if additional facilities are required</li> <li>• Additional supply to be certified by qualified plumber</li> </ul>
Storage and collection of waste	To be of a sufficient size to accommodate waste and recyclables; waste to be enclosed to prevent access by pests; storage area to be easily emptied and cleaned	<ul style="list-style-type: none"> <li>• Waste area to be defined</li> <li>• Business to manage disposal of waste and recyclables</li> </ul>
Lighting	Natural or artificial light needed	<ul style="list-style-type: none"> <li>• Lighting to be adequate</li> <li>• Additional supply to be certified by qualified electrician</li> </ul>
Floors	To be effectively cleaned; not able to absorb wastes; not allow ponding of water; not encourage pests	<ul style="list-style-type: none"> <li>• Floors must be suitable for purpose and easily cleaned</li> <li>• Note: Subject to agreement of consent authority, Food Code states temporary businesses do not have to comply with this requirement, providing they are unlikely to pose any risk of contamination of food handled at businesses</li> </ul>
Walls	Must be effectively sealed to prevent entry of dirt, dust and pests; unable to absorb grease, food particles or water; be easily cleaned	<ul style="list-style-type: none"> <li>• Walls must be suitable for purpose and easily cleaned</li> </ul>
Fixtures, fittings, equipment	Be easily cleaned, installed so there is no likelihood of food contamination, used for the purpose intended If designed to be connected to a water supply, must be connected to an adequate supply of water	<ul style="list-style-type: none"> <li>• SHFT to identify permanent fixtures, fittings and equipment</li> <li>• Operator to ensure portable equipment is fit for purpose, and used for the purpose intended</li> <li>• Additional supply must be certified by qualified electrician/plumber</li> </ul>
Storage facilities	To be adequate and to ensure no likelihood of stored items contaminating food or food contact surfaces	<ul style="list-style-type: none"> <li>• Business to ensure items are stored appropriately</li> </ul>



Matter	Detail	Comments
Toilet facilities	To be available for use of food handlers	<ul style="list-style-type: none"> <li>• SHFT to identify permanent facilities</li> <li>• Separate facilities are required for food handlers and patrons</li> <li>• Business to determine if additional facilities are required</li> <li>• Additional supply must be certified by qualified plumber</li> </ul>
Food transport vehicles	To be designed and constructed for the proposed purpose	<ul style="list-style-type: none"> <li>• To be used appropriately</li> </ul>
Food handling controls	Food to be stored, processed, cooled, heated, displayed, packaged, transported and disposed of appropriately	<ul style="list-style-type: none"> <li>• Business to act in accordance with Code</li> </ul>
Health and hygiene requirements	Staff to follow appropriate food handling processes	<ul style="list-style-type: none"> <li>• Business to act in accordance with Code</li> </ul>
Cleaning, sanitising and maintenance	Ensure there is no accumulation of garbage and recycled materials (except in designated containers), food waste, dirt, grease, or other visible matter, in business and on equipment	<ul style="list-style-type: none"> <li>• To act in accordance with Code</li> </ul>
Skills and Knowledge of staff	Appropriately qualified persons to be on staff	<ul style="list-style-type: none"> <li>• Businesses must appoint at least one Food Safety Supervisor for their businesses</li> <li>• Business to notify NSW Food Authority prior to commencement of trade</li> </ul>

<sup>1</sup> Source: National Construction Code 2015 - BCA Vol 1: F4.12 Kitchen local exhaust ventilation

<sup>2</sup> Source: NSW Food Authority: *Guidelines for food businesses at temporary events* (clause 3.8(d))

NOTE: Achievement of compliance with the Standards and the Food Code is subject to an assessment by a qualified inspector.



## APPENDIX B

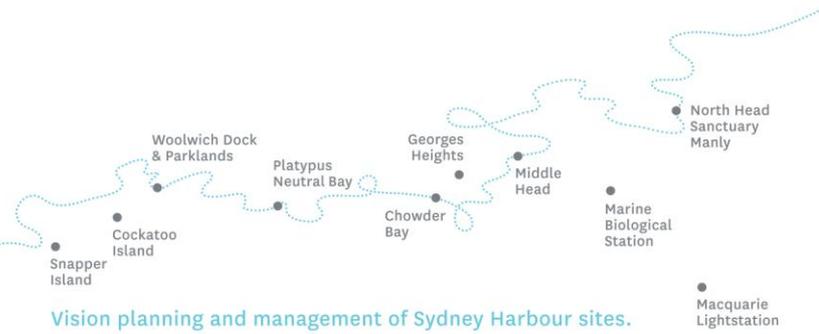
### Temporary Food Businesses and Events – Suitable Suppliers

Harbour Trust lands are not fully catered venues. The Harbour Trust has collated a list of food businesses that are experienced in catering for a range of operations including short-term corporate dinners and special events, and outdoor festivals. These companies have already undergone a Harbour Trust approval process and therefore may operate on Harbour Trust land without requiring further approval to operate as a food business. All of these businesses are also accredited by the Restaurant and Catering Association and are *Gold Licence Caterers*.

It is the Harbour Trust's preference that caterers operating as on Harbour Trust lands hold a Gold Licence issued by the Restaurant and Catering Association (ensure the Harbour Trust is provided with a copy of the Gold Licence). Contact the Harbour Trust for more information.

Event organisers may use these companies, or alternatively use another food business. Selecting your own company would be subject to the Harbour Trust's approval. Your selected company must supply the following documentation:

1. **Incorporated Company Business name and ABN** supplied in the form of a certificate of registration of a business (ASIC) and ABN registration (ATO).
2. **A satisfactory Health Inspection Report** on all commercial kitchens and transport vehicles (must be less than six months old)
3. **Current Liquor License** (provide copy of liquor licence issued by NSW Office of Liquor, Gaming and Racing, or Harbour Trust). If not, an application to the Harbour Trust is required.
4. **Responsible Service of Alcohol** certificates for all working staff
5. **Certificate of currency of workers compensation** in the name of the applicant's business, covering all staff involved in carrying out the activity
6. **Certificate of currency for public and product liability insurance** in the name of applicant (minimum coverage \$20 million)
7. **Current Work Health and Safety Policy** in compliance with the WHS Act 2011
8. **Food Safety Plan** (including details on food transportation)
9. **Food Safety Supervisor Certificate**
10. **Catering Capacity**, maximum and minimum number of people the company is able to cater for.
11. **Contact**: the name and contact details of the supervisors proposed to supervise the functions, and the qualifications and experience of each supervisor
12. **Proposed food and beverage** options for sign off (indicative menu)
13. **Waste and disposal** plans for grey water, cooking oils, solid waste and perishable waste



**14. Building Protection Plan:** general consideration must be given to protection of heritage surfaces and sandstone, and the prevention of soiling due to spillage of oily foods

## Frequently Asked Questions – Permanent Restaurant or Cafe

***I would like to open a new restaurant or café on Harbour Trust land. What process must I follow?***

- Contact the Harbour Trust to discuss your proposal. This is because the heritage significance and at times unique character of some of the Harbour Trust’s buildings and landscapes means that certain areas may be unsuitable for food businesses. The Harbour Trust regularly calls for Expressions of Interest for the use of buildings, including some that may be suitable for use as restaurants and cafes.
- The Harbour Trust may require you to obtain advice from a food safety consultant or the NSW Food Authority to ensure the layout of your restaurant or café can achieve compliance with the Food Code, and the NSW *Food Act* and *Regulations*.
- If the Harbour Trust supports your proposal, you would be required to obtain relevant approvals from the Harbour Trust such as: development approval; a lease or licence; and a liquor licence; prior to the commencement of trade. The Harbour Trust will advise you which approvals will be required.
- Notify the NSW Food Authority of your food business, and arrange for a specialist food safety consultant or the NSW Food Authority to conduct an inspection.

***Applications for new cafés and restaurants must include the following documentation:***

- Submit a development application to the Harbour Trust for the proposal including architectural plans, written statements and relevant consultant reports describing all proposed works and how the food business would operate.
- Qualifications of the nominated Food Safety Supervisor.
- Advice from a food safety consultant or NSW Food Authority confirming that the layout of your restaurant or café can achieve compliance with the Food Code, and *Food Act* and *Regulations*.
- Lease or licence signed by both the Harbour Trust and the operator of the proposed food business.

***The Harbour Trust works with the NSW Food Authority to ensure food businesses operate safely.***

- Compliance with the Food Code on Harbour Trust land is enforced by officers of the NSW Food Authority. Fees may be payable (by the lessee or licensee) for inspections.
- Officers of the NSW Food Authority are authorised to inspect food businesses for compliance with food legislation, and undertake enforcement action if required.
- Harbour Trust Rangers and security, NSW Police and other authorised personnel may also enforce compliance with any other approvals and/or licences issued by the Harbour Trust.