



Council guidelines for

Personal Services Businesses

Planning and permitting for
hairdressers, tattooists, beauty salons
and more



Merri-bek
City Council

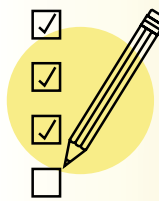


Opening a

personal services business

So, you're planning to open a new business? Congratulations! Perhaps you have a location in mind and want to make sure it's suitable, or expand your current business. Or maybe you've signed a lease and want to know what Council approvals you need to get up and running. Whatever stage you're at, these guidelines are designed to give you the information you need to help get your business operating as quickly as possible.

What do I need?



PLANNING APPROVAL

You may need a Planning Permit for your business, depending on the zone, overlay and other factors. A Planning Permit application is where the Council checks to make sure that your business use and development of land won't negatively affect the surrounding area.

Often, hairdressers, beauticians and other shops can avoid the need for a planning permit by locating in a Commercial Zone. You should check with your Council to make sure you need a Planning Permit before undertaking an application.



BUILDING APPROVAL

If you're planning to build or renovate, it must be done safely, be structurally sound and appropriate for the area. To ensure this, you'll need a Building Permit. This can only be done if you already have a Planning Permit, so make sure you get that first. You may also need an Occupancy Permit, if your business is different from what the premises are used for now. For more information about getting a Building Permit, view the ***Building Permits for Businesses*** fact sheet.



LIQUOR LICENSING

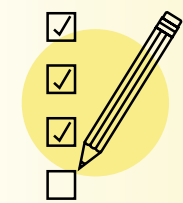
Businesses like hairdressers are permitted to offer a complimentary alcoholic drink to their customers. If you want to sell them, however, you'll need a liquor licence.



REGULATIONS & REGISTRATIONS

Personal care and body art businesses are considered health related businesses, and so must be registered with the local Council in order to operate. There are also specific guidelines that need to be followed to maintain good health practices.

Additionally, if you use a footpath outside your business for seating, displaying goods or advertising signs, you will need a local laws permit from the Council. Once you have approval from each regulation that applies to your business, you're allowed to operate.



Planning approval

Of all the approval phases, Planning is usually the longest and the one that requires the most work. It also has the greatest degree of discretion in assessing whether to grant a permit or not, as it can be subject to objections from neighbours or other businesses.

What to consider before buying or leasing

Before locking yourself into purchasing or leasing premises, it's important to consider some basic planning issues, which could determine whether or not you get a Planning Permit.

Think about:

Zoning

Zoning is potentially the most important thing to consider as it is the zone that determines whether a permit can be granted or rejected. The zone can therefore be a make-or-break decision. For instance, shops (including hairdressers and beauticians) are prohibited in the industrial 1 zone and the general residential zone (so a Council is not able to grant a permit); a permit is required in the Mixed Use Zone, and no permit is required to use a premises for a shop in the Commercial 1 Zone.*

You can check the zoning of a property at mapshare.vic.gov.au/vicplan

*These are general examples and should not be relied upon to make decisions regarding whether to purchase or lease property.

Overlays

You should also check whether the land is included in any overlays, which include permit requirements to develop land. Many locations have Overlay controls, particularly a Heritage Overlay, or Design and Development Overlay. Overlays are an additional layer of planning control on extensions and external alterations to buildings and may restrict the business layout. For example, you may not be allowed to put additional openings into a building that has heritage protection, or cover up a clear glass, shopfront in a Design and Development Overlay.

Car parking

Depending on the size of your business, you may need to provide car parking to operate. Alternatively, you may need to seek a permit from Council for a reduction in car parking. Car parking reductions are common in inner-city areas, however, you may need to submit a report that demonstrates there is enough public parking in the precinct to accommodate a new use. Car parking rates are set out in Clause 52.06 of the Council's planning scheme, and there are some exemptions set out here as well

Timing

Planning approval can take a long time. This is because there are statutory timeframes in relation to further information, public notice (advertising), objections, Council decision making and a potential VCAT hearing. It is important to factor in potential timeframes when deciding whether to buy or lease a premises. A controversial application that is decided by VCAT can take longer than 12 months. It may be better to locate your business in a zone that does not require planning permission.

Costs

It is important to be aware of potential costs in making an application for a Planning Permit. There are statutory fees for lodging an application, Council fees for public notice and fees if the application goes to VCAT. Information about fees is available on your Council websites. There may also be fees if you need to engage an architect, a planning consultant to help you get a Planning Permit or get a traffic and car parking study if parking is an issue.

Existing use rights

You may find that your desired property is in a zone that prohibits shops, but has been used for a shop for a long time. In this case, it's possible the land has 'existing use rights'. This means the use is legal, as the business predates the zone which prohibits it. For example, a shop has existed since the 1800s, but the modern day Industrial 1 Zone prohibits it. The shop benefits from existing use rights if the use has not ceased.

To find out more, read the **Existing Use Rights** fact sheet.





What sort of permit do I need to apply for?

A Planning Permit may be required for multiple reasons, known as ‘permit triggers’, or just one, depending on the proposal. For example, you may need a permit to change the use of a building, or to construct or modify a building.

Here are the common permit triggers associated with small business applications:

- **Change of use** – when you want to operate a business that uses the land for a different reason to its current or previous use, e.g. operate a shop in what was previously a warehouse.
- **Buildings and works** – when you want to change the building, construct a new building or excavate land.
- **Advertising signs** – e.g. light boxes, signage on windows, flashing or illuminated signs
- **Reduction in car parking** – there are guidelines for how many car parking spaces you need, so you’ll need to make a case for an exemption if you don’t meet these

Applying for a Planning Permit

Before you apply for a Planning Permit, you may wish to have a Pre-application Meeting with your local Council. They can advise:

- whether or not your proposal actually needs a permit
- if your proposal is prohibited
- what additional information you need to supply with your application
- how your application will be processed.

What do I need before applying for a Planning Permit?

If you do need a permit, you will need to provide the following information as part of your application:

- **Application form** – this is done on your local Council’s website
- **Certificate of Title** – this must be issued within the last three months
- **Planning fee** – the amount is available on your local Council’s website
- **Plans** – show the layout of the proposal, any buildings and works and relationships to adjoining buildings
- **Planning report or written submission** – see below
- **Expert reports** – e.g. an acoustic report for noise, or traffic and parking report by a qualified engineer

Planning reports

A planning report provides details about your business, like the proposed number of employees, hours of operation, patron capacity (by square metres or seating) and car parking. It assesses the proposal against relevant planning policies and requirements and justifies why a permit should be granted.

You may wish to consider engaging a planning consultant to help prepare the planning report, especially if the proposal is complex.

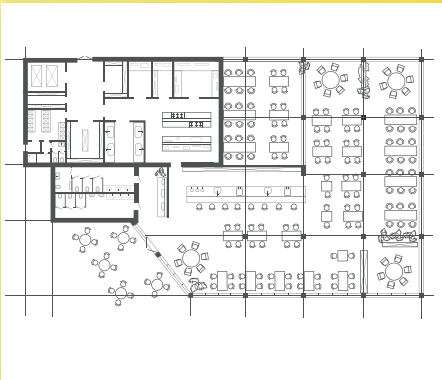
For more details, read the *How to apply for a planning permit* fact sheet.

Application form



Certificate of Title

Planning report

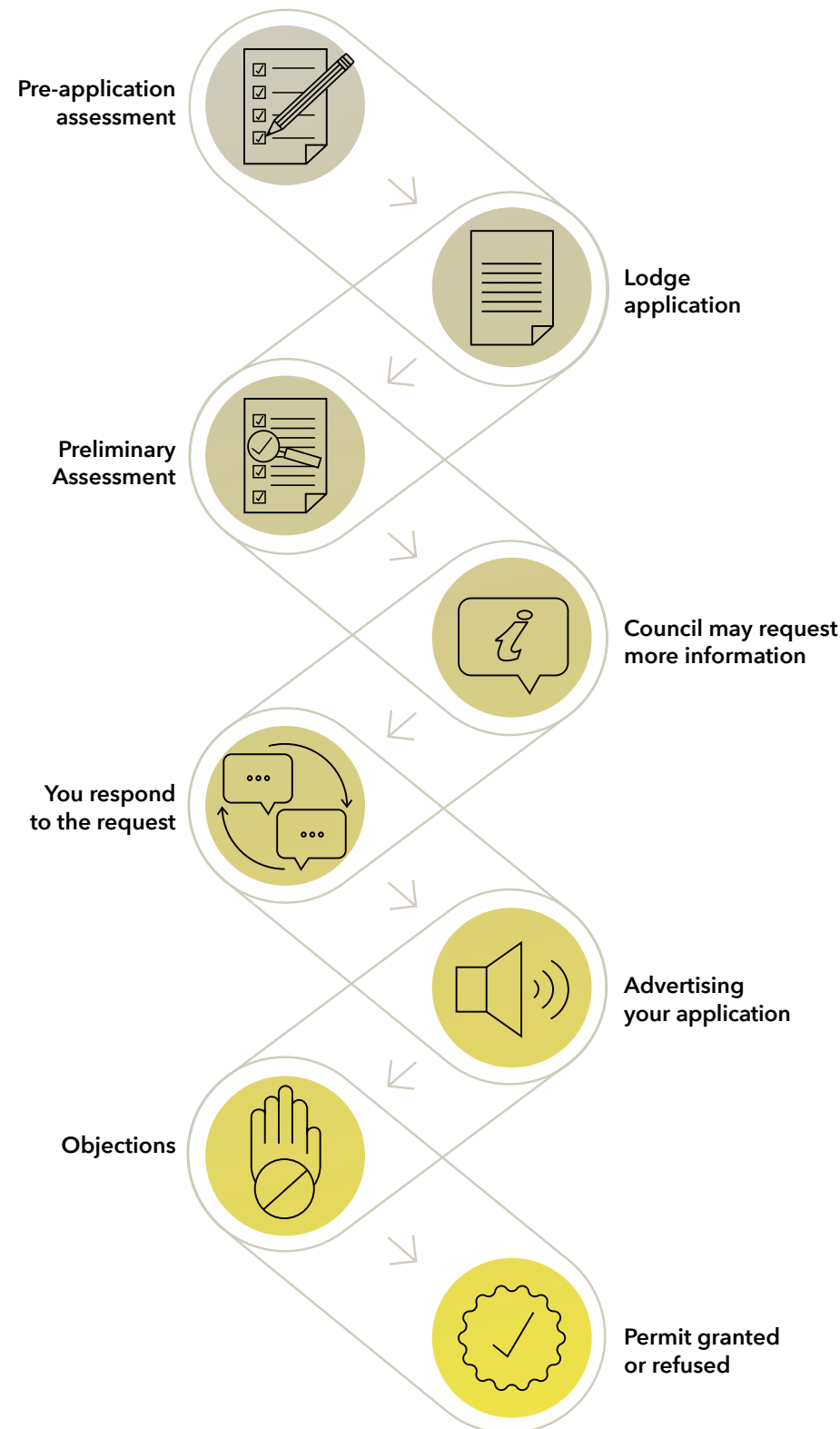


Plans

What is the approval process?

As a general rule of thumb, allow a few months to gain planning approval – but contact your Council to find out what their current timeframes are like.

After you lodge your application, the Council will first decide whether it has all the necessary information for it to assess it. They may request further information to make a decision on whether to accept or refuse your application.



Advertising your application

Most applications for planning permits are advertised – which means, a formal notice is given to the adjoining and nearby owners and occupiers, and a sign may have to be displayed on the site for at least 14 days. Anyone may object to the application and must state how they would be affected by the grant of a permit.

The decision process

In deciding whether to grant a permit, the Council will consider:

- The zone, overlays and relevant planning policies
- Amenity impacts such as noise and parking
- Concerns raised in objections

The Council will then assess the application and decide to approve or refuse it. Your Council will either issue:

- A planning permit. This means you can start straight away.
- A Notice of Decision (NOD) to grant a Planning Permit. This means Council has indicated that it supports the proposal, and you can commence operating in 28 days' time, unless an objector reviews the decision at VCAT.
- A refusal, meaning your application has been rejected.

For more information on appeals, NODs and refusals, see our **Right of Appeal** fact sheet.

If Council approves your business, you will be given conditions of approval that must be met when operating. These may stipulate hours of operation, the number of people that can be accommodated on site and the number of car parking spaces that must be provided.

What do permits cost?

The State Government sets application fees for all planning permits. You can find them here: <https://www.planning.vic.gov.au/legislation-regulations-and-fees/planning-and-subdivision-fees>

If you are required to advertise a public notice for your application, you'll need to pay an advertising fee. This amount is shown on your Council's website in the planning section.

How long will the whole approval process take?

After you've submitted your application, the Council will get back to you within 28 days with any questions. Sometimes the Council will need to involve another organisation in the decision. This is known as a referral authority and they have 28 days to respond.

Once the Council has all the information they require, they will usually make a decision within 60 days.

VicSmart – for straightforward applications

VicSmart is an alternative way to apply for a planning permit, using a streamlined assessment process. It's a faster way of dealing with low-impact, straightforward planning permit applications, and can reduce the process to just 10 days.

To find out whether your application is eligible for VicSmart, contact your Council.

Tips to save time

- Request a pre-application meeting. The Council will confirm in writing what information should be submitted with an application.
- Engage a planning consultant – they'll be familiar with Council processes and requirements.
- Engage an expert if specialist information is required.
- Ensure all information is provided and it is accurate. This includes being clear what permit triggers apply, the correct fees are paid, the planning report and plans contain no errors.
- Utilise any information requirements, guidelines and policies that have been prepared by the Council that are relevant to your application. Most Councils have a webpage with fact sheets or guidelines to help you.
- Utilise online processes to lodge applications and provide both email and telephone contact details.



Building approval

There is often confusion about planning and building controls. As discussed, Planning controls are mainly concerned with the use and development of land. Building controls are mainly concerned with the construction of buildings to ensure they are structurally sound and safe.



When do I need a building permit?

Generally speaking, if you're doing any building works, you need a permit. For example, you will need a permit if:

- You are changing the use of the building (for example, turning a shop into a café)
- You are extending or making structural changes to an existing building
- You are demolishing structural parts of the building
- You are changing signs on the building
- You are making changes to safety features in the building (for example, exit signs, emergency lighting and sprinklers)
- You are making changes to the path of travel through the building (this can impact fire exit regulations)

What to consider when looking at properties

Before you lease or buy a building, there are some important things to consider that impact the potential work (and expense) required to get a Building Permit.

What building classification is it?

All buildings are classified according to the type of business operating within them. Each class has different regulations around fire safety, accessibility and other factors. Personal services businesses are Class 6. If your building was previously used for a different class, you may have to make significant changes to comply before you can open your business. For more information, read the **Building Classifications** fact sheet.

Does it have wheelchair access?

All buildings that require a Building Permit must be wheelchair accessible unless you receive an exemption. Exemptions are uncommon and usually reserved for cases of buildings with historic significance.

Fire prevention

Class 6 buildings have a higher risk of fire than buildings in some other classes. As such, the minimum requirements for fire safety are higher. If you are changing the use of a building, you should engage a specialist consultant to let you know what changes you will have to make. This may include changing existing materials like curtains or carpets, as well as reviewing the fire escape routes, ventilation and number of exits.

Money saving tip

Choosing a building that shares the same classification as your business will minimise the renovations you'll have to do. It can save you from making expensive modifications like making it wheelchair accessible or moving walls to improve the flow of traffic during fire evacuations.



Liquor Licensing

If you want to serve or sell alcohol, you need a Liquor Licence, even if you’re providing complementary drinks to your customers.



What kind of liquor licence do I need?

There are many different kinds of liquor licence. As a personal services business, you'll most likely need to choose one of the following:

1. On Premises Liquor Licence

If you want to include a bar, apply for this licence.

2. Limited Licence

This licence is more limited in scope.

For a full list and more details, refer to the ***Choosing your Liquor Licence*** fact sheet.

How do I apply for my licence?

When applying for your licence, you must supply supporting documentation including a Responsible Service of Alcohol certificate and a "red line plan", which is a floorplan of your business showing where alcohol will be consumed/sold.

With this documentation ready, you then begin your application at www.vgccc.vic.gov.au

For full details of these steps and what's required, refer to the ***How to apply for a Liquor Licence*** fact sheet.





Regulations and Registrations

Health registration

Personal care and body art businesses are considered health related businesses because they must comply with public health acts and regulations.

This means businesses offering the following services need to register with their local Council:

- Piercing
- Tattooing
- colonic irrigation
- manicures/pedicures
- waxing/threading
- electrolysis
- skin beauty treatments (e.g. facials, laser treatment, dermabrasion, dry needling, foot spa, cosmetic tattooing)
- hairdressing
- wigs/hair extensions
- beauty services.

The Department of Health has detailed guidelines on what these businesses need to do to meet hygiene standards. These guidelines are known as the *Health guidelines for personal care and body art industries*. (July 2011) and provide information on how infections can happen in personal care and body art businesses, and how customers and employees can be protected from infection.

You can view these guidelines at: www.health.vic.gov.au/publications/health-guidelines-for-personal-care-and-body-art-industries

How do I register my business?

Registration is done through your local Council. Some businesses such as hairdressing and temporary make-up businesses require a one-off registration only.

Councils have slightly different processes but in broad terms, the following steps are required.

Step 1 – Establish your proposed use

In order to determine what you need to do to comply with the Public Health and Wellbeing Act, the Council will need to know the following information:

- Details about the activities/services provided
- Include all activities/services – even if it is something you plan on doing later
- A layout of the proposed business, dimensions and details of fixtures and fittings, including location and elevations and details of the materials to be used on surfaces and finishes
- Where you will undertake these services within the premises and where you will clean the equipment, store and dispose of waste
- Equipment you will use to undertake these activities
- How you will clean and sanitise the equipment

This information should be provided to the Council in writing.

Property details

Provide the property address. If it's in a residential area, you may need approval from Council's planning department.



Plans

The Council may request that you provide a scaled floor plan of premises showing:

- the existing layout of the premises
- the proposed internal layout of treatment rooms, including the location of equipment, cleaning & sanitising area, description of floor, wall and bench finishes
- toilet facilities (consider separate facilities from the private residence for customers)
- entry and exits

Some Councils provide construction guidelines to help you prepare plans (e.g *Stonnington Construction Guidelines for Health Premises*)

Other information

It is useful to include the number of staff and customers you expect to have on premises.

Step 2 – Discuss with Council

Before going any further, you should discuss your proposal with Council. Many Councils provide a business concierge service to help applicants navigate through the process. All Councils will have a staff member in their Environmental Health team who can help guide you through everything.

At this stage, you may be advised of other potential requirements around planning, building regulations or local laws.

Step 3 – On-site meeting

Some Councils may suggest an on-site meeting to discuss the layout, construction and fit out requirements. Others will do progress inspections after an application has been lodged.

If an on-site meeting is recommended, it is important to bring all the information listed in Step 1, including a draft sketch of the proposed floor plan of the premises to make sure the design principles, construction and fit out requirements are suitable for the proposed premises.

You may be required to prepare and submit scaled plans of the premises that address any issues discussed during the on-site meeting, as well as providing an electrical and/or drainage plan.

Step 4 – Certificate of Registration

Finally, you apply on the council's website to Register a Health Related Business.

A Certificate of Registration of a Registered Premises will be issued when:

- All construction and fit out works have finished
- A final clean-up has been completed
- Application for registration form has been completed
- Relevant fee paid
- Final inspection has been conducted by an EHO.

In addition, it is important to ensure:

- Any planning permit conditions have been complied with, if applicable, and
- Any building permit conditions complied with and a Certificate of Final Inspection or Certificate of Occupancy issued, if applicable.

When your application has been assessed and your premises inspected, the Council will advise whether your registration has been granted, granted with conditions, or refused.

Fees

The Council's Environmental Health Officer (EHO) will advise you of the applicable fee and payment options.

You will pay less when you renew your annual registration after your first year. Councils send an annual renewal notice to all registered health-related businesses and fees can be paid online.

With your registration fee, you will receive:

- assessment of your plans by Environmental Health Officers
- two progress inspections
- a final inspection and certificate
- an inspection within 3 months of opening to ensure everything meets rules and regulations.

If you have any questions about this process, contact the Environmental Health team in your local Council.



Local laws around footpath trading

If you plan on using the footpath outside your business, you'll need to apply for a permit before you can:

- display goods outside
- display an advertising board (e.g. A-frame)
- set up things like umbrellas, planter boxes, screens etc. on the footpath

If you want to do any of these things, you'll need to consider the following:

- **Accessibility**

Don't block pedestrian access and remain compliant with disability accessibility

- **Safety**

Ensure everything is windproof, robust, and made from high quality materials that are safe and durable

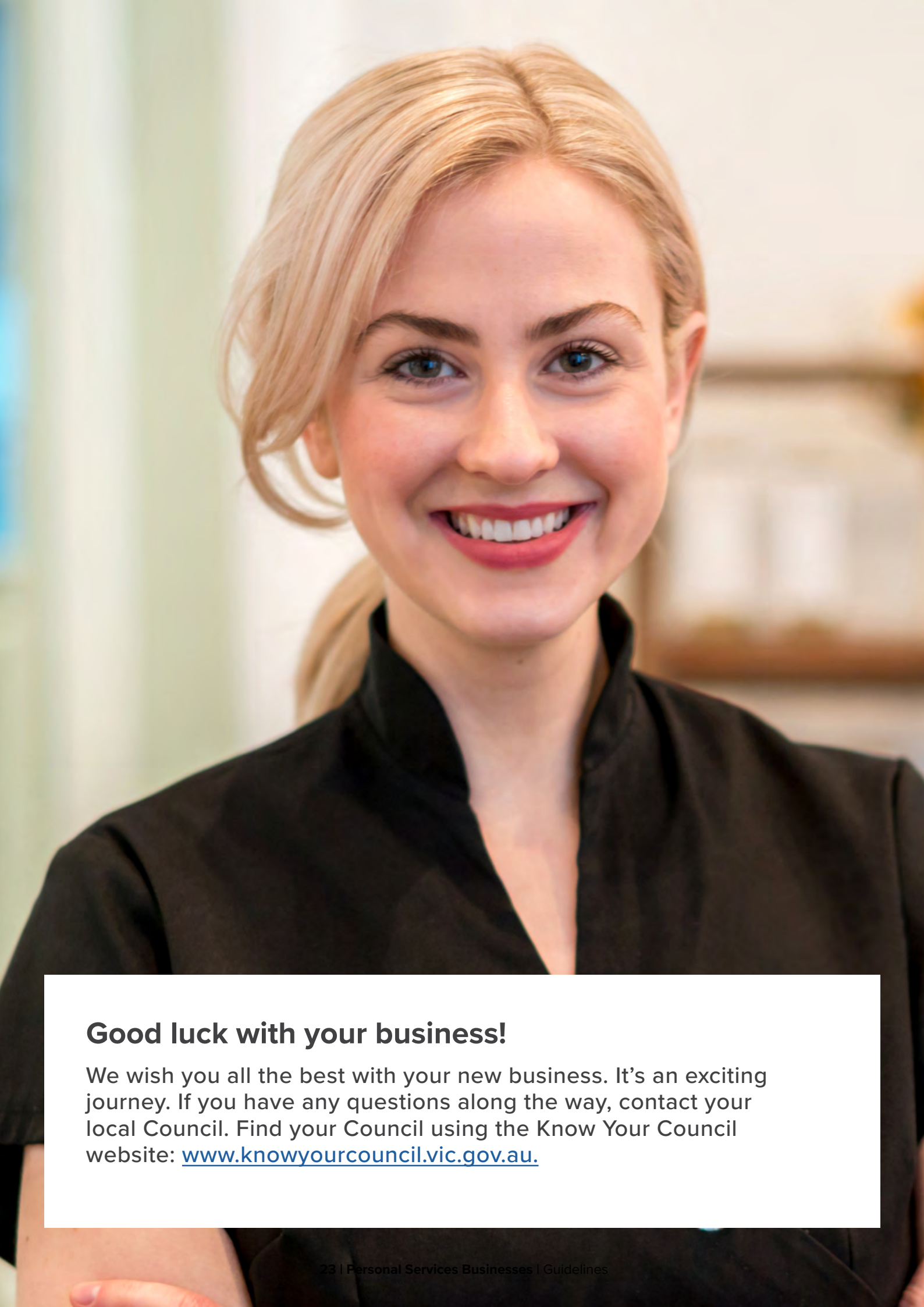
- **Amenity**

Operate during appropriate hours in residential areas and manage noise and nuisance

- **Aesthetics**

Make your structures visually appealing

For details and to learn how to apply for a local law permit, read the **Footpath Trading** Fact Sheet.



Good luck with your business!

We wish you all the best with your new business. It's an exciting journey. If you have any questions along the way, contact your local Council. Find your Council using the Know Your Council website: www.knowyourcouncil.vic.gov.au.

