



# FACT SHEET

## Home Business – Hairdressing, Beauty and Skin Penetration Premises

### What is a home business involving a hairdressing, beauty and skin penetration premises?

It is a business that is carried out in a dwelling (or building ancillary to a dwelling such as a garage) involving the provision of hairdressing and/or beauty treatments (including skin penetration) on a commercial basis.

### What qualifies as a home business?

A home business must:

- employ no more than two people other than those who are residents of the dwelling;
- be of low impact and not interfere with the amenity of the neighbourhood; and
- only display a small sign identifying the business.

Further details of what a home business is can be found in the definitions of Lake Macquarie Local Environmental Plan 2014 (LEP 2014).

### What area of a dwelling can be used for a home business?

Up to 50m<sup>2</sup> of floor area (whether existing or proposed) can be used to undertake a home business.

### Do I need approval?

Some home businesses involving hairdressing and/or beauty services do not require approval and are exempt development.

Where skin penetration procedures are proposed, or where alterations or additions are required to the dwelling or ancillary building to operate the home business, approval may be required.

### Where can a home business be carried out?

Home businesses are permitted in the following zones under LEP 2014:

RU2	Rural Landscape
RU4	Primary Production Small Lots
RU6	Transition
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
E2	Environmental Management
E3	Environmental Management
E4	Environmental Living

### What is a skin penetration procedure?

A skin penetration procedure is defined in the Public Health Act 2010 and includes any procedure (whether medical or not) that involves skin penetration such as acupuncture, tattooing, ear piercing, hair removal (including waxing) or the penetration of the mucous membrane. Colonic lavage is also included due to the potential for disease transmission.

Laser hair removal is declared by the Public Health Regulation 2012 not to be a skin penetration procedure.

A skin penetration procedure does not include a procedure carried out by a registered health practitioner or a person acting under the direction or supervision of a registered health practitioner, in the course of providing a health service.

## 1. Exempt Development

A hairdressing or beauty salon home business that does not involve skin penetration procedures is exempt development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) if it meets specific development standards, which includes:

- the home business must not involve a change of building use (that is, not more than 10 per cent of the floor area of the dwelling (or the ancillary building)); and
- the home business must not involve more than 50m<sup>2</sup> of floor area.

Exempt development does not require written approval or confirmation from Council. The onus is on the person carrying out the home business to ensure they comply with the Codes SEPP and any other relevant legislation and regulations.

## 2. Complying Development

If alterations and/or additions are required to the dwelling (or ancillary building) for a hairdressing or beauty salon home business, it may be necessary to obtain approval in the form of a Complying Development Certificate (CDC). For a CDC to be approved, the development must specific standards for internal alterations detailed in the Codes SEPP, which includes:

- the development must not result in a change of building classification;
- the development must not result in any additional separate dwelling; and
- the development must not result in the creation of an additional floor within the dwelling or ancillary building.

Council or an accredited private certifier can issue the CDC. A CDC must be obtained prior to construction works.

## 3. Development Application

A home business that involves skin penetration procedures always requires development consent and is never exempt development.

A hairdressing or beauty salon home business that does not involve skin penetration procedures but does not meet the specific development standards of the Codes SEPP also requires development consent.

Applications submitted as a development application must comply with the requirements of LEP 2014 and Development Control Plan 2014 (DCP 2014).

For home businesses involving skin penetration, once development consent is obtained for your home business, you will need to contact Council to advise of your intention to commence trading. You will be required to notify Council of your business by completing the Public Health Act Notification Form on Council's website. Penalties may apply if skin penetration operators fail to notify Council of their business details.

Council's Environmental Health Officers undertake

routine inspections of skin penetration premises to ensure compliance with the requirements of the Public Health Act 2010 and Public Health Regulation 2012.

## What standards need to be met to operate a hairdressing, beauty and skin penetration premises at home?

Standards for hairdressing and beauty salons are specified in Schedule 2 of the Local Government (General) Regulation 2005.

Requirements for skin penetration premises are stipulated in Part 3 of the Public Health Act 2010 and Part 4 of the Public Health Regulation 2012.

NSW Health provides fact sheets for hairdressers, beauty salons and skin penetration premises detailing specific procedures to prevent disease transmission. These fact sheets can be found on the NSW Health website at [www.health.nsw.gov.au](http://www.health.nsw.gov.au).

The Hunter Regional Health Education Committee has produced Guidelines for the Construction and Operation of Hairdressing, Beauty and Skin Penetration Premises, which are available on Council's website. These guidelines are a useful tool to guide best practice.

Hunter Water may require an Application for Development Services to be lodged for hairdressing, beauty and skin penetration home businesses. Contact Hunter Water or visit their website at [www.hunterwater.com.au](http://www.hunterwater.com.au) for further information.

## Local Development Contributions

Council levies for a wide range of development types, including home businesses. Home businesses are classified as business premises under Council's contributions plans and the levy is calculated based on the gross leasable floor area of the business.

Contributions are levied for home businesses that are complying development as well as those that require development consent.

It is important to make contact with the Local Development Contributions team to establish if a developer contribution levy applies to your proposal.

More information on local development contributions is available on our website or by contacting us on 4921 0333 or [developmentcontributions@lakemac.nsw.gov.au](mailto:developmentcontributions@lakemac.nsw.gov.au)

## Fees

Submission of a complying development application, or development application and construction certificate must be accompanied by the relevant application fee.

Fees are charged for Council's Environmental Health Officers to undertake inspections of home businesses involving skin penetration to ensure businesses understand and meet the requirements expected of them.

Fees are also charged when you record your skin penetration home business with Council and advise of your intention to commence trading.

Fee estimates can be obtained by calling Council.

## **Need help?**

If you have any questions, please contact Council's Duty Planner or Duty Building Officer on 4921 0333 or email [dutyplanner@lakemac.nsw.gov.au](mailto:dutyplanner@lakemac.nsw.gov.au) or [dutyofficer@lakemac.nsw.gov.au](mailto:dutyofficer@lakemac.nsw.gov.au)

## **Disclaimer**

This fact sheet provides a summary of the key elements of a home business involving hairdressing, beauty and/or skin penetration procedures. Any person using this document must do so on the basis that not every scenario and issue can be addressed, and discussion with Council should be undertaken. This document is subject to change without notice.

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