

Hospitality Business Approvals Sector Guide

Council User Guide

The Hospitality Business Approvals Sector Guide is part of the Business Friendly Councils (BFC) product suite. This Guide provides an outline of the regulatory requirements businesses need to consider for the hospitality sector. It includes frequently asked questions, stakeholder checklists and links to further information. Giving business this comprehensive sector-specific resource early in the process helps limit the number Council enquires.

The BFC products and processes were developed collaboratively with councils and tested with businesses through pilot projects led by the Department of Jobs, Skills, Industry and Regions (DJSIR). Application of the BFC products and processes benefits both councils and their business customers by providing more consistent and timely regulatory permit advice, enabling better quality applications and improving communication between council regulatory areas involved in the business approvals process.

Note: The BFC products are designed for individual councils to adopt and customize according to their individual local government area requirements. Councils should determine any disclaimers and privacy statements that are necessary to be applied prior to publication.

It is intended that once this product is ready for implementation within your Council this title page should be deleted or replaced with equivalent Council instructions.

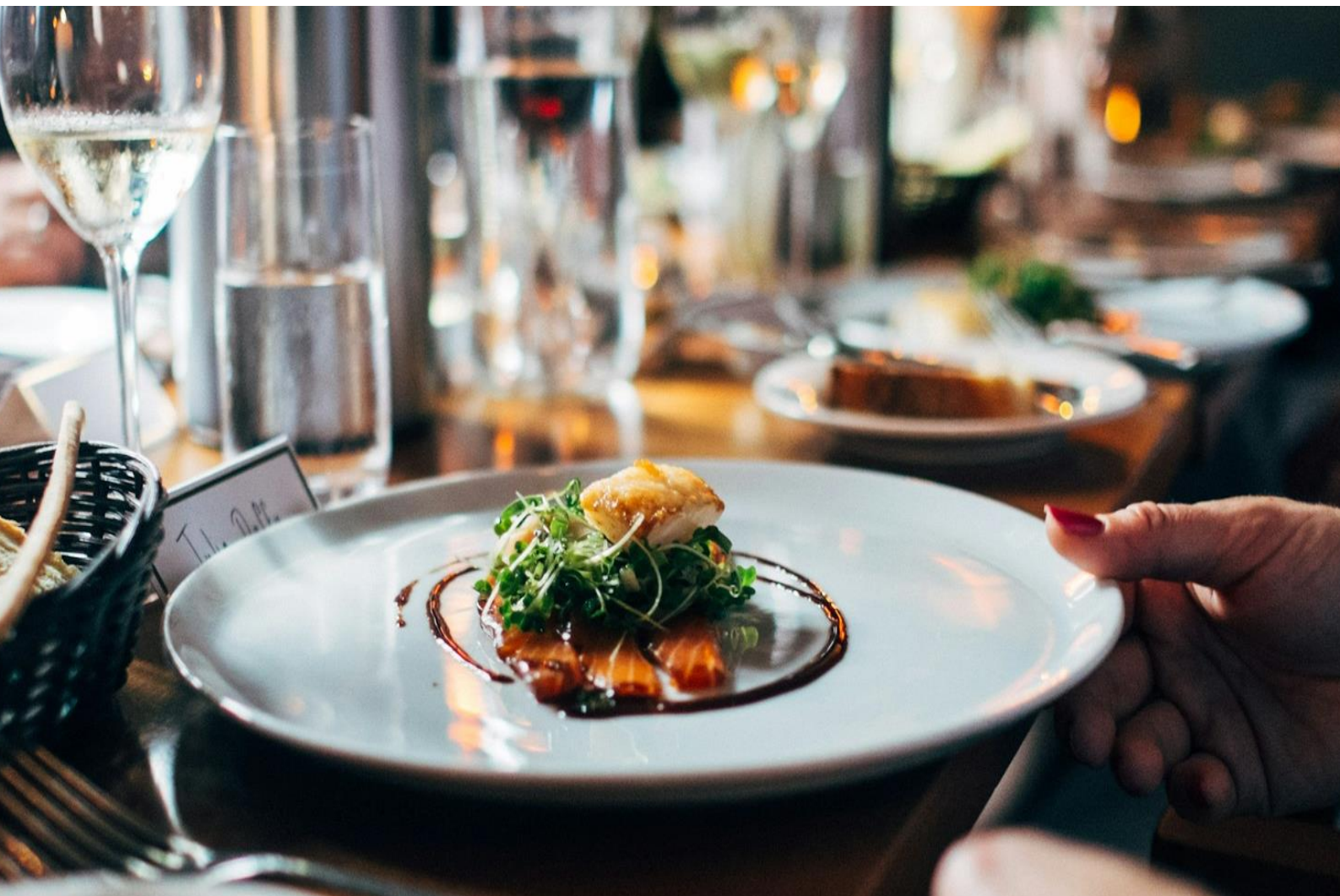
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Hospitality Business Approvals Sector Guide – Nov 2025
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COUNCIL GUIDELINES

Planning and permitting for cafes, bars and restaurants



Opening a Hospitality Business

Are you planning a new hospitality business or planning to expand or change your existing hospitality business? Our Council teams can support you through the process.

Contact us before you sign a lease or contract

Business Permit Support Service

Council's [\[Concierge / Business Permit Support Service\]](#) provides guidance to businesses to ensure they are aware of what is required during the permit application process and to help them prepare. You can contact them via Council's website or service centre.

What permits might I need?

Planning Approval

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. You may need a Planning Permit for your hospitality business, depending on the zone, overlay, and other factors. You should check with Council to make sure you need a Planning Permit before undertaking an application.

Building Approval

If you're planning to renovate or build a new structure for your business it must be done safely, be structurally sound and appropriate for the area. You are likely to 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 to what the premises has been used for up to now. You can approach a Private Building Surveyor or contact council for guidance.

Liquor Licencing

If you wish to sell alcohol you will need a liquor licence from Liquor Control Victoria (LCV). You must decide how, where and when you will be supplying alcohol before you apply. This will assist you in deciding what licence is right for you. You will need to give LCV a plan of your venue or shop with your liquor licence application. The plan must show where you will supply and where your customer will consume alcohol. If your application is granted, you must display a copy of the licence and mandatory signage and have a copy of your approved plan on site.

Environmental Health

To prepare, handle or sell food, you need to be registered with Council or the relevant regulator (e.g. PrimeSafe, Dairy Food Safety Victoria). Depending on the kind of food business you plan to operate several licences and approvals may be required. The Environmental Health team can provide guidance on which specific licences and approvals your business will require.

Footpath Trading

If you use a footpath outside your business for seating, displaying goods or advertising signs you will need a Footpath Trading permit from the Council.

Environmental Protection Authority (EPA) Regulations and Registrations

If your business will have significant environmental impacts such as air quality, noise, odour and waste, you may need to meet EPA policies, standards and guidelines. Live music venues need to comply with noise guidelines.

Planning approval

Planning is usually the longest approval process and the one that requires the most work. It can also be subject to objections from neighbours or other businesses.

Why is a Planning Permit required?

A Planning Permit may be required for multiple reasons, known as 'permit triggers', or just one, depending on the proposal.

Here are some of the most 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**
When you want to update or alter signage. For example, light boxes, signage on windows, flashing or illuminated signs.
- **Reduction in car parking**
There are guidelines for the minimum number of car parking spaces you will need, and you will need to make a case for an exemption if your plans don't meet the relevant threshold.

Applying for a Planning Permit

Before you apply for a Planning Permit, you should contact Council's [\[Business Concierge function title\]](#). They can advise if your proposal is likely to meet requirements and the information required for your application to be processed. You may benefit from a Pre-application Meeting with Council regulatory teams.

What do I need before applying for a Planning Permit?

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

- **Application form**
This is done on Council's website.
- **Certificate of Title**
This must be issued within the last three months.
- **Planning fee**
The amount is available on Council's website.
- **Plans**
Show the layout of the proposal, any buildings and works and relationships to adjoining buildings.
- **Planning report or written submission**
A detailed report to outline the project often completed by a planning consultant.
- **Expert reports**
Specialised reports providing detailed requirements for specific considerations, an acoustic report for noise, or traffic and parking report by a qualified engineer.
- Any other information Council requires to make its decision.

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.

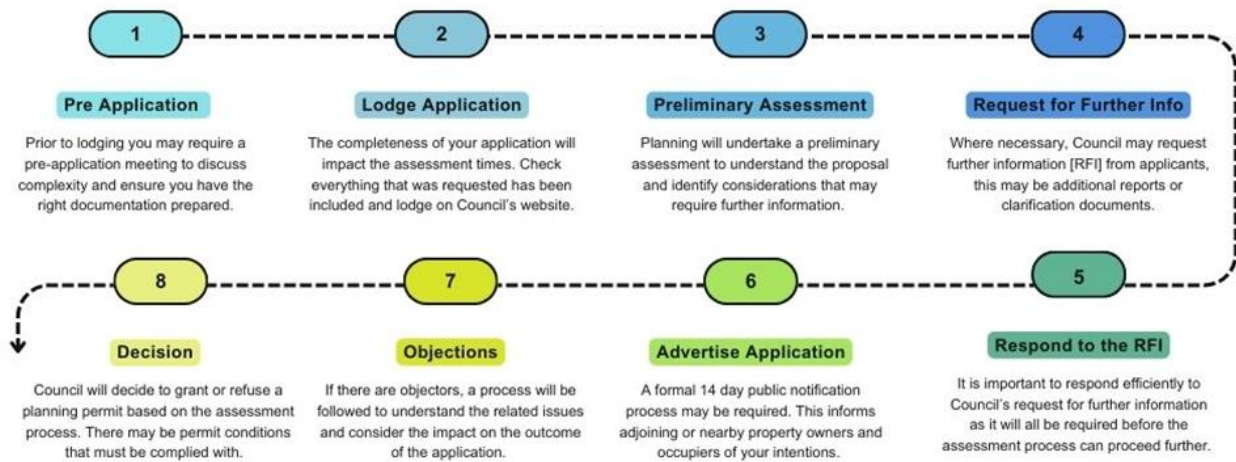
What is the approval process?

It is likely that you will require between 2-12 months to gain planning approval. You can contact Council for a more specific estimate depending on the complexity of your application.

After you lodge your application, the Council will first decide whether it has all the information necessary to make an assessment.

Council may request further information before issuing a decision on whether to accept or refuse your application. The steps are outlined below.

Application approvals process



Additional information for the Planning Permit Process

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 if doing so must state how they would be affected by the grant of a permit.

The decision process

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

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

Council will then assess the application and decide to approve or refuse it. 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.

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 Victorian State Government sets application fees for all planning permits. You can find out about fees for planning permits when you contact Council's Business Permit service when you inquire about the Planning Permit process.

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 Council's website in the planning section [\[insert link\]](#).

How long will the whole approval process take?

After you've submitted your application, Council will get back to you within 28 days with any questions. Sometimes 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 Council has all the information required, they will usually decide 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. Contact Council to find out whether your application is eligible for VicSmart.

Tips to save time

- Request a pre-application meeting. The Council will confirm in writing what information should be submitted with an application.
- Consider engaging a planning consultant who is familiar with Council processes and requirements.
- Engage an expert if specialist information is required.
- Ensure all information is provided and is accurate. This includes being clear on what permit triggers apply, avoiding errors in the planning report and plans, and paying the correct fees.
- Utilise any information requirements, guidelines and policies that have been prepared by Council that are relevant to your application.
- 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.

What to consider before buying or leasing

Before locking yourself into purchasing or leasing premises, it's important to consider some basic questions, which could determine whether you get a building permit.

When do I need a building permit?

If you're doing any building works, you are likely to need a permit. For example, 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. Cafés, restaurants and bars 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 [\[insert link\]](#).

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. You should seek the advice of an access consultant to see if your business is accessible to all members of the public, including those with disabilities.

Patron capacity

In hospitality venues, you are allowed one customer per 0.5m² (standing) and 1m² in other areas. For instance, if you're considering a premises of 120m², of which 75m² will be available for patrons (15m² standing and 60m² seated) you could cater for 90 patrons and say four staff.

Tips to save Money

- 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 increasing the number of toilets and fire exits.

Toilets

You must provide enough toilets for your customers and staff. Every premises must have at least one accessible toilet for both genders.

The below table provides a simplified version of the building code and is a guide only. You should confirm this with a private building surveyor before commencing operations.

THIS PROPERTY HAS	I CAN HAVE
One all gender accessible toilet	Up to 25 patrons
One all gender accessible toilet and one female toilet	Up to 50 patrons

One all gender accessible toilet and one male toilet or urinal and one female toilet	Up to 100 patrons
One all gender accessible toilet and two male toilets or two urinals; and two female toilets	Up to 150 patrons
One all gender accessible toilet and two male toilets or two urinals; and two female toilets	Up to 200 patrons
One all gender accessible toilet and one male toilet and three urinals (or toilets in lieu) and three female toilets	Up to 300 patrons

You may also want to consider staff toilets, although staff are permitted to share facilities with patrons. If you don't have staff toilets, you'll need to include the number of staff as part of the number of patrons.

What about gender neutral toilets?

Gender neutral toilets are becoming increasingly common – but the building code requires gendered toilets. If you would like to provide gender neutral facilities, speak to a private building surveyor about how to get approval to vary the requirements in the table.

Fire prevention

Class 6 buildings (i.e. cafés, restaurants and bars) 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.

Liquor Licensing

To sell alcohol, you need a Liquor Licence. There are different licences so you'll need to decide which one is right for you.

What kind of liquor licence do I need?

This will determine what you are allowed to do – for example, whether you can supply takeaway drinks, serve drinks without food or trade after 1 am. As a hospitality business, you'll most likely need to choose one of the following:

1. General liquor licence

A general licence allows you to have customers come into your venue and have a drink. People can also buy packaged liquor for takeaway from your venue. General licences are attractive to pubs, restaurants, wine bars and providores.

2. On-premises liquor licence

An on-premises licence allows customers to come into your venue and have a drink. You may or may not sell food or meals. People cannot take packaged liquor away from your venue. On-premises licences are ideal for bars, function centres, night clubs, live-music venues and restaurants.

3. Restaurant and cafe liquor licence

This licence allows customers to come into your restaurant or cafe and have a drink with a meal. Patrons can also order a small amount of alcohol with a meal for home delivery or takeaway. The preparation and serving of meals must be your main activity at all times when your venue is open. You cannot close the kitchen and turn into a bar – if you want to do this, you should consider an on-premises or general licence.

4. BYO permit

If you are a restaurant or club that doesn't supply alcohol, but want to allow people to BYO, you will need a BYO permit.

There are also late-night equivalents of the general, on-premises and packaged liquor licences, which allow trading after 1am. Additional types of liquor licences exist for wineries, sporting clubs and other situations. For a full list and more details, visit [Do you need a liquor licence? | vic.gov.au](#).

How do I apply for my licence?

Before you lease or buy a building, make sure you research on the right type of licence for your business. For assistance in deciding on the right type of licence, visit: [Do you need a liquor licence? | vic.gov.au](#) and contact LCV if you have further questions.

When applying for your licence, you must supply supporting documentation including:

- an application form
- the application fee
- a red line plan (a floor plan of your venue or shop outlined in red).

See LCV's website for advice on completing a liquor licence application and all the documents you may be required to provide. Visit: [Get started with liquor licensing | vic.gov.au](#).

You can find information on how to vary an existing liquor licence from: [Manage your liquor licence | vic.gov.au](#).

Food Registration

In Victoria, you cannot sell food to the public unless you register or notify as a food business with your local Council or with the regulator.

What are the steps in the registration process?

1. Decide the nature of the business

You will need to decide whether the business is a proposed restaurant/café, take away food premises or other. After this decision, you will need to prepare details of your proposed business, including items such as menu, floor plan, etc.

2. We encourage you to discuss your plans with Council

All food businesses are classified by their local council according to the food safety risk undertaken at the premises. The class of your food premises determines what requirements you will need to meet before registration will be granted.

Before proceeding any further, we encourage you to discuss your proposal with Council's Business Permit Support Service. They will assist you with the information that needs to be submitted to ensure you meet all regulatory requirements. At this stage you may be advised of other potential requirements under the Council's planning scheme, the building regulations or a Council's local laws that will determine the permits you may need. [\[Reference other State Government food related approvals that may be required.\]](#)

3. Speak with Council if it would help to organise an on-site meeting

Obtain your application form from Council's website and make sure that you gather all the required information (e.g. a copy of your proposed menu and floor plan) to submit with your application.

Council may suggest an on-site meeting to discuss the layout, construction and fit out requirements. These meetings are valuable and provide information that may save you time and money.

4. Certificate of Registration (as required under the Food Act 1984)

You will need to complete an Application for Registration of a Food Business and submit to the Council with a fee. A Certificate of Registration of a Food Premises will be issued once the following items have been completed:

- 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 Environmental Health Officer.

Additional Regulations and Registrations

Depending on your business, there are some additional regulatory approvals and registrations that are required before you can open. Most are straightforward, but some need to be considered before and as part of applying for a Planning Permit.

Noise control

Excessive noise can be annoying or even harmful to neighbours, so you have an obligation to minimise the impact of your business's noise. While you may think the level of noise is subjective, there are standards to which unreasonable noise can be determined, including statutory noise controls implemented by law. The risk of unreasonable noise impacts is a key factor in deciding whether a Planning Permit should be granted and endorsed by Council.

How do I know if my business will be considered too noisy?

Before applying for a Planning Permit, speak to Council to determine if your business has an inherent low risk of any noise impacts occurring. You may be asked to undertake an assessment of noise impacts and include it in your application.

The best way to do this is through an acoustic report, prepared by a qualified acoustics consultant. This will describe the methodologies for controlling your noise to an acceptable level so that your application can be approved. It may also include clear conditions that your business would need to operate under, like not playing music outside after 10pm.

What to consider when looking at sites for your business

The following table provides an overview of the types of applications that have inherent risk of noise impacts occurring. It's not exhaustive as every situation is different and will depend on existing noise levels in the area. However, it can be used as a guide to gauge the amount of work required to submit a successful application.

For example, a live music premises may be acceptable within 50m and sensitive use areas if it is well contained, has air-lock entries, etc. The same level of live music noise may be unacceptable and cause impacts at a significantly greater distance if the building is not well insulated for noise control, such as converted warehouses.

In most cases, an acoustic report will need to be provided with the planning application to determine whether a proposal is satisfactory.

TYPE OF USE	HIGHER RISK OF IMPACT	OPERATIONAL CONSIDERATIONS
Licensed premises	<ul style="list-style-type: none"> Sensitive uses within 200m if you have live entertainment (dependent on built-form) Sensitive uses within 50m without live entertainment 	Building upgrades and soundproofing (for live music, you will need to allow for low frequency noise too). Trading hours may need to be restricted. Limits on indoor and

- Outdoor amplification
- Outdoor patron areas
- Trading beyond 10pm for music

outdoor amplification levels.

Limits on patron capacities outdoors.

Noise and amenity management plans.

Mechanical plant may require mitigation if located close to sensitive use boundaries.

Restaurant, café and smaller food and drinks premises with background music only

- Sensitive uses abutting or within same building
- Outdoor amplification
- Outdoor patron areas
- Trading beyond 10pm

Trading hours may need to be restricted.

Limits on outdoor amplification levels.

Limits on patron capacities outdoors.

Noise and amenity management plans.

Mechanical plant may require mitigation if located close to sensitive use boundaries.

Architectural building upgrades where premises share common partitions (e.g. with neighbours).

How do I control my noise levels?

Often the simplest way is by limiting the hours of operation so you're not being too noisy while people are trying to sleep. When this is too limiting to your business, your acoustic consultant may recommend things like:

- Acoustic barriers, screening and fencing
- Treatments to facades, doors and glazing
- Electronic controls for amplification (e.g. limiting how high DJs can turn up the volume)

For more information on acoustics, pls contact Council's Business Support service **or read these fact sheets [if available]:**

- Acoustics for licenced premises, food & drink and live music venues [\[insert link\]](#)
- Seeking professional advice on acoustics [\[insert link\]](#)
- Acoustics and Unreasonable Noise [\[insert link\]](#)

Local laws around footpath trading

Council generally requires a local law permit to install or display structures on road reserves, footpaths and outdoor dining areas. You will need this permit if you want to:

- set up dining on the footpath outside your business
- set up dining on your neighbour's footpath
- set up dining in a converted parking space outside your business (roadside dining)
- display goods outside
- display an advertising board (e.g. A-frame)
- set up a night club queue
- 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 Council's footpath trading guidelines.

[Insert Council Contact Details]

[Insert Council Disclaimer]