



Our Ref: File: E01-23 & 06948-25000-000 JMN
Your Ref: ---

EXEMPTION CERTIFICATE

(Given under Section 46 of the Planning Scheme 2016)

14 April 2023

Fjhall92@gmail.com

Frankie Hall
Po Box 1949
MOUNT ISA QLD 4825

Dear Mrs Hall

I wish to advise that an Exemption Certificate has been granted on 12 April 2023 for the below development.

APPLICANT DETAILS

Nature of development proposed	Material Change of Use for a Home-Based Business
Description of the development proposed:	The manufacturing of cakes, slices, biscuits and other baked goods for the purpose of sale

LOCATION DETAILS

Street address:	24 Lanskey Road
Real property description:	Lot 1 on plan MPH7953
Local government area:	Mount Isa City

1. Description of the development to which this certificate relates

The following development is exempt under this certificate:

Assessable development under the <i>Planning Scheme for the City of Mount Isa 2020</i>	Scheme Reference
<i>Material Change of Use for a Home-Based Business (Baking Based) over land within the Rural Residential Zone</i>	<i>Part 5, Section 5.5, Table 5.5.14</i>

2. Referral agencies

The referral agencies for the development subject of this certificate are:

Nil.

Correspondence
Chief Executive Officer
PO Box 815 MOUNT ISA QLD 4825
Visit 23 West Street, Mount Isa

ABN 48 701 425 059
Phone (07) 4747 3200
Fax (07) 4747 3209

Web www.mountisa.qld.gov.au
Email city@mountisa.qld.gov.au
f MountIsaCityCouncil



3. Reasons for giving exemption certificate

The development is exempt under this certificate under s46(3)(b) of the Planning Act for the following reason(s):

- the development was categorised as assessable development because of an error

4. When exemption certificate ceases to have effect

This exemption certificate has effect for two (2) years from the day after the day it is given.

5. Stated periods that must be complied with

To the extent development does not comply with any of the following, the exemption certificate has no effect:

The development must be commenced within two (2) years from the date of this certificate.

Please note that exemption is granted under this certificate only for the development as listed under Item 1 above where undertaken generally in accordance with the documents provided and attached to this certificate.

Should you have any further queries, please contact Council's Development and Land Use section on (07) 4747 3200.

Yours faithfully



Dale Dickson PSM
Chief Executive Officer

Encl: Exemption Letter Request
Home-Based Business Code Checklist

28 February 2023

Mount Isa City Council

Town Planning and Environmental Department

Re: Development Approval Exemption certificate for a Home-based food business in rural residential zoning.

To Whom it may concern,

I am writing to Mount Isa City Council today to request an exception certificate for my business It's Pretty Sweet (ABN 56234084142).

It's Pretty Sweet aims to be a home baking business that wishes to manufacture Cakes, Slices, Biscuits and other baked goods for the purpose of sale from the Address of 24 Lanskey Road Mount Isa 4825. In compliance with the Mount Isa city council's food business licencing, I wish to only manufacture the baked goods in the kitchen at this premises and to have my products be delivered by myself, in my own vehicle that will also have temperature regulated refrigeration available. I will not have customers attend my proposed premises.

Upon speaking with Jason Newell, the Planning office earlier this week, he has informed me that "home-based businesses within rural residential zoning are nominated as an Acceptable Development (subject to requirements)". I have attached a copy of the Mount Isa City Council's Home Based Business Checklist. Under the home business code, I believe that my proposed premises of 24 Lanskey Road Mount Isa, does meet all requirements to be considered for an exception certificate.

My next step is to fulfil all requirements to be able to lodge a Food Business Licence application which I am hoping to achieve within the next few weeks.

Kind Regards

Frankie Hall

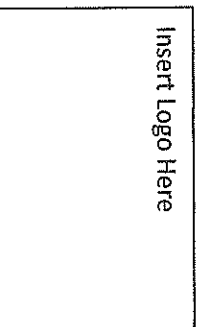


Owner of It's Pretty Sweet

Phone: 0419007466

Mount Isa City Council – Home Business Checklist

Address: 24 Lanskey Road Mount Isa



Confirm Zoning: Rural Residential

Proposed Operation: Home based Baking Business

Home Business Code

Performance Outcome	Acceptable Outcome	Complies (Yes/No)	Alternative Solution	Council's Assessment
<p>Amenity, Safety and Scale of Use</p> <p>PO 1 The operation of the <i>home based business</i> is limited in size, scale and the type of activity so that it:</p> <p>(a) remains ancillary to, and does not encroach upon the residential use of the <i>dwelling</i>; and</p> <p>(b) does not compromise the amenity or safety of the surrounding neighbourhood and primary residential use of the <i>dwelling</i>, having particular regard to:</p> <p>(i) hours of operation; and</p> <p>(ii) noise; and</p> <p>(iii) odour; and</p> <p>(iv) dust; and</p> <p>(v) number of visitors and employees on the <i>site</i>; and</p> <p>(vi) visual amenity impacts; and</p> <p>(vii) use of potentially hazardous materials; and</p> <p>(viii) traffic, access and car parking.</p>	<p>AO 1.1 Only one <i>home based business</i> is permitted per <i>dwelling</i>.</p> <p>AO 1.2 A permanent resident of the <i>dwelling</i> conducts the <i>home based business</i>.</p> <p>AO 1.3 The workspace of the <i>home based business</i> activity is totally separated from the primary residential use of the <i>dwelling</i> by a wall(s) and closable door(s).</p> <p>AO 1.4 The <i>home based business</i> does not include any type of motor vehicle service or repair (with the exception of repairs to auto-electrics or air-conditioning) on the <i>site</i> unless within the low impact industry or medium impact industry zones.</p> <p>AO 1.5 For a <i>home based business</i> (other than a bed and breakfast or farm stay conducted in a <i>dwelling house</i>:</p>	Yes		

	<p>(a) the total gross floor area used for the home based business does not exceed 30 per cent of the gross floor area of the dwelling, or 50m², whichever is less; and</p> <p>(b) outdoor use areas including parking areas do not exceed 10 per cent of the area of the site on which the dwelling house is located or 50m², whichever is less; and</p> <p>(c) outdoor use areas are fenced with a 1.8 metre solid screen fence along the common boundary with a site containing a sensitive land use; and</p> <p>(d) no more than two clients or customers are present at any one time and no more than eight clients or customers attend the home based business in any one day; and</p> <p>(e) the home based business only employs persons who are residents of the dwelling.</p> <p>AO 1.6 For a home based business conducted within a dual occupancy, dwelling unit or multiple dwelling:</p> <p>(a) the home based business does not involve a bed and breakfast or farm stay; and</p> <p>(b) the total gross floor area used for the home based business does not exceed 30 per cent of the gross floor area of the dwelling or 20m², whichever is less; and</p> <p>(c) the home based business does not involve an outdoor component or use area; and</p> <p>(d) no more than two clients or customers are present at any one time and no more than six clients or customers attend the home based business in any one day; and</p> <p>(e) the home based business only employs persons who are residents of the dwelling.</p> <p>AO 1.7 For a home based business operating as a bed and breakfast or farm stay:</p>		
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	<p>(a) at least one bedroom within the <i>dwelling house</i> is excluded from use by guests; and</p> <p>(b) the use complies with Table 9.3.3.2: Maximum number of bedrooms, guests and non-resident employees for bed and breakfast or farm stay.</p> <p>AO 1.8 Unless otherwise specified in the applicable zone code, for a <i>home based business</i> other than a bed and breakfast, farm stay or home based child care the hours of operation are limited to:</p> <p>(a) Monday to Saturday – 8.00am to 6.00pm; and</p> <p>(b) no operation on Sundays and Public Holidays.</p> <p>AO 1.9 Development does not result in any emissions, including noise, dust, odour or other emissions:</p> <p>(a) beyond the boundaries of the site for a <i>dwelling house</i>; or</p> <p>(b) beyond the <i>dwelling</i>, for a <i>multiple dwelling</i>, <i>dwelling unit</i> or <i>dual occupancy</i>.</p> <p>AO 1.10 Quantities of chemicals or gases or other hazardous materials used in association with the <i>home based business</i> do not exceed the quantities normally associated with a <i>dwelling</i>.</p> <p>AO 1.11 Where goods are offered for sale from the premises, there is no public or external display of such goods.</p> <p>AO 1.12 The <i>home based business</i> does not include <i>industry activities</i>.</p>		
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<p>Built Form and Character</p> <p>PO 2 The dwelling in which the home based business activity is established and any associated structure must maintain the residential character of the site.</p>	<p>AO 2.1 Except for the placement of any advertising device permitted by this Planning Scheme, the external residential appearance and character of the dwelling is not modified to accommodate the home based business.</p> <p>AO 2.2 Any building constructed to accommodate a home based business that is visible from the street has an architectural style and colours that are the same as the primary dwelling.</p> <p>AO 2.3 Advertising devices erected on the site in connection with a home based business:</p> <p>(a) include only the business name and contact details of the home based business that is lawfully conducted on the site; and attached to a wall or fence and is not free standing; and</p> <p>(b) are not illuminated, neon, flashing or in motion; and</p> <p>(c) are not to exceed 0.5m² in the Rural zone, and 0.3m² in any other zone; and</p> <p>(d) are limited to one advertising device on each road frontage of the allotment, except for a dual occupancy, dwelling unit or multiple dwelling where only one advertising device for way-finding purposes is permitted on the site.</p> <p>Note—Applicants should seek agreement to any advertising device from the body corporate and the decision of the body corporate in relation to common property is final.</p>	<p>Yes</p>		
<p>Traffic, Parking and Loading</p> <p>PO 3 Traffic impacts generated by the home based business are no greater than that which might reasonably be expected in the residential location.</p>	<p>AO 3.1 A maximum of one motor vehicle required for the operation of the home based business with a carrying capacity not exceeding 2.5 tonnes is parked or garaged on the site.</p>	<p>Yes</p>		

	<p>AO 3.2 Commercial deliveries or collections are limited to:</p> <p>(a) a vehicle with a carrying capacity not exceeding 2.5 tonnes; and (b) no more than two deliveries or collections per day.</p> <p>AO 3.3 Loading or unloading activity is undertaken entirely within the site in which the <i>home based business</i> is located.</p>			
Storage and waste management				
<p>PO 4 Storage areas for equipment, goods, materials, and refuse containers are provided which are:</p> <p>(a) screened from the street and <i>adjoining land</i>; and (b) adequately sized to accommodate the refuse generated on-site; and (c) conveniently accessible to collection and delivery vehicles; and (d) able to be kept clean and dust free at all times.</p>	<p>AO 4.1 The <i>home based business</i> does not generate refuse in excess of the quantities normally associated with a <i>dwelling</i>.</p> <p>Note—compliance with this acceptable outcome is achieved if refuse does not exceed that which can be accommodated within a standard Council supplied residential bin (wheelie bin).</p> <p>AO 4.2 Equipment, goods and materials associated with the <i>home based business</i> are stored inside the <i>dwelling</i> or another fully enclosed structure such as a shed or garage on the same site as the <i>dwelling</i>.</p>	Yes		
<p>PO 5 The risks associated with the storage of chemicals and a hazardous substance is minimised.</p>	<p>AO 5.1 Storage of flammable and combustible liquids complies with the minor storage provisions of <i>Australian Standards AS1940:2017 – The storage and Handling of Flammable and Combustible Liquids</i>.</p>	Yes		
Additional requirements for specific home based businesses				
<p>PO 6 For a bed and breakfast or farm stay:</p> <p>(a) accommodation is provided for short-term stay only; and (b) guests are provided an acceptable level of privacy and comfort.</p>	<p>AO 6.1 Guests stay no more than four consecutive nights for a bed and breakfast, and 14 consecutive nights for a farm stay.</p> <p>AO 6.2 Guest bedrooms and outdoor private areas are configured in a manner that is separated from the host</p>			

	<p>living rooms and spaces and does not allow casual visual intrusion from hosts, guests or the public.</p> <p>AO 6.3 A separate bathroom and toilet facility is provided within the <i>dwelling house</i> for the exclusive use of guests.</p>			
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Parking, Access and Loading Code

Vehicle Parking				
PO 4 Sufficient parking spaces are provided for the number and type of vehicles likely to be associated with the development.	AO 4.1 Development complies with the parking requirements in Table 9.4.6.3 and Table 9.4.6.3(b) Minimum on-site parking requirements dwelling house for the exclusive use of guests.	Yes		

Users	Minimum number of vehicle parking spaces	Minimum number of bicycle parking spaces (short stay) i.e. Visitor/shoppers	Minimum number of bicycle parking spaces (long stay) i.e. Employee/residents	Service vehicle provisions
Dwelling houses	2 spaces per dwelling house (parking spaces may be provided in tandem)	No specific rates	No specific rates	No specific rates
Home based business	2 spaces (in addition to standard dwelling requirement, and may be provided in tandem) For a dwelling unit or dwelling within a multiple dwelling or mixed use building, no additional car parking is provided.	No specific rates	No specific rates	Refer to Home based business code