CITY OF MORETON BAY

Enquiries: Patrick Kennedy
Phone: 07 3094 3653
Our Ref: DA/2026/4701
Your Ref: -
Date: 25 September 2026

Colliers International Urban Planning Pty Ltd
c/- Colliers International Urban Planning Pty Ltd
Level 5 1 Eagle Street
BRISBANE QLD 4000

Dear Applicant,

Request for Exemption Certificate for the Flood Hazard Overlay and Green Network Precinct

Property Location:	**Aire Riverside Estate** **84, 86, 90 & 92 Gibbings Avenue, and 2, 4, 6, 8, 10, 12, 14, 16, 18 Burnett Street, and 41, 43, 45 47, 49 Mitchell Circuit, and 2, 3, 4, 5, 6, 7, 8, 10, 12, 14 & 16 Mary Street LILYWOOD; and** **Future Lots 338 & 337 on Lot 900 Mitchell Circuit LILYWOOD**
Property Description:	**Lot 202-209, 215-219 & 900 SP 361339** **144-156 & 158 & 159 SP354220**

I refer to your request received on 17 September 2026 for an Exemption Certificate under Section 46 of the *Planning Act 2016*. This request seeks an Exemption Certificate for those lots affected by the Flood Hazard Overlay and where applicable the Green Network Precinct within the Aire Riverside Estate, specifically relating to future Dwelling Houses as outlined below:

1. This exemption certificate applies to the applicable residential lots of the Aire Riverside estate, that are mapped within the Flood Hazard Overlay and/or Green Network Precinct and included within Council Subdivision approval (Council Ref: DA/2022/4278). This also includes the development of future proposed lots (lots 338 & 337) identified on balance Lot 900 Mitchell Circuit LILYWOOD (yet to be developed);

2. Specifically, all lots contained within the Aire Riverside Estate located within the following Overlay Maps under the MBRC Planning Scheme:
    i. Flood hazard - Medium risk flood hazard area;
    ii. Flood hazard - High risk flood hazard area;

3. Specifically, all lots located within the following Precinct under the MBRC Planning Scheme:
    i. Caboolture West Local Plan - Green network

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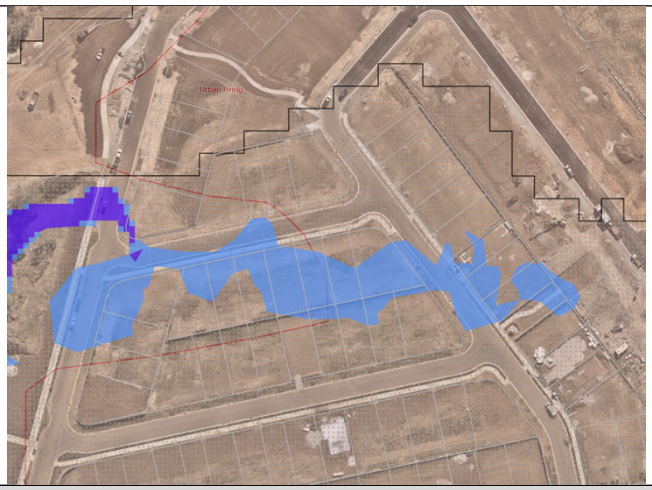
While the lots identified above potentially remain within the two identified mapped areas, it is recognised that the earthworks completed on-site in accordance with the existing Operational Works Development Approvals have achieved the required Flood Planning Level. Hence, Council's Flood Hazard overlay mapping is no longer relevant with the identified flood risk for this estate being no longer applicable.

Further, some lots identified above, remain located within the mapped Green Network Precinct of the Caboolture West Local Plan. Although still mapped within the Green Network Precinct, the location of the identified lots has been assessed and approved for the delivery for residential development as part of the underlying subdivision approval. With the approval of lots within the Green network precinct, Council's zone mapping is also considered no longer relevant.

The Exemption Certificate sought is to enable a Dwelling House to remain 'accepted development subject to requirements' on the identified lots, by avoiding elevation to Code or Impact assessment due to the lot being sited within the now superseded overlay mapping.



Aerial Imagery



Flood & Zone Mapping and Green network precinct

Note: Western side of red line = Green network precinct

This Exemption Certificate is specific only to development for the purposes of a Dwelling House within the Aire Riverside Estate on lots affected by either the Flood Hazard Overlay and/ or the Caboolture West Green Network Precinct.

It is intended for the identified lots, that this approval exempts assessment against both the Flood Hazard Overlay and/ or the Caboolture West Green Network Precinct.

Regarding the category of assessment for the subject lots, delivered within the Aire Riverside Estate, these lots are to be developed in accordance with *Table 5.9.3.1.1 Caboolture West local plan: Material change of use - Urban living precinct* of the Planning Scheme.

Future development on all identified lots remains subject to all other Planning Scheme and Plan of Development requirements. Any non-compliance with the Dwelling House Code, Queensland Development Code (QDC) or Plan of Development (e.g. setbacks, building height etc) will continue to be assessed as a Concurrence Agency Referral.

This decision is made pursuant to Section 46(3)(b)(ii), where an exemption certificate can be issued if:

'… the development was categorised as assessable development only because of particular circumstances that no longer apply'

In this instance, Council confirms that your request for an Exemption Certificate for the 'assessable development' as abovementioned pursuant to Section 46(3)(b)(ii) of the *Planning Act 2016* be accepted.

Assessable Development Details

Council reference:	DA/2026/4701
Development sought to be Exempt:	Future Dwelling Houses in the Aire Riverside Estate elevated to assessable development due to the above noted overlays and zoning
Address:	84, 86, 90 & 92 Gibbings Avenue, and 2, 4, 6, 8, 10, 12, 14, 16, 18 Burnett Street, and 41, 43, 45 47, 49 Mitchell Circuit, and 2, 3, 4, 5, 6, 7, 8, 10, 12, 14 & 16 Mary Street LILYWOOD; and *Future Lots 338 & 337* on Lot 900 Mitchell Circuit LILYWOOD
Property Description:	Lot 201-209, 215-219 & 900 SP 361339 144-156 & 158 & 159 SP354220
Planning Scheme:	Moreton Bay Regional Council Planning Scheme (Version 7.1)

Exemption Certificate Details

You are advised that on and from **24 September 2026**, Council grants consent for all development to be exempt from assessment against The Flood Hazard Overlay and the Green Network Precinct as it relates to the following:

Any future Dwelling House within the Aire Riverside Estate that are as follows:

1. Located on a lot nominated as identified by this notice;

2. Located within the following Overlay Maps under the MBRC Planning Scheme:
    i. Flood hazard - High risk flood hazard area;
    ii. Flood hazard - Medium risk flood hazard area;

3. Located within the following Precinct under the MBRC Planning Scheme:
    i. Caboolture West Local Plan - Green network

It is noted that future development on the nominated lots outlined above will remain subject to all other Planning Scheme and Plan of Development requirements. For example; any non-compliance with the Dwelling House Code, Queensland Development Code (QDC) or Plan of Development (e.g. setbacks, building height etc) will continue to be assessed as a Concurrence Agency Referral.

In accordance with section 46(8) of the *Planning Act 2016,* the Exemption Certificate has effect for 2 years.

Statement of Reasoning

In accordance with Section 46(3)(b)(ii) of the *Planning Act 2016,* an exemption certificate may be issued where the development was categorised as assessable development only because of circumstances that are no longer applicable. The proposed development was determined to conform to this section, for the following reasons:

A. Upon review of the request, Council determines that the earthworks carried out in association with the relevant Operational Works - Development Permits have addressed and mitigated the flood/coastal hazard's over the subject site, therefore the risk of flood/coastal processes no longer applies.

B. Residential Lots have been assessed and approved within the mapped Green Network Precinct as part of an underlying subdivision and there is an expectation that dwelling houses can be constructed on these lots without the need for an 'Impact Assessment' process to be followed.

C. Future development on these lots remains subject to the Planning Scheme, Queensland Development Code and Plan of Development requirements. All relevant parts of the MBRC Planning Scheme (Version 7.1, or as amended) will still apply to development on the lots identified above, except for Section 8.2.2 Flood hazard overlay code & Section 5.9.3.4 Green network precinct of the MBRC Planning Scheme.

D. Future development of the above identified lots, where approved under the higher order subdivision for delivery of Dwelling houses, will be categorised in accordance with Section 5.9.3.1 Urban living precinct of the MBRC Planning Scheme.

Referral Agencies

Not Applicable.

Should you require any further information about this matter please contact Divya Kariot as referenced above.

Yours faithfully,

Greg Potter
Manager
Development Services