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ITEM: 16.4

SUBJECT: RIPLEY PRIORITY DEVELOPMENT AREA INFRASTRUCTURE PROVISION -
REPEALING RESOLUTION B OF PLANNING, DEVELOPMENT AND HERITAGE
COMMITTEE REPORT NO.1 OF 28 NOVEMBER 2017

AUTHOR: MANAGER, DEVELOPMENT PLANNING

DATE: 4 NOVEMBER 2021

EXECUTIVE SUMMARY

This is a report concerning the funding and delivery of trunk municipal infrastructure within the Ripley Valley Priority Development Area (PDA) required to support current development and short-term growth.

The report also proposes that the resolution adopted by Council in December 2017 with respect to the funding and delivery of trunk municipal infrastructure in the Ripley Valley PDA (Recommendation A) be repealed, to allow Council to consider alternate infrastructure funding and delivery options.

RECOMMENDATION/S

[Amended Council Ordinary Meeting of 27 January 2022](#)

- A. That Council repeal recommendation 'B' of the report to the Planning, Development and Heritage Committee No.2017 (12) titled 'Ripley PDA Trunk Infrastructure Provision', adopted by Council resolution on the 5th December 2017.
- B. That Council endorse for consideration in a 2021-2022 budget amendment, the commencement of the planning and design for the upgrade of Ripley Rd, between Trigona [Street-Drive](#) and Binnies Road (new alignment) to be funded from the collected PDA municipal development contributions.
- B.C. [That Council prepare costings for inclusion in the 2022-2023 Budget deliberations regarding the section of Fischer Road, Ripley between Montereia Road and Nevis Street.](#)

RELATED PARTIES

Not applicable.

IFUTURE THEME

Vibrant and Growing

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PURPOSE OF REPORT/BACKGROUND

Ripley Valley was declared an Urban Development Area (UDA) by the State Government in October 2010 and transitioned to a Priority Development Area (PDA) in 2013. The UDA was initially managed by the Urban Land Development Authority (ULDA) and since transitioned to a PDA in February 2013, it has been managed by Economic Development Queensland (EDQ). In September 2013, EDQ delegated the development assessment function for the PDA to Council. However, the State through EDQ maintain the responsibility for the infrastructure planning and charging regime within the PDA.

The development of the PDA has been predicated on the principle that new trunk municipal infrastructure required to support the PDA (ie. Urban Utilities' – trunk water and sewer networks, and Council's - arterial and sub-arterial roads, regional bikeways, local, district and citywide open space and land for community facilities) is funded by municipal development charges collected from within the PDA, with some key early works required to support development growth funded by EDQ catalyst funding loans.

At this point in time, EDQ catalyst funding has been exhausted. Further, most major developers are electing to match their trunk infrastructure works with their infrastructure charges (i.e. building enough trunk infrastructure to match their municipal charges), meaning there are limited funds available for EDQ or Council to fund the emerging trunk municipal infrastructure projects. Consequently, in the short to medium term, the potential for sufficient municipal charges revenue to be collected and invested into lead trunk municipal infrastructure projects is greatly diminished. The municipal charges collected are also after components to repay the EDQ catalyst funding have been deducted.

Given Council's capital works program funding and delivery constraints, and the limited availability of municipal charges revenue, on 5 December 2017 Council adopted the minutes of the Planning, Development and Heritage Committee No. 2017 (12). The Planning, Development and Heritage Committee No. 2017 (12) included a report titled 'Ripley Priority Development Area Trunk Infrastructure Provision'. Recommendation 'B' of the report was;

That for the Ripley Priority Development Area (PDA), until revocation is implemented, all trunk municipal infrastructure should only be delivered and funded from receipted Ripley PDA Municipal charges or a catalyst funding allocation by Economic Development Queensland (EDQ).

The report included an overview of the funding arrangements for trunk municipal infrastructure in the PDA. Specifically, the report identified that:

The EDQ principles concerning the provision of networks is that such infrastructure is funded by the development proponents and then offset against the respective municipal charge. Whilst some catalyst funding has occurred to support the start-up of development in the Ripley Valley PDA, there appears to be no further appetite from EDQ to provide any further catalyst funds or to invest other money into infrastructure delivery in the Ripley Valley. This means that moving forward, funding would principally

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rely upon the development proponent and offsets or available receipted municipal charges.

The report makes the following conclusions:

- (1) Should Council include Ripley Valley infrastructure works in its capital works program, it is considered that this would have a significant impact on other priority projects elsewhere in the city along with having implications for financial sustainability for the Council.*
- (2) It is further considered that this issue would best be resolved within a unified infrastructure charging framework (i.e. that applies consistently and equitably across the whole of the city) and as such is a strong basis to support revocation. Conversely, abandoning the approach would weaken Council's position in seeking revocation of the PDA.*

The first point above is not disputed and requires careful consideration by Council given the potential impacts on the delivery timeframes of citywide priority projects as part of Council's Capital Works Program and on Council's Long Term Financial Forecast (LTFF) and financial sustainability.

The second point is noted. However, given the evolution of the PDA planning and development under the EDQ regime, revocation is now considered unlikely and unfavourable for Council. If it was to occur, it would likely generate a number of additional planning and financial issues for Council. Council is also currently working closely with EDQ to improve the function of the PDA.

Since the 2017 Council resolution, it has become apparent that there are short to medium term required trunk municipal infrastructure projects across the PDA which are unlikely to be funded or upgraded by developers and will not be covered in the short term by the limited municipal charges that are currently being collected. Consequently, there is a significant risk that 'lead trunk infrastructure' (which is essential to address community safety concerns and facilitate growth) will not be funded or be in place when required. Attachment 2 - Infrastructure Delivery Capability Map, shows the trunk municipal infrastructure projects across the PDA and the anticipated capability for each item to be delivered by developers or others. It is noted that the delivery entity (i.e. developer or other) identified on Attachment 2 is not fixed, but represents Council officers view based on current development activity. Officers will continue to have discussions with Ripley developers about opportunities for potential delivery and funding partnerships.

Given this, it is now considered that the 2017 Council resolution may be too restrictive and potentially limiting options for the funding and delivery of key lead trunk municipal infrastructure required to support the development of the PDA.

Impacts of rescinding Recommendation B from the 2017 Resolution

As mentioned above in the report, the PDA is predicated on the basis that all truck infrastructure is ultimately funded by municipal development charges collected from within

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the PDA. The challenge is the timing of when the lead infrastructure is required and when municipal charges are received to fund the works.

By repealing Recommendation B of the 2017 resolution, Council will have the ability to consider additional funding options beyond waiting for municipal charges revenue to be actually received, and incorporate the PDA key short term lead trunk municipal infrastructure projects into Council's capital works program planning and delivery.

These projects inside the PDA could be treated similarly to how trunk municipal infrastructure projects are treated outside of the PDA, that is, that following a technical evaluation of their strategic priority by the Council officers, the projects would be considered by Council during the annual budget deliberations. Council having considered a range of factors, such as the nature of competing priorities, the availability and source of funds and resources would determine which projects were to be approved to commence planning, design and construction.

Repealing Recommendation B of the 2017 resolution would allow Council, if it so desired, to consider funding and commence the upgrade of Ripley Road in the vicinity of the Ripley township. However, repealing Recommendation B of the 2017 resolution would likely also create an expectation regarding Council funding and delivery of a number of other lead trunk municipal projects (roads – refer red projects in Attachment 2), bikeways, open space and land for community facilities) within the PDA.

Council officers are currently reviewing contributions held in trust to confirm what is specifically related to municipal charges, and once finalised and transferred to Council, these funds are available to be allocated to specific projects within the PDA. Including contributions received over the last twelve months, based on current calculations Council currently holds approximately \$9,000,000 in trust that could be used to start the planning and design phase for a project such as the Ripley Rd upgrade. By including PDA municipal projects into Council's capital work program, it allows Council to transfer and to utilise the municipal charges that have been collected and held in trust to date.

It is widely considered that the upgrade of Ripley Rd adjacent to the existing township is the number one priority and that Fischer Road adjacent to the existing township would likely be the second priority, if Council agrees to repeal Recommendation B.

Based on having municipal charges available to be transferred from trust as outlined above, the report recommends Council endorses for consideration in a 2021-2022 budget amendment the commencement of the planning and design phase for the upgrade of Ripley Road adjacent to the existing township. The next budget amendment is expected to occur in February/March 2022. Alternatively, Council could defer the consideration of the allocation of funds and capital projects within the PDA, to the 2022 – 2023 budget deliberations.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:
Local Government Act 2009

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Planning Act 2016

RISK MANAGEMENT IMPLICATIONS

Trunk municipal infrastructure delivery within the PDA is not keeping pace with the high growth that is occurring. There are also several key lead trunk municipal road infrastructure projects within the PDA the developers are unlikely to deliver without assistance due to high project costs and private property impacts.

Some existing roads within the PDA (e.g. sections of Ripley Road and Fischer Road) are constructed to a lower standard and will likely operate well above their nominal capacity before they are upgraded, which will likely create road safety and operational issues, along with community and political risks.

Therefore, while the current 2017 Council resolution served a purpose, its restrictive nature is now considered unfavourable. Careful consideration by Council of the community, political, legal, resourcing and financial sustainability risks is strongly recommended as the impact of the proposed recommendation is significant.

HUMAN RIGHTS IMPLICATIONS

HUMAN RIGHTS IMPACTS	
OTHER DECISION	
(a) What is the Act/Decision being made?	<p>Recommendation A states that Council repeal recommendation 'B' of the report to the Planning, Development and Heritage Committee No.2017 (12) titled 'Ripley PDA Trunk Infrastructure Provision', adopted by Council resolution on the 5th December 2017.</p> <p>Recommendation B states that Council endorses for consideration in a 2021-2022 budget amendment, the commencement of the planning and design for the upgrade of Ripley Rd, between Trigona Street Drive and Binnies Road (new alignment) and to be funded from the collected PDA municipal development contributions.</p> <p>These recommendations relate to the Local Government Act 2009.</p>
(b) What human rights are affected?	<p>No human rights are affected by this decision. Funding and delivery of trunk infrastructure is a regular function of Council. The recommendations will assist in carrying out this function by removing restrictions on the delivery of trunk infrastructure in the Ripley PDA.</p>
(c) How are the human rights limited?	<p>Not applicable</p>

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(d) Is there a good reason for limiting the relevant rights? Is the limitation fair and reasonable?	Not applicable
(e) Conclusion	The decision is consistent with human rights.

FINANCIAL/RESOURCE IMPLICATIONS

Repealing Recommendation B of the 2017 resolution will allow Council to consider additional funding beyond municipal charges revenue and include lead municipal trunk infrastructure in the Ripley PDA in future capital works programs, should it wish to.

Council will need to consider the financial and resourcing implications of these options and possible impacts on Council’s existing capital works programs, as part of future budget developments

If Council prioritised capital works within the PDA that exceeds the value of available (collected) municipal charges, there is likely to be impacts on Council’s existing Capital Works Program. These impacts will need to be carefully considered in the development of the LTFF, noting that the timing and delivery of other citywide key infrastructure projects are already facing significant demand pressures.

COMMUNITY AND OTHER CONSULTATION

Community consultation has not occurred with respect to this proposal.

This report has been prepared with input from Council’s Infrastructure & Environment Department and the Corporate Services Department.

CONCLUSION

It is proposed to repeal Recommendation B of the 2017 Council resolution which currently restricts the funding of all trunk municipal infrastructure within the Ripley PDA to received municipal charges or catalyst funding, thus allowing Council to consider alternate infrastructure funding and delivery options.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Ripley PDA Trunk Infrastructure Provision Committee Report PDH 28 November 2017
2.	Infrastructure Delivery Capability Map

Anthony Bowles
MANAGER, DEVELOPMENT PLANNING

I concur with the recommendations contained in this report.

Peter Tabulo

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GENERAL MANAGER, PLANNING AND REGULATORY SERVICES

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