

# Fact Sheet

## Independent Decision Review Panel (IDRP)

In December 2019, Council adopted the [Framework for Development Application and Related Activities<sup>1</sup>](#) which set out amongst other things, some core principles that Council must adhere to in the processing of development applications. As part of the framework, an Independent Decision Review Panel (IDRP) was introduced.

The panel, consisting of one or more independent expert members will be convened from time to time to review recommendations made by Council Planning Officers. Each panel will be made up of experts relevant to the development proposal to be decided. It will not be called upon for all applications but rather those which meet specific criteria, such as where Council lodges an application to itself, if a development is particularly sensitive for the community or draws a high number of submissions during the public notification phase (Sensitive Development Matters).

Upon completion, the panel's recommendations will go to the next available committee or Council meeting for consideration alongside the Council Planning Officer's recommendation to assist with the decision-making process.

### Purposes and Objective of an IDRP

- To review the application and the recommendations prepared by Council officers.
- In certain circumstances, attend and facilitate a public hearing for applications.
- Prepare and submit a brief report, with recommendations.
- To provide increased transparency, community and customer confidence and accuracy in decision making.
- To ensure development decisions are consistent with relevant legislation and planning objectives.

NOTE: Whilst the purpose of the IDRP is to deliver a recommendation relating to a proposed Council decision, the IDRP has no delegation to decide an application on behalf of the Council

1. [https://www.ipswich.qld.gov.au/\\_data/assets/pdf\\_file/0016/119401/Framework-for-Development-Applications-and-Related-Activities-Policy.pdf](https://www.ipswich.qld.gov.au/_data/assets/pdf_file/0016/119401/Framework-for-Development-Applications-and-Related-Activities-Policy.pdf)

## General Overview of IDRP Process

### Appointment of the IDRP

1. The need to engage an IDRP is identified either at lodgment of the application or following the notification period.
2. IDRP members are selected and appointed from a register of experts.
3. The IDRP will consist of a chairperson and expert panel members where relevant to the proposal.

### Public hearing

4. In the circumstances where a public hearing is required, it is carried out prior to the IDRP providing its recommendation.
5. The applicant and submitters are provided an opportunity to be heard openly at the public hearing.
6. The IDRP must observe and take note of matters raised by the applicant and submitters at the Public Hearing
7. IDRP members need to be physically present at the public hearing to be based in Ipswich City (Unless unforeseen restrictions prevent this from occurring).
8. Public hearings will be recorded and livestreamed where possible. A link will be publicised by Council so as to allow interested parties to view matters discussed.

### Submitters/Applicant involvement in the IDRP Process

9. In the circumstances where a public hearing is required, the applicant and submitters are advised of the IDRP and are invited to attend and openly present at the public hearing.

### Council Officers / Elected Representative involvement in the IDRP Process

10. To ensure the independence of the IDRP is maintained, there is minimal involvement in the public hearing from Council Officers or Councillors. The IDRP Chairperson is provided with administrative assistance in setting up meeting rooms and organising the livestream, otherwise the agenda is largely at the discretion of the Chairperson. An indicative format of a hearing is as follows;
  1. Planning and Regulatory Services General Manager/Development Planning Manager Introduce Panel and application – 5 mins (approx.)
  2. Panel Chairperson to provide introduction and outline expectations for the public hearing- 10 mins (approx.)
  3. Applicant to provide an overview of proposal - 30 mins (max)
  4. Submitters to present - 10 mins each (max) (May need to be reduced depending upon number of submitters who wish to present)

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5. Applicant provided opportunity to respond to submitter concerns - 20 mins (max)
6. Closing statements from Panel Chairperson

#### Final recommendation of the IDRП

11. Once the IDRП as reviewed the relevant development application material as well as the proposed officer's recommendation (and at the conclusion of the public hearing in circumstances where it is required), the IDRП must advise the General Manager (Planning and Regulatory Services) of the following:
  - The IDRП agrees with the officer's recommendation (either approval or refusal);
  - The IDRП agrees with the officer's recommendation, subject to change or inclusion of additional conditions or reasons for refusal; or
  - The IDRП disagrees with the officer's recommendation.

Where there is a disagreement with the proposed officer's recommendation, a discussion report detailing the grounds for the differing view must be submitted to the General Manager (Planning and Regulatory Services).

12. The IDRП recommendation is attached to the Council Planning Officer's recommendation, which is discussed and decided at a Growth, Waste and Infrastructure Committee meeting or Council's Ordinary meeting.

For further information relating to the IDRП please refer to the Independent Decision Review Panel Procedure and Terms of Reference.

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<b>Version Control and Objective ID</b>	Version No: 1	Objective ID: A5686914
<b>Name of parent Policy / Directive</b>	<a href="#">Framework for Development Applications and Related Activities</a>	
<b>Procedure Owner</b>	General Manager (Planning and Regulatory Services)	
<b>Approved by ELT on</b>	16 September 2019	
<b>Date of Review</b>	16 September 2021	

### 1. Background

The Council Policy titled Framework for Development Applications and Related Activities outlines a decision process for development applications and requests which is comprised of applications decided under delegation, and applications which are to be reviewed by Committee and decided by full Council. The policy also provides that applications for sensitive development matters requiring review by an Independent Decision Review Panel prior to being presented to Committee to deliver an increase in transparency, community and customer confidence and accuracy in decision making. This procedure outlines the process for the establishment, engagement and performance of the Independent Decision Review Panel to achieve this policy outcome.

### 2. Purpose

The objective of this procedure is to provide a framework for the establishment, engagement and performance of the Independent Decision Review Panel. The procedure aligns with the Ipswich City Council Policy titled Framework for Development Applications and Related Activities and operates in conjunction with the other Council procedures, including the Development Planning Decision Making Procedure and the Complexity Rating of Development Applications Procedure.

### 3. Regulatory Authority

Policy titled 'Framework for Development Applications and Related Activities'

*Local Government Act 2009*

*Economic Development Act 2012*

*Planning Act 2016*

### 4. Roles and Responsibilities

Development Planning Branch – Planning and Regulatory Services Department

Manager, Development Planning, Team Coordinator (Development), Principal Planner, Senior Planner (Development), Planning Officer (Development) – Responsible for carrying out the applicable tasks identified within this procedure, including completing the engagement and preparation of instructions for the Independent Decision Review Panel (IDRP) and for the inclusion and reconciliation (where required) of outcomes from the IDRP.

Development Planning Branch Administration Officers – Responsible for generating and registering relevant correspondence in line with the work instruction, along with other general administrative requirements that may arise throughout the process.

Finance Branch – Corporate Services Department – Responsible for the tender process as it relates to the establishment of the register of experts, identified in Table 1 of this procedure.

## 5. Stakeholders

Independent Decision Review Panel members

Mayor and Councillors

Chief Executive Officer

General Manager (Planning and Regulatory Services)

Development Planning Branch – Planning and Regulatory Services Department

Other internal Council stakeholders which provided advice pursuant to the Partnerships Procedure

Finance Branch – Corporate Services Department

## 6. Education and Training Requirements

The Manager, Development Planning, assisted by relevant staff, are to provide information and training to the panel as required to operate.

## 7. Procedure

The majority of development applications are to be determined by Council officers under delegated authority. However, there are a number of applications that will be reviewed by Committee and decided by Full Council. Applications or requests defined as a Sensitive Development Matter also require a review by the Independent Decision Review Panel (IDRP). Generally, applications requiring review by the IDRP are likely to be then decided by Full Council, however there may be occasions that an officer decision warrants a review of the application by the IDRP.

The steps below direct the process to be followed for the establishment of the Register of Experts (Table 1), the engagement of the relevant experts to form the panel (Table 2) and the operation of the panel (Table 3).

The purpose of the IDRP is to deliver a recommendation relating to a proposed Council decision, and has no delegation to decide an application. The procedure for the determination of the applications will be as set out in the Development Planning Decision Making Procedure, suspended during the IDRP process and finalised upon receipt of the panel recommendation.

**Table 1 – Establishment of the Independent Decision Review Panel Register of Experts**

<b>Step 1.0</b>	The Development Planning Branch is to prepare and undertake an open tender process in accordance with the <a href="#">Procurement Policy</a> and <a href="#">Procurement Framework</a> to identify experienced and qualified experts to be populate the Register of Experts.
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	These experts are to be selected from various disciplines, such as urban planning, urban design, architecture, law, economics, environmental sciences and engineering. The tender documentation is to include the <i>Terms of Reference</i> document, which outlines Council's objectives for the panel, details of remuneration, outcomes expected, details of Code of Conduct requirements and other key information.
<b>Step 2.0</b>	All candidates will be advised in writing advising of the outcomes of the tender process within one (1) week of the selection being finalised. Successful candidates will be included within the Register of Experts.
<b>Step 3.0</b>	The tender process is to occur at a minimum of every two (2) years, to ensure the register of experts remains current.

**Table 2 – Independent Decision Review Panel Engagement**

The need to engage the IDRP will be established upon determination of a Sensitive Development Matter, which can occur upon lodgement, or upon completion of the Public Notification process, based on the number of properly made submissions received objecting to the development. Each panel is to be made up of one or more independent expert members identified within the Register of Experts or any other source where necessary. The panel members are to be coordinated by the nominated chairperson appointed through the establishment of the panel.

<b>Step 1.0</b>	As soon as practicable after identification of a Sensitive Development Matter, the relevant planning officer is to commence the engagement of the panel members and establish a schedule for the operation of the panel to ensure the timely determination of the application, in accordance with the related work instruction.  Where the application is identified as involving a contentious development matter, the relevant planning officer is to advise the applicant that the development application is required to be reviewed by the IDRP prior to determination.
<b>Step 2.0</b>	The Manager, Development Planning is to recommend at least two (2) experts for each position, including a nomination of at least two (2) to act as chairperson to the General Manager – Planning and Regulatory Services. The final panel make up must include at least one (1) expert from the field of planning and any experts from the relevant fields based on the key issues associated with the particular application or request.
<b>Step 3.0</b>	The General Manager – Planning and Regulatory Services is to approve the panel members and the chairperson based on the recommendations provided.
<b>Step 4.0</b>	Once the General Manager – Planning and Regulatory Services has approved the panel member, the planning officer is to prepare letters of engagement to be issued to the selected experts inviting them to participate in the panel. Should a panel member decline to be involved, this step is to be repeated until the panel is able to be formed.

	<p>In situations where suitable experts are not available from the Register of Experts, the General Manager – Planning and Regulatory Services may also directly appoint an expert from outside the register, preferably using LocalBuy. A record is to be kept of the rationale for such an appointment.</p> <p>To ensure independence and transparency is maintained, the chosen panel members should be rotated as much as practicable. Upon selection to a panel the register of experts is to be updated to reflect the chosen expert’s position on the panel.</p>
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**Table 3 – Independent Decision Review Panel Operation**

<b>Step 1.0</b>	<p>Once the Independent Decision Review Panel has been established, the experts are to review the application material and proposed decision.</p> <p>If the panel intend to seek additional information from the assessment manager or the applicant, a request must be made by the chairperson to the General Manager – Planning and Regulatory Services for this information. Further information from the applicant is only to be sought in exceptional circumstances, where the panel would otherwise recommend an application be refused. This process must not be used to question the methodology, professional competency or other minor matters that would not alter the recommendations made by the panel. The General Manager – Planning and Regulatory Services has ultimate discretion as to whether this additional information is to be sought from the applicant.</p>
<b>Step 2.0</b>	<p><u>For applications involving a contentious or controversial matter, triggering referral to IDR<sup>1</sup>:</u></p> <p>After the initial review, and within one (1) week of the panel being established, the panel are to advise the General Manager – Planning and Regulatory Services of intended public meeting details, including time and location for the meeting to be held. Meeting rooms and times are to be made available by Council to facilitate any such meeting.</p> <p>Once a public meeting time has been set, the Development Planning Branch Administration Team is to prepare notices through Pathway to all submitters and the applicant advising of this meeting, and offering the opportunity to attend.</p>
<b>Step 3.0</b>	<p>At the public meeting, the panel may select a number of attendees to present, including the applicant and/or representatives from the attending submitters. Not all attendees are guaranteed an opportunity to address the panel. A record of start/finish times, attendees, and speakers is to be kept from these meetings.</p>

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<sup>1</sup> For applications that have been referred to IDR<sup>1</sup> for reasons other than involving a controversial or contentious matter, proceed to Step 4.0.

<p><b>Step 4.0</b></p>	<p>A report on the approved template is to be provided to the assessment manager by the IDRP. This report is to be provided to the General Manager within the timeframes nominated by the schedule provided at the commencement of the process. This report will allow for a selection of one of three options:</p> <ul style="list-style-type: none"> <li>• IDRP agrees with officer recommendation (either approval or refusal);</li> <li>• IDRP agrees with officer recommendations, subject to change or inclusion of additional conditions or reasons for refusal;</li> <li>• IDRP disagrees with officer recommendations.</li> </ul> <p>Where the IDRP disagree with the officer recommendations, a detailed discussion detailing the grounds for the differing view is to be submitted to the General Manager – Planning and Regulatory Services.</p> <p>Where a public meeting has been held, it is required that that records of this meeting, including number of attendees, the names of any speakers and key discussion notes are also required to be provided.</p>
<p><b>Step 5.0</b></p>	<p>The General Manager – Planning and Regulatory Services is to provide the relevant assessment officer a copy of the IDRP report for inclusion within the draft Committee Report. Once the IDRP process has concluded, the assessing officer is to complete their assessment of the application in accordance with the Development Planning Decision Making Procedure.</p>
<p><b>Step 6.0</b></p>	<p>The relevant assessment officer is to address the outcomes of the IDRP within the assessment report. Any changes, additions or conflicting recommendations are to be discussed and reconciled where applicable. Where the recommendations of the panel differ from the assessment officer’s, a meeting is to be organised by the assessment officer with the Team Coordinator (Development) and Manager, Development Planning to determine the direction of the application.</p>
<p><b>Step 7.0</b></p>	<p>The relevant assessment officer is to record the details of the Independent Decision Review Panel referral within the IDRP Register in Pathway against the subject application.</p>

**8. Monitoring and review**

This procedure is to be reviewed no less than every two (2) years.

The process of selecting a Register of Experts is to be undertaken no less than every two (2) years.

**9. Related documents**

[Framework for Development Applications and Related Activities \(Policy\)](#)

[Development Planning Decision Making \(Procedure\)](#)

[Terms of Reference for Independent Decision Review Panel Members](#)

[Register of Experts](#)

[Approved Form \(IDRP Review Report\)](#)

## 10. Definitions

**Independent Decision Review Panel** means a panel consisting of one or more independent expert members or other members who are selected in accordance with this procedure. These experts shall be drawn from the professional disciplines of urban planning, urban design, architecture, law, economics, environmental sciences and engineering or other such fields of expertise where required to address key items identified through the relevant planning assessment.

**Sensitive Development Matter** means a planning development application or request of a Level 2 or Level 3 Complexity, excluding building work, plumbing work or operational work applications, involving a kind specified below:

1. Development for which the applicant or land owner is:
  - (a) the Council or a commercial entity of Council, and does not relate to the provision of standard local government infrastructure and facilities such as parks (including canteens, storage sheds, lighting and other similar facilities within parks), roads, libraries, community centres or meeting rooms, art and cultural facilities (including public art), emergency services facilities, utilities or the like.
  - (b) a Councillor or immediate family member;
  - (c) a member of the Queensland Parliament or Parliament of the Commonwealth.
2. Any development application or request which is particularly contentious, controversial, or involves a significant departure from the planning scheme, as determined by the City Planner and Chief Executive Officer such as:
  - (a) A development application or request that requires public notification and more than 50 properly made submissions are received objecting to the proposed development;
  - (b) Development which is of a Level 3 Complexity and is inconsistent with an aspect of relevant planning legislation.

**Register of Experts** means a list of successful candidates identified through the request for tender process. The tender process used to populate this register to occur at a minimum of every two (2) years, to ensure the register of experts remains current.



**INDEPENDENT DECISION  
REVIEW PANEL (IDRP)**

**TERMS OF REFERENCE**

**2019**

# INDEPENDENT DECISION REVIEW PANEL – TERMS OF REFERENCE

## 1.0 Purpose

An independent panel consisting of one or more independent expert members or other members is to be established for the review of development applications that involve a Sensitive Development Matter.

***Sensitive Development Matter*** means a planning development application or request of a Level 2 or Level 3 Complexity, excluding building work, plumbing work or operational work applications, involving a kind specified below:

1. *Development for which the applicant or land owner is:*
  - (a) *the Council or a commercial entity of Council, and does not relate to the provision of standard local government infrastructure and facilities such as parks (including canteens, storage sheds, lighting and other similar facilities within parks), roads, libraries, community centres or meeting rooms, art and cultural facilities (including public art), emergency services facilities, utilities or the like.*
  - (b) *a Councillor or immediate family member;*
  - (c) *a member of the Queensland Parliament or Parliament of the Commonwealth.*
2. *Any development application or request which is particularly contentious, controversial, or involves a significant departure from the planning scheme, as determined by the General Manager - Planning and Regulatory Services and Chief Executive Officer such as:*
  - (a) *A development application or request that requires public notification and more than 50 properly made submissions are received objecting to the proposed development;*
  - (b) *Development which is of a Level 3 Complexity and is inconsistent with an aspect of relevant planning legislation.*

The Panel are engaged for the following actions:

- (a) to review the supporting common material for the application and the recommendations prepared by Council officers;
- (b) in certain circumstances, conduct a public hearing for applications with a high number of objections; and
- (c) prepare and submit a brief report and recommendation on the approved template.

## **2.0 Objectives**

- 2.1 To independently review proposed decisions for Sensitive Development Matters.
- 2.2 To provide increased transparency, community and customer confidence and accuracy in decision making for Sensitive Development Matters.
- 2.3 To ensure development decisions on Sensitive Development Matters are consistent with relevant legislation and planning objectives.
- 2.4 To provide a forum for parties interested in Sensitive Development Matters involving contentious or controversial matters to be heard openly.

## **3.0 Outcomes**

- 3.1 The process of review is undertaken in accordance with the Independent Decision Review Panel Procedure, the requirements of Council's planning scheme and relevant State planning controls and regulations.
- 3.2 The Independent Decision Review Panel are to review the recommendations and key issues identified throughout the assessment of the development application by the relevant planning staff within the Development Planning Branch.

## **4.0 Functions**

- 4.1 To review proposed decisions for applications involving a Sensitive Development Matter.
- 4.2 To facilitate public hearings for Sensitive Development Matters that involve controversial or contentious issues, such as applications with more than 50 properly made submissions against the development application.
- 4.3 To maintain independence, and avoid any lobbying or external communication outside the forum of Panel hearings where necessary.
- 4.4 To undertake a review of the recommendation and conditions prepared by Council planning staff, with an objective of ensuring development decisions on Sensitive Development Matters are consistent with relevant legislation and planning objectives.

## **5.0 Panel Appointment and Termination**

- 5.1 The Panel of Experts will consist of one (1) or more independent expert members or other members who are selected in accordance with the Independent Decision Review Panel Procedure. The Chairperson of the Panel shall be an independent expert, to be appointed by the General Manager – Planning and Regulatory Services on the establishment of the Panel.
- 5.2 A register of professional experts will be appointed by the General Manager, and selected for each hearing where possible on a rotational basis. Panel Members will be appointed on the basis of their qualifications and experience, and absence of any real or potential conflict of interest. The General Manager may also directly appoint an expert to the panel where necessary, preferably utilising LocalBuy. In the event this occurs, a record of the justification for such a decision are to be recorded in corporate memory.

- 5.3 If a nominated panel member is not available for a hearing, an alternative will be selected by the General Manager.
- 5.4 If a vacancy occurs in the membership of the Panel, the General Manager may appoint a person to fill the vacant position.
- 5.5 Panel members must undertake their duties in accordance with Council's Code of Conduct at all times.

#### **6.0 Panel Member Obligations**

- 6.1 Panel members are to review and provide comment on applications referred to them in a cooperative, efficient, timely and fair manner.
- 6.2 Panel members are to conduct themselves in a professional manner, so as to not prejudice their professional status or the reputation of Council.
- 6.3 Panel members are required to declare any real or perceived conflict of interest at the first opportunity. At any time in the process that a Panel member becomes aware of any conflicts of interest they will be excused from the panel.
- 6.4 Panel members are to keep all information provided to them during the course of their work confidential, and are not to disclose or use any of that information for their own benefit, nor disclose it to any third party unless the information is authorised or required by law to be publicly available.

#### **7.0 Public Hearing Notification and Reporting (for applications involving contentious or controversial matters)**

- 7.1 Agendas for public hearings held by the Panel shall include information on hearing date, venue, and business proposed to be conducted at the hearing being which development applications are being considered. These agendas are to be provided to the contact in the Development Planning Branch to enable suitable notification to affected entities, such as the applicant and submitters.
- 7.2 These agendas will be made available to Councillors/Administrators and members of the public five days prior to the hearing.
- 7.3 The IDRPs will be responsible for conducting the public hearings for all applications referred to it involving contentious or controversial matters.

#### **8.0 Public Hearing (for applications involving contentious or controversial matters)**

- 8.1 The Panel may hear from persons who indicate prior to a hearing that they wish to make a verbal submission to the Panel.
- 8.2 Where there are a large number of people indicate that they wish to speak on submissions with common interests, the Panel will have the discretion to hear from a representative of those persons. The applicant is the person nominated on the development application form as the applicant. Consultants and legal representatives of the applicant will be permitted to address the Panel at the discretion of the Chairperson. Where an issue of legal interpretation arises, the Chairperson may refer the matter to the General Manager – Planning and Regulatory Provisions for advice.
- 8.3 Presentations to the Panel by the applicant and submitters may be restricted to

ensure an efficient hearing process. The Panel Chairperson has the discretion to extend the period if considered appropriate.

- 8.4 Relevant Council staff may be available at the public hearing to provide professional assistance and advice to the Panel members on Council planning provisions and policies. In the interests of maintaining independence, Council officers will not be addressing the public hearing, nor presenting their recommendations.
- 8.5 The Panel is not to be provided with or to accept additional written submissions or information at the public hearing that was not included in the assessment process of the application, including but not limited to submissions made after the close of the public notification process or after the application has entered the Decision Stage of the application.

## **9.0 Assessment Procedures**

- 9.1 On conclusion of the any public hearing or review of application materials where no hearing is required, the Panel will convene in private, discuss the findings and prepared a coordinated recommendation. The chairperson is to balance suggestions from the panel and record a recommendation in the approved form to be given to the General Manager – Planning and Regulatory Services. This approved form requires input from all panel members on issues relating to their respective disciplines.
- 9.2 The Panel’s findings may be for the endorsement of the recommendations, which may also include suggested amendments, or inclusions of additional conditions or reasons for refusal where deemed necessary by the Panel.
- 9.3 If the Panel recommends an application be determined differently to the recommendations of the Council officer, the Panel findings are to clearly justify reasons for such a recommendation.
- 9.4 The Panel shall provide reports in accordance with the template provided by Council.
- 9.5 The Development Planning officers will include these reports as part of the development assessment report.
- 9.6 Panel members will be notified of Council decisions on applications considered by the Panel.

## **10.0 Panel Members Remuneration**

- 10.1 Remuneration payable to Panelists, shall be determined by the General Manager – Planning and Regulatory Services on an annual basis as part of the Council budget process. A fixed fee, inclusive of GST, shall be set for each panel member for an hourly rate. The nominated Chairperson is to receive a maximum of \$3,000.00 per application, with each panel member receiving a maximum of \$2,000.00 per application, with each member to present a register of accumulated costs to the General Manager – Planning and Regulatory Services. Where the panel is convened to consider multiple applications, the above cap applies based on a per application basis, subject to the register of accumulated costs in accordance with

the hourly rates provided as part of the tender process.

**11.0 Panel Wrap Up**

- 11.1 The individual panel members will be required to undertake a performance feedback review of the other panel participants. This feedback will be used for the purposes of evaluating performance and selection for future panels.
- 11.2 Council officer's will maintain a register of applications that are referred to the Independent Decision Review Panel, including a list of the panel members, recommendations, meeting dates and other relevant information.