

MAKING OR AMENDING A  
MINISTERIAL INFRASTRUCTURE  
DESIGNATION (MID)  
OPERATIONAL GUIDANCE

The Department of State Development, Infrastructure, Local Government and Planning connects industries, businesses, communities and government (at all levels) to leverage regions' strengths to generate sustainable and enduring economic growth that supports well-planned, inclusive and resilient communities.

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# Operational guidance for making or amending a Ministerial infrastructure designation (MID)

This document provides guidance for infrastructure entities (applicants) requesting to make or amend a Ministerial infrastructure designation (MID).

The types of infrastructure that can be considered under the MID process are listed in Schedule 5 the Planning Regulation 2017 (Regulation).

The MID assessment process is set out across three documents:

- Operational guidance– provides guidance on the whole MID process
- Ministers Guidelines and Rules (MGR) – sets out the process for environmental assessment and consultation
- Planning Act 2016 (the Act) – includes provisions for consultation by the Minister and the process for making (deciding) a MID.

## 1.0 The effect of a designation on planning instruments and processes, and other legislation

Under section 44(6)(b) of the Act, development of infrastructure on premises that is subject to a MID is accepted development, subject to compliance with any requirements that are imposed in accordance with section 35(2) of the Act.

This excludes building work under the Building Act 1975.

A MID does not prevent other development from taking place on the designated premises. However, any proposed development that departs from the MID would be classed as assessable development (under the relevant local planning instrument, or the Regulation).

Other approvals may be required to authorise the development of the infrastructure. It is the responsibility of the entity to identify any other approvals before commencing works.

## 2.0 Process for making a MID

### Initial advice

To initiate the MID process the entity must request initial advice from the Department of State Development, Infrastructure, Local Government and Planning (DSDILGP), in the form of a meeting or written advice (pre-lodgement meeting). A request for initial advice must include the information identified in **Attachment 1**. The purpose of this phase is to provide guidance on the suitability of a MID, identify any relevant state interests and key assessment matters.

The entity should prepare a draft consultation strategy that considers a fit for purpose approach to ensure the community is made aware of the proposed development. Initial advice will include feedback on the draft consultation strategy and confirm the scope of preliminary stakeholder engagement.

Requests for initial advice should be made through the dedicated infrastructure designations portal, which is accessible through the DSDILGP website (<https://planning.statedevelopment.qld.gov.au/>)

## Preliminary stakeholder engagement

Preliminary stakeholder engagement is undertaken by the entity, and is a precursor to seeking a MID. The extent of engagement is flexible depending on the nature, locality, scale and intensity of the proposal. Preliminary stakeholder engagement includes consultation with the local government, elected representatives and the surrounding community.

A list of possible engagement activities is included in **Attachment 2**.

## Endorsement to lodge a MID proposal

Following preliminary stakeholder engagement and prior to seeking a MID, the entity must write to the Minister seeking their endorsement to lodge a MID proposal (endorsement request).

The purpose of the endorsement step is to ensure entities only progress to preparing a MID proposal where it is considered that a MID is the appropriate planning assessment pathway for the proposed infrastructure.

An endorsement request must include the material identified in **Attachment 3**. An endorsement request can be made via email to: [infrastructuredesignation@dasilgp.qld.gov.au](mailto:infrastructuredesignation@dasilgp.qld.gov.au).

The entity will be advised within 5 days whether the request is endorsed.

## Lodgement of MID proposal

Following the receipt of endorsement to lodge a MID proposal, the entity will be required to prepare the material identified in Schedule 3 of the MGR, and any additional material outlined in the initial advice.

A MID proposal should be made to the Minister through the infrastructure designations portal on the DSDILGP website.

## Consultation

### Consultation by the Minister

Following receipt of the MID proposal, the Minister will commence consultation by writing to the local government and the landowner/s, inviting submissions on the MID. The local government and landowner/s are typically provided 25 business days to make a submission.

### Consultation by the entity

A consultation strategy is to be included in the material provided as part of a MID proposal. The entity will be responsible for undertaking public consultation in accordance with the consultation strategy. DSDILGP will liaise with the entity regarding any amendments required to be made to the consultation strategy prior to public consultation commencing.

The commencement of consultation by the Minister is to be taken as the Minister having endorsed the consultation strategy provided by the entity.

The entity may commence consultation on the same day or following the Minister commencing consultation.

The period for public consultation should be outlined in the consultation strategy, but is typically a minimum of 20 business days, commencing on the day the last of the consultation actions identified in Schedule 4, section 7 of the MGR have been undertaken. The end date for public consultation should be no earlier than the end date of the consultation by the Minister.

Submissions regarding the proposed MID must be made to the Minister.

## Consideration of submissions

Following the entity advising the Minister of the completion of consultation, the Minister must give the entity a copy of any submissions received, or a notice that no submissions were received. This is in order for the entity to appropriately consider and address matters raised in the submissions, including making any necessary changes to the entity's proposal.

After considering any submissions, the entity must provide to the Minister evidence of consultation undertaken and any further or amended technical reporting to address matters raised in the submissions. The entity may provide evidence of consultation undertaken prior to providing any material that addresses matters raised in submissions.

## State agency comments

While consultation is being undertaken, DSDILGP will seek comments on the entity's proposal from state agencies as relevant.

The Act gives direction on the applicable interests. While the planning instruments that are relevant may change from one proposal to another, the department will consider identified state interests, any applicable regional plans, and state development areas or priority development areas if the proposed infrastructure is to be located within those areas.

The Minister will provide the entity with any state agency comments the Minister determines should be responded to by the entity at the same time as the Minister provides the entity with a copy of any submissions received during consultation on the MID.

The entity must provide the Minister with a summary of how any state agency comments provided have been addressed as part of the consideration of submissions.

## Change to the entity's proposal

If a change is made to the proposed infrastructure (that is considered to warrant further consultation), either as a consequence of a submission made during consultation or another circumstance, or where the Minister determines that consultation wasn't adequately completed, further consultation may apply to the proposal.

Any subsequent consultation process may be limited to specified parties and scope and be undertaken for a nominated time period.

Following the completion of any subsequent consultation by the entity, the entity will again be provided with a copy of any submissions for their consideration. The entity must again give the Minister a summary of the matters raised in the subsequent consultation, and how these matters have been addressed. The request can then progress to a decision being made by the Minister.

## Decision of the Minister

The decision process for a MID is outlined in the Act and includes all relevant steps and processes by which the Minister considers and decides a request for a MID.

The Minister is taken to be satisfied that the environmental assessment and consultation process undertaken for a MID has been adequate if the process in the Minister's guidelines has been followed. However, section 36(5) of the Act states that the Minister may also be satisfied if the environmental assessment and consultation is done in another way. Entities are encouraged to use the process outlined in this document and the MGR.

The Minister will consider the local governments' comments along with all matters raised in submissions when making a MID.

If the Minister agrees to designate the premises, the Minister must publish a gazette notice about the MID.

The entity, the local government and affected parties will be notified of the Minister's decision, including any requirements.

After receiving notice of a MID, the local government must update the local planning instrument to reflect the MID.

## 3.0 Process for making an amendment (not a minor amendment) to a MID

The process for amending an existing MID is the same that identified above for making a MID.

## 4.0 Process for making a minor amendment to a MID

### Endorsement to lodge a MID minor amendment proposal

Prior to lodging a MID minor amendment proposal, the entity must write to the Minister seeking endorsement to lodge a MID minor amendment proposal (endorsement request).

The purpose of the endorsement step is to ensure entities only progress to preparing a proposal for a minor amendment where it is considered that the amendment is a minor amendment to the existing MID.

An endorsement request must include the material identified in **Attachment 3**. An endorsement request can be made via email to: [infrastructuredesignation@dasilgp.qld.gov.au](mailto:infrastructuredesignation@dasilgp.qld.gov.au).

The entity will be advised within 5 days whether the request is endorsed.

### Lodgement of MID minor amendment proposal

Following the receipt of endorsement to lodge a MID minor amendment proposal, the entity will be required to prepare detailed proposal material to support the proposal. This must include the material identified in Schedule 3 of the MGR.

A MID minor amendment proposal should be made to the Minister through the infrastructure designations portal on the DSDILGP website.

## Consultation

### Consultation by the Minister

Following receipt of the MID minor amendment proposal, the Minister will write to the local government and the landowner/s, inviting submissions on the MID. The local government and landowner/s are typically provided 25 business days to make a submission.

### Consideration of submissions

Following the completion of consultation by the Minister, the Minister must give the entity a copy of any submissions received, or a notice that no submissions were received. This is in order for the entity to appropriately consider and address matters raised in the submissions, including making any necessary changes to the entity's proposal.

After considering any submissions, the entity must provide to the Minister any further or amended technical reporting to address matters raised in the submissions.

## State agency comments

While consultation is being undertaken, DSDILGP will seek comments on the entity's proposal from state agencies as relevant.

The Minister will provide the entity with any state agency comments the Minister determines should be responded to by the entity at the same time as the Minister provides the entity with a copy of any submissions received during consultation on the MID.

The entity must provide the Minister with a summary of how any state agency comments provided have been addressed as part of the summary of matters raised in submissions.

## Decision of the Minister

The decision process for a minor amendment to a MID is the process outlined in the Act and includes all relevant steps and processes by which the Minister considers and decides a request for an amendment to a MID.

The Minister is taken to be satisfied that the environmental assessment and consultation process undertaken for a minor amendment to a MID has been adequate if the process in the Minister's guidelines has been followed. However, section 36(5) of the Act states that the Minister may also be satisfied if the environmental assessment and consultation is done in another way. Entities are encouraged to use the process outlined in this document and the MGR.

The Minister will consider the local governments' comments along with all matters raised in submissions when making an amendment to a MID.

If the Minister agrees to make a minor amendment to a MID, the Minister must publish a gazette notice about the minor amendment to a MID.

The entity, the local government and affected parties will be notified of the Minister's decision, including any requirements.

After receiving notice of a minor amendment to a MID, the local government must update the local planning instrument to reflect the amendment.

## Attachment 1 - Initial advice request

An initial advice request must include—

- a) proposal details including site plans
- b) acknowledgement of known key or contentious issues
- c) details of technical reports to be prepared
- d) proposed preliminary stakeholder engagement and consultation strategy
- e) details of any existing approvals over the site.



## Attachment 2 - Preliminary stakeholder engagement activities

Preliminary stakeholder engagement activities could include some or all of the following—

- a) seeking preliminary feedback from the relevant local government
- b) letter to the Native Title party or traditional owners for the area
- c) letter to the distributor-retailer (where not the local government)
- d) letter to easement holders (where not the local government)
- e) letters to local, state and federal elected members
- f) letter box drop to the surrounding properties
- g) community meeting or information sessions
- h) information about the proposal on the entity's website
- i) using social media or digital media platforms.

## Attachment 3 – Endorsement request

### Attachment 3.1 - Endorsement request for a MID

An endorsement request for a MID must include—

- a) Proposal plans indicating building(s) footprint and height, any proposed demolition, any proposed vegetation clearing and the quality of vegetation
- b) Details of project value
- c) A list of any preliminary/technical assessments that have been undertaken and a list of the technical reports to be provided in support of the request
- d) Detail on the scale and intensity of the proposed use
- e) Outcomes of preliminary stakeholder engagement with the Local Government and other stakeholders including—
  - engagement activities undertaken and range of stakeholders engaged
  - key matters/issues raised by stakeholders
  - how the entity proposes to respond to the key matters raised
- f) If relevant, a summary of the approvals history for the site including an analysis of the ongoing obligations of those approvals and how the entity proposes to avoid any conflicts between existing approvals and MID if approved.

### Attachment 3.2 - Endorsement request for a minor amendment to a MID

A minor amendment endorsement request must include—

- a) proposal plans indicating details of the proposed amendment
- b) a list of any preliminary/technical assessments that have been undertaken
- c) a list of the technical reports to be provided in support of the request
- d) detail on the scale and intensity of the proposed amendment.

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