

# Making or amending a Ministerial Infrastructure Designation

Operational guidance

The Department of State Development, Infrastructure 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

This document provides guidance for infrastructure entities 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 (the Planning Regulation).

The MID assessment process is set out across the following:

- 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 Planning Act) – includes provisions for consultation by the Planning Minister and the process for making (deciding) a MID.

## 1.0 Effect of a designation on planning instruments and other legislation

Under section 44(6)(b) of the Planning 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 Planning 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 Planning 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 Planning Minister's role in the MID process

The Planning Minister is the decision maker for a MID and the Department of State Development, Infrastructure, and Planning (the Department) coordinates the assessment process. This includes obtaining advice from other state agencies and technical experts as relevant. As the decision maker, the Minister is also required to give consideration to issues raised by submitters during the consultation process.

## 3.0 Planning considerations in a MID

MID assessment centres around the impacts of proposed infrastructure, including for example traffic, parking, stormwater, noise, amenity and built form. In addition, consideration is given to the suitability of the proposed infrastructure in the context of its locality, including adjacent land uses. Community concerns specific to a MID proposal are also key considerations.

Matters raised that are not relevant to a MID proposal typically fall outside the scope of assessment and are not considered by the Minister in decision making. Where appropriate, these matters are referred to the relevant State agency or authority for consideration.

## 4.0 Process for making or amending a MID

### Initial advice

To initiate the MID process the entity must request initial advice from the Department, 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 infrastructure designations portal on the Department's website (<https://www.planning.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 the 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@dndip.qld.gov.au](mailto:infrastructuredesignation@dndip.qld.gov.au).

### Lodgement of the 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 Department's website (<https://www.planning.qld.gov.au/>).

### Consultation

#### Consultation by the Minister

Following receipt of the MID proposal, the Minister will commence consultation by writing to the local government, relevant State Member and the landowner/s, inviting submissions. The local government, relevant State Member 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. Entities are encouraged to use a variety of methods of consultation to increase community awareness. The minimum requirement for public notification is listed in Schedule 4 of the MGR and includes the need to publish a public notice, place signs on the site and send notices to the stakeholders listed in the endorsed consultation strategy.

Consulted stakeholders should include surrounding landowners, elected representatives and Native Title and/or Aboriginal or Torres Strait Islander party/parties for the area.

The entity will be responsible for undertaking public consultation in accordance with the consultation strategy. The Department 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 their endorsement of the consultation strategy provided by the entity. The entity may commence consultation on the same day or any day within two weeks 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 MID proposal must be made to the Minister.

### Consideration of submissions

After consulting, the Minister must give the entity a copy of any submissions received or notify them if none were received. This allows the entity to consider and address any issues raised, including making changes to their proposal. The entity must submit evidence of consultation and any updated technical reports or plans that address matters raised by submitters.

### State agency comments

During consultation, the Department will seek relevant comments from state agencies on the entity's proposal. The Planning Act outlines the applicable interests, and while planning instruments may vary between proposals, the Department will review identified state interests, regional plans, developments schemes relating to state development or priority development areas that apply.

The Minister will share any state agency comments that need a response with the entity alongside submissions received during MID consultation. The entity must then summarise how they have addressed these comments when reporting to the Minister.

### Change to the entity's proposal

If a significant change is made to the proposal further consultation may be required. Any additional consultation may involve specific parties, have a limited scope, and be conducted within a set time frame. Afterward, the entity will receive any new submissions for consideration and must provide the Minister with a summary of the issues raised and how they were addressed. The decision process will then continue with the Minister.

## Decision of the Minister

The process for deciding a MID is detailed in the Planning Act, covering all steps for the Minister's consideration. The Minister is deemed satisfied with the environmental assessment and consultation if guidelines are followed but may accept another way as per section 36(5) of the Planning Act. Entities should follow this document's process and the MGR.

The Minister will review local government comments and public submissions when making a decision about a MID. If approved, a gazette notice will be published. The entity, local government, and affected parties will be informed of the decision and any requirements. The local government must then update the local planning instrument to reflect the MID.

## 5.0 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 their endorsement to lodge a MID minor amendment proposal (endorsement request).

The purpose of the endorsement step is to ensure entities only progress to preparing MID minor amendment proposal 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@dndip.qld.gov.au](mailto:infrastructuredesignation@dndip.qld.gov.au).

### 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 Department's website (<https://www.planning.qld.gov.au/>).

## Consultation

### Consultation by the Minister

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

### Consideration of submissions

After consulting, the Minister must give the entity a copy of any submissions received or notify them if none were received. This allows the entity to consider and address any issues raised, including making changes to their proposal. The entity must submit evidence of consultation and any updated technical reports or plans that address matters raised by submitters.

### State agency comments

During consultation, the Department will seek relevant comments from state agencies on the entity's proposal. The Planning Act outlines the applicable interests, and while planning instruments may vary between proposals, the Department will review identified state interests, regional plans, developments schemes relating to state development or priority development areas that apply.

The Minister will share any state agency comments that need a response with the entity alongside submissions received during MID consultation. The entity must then summarise how they have addressed these comments when reporting to the Minister.

## Decision of the Minister

The process for deciding a MID minor amendment proposal is detailed in the Planning Act, covering all steps for the Minister's consideration. The Minister is deemed satisfied with the environmental assessment and consultation if guidelines are followed but may accept another way as per section 36(5) of the Planning Act. Entities should follow this document's process and the MGR.

The Minister will review local government comments and public submissions when making a decision about a MID minor amendment proposal. If approved, a gazette notice will be published. The entity, local government, and affected parties will be informed of the decision and any requirements. The local government must then update the local planning instrument to reflect the MID minor amendment proposal.

# 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

## Endorsement request for a MID proposal

An endorsement request for a MID proposal 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.

## Endorsement request for a MID minor amendment proposal

An endorsement request for a MID minor amendment proposal 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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