

Making or amending a
Ministerial Infrastructure
Designation (MID) for social
and/or affordable housing
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 (MID) for social and/or affordable housing

This document provides guidance for eligible entities requesting to make or amend a MID for social and/or affordable housing. The guideline only applies to the following infrastructure types under Schedule 5 of the Planning Regulation 2017 (the Regulation):

- Item 13 – housing that is provided as part of a program, funded by the State, for providing social or affordable housing.
- Item 16 – social or affordable housing that is provided by a registered provider or a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Cwlth).

Request for other types of infrastructure should refer to the [Making or Amending a Ministerial Infrastructure Designation Operational Guidance](#).

MID proposals that meet the eligibility criteria in **Attachment 1**, can expect a streamlined assessment and a decision within three months of lodgement.

Priority will still be given to a request to make or amend a MID for social and/or affordable housing that the department either determines does not meet all relevant criteria in **Attachment 1**, or where there is a need for the Department of State Development, Infrastructure and Planning (the department) to request further information.

In addition to this operational guidance, the process for MIDs is set out across the following documents:

- 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 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 or amending a MID for social and/or affordable housing

Lodgement

The entity is required to undertake all of the following actions before lodgement:

- prepare the material identified in Schedule 3 of the Minister's Guidelines and Rules (MGR);
- provide a response that demonstrates the proposal meets all eligibility criteria listed in **Attachment 1**;
- write to the local government Chief Executive Officer advising of the intention to lodge the proposal for a MID advising of upcoming formal consultation to follow;
- provide a copy of the letter sent to the local government Chief Executive Officer with the proposal package; and
- provide details of the anticipated project value and funding commitments.

A MID proposal for social and/or affordable housing should be made to the Minister through the [Infrastructure Designations Portal](#).

Consultation

Consultation by the Minister

Following receipt of the MID proposal for social and/or affordable housing, the Minister will commence consultation by writing to the local government, relevant State Member and the landowner/s, inviting submissions on the MID. 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. 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 the Minister having endorsed 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 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 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. In the event that further consultation is required, the streamlined timeframe of three months for a decision to be made will be unlikely to be met.

Decision of the Minister

The process for deciding a MID is detailed in the 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). Entities should follow this document's process, the **Attachment 1** checklist, 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.

3.0 Process for making a minor amendment to a MID for social and/or affordable housing

The process for making a minor amendment to a MID is the same as section 2.0 above, with the exception of the consultation by entity. No consultation by entity is required for minor amendments.

Attachment 1 – Social and/or affordable housing checklist

All eligible applicants requesting to make or amend a MID for social and/or affordable housing through a streamlined assessment process, must provide responses to both **Part A – Mandatory criteria** and **Part B – Additional technical considerations**.

Part A – Mandatory criteria

Part A comprises ‘mandatory criteria’ that are required to be met in order for a streamlined 3-month assessment timeframe to apply. Proposals that do not comply with the criteria set out in **Part A** will be assessed on their merits but due to additional technical reporting and assessment that will be required, the assessment phase may be longer.

Mandatory criteria		Entity response
		<i>For each criterion insert further information or reference to supporting documentation to explain why this criterion is met.</i>
1	The proposal and entity align with item 13 and/or item 16 of Schedule 5 of the Planning Regulation.	Yes <input type="checkbox"/>
2	The proposal only includes other uses where they are ancillary and related to the Infrastructure as specified in item 13 and/or item 16 of Schedule 5 of the Planning Regulation 2017.	Yes <input type="checkbox"/>
3	The site is located in a residential zone, Community facilities zone, Centre zone, Mixed use zone or Township zone as defined in Schedule 2 of the Planning Regulation 2017 and categorised under the relevant planning scheme	Yes <input type="checkbox"/>
4	The site is not identified within Bushfire prone area mapping. <i>Note: Land identified as a ‘Bushfire prone area’ is identified in the SPP interactive mapping system or relevant council planning scheme.</i>	Yes <input type="checkbox"/>
5	The site is not on the Contaminated Land Register or Environmental Management Register. <i>Note: Evidence of searches of the Contaminated Land Register and Environmental Management Register.</i>	Yes <input type="checkbox"/>
6	The proposal does not involve a new or changed access to a state transport corridor. <i>Note: Refer to the definition of new or changed access in schedule 24 of the Planning Regulation 2017.</i>	Yes <input type="checkbox"/>

Mandatory criteria		Entity response <i>For each criterion insert further information or reference to supporting documentation to explain why this criterion is met.</i>
7	<p>The site is:</p> <ul style="list-style-type: none"> a. not mapped in a flood or coastal hazard area; or b. where mapped in a flood or coastal hazard area, demonstrates the development: <ul style="list-style-type: none"> i. achieves the 1% Annual Exceedance Probability + freeboard level and flood free access for pedestrians and vehicles. ii. is designed to achieve no worsening to adjacent properties. <p><i>Note: Land identified as a 'flood hazard area' or 'Erosion prone area' are identified in the SPP interactive mapping system or the relevant planning scheme.</i></p> <p><i>Note: A flood report certified by a Registered Professional Engineer of Queensland is required to demonstrate part (b) where applicable.</i></p>	Yes <input type="checkbox"/>
8	<p>The proposal results in the retention of all mapped vegetation unless complying with relevant exempt clearing requirements, including:</p> <ul style="list-style-type: none"> a. Koala vegetation; and/or b. Matters of State Environmental Significance vegetation. <p><i>Note: Land identified as a 'koala vegetation' and 'Matters of State Environmental Significance' is identified in the SPP interactive mapping system.</i></p>	Yes <input type="checkbox"/>
9	<p>The site is:</p> <ul style="list-style-type: none"> a. not mapped in a State or Local Heritage Place; or b. where mapped in a State or Local Heritage Place is supported by a Heritage Exemption Certificate or letter of support from the local government. <p><i>Note: Land identified as a 'State or Local Heritage Place' is identified in the SPP interactive mapping system or the relevant local planning scheme.</i></p>	Yes <input type="checkbox"/>
10	<p>The proposal accommodates any mapped Local Government Infrastructure Plan infrastructure identified in the relevant local planning scheme or planned upgrades to state transport networks.</p>	Yes <input type="checkbox"/>

Part B – Additional technical considerations

Part B comprises additional ‘technical considerations’ where eligible applicants should provide information about matters relating to the proposal. Insufficient information to demonstrate how each criterion has been achieved may necessitate additional technical reports and limit the Minister’s ability to achieve the target date of 3 months. It will ultimately be at the discretion of the department as to whether the criteria in **Part B** have been satisfied based on the information provided by the applicant.

Additional technical considerations		Entity response
<p><i>Use this column to identify either ‘yes’, ‘no’ or ‘not applicable’ and provide further information or reference to supporting documentation to explain why.</i></p>		
Building height		
1	The proposed building height complies with the relevant planning scheme requirements excluding rooftop communal space, or where no building height is specified is contextually appropriate with the adjoining sites and surrounding zoning.	
Setbacks		
2	The proposed setbacks of buildings comply with the relevant local planning scheme or are contextually appropriate within the site and surrounds (current and future), having regard to the amenity and privacy of neighbouring buildings and managing bulk/scale towards site boundaries to ensure compatibility with adjoining development.	
Open space and landscaping		
3	The proposal provides private open space for each dwelling/unit that aligns with the relevant council planning scheme and/or Queensland Government’s Social Housing Design Guidelines and Social Housing Design Guideline Toolkit Indicative Floor Plans.	
4	The proposal provides communal open space that considers the size, location and function of users and aligns with the relevant council planning scheme.	
5	The proposal is capable of achieving the design considerations for ‘Make homes outside’ in the Social Housing Design Guideline and retains healthy trees where practical.	
Servicing and waste		

Additional technical considerations		Entity response
		<i>Use this column to identify either 'yes', 'no' or 'not applicable' and provide further information or reference to supporting documentation to explain why.</i>
6	The proposal provides refuse storage, including recycling and collection areas that comply with the relevant local planning scheme or the Social Housing Design Guideline	
7	The proposal does not cause actionable nuisance to adjoining properties and directs stormwater to a legal point of discharge. <i>Note: A technical note or report certified by a Registered Professional Engineer of Queensland may be required to demonstrate compliance.</i>	
Traffic, access, and parking		
8	The proposal does not result in: <ul style="list-style-type: none"> a. increased traffic requiring external upgrades (e.g., intersection changes, lane markings) or b. create safety issues for vehicles, pedestrians, and active transport users. <i>Note: A technical note or traffic report certified by a Registered Professional Engineer of Queensland may be required to demonstrate compliance with the above criteria.</i>	
9	The site is easily accessible to a range of amenities such as public transport, employment, education, recreation or sport facilities, open space, shopping and service centres. The proposal provides at least one (1) car parking space for each residential unit and additional visitor parking. <i>Note: A locality plan detailing proximity to nearby amenities is required to be provided with the MID proposal.</i>	
10	The proposal can achieve access, manoeuvring and parking that is designed in accordance with relevant local planning scheme or Australian standard. <i>Note: A technical note or traffic report certified by a Registered Professional Engineer of Queensland may be required to demonstrate compliance.</i>	

Additional technical considerations		Entity response
<i>Use this column to identify either 'yes', 'no' or 'not applicable' and provide further information or reference to supporting documentation to explain why.</i>		
Reverse amenity		
11	The site achieves the minimum buffer distance from industrial activities or industrial zoned land as prescribed under the relevant planning scheme.	
Constructing or raising waterway barrier works		
12	The proposal does not result in waterway barrier works or complies with relevant accepted development requirements.	

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