

State Development and Public Works Organisation (Bribie Island Breakthrough Emergency Works) Amendment Regulation 2025

Explanatory notes for SL 2025 No. 86

made under the

State Development and Public Works Organisation Act 1971

General Outline

Short title

State Development and Public Works Organisation (Bribie Island Breakthrough Emergency Works) Amendment Regulation 2025.

Authorising law

Sections 108, 109 and 140 and 173 of the *State Development and Public Works Organisation Act 1971* (SDPWO Act).

Policy objectives and the reasons for them

The Bribie Island Breakthroughs are a series of recently emerged structural breaches occurring at Bribie Island. Since 2022, two clear breakthroughs have emerged and grown, with a third thought to be currently emerging.

The breakthroughs have significantly altered the tide and wave regime in the area, posing significant risks to waterfront property, environmental and cultural values in the area. The effect of such significant changes to the hydrodynamic regime are extensive, complex, highly dynamic, and difficult to understand and predict in a short timeframe.

On 26 June 2025 the Queensland Government has announced funding for the rapid deployment of immediate and urgent works to remediate erosion impacts caused by the breakthroughs and undertake resilience works to reinstate features that can mitigate against further degradation.

These works are urgently required in the context of the coming storm season, generally anticipated to commence in November 2025. Recommendations by experts engaged by the

Department of State Development, Infrastructure and Planning indicate that public infrastructure, private property and environmental assets are already at elevated risk and the impact of storms could lead to major damage in the absence of mitigation.

Achievement of policy objectives

The objective of the *State Development and Public Works Organisation (Bribie Island Breakthrough Emergency Works) Amendment Regulation 2025* (Amendment Regulation) is to direct the Coordinator-General to undertake the Bribie Island Breakthrough Emergency Works, in accordance with the functions of the Coordinator-General established in the SDPWO Act.

The objective will be achieved by creating a new division in the *State Development and Public Works Organisation Regulation 2020* pursuant to section 173 of the SDPWO Act, directing the Coordinator-General to undertake all parts of the defined Project Works in accordance with section 108 and 109 of the SDPWO Act.

Directing the Coordinator-General to undertake the works enlivens their powers under the SDPWO Act to allow timely intervention. To that end:

- the *Planning Act 2016* will not bind the Coordinator-General in the exercise of their functions, being the undertaking of particular works as directed by regulation, pursuant to section 7(1)(a) of that Act;
- the Coordinator-General is not required to hold environmental authority under the *Environmental Protection Act 1994* where carrying out an environmentally relevant activity, such as dredging, pursuant to section 426(3) of that Act;
- the authorisation given by this regulation to take sand, stone, gravel and other material under section 140 of the SDPWO Act is taken to be an allocation notice under the *Coastal Protection and Management Act 1995*; and
- the Coordinator-General's special powers incidental to planned development under part 6, division 6 of the SDPWO Act will be enlivened, in addition to the specific powers and functions of the Coordinator-General within part 8 of the SDPWO Act.

The effect of the Amendment Regulation will be minor and machinery in nature. The impacts of the project works will be managed through a dedicated Environmental Management Plan developed for the project.

The Amendment Regulation has no effect on the requirements of other state legislation, such as the *Marine Parks Act 2004* or *Nature Conservation Act 1992*, or Commonwealth legislation such as the *Environmental Protection and Biodiversity Conservation Act 1999* or *Native Title Act 1993*.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the primary objectives of the SDPWO Act. Undertaking of public works by the Coordinator-General is an established and long-maintained role of the function.

Section 109 of the SDPWO Act provides that a regulation may direct the Coordinator-General to undertake works following consideration and approval of the regulation by Governor in

Council. Section 140 within Division 6 states that a regulation may authorise the Coordinator-General to undertake works in, on, over, through or across any foreshore lying under Queensland waters.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

Alternative ways of achieving policy objectives (including the option of not making subordinate legislation) have not been adopted, given the urgency of the situation.

The nature of the Bribie Island Breakthrough constitutes an emergency. Directing the Coordinator-General to undertake the works is the most effective way to ensure to commencement of works prior to the 2025/26 storm season. Alternative pathways, such as the standard progression of applications for environmental authorities, development permits and other necessary permissions, would endanger the timely completion of the works, which in turn would increase the risk of harm and loss associated with unmitigated severe weather events.

Benefits and costs of implementation

The proposed regulation includes direction for the Coordinator-General to undertake works under sections 108 and 109 of the SDPWO Act. The State Government, following the publication of the Bribie Island Breakthrough and Erosion review intermediate report, has committed \$20 million for rapid deployment of immediate and urgent works focused on restoring breakthroughs on Bribie Island.

The Office of the Coordinator-General will work with all relevant stakeholders, including Sunshine Coast Regional Council, the Kabi Kabi Aboriginal Corporation and local coastal management experts to ensure activities taken are in the best interest of the natural, social and cultural environment of Northern Bribie Island.

The works shall be designed and implemented to protect public infrastructure, private property, public safety and environmental values associated with Bribie Island, Pumicestone Passage and the communities of Pelican Waters, Golden Beach and Caloundra. The works will also provide valuable information and time for the government to plan for longer-term solutions for Bribie Island.

The proposal is minor in nature and does not increase costs or regulatory burden on business or the community. No further regulatory impact analysis is required under the *Queensland Government Better Regulation Policy*.

Consistency with fundamental legislative principles

The proposed direction for the Coordinator-General to undertake all parts of the Bribie Island Breakthrough Emergency Works by the making of the Amendment Regulation, is consistent

with the principles of good legislation including the fundamental legislative principles. Sufficient regard has been given to the rights and liberties of individuals and the institution of Parliament.

Consultation

Relevant state agencies, the Sunshine Coast Regional Council, the Kabi Kabi Aboriginal Corporation and coastal management experts have been engaged, both through the Technical Working Group set up by the Department of State Development, Infrastructure and Planning for the Bribie Island Breakthrough and Erosion Review and following the initial decision to pursue a works regulation. No alternative options have been identified.

The Office of the Coordinator-General will continue to engage with all relevant stakeholders throughout the project process and include appropriate consultation and feedback practices within the Environmental Management Plan.

The Summary Impact Analysis Statement for the proposal was prepared under the *Queensland Government Better Regulation Policy* in consultation with the Office of Best Practice Regulation.