

Queensland



ANNO UNDECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 23

An Act Relating to the Construction of a Dam on the North Pine River to Supplement the Water Supply to the City of Brisbane and Contiguous Areas, and for other purposes.

[ASSENTED TO 3RD APRIL, 1962.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The City of Brisbane (North Pine River Dam) Act of 1962.*" Short title.

(2.) This Act shall be read as one with "*The City of Brisbane Acts, 1924 to 1960.*" Construction.

Meaning of terms.

2. In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

Brisbane City Council.

“ Brisbane City Council ”—Brisbane City Council under and within the meaning of “ *The City of Brisbane Acts, 1924 to 1960* ” ;

Co-ordinator-General of Public Works.

“ Co-ordinator-General of Public Works ”—The Co-ordinator-General of Public Works under and within the meaning of “ *The State Development and Public Works Organisation Acts, 1938 to 1958* ” ;

Pine River Dam.

“ Pine River Dam ”—The dam on the North Pine River the construction of which the Co-ordinator-General of Public Works was, by Order in Council dated the nineteenth day of June, one thousand nine hundred and fifty-eight, published in the *Government Gazette* of the twenty-first day of June, one thousand nine hundred and fifty-eight, issued under “ *The State Development and Public Works Organisation Acts, 1938 to 1958,*” authorised to undertake on the Pine River at A.M.T.M. 12.4 to supplement the water supply to the City of Brisbane (which structure is shown on sketch plan numbered 70422) to the general outline shown on sketch numbered 15058 and in accordance with the said sketch plan and sketch numbered 70422 and 15058 respectively, filed and recorded with the Co-ordinator-General of Public Works : The term includes all works, buildings, structures, plant, machinery, equipment, fittings and things, including pumping stations, treatment works and pipe lines, the construction, installation or provision of which is or may be necessary or convenient for the purposes of, or connected with or appurtenant to, such dam or the storage therein, or distribution or supply therefrom of water.

Validation of Order in Council.
[First Schedule.]

3. The Order in Council a copy of which is set out in the First Schedule to this Act is hereby validated.

4. (1.) For the purpose of the continuation and completion by Brisbane City Council of the Pine River Dam—

Powers of
Brisbane
City Council.

- (a) Such dam shall be works under and within the meaning of “*The Metropolitan Water Supply and Sewerage Acts, 1909 to 1962*,” which Brisbane City Council is under that Act authorised to construct ;
- (b) The Governor in Council shall be deemed to have empowered under and in compliance with the provisions of “*The Metropolitan Water Supply and Sewerage Acts, 1909 to 1962*,” Brisbane City Council to construct such dam ;
- (c) The provisions of sections twenty-eight, twenty-nine and thirty of “*The Metropolitan Water Supply and Sewerage Acts, 1909 to 1962*,” do not apply with respect to such dam or the continuation and completion of the construction thereof ;
- (d) Save the provisions of the sections thereof specified in paragraph (c) of this subsection, the provisions with respect to works which are waterworks within the meaning thereof of “*The Metropolitan Water Supply and Sewerage Acts, 1909 to 1962*,” apply to such dam and the undertaking, continuation and completion by Brisbane City Council of the construction thereof.

(2.) For the purposes of the maintenance, repair, enlargement, alteration or renewal of the Pine River Dam after the construction thereof, and for the purpose of the storage therein and distribution or supply therefrom of water, such dam shall be deemed to be works which are waterworks within the meaning of “*The Metropolitan Water Supply and Sewerage Acts, 1909 to 1962*,” constructed by Brisbane City Council under the authority of that Act and the provisions of that Act shall, save as provided in subsection three of this section, apply and extend accordingly.

(3.) The provisions of sections twenty-eight, twenty-nine or thirty, or of the last three paragraphs of section thirty-three (being the proviso to the first paragraph of the said section thirty-three and the two paragraphs thereof following such proviso), of “*The*

Metropolitan Water Supply and Sewerage Acts, 1909 to 1962,” do not apply with respect to, or to the construction of, the Pine River Dam or any work or thing appurtenant to that dam, including any pumping station, treatment works, pipe line or other thing whatsoever appurtenant to that dam.

Grant and transfer of certain land to Brisbane City Council.

5. (1.) As from the commencement and by virtue of this Act the lands described in the Second Schedule to this Act shall cease to be permanently reserved and set apart for waterworks purposes under “*The Land Acts, 1910 to 1961.*”

First Schedule.

(2.) Subject to paragraphs (d) and (e) of the Order in Council (a copy of which is set out in the First Schedule to this Act) the Governor in Council shall, in the name of Her Majesty, grant to Brisbane City Council for an estate in fee-simple the lands described in the Second Schedule to this Act, completely freed and discharged from the reservation mentioned in subsection one of this section.

Second Schedule.

(3.) Brisbane City Council may from time to time in pursuance of the provisions of “*The City of Brisbane Improvement Acts, 1916 to 1953,*” and without further or other authority than those Acts, take any lands either within or without the Area of the City of Brisbane required by it for the purpose of the Pine River Dam or any work or thing appurtenant to that dam, including any pumping station, treatment works, pipe line or other thing whatsoever appurtenant to that dam.

(4.) The grant or transfer to Brisbane City Council for an estate in fee-simple of the lands described in the Second Schedule to this Act shall be subject to any lease, letting, agreement to let or lease, license or other transaction affecting those lands or any portion or parcel thereof made, entered into, or granted, or purporting to have been made, entered into or granted by the Co-ordinator-General of Public Works.

(5.) Deed and assurance fees shall not be payable by Brisbane City Council in respect of the issue of any deed of grant pursuant to subsection two of this section.

Objection to subdivision.

6. (1.) Brisbane City Council may object to the subdivision of any land in the catchment of the North Pine River or of any tributary to that river on the ground that such land will be required for the purposes of the

Pine River Dam or of any work or thing appurtenant to that dam, including any pumping station, treatment works, pipe line or other thing whatsoever appurtenant to that dam.

(2.) A Local Authority within the Area of which any land in the catchment of the North Pine River or of any tributary to that river is situated shall notify Brisbane City Council in writing of any application to it for approval to subdivide such land.

Such Local Authority shall not make a decision upon such application until at least thirty days after it has so notified the said Council or, if the said Council lodges with it an objection in writing, until it has heard and determined the objection.

The Local Authority shall not in any event approve the subdivision if Brisbane City Council satisfies it that the land in question will be required for the purposes of the Pine River Dam or of any work or thing appurtenant to that dam.

(3.) (a) If a Local Authority decides to approve of any subdivision to which Brisbane City Council has duly objected, or to which the Local Authority has not given it an opportunity to object as prescribed by this section, Brisbane City Council may appeal to the Minister.

Such appeal may be made within thirty days after the Local Authority notifies Brisbane City Council of the decision or, if the Local Authority has failed to so notify the said Council, within thirty days after the said Council has knowledge of the decision.

(b) Every such appeal shall be in writing, and shall state the grounds of the appeal and the facts and circumstances relied on by Brisbane City Council in support of those grounds.

(c) The Minister, or a person or persons thereunto appointed by him, shall have full power and authority to hear and determine any such appeal having regard to the facts and circumstances of the case, and public interest.

(d) For the purpose of hearing and determining any such appeal the Minister, or person or persons thereunto appointed by him, shall be a Commission under

and within the meaning of “ *The Commissions of Inquiry Acts, 1950 to 1954,*” and all of the provisions of those Acts, save the provisions thereof relating to a Judge of the Supreme Court, shall apply and extend accordingly.

(e) The decision of the Minister, or of the person or persons appointed by him as hereinbefore specified in this section, upon any appeal under this section shall be final and conclusive, and shall be deemed to be the decision in the matter of the Local Authority, and shall have force and effect accordingly, save that the applicant for approval of the subdivision in question shall have no right of appeal against such decision under subsection fifteen of section thirty-four of “ *The Local Government Acts, 1936 to 1961.*”

Ordinances.

7. The power of Brisbane City Council to make ordinances shall include power to make with respect to the Pine River Dam, and any works or things, including pumping stations, treatment works, pipe lines and other things whatsoever, appurtenant to that dam, and the lands described in the Second Schedule to this Act, and any other lands for the time being vested in the said Council in relation to the Pine River Dam or any work or thing, including any pumping station, treatment works, pipe line or other thing whatsoever, appurtenant to that dam ordinances—

- (a) Safeguarding, and in particular securing against trespass, injury, misuse, or use for or in connection with any purpose not authorised by law the Pine River Dam or any works, things, or lands hereinbefore specified in this section ; and
- (b) Providing for, regulating and controlling (which power to regulate and control shall include power to prohibit either generally or in respect of any specified purpose) the use by the public of any of the lands hereinbefore mentioned in this section.

8. Nothing in "*The Water Power Act of 1922*," Irrigation Acts, &c., to be read subject to this Act. "*The Irrigation Areas (Land Settlement) Acts, 1933 to 1961*," or "*The Water Acts, 1926 to 1961*," shall affect the exercise by Brisbane City Council of its powers with respect to the construction of the Pine River Dam or any work or thing appurtenant to that dam or the storage therein and distribution or supply therefrom of water, and such Acts shall be read subject to this Act.

9. No person shall have any right or remedy in Indemnity. damages or otherwise howsoever against Brisbane City Council or any member, officer or employee thereof, in respect of any obstruction of the navigation of the North Pine River or any tributary thereof, or deprivation of or diminution in any supply of water, or other damage or loss, occasioned by the construction of the Pine River Dam or of any work or thing appurtenant to such dam (including any work or thing for any purpose of or connected with the storage in such dam or the distribution or supply from such dam of water), or by the storage therein or the supply or distribution therefrom of water.

10. (1.) Nothing in this Act contained shall Water for Shire of Pine Rivers. derogate from or prejudicially affect any consent given by the Governor in Council, pursuant to the provisions of subsection fourteen of section thirty-two of "*The Local Government Acts, 1936 to 1961*," to the taking of water by the Council of the Shire of Pine Rivers from the North Pine River and Sideling Creek for the purpose of affording a supply of water to the factory of Australian Paper Manufacturers Limited situated at Petrie, the townships of Kallangur, Lawnton, Petrie and Strathpine and the City of Redcliffe.

(2.) For the purpose of supplying water to the factory of Australian Paper Manufacturers Limited situated at Petrie, the townships of Kallangur, Lawnton,

Petrie and Strathpine, and the City of Redcliffe, on and after the date on which water commences to be stored at the Pine River Dam site the Council of the Shire of Pine Rivers may from time to time request Brisbane City Council to make available to, and without cost to, the Council of the Shire of Pine Rivers at the dam site water in such quantities and at such rates of flow as may be requested by the Council of the Shire of Pine Rivers.

(3.) For the purpose of supplying water to the factory of Australian Paper Manufacturers Limited situated at Petrie, the townships of Kallangur, Lawnton, Petrie and Strathpine, and the City of Redcliffe, on and after the date on which permanently stored water reaches R.L. 130 or, if the construction of the dam is undertaken in two stages, R.L. 80, at the spillway of the Pine River Dam, the Council of the Shire of Pine Rivers may from time to time request Brisbane City Council to make available to the Council of the Shire of Pine Rivers at the dam water in such quantities and at such rates of flow as may be requested by the Council of the Shire of Pine Rivers.

(4.) If any request under subsections two or three of this section is for a supply of water in quantities not exceeding eight million gallons of water on any one day, Brisbane City Council shall, subject to subsection five of this section, comply with such request.

If any such request is for the supply of water in excess of eight million gallons of water on any one day, Brisbane City Council may agree to supply the quantity requested. Failing such agreement, Brisbane City Council shall, subject to subsection five of this section, supply water in quantities of eight million gallons on any one day, and the matter of whether or not Brisbane City Council should supply the excess shall be determined by the Director of Local Government for the State of

Queensland. Brisbane City Council shall supply any such excess quantities of water which it has agreed to supply or which it is directed by the said Director to supply.

(5.) On any day when the quantity of water to be supplied by Brisbane City Council pursuant to a request under subsection two of this section, including any excess quantity agreed or directed to be supplied as mentioned in subsection four of this section, is not available the supplying by Brisbane City Council of the equivalent of what would be the natural flow of the North Pine River past the dam site on the day in question if the construction of the dam had not been commenced, shall be compliance in full by Brisbane City Council with its obligation under this section.

(6.) The Council of the Shire of Pine Rivers shall pay to Brisbane City Council for water made available by Brisbane City Council pursuant to a request under subsection three of this section, including any excess quantity agreed or directed to be supplied as mentioned in subsection four of this section, such charges as may be agreed upon by the Councils or, failing agreement, such charges as may be determined by the Director of Local Government for the State of Queensland.

11. (1.) "*The Metropolitan Water Supply and Sewerage Acts, 1909 to 1959*," are amended by—

Amendments
of 9 Edw.
VII. No. 12.

(a) In subsection one of section twenty-seven—

(i.) Omitting the words "for the District", where appearing in paragraph (a), and inserting in their stead the words "for its purposes";

(ii.) Inserting in paragraph (b) before the words "at any locality" the words and commas ", or any other river or stream or tributary thereof,"; and

(b) In section forty-two, omitting the proviso.

(2.) “ *The Metropolitan Water Supply and Sewerage Acts, 1909 to 1959,*” and this section may be collectively cited as “ *The Metropolitan Water Supply and Sewerage Acts, 1909 to 1962.*”

FIRST SCHEDULE.

“ THE STATE DEVELOPMENT AND PUBLIC WORKS ORGANISATION ACTS, 1938 TO 1958,” AND “ THE METROPOLITAN WATER SUPPLY AND SEWERAGE ACTS, 1909 TO 1959 ”

ORDER IN COUNCIL

At the Executive Buildings, Brisbane, the thirtieth day of June, 1960

Present :

His Excellency the Governor in Council

WHEREAS by “ *The Metropolitan Water Supply and Sewerage Acts, 1909 to 1959,*” Brisbane City Council has power, from time to time, subject to those Acts, to obtain water from any river or stream or tributary thereof for the purpose of an adequate supply of water for the Area of the City of Brisbane : And whereas, by Order in Council dated the nineteenth day of June, one thousand nine hundred and fifty-eight, published in the *Government Gazette* of the twenty-first day of June, one thousand nine hundred and fifty-eight, issued under “ *The State Development and Public Works Organisation Acts, 1938 to 1958* ” (hereinafter referred to as “ the said Acts ”), the Co-ordinator-General of Public Works was authorised to undertake the construction of a dam on the Pine River at A.M.T.M. 12.4 to supplement the water supply to the City of Brisbane, which structure is shown on sketch plan numbered 70422 and to the general outline shown on sketch numbered 15058 and in accordance with the said sketch plans numbered 70422 and 15058 filed and recorded with the Co-ordinator-General of Public Works (hereinafter referred to as “ the said works ”) : And whereas Brisbane City Council is a local body within the meaning of the said Acts and the said works are for its benefit : And whereas by the said Acts it is provided that when any works authorised to be constructed by the said Co-ordinator-General benefit any local body within the meaning of the said Acts the Governor in Council may by Order in Council direct the local body concerned to pay to the Treasurer the whole or such part as he shall think fit of the costs and expenses incurred by the Co-ordinator-General in relation to such

works : And whereas pursuant to “ *The Public Works Land Resumption Acts, 1906 to 1955*,” and the said Acts, certain lands have been taken by the said Co-ordinator-General for the purpose of the said works, and notice that the said Co-ordinator-General requires to take certain other lands for the purpose of the said works has been issued by him as prescribed by the said Acts : And whereas pending the utilisation for the purpose of the said works of the lands so taken the said Co-ordinator-General has let or agreed to let some of those lands : And whereas it is deemed desirable that Brisbane City Council should on and from the date of publication in the *Government Gazette* of this Order in Council continue and complete the construction of the said works and should pay to the Treasurer the whole of the costs and expenses incurred or to be incurred by the said Co-ordinator-General in relation to the said works : Now, therefore, His Excellency the Governor, with the advice of the Executive Council, and in pursuance of “ *The State Development and Public Works Organisation Acts, 1938 to 1958*,” and “ *The Metropolitan Water Supply and Sewerage Acts, 1909 to 1959*.” doth hereby direct and authorise—

- (a) Brisbane City Council to continue and complete the said works ;
- (b) The said Co-ordinator-General to transfer to Brisbane City Council any lands already taken by him for the purpose of the said works but, as respects any such lands which he has leased or agreed to lease, subject to such lease or agreement ;
- (c) The said Co-ordinator-General to continue and complete the taking of any and all lands which he has notified as prescribed by the said Acts are required to be taken by him for the purpose of the said works and, upon the completion of the taking thereof, to transfer such lands in fee-simple to Brisbane City Council ;
- (d) Brisbane City Council to pay to the Treasurer the whole of the costs and expenses incurred or to be incurred by the said Co-ordinator-General in relation to the said works, including in respect of taking for the purpose of the said works any and all lands whether the taking thereof shall have been completed before or shall be completed after the making of this Order in Council ;
- (e) That all amounts of rents under the leases and agreements to lease hereinbefore mentioned received, whether before or after the making of this Order in Council, by the said Co-ordinator-General shall be deducted from the payment prescribed by this Act to be made by Brisbane City Council to the Treasurer and such payment shall be reduced accordingly.

And the Honourable the Chief Secretary is to give the necessary directions herein accordingly.

R. B. McALLISTER, Clerk of the Council.

[s. 5 (1).]

SECOND SCHEDULE.

County.	Parish.	Description.
Stanley	Warner	Pors. 156, 157, 158 and 159
Ditto	Whiteside	Resubs. 202 to 221 (both inclusive), 249 to 261 (both inclusive), and 276 to 283 (both inclusive) of sub. 2 of por. 17N
Ditto	ditto	Sub. 10 of resubs. 173 to 179 (both inclusive), 275 and 286 to 289 (both inclusive) of sub. 2 of por. 17N
Ditto	ditto	Resubs. 182 to 189 (both inclusive) of sub. 2 of por. 17N
Ditto	ditto	Resubs. 26 to 36 (both inclusive) of sub. 1 of por. 17N
Ditto	ditto	Sub. 2 of resub. 141 of subs. 1 and 2 of por. 17N