

Department of the Premier and Cabinet
Adelaide, 23 July 2009

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 34 of 2009—Equal Opportunity (Miscellaneous) Amendment Act 2009. An Act to amend the Equal Opportunity Act 1984.

No. 35 of 2009—Petroleum (Miscellaneous) Amendment Act 2009. An Act to amend the Petroleum Act 2000 and to make related amendments to the Development Act 1993 and the Mining Act 1971.

No. 36 of 2009—Appropriation Act 2009. An Act for the appropriation of money from the Consolidated Account for the year ending on 30 June 2010 and for other purposes.

No. 37 of 2009—Public Sector Act 2009. An Act to make provision for employment, management and governance matters relating to the public sector of the State; to repeal the Public Sector Management Act 1995 and for other purposes.

No. 38 of 2009—Public Sector Management (Consequential) Amendment Act 2009. An act to amend the Public Sector Management Act 1995.

No. 39 of 2009—Statutes Amendment and Repeal (Fair Trading) Act 2009. An Act to amend the Building Work Contractors Act 1995, the Civil Liability Act 1936, the Conveyancers Act 1994, the Fair Trading Act 1987, the Land Agents Act 1994, the Plumbers, Gas Fitters and Electricians Act 1995, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995 and the Travel Agents Act 1986; and to repeal the Consumer Transactions Act 1972 and the Recreational Services (Limitation of Liability) Act 2002.

By command,

MICHAEL O'BRIEN, for Premier

DPC06/0875

Department of the Premier and Cabinet
Adelaide, 23 July 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Chiropractic and Osteopathy Board of South Australia, pursuant to the provisions of the Chiropractic and Osteopathy Practice Act 2005:

Member: (from 27 July 2009 until 26 July 2012)

Kendall Ward Leembruggen
Charles Fred Williamson
Geoffrey Stephen McCann
Luke Daniel Rickards
Kathryn Lucy Quigley
Debra Ruth Lane

By command,

MICHAEL O'BRIEN, for Premier

HEAC-2009-00011

Department of the Premier and Cabinet
Adelaide, 23 July 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Equal Opportunity Tribunal, pursuant to the provisions of the Equal Opportunity Act 1984:

Deputy Presiding Officer: (from 23 July 2009 until 22 July 2012)

Malcolm Robertson
Geoffrey Louis Muecke
Christine Louise Trenorden
Dean Clayton
Peter Anthony Herriman

By command,

MICHAEL O'BRIEN, for Premier

AGO0266/02CS

CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I, JAY WEATHERILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY:

- Resume the land defined in The First Schedule.
- Dedicate the Crown Land defined in The Second Schedule as a Reserve for Depot Purposes and declare that such land shall be under the care, control and management of the Wattle Range Council.
- Dedicate the Crown Land defined in The Third Schedule as a Reserve for South Eastern Water Conservation and Drainage Board Purposes and declare that such land shall be under the care, control and management of the South Eastern Water Conservation and Drainage Board.

The First Schedule

- Reserve for the purpose of the South-Eastern Drainage Board, Section 490, Hundred of Mount Muirhead, County of Grey, the proclamation of which was published in the *Government Gazette* of 10 September 1970 at page 1103, The Third Schedule, being the whole of the land comprised in Crown Record Volume 5706 Folio 267.
- Depot Purposes Reserve, Allotment 2 in Deposited Plan 62873, Hundred of Mount Muirhead, County of Grey, the notice of which was published in the *Government Gazette* of 15 January 2004 at page 171, The Third Schedule, being the whole of the land comprised in Crown Record Volume 5913 Folio 784.

The Second Schedule

Allotment 11 in Deposited Plan 81082, Hundred of Mount Muirhead, County of Grey, exclusive of all necessary roads, subject to an existing free and unrestricted right of way over the land marked A on Deposited Plan 81082 (RTD 9657631).

The Third Schedule

Allotment 12 in Deposited Plan 81082, Hundred of Mount Muirhead, County of Grey, exclusive of all necessary roads.

Dated 23 July 2009.

JAY WEATHERILL, Minister for Environment
and Conservation

DEH 09/3186

DEVELOPMENT ACT 1993: SECTION 48

Variation of Decision by the Governor

Preamble

- The decision to grant a development authorisation under section 48 of the Development Act 1993, in respect of the Myponga/Sellicks Hill Wind Farm located on the Sellicks Hill Range near Myponga ('the authorisation') was published in the *Government Gazette* on 20 November 2003 at page 4112.
- Various amendments to the authorisation from time to time have been notified in the *Government Gazette* as follows:
 - 18 November 2004, page 4333;
 - 5 May 2005, page 1104;
 - 4 August 2005, page 2952;
 - 6 July 2006, page 2179.
- I have most recently decided pursuant to section 48 (7) (b) (ii) to:
 - Change condition 8 to reflect the landscaping plans provided by TrustPower Holdings Australia Pty Ltd dated 23 June 2008.
 - Extend the date mentioned in condition 17 as the final date by which substantial work is to have commenced on site to 26 September 2010.
- For ease of reference, a consolidated version of the conditions of the authorisation as amended to date is republished hereunder.

Decision

PURSUANT to section 48 of the Development Act 1993, and with the advice and consent of Executive Council, I vary:

- Condition 8 of the authorisation by deleting the text and replacing it with text as follows: Screen planting shall be established in accordance with the plans contained in correspondence from TrustPower Holdings Australia Pty Ltd dated 23 June 2008. This will be undertaken to the satisfaction of the Department for Transport, Energy and Infrastructure with costs borne by the proponent.
- Condition 17 of the authorisation by deleting the date therein specified and substituting for it the date of 26 September 2010.

Given under my hand at Adelaide, 23 July 2009.

KEVIN SCARCE, Governor

CONSOLIDATED VERSION OF CONDITIONS
OF AUTHORISATION

1. The Myponga/Sellicks Hill Wind Farm shall be developed in accordance with:

- The Site Layout Plan;
- The Access Route Plan; and
- The Electrical Layout & Connection Routes Plan;

as provided for Appendix D of the Response Document and Amendment to the Proposal dated 14 July 2003.

- The proposed locations for new 50 m Anemometer Towers Plan;
- The proposed anemometer location on St Vincent Property Plan;
- The proposed anemometer location on Koraleigh Property Plan;

as provided with the request for minor variation letter dated 6 October 2004, except as varied by the application for variation to development authorisation by TrustPower Australia Holdings Pty Ltd dated 28 June 2005 and further request for extension by TrustPower Australia Holdings Pty Ltd dated 21 March 2006.

2. Construction must not be commenced until:

- (a) an Environmental Management and Monitoring Plan (EMMP) has been developed to the satisfaction of the Environment Protection Authority. The EMMP must include those additional matters set out in section 7 of the Assessment Report.
- (b) a private certifier or the District Council of Yankalilla has certified to the Development Assessment Commission that all work that constitutes building work under the Development Act 1993, complies with the Building Rules.

3. Clearance of remnant native vegetation on the site or adjacent public roads for access during construction shall be minimised and be in accordance with the Native Vegetation Council requirements.

4. A compliance officer whose sole responsibility is verification of compliance shall be on-site at all times during construction to ensure all environmental management and monitoring is being conducted in accordance with the approved Environmental Management and Monitoring Plan and provide reports on any issue or variance with the prescribed requirements, to the Environment Protection Authority.

5. Compliance checking of noise levels shall be carried out by a specialist noise consultant in accordance with the EPA Wind Farms Guidelines in force at the time of testing to confirm the data within the Bassett Acoustics report AA0651 dated 24 June 2005 and to confirm noise levels associated with the substation installation is free of low frequency tones or excessive noise.

6. Analysis of any variations to the assessed turbine layout, or turbine model, that occurs during the detailed design or construction phase of the project shall be carried out by a specialist noise consultant and shall be confirmed as being in accordance with the EPA Wind Farms Environmental Noise Guidelines prior to any construction of the affected turbines taking place. Any variations require further approval.

7. A public viewing platform with associated car parking and landscaping shall be established on Reservoir Road in accordance with the plan shown in the Public Environmental Report dated 10 March 2003, Appendix I, subject to the approval of the District Council of Yankalilla and Transport SA as land owners, with all costs borne by the proponent.

8. Screen planting shall be established in accordance with the plans contained in correspondence from TrustPower Holdings Australia Pty Ltd dated 23 June 2008. This will be undertaken to the satisfaction of the Department for Transport, Energy and Infrastructure with costs borne by the proponent.

9. Any costs associated with changes to the overtaking lane on Main South Road (heading south) that may be required by Transport SA, following its proposed review of the operation of the overtaking lane, shall be borne by the proponent.

10. Any additional measures required by Transport SA to minimise the potential for driver distraction shall be implemented to the satisfaction of the District Council of Yankalilla and Transport SA with all costs being borne by the proponent.

11. Signs directing traffic to the proposed viewing platform shall be erected on Main South Road and Reservoir Road in consultation with Transport SA with all installation and on-going maintenance costs being borne by the proponent. All signs shall be in accordance with Australian Standards for Tourist Signing and the South Australian Tourist Sign Posting Policy.

12. All access points used during construction and maintenance shall be designed and constructed to Transport SA standards, with all costs being borne by the proponent.

13. The wind turbines shall be painted matt off-white/grey to minimise the visual impact and any potential for glare or reflection and shall not display any signs, logos or other advertising displays.

14. The wind turbines and associated infrastructure and site shall be kept clean and tidy and serviced regularly with any graffiti being removed and with all repairs to rectify breakdown or damage being effected as soon as is practicable.

15. Any new stobie poles for transmission lines shall be colour treated to reduce their visual impact and, where possible, new lines shall use a flat line configuration.

16. Upon decommissioning of the wind farm, the site shall be returned, as far as is possible, to its condition prior to the commencement of the development, with the turbines and all above ground electrical infrastructure no longer required for electricity transmission being removed.

17. If development is not commenced by substantial work on the site by 26 September 2010 the Governor may cancel the authorisation by written notice.

18. A landscaping and revegetation plan will be required for the construction and operational stages. Pest plant and animal control aspects will need to be addressed. The plan should be prepared in consultation with the Department for Environment and Heritage and the Native Vegetation Council, and shall be incorporated into the Environmental Management and Monitoring Plan.

19. The two temporary 50 m anemometer (wind monitoring) towers shall be removed within two years of their erection.

20. The two temporary 50 m anemometer (wind monitoring) towers and supporting guys shall be contained entirely within the site and shall not encroach over any public road reserve.

21. The wind farm operator shall undertake wind speed monitoring at the permanent tower with the greatest wind speed exposure at 10 minute intervals simultaneously at both hub height and at a height of 10 m above ground level. The data shall be recorded in a format to enable desktop analysis.

22. The wind farm operator shall maintain sufficient data indicating the relationship between the wind speeds at 10 minute intervals between the temporary wind towers and the permanent towers. The data shall be recorded in a format to enable desktop analysis.

NOTES

- The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that its activities on the whole site, including during construction, do not pollute the environment in a way which

causes or which may cause environmental harm. In particular, an appropriate soil erosion and drainage management plan, prepared in accordance with the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry, will be required to be submitted and approved before construction commences (as part of the Environmental Management and Monitoring Plan).

- The applicant shall liaise with Transport SA's Murray Bridge Office Customer Liaison and Safety Officer (presently Ms Alison Allen, (08) 8532 8122) prior to any works being undertaken on or adjacent to Main South Road and Reservoir Road.
- The Environmental Management and Monitoring Plan requires further work before it will receive approval, by the addition of those matters outlined in Section 7 of the Assessment Report dated November 2003.
- The development shall proceed in accordance with all relevant State and Commonwealth law (as amended from time to time).
- If, during construction or operation of the development, the proponent discovers evidence of an aboriginal site or any aboriginal objects or remains, the proponent is required, pursuant to the Aboriginal Heritage Act 1988, to report particulars to of such discovery to the Minister for Aboriginal Affairs and Reconciliation and thereafter comply with any directions given by the Minister for Aboriginal Affairs and Reconciliation.
- The proponent shall negotiate with the District Council of Yankalilla and the City of Onkaparinga on any matters arising from the development where the Councils have responsibilities under the Local Government Act 1999, and Roads (Opening and Closing) Act 1991.
- The requirement for an Environmental Management and Monitoring Plan (EMMP) prior to the commencement of construction does not include the two temporary anemometer towers hereby approved.
- For the purposes of conditions 5 and 6 a specialist noise consultant is taken to be one eligible for membership of both the Institution of Engineers Australia and the Australian Acoustical Society.

DEVELOPMENT ACT 1993, SECTION 25 (17): NORTHERN AREAS COUNCIL—JAMESTOWN INDUSTRIAL/COMMERCIAL DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled 'Northern Areas Council—Jamestown Industrial/Commercial Development Plan Amendment' (the Plan Amendment) has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Urban Development and Planning has decided to approve the Plan Amendment.

NOTICE

PURSUANT to section 25 of the Development Act 1993, I—

- (a) approve the Plan Amendment; and
- (b) fix the day on which this notice is published in the *Gazette* as the day on which the Plan Amendment will come into operation.

Dated 23 July 2009.

PAUL HOLLOWAY, Minister for Urban
Development and Planning