



Government Gazette

of the State of

New South Wales

Number 6

Friday, 25 January 2019

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

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GOVERNMENT NOTICES

Planning and Environment Notices

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Thomas Frederick Bathurst AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Carrai National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 16th day of January, 2019

THOMAS BATHURST AC,
Lieutenant-Governor,
By His Excellency's Command,

GABRIELLE UPTON MP,
Minister for the Environment.

Schedule

Land District – Kempsey LGA – Armidale Regional

County Vernon, Parish Kunderang, 363.57 hectares, being Lot 25 DP850070 and Lots 14 & 15 DP756486.

Papers OEH/ EF15/16531 & EF/16/4203

(n2019-201)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, the Honourable Thomas Frederick Bathurst AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974* and under Section 30A(2) assign the name **Ben Halls Gap National Park**.

SIGNED and SEALED at Sydney on this 16th day of January, 2019.

THOMAS BATHURST AC,
Lieutenant-Governor,
By His Excellency's Command,

GABRIELLE UPTON MP
Minister for the Environment.

Schedule

Land District – Scone LGA – Tamworth Regional

County Hawes, Parish Yeerawun, 518 hectares, being Lots 24 & 25 DP753722.

Papers OEH/ EF14/30025

(n2019-202)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A NATIONAL PARK

I, General The Honourable David Hurley AC DSC (Ret'd), Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in the Schedule below as part of **Dharawal National Park**, under the provisions of Section 30A(1)(a) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 21st day of December, 2018.

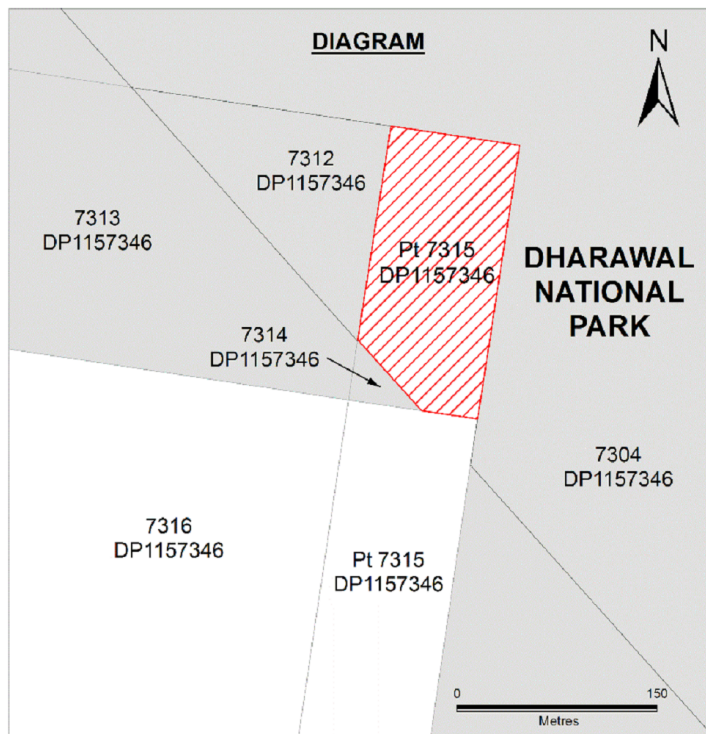
DAVID HURLEY
Governor,
By His Excellency's Command,

GABRIELLE UPTON MP,
Minister for the Environment.

Land District – Metropolitan LGA – Wollondilly

Schedule 1

County Cumberland, Parish Wedderburn, about 321.45 hectares being Lot 69 DP 821303, Lots 7304, 7308, 7312 in DP 1157346, and part Lot 7315 DP 1157346 shown by hatching in the diagram below.



Papers OEH/EF15/14696

(n2019-203)

NATIONAL PARKS AND WILDLIFE ACT 1974

NOTICE OF RESERVATION OF A REGIONAL PARK

I, the Honourable Thomas Frederick Bathurst AC, Lieutenant-Governor of the State of New South Wales, with the advice of the Executive Council, reserve the lands described in Schedules 1 and 2 below as part of **Coffs Coast Regional Park**, under the provisions of Section 30A(1)(d) of the *National Parks and Wildlife Act 1974*.

SIGNED and SEALED at Sydney this 16th day of January, 2019.

THOMAS BATHURST AC,
Lieutenant-Governor,
By His Excellency's Command,

GABRIELLE UPTON MP
Minister for the Environment.

Land District – Bellingen LGA – Coffs Harbour

Schedule

County Fitzroy, Parish Moonee, 98.8 hectares being Lot 50 DP1221264.

Papers OEH/EF14/7317

(n2019-204)

Primary Industries Notices

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Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019

under the

Biosecurity Act 2015

I, SARAH BRITTON, Group Director Animal Biosecurity, in exercise of delegated authority under the *Biosecurity Act 2015*, in pursuance of section 62 of the *Biosecurity Act 2015* reasonably believing it is necessary to prevent, eliminate, minimise or manage the biosecurity risk associated with the virus that causes the disease Abalone Viral Ganglioneuritis, make the following Control Order.

Dated this Wednesday, 23 January 2019

SARAH BRITTON
GROUP DIRECTOR ANIMAL BIOSECURITY
DEPARTMENT OF INDUSTRY

Explanatory note

This Control Order is made under section 62 of the *Biosecurity Act 2015*. The object of this Control Order is to prevent, eliminate, minimise and manage the biosecurity risk posed or likely to be posed by the spread of the virus that causes the disease Abalone Viral Ganglioneuritis within New South Wales.

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Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019

under the

Biosecurity Act 2015

1. Name of Order

This Control Order is the *Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019*.

2. Commencement

This Control Order commences on 25 January 2019.

Note: Notice of this Control Order may be given by publishing it on the website of the Department or in the *NSW Government Gazette*.

3. Revocation of the Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2019

Pursuant to section 77 of the Act, the *Biosecurity (Abalone Viral Ganglioneuritis) Control Order 2018* published in *NSW Government Gazette* No. 107 of 19 October 2018 at pages 7632 to 7640 is revoked, as is any Order revived as a result of this revocation.

4. Definitions

In this Control Order:

abalone means fish of the genus *Haliotis*.

abalone land-based farm means a land-based abalone farm containing stock that has not been sourced from either Tasmanian or Victorian State waters and has not been in contact with equipment that has been in Tasmanian or Victorian State waters (without appropriate decontamination).

abalone processor means a facility that receives live abalone that is processed (which may include shucking, cooking, smoking, preserving, canning, freezing, boxing live) prior to it being packaged, dispatched and transported for human consumption.

abalone product means:

- (a) the muscle, tissue or offal of an abalone;
- (b) any meat or food or foodstuffs derived from abalone;
- (c) any part of the viscera of abalone;
- (d) any dung, urine, mucous, faeces, shell or blood of an abalone, or any article or substance derived from the dung, urine, faeces, shell or blood of an abalone;
- (e) any secretion of an abalone;
- (f) any product or biological preparation made or derived from any abalone tissue or abalone secretion; or
- (g) any article or substance derived from abalone, whether or not in combination with any other article or substance.

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Abalone Viral Ganglioneuritis means the disease of abalone caused by abalone herpesvirus (Family *Malacoherpesviridae*)

live abalone means an abalone that is viable if kept or released.

sentinel abalone means abalone that are susceptible to Abalone Viral Ganglioneuritis and that are used for testing and early detection of disease

the Act means the *Biosecurity Act 2015*.

Tasmanian State waters means State waters as defined by the *Living Marine Resources Management Act 1995* (Tasmania).

Victorian eastern abalone zone means all Victorian State waters east of longitude 148° East.

Victorian State waters means Victorian waters as defined by the *Fisheries Act 1995* (Victoria).

Note: *authorised officer, Chief Veterinary Officer, carrier, control measures, deal, Department and fitting* all have the same meaning as in the Act.

5. Biosecurity Matter and Biosecurity Risk

- (1) The biosecurity matter to which this Control Order relates is the virus that causes Abalone Viral Ganglioneuritis.
- (2) The biosecurity risk to which this Control Order relates is the risk of an adverse effect to the economy, the environment and the community posed by or likely to be posed by the spread of the virus that causes Abalone Viral Ganglioneuritis into New South Wales.

6. Control Zone

- (1) Pursuant to sections 62(1)(a) and 67 of the Act, the control zone to which control measures are required to be implemented under this Control Order is the whole of New South Wales.
- (2) The control zone is called the *Abalone Viral Ganglioneuritis Control Zone*.

7. Control measures

Pursuant to section 62(1)(b) and 68 of the Act, persons to whom the control measures apply are prohibited from moving or importing the following carriers of the biosecurity matter into the Abalone Viral Ganglioneuritis Control Zone:

- (a) live abalone taken from, or originating in, Tasmania or Tasmanian State waters except live abalone as described in Schedule 1;
- (b) live abalone taken from, or originating in, Victoria or Victorian State waters except exempt live abalone as described in Schedule 2;
 - (i) live abalone that has been in contact with any water that has held live abalone described in clauses 7(a) or 7(b);
 - (ii) fittings used in connection with abalone described in clause 7(a) or (b), unless those fittings have been cleaned and disinfected to remove any traces of abalone or abalone product in accordance with a protocol approved by the NSW Chief Veterinary Officer.

8. The persons or class of persons to whom the control measures apply

The control measures in this Control Order apply to any person dealing with live abalone or carriers of live abalone in the Abalone Viral Ganglioneuritis Control Zone.

9. Duration of control order

This Control Order has effect for a period of 5 years from the date on which it is made.

Government Notices

Schedule 1 Live abalone taken from Tasmanian State waters or originating in Tasmania

For the purpose of clause 7(a) of this Order, the exempt live abalone is live abalone that:

- (1) is from a Tasmanian abalone land-based farm that:
 - (a) is more than three kilometres by water from an abalone processor; and
 - (b) has complied with the requirements of the accreditation program described in Schedule 3 to this Order (“accredited land-based farmed abalone”); and
- (2) has not been in contact with live abalone from any other location; and
- (3) is transported into New South Wales from Tasmania either:
 - (a) directly from that Tasmanian abalone land-based farm and not via an abalone processor outside New South Wales; or
 - (b) from that Tasmanian abalone land-based farm in sealed boxes, directly to a designated area of an abalone processor that is physically separate from other products and has been disinfected before the accredited land-based farmed abalone is placed there, and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; or
 - (c) from that Tasmanian abalone land-based farm directly to a Tasmanian abalone processor that complies with Schedule 4 to this Order, and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; and
- (4) in respect of which, a Record of Movement (Abalone), in the form published on the Department’s website, has been completed by the exporter certifying that the conditions in this Schedule have been met; and
- (5) for which, the completed Record of Movement (Abalone) has been sent by email to abalone.import@dpi.nsw.gov.au on or before the time of export.

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Schedule 2 Live abalone taken from Victorian State waters or originating in Victoria

For the purpose of clause 7(b) of this Order, the exempt live abalone is live abalone that:

- (1) is taken from a:
- (a) Victorian abalone land-based farm that is transported directly into the Abalone Viral Ganglioneuritis Control Zone and not via an abalone processor outside New South Wales; or
 - (b) Victorian abalone land-based farm that:
 - (i) is transported directly to, and packed in an abalone processor that meets all conditions set out in Schedule 4 and then transported directly into the Abalone Viral Ganglioneuritis Control Zone; and
 - (ii) in respect of which, a Record of Movement (Abalone), in the form published on the Department's website, has been completed by the exporter certifying that the conditions in this Schedule have been met and for which, the completed Record of Movement (Abalone) has been sent by email to abalone.import@dpi.nsw.gov.au on or before the time of export.
- or
- (c) Victorian eastern abalone zone which is transported directly to the Abalone Fishermen's Co-operative Limited, 1 Commercial Road, Mallacoota, Victoria and then transported directly into the Abalone Viral Ganglioneuritis Control Zone.

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Schedule 3 Accreditation program

For the purpose of 1(b) of Schedule 1 to this Order, these are the requirements of the accreditation program:

(1) Sampling requirements

The sampling requirements described in either of (a) or (b) must be complied with:

(a) Farmsampling

The owner or occupier of the abalone land-based farm must, in the preceding six months to importation, submit samples in accordance with the requirements of Division 3, Part 8 of the Biosecurity Regulation 2017, to detect infection using a 2-stage sampling procedure in accordance with the table in (3) of this Schedule and all samples must have tested negative for Abalone Viral Ganglioneuritis when tested:

- (i) by Polymerase Chain Reaction test in accordance with World Organisation for Animal Health specifications ('OIE'); or
- (ii) by using a test specified by the relevant OIE Reference Laboratory.

(b) Sentinel population sampling

The owner or occupier of the abalone land-based farm must:

- (i) submit samples, in accordance with the requirements of Part 2, Division 3, Part 8 of the Biosecurity Regulation 2017, to detect infection using a 2-stage sampling procedure in accordance with the table in (3) of this Schedule to this Order and all samples must have tested negative for Abalone Viral Ganglioneuritis when tested:
 - A. by Polymerase Chain Reaction test in accordance with World Organisation for Animal Health specifications; or
 - B. by using a test specified by the relevant OIE Reference Laboratory, and
- (ii) within 6 weeks of receiving the tests under (1)(b)(i) of this Schedule, establish a sentinel population of 30 or more abalone susceptible to Abalone Viral Ganglioneuritis within an area of the farm that receives discharge water from all tanks holding live abalone on the land-based farm (multiple sentinel abalone populations must be used where the sentinel abalone population cannot be placed in a single common area to receive discharge from all tanks); and
- (iii) check each sentinel population daily and submit any moribund abalone for testing, in accordance with the requirements of Part 2, Division 3, Clause 8 of the Biosecurity Regulation 2017, to detect infection, with all abalone testing negative for Abalone Viral Ganglioneuritis by Polymerase Chain Reaction test or a test specified by the relevant OIE Reference Laboratory and replace any moribund abalone, if required, to maintain a sentinel population of 30 or more; and
- (iv) every six months, submit all abalone within the sentinel population for testing, in accordance with the requirements of Part 2, Division 3, Clause 8 of the Biosecurity Regulation 2017, to detect infection, with the entire population testing negative for Abalone Viral Ganglioneuritis when tested:
 - A. by Polymerase Chain Reaction in accordance with World Organisation for Animal Health specifications; or
 - B. by using a test specified by the relevant OIE Reference Laboratory; and
- (v) maintain accurate records of all abalone removed from the sentinel population for testing purposes for 4 years and provide these records for examination during any compliance audits.

(2) Recordkeeping requirements

The abalone land-based farm must keep written evidence:

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- (a) of two satisfactory audits of compliance in accordance with the Tasmanian Department of Primary Industries, Parks, Water and Environment abalone farm biosecurity program (with the audits confirming that there have been no introductions of abalone stock except from equivalent abalone farms of equivalent status); and
- (b) that:
- (i) all unusual abalone mortality events have been reported to the Tasmanian Department of Primary Industries, Parks, Water and Environment; and
 - (ii) any associated disease investigation considered necessary by the Tasmanian Department of Primary Industries, Parks, Water and Environment have been completed; and
 - (iii) the abalone submitted for disease investigation at (ii), tested negative by a Tasmanian government laboratory for Abalone Viral Ganglioneuritis by Polymerase Chain Reaction test or by using a test specified by the relevant OIE Reference Laboratory (such tests conducted in accordance with the sampling requirements required by Tasmanian Department of Primary Industries, Parks, Water and Environment).

(3) Two (2) stage sampling procedure

No of grow-out tanks on farm	No of tanks to sample	No abalone sampled per tank
22 or fewer	All	95
23	23	58
24	24	46
25	25	38
26	26	33
27	27	30
28	28	27
29	29	25
30	30	22
31	31	19
32	32	18
33	33	17
34	34	16
36	36	14
37	37	13
38	38	12
39	39	11
41	41	10
43	43	9
45	45	8
46	46	7
47	47	6
48 or more	48	5

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Schedule 4: Interstate abalone processing

For the purposes of clause (3)(c) of Schedule 1 and clause (1)(b) of Schedule 2 to this Control Order, abalone that is accredited land-based farmed abalone from Tasmania or taken from a Victorian abalone land-based farm (together, “low risk abalone”) can be transported via an abalone processor outside the Abalone Viral Ganglioneuritis Control Zone if the abalone processor complies with the following conditions:

1. The abalone processor must not have held abalone that is not low risk abalone for 7 days prior to accepting the low risk abalone for processing.
2. Evidence of efficacy of incoming water disinfection must be provided to the competent authority responsible for auditing the facility (e.g. the Tasmanian Department of Primary Industries, Parks, Water and Environment or other authority approved by the NSW Chief Veterinary Officer) including evidence of meeting the following criteria (2a-c):
 - a. All influent water must be filtered to 25µm and effectively disinfected before it enters the abalone processor by:
 - i. UV radiation at dose rate of at least 30 mJ/cm²; or
 - ii. ozone at a dose rate of 1mg/L for 1 minute or equivalent; or
 - iii. Sodium hypochlorite at a dose rate of 200ppm for 2 hours or equivalent.
 - b. Evidence of regular (at least every six months) testing to ensure efficacy of incoming water disinfection system (e.g. monitoring of microbial viability as a proxy for Abalone Viral Ganglioneuritis).
 - c. The disinfection system usage data must be maintained and up-to-date, including hours of use, to ensure the system is used according to manufacturer's specifications.
3. Low risk abalone must be held at all times in a live holding area designated solely for that purpose at the abalone processor that:
 - a. is physically isolated from the rest of the processing facility and other products; and
 - b. restricts staff access to the area, so that only staff undertaking activities necessary for maintaining and processing low risk abalone can enter the area; and
 - c. all equipment within the area is used only for maintaining low risk abalone (e.g. tanks, cleaning equipment, buckets etc.).
4. Packaging of the low risk abalone must be done in a designated processing area at the abalone processor that has been disinfected immediately prior to the packaging of low risk abalone. No other products are to be in this designated area whilst packaging of low risk abalone is taking place.
5. The processing facility must have been audited and accredited within the 12 months prior to accepting any low risk abalone by a competent authority (such as the Tasmanian Department of Primary Industries, Parks, Water and Environment or other authority approved by the NSW Chief Veterinary Officer for this purpose) for compliance with conditions 1-4 of this Schedule.