

# *Government Gazette*

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New South Wales

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# Biosecurity (white spot disease – Evans and Richmond Rivers) Control Order (No 2) 2024

under the

## Biosecurity Act 2015

I, JOANNE COOMBE, Director Animal Biosecurity, with the authorisation of the Minister administering the *Biosecurity Act 2015* and under section 62 of that Act make the following Control Order.

Dated 2<sup>nd</sup> August 2024

A handwritten signature in black ink, appearing to read 'J Coombe', with a long horizontal flourish extending to the right.

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JOANNE COOMBE  
Director Animal Biosecurity  
Department of Primary Industries and Regional Development

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## Part 1 Preliminary

### 1 Name of Control Order

This Control Order is the *Biosecurity (white spot disease – Evans and Richmond Rivers) Control Order (No 2) 2024*.

### 2 Commencement and duration

This Control Order commences on the date it is published in on the Department's website and has effect until 9 November 2024.

**Note.** Notice of this Control Order will be given by publishing it in the Department's website.

### 3 Definitions

(1) In this Control Order:

**commercial fisher** means a person who holds a commercial fishing licence under the *Fisheries Management Act 1994*.

**contaminated fittings** means fittings that have or may have had contact with decapod crustaceans or polychaete worms from the Evans and Richmond River Control Zone but does not include fittings that have been decontaminated by removing all traces of decapod crustaceans, polychaete worms and other organic matter.

**cooked** means, in relation to a decapod crustacean or polychaete worm, that it appears fully cooked and has achieved a core temperature of at least 65°C during the cooking process.

**decapod crustacean** means a crustacean of the Order Decapoda, including school, tiger, eastern king and banana prawns, yabbies and pink nippers, shrimp, slipper lobsters, crabs and hermit crabs.

**excluded carrier** means any of the following carriers of white spot disease:

- (a) a blue swimmer crab (*Portunus armatus*),
- (b) a bug (*Ibacus* spp. and *Thenus* spp.),
- (c) a mud crab (*Scylla* spp.),
- (d) a red champagne lobster (*Linuparus trigonus*),
- (e) a slipper lobster (*Scyllarides* spp.),
- (f) a spanner crab (*Ranina ranina*),
- (g) a three-spotted crab (*Portunus sanguinolentus*),
- (h) a rock lobster (family Palinuridae).

**intertidal zone** means the area between mean high water mark and mean low water mark.

**ocean waters** means waters east of the natural coastline of New South Wales.

**polychaete worm** means a worm of the Class Polychaeta.

**public sewer** means a sewer operated by a council, county council, a water supply authority within the meaning of the *Water Management Act 2000*, a State owned corporation specified in Schedule 1 or 5 to the *State Owned Corporations Act 1989* (or a subsidiary of such a corporation) or any other public or local authority of a State or Territory.

**the Act** means the *Biosecurity Act 2015*.

**uncooked**, in relation to a decapod crustacean and polychaete worm, means that it is not cooked.

**waste depot** means a place at which waste may be treated or stored in accordance with an approval under the *Local Government Act 1993* or a place approved as a waste depot or waste facility under any other Act.

**white spot disease** means the disease caused by the virus *Whispovirus* (Family *Nimaviridae*) and which is also known as white spot disease of crustaceans or infection with white spot syndrome virus.

- (2) Biosecurity matter referred to in this Control Order means the biosecurity matter at any stage of its life cycle.

**Note.** Section 11 of the *Interpretation Act 1987* provides that words or expressions used in this Control Order have the same meaning as in the Act.

#### **4 Revocation of Biosecurity (white spot disease – Evans and Richmond River) Control Order 2024**

The *Biosecurity (white spot disease – Evans and Richmond River) Control Order 2024* published on the Department’s website on 27 May 2024 is revoked, as is any order revived by this revocation.

#### **5 Grounds for order**

The basis for concluding that it is necessary to make this Control Order is as follows:

- (a) White spot disease is a highly contagious viral disease that affects and can cause mass mortalities in farmed crustaceans.
- (b) White spot disease of crustaceans is prohibited matter throughout New South Wales.
- (c) On 8 May 2024, white spot disease was detected in the wild crustacean population in that part of the Evans and Richmond Rivers Control Zone described as the Evans River Control Zone in the *Biosecurity (white spot disease – Evans*

*River) Control Order (No.2) 2024*, from surveillance samples taken on 29 April 2024.

- (d) On 25 May 2024, white spot disease was detected in the wild crustacean population in ocean waters in the vicinity of the opening of the Richmond River in the Evans and Richmond Rivers Control Zone from surveillance samples taken on 17 May 2024.
- (e) Control measures are required to provide for incident response surveillance and investigations to collect evidence that will inform risk-based longer term management measures to minimise the risk of the introduction and spread of white spot disease to other crustacean populations of New South Wales.

## **6 Biosecurity matter and biosecurity risk**

- (1) The biosecurity matter which is the subject of this control order is white spot disease of crustaceans.
- (2) The biosecurity risk to which this control order relates is the risk of an adverse effect on the economy, the environment, and the community that arises from the presence, spread or increase of white spot disease within New South Wales.

## **7 Control zone**

The control zone in which control measures are required to be implemented under this Control Order (*Evans and Richmond Rivers Control Zone*) is the area covering the following:

- (a) the Evans River consisting of all waters from its confluence with the South Pacific Ocean, upstream to the intersection of Rocky Mouth Creek,
- (b) the Richmond River consisting of all waters including any tributaries and man-made canals, from its confluence with the South Pacific Ocean, upstream to:
  - (i) Tomki-Tatham Road, and
  - (ii) the Bruxner Highway at Lismore,
- (c) North Creek, consisting of all waters including any tributaries from its confluence with the Richmond River upstream to the intersect with Deadmans Creek,
- (d) Emigrant Creek, consisting of all waters including any tributaries from its confluence with the Richmond River upstream to the intersect with Maguires Creek,
- (e) all waters of the Tuckean Broadwater and any tributaries from its confluence with the Richmond River upstream to the intersect with Bagotville Road, and
- (f) ocean waters within the coastal waters of NSW from 28° 48.571'S 153° 36.369'E then due east to 28°48.571' S and 153°37.100' E, then south to the point 28°50.940' S and 153°36.910' E, then south to the point 28° 53.451'S 153° 35.585'E, then south to the point 28° 56.727'S 153° 32.722'E , then south west to

the point 29°1.546'S 153°29.159'E, then south to the point 29°7.720'S 153°28.600'E, then south to the point 29°8.370'S 153°28.580'E, then south west to the point 29°11.962'S 153°25.777'E, then west to the point 29°11.962'S 153°24.172'E, then straight along the natural coastline back to the point 28°48.571'S 153°36.369'E.

**Notes.**

- 1 The map of the Evans and Richmond Rivers Control Zone in Schedule 1 to this Control Order is provided for information purposes only.
- 2 The **coastal waters of the State** are defined in section 58 of the Interpretation Act 1987. Generally speaking, coastal waters extend to the waters of the sea within 3 nautical miles of the natural coastline at mean low water.

## **Part 2 Control measures – movements out of the Evans and Richmond Rivers Control Zone**

### **8 Persons to whom control measures apply**

The control measures in Part 2 of this Control Order apply to any person who deals with decapod crustaceans or polychaete worms, or fittings used in connection with decapod crustaceans or polychaete worms.

### **9 Prohibition on movement of crustaceans, polychaete worms and fittings**

- (1) This clause applies to:
  - (a) decapod crustaceans and polychaete worms that are in the Evans and Richmond Rivers Control Zone,
  - (b) decapod crustaceans and polychaete worms that have had contact with decapod crustaceans or polychaete worms from the Evans and Richmond Rivers Control Zone,
  - (c) decapod crustaceans and polychaete worms that have been in contact with contaminated fittings,
  - (d) contaminated fittings,
  - (e) decapod crustaceans and polychaete worms that have had contact with water that has contained decapod crustaceans or polychaete worms from the Evans and Richmond Rivers Control Zone.
- (2) A person must not move any thing to which this clause applies out of the Evans and Richmond Rivers Control Zone, unless otherwise permitted by this Control Order.
- (3) If a person moves a decapod crustacean or polychaete worm into the Evans and Richmond Rivers Control Zone, the person may move that decapod crustacean or polychaete worm out of the Evans and Richmond Rivers Control Zone:

- (a) if the person obtained the decapod crustacean or polychaete worm from retail premises,
  - (b) if the person moved the decapod crustacean or polychaete worm into the Evans and Richmond Rivers Control Zone to use as bait or for human consumption, and
  - (c) the decapod crustacean or polychaete worm did not have contact with water that has contained decapod crustaceans or polychaete worms from the Evans and Richmond Rivers Control Zone.
- (4) In this clause:

*retail premises* includes:

- (a) retail premises as defined in the Dictionary to the *Evans Valley Local Environment Plan 2012*, and includes retail premises attached to service stations or highway services centres, and
- (b) premises that dispatch decapod crustaceans or polychaete worms advertised for sale by means of newspaper or other print media, the Internet, SMS text message or other on-line communications system.

## **10 Movement of cooked decapod crustaceans or polychaete worms**

A person may move a decapod crustacean or polychaete worm out of the Evans and Richmond Rivers Control Zone if:

- (a) it is for the purpose of commercial sale, and
- (b) the decapod crustacean or polychaete worm is cooked before it is moved out of the control zone.

## **11 Movement of uncooked decapod crustaceans that have transited through the Evans and Richmond Rivers Control Zone**

- (1) A person may move an uncooked decapod crustacean, other than live decapod crustacean, from the Evans and Richmond Rivers Control Zone into and within the rest of New South Wales if:

- (a) it is for the purpose of commercial sale, and
- (b) the decapod crustacean:
  - (i) originated from outside the Evans and Richmond Rivers Control Zone and only entered the zone for the purpose of transiting through the zone,
  - (ii) is transported by the most direct route to the intended destination,
  - (iii) is transported in a manner that prevents it being contaminated with the virus that causes white spot disease, and



- (iv) is packaged and labelled with an identifier specifying the location of where the decapod crustacean was grown, captured or harvested, and the name, address, postcode and State or Territory of the grower or commercial fisher who produced or harvested the decapod crustacean.

**Note.** Under clause 112 of the *Biosecurity Regulation 2017* a person who is required to label or identify any matter, must ensure that the label or identifier is a complying label or complying identifier.

- (2) An endorsement holder may move an uncooked decapod crustacean from the Evans and Richmond Rivers Control Zone into and within the rest of New South Wales if:
  - (a) the decapod crustacean was taken from the waters of the Ocean trawl fishery that are outside the Evans and Richmond Rivers Control Zone,
  - (b) the movement is for the purpose of commercial sale,
  - (c) the decapod crustacean is transported by the most direct route to the intended destination, and
  - (d) the decapod crustacean is transported in a manner that prevents it being contaminated with the virus that causes white spot disease.
- (3) The endorsement holder must keep Category 1 decapod crustaceans and Category 2 decapod crustaceans separate, so that crustaceans of each category have no contact with crustaceans of the other category.
- (4) In this clause:

***Category 1 decapod crustaceans*** means any decapod crustaceans taken from any parts of the waters of the Ocean trawl fishery that are outside the Evans and Richmond Rivers Control Zone.

***Category 2 decapod crustaceans*** means any decapod crustaceans taken in the waters of the Ocean trawl fishery within the Evans and Richmond Rivers Control Zone.

***commercial fishing licence*** has the same meaning as in section 4 of the *Fisheries Management Act 1994*.

***endorsement holder*** means a person who holds a commercial fishing licence that has an endorsement that authorises the taking of fish in the Ocean trawl fishery.

***Ocean trawl fishery*** has the same meaning as in Schedule 1 of the *Fisheries Management Act 1994*.

***take*** has the same meaning as in section 4 of the *Fisheries Management Act 1994*.

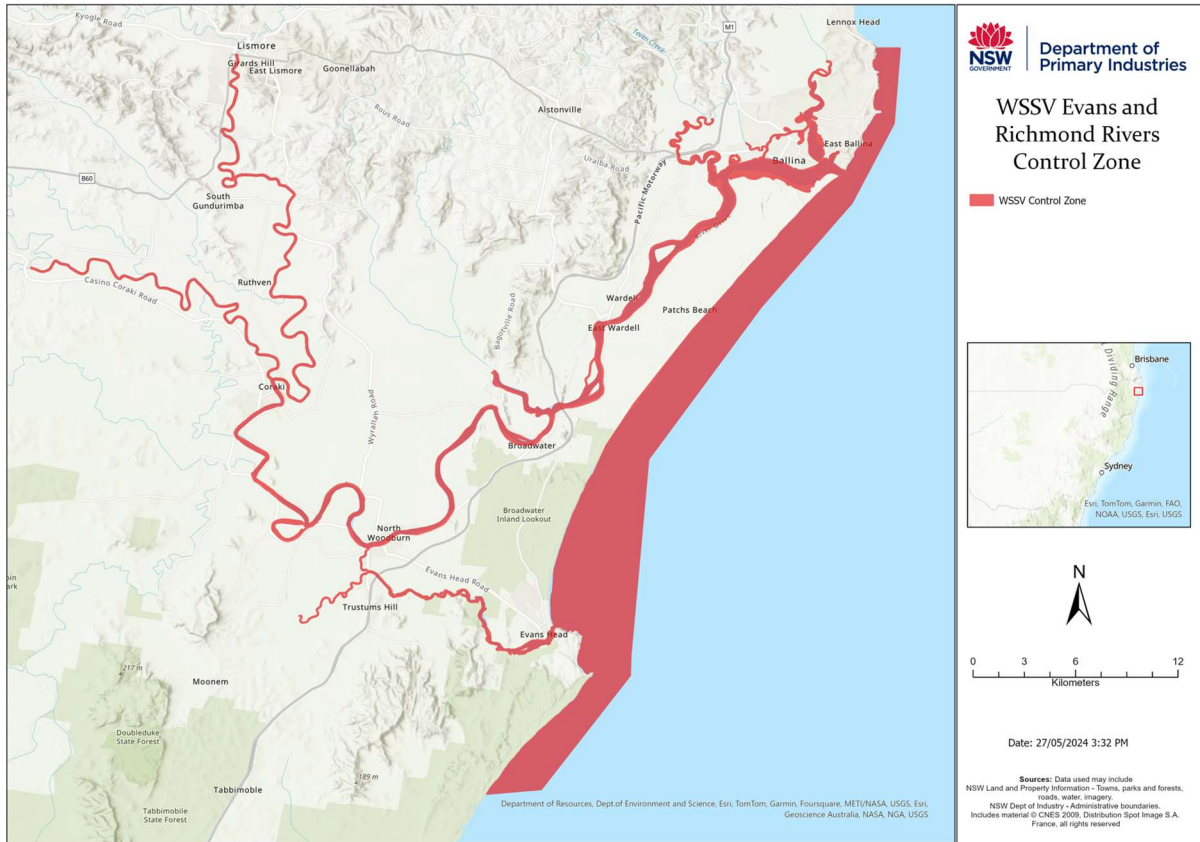
## 12 Movement of uncooked decapod crustaceans that are excluded carriers out of the Evans and Richmond Rivers Control Zone

- (1) A person may move an uncooked decapod crustacean that is an excluded carrier from the Evans and Richmond Rivers Control Zone into and within the rest of New South Wales if the uncooked decapod crustacean:
  - (a) is being moved for human consumption, and it is cooked as soon as practicable after arrival at its destination, and
  - (b) if it is alive, is not placed in waters to which the *Fisheries Management Act 1994* applies.

**Note.** Section 7 of the *Fisheries Management Act 1994* describes the waters to which that Act applies.

- (2) Any water used for the purpose of transporting excluded carriers under this clause must be disposed of through a public sewer.
- (3) Any waste produced because of transporting excluded carriers under this clause must be disposed of at a waste depot.
- (4) An excluded carrier being moved out of the Evans and Richmond Rivers Control Zone under this clause must be accompanied by documentation which provides the following information:
  - (a) the date that the excluded carrier was captured or harvested, and
  - (b) the location in the Evans and Richmond Rivers Control Zone at which the excluded carrier was captured or harvested.

# Schedule 1 Map of the Evans and Richmond Rivers Control Zone



**Pursuant to section 136 of the *Mining Act 1992* and section 16 of the *Petroleum (Onshore) Act 1991***

NOTICE is given that the following applications have been received:

**EXPLORATION LICENCE APPLICATIONS**

(APP-2024-181)

No. 6796, Agricultural Equity Investments Pty Limited (ACN 064 646 108), area of 87 units, for Group 1, dated 5 August 2024. (Cabonne Local Government Area).

(APP-2024-182)

No. 6797, Crown Gold Resources Pty Ltd (ACN 644 327 364), area of 101 units, for Group 1, dated 5 August 2024. (Mid-Western Regional Local Government Area).

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NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATIONS**

(APP-2024-68)

No. 6737, now Exploration Licence No. 9680, Cobar Minerals Pty Ltd (ACN 623 510 430), County of Mouramba, Map Sheet (8033), area of 17 units, for Group 1, dated 31 July 2024, for a term until 31 July 2027.

(APP-2024-102)

No. 6756, now Exploration Licence No. 9681, Green Copper Pty Ltd (ACN 658 037 962), County of Buller, Map Sheet (9340), area of 41 units, for Group 1, dated 1 August 2024, for a term until 1 August 2026.

**MINING LEASE APPLICATION**

(APP-2023-210)

Singleton No. 643, now Mining Lease No. 1880 (Act 1992), Centennial Myuna Pty Limited (ACN 101 508 981), Parish of Awaba, County of Northumberland, Map Sheet (9231-4-N), area of 108.3 hectares, to mine for coal, dated 1 August 2024, for a term until 1 August 2045. As a result of the grant of this title, Exploration Licence No. 9625 has ceased to have effect.

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NOTICE is given that the following application has been withdrawn:

**EXPLORATION LICENCE APPLICATION**

(APP-2024-11)

No. 6707, GREENCOAST ENVIRONMENTAL REHABILITATION PTY LTD (ACN 125 784 189), County of Macquarie, Map Sheet (9435). Withdrawal took effect on 5 August 2024.

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NOTICE is given that the following applications for renewal have been received:

(REN-2024-193)

Exploration Licence No. 9236, Western Wood Capital Pty Ltd (ACN 616 068 832), area of 16 units. Application for renewal received 31 July 2024.

(REN-2024-187)

Exploration Licence No. 9239, Orange Minerals (NSW) Pty Ltd (ACN 645 544 761), area of 11 units. Application for renewal received 1 August 2024.

(REN-2024-188)

Exploration Licence No. 9244, Orange Minerals (NSW) Pty Ltd (ACN 645 544 761), area of 51 units. Application for renewal received 2 August 2024.

(REN-2024-189)

Exploration Licence No. 9249, Orange Minerals (NSW) Pty Ltd (ACN 645 544 761), area of 45 units. Application for renewal received 2 August 2024.

(REN-2024-194)

Exploration Licence No. 9250, Cobar Minerals Pty Ltd (ACN 623 510 430), area of 27 units. Application for renewal received 31 July 2024.

(REN-2024-190)

Exploration Licence No. 9259, SRL OPS Pty Ltd (ACN 008 755 155), area of 424 units. Application for renewal received 2 August 2024.

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### **RENEWAL OF CERTAIN AUTHORITIES**

Notice is given that the following authorities have been renewed:

(REN-2024-122)

Exploration Licence No. 6419, Hillgrove Mines Pty Ltd (ACN 102 660 506), Counties of Clarke and Sandon, Map Sheets (9236, 9237, 9337), area of 44 units, for a further term until 17 May 2027. Renewal effective on and from 1 August 2024.

(TMS-REN250)

Mining Purposes Lease No. 339 (Act 1973), Australian Native Landscapes Pty Ltd (ACN 001 749 980), Parish of Beaufort, County of Bathurst; and Parish of Errol, County of Bathurst, Map Sheet (8730-4-N), area of 128.4 hectares, for a further term until 25 July 2029. Renewal effective on and from 20 November 2023.

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### **WITHDRAWAL OF APPLICATIONS FOR RENEWAL**

Notice is given that the applications for renewal in respect of the following authorities have been withdrawn:

(TMS-REN150)

Assessment Lease No. 12, Genders Mining Pty Ltd (ACN 000 094 315), Parish of Airly, County of Roxburgh; and Parish of Hearne, County of Roxburgh, Map Sheets (8831-1-1, 8831-1-N), area of 3476 hectares. The authority ceased to have effect on 31 July 2024.

(TMS-REN215)

Exploration Licence No. 7175, Larmon Pty Ltd (ACN 006 612 997), County of Wentworth, Map Sheet (7329), area of 6 units. The authority ceased to have effect on 2 August 2024.

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### REQUESTED CANCELLATIONS

Notice is given that the following authorities have been cancelled:

(CAN-2024-38)

Exploration Licence No. 9471, SANDFIRE RESOURCES LIMITED (ACN 105 154 185), County of Booroondarra, County of Robinson and County of Yanda, Map Sheet (7935), area of 115 units. Cancellation took effect on 2 August 2024.

(CAN-2024-38)

Exploration Licence No. 9472, SANDFIRE RESOURCES LIMITED (ACN 105 154 185), County of Booroondarra and County of Robinson, Map Sheets (7934, 7935), area of 127 units. Cancellation took effect on 2 August 2024.

(CAN-2024-38)

Exploration Licence No. 9473, SANDFIRE RESOURCES LIMITED (ACN 105 154 185), County of Booroondarra, Map Sheet (7934), area of 73 units. Cancellation took effect on 2 August 2024.

(CAN-2024-38)

Exploration Licence No. 9474, SANDFIRE RESOURCES LIMITED (ACN 105 154 185), County of Robinson and County of Yanda, Map Sheets (7935, 8035), area of 77 units. Cancellation took effect on 2 August 2024.

(CAN-2024-38)

Exploration Licence No. 9475, SANDFIRE RESOURCES LIMITED (ACN 105 154 185), County of Booroondarra, Map Sheets (7833, 7834, 7934), area of 133 units. Cancellation took effect on 2 August 2024.

## **Gazette Notice**

### ***FISHERIES MANAGEMENT ACT 1994* FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2017**

#### **Clause 37 (3) – Notice of Granting of Class 1 Aquaculture Lease**

The Minister has granted the following Class 1 Aquaculture Lease:

AL19/004 within the estuary of the Clyde River, having an area of 0.6949 hectares to Benjamin Ralston and John Ralston of Batemans Bay, NSW, for a term of 15 years expiring on 3 June 2039.

**DIRECTOR, FISHERIES AND AQUACULTURE MANAGEMENT**  
**Fisheries and Forestry**  
**NSW Department of Primary Industries and Regional Development**

## **Gazette Notice**

### ***FISHERIES MANAGEMENT ACT 1994*** **FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2017**

#### **Clause 39 (4) - Notice of Aquaculture Lease Renewal**

The Minister has renewed the following Class 1 Aquaculture Leases:

OL62/171 within the estuary of the Wallis Lake, having an area of 1.5986 hectares to Rueben Bryant of Forster, NSW, for a term of 15 years expiring on 19 May 2039.

OL63/088 within the estuary of Port Stephens, having an area of 3.0499 hectares to XL Oysters Pty Ltd of Lemon Tree Passage, NSW, for a term of 15 years expiring on 6 August 2039.

OL62/078 within the estuary of the Wallis Lake, having an area of 0.5125 hectares to Polson Oysters Pty Ltd of Oxley Island, NSW, for a term of 15 years expiring on 6 July 2039.

OL62/088 within the estuary of the Hastings River, having an area of 0.3145 hectares to Tunstead Oysters Pty Ltd of Riverside, NSW, for a term of 15 years expiring on 28 April 2039.

OL77/162 within the estuary of the Clyde River, having an area of 0.4464 hectares to Salty Oyster Company Pty Ltd as trustee for Roclyde Business Trust of Broulee, NSW, for a term of 15 years expiring on 1 May 2039.

OL79/093 within the estuary of the Hawkesbury River, having an area of 0.3823 hectares to Big Petes Oysters Pty Ltd of Mooney, NSW, for a term of 15 years expiring on 31 May 2039.

OL77/147 within the estuary of Camden Haven, having an area of 1.5985 hectares to Peter Morales of Kendall, NSW, for a term of 15 years expiring on 16 September 2039.

AL03/027 within the estuary of the Manning River, having an area of 0.4789 hectares to East 33 Farming Pty Ltd of Tuncurry, NSW, for a term of 15 years expiring on 6 August 2039.

OL64/193 within the estuary of the Pambula River, having an area of 1.0092 hectares to Anthony Bacon of Wonboyn, NSW, for a term of 15 years expiring on 4 September 2039.

OL79/073 within the estuary of Wallis Lake, having an area of 0.194 hectares to Brian Lauff of Forster, NSW, for a term of 15 years expiring on 21 May 2039.

**DIRECTOR, FISHERIES AND AQUACULTURE MANAGEMENT**  
**Fisheries and Forestry**  
**NSW Department of Primary Industries and Regional Development**



## **Gazette Notice**

### ***FISHERIES MANAGEMENT ACT 1994* FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2017**

#### **Clause 49 (9) – Notice of Aquaculture Lease Subdivision**

The Minister has subdivided the following Aquaculture Leases:

OL78/110 within the estuary of Tuross Lake has been subdivided into three (3) leases referred to as AL24/014 having an area of 0.6519 hectares, AL24/015 having an area of 3.2292 hectares and AL24/016 having an area of 3.0906 hectares, to Eurobodalla Coast Oyster Supplies and Services Pty Ltd of Tuross Head, NSW, expiring on 28 April 2039.

**DIRECTOR, FISHERIES AND AQUACULTURE MANAGEMENT**  
**Fisheries and Forestry**  
**NSW Department of Primary Industries and Regional Development**