



# *Government Gazette*

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New South Wales

**Number 416–Mining and Primary Industries  
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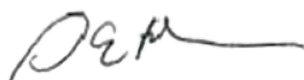
# Biosecurity (Pacific Oyster Mortality Syndrome) Control Order 2021

under the

## Biosecurity Act 2015

I, Sarah Britton, Group Director Animal Biosecurity, with the authorisation of the Minister under section 78 of the *Biosecurity Act 2015* and, having a reasonable belief it is necessary to prevent and minimise the biosecurity risk associated with the disease of Pacific oyster mortality syndrome, make the following control order under section 62 of the *Biosecurity Act 2015*.

Dated this 8 day of August 2021



**Sarah Britton**  
**Group Director Animal Biosecurity**  
**Department of Primary Industries**  
**Regional NSW**

## Part 1 Preliminary

### 1. Name of control order

This control order is *the Biosecurity (Pacific Oyster Mortality Syndrome) Control Order 2021*.

### 2. Commencement and duration

- (1) This control order commences on the date on which it is made.
- (2) This control order has effect for 5 years from the date on which it commences.

### 3. Revocation of Biosecurity (Pacific Oyster Mortality Syndrome) Control Order (No. 2) 2018

Under section 77 of the Act, the *Biosecurity (Pacific Oyster Mortality Syndrome) Control Order (No. 2) 2018* published in the *Government Gazette* No. 63 on 22 June 2018 at pages 3906 to 3910 is revoked, as is any Order revived as a result of this revocation.

#### 4. Definitions

In this Order:

***bivalve*** means fish of the Class Bivalvia and includes clams, oysters, cockles, mussels, scallops, and spat of those fish.

***bivalve product*** means:

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

***importation permit holder*** means a person who holds an aquaculture permit that provides an authority under section 217 of the *Fisheries Management Act 1994* for the importation into NSW of Pacific Oyster spat originating from outside NSW.

***live bivalve*** means a bivalve that is viable if kept or released.

***Pacific Oyster Mortality Syndrome*** means the disease that is caused by the virus Ostreid Herpes Virus type 1 (also known as OsHV-1).

***Pacific oyster spat*** means the juvenile seed stock of Pacific oyster (*Crassostrea gigas*).

***POMS biosecurity zone*** has the same meaning as clause 50 of the *Biosecurity Regulation 2017*.

***POMS carrier*** means any thing that has, or is capable of having, the virus Ostreid Herpes Virus type 1 (also known as OsHV-1) on it, attached to it or contained in it, including a live bivalve, a bivalve product or any fitting used in connection with live bivalves.

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

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

***triploid*** means containing three sets of chromosomes and being functionally sterile.

#### 5. Biosecurity Matter and Biosecurity Risk

The biosecurity risk to which this Control Order relates is the biosecurity risk posed or likely to be posed by the spread of the virus Ostreid Herpes Virus type 1 (also known as OsHV-1) that causes Pacific Oyster Mortality Syndrome (POMS).

## 6. Control Zone

- (1) For the purposes of 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 State of New South Wales.
- (2) The control zone is called the *Pacific Oyster Mortality Syndrome Control Zone*.

## 7. The persons to whom the control measures apply

This Control Order applies to any person dealing with a carrier of Pacific Oyster Mortality Syndrome in the Pacific Oyster Mortality Syndrome Control Zone.

## Part 2 Control Measures

### 8. Control measures – General Prohibitions

Unless otherwise provided in this Part, a person must not import or bring into the Pacific Oyster Mortality Syndrome Control Zone:

- (a) live bivalves taken from, or originating in, Tasmania or Tasmanian State waters;
- (b) fittings used in connection with live bivalves originating in Tasmania or Tasmanian State waters unless the fittings have been cleaned and disinfected to remove any traces of bivalve or bivalve product in accordance with clause 99(2) of the *Biosecurity Order (Permitted Activities) 2019*; and
- (c) live bivalves that have been in contact with any:
  - (i) water that has held live bivalves originating in Tasmania or Tasmanian State waters; or
  - (ii) fittings that have previously been used in connection with live bivalves originating in, Tasmania or Tasmanian State waters, unless the fittings have been cleaned and disinfected to remove all traces of bivalve or bivalve product in accordance with clause 99(2) of the *Biosecurity Order (Permitted Activities) 2019*.

### 9. Control Measures - Live bivalves taken from Tasmanian State waters or originating in Tasmania

A person may import or bring live bivalves taken from Tasmanian State waters or originating in Tasmania into the Pacific Oyster Mortality Syndrome Control Zone if:

- (a) the bivalves are securely packaged; and
- (b) the bivalves are transported directly to a point of sale for human consumption.

**10. Control Measures - Live bivalves that consist of triploid Pacific oyster spat originating in Tasmania**

- (1) A person may import or bring live bivalves that consist of triploid Pacific oyster spat originating in Tasmania into the Pacific Oyster Mortality Syndrome Control Zone if:
  - (a) the bivalves are shipped to an importation permit holder; and
  - (b) the bivalves are to be grown in the POMS biosecurity zone; and
  - (c) the *Shellfish Hatchery Protocol - Production and Translocation of Triploid Pacific Oyster (Crassostrea gigas) Spat to POMS Affected Estuaries in NSW* approved by the NSW Chief Veterinary Officer and published on the Department's website has been complied with.
- (2) A person may import or bring live bivalves that consist of triploid Pacific oyster spat originating in Tasmania into the Pacific Oyster Mortality Syndrome Control Zone if:
  - (a) the bivalves are to be shipped to an importation permit holder; and
  - (b) the bivalves are to be grown outside the POMS biosecurity zone; and the *Shellfish Hatchery Protocol - Production and Translocation of Triploid Pacific Oyster (Crassostrea gigas) Spat to POMS unaffected estuaries* approved by the NSW Chief Veterinary Officer and published on the Department's website has been complied with.

**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-2021-249)

No. 6331, GILMORE METALS PTY LTD (ACN 617943227), area of 55 units, for Group 1, dated 18 August 2021. (Orange Mining Division).

(APP-2021-250)

No. 6332, GILMORE METALS PTY LTD (ACN 617943227), area of 138 units, for Group 1, dated 18 August 2021. (Orange Mining Division).

(APP-2021-245)

No. 6333, GODOLPHIN TENEMENTS PTY LTD (ACN 634 219 999), area of 1 unit, for Group 1, dated 20 August 2021. (Orange Mining Division).

**MINING LEASE APPLICATION**

(APP-2021-247)

No. 605, ULAN COAL MINES PTY LIMITED (ACN 000 189 248), area of about 93.4748 hectares, for the purpose of bin, building, cable, communications, electricity, moving materials, conveyor, dam, drain, gas drainage, water drainage, emergency access, fuel chute, machinery, magazine, mining plant, pipeline, reservoir, signaling system, fuel, equipment, timber, telephone line, ventilation and water race, dated 17 August, 2021. (Singleton Mining Division).

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NOTICE is given that the following applications have been granted:

**EXPLORATION LICENCE APPLICATIONS**

(TMS2020-66)

No. 5954, now Exploration Licence No. 9266, SOFALA MINERALS PTY LTD (ACN 644262153), Counties of Roxburgh and Wellington, Map Sheet (8832), area of 58 units, for Group 1, dated 19 August 2021, for a term until 19 August 2024.

(TMS-APP319)

No. 6144, now Exploration Licence No. 9260, BULLA PARK METALS PTY LTD (ACN 619 198 024), Counties of Booroondarra, Rankin and Woore, Map Sheet (7834), area of 73 units, for Group 1, dated 3 August, 2021, for a term until 3 August, 2023.

(TMS-2020-448)

No. 6165, now Exploration Licence No. 9261, ANDREW GOLDMAN EXCAVATIONS PTY LTD (ACN 626027941), County of Denison, Map Sheet (8026), area of 136 units, for Group 1, dated 3 August 2021, for a term until 3 August 2024.

(TMS-2020-521)

No. 6180, now Exploration Licence No. 9251, ARGENT (KEMPFIELD) PTY LTD (ACN 155 759 550), Counties of Bathurst and Georgiana, Map Sheet (8730), area of 2 units, for Group 1, dated 23 July 2021, for a term until 23 July 2024.

(TMS-APP427)

No. 6203, now Exploration Licence No. 9267, NIMROD RESOURCES LIMITED (ACN 130 842 063), County of Cowper, Map Sheet (8136), area of 111 units, for Group 1, dated 20 August 2021, for a term until 20 August 2022.

(APP-2021-24)

No. 6205, now Exploration Licence No. 9262, DARREN SAMPSON AND KEITH CROSBY, Counties of Evelyn and Tongowoko, Map Sheet (7138, 7237, 7238), area of 43 units, for Group 1, dated 6 August 2021, for a term until 6 August 2027.

(TMS-APP429)

No. 6206, now Exploration Licence No. 9263, BUNGY RESOURCES PTY LTD (ACN 643 408 173), County of Argyle, Map Sheet (8827, 8828), area of 33 units, for Group 1, dated 29 July 2021, for a term until 29 July 2027.

(APP-2021-46)

No. 6225, now Exploration Licence No. 9254, BROKEN HILL COBALT PROJECT PTY LTD (ACN 638 134 095), County of Yancowinna, Map Sheet (7133), area of 20 units, for Group 1, dated 26 July 2021, for a term until 26 July 2027.

(APP-2021-62)

No. 6236, now Exploration Licence No. 9248, APMC HOLDINGS PTY LTD (ACN 645 546 809), County of King, Map Sheet (8628, 8629, 8728), area of 35 units, for Group 1, dated 6 August, 2021, for a term until 6 August, 2023.

(APP-2021-81)

No. 6246, now Exploration Licence No. 9259, SRL OPS PTY LTD (ACN 008 755 155), Counties of Flinders, Kennedy and Narromine, Map Sheet (8332, 8333, 8432, 8433), area of 424 units, for Group 1, dated 6 August, 2021, for a term until 6 August, 2024.

(APP-2021-87)

No. 6248, now Exploration Licence No. 9256, LEGACY MINERALS PTY LTD (ACN 622 746 187), Counties of Mouramba and Robinson, Map Sheet (8034), area of 49 units, for Group 1, dated 4 August 2021, for a term until 4 August 2027.

(APP-2021-99)

No. 6252, now Exploration Licence No. 9257, LEGACY MINERALS PTY LTD (ACN 622 746 187), County of Harden, Map Sheet (8528), area of 66 units, for Group 1, dated 4 August 2021, for a term until 4 August 2027.

(APP-2021-104)

No. 6259, now Exploration Licence No. 9233, JAM METAL RESOURCES PTY LTD (ACN 648555542), County of Murchison, Map Sheet (8937, 8938, 9037, 9038), area of 56 units, for Group 6, dated 22 July, 2021, for a term until 22 July, 2024.

(APP-2021-114)

No. 6264, now Exploration Licence No. 9255, WALKER QUARRIES PTY LTD (ACN 003 061 890), Counties of Cook and Roxburgh, Map Sheet (8931), area of 10 units, for Group 2, dated 23 July 2021, for a term until 23 July 2026.

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

(REN-2021-148)

Exploration Licence No. 8388, TELLURIC EXPLORATIONS 2 PTY LTD (ACN 614 781 261), area of 2 units. Application for renewal received 19 August 2021.

(REN-2021-155)

Exploration Licence No. 8467, ALBURY GOLD PTY LTD (ACN 639 753 629), area of 42 units. Application for renewal received 20 August 2021.

(REN-2021-154)

Exploration Licence No. 8473, ALBURY GOLD PTY LTD (ACN 639 753 629), area of 15 units. Application for renewal received 20 August 2021.

(REN-2021-153)

Exploration Licence No. 8790, EVANDALE MINERALS PTY LTD (ACN 617 594 108), area of 200 units. Application for renewal received 23 August 2021.

(REN-2021-152)

Exploration Licence No. 8791, EVANDALE MINERALS PTY LTD (ACN 617 594 108), area of 249 units. Application for renewal received 23 August 2021.

(REN-2021-150)

Exploration Licence No. 8892, PANDA MINING PTY LTD (ACN 137548237), area of 11 units. Application for renewal received 19 August 2021.

(REN-2021-151)

Exploration Licence No. 8893, PANDA MINING PTY LTD (ACN 137548237), area of 11 units. Application for renewal received 19 August 2021.

(REN-2021-146)

Exploration (Prospecting) Licence No. 1094, ROBERT PATRICK HEWETT, area of 2 units. Application for renewal received 18 August 2021.

(REN-2021-147)

Mining Lease No. 791 (Act 1973), MICHAEL JOHN BARLOW, area of 17.95 hectares. Application for renewal received 18 August 2021.

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### RENEWAL OF CERTAIN AUTHORITIES

Notice is given that the following authorities have been renewed:

(REN-2021-28)

Authorisation No. 383, CENTENNIAL MANNERING PTY LTD (ACN 101 509 120), County of Northumberland, Map Sheet (9231), area of 788.53 hectares, for a further term until 21 September 2025. Renewal effective on and from 24 June 2021.

(TMS-REN278)

Exploration Licence No. 1590, EVOLUTION MINING (COWAL) PTY LIMITED (ACN 007 857 598), Counties of Bland and Gipps, Map Sheet (8330), area of 24 units, for a further term until 13 March 2023. Renewal effective on and from 20 August 2021.

(TMS-REN237)

Exploration Licence No. 5748, ARGENT (KEMPFIELD) PTY LTD (ACN 155 759 550), Counties of Bathurst and Georgiana, Map Sheet (8730), area of 21 units, for a further term until 28 June 2025. Renewal effective on and from 20 August 2021.

(TMS-2020-525)

Exploration Licence No. 7437, AWATI RESOURCES PTY LTD (ACN 106 020 419), County of Evelyn, Map Sheet (7238), area of 11 units, for a further term until 23 December 2026. Renewal effective on and from 13 August 2021.

(REN-2021-109)

Exploration Licence No. 8437, JODAMA PTY LTD (ACN 095 440 547), County of Phillip, Map Sheet (8833), area of 13 units, for a further term until 21 June 2027. Renewal effective on and from 13 August 2021.

(REN-2021-74)

Exploration Licence No. 8757, LACHLAN COPPER PTY LIMITED, County of Monteagle, Map Sheet (8529, 8629), area of 70 units, for a further term until 14 June 2024. Renewal effective on and from 19 August 2021.

(REN-2021-75)

Exploration Licence No. 8758, LACHLAN COPPER PTY LIMITED (ACN 615107812), Counties of King and Monteagle, Map Sheet (8629), area of 70 units, for a further term until 14 June 2024. Renewal effective on and from 19 August 2021.

(TMS-REN154)

Mining Lease No. 1173 (Act 1973), DAVID CHARLES THOMPSON, Parish of Waterbeach, County of Roxburgh, Map Sheet (8831-4-N), area of 13.5 hectares, for a further term until 10 February 2036. Renewal effective on and from 9 August 2021.



## WITHDRAWAL OF APPLICATION FOR RENEWAL

Notice is given that the application for renewal in respect of the following authority has been withdrawn:

(M86-0887)

Consolidated Coal Lease No. 729 (Act 1973), OCEANIC COAL AUSTRALIA PTY LIMITED (ACN 003 856 782), Parish of Awaba, County of Northumberland; and Parish of Kahibah, County of Northumberland, Map Sheet (9231-4-N, 9232-3-S), area of 1157 hectares. The authority ceased to have effect on 4 August 2021.

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## APPLICATIONS TO TRANSFER RECEIVED

Notice is given that the following applications to transfer have been received:

(TRF-2021-26)

SCORPIO RESOURCES PTY LTD (ACN 109 158 769) has applied for approval to transfer Exploration Licence No. 8398 to COBAR MINERALS PTY LTD (ACN 623 510 430). Application received 23 August 2021.

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## TRANSFERS

(TMS-TRF72)

Authorisation No. 383, formerly held by CENTENNIAL MANNERING PTY LTD (ACN 101 509 120) has been transferred to GREAT SOUTHERN ENERGY PTY LTD (ACN 621 409 201). The transfer was registered on 15 July 2021.

(TRF-2021-16)

Exploration Licence No. 8520, formerly held by PROVIDENCE METALS PTY LTD (ACN 612933981) has been transferred to SUNRISE ENERGY EXPLORATION PTY LTD (ACN 136 736 813). The transfer was registered on 19 August 2021.

(TRF-2021-16)

Exploration Licence No. 8641, formerly held by PROVIDENCE METALS PTY LTD (ACN 612933981) has been transferred to SUNRISE ENERGY EXPLORATION PTY LTD (ACN 136 736 813). The transfer was registered on 19 August 2021.

(TRF-2021-16)

Exploration Licence No. 8801, formerly held by PROVIDENCE METALS PTY LTD (ACN 612933981) has been transferred to SUNRISE ENERGY EXPLORATION PTY LTD (ACN 136 736 813). The transfer was registered on 19 August 2021.

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## WITHDRAWAL OF APPLICATIONS TO TRANSFER

Notice is given that the following applications for transfer have been withdrawn:

(TMS-TRF77)

Exploration Licence No. 8547, BACCHUS RESOURCES PTY LTD (ACN 606340872). Withdrawal took effect on 20 August 2021.

(TMS-TRF77)

Exploration Licence No. 8571, BACCHUS RESOURCES PTY LTD (ACN 606340872). Withdrawal took effect on 20 August 2021.

(TMS-TRF77)

Exploration Licence No. 8658, BACCHUS RESOURCES PTY LTD (ACN 606340872). Withdrawal took effect on 20 August 2021.

(TMS-TRF77)

Exploration Licence No. 8680, BACCHUS RESOURCES PTY LTD (ACN 606340872). Withdrawal took effect on 20 August 2021.

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**APPLICATION TO CANCEL**

(CAN-2021-15)

Authorisation No. 176 (Act 1973), MUSWELLBROOK COAL COMPANY LTD (ACN 000 009 521), County of Durham, Map Sheet (9033), area of 1500 hectares. Request for cancellation was received on 23 August 2021.