

## Department of Primary Industries

### FISHERIES MANAGEMENT ACT 1994

#### ERRATUM

IN *Government Gazette* No. 155 of 5 December 2008 on page 11783 under the heading Fisheries Management Act 1994, Section 8 and Section 11 Notification – Fishing Closure, Sydney Harbour (Port Jackson) and Tributaries a part of Schedule 2 in regards to Homebush Bay was missing. Schedule 2 is reproduced hereunder in full:

#### SCHEDULE 2

Parramatta River – Duck River and Homebush Bay

Methods	Waters
All methods.	Duck River: The whole of the waters of Duck River, together with its creeks and tributaries, upstream to its source from its junction with Parramatta River. Homebush Bay: The whole of the waters of Homebush Bay, together with its creeks and tributaries, upstream (south) to its source from a line drawn between Rhodes Point and Wentworth Point.

### FISHERIES MANAGEMENT ACT 1994

#### FISHERIES MANAGEMENT (AQUACULTURE) REGULATION 2007

Notice of Receipt of Application for Aquaculture Lease Notification under s.163 (7) of the Fisheries Management Act 1994 and cl.33 of the Fisheries Management (Aquaculture) Regulation 2007

NSW Department of Primary Industries (NSW DPI) advises an application has been received for a new aquaculture lease over public water land for the purpose of cultivating Sydney rock oysters. Location is the Pambula River, described as follows:

- 0.0835 hectares over former oyster lease OL59/180.

NSW DPI is calling for written submissions from any person supporting or objecting to the oyster lease proposal, citing reasons for the support/objection. NSW DPI is also calling for expressions of interest from persons or corporations interested in leasing the area specified above, for the purpose of aquaculture. An expression of interest must be in the form of a written response referring to lease number OL59/180 to be signed and dated with a return address. If additional expressions of interest are received, NSW DPI may offer the area for leasing through a competitive public tender process, auction or ballot.

If granted the lease will be subject to standard covenants and conditions of an aquaculture lease and aquaculture permit, under the Fisheries Management Act, 1994. Specific details of the proposed lease can be obtained, or enquiries made with NSW DPI, Aquaculture Administration Section, Port Stephens on (02) 4982 1232. Objections or expressions of interest for consideration in the determination of the application must be received at the address below, within 30 days from the date of publication of this notification:

Director, Fisheries Conservation and Aquaculture Branch, Aquaculture Administration Section, Port Stephens Fisheries Institute, Locked Bag 1, Nelson Bay NSW 2315.

BILL TALBOT,  
Director,  
Fisheries Conservation and Aquaculture Branch,  
Department of Primary Industries

### COAL MINE HEALTH AND SAFETY ACT 2002 COAL MINE HEALTH AND SAFETY REGULATION 2006

#### Exemption Order

I, ROBERT REGAN, Chief Inspector under the *Coal Mine Health and Safety Act 2002*, pursuant to clause 201 of the *Coal Mine Health and Safety Regulation 2006*, make the following Exemption Order as specified in the Schedule below.

#### Schedule

#### 1.0 Exemption

Notice is hereby given to the operator of an underground coal mine that the requirement of clause 3(1) of the *Coal Mines Health and Safety Regulation 2006* which relates to a hazardous zone and states:

*“hazardous zone” means:...*

*b) that part of an intake roadway in a ventilation district in a mine that is on the return side of such points as are:...*

*(ii) 100 metres from, and on the intake side of, a longwall or shortwall face...”*

shall not apply at underground coal mines in so far as it relates to the installation of a longwall or shortwall face in a previously driven roadway.

#### 2.0 Conditions

This exemption shall be subject to the following conditions:

- 2.1 All longwall and shortwall installation roadways shall be deemed to be temporary standing places.
- 2.2 For all parts of a temporary standing place and all parts of roadways from points 100 metres outbye and 100 metres inbye of the temporary standing place the maximum allowable concentration by volume of methane in the current of air shall not exceed 0.25% or such other level above 0.25% as is granted by an existing exemption..
- 2.3 When electrically and mechanically powered plant and equipment is being commissioned or operating all stoppings and seals against any goaf that is adjacent to and within 100 metres of the temporary standing place must be inspected for damage and leakage of methane from the goaf at least once every eight hours.
- 2.4 When electrically and mechanically powered plant and equipment is being commissioned or operating all stoppings and seals against roadways providing access to the temporary standing place and that are within 100 metres of the temporary standing place must be inspected for damage and leakage of methane at least once every eight hours.

- 2.5 Where general body methane concentrations are required to be measured against stoppings and seals, such measurements shall be taken at a point between one and two metres from the stopping or seal.
- 2.5 When electrically and mechanically powered plant and equipment is being commissioned or operating monitoring devices shall be established at appropriate positions to continuously measure the methane content, by volume, of the general body of the ventilation stream in the temporary standing place and a mining official shall inspect the maingate roadway, temporary standing place and tailgate roadway for the presence of methane at least once every four hours.
- 2.7 The temporary standing place shall be freshly stone dusted prior to enacting this exemption. The stone dust in the temporary standing place shall be maintained to the standard required by the *Coal Mine Health and Safety Act 2002*.
- 2.8 Where explosion protection barriers in the proposed tailgate can be established during the equipment installation phase they shall be correctly rated, loaded and in operable condition prior to enacting this exemption. Where circumstances will not enable the establishment of such barriers, then the tailgate roadway shall be freshly stonedusted prior to enacting this exemption. The stone dust in the tailgate roadway shall be maintained to the standard required by the *Coal Mine Health and Safety Act 2002*.
- 2.9 The Manager of Mining Engineering shall notify the Inspector forthwith by telephone and in writing within 24 hours if the methane content in the general body of the ventilation stream in the temporary standing place exceeds 0.25 per cent by volume or such other level above 0.25% as is granted by an existing exemption. A series of three readings over a two hour period shall be taken to determine the methane content for the purpose of notifying the inspector.
- 2.10 All temporary standing places shall be shown on a plan that is to be posted at an inspection station located at a point at least 100 metres on the intake side of the commencement of the temporary standing place.
- 2.11 Unless withdrawn earlier this exemption shall have effect for a maximum period of 5 years from its date of publication in the Gazette.
- 2.12 A copy of this exemption shall be provided to the site check inspector for the mine.
- 2.13 A copy of this exemption shall be displayed on the Mine Notice Board for the duration of the exemption.

Dated this 27th day of November 2008.

ROBERT REGAN,  
Chief Inspector  
NSW Department of Primary Industries

#### FISHERIES MANAGEMENT ACT 1994

##### Section 8 Notification - Fishing Closure

Prohibition on the taking of fish using abalone viscera as bait

I, IAN MACDONALD MLC, Minister for Primary Industries, pursuant to section 8 of the *Fisheries Management Act 1994*, do by this Notification prohibit the taking of all species of

fish using abalone viscera as bait or berley, by all persons and in all waters.

This fishing closure remains in force for a period of 12 months from the date of publication, unless sooner amended or revoked.

Dated this 9th day of December 2008.

IAN MACDONALD, M.L.C.,  
Minister for Primary Industries

#### Explanatory Note:

The primary purpose of this fishing closure is to reduce the risk of transmission of *abalone viral ganglioneuritis* into New South Wales waters. This fishing closure applies to all recreational and commercial fishers.

### NSW DEPARTMENT OF PRIMARY INDUSTRIES

#### INSTRUMENT OF DELEGATION

I, RICHARD FREDERICK SHELDRAKE, Director-General of the NSW Department of Primary Industries pursuant to the section specified in Column 1 of Schedule 1, of the Act specified opposite in Column 2 of Schedule 1, do by this instrument amend each instrument of delegation previously made by the Director-General under each Act specified in Column 2 of Schedule 1, by replacing any reference to the position specified in Column 1 of Schedule 2 with a reference to the position specified opposite in Column 2 of Schedule 2.

#### SCHEDULE 1

Column 1 – Section number	Column 2 – Name of Act
16	Agricultural Industry Services Act 1998
32A	Agricultural Livestock (Disease Control Funding) Act 1998
27A	Agricultural Tenancies Act 1990
59A	Animal Research Act 1985
47A	Apiaries Act 1985
49A	Exhibited Animals Protection Act 1986
39A	Fertilisers Act 1985
228	Fisheries Management Act 1994
38	Gene Technology (New South Wales) Act 2003
4A	Grain Marketing Act 1991
41	Hemp Industry Act 2008
29A	Non-Indigenous Animals Act 1987
67	Noxious Weeds Act 1993
28C	Plant Diseases Act 1924
5A	Rice Marketing Act 1983
241	Rural Lands Protection Act 1998
13A	Stock (Chemical Residues) Act 1975
22C	Stock Diseases Act 1923