

Lot 5 Robartson Road, MERREDIN
Battery Energy Storage System (BESS)

Form 1 – Responsible Authority Report
 (Regulation 12)

DAP Name:	Regional Joint Development Assessment Panel (JDAP)	
Local Government Area:	Shire of Merredin	
Applicant:	Rebekah Hampson, Land Insights	
Owner:	Ross Milton Robartson	
Value of Development:	\$220 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Shire of Merredin	
Authorising Officer:	Chief Executive Officer	
LG Reference:	MDPA002(2024)	
DAP File No:	DAP/24/02631	
Application Received Date:	21 December 2023	
Report Due Date:	5 April 2024	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	Hyperlink information will be finalised following Council resolution. 1. DA application	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

RESPONSIBLE AUTHORITY RECOMMENDATION

That the Regional Joint Development Assessment Panel resolves to:

- A. **Accept** that the DAP Application reference DAP/24/02631 is appropriate for consideration as a “Use not listed” land use and compatible with the objectives of the zoning table in accordance with Clause 3.4.2 (b) of the Shire of Merredin Local Planning Scheme No. 6;
- B. **Approve** DAP Application reference DAP/24/02631 and accompanying plans (**attachment number**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 3.4.2 (b) of the Shire of Merredin Local Planning Scheme No. 6, subject to the following conditions:

CONDITIONS

1. The submission and approval of a dedicated Construction Management Plan (CMP), including a transport impact assessment, details showing the proposed interim and longer-term facilities including building/structure setbacks, carparking facility, landscaping/ screening etc, to the satisfaction of the local government.
2. The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government.
3. The preparation and lodgement of a Drainage Management Plan (DMP) to contain all drainage on site to the satisfaction of the local government.
4. The design and location of on-site effluent systems for the construction phase as well as the longer term to be designed and located to the satisfaction of the local government.
5. Compliance with the Bushfire Management Plan (BMP) dated 14 December 2023 recommendations (including the Bushfire Risk Assessment & Management Report).
6. Any new crossover to Robartson Road shall be located and constructed to the satisfaction of the local government.

Advice Notes

- 1 If the development, the subject of this approval, is not substantially commenced within a period of 24 months from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time.
- 2 If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
- 3 The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits

must be submitted to the Shire of Merredin and be approved before any work requiring a building permit can commence on site.

REASONS FOR RESPONSIBLE AUTHORITY RECOMMENDATION

The proposed development is in accordance with the local government and State position of encouraging and supporting the development of renewable energy sources.

The Council's Scheme was amended to allow wind power renewable energy projects at a time when solar power was in its infancy. Solar projects were therefore not included in the said amendment.

A current omnibus amendment to allow solar and other renewable power infrastructure in the rural areas of the Scheme is supported by the local government.

DETAILS: OUTLINE OF DEVELOPMENT APPLICATION

Region Scheme	Not applicable
Region Scheme - Zone/Reserve	Not applicable
Local Planning Scheme	Shire of Merredin Local Planning Scheme No 6
Local Planning Scheme - Zone/Reserve	General farming
Structure Plan/Precinct Plan	Not applicable
Structure Plan/Precinct Plan - Land Use Designation	Not applicable
Use Class and permissibility:	Service utility - 'D' use in General farming zone
Lot Size:	61.5 hectares
Existing Land Use:	Rural
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes – BMP prepared
Swan River Trust Area	No

PROPOSAL:

The proposed development will consist of the Battery Energy Storage System (BESS) facility comprised of battery packs, inverters, transformers and control systems. The development will include a high voltage substation and additional switch room(s)/control building(s), laydown areas, staff car parking, required firefighting equipment, internal roads and a perimeter fence.

Proposed Land Use	Battery energy storage system (BESS)
Proposed Net Lettable Area	Not applicable
Proposed No. Storeys	Not applicable
Proposed No. Dwellings	Nil

BACKGROUND:

The site is located approximately 7.5km south-west of the centre of the town of Merredin and comprises a land area of approximately 61.51ha. Only a small portion (approximately 4ha) of this lot, immediately adjacent to the Merredin Terminal sub-station, will be utilised for the development.

The subject site is an agricultural property, does not contain any areas of remnant vegetation and is currently used for cropping and sheep grazing purposes.

Figure 1 provides a location plan of the site.

FIGURE 1 - LOCATION PLAN



Source: Planwest, ESRI

The proposed development is costed at \$220m and consists of the Battery Energy Storage System (BESS) facility that is comprised of battery packs, inverters,

transformers and control systems, and the associated high voltage substation and additional switch room(s)/control building(s), laydown areas, staff car parking, firefighting equipment, internal roads and a perimeter fence. The BESS project will be connected to Western Power's transmission network at the adjacent Merredin Terminal.

The Shire of Merredin has become the renewable energy focus for the wheatbelt and Western Australia. It pioneered wind turbines and solar farms generating green energy to replace greenhouse gas emitting sources, and now the next iteration is in the storage and redistribution of this energy via battery energy storage systems (BESS).

Nomad Energy (the owner of the project) is an Australian company that has developed more than 500MW of renewable energy projects globally, including Western Australia's largest operational solar farm (Merredin Solar Farm).

Nomad Energy has partnered with Atmos Renewables on this project, that is one of the top 5 largest owner/operators of utility-scale renewable energy facilities in Australia and currently holds generation assets with a gross capacity in excess of 1.7GW. A core feature of the Nomad – Atmos partnership is the intent to develop, build, own and operate the assets they develop. This strategy demonstrates their long-term approach to the assets, the local communities in which they are situated and to the electricity market this project will ultimately support.

The partnership has offices in Perth, Melbourne and Sydney and has over 30 employees across Australia.

The proximity to Western Power's Merredin Terminal substation was a key consideration when selecting the site location and will result in relatively minor works being required to connect the proposed facility to the South West Interconnector System (SWIS). The BESS facility will be accessed off Robartson Road and will be securely fenced.

The land is surrounded predominantly by other agricultural properties to the north and west, Western Power's Merredin Terminal to the south and Merredin Solar Farm to the east/ southeast. The subject site is near other energy infrastructure assets being the Merredin Energy dual-fuel peaking plant and Merredin Solar Farm (the largest operating solar farm in Western Australia).

The site comprises one single freehold lot. An easement affects a portion of the lot, and there is one reserve (Merredin Nature Reserve) abutting the eastern boundary.

Surrounding land uses include energy infrastructure (Western Power's Merredin Terminal), energy generation facilities (Merredin Energy peaking plant and Merredin Solar Farm) as well as agricultural (cropping and grazing) land. The closest sensitive receptor is over 2km away from the site. To the south and west of the subject site sits the energy infrastructure assets mentioned previously, to the north east of the subject site at Lot 15490 is a Parks and Recreation reserve under the Shire of Merredin Local Planning Scheme No.6, known as Merredin Nature Reserve. The applicant considers that, given the nature of the facility it is unlikely that there will be any offsite impacts with the balance of the Lot being retained for rural/agricultural purposes.

This application and supporting planning report presents the merits and suitability of the Nomad Energy BESS facility for the location on a portion of Lot 5 Robartson Road, Merredin and located adjacent to the existing Merredin Terminal station.

This report and its appendices comprehensively demonstrate that the proposed development is consistent with the applicable planning framework and the proposed facility can be approved and is consistent with the objectives of the General Farming zone within the Shire.

The proposal warrants approval for the following reasons:

1. The subject site is cleared and relatively flat with no remnant vegetation contained on the subject site.
2. The proposed development will also not have any adverse impacts on surrounding land or vegetation once the facility is operational.
3. The proposed development will only occur on a small portion of agricultural land leaving the majority of the lot to continue to be used for rural purposes.
4. As outlined under the visual assessment and due to the location of the neighbouring existing Merredin Terminal, Merredin Energy peaking plant and Merredin Solar Farm, the proposed development will not have a detrimental effect on the visual landscape within the immediate surrounds.

LEGISLATION AND POLICY:

The current JDAP application for Development Approval (DA) is lodged in accordance with the *Planning and Development (Development Assessment Panel) Regulations 2011* (DAP regulations). These regulations are part of the *Planning and Development Act 2005* that operates in conjunction with the *Planning and Development (Local Planning Schemes) Regulations 2015* (that include the Deemed provisions).

Regulation 7 of the DAP regulations provides for the applicant to elect to have the DA determined by the JDAP.

Regulation 10 of the DAP regulations provides for the application form and sets out an application fee schedule.

State Government Policies

The WA Planning Commission has prepared a Position Statement on Renewable energy facilities. (Mar 2020). The policy identifies assessment measures to facilitate appropriate development of renewable energy facilities. It seeks to ensure these facilities are in areas that minimise potential impact upon the environment, natural landscape and urban areas while maximising energy production returns and operational efficiency.

The current proposal for a battery storage facility is not discussed in the position statement, presumably as it is considered as a component of a renewable energy facility.

Structure Plans/Activity Centre Plans

There are no Structure Plans or Activity Centre Plans associated, or affected by, this proposal.

LOCAL POLICIES

There are no local policies associated, or affected by, this proposal.

CONSULTATION:

Public Consultation

A notice was published in the West Australian newspaper on 3 February 2024 inviting submissions to the BESS proposal before 26 February 2024.

There were no submissions received other than those from the servicing agencies discussed below.

Referrals/consultation with Government/Service Agencies

In addition to the public invitation, several agencies were specifically contacted regarding the proposed development.

Four responses were received including, CASA (Civil Aviation Safety Authority), DPIRD (the Department of Primary Industries and Regional Development) and DBCA (Department of Biosecurity, Conservation and Attractions).

DFES (Department of Fire and Emergency Services) requested an extension to the submission period due to its extreme demand for emergency services during this period. The Shire granted this extension.

A subsequent email (dated 11 March 2024) from DFES indicates that it has not reviewed the BMP as it has not formally been referred to the Department. Referrals are only received by DFES where the development is affected by the Bushfire Prone mapping.

CASA and DBCA indicated that they had no issues with the proposed development, whilst DPIRD requested that a drainage management plan be prepared for the site.

Schedule A contains details of the submissions.

Issue Raised	Officer comments
Drainage	<p>DPIRD noted that the nearby Merredin Terminal substation effectively handles surface water by channelling excess water to a dam, while the drain/creek to the north manages surface water from the surrounding area.</p> <p>As a precautionary measure, DPIRD recommends managing surface water from this facility to mitigate water erosion and potential contaminant movement during heavy summer or winter rainfall.</p>

Although the owners, operators, Department of Water and Environmental Regulation (DWER), Western Power (WP) and the Environmental Protection Authority (EPA) were also notified, they have not responded.

Design Review Panel Advice

Not applicable.

Swan Valley Planning

Not applicable.

Other Advice

No other advice has been received.

PLANNING ASSESSMENT:

The proposed development has a relatively small footprint as it is only a component of a renewable energy facility. The WA Planning Commission's Position statement on renewable energy facilities generally deals with complete facilities from the energy generation to the feeding into the grid system.

The battery storage is positioned between these components and requires a relatively small area with minimal impacts.

The proximity to Western Power's Merredin Terminal substation was a key consideration when the site was selected and will result in relatively minor works being

required to connect the proposed facility to the South West Interconnector System (SWIS). The BESS facility will be accessed off Robartson Road and will be securely fenced.

The land is surrounded predominantly by other agricultural properties to the north and west, Western Power’s Merredin Terminal to the south and Merredin Solar Farm to the east/ southeast. The subject site is in close to other energy infrastructure assets being the Merredin Energy dual-fuel peaking plant and Merredin Solar Farm (the largest operating solar farm in Western Australia).

Figure 2 shows the site plan with Bushfire Prone mapping data (DFES), a 150m assessment area and the battery development extent area.

The potential impacts include;

- Visual
- Fire risk, and
- Loss of agricultural land or vegetation.

FIGURE 2 - EXTRACT FROM DA SITE PLAN



Source: LandInsights, Bushfire Prone Planning, DFES, Planwest

Visual

The closest sensitive receptor is over 2km away from the site. To the south and west of the subject site sits the energy infrastructure assets mentioned previously, to the north east of the subject site at Lot 15490 is a lot reserved for Parks and Recreation under the Shire of Merredin Local Planning Scheme No.6, known as Merredin Nature Reserve. The applicant considers that, given the nature of the facility, it is unlikely that

there will be any offsite impacts and the balance of the Lot will be retained for rural / agricultural purposes.

A **Visual Impact Landscape Assessment (VILA)** has been prepared as part of the DA.

The assessment concludes that the BESS, whilst visible as part of the scenery of the place would not be visible from all but two points. That view is described as part of the overall assembly of switchyard and dam and transmission lines.

In the circumstances therefore the visual impact of the battery is very limited overall and likely to be viewed as a changing part of the rural scene - including solar and wind farms. The VILA considered the merit of managing the surroundings of the BESS and/or its design, and suggests the potential to explore the following mitigations:

- Install the BESS on a low pad
- Select lighter and muted colours such as sage green, sky blue, white or beige
- Limited screen planting to the road reserve especially areas closest to the BESS although it is noted views are not strongly influenced.

Fire risk.

The DA is accompanied by a comprehensive Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning. Although Lot 5 is affected by the Bushfire Prone mapping, the proposed development site is about 200m from the nearest mapped area (as per DFES data). Notwithstanding this distance, the BMP is deemed necessary as the proposed use class is considered a high-risk land use.

The BMP deals with risk issues that are better assessed by agencies specialising in these areas rather than from a planning perspective. During the advertising, the DA will be forwarded to FESA, amongst others, for comment.

The BMP looks at

- Assessment of potential bushfire impact,
- Environmental conservation,
- Assessment of the development's ability to acceptably mitigate bushfire risk through application of required and/or additional bushfire protection measures, and
- Creation of responsibilities to implement and maintain protection measures.

Loss of agricultural land or vegetation

As can be seen in **Figure 2**, the land is currently cleared and cropped, so no vegetation will need to be cleared. Due to the very small footprint of the facility the loss of land for agricultural purposes is minimal. The balance of the property not required for the batteries will continue to be used for agricultural purposes.

Other potential impacts

These include noise, dust, odour and waste. Some of these risks may occur during construction, however these will be managed through an accepted construction management plan. On completion of the construction, it is anticipated that these impacts will be negligible.

CONCLUSION

The proposed development of the BESS (Battery Energy Storage System) requires a very small footprint in the General Agricultural zone of the Shire of Merredin. In summary, the key considerations include;

- The State and local government's support for renewable energy projects,
- the proposal's visual impact on rural landscape,
- the risk of the development,
- the impact on the local vegetation, drainage and road system, and
- the minimal loss of agricultural land.

The local government has exercised its discretion by using the 'uses not listed' provisions of clause 3.4.2 (b) of the Scheme and subsequently advertising the proposed development.

This support for the BESS development is reinforced through the Council's backing to an Omnibus Amendment to the Scheme that seeks to list the use class and permit further renewable energy projects in the Scheme area.

Alternatives

There are no alternatives.

SCHEDULE A – SUBMISSIONS FROM ADVERTISING

SUB No	SUBMITTOR	SUMMARY OF SUBMISSION	COMMENT	RECOMM ENDATION
1 13/2/24	Civil Aviation Safety Authority (CASA)	CASA advises that the proposal will not present a hazard to aircraft operations.	As CASA has no objection to the proposal as presented and no aviation related conditions apply.	That the Council notes the submission.
2 26/2/24	Department of Biodiversity, Conservation and Attractions (DBCA)	DBCA advises that there are no known conservation values onsite.	DBCA recommends that the proponent needs to implement best management practises to avoid any direct/indirect offsite impacts (for eg ground water impacts) on the nearby Nature Reserve.	That the Council notes the submission and advise DBCA that it will require a DMS as a condition of development.
3 26/2/24	Department of Primary Industries and Regional Development (DPIRD)	DPIRD supports the proposal for the following reasons: <ul style="list-style-type: none"> • project is within a potential energy precinct, adjacent to existing energy facilities. • The footprint of the facility is small. • The site is cleared. DPIRD recommends managing surface water.	The Council has given notice that it will require the applicant to prepare a Drainage Management Strategy (DMS) to its satisfaction.	That the Council notes the submission and advise DPIRD that it will require a DMS as a condition of development.
4 11/3/24	Department of Fire and Emergency Services (DFES)	DFES has not reviewed the BMP as the development is not impacted by the Bushfire Prone mapping.	Development site is located more than 200m from the nearest Bushfire Prone area.	That the Council notes the submission.

Copies of these submissions are attached in Schedule B

SCHEDULE B – COPIES OF SUBMISSIONS

SUBMISSION 1 - CASA

OFFICIAL

Good morning Mr Zenni,

In response to your referral letter dated 1 February, regarding DAP/24/02631, Address of Proposal: Lot 5 Robartson Road, Merredin WA 6415, Proposal Type: Battery Energy Storage System (BESS), CASA advises that the proposal will not present a hazard to aircraft operations.

CASA has no objection to the proposal as presented and no aviation related conditions apply.

Regards

Matthew Windebank

Aerodrome Engineer | Airspace Protection

Air Navigation, Airspace & Aerodromes Branch

CASA Aviation Group

p: (02) 6217 1183

e: matthew.windebank@casa.gov.au



Australian Government
Civil Aviation Safety Authority



We've moved

Our Canberra office
has relocated to
18 Marcus Clarke Street



Meg Wyatt

From: David Jolliffe <david.jolliffe@dbca.wa.gov.au>
Sent: Monday, 26 February 2024 11:22 AM
To: Admin Officer; Lisa Clack
Subject: DBCA comments - Proposed Battery storage facility : Development Assessment Panel Application DAP/2402631
Attachments: CEO68-24.pdf; Proposed-Battery-Energy-Storage-System.pdf
Importance: High

GRAPHUS

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Dear Mr Peter Zenni,

Your attached correspondence A9722 dated 1 February 2024 refers.

A GIS desktop assessment using the Department of Biodiversity, Conservation & Attractions (DBCA) corporate data, has revealed that there are no known conservation values onsite at Lot 5, Robartson Road, Merredin (proposed site for the Battery Energy Storage System - BESS). The site appears to be a cleared paddock and devoid of remnant vegetation.

Please note that the DBCA-managed Class A Merredin Nature Reserve (A19476 & 90.75 ha in size) is located directly adjacent (eastern boundary) to the proposed BESS site. The proponent for the BESS will need to implement best management practises to avoid any direct / indirect offsite impacts (for eg ground water impacts) on the Nature Reserve.

The DBCA Environmental Management Branch in Perth is aware that there is considerable interest for renewable industry projects for the Wheatbelt region (amongst others). A working group from the Department of Jobs, Tourism, Science & the Environment are currently in the process of developing a Western Australian Handbook on Electricity generation and storage. This should be available soon for use by the public and current / potential developers.

Please contact me if you require any additional information / clarification.

Kind regards

David Jolliffe

Conservation Coordinator (Flora)

Parks & Wildlife Service : Wheatbelt Region

Department of Biodiversity, Conservation & Attractions

75 York Road Northam WA 6401

PO Box 1012 Northam WA 6401

Mobile 0427228947

Email: David.Jolliffe@dbca.wa.gov.au

Website: <http://www.dbca.wa.gov.au/>

SUBMISSION 3 - DPIRD

Department of
**Primary Industries and
Regional Development**

Your reference: DAP/24/02631
Our reference: LUP 1800
Enquiries: Greg Doncon

Leah Boehme
Acting Chief Executive Officer
Shire of Merredin
PO Box 42
Merredin WA 6415

Email: admin@merredin.wa.gov.au

Date: 26 February 2024

Dear Leah

Development Assessment Panel Application DAP/24/02631
Address of Proposal: Lot 5 Robartson Road, Merredin WA 6415
Proposal Type: Battery Energy Storage System (BESS)

Thank you for advertising the above proposal, which provides the Department of Primary Industries and Regional Development (DPIRD) the opportunity to provide comment.

DPIRD supports the proposal for the following reasons:

- This renewable energy project is being located within a potential energy precinct, supporting the adjacent to existing energy facilities.
- The footprint of the facility is small; approximately 4ha.
- The site is cleared, having been used for cropping and grazing purposes

The proposed site is located on the Tandegin / Booraan soil landscape subsystem. These are hillslopes predominantly containing hardsetting, grey to brownish sandy loam over clay soils.

These soils normally have a low to moderate risk of water and wind erosion. While the likelihood of soil disturbance, following construction, should be low, DPIRD is aware of sites where soils, which would normally be considered low risk of water erosion, have suffered serious erosion from constructed features (i.e. roads, pads) concentrating water flow.

An examination of aerial photography (Figure 3a: Site and Surrounds, p8) reveals that the nearby Merredin Terminal sub-station effectively handles surface water by channeling excess water to a dam, while the drain/creek to the north manages surface water from the surrounding area. As a precautionary measure, DPIRD recommends

444 Albany Highway Albany WA 6330
Telephone 08 9892 8444 landuse.planning@dpiird.wa.gov.au
dpiird.wa.gov.au

managing surface water from this facility to mitigate water erosion and potential contaminant movement during heavy summer or winter rainfall.

For more information, please contact Greg Doncon on (08) 908 13117 or greg.doncon@dpird.wa.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Timothy Overheu". The signature is written in a cursive style with a large, stylized 'T' and 'O'.

Mr Timothy Overheu
**Acting Director Agriculture Resource Management Assessment
Sustainability and Biosecurity**

SUBMISSION 4 - DFES

From: DFES Land Use Planning <advice@dfes.wa.gov.au>

Date: 11/3/24 12:26 pm (GMT+08:00)

To:

Subject: A9722 - DAP/24/02631 - Lot 5 Robartson Road, Merredin - Proposed Battery Energy Storage System - DFES Response

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DFES Ref: D33152

Shire Ref: DAP/24/02631

Dear Mr Zenni,

In relation to the above application, the following comments are provided.

DFES note that the application has been advertised only and has not been formally referred as the proposal does not include development within a bushfire prone area (with all development outside of the area classified as bushfire prone) and is therefore not subject to the application of SPP 3.7 and the associated Guidelines. This has been verbally confirmed by Mr Zenni from the Shire, on 8 February 2024.

DFES' Land Use Planning Branch has forwarded the proposal to other internal branches, however, currently has not received any comments provide to the Shire due to operational priorities during the high threat period. If any comments are received in the coming weeks they will be forwarded to the Shire as quickly as possible.

Please note that as the Shire has confirmed that this is not a formal referral, as the application of SPP 3.7 has not been triggered by the Shire, DFES has not undertaken a review of the BMP or additional documents from a Land Use Planning perspective.

Please contact me on 9395 9819 if you have any queries regarding the above.

Kind regards,

Michael Ball
Senior Land Use Planning Officer

20 Stockton Bend, Cockburn Central, Perth WA 6164

T: 08 9395 9819 | E: advice@dfes.wa.gov.au | W: dfes.wa.gov.au



FOR A SAFER STATE



Acknowledgement of Country: DFES acknowledges the Traditional Owners of Country throughout Australia, and their connections to land, sea and community. We pay our respects to Elders past and present.

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