



Environment Institute
of Australia and
New Zealand Inc.

POLICY SUBMISSION

Submission: Fitzroy-Derby Water Resources Management Plan – Policy and Guidance

June 2026

About EIANZ

[The Environment Institute of Australia and New Zealand](#) (EIANZ) is Australasia's peak body for environmental professionals. We represent around 4,000 members and certified environmental practitioners in our region and are part of a global network over 100,000.

Our members come from a diverse range of technical professions, including scientists, policymakers, engineers, lawyers and economists. They are at the forefront of issues such as impact assessment, biodiversity, climate change, and nature positive. EIANZ represents environmental practitioners at all stages of their career, from student and early career practitioners to senior leaders.

This submission has been prepared by EIANZ WA Division.

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Introduction

EIANZ welcomes the opportunity to provide feedback on the Consultation draft: Fitzroy-Derby water resources management plan: policy and guidance. The Department of Water and Environmental Regulation describes the draft plan as a policy and guidance document establishing its approach to regulating, allocating and managing water resources in the Plan Area under the *Rights in Water and Irrigation Act 1914* (WA). The consultation was open to submissions until 30 June 2026.

EIANZ provides this submission as a targeted response to selected consultation questions. The submission focuses on the draft plan's overall approach, allocation limits, groundwater and surface water connectivity, Traditional Owner engagement, licensing, monitoring, adaptive management and the need for further clarification in some areas.

Executive summary

EIANZ supports the broad and comprehensive approach taken in the draft Fitzroy-Derby Water Resources Management Plan. The draft plan recognises the significance of the Fitzroy River system, the importance of protecting surface water and groundwater connectivity, and the need to manage abstraction cautiously in a region with high ecological, cultural, heritage and social values.

EIANZ supports the draft plan's recognition of Traditional Owner interests, the proposed Fitzroy-Derby Aboriginal Water Holding, and the acknowledgement that not all Aboriginal heritage is registered under the *Aboriginal Heritage Act 1972* (WA). EIANZ also supports the draft plan's cautious approach to groundwater development, monitoring, staged licensing and adaptive management.

EIANZ recommends that the Department further clarify several aspects of the draft plan, including:

- whether sensitive licence applications, particularly those outside defined management zones but with potential impacts on those zones, should be subject to external peer review;
- the basis for the proposed initial development threshold of up to 3 GL per year;
- whether the spatial bore and surface water gauging network is adequate to support long-term monitoring and evaluation;
- how groundwater resources and management issues north of Derby, including around the Lennard River catchment and Devonian Reef aquifer, will be addressed;
- how exempt water uses will be monitored where they may affect sensitive localities;
- how future mining, rare earths, hydrogen or other industrial water demand may trigger review or amendment of the plan; and
- whether future risk assessment processes should include additional risk variables as new information becomes available.

Response to Question 6

Question 6: The draft plan proposes the Department's approach to regulating, allocating and managing water resources in the Fitzroy-Derby Plan Area. Tell us what you think about the approaches outlined in the draft plan.

EIANZ applauds and supports the broad and comprehensive draft management plan for the water resources of the Fitzroy-Derby region. The plan approaches the management issues in a methodical manner and structure. EIANZ supports the broad consultation process undertaken with stakeholders and First Nations peoples of the region. It further supports the primacy of Indigenous interests and recognition of the strong cultural history with water in the region, including the proposed 25 GL water holding for Aboriginal cultural and historical interests. The draft plan proposes to hold about 25 GL per year of remaining groundwater available for licensing in the Fitzroy-Derby Aboriginal Water Holding.

EIANZ also supports the acknowledgement of unregistered heritage sites and the role Indigenous parties can play in their management. The draft plan's local licensing guidance recognises that not all Aboriginal heritage in the Kimberley region is registered under the *Aboriginal Heritage Act 1972* (WA), and that applicants should align consultation activities across water licensing, *Aboriginal Heritage* and *Environment Protection and Biodiversity Conservation (EPBC) Act 1999* obligations.

EIANZ also wholeheartedly supports the recognition of the sensitive and critically important connectivity between surface water, groundwater and the environment, particularly for water dependent flora and fauna, and especially during dry periods. Accordingly, EIANZ supports the approach to manage, limit and conserve water use and extraction. This is paramount in this seasonal-monsoonal and hot, dry-wet subtropical region, and for the sensitive flora and fauna reliant on this essential connectivity and water availability.

EIANZ believes the relatively conservative and moderate approach to allocation limits is fully justified and appreciates the approaches used in the Methods report accompanying the plan. In particular, EIANZ notes the overall extraction limit of 75.7 GL from the region and the limits estimated for the sub-regions and allocation limit components within the plan. The draft plan identifies total groundwater allocation limits of 75.695 GL per year, including general licensing, the Fitzroy-Derby Aboriginal Water Holding, public water supply, exempt use and reserves.

EIANZ endorses the 40 per cent rainfall recharge principle, provided it is shown to be reliable in the future and able to sustain and protect groundwater resources. The Methods report explains that allocation limits for the Greater Derby Wallal, Greater Derby Erskine, Fitzroy Wallal and Fitzroy Grant Poole resources were set at 40 per cent of average rainfall recharge, and that this was adopted as a precautionary approach after feedback that 50 to 60 per cent of estimated recharge could be too risky.

EIANZ believes these limits are well based in terms of sustainability, with limits defined for various types of users throughout the sub-regions of the Fitzroy River and major tributaries, including the Derby and Greater Derby sub-regions. This support is predicated on DWER's confidence in the data, improved understanding of infiltration rates for all aquifer sediments, current and future analyses, and the collection of future information required to maintain flexibility and adaptability in the plan, allocation limits and licence conditions.

EIANZ does have several points that may require clarification and better explanation, as well as recommendations to ensure DWER has the capability to manage the plan and carefully review it after the proposed five years following adoption of the plan and associated policies. The draft plan states that the Department will consider the need to report on implementation, monitoring and evaluation results five years after the final plan is published, and that the plan may be amended, revoked or replaced having regard to monitoring, evaluation and reporting outcomes.

Response to Question 7

Question 7: Are there any other comments you would like to make?

7.1 Peer review of sensitive licence applications

EIANZ suggests a peer review process for every sensitively located licence application and advises that the peer review include an external party to strengthen licence requirements if

necessary. This may be particularly important where an application is located outside of management zones but may still affect them. This is relevant to Table 7, section 5.6 and related provisions.

The draft plan states that the Department is unlikely to grant new water licence applications located outside the Conservation Estate, Derby heritage and wetlands, or Alluvial connectivity management zones where they are likely to cause drawdown within those zones, unless that drawdown is predicted not to impact the sites of ecological, cultural and social significance protected by the zone.

7.2 Bore water sampling and salinity monitoring

EIANZ supports the incremental and hierarchical frequency of bore water sampling, including sampling for salinity. This relates to Table 7, section 5.2.

The draft plan sets out tiered sampling requirements for licences in the Derby Peninsula subarea or Birdwood Rise Estate in the Greater Derby subarea, including annual sampling for 2,000 to 5,000 kL/year licences, twice-yearly sampling for 5,000 to 20,000 kL/year licences, and more regular or ongoing salinity measurements for larger licences.

7.3 Staged licensing and simultaneous applications

Similarly, EIANZ supports the policy of simultaneous applications and staggering licences issued for construction, altering or extraction. This will hopefully improve information on groundwater in terms of impact, auditing and overall management. This relates to Table 8, section 3.4 and throughout.

The draft plan encourages applicants to submit applications at the same time for a licence to take water and a licence to construct or alter a bore, while noting that licences may not be issued together because bore construction and testing results often inform the hydrogeological assessment for the licence to take water.

7.4 Initial development threshold of up to 3 GL

EIANZ notes that 3 GL for initial development may be high given the approximately 75 GL limit for the whole 107,000 km² region. EIANZ may have misinterpreted this statement and seeks clarification from the Department.

The draft plan states that the Department is unlikely to grant a licence for more than 3 GL of groundwater per year in a single application, and that for projects requiring significant volumes of water the Department is more likely to grant a groundwater licence for an initial development phase so that information can be gathered to assess the sustainability of abstraction and potential impacts. The local licensing guidance further explains that applicants are encouraged to design proposals for incremental development, including an initial development phase of up to 3 GL, with smaller volumes likely where groundwater behaviour, connectivity or groundwater dependence remains uncertain.

7.5 Monitoring consistent with Traditional Owner agreements

EIANZ supports Table 8, section 4.5, that an applicant undertakes monitoring consistent with agreements with Traditional Owners.

The draft plan encourages licensees to share reporting associated with their water licence with relevant native title party/ies and to formalise this practice through an agreement. The guidance also identifies potential adaptive responses, including increased monitoring, comparing monitored data against predicted impacts, modifying abstraction, implementing agreed responses with native title party/ies, or ceasing abstraction until water levels or quality return to target or threshold levels.

7.6 Mosaic pivot farming

EIANZ supports mosaic pivot farming that uses best practice, is sustainable and conservation directed, with appropriate licensing for such land use in that locality and aquifer.

The draft plan encourages efficient groundwater use in accordance with best-management practices and irrigation methods, and refers applicants to *Mosaic agriculture: a guide to irrigated crop and forage production in northern WA*.

7.7 Northern Derby and Lennard River catchment management

EIANZ may have missed relevant information regarding the management area north of Derby, where a number of aquifers occur, including the Devonian Reef aquifer and much of the Lennard River catchment. It seems that information north of Derby and along the northern limit of the part of the plan stretching through to north of Fitzroy, where the management plan boundaries start to extend northwards, has few, if any, notable management issues identified.

There are pastoral leases and native title interests in this area. EIANZ asks whether these areas require any notable allocation limits and management actions. EIANZ notes the intent to keep allocation limits on the Devonian Reef aquifer restricted and to restrict licence uses.

The draft plan identifies the Canning-Devonian Reef allocation limit as 3.385 GL per year, with restricted availability for further licensing. The Methods report also notes that allocation limits have not been set for some groundwater resources because they have variable hydrogeology or are discontinuous, making resource-scale water availability assessment unsuitable.

7.8 Adequacy of bore and gauging networks

EIANZ asks whether DWER has an adequate spatial bore network beyond Camballin. Without a sensitivity and monitoring error analysis and assessment in the Methods report, DWER's reliance on the network would seem to be adequate only if the bore network gives confidence to the agency and is not resource limited. This comment also applies to the spatial array of surface water flow and gauging stations in the system.

EIANZ assumes the Department's network and licence information data is robust and gives confidence to any reporting. However, given the significance of monitoring and adaptive

management to the plan, EIANZ recommends that DWER clearly explain the adequacy, spatial representativeness and sensitivity of the bore and gauging network.

The draft plan states that the Department may use monitoring and evaluation information to review whether the coverage of its own or licensee monitoring is sufficient to detect changes or trends relevant to the plan's objectives and outcomes. Appendix C identifies regional groundwater monitoring sites and stream gauging stations in the Plan Area.

7.9 Exempt uses

EIANZ is concerned that some exempt uses may have detrimental impacts on water availability and the environment. For example, taking water from a spring for stock may not have been assessed to determine whether it is seriously detrimental to existing spring fauna. This would be more applicable to larger exempt stock watering locations, or those in an area not defined or considered a wetland.

EIANZ asks whether the Department has any plans or data on whether exempt uses are exacerbating environmental issues in some localities. EIANZ recognises that the Rights in *Water and Irrigation Act 1914* (WA), its regulations and exemption orders may be difficult to modify. However, a study on sensitive localities for these exemptions may identify whether some other management form is required where exempt use is found to be detrimental.

The Methods report states that exempt groundwater use in the plan area is estimated at 16.8 GL per year, including 9.3 GL from groundwater resources where an allocation limit has been set. It also notes that surface water use for stock is variable and that a method to estimate it is not available.

7.10 Future mining, rare earths, hydrogen and industrial demand

EIANZ notes that it is unfortunate industry consultation could not provide robust estimates for future mining extraction and processing, such as rare earths and hydrogen gas, and recognises that this may require serious modification of the management plan in the near future.

The Methods report notes that mining tenements cover a significant portion of the plan area and have potential for extraction of oil and gas, precious metals, diamonds, base metals and rare earth elements. It also states that consultation with industry stakeholders indicated future mining water demand in the plan area is unclear, and that without a clear picture of where or how much water will be needed, industry-specific plan outcomes or management strategies could not be developed. The report also notes interest in hydrogen production and the challenges associated with secure long-term access to water in northern Australia.

7.11 Risk assessment

EIANZ appreciates the risk matrix approach in the Methods report, but considers that future assessments may need more risk variables. EIANZ recommends that this be considered in future plan review and adaptive management.

The Methods report explains that the risk-based process was used because groundwater use is currently low and, in some areas, there is insufficient monitoring data and supporting information to assess potential abstraction impacts in more detail. It identifies uncertainty

associated with aquifer response to abstraction, limited monitoring data and future climate impacts on recharge and groundwater resources.

Response to Question 8

Question 8: Please identify whether there is any part of your submission you wish to remain confidential and why.

There is not. EIANZ's comments are made with the intent of supporting the careful management of this river system and with honest intent to contribute to its management. If EIANZ is incorrect in some points, we welcome feedback to improve our understanding of the hydrology, environment, history and cultures of the region.

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