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To whom it may concern

I write on behalf of Kimberley Pilbara Cattlemen's Association (KPCA) to provide our response to the Consultation Draft – Fitzroy-Derby water resources management plan: policy and guidance.

Kimberley Pilbara Cattlemen's Association is northern Western Australia's leading representative organisation for the northern pastoral industry, representing a diverse range of cattle producers with significant land holdings across the Kimberley, Pilbara and Gascoyne regions. This includes a significant portion of the pastoral lease holders within the Derby-Fitzroy catchments.

### **Current Contribution of the Kimberley Pastoral Industry**

The Kimberley pastoral industry is a cornerstone of the region's economy and a significant contributor to Western Australia's agricultural productivity, export earnings and regional development. Across the Derby-Fitzroy catchment, pastoral businesses generate substantial economic activity while simultaneously delivering important environmental and social benefits that extend well beyond their individual operations.

Pastoralists are the primary land managers across vast areas of the Kimberley and undertake extensive stewardship responsibilities at their own expense. In addition to managing livestock enterprises, pastoral businesses invest significant resources in the management of feral animals, weeds, fire, erosion, biodiversity values and rangeland condition. These activities provide a substantial public benefit through the maintenance of healthy and productive landscapes, yet they are often undertaken with limited recognition of their contribution to the environmental health and resilience of the region.

The pastoral industry also provides significant employment and training opportunities throughout the Derby-Fitzroy catchment. These opportunities extend to local residents, Traditional Owners and Aboriginal communities, as well as workers who relocate to the region from elsewhere in Western Australia and interstate. The industry's workforce supports the viability of regional communities and contributes significantly to the economic activity of the towns and service centres that underpin northern pastoral operations.



The industry's contribution extends beyond Western Australia. Data from the Department of Agriculture, Fisheries and Forestry (DAFF) indicates that more than 578,000 head of cattle have been exported through northern Western Australian ports since February 2021, including more than 137,000 head since May 2025, predominantly to Indonesia, Vietnam and the Philippines. A significant proportion of these cattle originate from the Derby–Fitzroy catchment. Through these exports, the Kimberley pastoral industry plays an important role in supporting regional food security and providing high-quality protein to Australia's neighbouring countries.

### **Future Contribution of the Derby–Fitzroy Catchment Pastoral Industry**

The Derby–Fitzroy catchment is uniquely positioned to contribute to the next phase of growth and diversification within the Kimberley pastoral sector.

The Regional Development Australia (RDA) Kimberley Pastoral Industry Report identifies significant opportunities to increase productivity through irrigated fodder production and the integration of mosaic agricultural systems. The report notes the growing potential for irrigated fodder production to expand regional productivity and highlights the considerable opportunities available through the integration of irrigated mosaic agriculture. Importantly, the report also recognises that existing regulatory and approval processes can be complex, costly and time-consuming, and recommends a review of the current approach to water allocation, licensing and vegetation clearing to better support sustainable development opportunities.

The Kimberley Development Commission strategic plan (2024-26) priorities include appropriate intensification of pastoral production through diversification and expansion of horticultural activity across the Kimberley including the Fitzroy Valley.

The reopening of regional processing capacity through the Pindan Beef Company in early 2026 represents one of the most significant developments for the Kimberley pastoral industry in recent years and will provide pastoral producers with increased market diversity, greater competition for livestock and enhanced price certainty.

Combined with established live export pathways and southern domestic processing markets, the Pindan Beef Company will create the opportunity for a more resilient and diversified cattle industry. This increased market access will strengthen business confidence and encourage investment across the supply chain.

The facility is expected to generate significant direct and indirect employment opportunities across a range of operational, technical and management roles. Importantly, the company has committed to encouraging local employment, including opportunities for Aboriginal communities and regional residents, creating additional pathways for skills development and long-term career progression within the Kimberley.

The Pindan Beef Company has invested substantially in modern processing infrastructure designed to meet and exceed contemporary animal welfare and environmental standards. These



investments demonstrate a commitment to responsible industry development and environmental best practice.

The long-term success of the processing facility, however, is fundamentally dependent on the availability of a reliable and sustainable local cattle supply that can meet market demand. Pindan Beef Company aims to provide a higher quality of Kimberley beef, requiring heavier cattle at 400kg plus to be viable. Currently the Kimberley and Pilbara produce mainly feeder weight cattle of around 300kg for the boat trade. If the cattle are to be fattened to heavier weights for slaughter, then the growing of irrigated fodder for a feed yard or stand and graze system is critically important to achieve this. A viable, scale, sustainable irrigation industry is needed to make the long-term viability of the processing plant achievable.

The demand for supplementary fodder production has become increasingly important following the closure of Rio Tinto's dewatering hay production operations, which have historically supplied significant volumes of fodder to northern pastoral businesses. At the same time, access to hay from southern Western Australia remains limited and costly due to transport constraints, while biosecurity restrictions prevent the importation of fodder from some interstate jurisdictions.

As a result, the development of local fodder production capacity within suitable areas of the Derby–Fitzroy catchment has become increasingly important, not only for Kimberley producers but for the broader northern pastoral industry. In fact, up to 70% of the Kimberley beef herd is in the Fitzroy Valley catchment (DPIRD).

Investment in centre-pivot irrigation systems and associated agricultural infrastructure requires substantial capital expenditure and long-term planning. Such investments can only proceed where proponents have confidence in the security and availability of water resources.

While the proposed three (3) gigalitre licensing threshold may be sufficient for some pastoral enterprises seeking to supplement on-station fodder requirements, it is unlikely to support the scale of development required to underpin future feedlot operations, expanded fodder production and the broader supply chain growth necessary to maximise the economic opportunities presented by the Pindan Beef Company, live export markets and domestic processing demand.

The Kimberley stands at a pivotal point in its development. With appropriate access to water resources, the region has the capacity to increase agricultural productivity, create employment, strengthen food security, improve regional resilience and deliver lasting economic and social benefits for the communities of the Derby–Fitzroy catchment and the broader Kimberley region.

It is within this context that KPCA submits its response to the proposed Fitzroy–Derby Water Resources Management Plan.

**Key Policy:**

**Protecting the Fitzroy River and Dependent Environments – No Surface Water Entitlements and Surface Water Must Remain Within Its Natural Range**

KPCA understands that the prohibition on surface water capture reflects a Ministerial decision. However, the removal of responsible use of surface water will severely limit opportunities for properties that do not have suitable groundwater opportunities. It also places undue pressure on groundwater resources as the only source of water for irrigation. This, in a landscape that has large amounts of surface water flowing through it each year, which could be used sustainably despite the misinformed rhetoric of environmental lobby groups.

This proposed position does not adequately recognise the important role that responsible floodwater management plays in sustainable pastoral land management and landscape rehabilitation.

Across the Derby–Fitzroy catchment, pastoralists actively undertake landscape rehydration and regeneration activities to restore areas impacted by historic government policies, including compulsory stocking rates, as well as the effects of public infrastructure development and natural erosion processes. These activities form an important component of responsible land stewardship and support the long-term environmental health of pastoral leases.

The ability to responsibly divert and utilise high-flow floodwater events is a critical tool in achieving these outcomes. Restricting all forms of surface water capture may unintentionally limit the capacity of pastoralists to rehabilitate degraded landscapes, improve water infiltration, reduce erosion, enhance biodiversity outcomes and support healthier rangeland systems.

As noted, the capture and use of excess overland flows can reduce reliance on groundwater resources, providing a complementary approach to sustainable water management across the catchment.

KPCA is also concerned that the proposed policy may prevent pastoralists from undertaking remedial works on natural drainage systems designed to minimise erosion and protect topsoil, native vegetation, biodiversity values and habitat. Such activities are often essential to maintaining landscape function and resilience.

Environmental flow modelling has identified the volume of water required to maintain environmental and cultural values within the river system. During major flood events, flows frequently exceed these requirements. Capturing a portion of these surplus flows for productive use, groundwater recharge and landscape rehydration can provide significant environmental and economic benefits without compromising environmental outcomes. Similar approaches are successfully utilised in other jurisdictions through managed floodwater harvesting and flood-lifting systems.



Importantly, water captured during high-flow events is often water that would otherwise be lost through evaporation or contribute to downstream flood impacts.

### **Proposed Amendment – High Flow Capture**

KPCA proposes the inclusion of a High Flow Capture provision within the Water Plan:

#### ***High Flow Capture***

During significant flood events, where river flows exceed the volumes required to maintain environmental sustainability and cultural values, pastoralists should be permitted to capture, store or divert a defined portion of excess water for the purposes of:

- Landscape rehydration and regeneration;
- Erosion mitigation and flood damage reduction;
- Fodder production and drought resilience; and
- Other approved productive uses consistent with sustainable land management principles.

Any such capture should be subject to appropriate safeguards and monitoring requirements to ensure environmental values are maintained.

### **Groundwater Allocation Limits and Availability**

KPCA understands that the proposed annual groundwater allocation limit of 75.7 gigalitres has been developed using a precautionary approach. However, advice received from previous studies, such as the CSIRO, industry stakeholders suggests that this figure may represent a highly conservative estimate of the sustainable groundwater yield available from the relevant aquifers.

The presence of ground water is not the only consideration when assessing the potential for irrigation. The depth to water, the quality of the water and the cost of delivering and pressurising water for an irrigation project are all important factors. Much of the groundwater in the catchment is very deep and may be unviable to develop. It is not evenly distributed across the landscape and this decision limits opportunities for many pastoralists, including indigenous leases.

The draft Plan notes that consultation has occurred with Traditional Owners and stakeholders during the development of the proposed allocation framework. At the time of preparing this submission, KPCA has been unable to identify any representatives of the pastoral industry who were directly consulted regarding the determination of groundwater allocation limits. Given that pastoral enterprises are among the primary long-term users and managers of land and water resources across the Derby–Fitzroy catchment, KPCA believes that meaningful engagement with the pastoral sector is essential when establishing allocation limits that will influence the region's future economic development and environmental management.

KPCA requests greater transparency regarding the methodology, assumptions and consultation processes used to determine the proposed allocation limit, including any modelling undertaken to



assess groundwater recharge associated with seasonal flood events and the interaction between surface and groundwater systems.

### **Fitzroy–Derby Aboriginal Water Reserve**

KPCA acknowledges and supports the establishment of the Fitzroy–Derby Aboriginal Water Reserve and recognises the importance of ensuring that Traditional Owners have access to water resources to support future economic, social and cultural development opportunities.

KPCA considers that any licensing framework should provide sufficient certainty, transparency and flexibility to enable all proponents, including Aboriginal enterprises, to pursue sustainable development opportunities within the parameters of the overall allocation framework.

### **Careful and Staged Groundwater Development**

#### ***Local Licensing Policy 3.4***

***The Department is unlikely to grant a licence for more than 3 gigalitres of groundwater per year in a single application.***

KPCA supports the principle of staged and responsible groundwater development and recognises the importance of ensuring that water resources are allocated sustainably and efficiently. We acknowledge the risks associated with large upfront allocations that may remain undeveloped and unnecessarily constrain access to water for other productive users.

However, KPCA is concerned that a blanket limit of three (3) gigalitres per annum per application does not adequately account for the scale, diversity and capital requirements of development opportunities across the Derby–Fitzroy catchment. A licence cap based on a blanket amount is not a science based approach to water licencing and the proposal is inconsistent with other water plans.

The Kimberley is entering a period of significant opportunity and potential growth. The reopening of regional processing capacity through the Pindan Beef Company, continued live export demand, advances in cattle genetics, the expansion of mosaic agriculture and the growing need for irrigated fodder production all present opportunities to strengthen regional productivity, employment and economic resilience.

These developments have the potential to deliver substantial benefits to regional communities through increased employment, greater economic diversification, enhanced service delivery and improved liveability. Sustainable access to water is fundamental to achieving these outcomes.

While KPCA supports the intent of Local Licensing Policy 3.4 - Incremental Development, the current approach places a disproportionate level of commercial risk on proponents seeking to invest in the region. Significant agricultural and pastoral developments often require substantial upfront capital investment in infrastructure, equipment and workforce development. Investors



and proponents must be able to assess long-term project viability with a reasonable degree of certainty regarding future access to water resources.

Under the proposed framework, proponents may be required to commit considerable capital without confidence that future water allocations necessary for project expansion will be available. This uncertainty creates a significant barrier to investment and may discourage projects that would otherwise deliver considerable economic and social benefits to the region.

Importantly, providing greater certainty around future water access does not require any reduction in environmental safeguards or community protections. Rather, it requires clear approval pathways, transparent assessment criteria and a licensing framework that enables proponents to undertake appropriate due diligence and long-term planning.

This uncertainty affects all potential water users, including proponents seeking to utilise the Fitzroy–Derby Aboriginal Water Reserve. A licensing framework that supports investment certainty will benefit all sectors seeking to pursue sustainable development opportunities within the catchment.

KPCA also notes that water planning frameworks in other Australian jurisdictions commonly recognise the unique characteristics of individual projects and provide mechanisms to assess larger developments on their merits. A uniform cap applied across all proposals may unnecessarily constrain opportunities that could otherwise be demonstrated to be environmentally sustainable and economically beneficial.

### **Proposed Amendments**

KPCA proposes that the Department consider alternative licensing mechanisms that retain environmental safeguards while providing proponents with greater investment certainty.

#### **1. Pre-Approved Incremental Licences**

A proponent would submit a comprehensive development application outlining the full scope of the proposed project and ultimate water requirements.

The Department could then approve:

- An initial groundwater allocation;
- A series of pre-approved future allocation increments;
- Defined development milestones and performance criteria;
- Periodic review points; and
- Reasonable contingency allowances to account for project variability.

This approach would ensure that water is only accessed as development occurs while providing proponents with confidence regarding future expansion opportunities. Importantly there are a range of other approvals, such as clearing permits, flora and fauna studies, heritage clearances,



diversification permits and local government approvals that require the proponent to predict the final scale of a proposal. These are a complex and costly set of approvals that are all interdependent on each other. Any uncertainty in any part of the process causes paralysis in decision making. It is not a case of simply doing a second application for a water licence, it is effectively forcing proponents to completely repeat the approvals process and in turn significantly increases the final cost.

## **2. Trigger Point Allocations**

Under this model, the Department would assess and approve the full long-term water requirement associated with a development proposal, subject to staged access arrangements.

Additional allocations would only become available once predetermined development milestones, performance criteria and compliance requirements had been satisfied.

This approach maintains regulatory oversight while providing proponents with certainty regarding future water availability and reducing barriers to investment.

### **Water Advisory Committee**

KPCA has significant concerns regarding the proposed establishment and operation of the Water Advisory Committee.

While the draft Plan notes that the Committee will provide advice to the Minister on matters relating to water management, water planning, water policy and future implementation of the Plan, there is currently limited information regarding the Committee's role, authority, decision-making functions, membership structure or governance arrangements.

KPCA believes that greater clarity is required regarding:

- The Committee's purpose and scope;
- Its relationship to statutory decision-making processes;
- The extent of its influence over licensing and policy matters;
- Membership selection processes; and
- Sector representation and voting arrangements.

KPCA understands that Traditional Owners are proposed to hold 50 per cent representation on the Committee, with the remaining membership drawn from government, industry and community representatives.

KPCA fully acknowledges the critical role of Traditional Owners in water planning and management and recognises their unique cultural, historical and ongoing connection to water resources throughout the catchment. Traditional Owners also play a significant role in water licensing processes through the extensive consultation and engagement requirements that apply to licence proponents.



However, the pastoral industry remains the principal economic driver across much of the Derby–Fitzroy catchment and is responsible for managing extensive areas of land that underpin the region's economic activity, employment and environmental stewardship outcomes.

Given the significance of the pastoral sector to the region, KPCA believes it would be inappropriate to establish a committee responsible for advising on future water management and development without strong and meaningful pastoral industry representation, access to expertise to support inexperienced members and strict Terms of Reference to avoid influencing individual license assessments.

To be effective and credible, the Water Advisory Committee must be founded on principles of balanced representation, transparency, technical expertise and equitable participation across all sectors with a direct interest in the future management of the catchment's water resources.

KPCA therefore recommends that the Department clearly define the Committee's role, authority and membership structure and ensure that the pastoral industry is afforded representation commensurate with its economic, environmental and social contribution to the Derby–Fitzroy catchment.

### **Matters Requiring Further Clarification**

KPCA seeks further clarification on several aspects of the proposed licensing framework to ensure that proponents are able to understand regulatory expectations, undertake appropriate due diligence and make informed investment decisions.

#### **Local Licensing Policy 1.1 – Acceptable Impact**

The draft Policy places the responsibility on licence proponents to demonstrate that a proposed development will result in an "acceptable impact" on groundwater resources and dependent environmental values.

KPCA seeks clarification regarding the specific environmental, hydrological and ecological criteria that will be used to determine whether an impact is considered acceptable or unacceptable. In particular, proponents require a clear understanding of:

- The environmental metrics and thresholds that will be applied during assessments;
- The scientific methodologies and datasets that will be used to evaluate impacts;
- The extent to which cumulative impacts will be considered; and
- The circumstances under which an application may be approved, conditioned or refused.

KPCA submits that assessment criteria should be transparent, measurable and consistently applied. Clear and objective parameters are essential to provide proponents with certainty and to minimise the risk of inconsistent interpretation between applications.

#### **Local Licensing Policy 2.2 – Traditional Owner Water-Related Rights**



KPCA acknowledges and supports the important role of Traditional Owners in water planning and licensing processes. However, the proposed engagement requirements require further clarification to ensure proponents can effectively meet their obligations.

Specifically, KPCA seeks guidance on:

- Whether DWER requires formal agreement, consultation, or another form of engagement with Traditional Owners;
- The minimum level of engagement expected of proponents;
- The documentation or evidence required to demonstrate compliance;
- The role of DWER in facilitating engagement processes;
- Expected timeframes for consultation and feedback; and
- The process for resolving situations where agreement cannot be reached or where differing views are expressed.

Providing greater clarity around these requirements will assist proponents in planning projects appropriately and ensure engagement processes are undertaken in a respectful, transparent and consistent manner.

### **Local Licensing Policies 2.3–2.6 – Hydrogeological Assessments**

KPCA recognises the importance of robust hydrogeological assessments in supporting sustainable groundwater management. However, the proposed requirements may present significant challenges for pastoral businesses operating in regions where groundwater systems remain poorly understood and baseline data is limited.

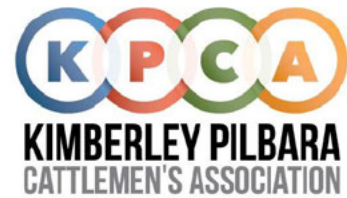
KPCA seeks clarification regarding:

- How uncertainty within groundwater models and poorly characterised aquifers will be assessed;
- The level of evidence required where existing data is limited or unavailable;
- The extent to which precautionary assumptions will influence licensing decisions;
- That adaptive management be applied in these situations to manage risk; and
- Whether alternative assessment pathways may be available for smaller-scale developments.

There is a risk that highly technical and potentially costly assessment requirements could create unintended barriers to entry for smaller pastoral enterprises seeking to develop irrigation, fodder production or other agricultural projects.

Accordingly, KPCA seeks further information regarding the support mechanisms that may be available to proponents, including:

- Access to government-held hydrogeological data and modelling;
- Technical advisory services;



- Cost-sharing arrangements for baseline studies;
- Grant funding opportunities; and
- Other programs designed to support sustainable groundwater development.

Providing practical support and clear guidance will assist proponents in meeting regulatory requirements while encouraging responsible and productive development across the Derby–Fitzroy catchment.

**In summary**, KPCA supports the implementation of a comprehensive water plan for the Fitzroy–Derby catchment and recognises the importance of balancing environmental, cultural, social and economic values.

However, KPCA strongly believes that the proposed groundwater licensing framework, particularly the uncertainty surrounding future water access and the effective transfer of development risk to proponents, will significantly constrain investment, productivity and economic growth across the Kimberley pastoral industry.

KPCA also holds significant concerns regarding the proposed Water Advisory Committee and believes that the pastoral industry's contribution as the region's primary land manager, employer and economic driver must be appropriately recognised through meaningful representation and participation.

KPCA welcomes ongoing engagement with DWER and looks forward to working collaboratively to develop a water management framework that protects the environmental and cultural values of the Fitzroy catchment while enabling sustainable regional development and prosperity for future generations.

Yours sincerely

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Bron Christensen  
Chief Executive Officer – Kimberley Pilbara Cattlemen's Association

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