



# Water allocation planning in the Fitzroy

## Policy Position Paper

October 2023

# Acknowledgement of Country

State Government acknowledges the Traditional Owners and Custodians of the Fitzroy water planning area and their deep and continuing connection to the land and waters of the region.

We pay our respects to Elders past, present and emerging, and to all members of the Aboriginal communities in the plan area and their cultures. We acknowledge that Traditional Owners have been Custodians of Country for countless generations and that water is integral to life.

We recognise that Aboriginal people and their culture across the Fitzroy River catchment are diverse and that continued custodianship of the land and water is fundamental to their health, spirit, culture and community.

We embrace the spirit of reconciliation, and we seek to listen, learn, and build strong partnerships with genuine opportunities for Aboriginal people throughout our business.

# Key State Government commitments

The Government of Western Australian remains committed to:

- creating the Fitzroy River National Park, which will extend the Danggu Geikie Gorge National Park along the Fitzroy River to the north and along the Margaret River
- developing a management plan for the Fitzroy River to ensure the health of the river and provide a basis for sustainable economic development
- not allowing the Fitzroy River or its tributaries to be dammed.

The State Government remains committed to developing a water allocation plan for the Fitzroy, as an important part of delivering on the Fitzroy management plan.

## Flood - January 2023

In January 2023, rainfall associated with ex-tropical cyclone Ellie caused widespread flooding, significant infrastructure damage and had a drastic impact on local towns and communities. At Camballin, the floodplain was about 40 km wide with depths exceeding previous records. The flood caused significant erosion and sedimentation of river channels and floodplain areas.

The Department of Water and Environmental Regulation (the department) continues to assist in recovery efforts across the Kimberley. If the floods have impacted you, or to find more information, visit [Recovery - Emergency WA Warnings & Incidents \(dfes.wa.gov.au\)](https://dfes.wa.gov.au)

## Climate change

The department considers the historical and projected impacts of climate change on water resources in our decision-making. The Fitzroy water planning area is part of the Monsoonal North Natural Resource management region of Western Australia. The predicted impacts on water resources for this area include:

- high confidence that the intensity of rainfall events will increase
- medium confidence that tropical cyclones, although projected to be fewer, will be more intense
- temperature and evapotranspiration are projected to increase
- high confidence in future climate projections that sea levels will rise and sea level extremes, including storm surges and high tide floods, will be more frequent.

The impacts of climate change will be further explored in collaboration with Traditional Owners in the recently funded project Building Climate Resilience of West Kimberley Traditional Owners.

# Managing water in the Fitzroy River Catchment: Discussion paper for stakeholder consultation

After consultation across the catchment, in November 2020 the State Government released [Managing water in the Fitzroy River Catchment: Discussion paper for stakeholder consultation](#) (Discussion paper) for public comment until August 2021.

The Discussion paper presented two options for making water available for sustainable economic development under a set of management approaches to optimise water availability and minimise the potential impacts on the high ecological, cultural, and social values of the Fitzroy River and its tributaries.

During the comment period for the Discussion paper the department and the Department of Primary Industries and Regional Development held multi-day workshops, presented at board meetings and attended community meetings with Traditional Owners. We also met with industry representatives, government departments, pastoral station owners and environment groups.

More than 43,000 people and organisations gave their views on the options presented. This included people and organisations who are strongly connected to the Fitzroy and depend on the river and its adjoining lands and sea.

Although many people expressed strong objections to development using water directly from the Fitzroy River, there was also interest in exploring opportunities that did not involve large dams on the river and its tributaries.

We have summarised what we heard in a [report](#) that is available on our website.

Your input has informed the policy positions below that underpin water planning for the Fitzroy River and surrounding areas.



# Sharing our science

The department has produced five technical documents which support water planning in the Fitzroy.

These technical documents and scientific findings have informed this Policy Position Paper. They are:

- Environmental and heritage values and the importance of water in the Fitzroy
- Ecological water requirements of water-dependent ecosystems in the Fitzroy water planning area
- Mapping aquatic groundwater-dependent ecosystems in the Fitzroy water planning area – Explanatory report
- Fitzroy Valley Groundwater Investigations, 2015–2018
- Hydrology of the Fitzroy River: Information to support water management in the Fitzroy River

These documents are available at [Water planning in the Fitzroy | Western Australian Government \(www.wa.gov.au\)](http://www.wa.gov.au).

# Policy positions that will inform water allocation planning for the Fitzroy

A future water allocation plan will support the State Government's broader vision that will be delivered through the Fitzroy management plan. A draft water allocation plan for public comment will be released to give everyone a chance to provide feedback to the department before the plan is finalised.

The State Government has confirmed its commitment to protecting the Fitzroy River while supporting opportunities for sustainable economic development.

This will be delivered through the following policy positions that have been developed following extensive consultation and informed by scientific studies:

01

**The State Government will not allow the Fitzroy River or its tributaries to be dammed.**

02

**The State Government supports the licensed take of groundwater only where it is shown to be sustainable.**

Groundwater provides a reliable source of water where it can be taken sustainably. Access to groundwater will create opportunities for diversified or irrigated agriculture, including annual or perennial horticulture, broadacre crops, market or community gardens, bushfoods, and carbon farming. The volume of groundwater available and rules on how it can be accessed will be determined through the draft Fitzroy plan. The volume of groundwater available will not be more than the 108.5 gigalitres proposed in the Discussion paper.

03

**The State Government will restrict access to Alluvial and Devonian Reef aquifers.**

The Alluvial and Devonian Reef aquifers support significant ecological, cultural and social values. To protect these, the licensed take of water will be restricted under the draft Fitzroy plan. Only certain low-impact activities, such as drinking water for Aboriginal communities or for public assets, and existing water licences will be able to use these aquifers in future.

04

**The State Government confirms that no additional surface water will be licensed.**

Access to surface water will be restricted to existing surface water entitlements and for domestic and stock purposes. This policy reflects the clear objection from the public, Traditional Owners and environmental groups to the further take of surface water.

05

**The State Government will establish a Fitzroy Aboriginal Water Reserve.**

There will be a set amount of (licensable) groundwater held in reserve for Native Title holders to use for economic development on their Native Title lands through a water licence. This can assist them to realise opportunities that meets their economic aspirations.

06

**The State Government supports a process that enables Traditional Owners to exercise their water-related cultural heritage and Native Title rights and provide advice to water planning and licensing.**

People wanting to access water are encouraged to engage early with Traditional Owners and throughout the water licensing process. Engaging effectively with Traditional Owners on a water licence or permit application can lead to a project that avoids or minimises impact on places that are ecologically, culturally and socially significant.

07

**The State Government expects developments to avoid or minimise impacts on ecological, cultural and social values.**

In a landscape that experiences such a prolonged dry season, the springs, river pools and wetlands are vital habitat for ecosystems and are culturally important to Traditional Owners.

08

**The State Government supports aligning water licensing requirements with other regulatory decisions in a transparent way.**

As a proclaimed resource, licence applications are assessed in accordance with the *Rights in Water and Irrigation Act 1914* (RIWI Act). Decisions on a water application will align with requirements from other legislative approvals, such as environmental and heritage approvals. The draft Fitzroy plan will clearly outline the information required to support an application to take water and how applications will be assessed.

09

**The State Government supports a considered approach to water developments.**

Projects should be built incrementally, underpinned by thorough investigations and monitoring, and with ongoing engagement with Traditional Owners.

10

**The State Government remains committed to establishing an advisory group.**

This will provide advice to government to inform water management, planning and policy directions. How the group is established, its function and membership will be co-developed with stakeholders and Traditional Owners. It could be supported by a dedicated Traditional Owner body to provide guidance on Indigenous water matters in the West Kimberley.

## Proposed principles to recognise Traditional Owners in water planning for the Fitzroy

We will respect the right of Traditional Owners to:

- Be recognised as the custodians of their Country and culture
- Contribute to decisions for activities that affect their Country
- Be fully informed of work we do and decisions we make
- Participate in planning processes that affect traditional lands
- Be recognised as the custodians of their culture and regulate how information is shared and depicted, including maintaining secrecy of knowledge and culture
- Own and control their intellectual property
- Have full and proper attribution for sharing their heritage.

# Draft Fitzroy water allocation plan

A draft Fitzroy water allocation plan will establish a consistent, transparent and collective approach to managing and licensing the interconnected water resources of the Fitzroy.

The department will release a draft Fitzroy water allocation plan guided by these policy positions. The plan is a policy document that:

- guides how the take and use of water is regulated
- limits how much water can be allocated
- provides the department's monitoring and adaptive management approach.

A Fitzroy water allocation plan:

- will acknowledge the ongoing connection and custodianship of the river by Traditional Owners
- aims to protect the significant ecological, cultural and social values of the Fitzroy that depend on water in the environment
- supports local development and pastoralist opportunities by providing certainty on where water is available and the process for it to be taken and used sustainably
- outlines how Traditional Owners can be involved in the water licensing process.

Without an allocation plan, applications to take surface or groundwater would still be assessed on a case-by-case basis in accordance with the RIWI Act.

Under the RIWI Act the Minister for Water or delegated officers (the department) are the decision-makers on all water licences and permits. A water allocation plan cannot delegate decision-making to others.

A future water allocation plan provides the foundation for government to deliver the Fitzroy management plan that will enable sustainable economic development.

A future water allocation plan cannot change land use tenure, create policy to legislate buffer zones, regulate floodplain development or establish statutory authorities. These parts of managing water in the landscape are important and may be explored by government through other regulatory processes.

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## Water allocation planning in Derby

The valued and thorough feedback received on the department's [2020 Derby groundwater allocation plan: draft for public comment](#) and the ongoing conversations with Traditional Owners showed that a revised draft Derby plan was needed.

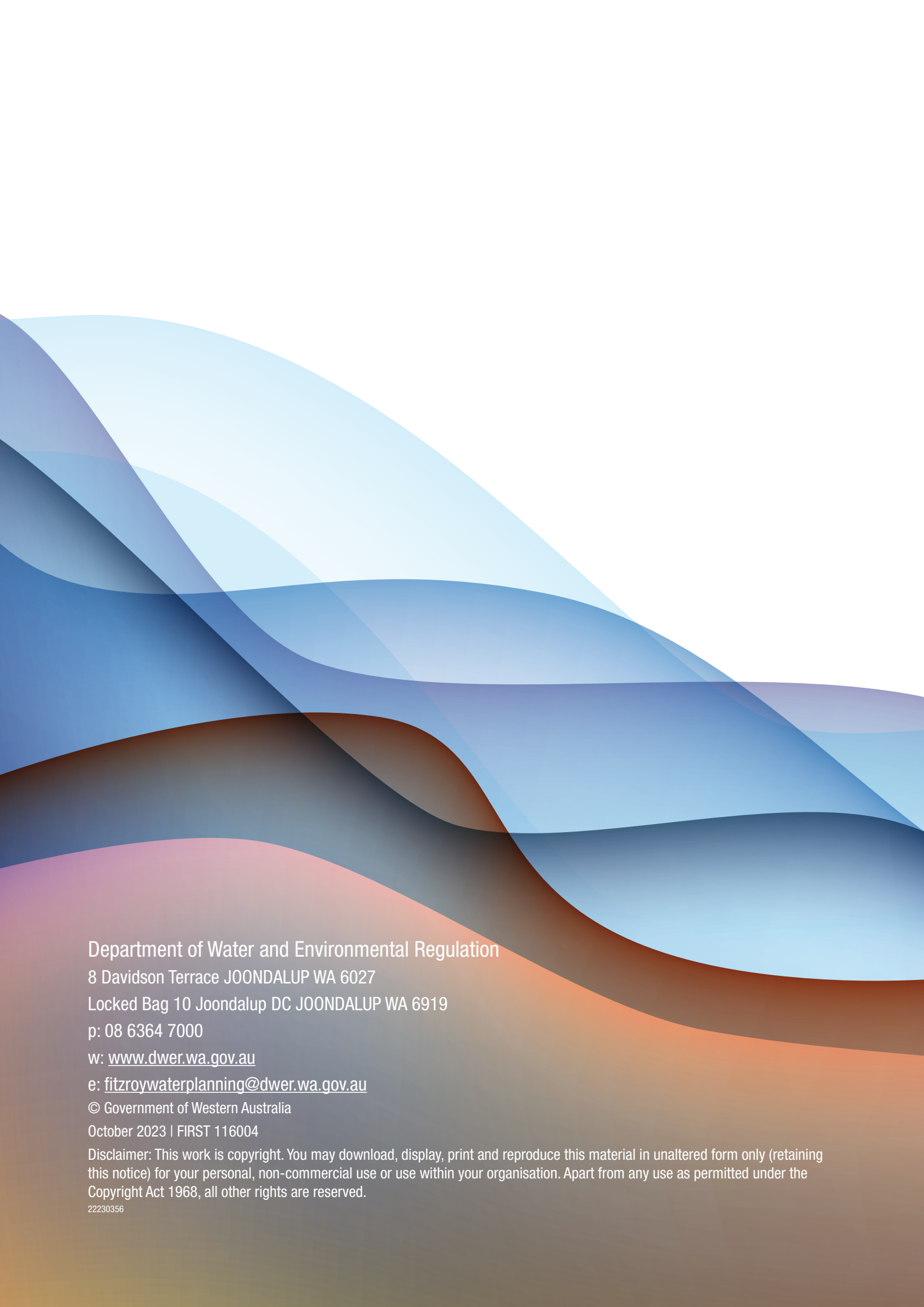
A revised draft Derby plan will be released together with a future draft Fitzroy water allocation plan for further public comment.



# Next steps

The next steps for future water allocation planning in Derby and Fitzroy.





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