



Government of **Western Australia**
Department of **Water and Environmental Regulation**

Consultation summary

Fitzroy-Derby water planning

April 2026

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Acknowledgements

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For more information about this report, contact allocationplanning@dwer.wa.gov.au

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Acknowledgement of Country

The Department of Water and Environmental Regulation acknowledges the Traditional Owners and custodians of the lands covered by the Fitzroy–Derby plan area and their deep and continuing connection to the land and waters of the Kimberley region.

We pay our respects to Elders past and present, and to all members of the Aboriginal communities in the Fitzroy–Derby plan area. We recognise that Aboriginal peoples and their culture are diverse across the plan area, and that continued custodianship of the land and water is fundamental to their health, spirit, culture and community.

We acknowledge that water is integral to life. We recognise that Traditional Owners have been custodians of Country for countless generations and are the first scientists and water managers.

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

The Fitzroy River and its tributaries is known by several names (including the Martuwarra) across the many peoples, language groups and nations in the plan area. To respect these differences in language we have not used dual naming in this report.

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What we heard: a summary

Over several years, the Department of Water and Environmental Regulation has been talking with Traditional Owners, industry stakeholders and community members about how water resources in the Fitzroy–Derby plan area should be managed. These conversations have occurred through multiple stages of consultation, reflecting a long-standing interest in developing a water allocation plan that supports sustainable water use while protecting the region’s ecological, cultural and social values.

The consultation during 2025 builds on *Managing water in the Fitzroy River Catchment: discussion paper for stakeholder consultation* (Government of Western Australia 2020; see DWER 2023) and the *Derby groundwater allocation plan: draft for public comment* (DWER 2020; see DWER 2026a).

Common themes in feedback and discussions included the need to protect the Fitzroy River as a free-flowing system, recognising the cultural significance of all water places, ensuring Traditional Owners have meaningful roles in decision-making, taking a precautionary approach in the face of uncertainty and climate change, and creating opportunities for the pastoral industry.

Key views included that:

- environmental, cultural and heritage values should be protected, including river ecosystems, groundwater-dependent systems, fisheries and culturally significant sites
- decision-making affecting Country should involve Traditional Owners, with respect for their cultural authority and custodial obligations
- the plan should take a precautionary approach to water allocation and abstraction that considers climate change, data uncertainty and cumulative pressures
- the plan should make groundwater available, on the condition it is sustainable, environmentally and culturally appropriate, and supported by effective monitoring and adaptive management
- small-scale irrigated agriculture provides an opportunity for a more resilient pastoral industry
- new developments are difficult to start in the North; a Fitzroy water plan shouldn’t add more barriers
- transparency, sound science, effective monitoring and enforceable compliance is needed to build confidence in our water management decisions
- recognition is needed that water can support economic development, including development that is culturally appropriate, protects water-dependent values and is supported by appropriate governance arrangements

1 Background

The Fitzroy–Derby plan area is vast, ecologically rich, culturally significant and socially important. The future of the Fitzroy River Catchment has long been the subject of discussion and debate. A timeline of the Fitzroy River Catchment by Álvarez-Romero & Buissereth (2021) captures the events that have shaped the Fitzroy River Catchment over time and the varied land and water interests since European settlers arrived.

For example, the varied interests over time have included the following:

- Aboriginal interests – continuing culture, protecting heritage, protecting and preserving the environment, seeking economic opportunities, supporting arts and tourism, self-determination, supporting community wellbeing, gaining land rights, pastoral heritage and working towards water rights
- Pastoral and agricultural interests – cattle and meat production, pastoral diversification into irrigated agriculture for fodder and other activities, and a heritage of generational farming
- Mining interests – exploration and mining for gold, coal, diamonds, gas (conventional and unconventional), and other minerals
- Environmental protection and community action – creation and management of national parks, Indigenous Protection Areas (IPA), land care and natural resource management (NRM) programs, research programs, national heritage and environmental protections under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth; EPBC Act 1999) and alliance of environmental organisations to deliver impactful campaigns.

A water allocation plan is a policy document that establishes the Department of Water and Environmental Regulation's (the department) approach to water licensing, allocation and management of water resources in the plan area under the *Rights in Water and Irrigation Act 1914* (WA). The department started this current work to prepare a water allocation plan for the Fitzroy and Derby water planning areas in 2018.

To understand what people wanted from the plan, our department staff spoke with a wide range of people over several years.

Some see an opportunity for development to drive economic growth for the Kimberley region and Western Australia:

- The Fitzroy River and its tributaries underpin tourism, recreation, and community wellbeing.
- Groundwater supports pastoral industries and supplies water for towns and Aboriginal communities.
- The region faces economic challenges – high unemployment, low labour force participation, high living costs, and reliance on a small number of industries – highlighting the need for diversification and sustainable economic opportunities.
- It is in the state's economic interest to support development of the underutilised land and water resources of the Kimberley.

Others view the Fitzroy River as a highly valued, unique system that should remain untouched:

- It is one of Australia's largest free-flowing rivers, sustaining diverse ecosystems.

- Groundwater and surface water are highly interconnected, supporting river pools, wetlands, riparian vegetation, and species of cultural and ecological significance.
- Every part of the river’s flow cycle – from floods to dry-season baseflows – maintains habitats and biodiversity.

To further understand the significance and history of the area, and people’s views and values, see information in our *Consultation draft – Fitzroy–Derby water resources management plan: methods* (DWER 2026b) as well as information in the [West Kimberley National Heritage Place listing](#) (Commonwealth of Australia 2011).

2 Introduction

The department has released the *Consultation draft – Fitzroy–Derby water resources management plan: policy and guidance* (draft Fitzroy–Derby plan; DWER 2026c). This was informed by a consultation process during 2025, which was delivered in three ways:

1. Culturally appropriate engagement of Kimberley Traditional Owners, facilitated by the Kimberley Land Council
2. Targeted consultation through workshops, meetings and briefings with stakeholders with a direct interest in the plan
3. Two open community meetings held in Derby and Fitzroy Crossing which were promoted across Kimberley social networks.

Consultation for the draft Fitzroy–Derby plan was designed to build on earlier engagement and respond to what we heard over time. This report summarises the outcomes of our consultation process in 2025 and how what we heard shaped the draft Fitzroy–Derby plan.

2.1 Previous consultation

In 2018, the Fitzroy Ministerial Council – which includes the Ministers for Environment, Agriculture and Food, Regional Development, Water, and Aboriginal Affairs – hosted a public forum with regional stakeholders at Fitzroy Crossing. At this meeting, the State Government initiated the community consultation process to discuss and seek input on its Fitzroy River commitments.

From 2018, government agencies engaged with the community in the Fitzroy River Catchment including two important groups: the Martuwarra Fitzroy River Council, which represented Traditional Owners across the catchment, and the Fitzroy Valley stakeholders reference group, which represented a cross-section of the catchment’s stakeholders.

In August 2019, a stakeholder forum was held at Fitzroy Crossing, which produced the Fitzroy communique. This formed the basis of *Managing water in the Fitzroy River Catchment – Discussion paper for stakeholder consultation* (discussion paper), released in November 2020. The consultation period was open for an extended period to allow the department and the Department of Primary Industries and Regional Development (DPIRD) to meet with the prescribed bodies corporate across the Fitzroy River Catchment. The consultation period closed on 31 August 2021.

In the 2021 public comment period, the department and DPIRD organised more than 90 activities with 11 organisations representing Traditional Owners. These included multi-day workshops, presentations at board and community meetings, and discussions with senior representatives. The intent of this work was to discuss the options presented in the discussion paper with Traditional Owners and support them to make a submission if they wished to do so. 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 River and depend on the river and its adjoining lands and sea.

During this time, the department released the *Derby groundwater allocation plan: for public comment* (Derby draft plan) in November 2020. This revised plan was to replace the current Derby groundwater management plan 1992 and update management of groundwater in the Derby plan area. Twelve detailed written submissions were received (DWER 2026a).

In October 2023, the State Government released its *Water allocation planning in the Fitzroy – Policy position paper* (Government of Western Australia 2023) outlining ten policy positions that would inform water allocation planning for the Fitzroy planning area (Government of Western Australia 2023). It was published along with five technical documents and a summary of submissions (DWER 2023) to *Managing water in the Fitzroy River Catchment: discussion paper for stakeholder consultation* (Government of Western Australia 2020).

In November 2023, the Kimberley Land Council and Martuwarra Fitzroy River Council hosted the Martuwarra Fitzroy River Forum, bringing together over 80 Traditional Owners and State Government representatives. Ten Traditional Owner groups participated, representing Country across both the Derby and Fitzroy planning areas. With overlapping issues discussed, Traditional Owners requested that the department merge the water planning into one Fitzroy–Derby plan.

During 2024, the department began developing a combined Fitzroy–Derby plan to better meet the needs of communities, water users and Traditional Owners. The Kimberley Land Council requested that Traditional Owners be involved in drafting the plan.

2.2 Why was more consultation needed in 2025?

The discussion paper (Government of Western Australia 2023) presented two options for making water available for sustainable economic development: 108.5 GL per year of groundwater only, or 300 GL per year of surface water and 108.5 GL per year of groundwater. The options were presented 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 consultation on the discussion paper, participants focused primarily on the surface water option. This dominated the conversations as the community, environmental organisations and Traditional Owners had significant concerns on the potential impacts from taking large volumes from the Fitzroy River.

Release of the policy position paper in 2023, which restricts the further take of water from the river, triggered a new discussion that explored the opportunities and implications of taking groundwater across the planning area. In consulting with Traditional Owners as part of these discussions, we implemented the proposed principles that were published in the policy position paper (Appendix A).

2.3 Our engagement process with Traditional Owners

In early 2025, the department partnered with the Kimberley Land Council (KLC) to engage Traditional Owners on the draft Fitzroy–Derby plan. Under this partnership, the KLC coordinated two water forums with Registered Native Title Prescribed Bodies Corporate (PBCs) and convened a Traditional Owner Working Group (Working Group).

The first PBC forum was held in Fitzroy Crossing in April 2025 with representatives from Kimberley PBCs, the Martuwarra Fitzroy River Council, the Kimberley Aboriginal Law and Culture Centre, Indigenous organisations and the KLC. Over two days, the KLC and department staff delivered a process of two-way learning and discussion of:

- differing perspectives of sustainability, water issues and interests, water science and knowledge

- how traditional culture, law and knowledge drives decision-making in Indigenous communities
- government processes for decision-making on water planning, licensing, and native title matters.

The event concluded with collective agreement from the PBC representatives who were present to continue this discussion with State Government and to form a Working Group to explore issues in detail. The purpose of the Working Group was to propose recommendations to the wider group about what should go into the draft Fitzroy–Derby plan.

Over a six-month period, this group worked with the department on how a water plan could meet the needs and expectations of both State Government and Traditional Owners. The focus was on finding common ground between the way the State Government approaches water law and management, and the First Nations peoples’ approach to water law and management. Through this process, the Working Group developed a series of draft recommendations for consideration by PBCs.

This process concluded with a PBC forum held in September 2025, where the Working Group presented their recommendations directly to forum attendees. The recommendations were collectively supported by the attending PBC representatives, as a preliminary body of work to be presented to government for consideration.

2.4 Our community meetings

The department held two community meetings in September 2025 – one at the Civic Centre in Derby on 16 September 2025, and a second at the Fitzroy River Lodge in Fitzroy Crossing on 18 September 2025. The Shire of Derby West Kimberley, the Kimberley Development Commission and Wangiradio supported the department to promote the event.

The Derby event was attended by 22 people and the Fitzroy Crossing event by 12. The flyer used to promote the event is in Appendix B. The presentation used at the events is in Appendix C.

2.5 Our targeted stakeholder consultation process

In April 2025, the department invited 29 organisations across 11 stakeholder groups (Table 1) to participate in the consultation process. These were invited based on their participation in the consultation process for the *Managing water in the Fitzroy River Catchment: discussion paper for stakeholder consultation* (Government of Western Australia 2020; see DWER 2023) or had made a submission to the *Derby groundwater allocation plan: draft for public comment* (DWER 2020, see DWER 2026a). These stakeholders represented a broad range of perspectives and interests. Of these, 20 stakeholders responded that they were interested in participating in the process. The department followed up in late 2025 and early 2026 with stakeholders who hadn’t responded. An additional three organisations were then provided a briefing.

Table 1 Stakeholder groups invited to participate in our consultation process

Stakeholder group	Number
Academia	1

Stakeholder group	Number
Conservation and environment	2
Australian Government	3
Hydrogeological consultants	4
Local Government	1
Mining industry	2
Organisations representing Aboriginal peoples	2
Pastoral and agricultural	4
Recreational	2
State Government	7
Water service provider	1
TOTAL	29

Between April 2025 and February 2026, the department held 42 dedicated briefings with organisations to discuss the proposed management measures. Many more conversations were held with stakeholders representing various water interests. Activities included a field trip with pastoralists near Fitzroy Crossing to discuss water options that support resilient pastoral operations, and workshops with other government agencies to align the draft plan’s policies with other legislative requirements.

Table 2 Engagement approach for each stakeholder group

Stakeholder group	Engagement approach
Academic	Targeted meetings
Conservation and environment	Targeted meeting
Consultants	Briefing
Australian Government agencies	Targeted meetings
Industry representatives	Briefings
Local Government	Targeted meetings
Organisations representing Aboriginal peoples	Targeted meetings
Pastoral and agricultural companies	Briefings and field visits
Recreational representative	Briefings
State Government agencies	Workshops and briefings
Water service providers	Targeted meetings

3 Topics discussed

To support the consultation process and ensure transparency, the department prepared a generic presentation which was updated ahead of each meeting to ensure it was relevant to the organisation. Additional information was added where we were requested by individual stakeholders to talk about specific issues of interest. The community presentation, which was the basis for most stakeholder briefings, is shown in Appendix C.

3.6 Water allocation limits

The department outlined potential water allocation limits for groundwater and surface water in the Fitzroy–Derby plan area and explained how these volumes were developed. The approach included:

- aligning with Fitzroy policy positions resulting in little or no additional water to be available from the Fitzroy River or the Alluvial and Devonian Reef aquifers
- adjusting existing groundwater allocation limits on the Derby peninsula, where further water availability is also limited
- setting risk-based allocation limits for regional aquifers using a proportion of the estimated annual average rainfall recharge
- not setting allocation limits where regional assessments are unreliable or inappropriate.

An upper bound allocation limit for the plan area of up to **104.6 GL for groundwater**, and **6.1 GL for surface water** was presented to inform discussions. Under these limits, no further water would be available from the Fitzroy River or its tributaries, while approximately **80 GL of groundwater** would remain available for use and development. This volume excludes aquifers where no allocation limit is proposed; in those areas, licensing decisions would rely on local assessments of sustainability.

Most of the groundwater would come from the Wallal, Erskine and Grant Poole aquifers, with allocation limits based on 60 per cent (for Fitzroy resources) and 50 per cent (for Derby resources) of the estimated annual average rainfall recharge.

In the consultation, we discussed several allocation limit options to ensure that groundwater resources were accessed cautiously without constraining development.

The options presented to participants were:

- whether the allocation limit for the regional aquifers could be based on a lower proportion of estimated annual average rainfall recharge (rather than 60 per cent for Fitzroy and 50 per cent for Derby)
- whether the allocation limit could be released in stages (as proposed for surface water in the Fitzroy discussion paper) and what this would mean for future water users
- whether risk could be reduced by licensing groundwater in increments, allowing a water user to apply for additional water once they have demonstrated they can use their existing licensed volume sustainably
- the portion of the allocation limit that could be set aside in an Aboriginal Water Reserve.

3.7 The ‘no dams’ policy

A key part of protecting the Fitzroy River and its tributaries is the State Government’s policy on not damming the Fitzroy River and its tributaries (see Government of Western Australia 2023). This means that the construction of new instream dams, barrages, weirs (including inverted weirs), and other structures across the river (above or below ground) that substantially interfere with the natural river flow will not be supported. The intent is to protect the rivers’ natural flow regimes and minimise future impacts of taking surface water across the catchment.

The department explained that this policy would be implemented through the Fitzroy–Derby plan by identifying the waterways where dam permits will not be granted. It also outlined the situations where a permit to construct a dam is required under the *Rights in Water and Irrigation Act 1914* (RIWI Act 1914).

3.8 Water licensing policies and management zones

We explained that a water licence application is likely to be considered low risk if the applicant can show that groundwater drawdown will not extend to ecologically, culturally or socially significant places; we used a simple scenario to illustrate this.

The Department presented a map that showed a series of management zones proposed to support water licensing in the plan area so that important water-dependent sites, water places and water resources are protected, and the impacts of groundwater abstraction are appropriately managed. The Department sought feedback on:

- a management zone for the Alluvial aquifer because its thickness is uncertain, it is connected to deeper groundwater and surface water, and pumping from the underlying aquifer could impact springs, wetlands and river pools
- a management zone for the Devonian Reef aquifer because threatened species, groundwater-dependent ecosystems, and culturally significant water-dependent sites are dependent on the aquifer and may be at risk from groundwater abstraction
- a management zone for conservation and national parks, and Indigenous Protected Areas, to protect nationally, state and culturally significant places by preventing groundwater drawdown that could impact environmental and culturally important sites
- a management zone near Derby for the Derby Town Commonage, Myalls Bore, the Munkajarra Wetlands and nearby Aboriginal heritage sites that rely on groundwater and are important to Traditional Owners and the Derby community
- a management zone for the King Sound coastline and estuaries because groundwater abstraction near the coast could shift the saltwater interface inland, putting culturally significant water places, freshwater springs, wetlands, groundwater-dependent vegetation, and freshwater inputs to estuarine ecosystems at risk.

3.8.1 Engagement with Traditional Owners - establishing what is expected

State and Australian legislation reflects this connection and establishes protections for Aboriginal rights, interests and heritage. Native title has been determined, or a claim registered, across most of the Fitzroy–Derby plan area. Where native title exists, Traditional Owners have cultural authority and obligation to speak for Country.

The Department asks water licence applicants to consult with Traditional Owners who hold native title or have a registered claim over the area where their proposed project or activity would occur. This is to gather information about how the proposed take and use of water may impact on the cultural values of water.

Across our previous consultations, it was clear that Traditional Owners and water users both understand the importance of engaging early and meaningfully. However, people also told us that expectations are not always clear.

To address this, we explored ways to provide greater certainty for both Traditional Owners and water users. We discussed:

- whether consultation standards or minimum expectations should be developed
- what evidence the Department may require from applicants to show they have engaged appropriately with Traditional Owners
- whether the Department should consider policies to refuse a licence application if consultation does not meet expectations.

With the Traditional Owner Working Group, we discussed in detail the existing legislation that regulates water decisions, the Department’s current licensing process and explored opportunities to improve the involvement of Traditional Owners in decisions that affect Country.

4 Consultation feedback

4.1 Kimberley Traditional Owners

As an outcome of the engagement process, Traditional Owners developed a set of principles and recommendations for the draft Fitzroy–Derby plan.

The recommendations provided by Kimberley Traditional Owners covered guiding principles, engagement expectations, improvements to plan content and implementation, and some matters outside the scope of this plan. The Department considered the recommendations in developing the draft Fitzroy–Derby plan, where appropriate within the scope of the plan.

Working with Traditional Owners through the Working Group

Through the Traditional Owner Working Group (Working Group), the Department worked with Kimberley Traditional Owners and the Kimberley Land Council to explore how the draft Fitzroy–Derby plan could better reflect Traditional Owner values, knowledge and expectations. The Working Group provided a forum for detailed discussion over several meetings, and supported a process of two-way learning between Traditional Owners and the Department.

The Working Group supported a precautionary, risk-based approach with review points and the ability to adaptively manage if impacts emerge. Climate change, drought and cumulative impacts were raised as key considerations that require careful management over time.

There was strong interest in Traditional Owner and ranger-led monitoring, including the use of cultural indicators alongside scientific measures, to support early detection of impacts and responsive management. The Working Group emphasised that cultural health should be assessed alongside ecological, hydrological and economic indicators.

The Working Group raised some matters that sit outside the scope of a water allocation plan. There was interest in enduring governance arrangements, including statutory committees, ongoing support for PBC involvement in water planning, management and policy, and water reform. The Working Group asked for clearer pathways to progress these discussions through appropriate government processes.

The Working Group highlighted that meaningful participation of Traditional Owners requires culturally appropriate processes, adequate timeframes and resourcing. They noted that without appropriate support, there is a risk that engagement processes may not fully reflect Traditional Owner perspectives or lead to equitable outcomes.

4.2 Targeted stakeholders

Environmental organisations

Environmental and community stakeholders raised issues largely centred on environmental protection and public confidence in water planning and licensing decisions. Stakeholders requested stronger monitoring arrangements, including clearer triggers and thresholds, and noted interest in incorporating cultural indicators alongside scientific monitoring where appropriate.

Common themes included:

- Strong concern for river health, groundwater-dependent ecosystems and species impacts, including fish and culturally significant aquatic environments
- Concerns about the environmental, social and cultural impacts of large-scale development of the Kimberley
- Requests for reassurance that the plan would apply a precautionary approach, particularly where scientific uncertainty remains
- Interest in understanding how the plan responds to cumulative impacts and legacy issues
- Expectations that consultation outcomes would be transparent and visible, rather than perceived as tokenistic or procedural.

Industry, pastoral and development stakeholders

Almost all pastoralists and industry representatives emphasised the role of local-scale irrigated agriculture in supporting a more resilient pastoral industry. Some advocated for access to surface water from the Fitzroy River to support large intensive agriculture developments beyond pastoralism.

Industry feedback was focused on certainty, feasibility and economic opportunity, while acknowledging the need for safeguards. They discussed the practical economics of irrigation, including the relationship between scale, feasibility and investment decisions. Some stakeholders noted that land tenure, lease conditions and access arrangements can materially affect what development is feasible and are relevant considerations alongside water availability and licensing settings.

Stakeholders raised the issue that heritage considerations can affect feasibility and timeframes, and supported clearer guidance for applicants on engagement expectations and how state and Australian Government approval processes interact.

Their input commonly highlighted:

- A whole-of-government approach that considers the strategic benefits of a sustainable agriculture industry is needed.
- Requests for clear, implementable rules to support investment decisions and long-term planning.
- Concern that proposed allocation limits and management measures could constrain agricultural development, particularly for irrigation.
- Recognition of the need for comprehensive assessments where information is limited, alongside requests for assurance that licensing processes would remain efficient.

- Support for staged or adaptive development approaches that allow proponents to demonstrate performance over time.
- Requests for clarity about distinctions between surface water, groundwater and rainfall-related opportunities.

Recreational users and local community members

Community members and recreational fishing representatives emphasised the social and lifestyle importance of water resources. Key points included:

- The value of healthy rivers and wetlands for recreation, fishing and community wellbeing.
- Recognition of the international value of the Fitzroy River as a free-flowing system.
- Concerns that increased abstraction could affect amenity, access and environmental quality.
- Interest in understanding how community views sit alongside scientific and economic considerations.

Shire of Derby - West Kimberley

The Department consulted with the Shire of Derby – West Kimberley on several occasions, building on ongoing engagement over many years. We are grateful to the shire for their ongoing support in assisting us to hold community updates in Derby and Fitzroy Crossing.

The Shire is committed to improving economic outcomes for residents across its local government area and shared valuable context about local economic opportunities and the role of water in supporting these. The Shire also emphasised that Traditional Owners across the area should have a say in any development proposed on their native title lands.

For the town of Derby, the Shire provided context on community expectations and future water needs for public purposes. The Shire also shared the Department's concerns that saltwater intrusion into the shallow aquifer could affect water supplies for local businesses, public facilities, education institutions and garden bore users, and agreed to commence monitoring water levels in bores across the town.

4.3 Community feedback

Derby community event

We thank Richard Rose and Patricia Juboy for welcoming us on behalf of the Nyikina Mangala and Booroola Moorrool Moorrool people of the Derby area (respectively) at the Derby event.

Three representatives of the Department attended this event and delivered its presentation (Appendix C) consistent with those presented to stakeholders. Water Corporation also joined the Department at the Derby event to explain its approach to managing the risk of saltwater intrusion associated with abstraction for the Derby Town Water Supply Scheme.

This event was held at the Derby Civic Centre attended by 20 community members, including a respected Nyikina Mangala elder and people with experience in hydrogeology and natural resource management. The following organisations were also represented:

- Pew Charitable Trusts
- Environs Kimberley
- Kimberley Development Commission
- Shire of Derby – West Kimberley.

Community members raised concerns about the impacts to river pools associated with the existing irrigation project on Liveringa Station. There were questions about the Department’s ability to amend water licences and require reduced abstraction in response to climate change impacts, including increasing evapotranspiration.

Participants also said that mining should not receive preferential treatment and should be subject to the same requirements as other industries. There was a strong call for a precautionary approach, reflecting limited information about how groundwater abstraction may affect water places.

Community members emphasised the need for transparent decision-making, and improved monitoring, including water quality monitoring to detect harmful chemicals entering water supplies.

Fitzroy Crossing community event

We thank Sharon Biendurry for welcoming us in Fitzroy Crossing on behalf of the Bunuba people.

Three representatives of the Department attended this event and delivered its presentation (Appendix C) consistent with those presented to stakeholders. The event was held at the Fitzroy River Lodge and attended by 12 community members. Attendees included Traditional Owners and pastoral companies local to the Fitzroy Crossing area. The following organisations were also represented:

- Kimberley Development Commission
- Shire of Derby – West Kimberley
- Cotton Australia.

Participants discussed the social and economic challenges facing the region, including limited employment opportunities outside the tourism season and ongoing pressures on the pastoral industry related to infrastructure and market access. There was strong emphasis on the need for jobs across the Kimberley, industries that create sustained employment, and support for small businesses.

Participants said that a water allocation plan would provide greater certainty, and that the current lack of a plan is contributing to tension. Both Traditional Owners and pastoralists expressed interest in water-related development opportunities but noted that multiple approvals processes can create barriers to progress.

Participants also noted that the volumes of water being discussed are small compared to the total flows in the Fitzroy River. Discussion focused on the role of irrigation in supporting livestock; many participants felt that development does not need to be large scale. However, some advocated for surface water to be released to support large-scale development. There was support for staging projects where pastoralists can demonstrate efficient water use. Participants asked the Department

to consider how water licence duration affects reliability and financial security, noting that subleases on pastoral stations are often around 20 years.

Participants reflected on the State Government's commitment to establish a water advisory group. Traditional Owners noted that they have been seeking a regional representative body for many years. Participants discussed the importance of Traditional Owners and other stakeholders working together, recognising that future projects affect native title, land and water. There was reference to the Northern Territory water advisory model as a potential option for the Kimberley, and reflections on previous Fitzroy catchment planning, as ways to bring key stakeholders together and improve confidence in project outcomes.

4.4 Cross-cutting themes

Across different sectors, stakeholders consistently highlighted:

- that they found approval processes to be fragmented and complex with calls for a case management or lead-agency style approach
- that a water allocation plan alone is insufficient to address the cultural, environmental and governance concerns and a desire for ongoing engagement, rather than one-off consultation points
- broad acceptance of adaptive approaches where uncertainty exists, provided there is transparency and accountability.

5 Summary

The Department acknowledges and thanks all participants for their time and the valuable insights they shared. Throughout the engagement process, participants provided well-considered views on the role of water in supporting sustainable futures for their communities.

Many people were closely aligned in their core expectations. They wanted:

- opportunities for development but not at the expense of the values of the lands and waters across the Fitzroy Valley
- appropriate regulation and efficient, transparent decision-making
- recognition of the importance of Aboriginal peoples being part of development in a way that serves the needs of all parties
- a way forward where everyone can work together to build a sustainable future for the West Kimberley.

Views diverged in how these outcomes could be achieved. Potential water users wanted certainty on how licensing decisions would be made in a timely and cost-effective manner, and that a water allocation plan would not add to the regulatory burden. Community, environmental groups and Traditional Owners wanted processes and regulation to enable transparent decision-making and create opportunities to have their interests considered in water decision processes.

All parties agreed on two important issues:

1. Water availability is not the major obstacle to new developments – complex approvals and land tenure processes have a greater impact.
2. Existing processes are challenging to both developers and native title holders, creating division when collaboration could enable a less complex pathway.

Feedback from targeted stakeholders informed the development of the *Consultation draft – Fitzroy–Derby water resources management plan: policy and guidance* (DWER 2026c), particularly in relation to licensing policies and guidance to support water licensing. Where views differed, the Department sought to balance economic considerations with the need to protect the ecological, cultural and social values of the Fitzroy–Derby plan area.

Shortened forms

Shortened form	Complete word/phrase
AH Act	<i>Aboriginal Heritage Act 1972 (WA)</i>
the Department	Department of Water and Environmental Regulation
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DMPE	Department of Mines, Petroleum and Exploration
DPIRD	Department of Primary Industries and Regional Development
DPLH	Department of Planning, Lands and Heritage
EPBC Act	<i>Environmental Protection and Biodiversity Conservation Act 1999</i>
IPA	Indigenous Protected Area/s
KLC	Kimberley Land Council
NRM	Natural Resource Management
PBC	Prescribed Body Corporate/Prescribed Bodies Corporate
RIWI Act	<i>Rights in Water and Irrigation Act 1914 (WA)</i>

References

- Álvarez-Romero JG & Buissereth R 2021, *Looking back to look forward: A timeline of the Fitzroy River catchment*, James Cook University, Townsville, QLD, Australia, accessed 20 March 2026
- Commonwealth of Australia 2011, *National Heritage Values in the West Kimberley National Heritage Place*, Gazette No. S132, 31 August 2011, Commonwealth of Australia, Canberra.
- Department of Water and Environmental Regulation 2020, *Derby groundwater allocation plan: for public comment*, Water Resource Allocation and Planning Report series, Report no. 69, Department of Water and Environmental Regulation, Perth.
- 2023, *Summary of submissions – Managing water in the Fitzroy River Catchment: Discussion paper for stakeholder consultation 2020*, Department of Water and Environmental Regulation, Perth.
- 2026a, *Summary of submissions – Derby groundwater allocation plan: for public comment*, Department of Water and Environmental Regulation, Perth.
- 2026b, *Consultation draft – Fitzroy–Derby water resources management plan: methods*, Water Resource Allocation and Planning Report series, Report no. 81, Department of Water and Environmental Regulation, Perth.
- 2026c, *Consultation draft – Fitzroy–Derby water resources management plan: policy and guidance*, Water Resource Allocation and Planning Report series, Report no. 80, Department of Water and Environmental Regulation, Perth
- Government of Western Australia 2020, *Managing water in the Fitzroy River Catchment: discussion paper for stakeholder consultation (discussion paper)*, November 2020, Government of Western Australia, Perth.
- 2023, *Water planning in the Fitzroy – policy positions paper*, October 2023, Government of Western Australia, Perth.

Appendices

Appendix A Our principles for recognising Traditional Owners in water planning in the Fitzroy

Appendix B Flyer used to promote community meetings

Appendix C Presentation for community meetings

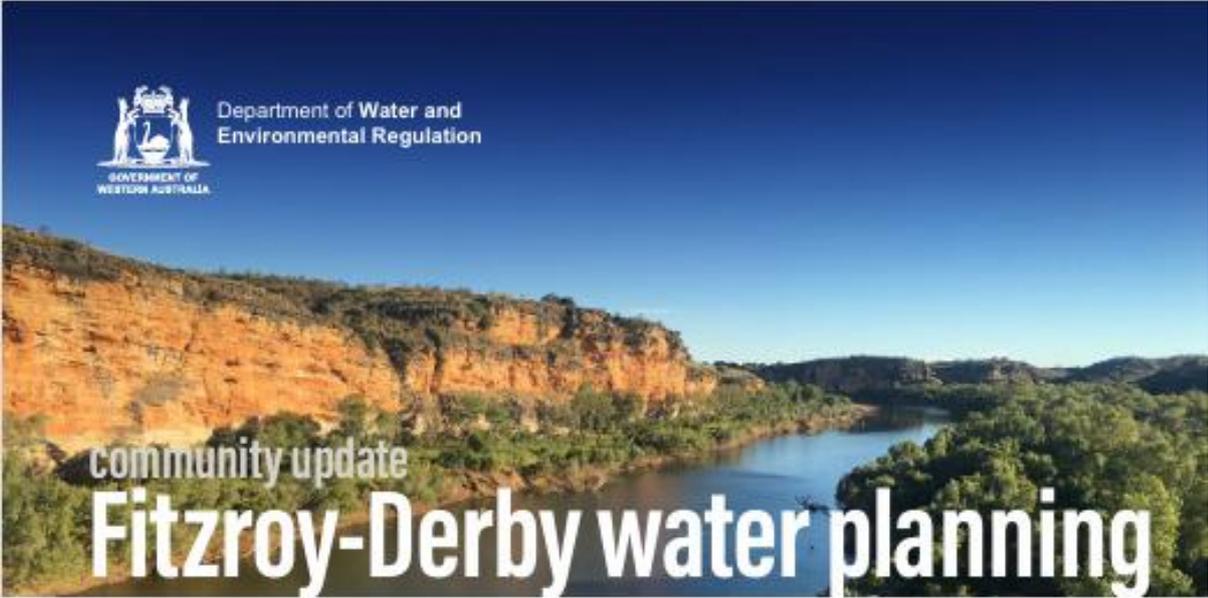
Appendix A Proposed principles for recognising Traditional Owners in water planning in the Fitzroy

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.

Appendix B Flyer used to promote community meetings



Department of Water and Environmental Regulation
GOVERNMENT OF WESTERN AUSTRALIA

community update
Fitzroy-Derby water planning

The Department of Water and Environmental Regulation is drafting a Fitzroy–Derby water plan for public comment. The department will be holding two information sessions for community members and water users on September 16th and 18th.

Agenda:

5:00 to 5:30 pm	Registration and welcome
5:30 to 6:00 pm	Proposed water management in a Fitzroy–Derby water plan
6:00 to 7:00 pm	Meet the experts – departmental scientists, water planners and water licensing officers

What you will hear:

- what the science says and how this will be used to develop a draft Fitzroy–Derby plan
- how the plan will enable water for sustainable economic development while protecting the Fitzroy River and its tributaries and groundwater across the plan area
- how respectful and appropriate engagement with traditional owners can be the key to successful projects requiring water
- any other questions you may have about your licence or water use management.

Light refreshments will be provided. Please RSVP to fitzroywaterplanning@dwer.wa.gov.au for catering purposes. For any further queries contact Darryl Abbott on 0407 582 950.



**16 September
(TUE) 5–7 pm
Derby**

Derby Civic Centre
32 Loch Street



**18 September
(THU) 5–7 pm
Fitzroy Crossing**

Boab 2 Conference Room
Fitzroy River Lodge
277 Great Northern Highway

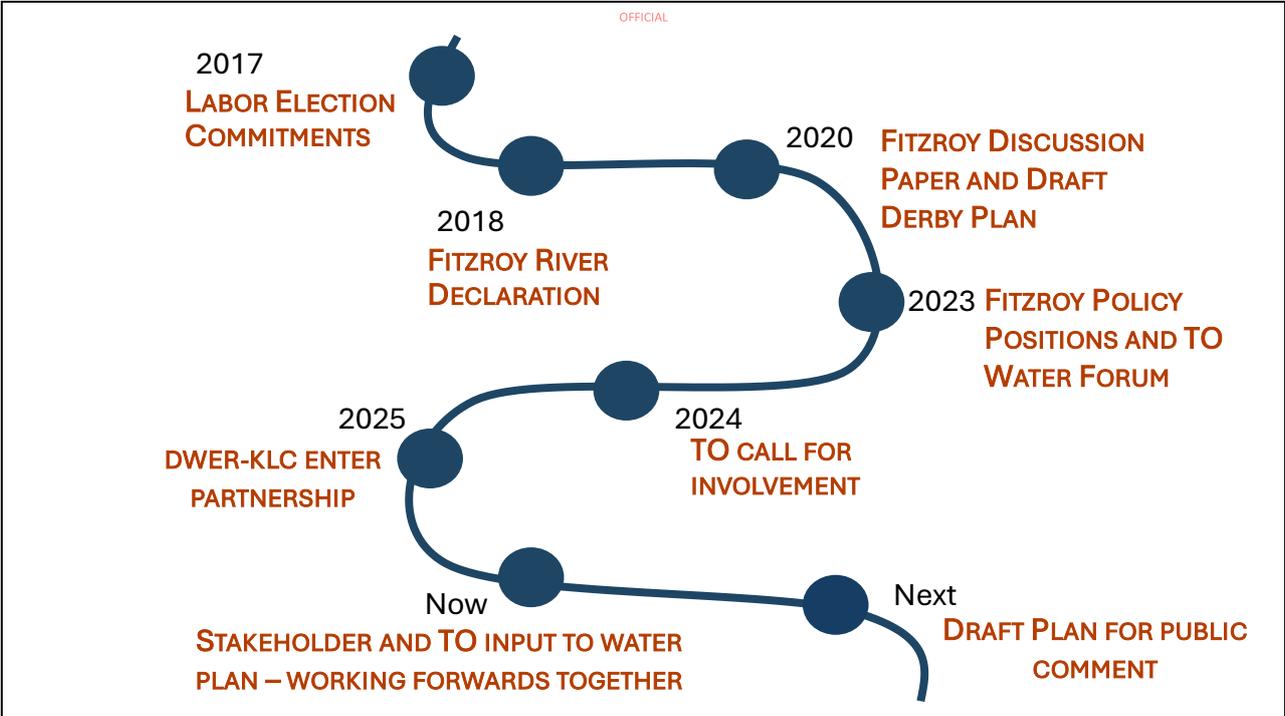
Appendix C Presentation for community meetings

For our presentation at the community meetings, we used the following slide pack. This presentation was also the basis for targeted stakeholder briefings. It was modified as needed to suit the targeted audience, and proposed allocation limits were subsequently adjusted for the draft plan.

Government of Western Australia
Department of Water and Environmental Regulation

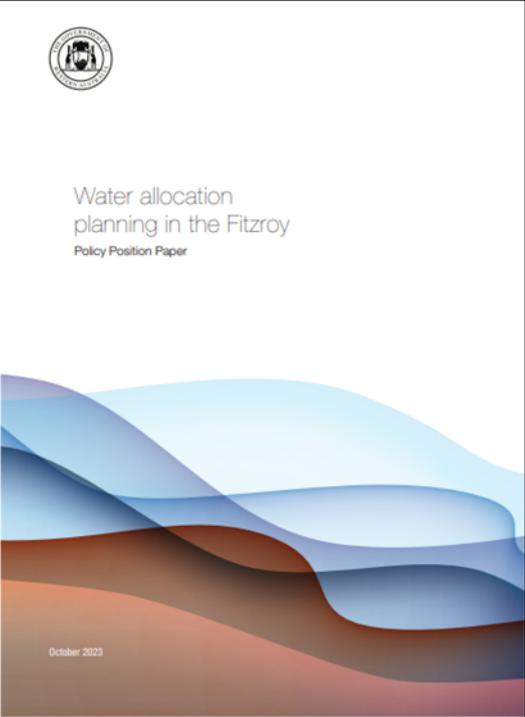
FITZROY-DERBY WATER PLANNING

Community update
Darryl Abbott and Kylie La Spina
16 September 2025 – Derby
18 September 2025 – Fitzroy Crossing



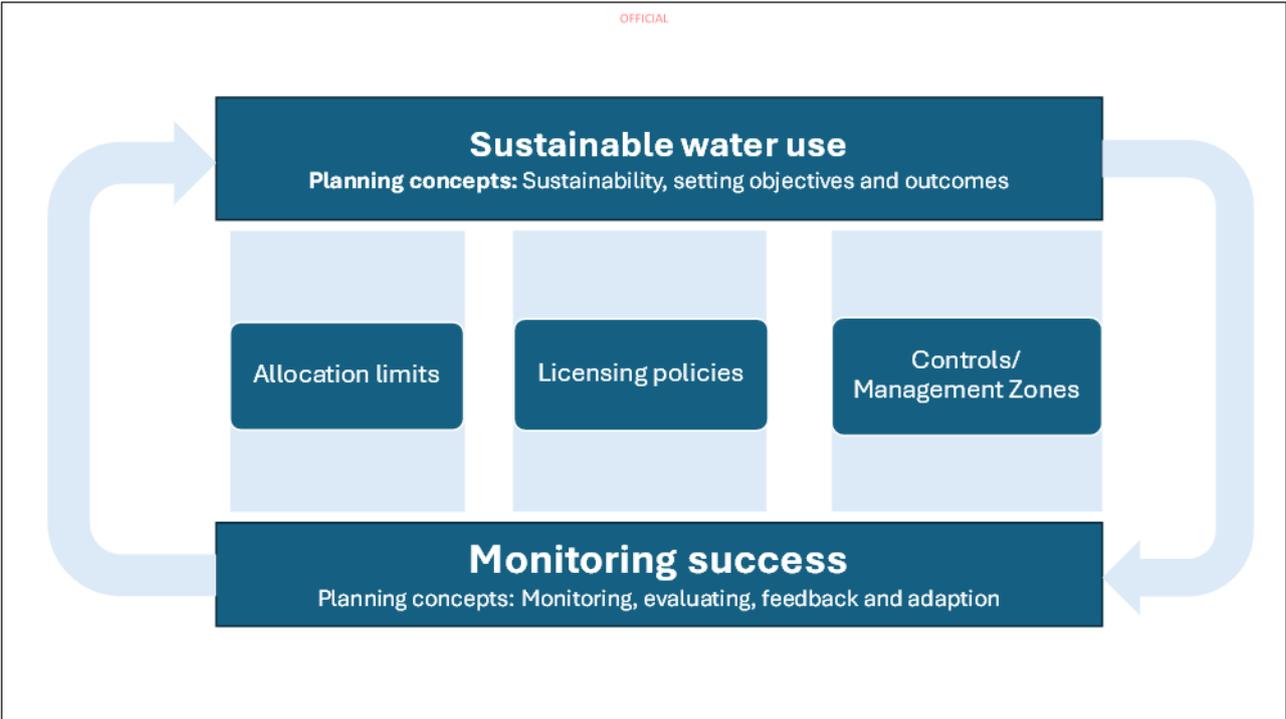
Policy positions

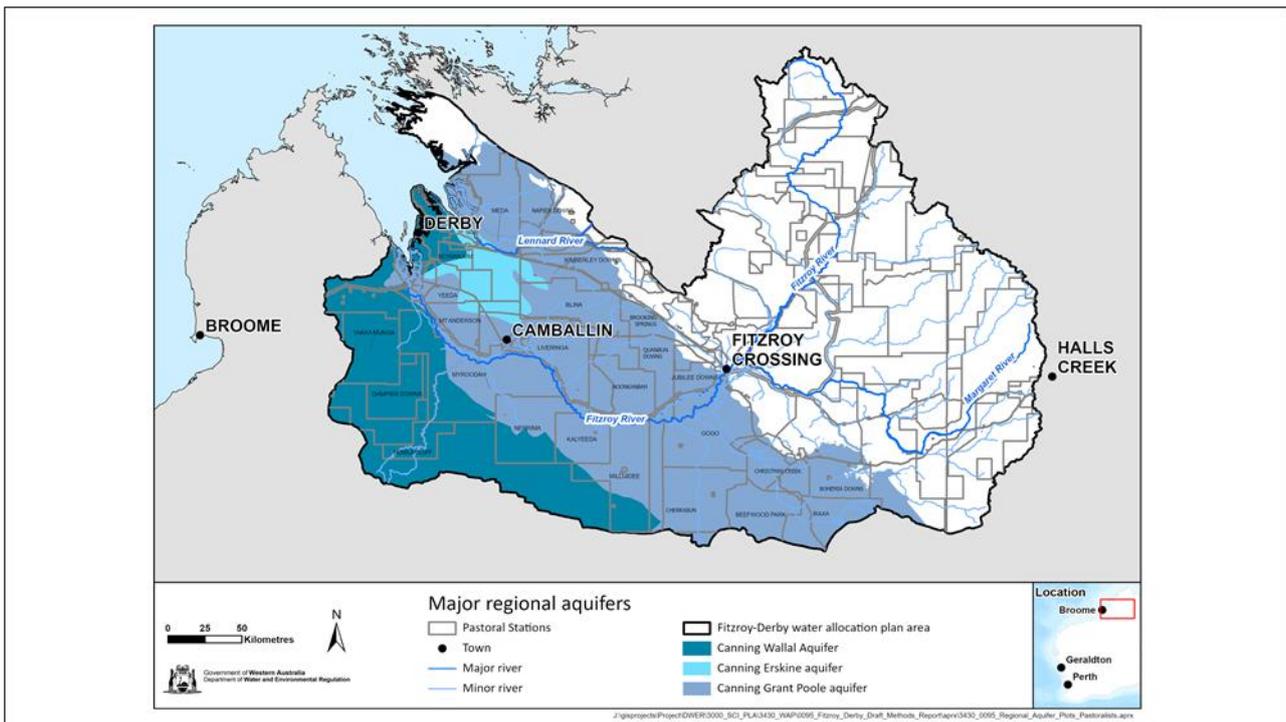
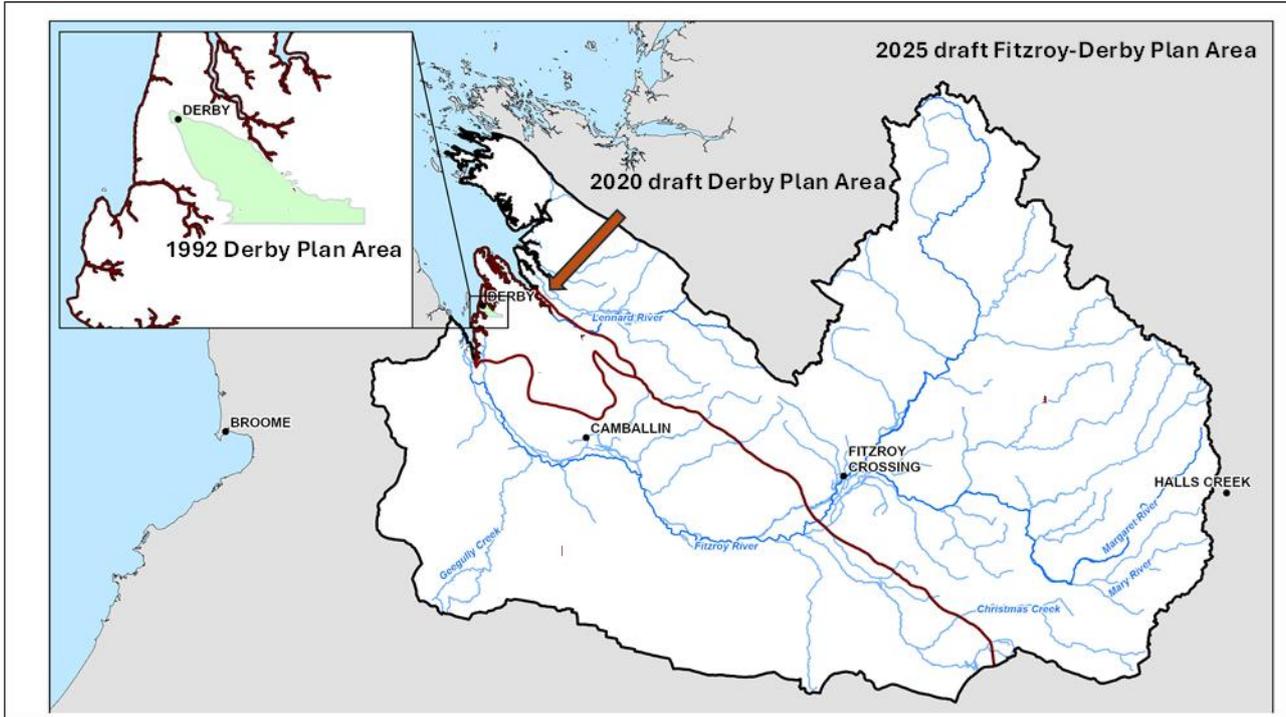
1. No dams
2. Groundwater supported only where sustainable
3. Alluvial and Devonian Reef aquifers restricted.
4. No additional surface water.
5. A Fitzroy Aboriginal Water Reserve established
6. Traditional Owners able to exercise water-related rights and advise on water planning and licensing
7. Developments to avoid/minimise impacts.
8. Water licensing aligned with other regulatory decisions
9. A considered approach to water developments supported.
10. Establish an advisory group.



Water allocation
planning in the Fitzroy
Policy Position Paper

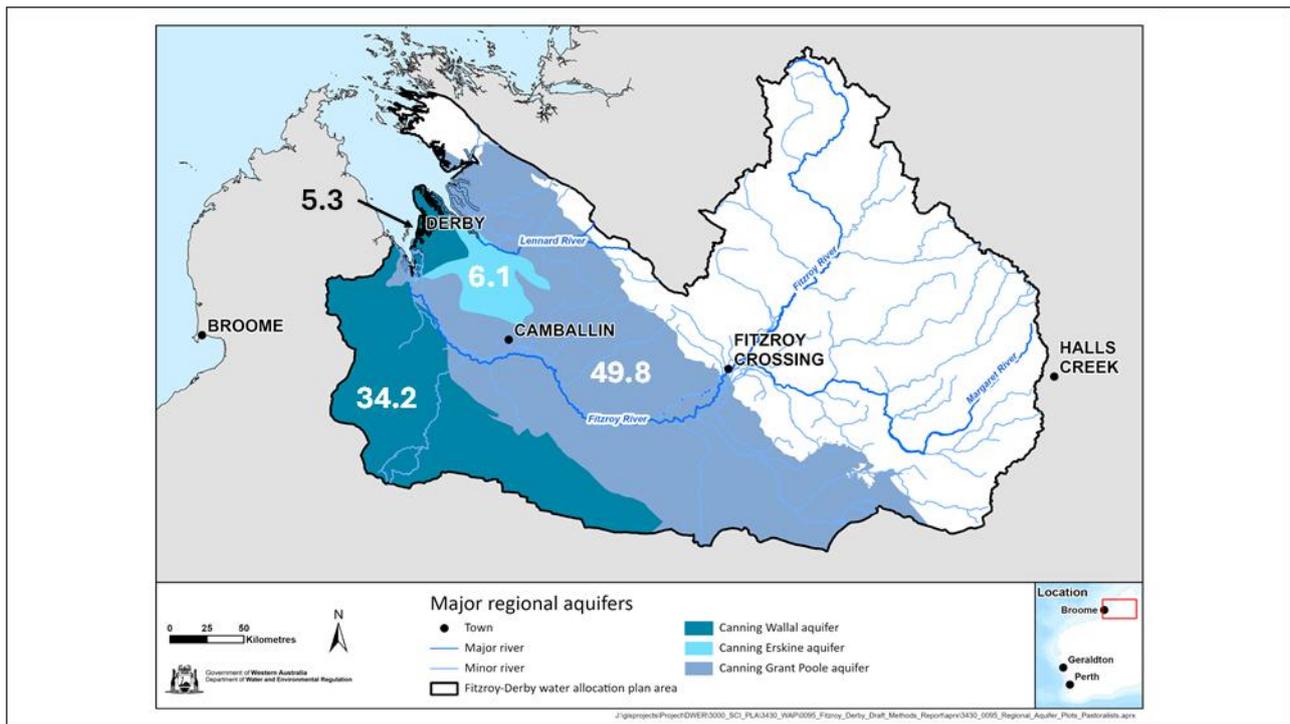
October 2023



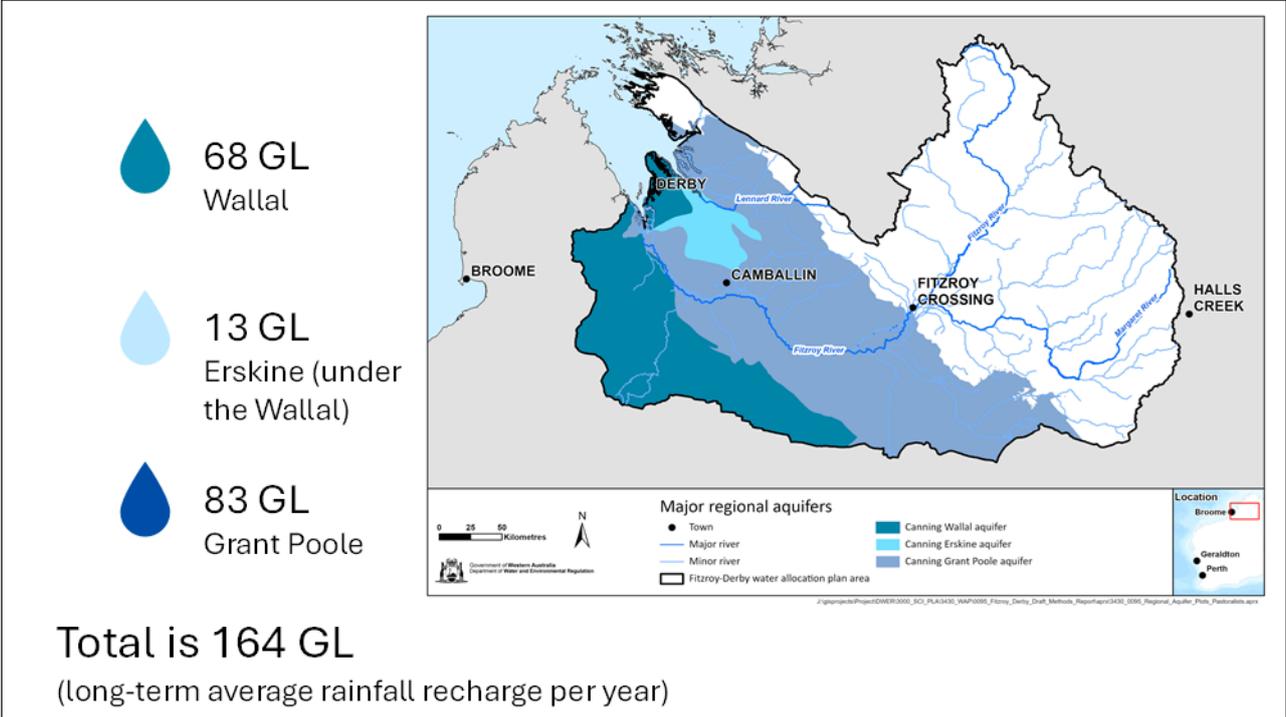


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Fitzroy-Derby draft allocation limits – plan wide limit



*These figures were presented as up to volumes during engagement.



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When we don't set an allocation limit



Fractured Rock aquifer



Clayey or silty aquifers – Livinginga aquifer and Noonkanbah aquifer



Isolated aquifer – Broome and Erskine aquifers

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How much is a Gigalitre?



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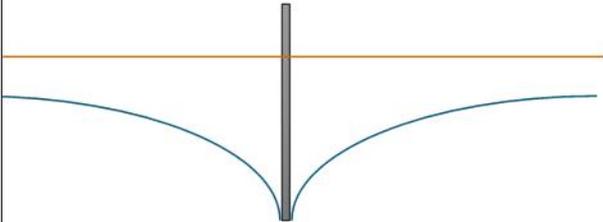
Options to address community concerns

- Different proportion of recharge?
- Stage the limit – e.g. thirds?
- Licence in increments?
- Proportion in Aboriginal Water Reserve?

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Risk approach to water licensing

1. Predict drawdown



Assess risk – low, moderate, **high**

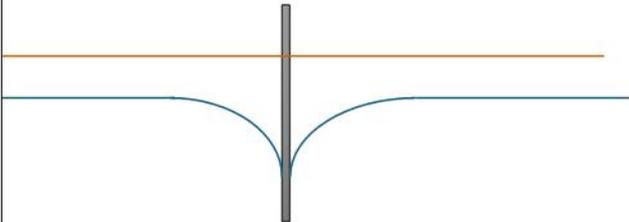
2. Identify area of potential impact



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Risk approach to water licensing

1. Predict drawdown



Re-assess risk – **low**, moderate, high

2. Identify area of potential impact



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Engagement with TOs – establishing what is expected



- Exploring options with TO's:
- Develop standards
 - Minimum expectation
 - Evidence of engagement
 - Policy on when DWER may refuse a licence
 - TO knowledge equal to contemporary science

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Restricted river and aquifers

❌ No more water except for essential needs...



The Fitzroy River and tributaries



The Alluvial aquifer (river sands)



The Devonian Reef aquifer

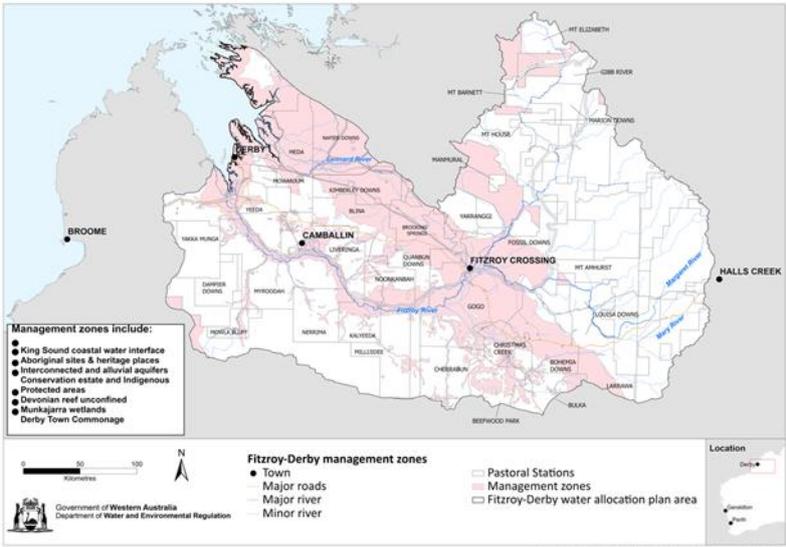


Derby Peninsula



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Water licensing – management zones



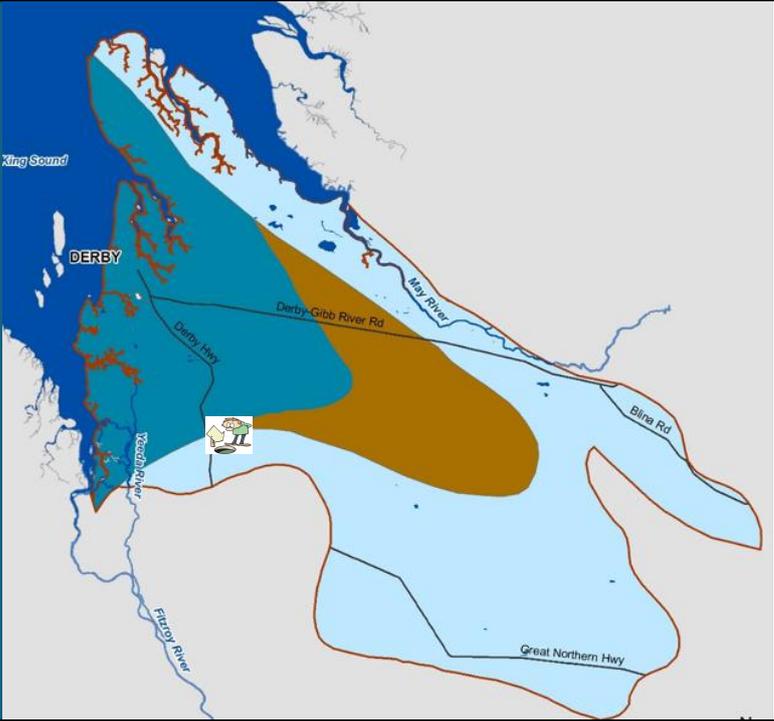
Derby-specific information – presented at the Derby community meeting only

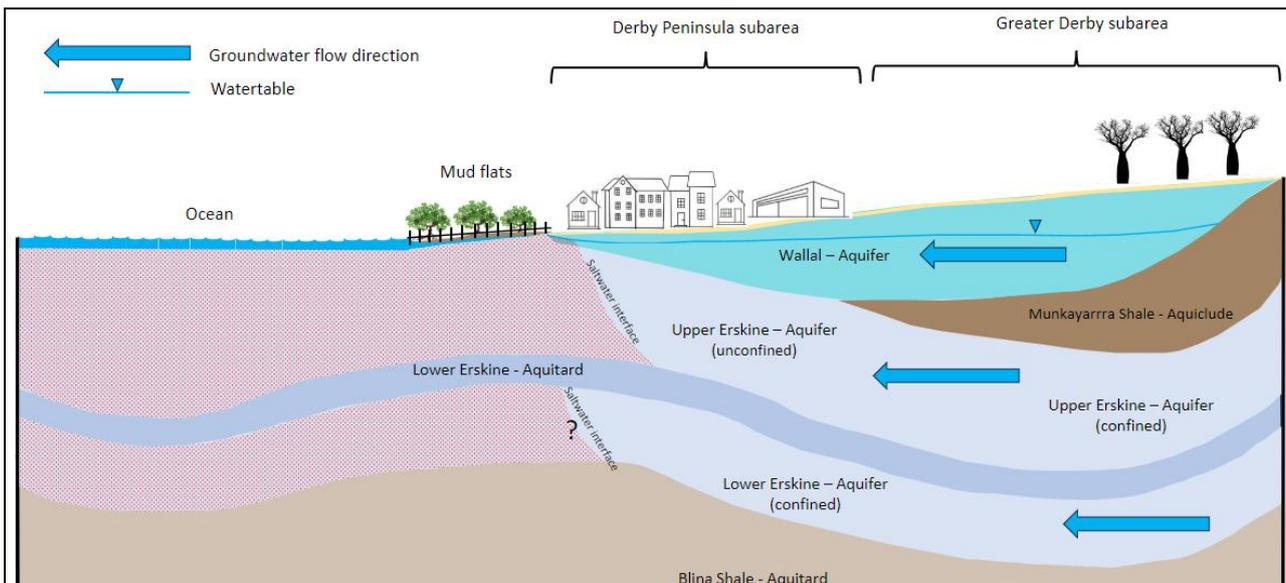
Water resources - Derby Peninsula and Greater Derby area

- New subareas
- Conceptual seawater interface
- Monitoring of the seawater interface



Water resources





Conceptual diagram of the seawater interface on Derby Peninsula

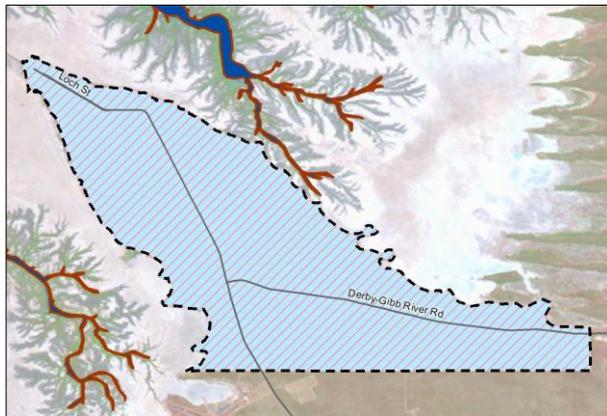
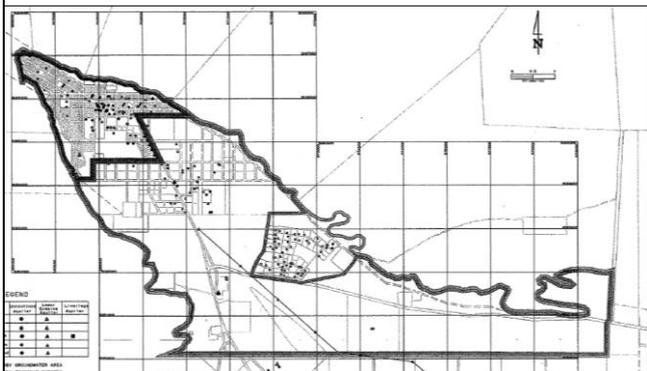
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On the Derby Peninsula

Current subareas:

- Derby Township
- Derby Rural
- Hamlet Grove

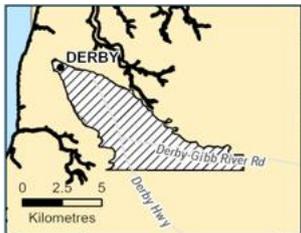
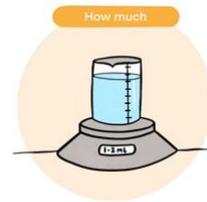
New: one Derby Peninsula subarea



DA1

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Derby Peninsula aquifers – capped limit



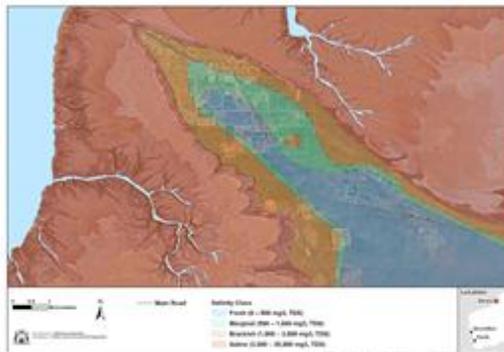
The Wallal aquifer (shallow aquifer) – 1 GL
 Allocation limit = existing water uses plus small amount for public purposes

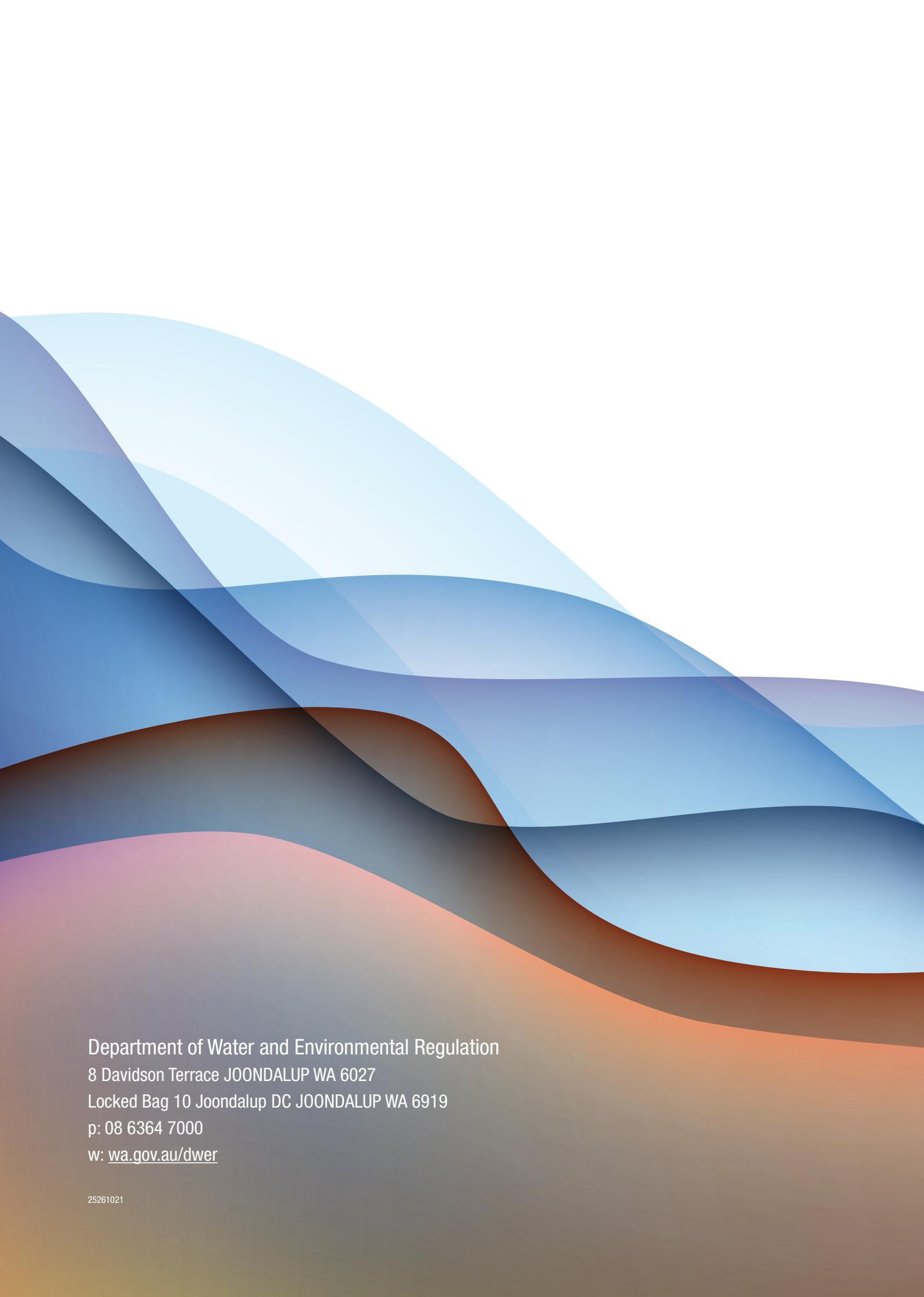


The Erskine aquifer (deep aquifer) – 0.57 GL OR licensed volume
 Allocation limit = Public drinking water only

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Monitoring the seawater interface





Department of Water and Environmental Regulation

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