



Our ref: REQ-0001233
Enquiries: Amber Briggs, Ph (08) 9166 4114

Mandy Trueman
Manager Environmental Assessment
Environment Division
Department of Lands, Planning and Environment
Northern Territory Government

Email: eia.consult@nt.gov.au

Dear Mandy

***CONSULTATION – SWEETWATER AGRICULTURAL DEVELOPMENT
STAGE 1 (REPORT DATED 14 JULY 2025) – SOUTHERN CROSS AGRIPY
LTD – REGULATION 51 OF THE NORTHERN TERRITORY ENVIRONMENT
PROTECTION REGULATIONS – KEEP RIVER, NT***

Thank you for referral, received 19 August 2025, of the Sweetwater Agricultural Development - Stage 1 proposal in the Keep River Plain Northern Territory (NT), adjacent to the Western Australian (WA) border and Ord River Irrigation Area. The WA Department of Water and Environmental Regulation (the Department) has reviewed the proposal information offers the following advice.

Water Allocation Planning

The *Ord Surface Water Allocation Plan* (the Plan) has scope for the NT to access irrigation water from a component of the allocation from Lake Argyle.

The WA and NT governments have been negotiating arrangements for the supply of irrigation water from the Western Australian Ord River Scheme to the Northern Territory. They met in Perth on the 8th and 9th of September 2025 with the aim of reaching agreement on the final draft which will be presented to the respective Governments for approval once finalised.

Water Licensing

The draft water supply agreement is structured on the premise that a licence to take water for use in the NT will be treated the same as a licence to take water for use in WA under the *Rights in Water and Irrigation Act 1914*. Pending finalisation of the Intergovernmental Water Supply Agreement, the expectation is that the proponent

would need to apply to the Department for a section 5C surface water licence to take water from the Ord River.

Complexities around water supply channel conveyance arrangements and the water supply infrastructure itself to deliver water to the development area would also need to be addressed. This is acknowledged briefly in the referral report.

Flood Risk and Management

The referral report (Section 6.1.2) references some existing flood modelling that was undertaken in previous land capability assessment studies but no detailed information is provided to assess the suitability of this modelling for assessing risk within WA. The data provided is limited to displaying pre-development flooding (that doesn't reflect current developments in WA) and for relatively frequent flood events (1 in 5 AEP and 1 in 10 AEP are provided in Figure 19).

It is noted that Table 8 of the Terms of Reference document (attachment C) specifies that flood risk assessments are required within future EIS reporting to define flood risk and management for seasonal weather and extreme weather conditions. The need to consider the cumulative impact of other proposals is also noted in Table 8, and assumedly includes irrigation development on the Keep, Knox and Border Creek floodplains within WA.

The impact on current and proposed irrigation areas and supporting infrastructure (e.g., levees, channel works, etc) in WA should be assessed in the EIS. Flood risk should be managed to avoid detrimental impacts under current and future climate scenarios. Pre and post-development flood modelling for less frequent major events (e.g. 1 in 100 AEP) should be presented in the EIS.

Native Vegetation Regulation

As the proposed clearing is located within the Northern Territory, approval under Part V of the WA *Environmental Protection Act 1986* (EP Act) is not required. However, if there is a possibility that the proposal may result in indirect vegetation clearing in Western Australia such as through potential spray drift, then this may warrant further consideration. It is the responsibility of the proponent to assess whether such indirect impacts are likely to occur and whether additional approval under the EP Act is necessary.

The EP Act defines "clearing" as any direct or indirect activity that causes "the killing or destruction of, the severing/ringbarking of, or the doing of substantial damage to some or all of the native vegetation in an area".

The WA Department of Biodiversity, Conservation and Attractions should be contacted for advice on attachment G Typhonium Survey 2025 and potential impacts to Typhonium.

On farm rainfall storage and return – initial stages

Capture and storage of 10GL of stormwater runoff is proposed as the water supply for Stage 1 (while the water supply agreement, conveyance arrangements and WA water licensing are worked through), though no details have been provided and a water balance is not presented.

Based on 3,069 ha of land for cropping (Table 1 and 3 of referral report, cropping area minus 200 ha for water storage. Land for other infrastructure requirements is not clear.) and 7.5ML/ha cotton water requirement (DPIRD 2024 *Cotton in the Ord River Irrigation Area*), up to 23GL/annum of water may be required. More is likely for other crops proposed. The EIS will need to include detailed hydrological and hydrogeological investigations, development design and water balance calculations (for multi crop rotation) to determine the area of land that could be reliably developed for irrigation using a stormwater harvest method as the water supply.

To reduce the risk of land degradation, clearing of land should not occur until viable and sufficient water supplies are confirmed (whether stormwater harvest or Ord River Scheme connection). Low rainfall years should be factored into the assessment.

Impacts to waterways including the Keep River from reduced and/or altered overland flows should be assessed, including groundwater recharge, connectivity of alluvial aquifers and maintenance of dry season pools which are critical refugial habitat. If requested, the Department can review and provide further comment on these matters at the EIS stage. It is acknowledged that potential impacts to sawfish species and other matters of national environmental significance will be assessed under the EPBC Act 1999.

Summary

The Terms of Reference (attachment C) adequately capture the investigations and information required to assess the environmental impacts of the proposed development. The above comments should be considered in the NT EPA's environmental impact assessment process. The Department can provide further advice on the proposal at the next stage when more detailed information is presented.

Yours sincerely



Susie Williams
Regional Director – North West Region
Approvals – Statewide Delivery

18 September 2025