

Submission on the proponent-initiated EIS referral

Southern Cross Agri Pty Ltd – Sweetwater Agricultural Development-Stage 1

This submission is made under regulation 53 of the Environment Protection Regulations 2020

Government authority: Department of Climate Change, Energy, the Environment and Water (DCCEEW/the department)

Summary: Southern Cross Agri Pty Ltd proposes to clear and develop land for farming and associated infrastructure on Spirit Hills Station (parts of NT portions 1584 and 3221) in the Keep River area of the Northern Territory, adjacent the Western Australian border. DCCEEW received a valid referral for the same action on 24 July 2025, and on 25 August 2025, a delegate of the Minister for Environment and Water decided, under section 75 of the EPBC Act, that the proposed action is a controlled action. Further assessment is needed before a decision can be made on whether approval can be granted under the EPBC Act.

Section of referral report	Theme or issue	Comment
Section 3.2	Assessment approach	<p>The department notes the proponent anticipates the assessment of the action will be undertaken as an accredited assessment under the Bilateral Agreement.</p> <p>On 22 August 2025, the department deferred the assessment approach decision to wait for the NT EPA decision on the assessment of this project as the Bilateral Agreement assessment might apply to this project. The NT EPA's decision will inform the department's assessment approach decision.</p>
Section 13	Threatened species (section 18 & 18A)	<p>Based on all the information available to the department (including the PMST report) and without further detailed assessment of potential impacts, the department considers that the proposed action is likely to significantly impact on the following listed threatened species including but not limited to the following:</p> <ul style="list-style-type: none"> • Northern Blue-tongued Skink (<i>Teliqua scincoides intermedia</i>) – Critically endangered • Mertens Water Monitor (<i>Varanis mertensi</i>) - Endangered • Gouldian Finch (<i>Chloebia gouldiae</i>) - Endangered • Bare-rumped Sheath-tailed Bat (<i>Saccolaimus saccolaimus nudicluniatus</i>) - Vulnerable • Ghost Bat (<i>Macroderma gigas</i>) - Vulnerable • Northern Quoll (<i>Dasyurus hallucatus</i>) - Endangered • Red Goshawk (<i>Erythrorchis radiatus</i>) - Endangered • Mitchell's Water Monitor (<i>Varanus mitchelli</i>) – Critically endangered <p>The department considers that the proposed action is likely to have a significant impact on threatened species through impacts on habitat loss and habitat degradation caused by clearing up to 3,296 hectares (ha) of vegetation and decreasing the volume and</p>

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		<p>quality of surface and ground water in the Keep River. The department considers that further information must be sought during the assessment stage in relation to the potential impacts on threatened species.</p>
<p>Section 13</p>	<p>Migratory species (section 20 & 20A)</p>	<p>Based on all the information available to the department (including the PMST report) and without further detailed assessment of potential impacts, the department considers that the proposed action is likely to significantly impact on the following listed threatened species including but not limited to the following:</p> <ul style="list-style-type: none"> • Far Eastern Curlew (<i>Numenius madagascariensis</i>) - Critically Endangered, Migratory • Freshwater Sawfish (<i>Pristis pristis</i>) – Endangered, Migratory • Curlew Sandpiper (<i>Calidris ferruginea</i>) - Critically Endangered, Migratory • Nunivak Bar-tailed Godwit (<i>Limosa lapponica baueri</i>) - Endangered • Olive Ridley Turtle (<i>Lepidochelys olivacea</i>) - Endangered, Migratory • Dwarf Sawfish (<i>Pristis clavata</i>) -Vulnerable, Migratory • Sharp-tailed Sandpiper (<i>Calidris acuminata</i>) - Vulnerable, Migratory • Red Knot (<i>Calidris canutus</i>) - Vulnerable, Migratory • Green Turtle (<i>Chelonia mydas</i>) - Vulnerable, Migratory • Common Sandpiper (<i>Actitis hypoleucos</i>) - Migratory • Bar-tailed Godwit (<i>Limosa lapponica</i>) - Migratory
<p>Section 1, Section 2 & Section 13</p>	<p>Wetlands of international significance (sections 16 & 17B)</p>	<p>The referral suggests the Ord River Irrigation Scheme will be used at some stage in the future for Stage 1 (i.e. the referred action). However, the timing of that use is unclear.</p> <p>Section 1 of the referral to the NT EPA notes “The option for augmenting water supply with irrigation supplied from the Ord system will continue to be investigated and negotiated over time.” However, in Table 1, the proposed end use of the site is “Agricultural cropping consistent with the adjacent Ord River Irrigation Area...”.</p> <p>Section 2.1.3 notes “Irrigation opportunities for Stage 1 will be developed over time. Future irrigation across all three stages is anticipated, using surface water diverted from Lake Argyle via Ord irrigation infrastructure.” This section also discusses provision for allocation of Ord River Irrigation Scheme water to the Northern Territory.</p> <p>Regarding Section 13, the department’s protected matters search tool did not identify any declared Ramsar listed wetlands of international importance within 5 km or adjacent to the proposed action area. However, the department notes that the proposed action may use surface water diverted from the Lakes Argyle and Kununurra Ramsar Site via Ord irrigation infrastructure for crop irrigation.</p>

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		The referral documentation does not consider potential changes in the hydrological regime or water quality of the Lakes Argyle and Kununurra Ramsar Site arising from the project's use of water (potentially up to 160 GL) from the Ord River Irrigation Area.
Section 10	Cumulative impacts	<p>The department has identified potential impacts from the vegetation clearing, modified landscape, and development of agricultural crops of the proposed action include, but may not be limited to:</p> <ul style="list-style-type: none"> • salinification of topsoil from vegetation clearance by surrounding existing and future agricultural developments, • habitat fragmentation from wider land clearing of surrounding land, both existing and for future agricultural developments, • changes in fire regimes, due to land clearing, altered land use for agriculture and altered vegetation composition • increase of concentration and length of exposure to agricultural pesticides from surrounding existing and future agricultural developments, and • altered hydrology of the downstream Keep River Estuary and Legune Coastal Floodplain by decreasing volume of surface and groundwater flow to the Keep River, affecting aquatic and semi-aquatic habitats from surrounding existing and future agricultural developments. <p>It is unclear whether the proposed action is likely to significantly impact an ecologically significant proportion of the other migratory shorebirds population and nesting habitat of Flatback turtles present at Legune Coastal floodplain and Keep River Estuary, an area likely to be indirectly impacted by the proposed action's runoffs. As noted below, the department recommends the terms of reference be expanded to consider potential impacts on migratory species found in these areas.</p>

Submission on draft terms of reference

Section of referral report	Theme or issue	Comment
Section 2.5, Table 6	General proposal description requirements	<p>The department recommends including the following EPBC listed threatened and migratory species to be included in the minimum information requirements for Terrestrial Ecosystems, including but not limited to the following:</p> <ul style="list-style-type: none"> • Northern Blue-tongued Skink (<i>Teliqua scincoides intermedia</i>) – Critically endangered • Mertens Water Monitor (<i>Varanis mertensi</i>) - Endangered • Gouldian Finch (<i>Chloebia gouldiae</i>) - Endangered • Bare-rumped Sheath-tailed Bat (<i>Saccolaimus saccolaimus nudicluniatu</i>s) - Vulnerable • Ghost Bat (<i>Macroderma gigas</i>) - Vulnerable

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		<ul style="list-style-type: none"> • Northern Quoll (<i>Dasyurus hallucatus</i>) - Endangered • Red Goshawk (<i>Erythrotriorchis radiatus</i>) - Endangered • Mitchell's Water Monitor (<i>Varanus mitchelli</i>) – Critically endangered
Section 2.5, Table 8 & 9		<p>The department recommends including the following EPBC listed threatened and migratory species to be included in the minimum information requirements for Inland Water Environmental Quality and Aquatic Ecosystems, including but not limited to the following:</p> <ul style="list-style-type: none"> • Far Eastern Curlew (<i>Numenius madagascariensis</i>) - Critically Endangered, Migratory • Freshwater Sawfish (<i>Pristis pristis</i>) – Endangered, Migratory • Curlew Sandpiper (<i>Calidris ferruginea</i>) - Critically Endangered, Migratory • Nunivak Bar-tailed Godwit (<i>Limosa lapponica baueri</i>) - Endangered • Olive Ridley Turtle (<i>Lepidochelys olivacea</i>) - Endangered, Migratory • Dwarf Sawfish (<i>Pristis clavata</i>) -Vulnerable, Migratory • Sharp-tailed Sandpiper (<i>Calidris acuminata</i>) - Vulnerable, Migratory • Red Knot (<i>Calidris canutus</i>) - Vulnerable, Migratory • Green Turtle (<i>Chelonia mydas</i>) - Vulnerable, Migratory • Common Sandpiper (<i>Actitis hypoleucos</i>) - Migratory • Bar-tailed Godwit (<i>Limosa lapponica</i>) - Migratory
Part 3, Table 13	Other requirements	<p>Given use of the irrigation water from the Ord Irrigation Scheme for Stage 1 is suggested in the referral, the department considers this as a component of the proposed action, even though the timing of water use is yet to be determined. Rather than deferring the assessment of this water to a separate referral, the department recommends consideration of potential changes in the hydrological regime or water quality of the Lakes Argyle and Kununurra Ramsar Site, based on a clear articulation of likely options for use of water from the Ord Irrigation scheme. The department considers that indirect impacts to this Ramsar site’s values and hydrology are likely, thereby requiring further articulation from the proponent of likely impacts and associated avoidance/mitigation measures.</p>
Appendix A	Select list of relevant guidance material	<p>The department recommends descriptions of the above listed protected matters occurrence, potential impacts and mitigation measures, using the following statutory documents, including but not limited to:</p> <p>Conservation Advice</p> <ul style="list-style-type: none"> • Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for <i>Tiliqua scincoides intermedia</i> (northern blue-tongue).

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- Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for *Varanus mertensi* (Mertens' water monitor).
- Threatened Species Scientific Committee (2016). Conservation Advice *Erythrura gouldiae* Gouldian finch. Canberra: Department of the Environment and Energy.
- Threatened Species Scientific Committee (2016). Conservation Advice *Saccolaimus saccolaimus nudicluniatu*s bare-rumped sheathtail bat.
- Threatened Species Scientific Committee (2016). Conservation Advice *Macroderma gigas* ghost bat.
- Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for *Erythrotriorchis radiatus* (red goshawk).
- Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for *Varanus mitchelli* (Mitchell's water monitor).
- Department of the Environment (2014). Approved Conservation Advice for *Pristis pristis* (largetooth sawfish).
- Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for *Numenius madagascariensis* (far eastern curlew).
- Department of Climate Change, Energy, the Environment and Water (2023). Conservation Advice for *Calidris ferruginea* (curlew sandpiper).
- Department of Climate Change, Energy, the Environment and Water (2024). Conservation Advice for *Limosa lapponica baueri* (Alaskan bar-tailed godwit).
- Department of the Environment, Water, Heritage and the Arts (2009). Approved Conservation Advice for *Pristis clavata* (Dwarf Sawfish)
- Department of Climate Change, Energy, the Environment and Water (2024). Conservation Advice for *Calidris acuminata* (sharp-tailed sandpiper).
- Department of Climate Change, Energy, the Environment and Water (2024). Conservation Advice for *Calidris canutus* (red knot).

Recovery Plans

- O'Malley, C. (2006). National Recovery Plan for the Gouldian Finch (*Erythrura gouldiae*).
- Schulz, M. & B. Thomson (2007). National recovery plan for the bare-rumped sheathtail bat
- Hill, B.M. & S.J. Ward (2010). National Recovery Plan for the Northern Quoll *Dasyurus hallucatus*
- Department of Environment and Resource Management (2012). National recovery plan for the red goshawk *Erythrotriorchis radiatus*.
- Department of the Environment (2015). Sawfish and River Sharks Multispecies Recovery Plan.
- Department of the Environment and Energy (2017). Recovery Plan for Marine Turtles in Australia.

Threat Abatement Plans

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- Department of Climate Change, Energy, the Environment and Water (2024). Threat abatement plan for predation by feral cats 2024.
- Department of Sustainability, Environment, Water, Population and Communities (2011). Threat abatement plan for the biological effects, including lethal toxic ingestion, caused by cane toads.
- Department of Sustainability, Environment, Water, Population and Communities (2012). Threat abatement plan to reduce the impacts on northern Australia's biodiversity by the five listed grasses.
- Department of the Environment and Energy (2017). Threat abatement plan for predation, habitat degradation, competition and disease transmission by feral pigs
- Department of the Environment, Water, Heritage and the Arts (2008). Threat abatement plan for predation by the European red fox

Other relevant documents

- Significant Impact Guidelines 1.1 - Matters of National Environmental Significance
- Guidelines for biological survey and mapped data
- Department of Sustainability, Environment, Water, Population and Communities (DSEWPaC) (2012). *Marine bioregional plan for the North-west Marine Region*.
- Ecological Character Description for the Lakes Argyle and Kununurra Ramsar Site - 2010
- A Review of Ghost Bat Ecology, Threats and Survey Requirements - 2022
- National Guidelines for the Survey of Cetaceans, Marine Turtles and the Dugong - 2024
- Survey guidelines for Australia's threatened bats - 2010
- Survey guidelines for Australia's threatened birds - 2010
- Survey guidelines for Australia's threatened fish - 2011
- Survey guidelines for Australia's threatened mammals - 2011
- Survey guidelines for Australia's threatened reptiles - 2011.