

Adaptive Environmental Water Implementation Plan for the Lower Darling TLM licence (WAL 16383)

This plan is for the implementation of the adaptive environmental water condition on WAL 16383 and was approved by Executive Director Operations and Resilience, Water Group on 02/09/2026.

Objectives of this Plan

This plan is for the implementation of the adaptive environmental water condition on WAL 16383 as required under 8E(7) of the *Water Management Act 2000*. The implementation plan addresses the requirements of section 8E of the *Water Management Act 2000* by:

- defining how water taken under the access licence is to be used for environmental purposes
- defining water order locations. The water allocation account for the licence will be debited based on orders to those locations, consistent with water sharing plan requirements. Note that water from all orders are to be left in the water source.
- defining the conditions under which a dealing is allowed, subject to dealing rules specified in the legislation.

In addition, the plan sets out additional matters to:

- identify that the licence was developed under the Living Murray Initiative and therefore it has special requirements
- specify restrictions on use during dry periods which reflect the requirements in the NSW Murray and Lower Darling Incident Response Guide.

Development of water orders

Requirements:

- The licence holder must only use water taken under this access licence to deliver on the ecological objectives of the Living Murray Initiative, or for any other use agreed by the joint TLM governments to deliver on Basin Plan objectives and outcomes.

- Water release decisions will be made by Joint TLM Governments, coordinated and supported by the Southern Connected Basin Environmental Watering Committee (SCBEWC) or otherwise by another forum agreed by all Joint TLM Governments.
- Water orders will be placed by the NSW Environmental Water Manager in-line with Joint TLM Governments' decisions.

Background:

The TLM licence is part of The Living Murray Initiative, and is jointly held by the Commonwealth, New South Wales, Victoria and South Australia (Joint TLM Governments). The Living Murray Initiative is the Intergovernmental Agreement on Addressing Water Overallocation and Achieving Environmental Objectives in the Murray-Darling Basin of 25 June 2004 read together with:

- (a) the Supplementary Intergovernmental Agreement on Addressing Water Overallocation and Achieving Environmental Objectives in the Murray-Darling Basin of 14 July 2006; and
- (b) arrangements referred to in clause 3.9.2 of the Agreement on Murray-Darling Basin Reform-Referral.

Decision-making on the use of water under the licence is currently managed by the Joint TLM Governments through the Southern Connected Basin Environmental Watering Committee (SCBEWC). SCBEWC supports coordination and delivery of water for the environment across multiple water holders and jurisdictions in the southern Basin. SCBEWC principles state that environmental watering is to be undertaken consistently with the objectives in Part 2 of the Basin Plan. (s 8.04).

Licence water orders and debiting

Requirements:

- Water orders are for deliveries to Weir 32 and the water allocation account for the licence shall be debited based on those orders.
- However, if all Joint TLM Governments agree, the licence can also be debited based on orders and deliveries to the Cawndilla outlet.

Background:

Weir 32 should be used as the water order location and the water allocation account debited based on deliveries to this location. This approach is consistent with how the licence was created. However, if all Joint TLM Governments agree, the order may be placed at the Cawndilla outlet for delivery down the Great Darling Anabranch (GDA). In this case all Joint TLM Governments, through

agreement at SCBEWC, must be satisfied that any approved release, whether as part of an individual watering action or a package of watering actions across the water year, will provide at least equal benefit to the TLM sites compared to delivery down the lower Darling River via Weir 32. For example, SCBEWC's approval may take into account factors such as there being limited environmental demand for use under the licence in the Lower Darling, expected ecological benefit of return flows from the GDA to the Lower Murray compared to alternative uses of the licence, and/or agreement to an alternative accounting treatment that addresses the additional losses in the GDA. This allows flexibility to use TLM water in the GDA while also not eroding the recovery value of the licence for TLM icon sites.

Restrictions on use during drought

Requirements:

- When stage 2 or stage 3 drought conditions have been declared, orders for this access licence must only be for environmental purposes in the Lower Darling SDL resource unit as defined in the Basin Plan. Resultant environmental inflows into the Murray Water Source, must be protected under pre-requisite policy measures.
- When stage 2 drought conditions have been declared, the purpose of an order needs to be communicated to WaterNSW when placing the order. WaterNSW may reject the order if advised by either the Critical Water Advisory Panel (CWAP) or Water Group that the order is not for environmental outcomes in the lower Darling River or GDA.
- When stage 3 drought conditions have been declared the CWAP or the Critical Water Technical Advisory Group (CWTAG) or any replacement panel must decide whether to support the order after considering drought impacts. Specifically, the panel must consider whether the order significantly brings forward *cease to flow* conditions in the lower Darling River, and the importance of the environmental outcomes. If the panel do not support the order, then the NSW Environmental Water Manager must seek approval from the Water Group before placing the order.

Background:

See Figure 1 below for the decision tree under NSW drought stages.

These 'Restrictions on use' requirements are consistent with the requirements in the NSW Murray and Lower Darling Incident Response Guide (IRG). The IRG is included as a schedule to the Murray and Lower Darling accredited Water Resource Plan. While these requirements apply to all licence

holders in the Lower Darling water source, they have been included on this licence to clarify the licences' permitted use.

The IRG gives a general description for drought stages and responses. WaterNSW's Drought Contingency Plan for the Murray and Lower Darling water sources will include more detailed information on drought triggers and actions.

Trade provisions

Requirements:

WAL 16383 may be subject to the following access licence dealings, in accordance with the dealing rules specified in the legalisation and in the following circumstances:

- A dealing under section 71M or 71W of the NSW Water Management Act 2000 can occur at any time if agreed by all Joint TLM Governments.
- A dealing under section 71T or 71V of the NSW Water Management Act 2000 can occur when Menindee is a shared resource if agreed by all Joint TLM Governments.

Background:

- Permanent trades may be appropriate if the holder is to change between government agencies.
- Dealings to assign water allocations between access licences may be appropriate to optimise TLM outcomes.

Figure 1. Decision tree for the Lower Darling TLM licence during NSW drought stages

