

Reconnecting River Country Program Inundation easements fact sheet



The NSW Government is negotiating voluntary agreements with affected landholders to acquire inundation easements under the Reconnecting River Country Program's Murrumbidgee Project.

These negotiations relate to proposed environmental water releases within the Murrumbidgee Project's defined flow corridor, which has an upper environmental flow limit of 40,000ML/day at the Wagga Wagga gauge, plus an additional 5,000ML/day buffer. The buffer is a risk mitigation measure and not the target for environmental water delivery.

Negotiations have commenced with landholders in the Phase 1 Murrumbidgee Project area, between Darlington Point and Balranald. Phase 1 is defined by the *Water Management (General) Regulation Landholder Negotiation Scheme (Murrumbidgee) Order (No. 1) 2025* (Murrumbidgee Declaration Order).

Negotiations are being conducted in accordance with the Landholder Negotiation Scheme (LNS)¹.

What are inundation easements?

An inundation easement is a legal right that allows temporary inundation of a portion of land through environmental water releases, in line with the agreed easement terms.

- Permitted environmental water releases are defined by Item 5 of the Murrumbidgee Declaration Order. This means the easement can only be used for these environmental purposes and cannot be used for any other activity.
- The easement does not transfer land ownership. It grants enduring, enforceable rights that remain on the property title even if ownership changes.
- The easement does not grant the right to access or use the land in any way beyond the rights expressly permitted in the easement terms.
- The easement terms do not allow for public access.
- The easement does not place restrictions on existing land use or access and will not be fenced or require infrastructure. Access for landholders is unlikely to change outside of inundation periods.
- The Water Administration Ministerial Corporation (WAMC) acquires the inundation easements.

- WaterNSW, as the river operator for the Murrumbidgee, physically makes these environmental water releases in accordance with the Order, river operating procedures and risk management practices. WNSW also benefits from the inundation easements as the releases they make contribute to the inundation allowed by the easement.
- Environmental water managers will request the use of environmental water by placing an order for water, but they do not acquire or exercise the inundation easement.

Frequency, timing, duration and extent of permitted inundation

A whole-of-lot easement approach is used due to the variable nature of inundation associated with environmental water delivery. For this reason, it is not practicable to precisely define a fixed easement boundary.

While the easement applies to the whole of the lot, the extent of the permitted inundation itself is limited by:

- the terms of the easement
- the Murrumbidgee Declaration Order
- the purpose of the environmental water releases
- the availability of environmental water.

The upper flow limit at the Wagga Wagga gauge is used to determine corresponding flow rates and the potential extent of inundation along the river and its floodplains (see ['Proposed environmental water releases in the Murrumbidgee' technical note](#)).

Landholders will be provided with a map showing the area of their land that may be inundated, to support understanding of the anticipated extent of inundation permitted by the easement.

Compensation will reflect the impact of the extent, frequency and duration of environmental water releases on the property permitted by the easement terms.

Easement negotiations and the Landholder Negotiation Scheme

The LNS provides the framework for voluntary negotiations between the NSW Government and landholders affected by proposed, enduring changes to environmental water release arrangements.

For the Murrumbidgee Project, the NSW Government is seeking to negotiate inundation easements on specific affected properties to enable the delivery of environmental water in accordance with the Murrumbidgee Declaration Order.

These releases will facilitate higher flows that reconnect floodplains and wetlands, improving the ecological health of the Murrumbidgee river system.

Under the LNS, affected landholders have 12 months to negotiate an agreement with the NSW Government for an easement on their property (a shorter or longer period can be agreed between the parties).

The LNS process is outlined in Table 1.

Table 1: Landholder Negotiation Scheme process for acquisition of inundation easements

	01 Contact with landholder	Project team will contact affected landholders to set up a commencement meeting.
	02 Invitation to negotiate letter	The landholder will be sent a written invitation to negotiate. Landholders have 28 days to respond. Acceptance of the invitation marks the start of the 12-month negotiation period. This timeframe may be extended or shortened at the agreement of both parties.
	03 Commencement meeting	The Acquisition Support Team will arrange a meeting with the landholder to outline negotiation process and respond to landholder questions.
	04 Independent valuation	The department will appoint an independent valuer to assess compensation payable for the inundation easement consistent with the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> . Landholders may seek their own legal and valuation advice. Reasonable costs incurred may be recovered at the end of negotiations.
	05 Letter of offer	Landholders will receive a written offer outlining the proposed agreement, including compensation details. This offer will be based on the independent valuation assessment.
	06 Agreement reached	If an agreement is reached, the terms (including details of compensation) will be documented in a Deed of Agreement for Easement Acquisition, providing certainty and legal protection for both the landholder and the program.
	If no agreement is reached as part of LNS negotiations, compulsory acquisition of an interest in land may be considered. This will only occur in rare and exceptional circumstances with approval from the NSW Minister for Water.	

Deed of Agreement and easement terms

If an agreement is reached, landholders will enter into a Deed of Agreement. The Deed of Agreement will document:

- terms of the easement
- process for execution of the easement
- agreed compensation for entry into the agreement.

The easement will then be registered on the property title.

The easement terms are standardised across the Murrumbidgee Project and include:

- details of the upper flow limit of 40,000ML/day and the additional risk mitigation buffer of 5,000ML/day at Wagga Wagga
- definitions for terms such as easement, inundation and environmental water release
- details of the entities that will benefit from the easement (i.e. WAMC and WaterNSW)
- a release from liability that may arise from inundation.

Landholders may request a copy of the Murrumbidgee Project easement terms from their Acquisition Manager or Personal Manager during negotiations.

Next steps

Due to the large number of properties within the Murrumbidgee flow corridor, landholders are being invited to negotiate in a phased approach.

Once landholders receive the invitation to negotiate letter, they will be assigned a dedicated Acquisition Manager and Personal Manager. They will:

- act as primary contacts for the program
- provide updates throughout the negotiation period
- support landholders through the process.

More information and contact us

The Reconnecting River Country Program is a key Murray-Darling Basin Plan initiative essential to creating healthier functioning river systems in the Murray and Murrumbidgee valleys. The program will ensure future generations can enjoy the benefits of thriving and healthy river systems.

The program's Murrumbidgee Project includes the Murrumbidgee River from Burrinjuck Dam to the junction of the River Murray, including the Yanco Billabong Creek system.

For more information call us on **1300 081 047** or email us at water.enquiries@dcceew.nsw.gov.au