

Deed of release for properties with minimal inundation impacts fact sheet



The Reconnecting River Country Program's Murrumbidgee Project is a key initiative under the Murray-Darling Basin Plan.

The project seeks to secure an environmental flow corridor that will permit flows above the current operating limit of 22,000 ML/day to an upper flow rate of 40,000 ML/day at the Wagga Wagga gauge. An additional flow buffer of 5,000 ML/day at Wagga Wagga has been included as a risk mitigation measure; however, it is not the target for flow delivery.

These environmental flow releases will inundate wetlands and low-level floodplains within the flow corridor, including on both public and privately owned land. The extent of impact on properties along the river system will vary depending on the characteristics of the property, particularly topography and land-use.

Properties with minimal inundation impacts

A large number of properties within the flow corridor are only expected to experience minimal inundation impacts from proposed environmental water releases.

Minimal inundation impacts mean inundation is expected to be localised and limited during proposed environmental water releases.

For properties with minimal inundation impacts, landholders will be invited to negotiate a deed of release under the Landholder Negotiation Scheme¹ and will be eligible for compensation calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

What is a deed of release?

A deed of release is a one-off agreement where a landholder receives compensation in return for acknowledging that environmental water releases made within the scope of the *Water Management (General) Regulation Landholder Negotiation Scheme (Murrumbidgee) Order (No.1) 2025*, may inundate their land. In return, the landholder releases the Water Administration Ministerial Corporation (WAMC) and WaterNSW from liability for losses or claims that may arise from that inundation.

Where the program is seeking to negotiate a deed of release, landholders will be eligible for a one-off compensation payment under the Landholder Negotiation Scheme. A deed of release is not registered on the property title.

A deed of release may be offered where inundation from environmental water releases above the current operating limit will:

1. temporarily inundate less than 40 hectares and less than 20% of the total landholding; and
2. temporarily restrict access to parts of the property, with the affected area being less than 20 hectares; and
3. not affect any major assets on the property.

Negotiating a deed of release

Engagement with landholders whose properties may be suitable for a deed of release will occur in stages as part of Phase 1 delivery between Darlington Point and Balranald, subject to funding.

Landholders in the Phase 1 area whose properties have been assessed as having minimal inundation impacts will receive an Invitation to Negotiate. The invitation package will include:

- information about the negotiation process
- details about the property assessment
- mapping showing the modelled inundation extent relative to the property
- information about available support and assistance
- contact details for the dedicated Acquisition Manager and Personal Manager.

Participation in the Landholder Negotiation Scheme is voluntary. Landholders are not required to accept an Invitation to Negotiate or enter into an agreement.

Negotiation assistance

The NSW Government is committed to supporting landholders through the negotiation process.

Landholders who accept an Invitation to Negotiate will:

- be assigned a dedicated Acquisition Manager and Personal Manager
- have access to information and support throughout negotiations
- be eligible to have reasonably incurred legal and property valuation costs covered by the program.

¹ Schedule 9 of the *Water Management (General) Regulation 2025*.

FAQs

How is it determined whether a property is offered an inundation easement or a deed of release?

The type of agreement offered depends on the nature and extent of the expected impacts from proposed environmental water releases.

Properties expected to experience minimal inundation impacts may be suitable for a deed of release, whereas properties expected to experience larger or more extensive inundation impacts may be offered an inundation easement.

The program will advise landholders which agreement is being proposed through the Invitation to Negotiate process.

How will I know if my property has been assessed as having minimal inundation impacts?

Landholders whose properties are assessed as having minimal inundation impacts will receive an Invitation to Negotiate advising a deed of release is the proposed agreement for their property.

The invitation package will include information about the property assessment, including mapping showing the modelled inundation extent relative to the property, as well as other supporting information from the program.

The package will also provide contact details for the landholder's dedicated Acquisition Manager and Personal Manager.

Am I eligible for compensation?

For properties where the program is seeking to negotiate a deed of release or an inundation easement, landholders will be eligible for compensation. The compensation assessment will be undertaken by an independent valuer and calculated in accordance with the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW).

What if I don't agree with the assessment and think my property is more or less impacted than the mapping shows?

Landholders who do not agree with the assessment of their property can contact their dedicated Acquisition Manager or Personal Manager for advice. The program will guide the landholder through the process of accepting the Invitation to Negotiate, which is the first step in considering a reassessment of the property's impact.

Landholders may be asked to provide relevant information to support this discussion. This may include photos and data to demonstrate the impact to the property in past inundation events. The project team will review all the information available and determine if the property impacts are greater or lesser than the initial assessment determined, which may change the type of agreement offered.

Do I need to participate in negotiations?

Participation in the Landholder Negotiation Scheme is voluntary, and landholders are not obligated to accept an Invitation to Negotiate or enter into an agreement.

Landholders have 28 days to respond to the Invitation to Negotiate, which provides information about the steps for commencing negotiations.



What if I only received the Invitation to Negotiate letter after the 28-day response period?

Landholders should contact their dedicated Acquisition Manager or Personal Manager.

The program will work with landholders to consider the circumstances and discuss available options.

What negotiation costs will the program cover?

Once a landholder has accepted an Invitation to Negotiate, the program will cover reasonably incurred legal and valuation costs directly related to the negotiation process. This includes independent legal advice and property valuation at the end of negotiations, regardless of whether an agreement is reached.

Other specialist consulting service costs may also be eligible, subject to prior approval from the program.

Find out more

To find out more about the Reconnecting River Country Program

- visit and subscribe water.nsw.gov.au/rrcp
- email water.enquiries@dcceew.nsw.gov.au
- phone 1300 081 047



Scan the QR code to visit the project webpage.

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