

# Dentons: Large scale wetlands conservation in the Murray-Darling Basin

Jodie Wauchope (with thanks to The Nature Conservancy)

It's been called one of the most important wetland areas in the Riverina, the 'Kakadu of the South' and is an area of national and international environmental significance. Two properties containing the Gayini wetlands and Cumbung Swamp together cover about 120,000 hectares in the southern Murray-Darling Basin.

Jodie Wauchope, Planning & Environment Partner and National Pro Bono Partner at Dentons, looks at these ground breaking projects and Dentons' pro bono legal work for The Nature Conservancy on the acquisition of the properties.

The Nature Conservancy is a global environmental non-profit non-government organisation. Its mission is to "conserve the lands and waters on which all life depends." Dentons is very fortunate to work with The Nature Conservancy across a range of conservation projects globally. These projects in NSW are two of the largest land acquisitions for conservation in Australia.

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## Gayini

Jane Hutchinson, Executive Director Strategy and Innovation at The Nature Conservancy said "Gayini is a vast 88,000 hectare property now owned and managed by the Nari Nari Tribal Council, its traditional custodians, for the conservation of wildlife, the development of sustainable agriculture and the protection of significant cultural heritage. The wetlands provide feeding and breeding habitat for many different species of freshwater birds which can amass in large nesting colonies when conditions are right."

As part of the implementation of the Murray-Darling Basin Plan in 2013, the NSW and Australian Governments purchased 19 separate properties and their water extraction rights in the Lower Murrumbidgee Valley. The conglomerated super property became known as Nimmie-Caira (now referred to as Gayini –

the Nari Nari word for water).

The government called for proposals for the ongoing management of Gayini in 2017. A consortium led by The Nature Conservancy was announced as the successful proponent in 2018 and took over management of Gayini. The other members of the consortium were the Nari Nari Tribal Council, the Murray



Creek at Gayini,  
Photo

*“The scale of the environmental management task is mammoth. Vast plains of previously cropped land are being returned to wetland. The Nari Nari people are skilfully managing this transition and regeneration. This fundamentally important work will benefit future generations.”*

Darling Wetlands Working Group and the Centre for Ecosystem Science at the University of NSW. Dentons acted for The Nature Conservancy in the complex transaction.

In late 2019, The Nature Conservancy facilitated the legal transfer of ownership of Gayini to the Nari Nari Tribal Council.

## The Cumbung

The Cumbung Swamp property, known as Juanbung and Boyong cattle stations, covers 33,000 hectares northwest of Gayini. The Nature Conservancy, in a joint venture with Tiverton Rothwell Agriculture Impact Fund, purchased the properties and manages them for conservation and sustainable agriculture.

## The legal work

These projects were described in the press as *“the most ambitious projects ever undertaken in the history of Australia’s Murray-Darling Basin”*. At AU\$65 million, the Juanbung and Boyong transaction alone is by far the most valuable environmentally-focused land and water acquisition ever undertaken in Australia.

A large team of Dentons property, corporate and environmental lawyers from Sydney and Melbourne worked on the transactions over a period of a couple of years, on a pro bono basis. Led by Partners John Grimble and John Mollard, these two parallel, complex land deals are a great example of a law firm bringing its full expertise to the table for a great outcome. Dentons’ Property Partner John



Creek at Gayini

Grimble said: *“We are proud to have worked with The Nature Conservancy on the acquisition of both sites, that will ultimately ensure the long term conservation of this large area of high biodiversity value land.”*

In addition to its global environmental significance, the transactions were highly complex, involving a number

of challenging technical elements. Lawyer Phillipa Collins led the lengthy and complex negotiations for the Gayini lease. Dentons Partner John Grimble and Solicitors Joyce Teng and Karla Lauder provided advice on all aspects of the complex property acquisitions assisted by Partners Alex Nielsen, Nick Stretch, Cameron Steele, Jodie Wauchope and Solicitors Vanessa Walsh, Natalie Yeung, Thomas Liang and Kate Arnold.

Whilst by far the majority of the work was undertaken pro bono, some discrete aspects of the work were undertaken on a paid or low bono basis. Partner John Mollard and Solicitors Marco Madzzar and Isabella Paganin advised on the hybrid conservation-commercial joint venture documentation between The Nature Conservancy and Tiverton and the acquisition of certain infrastructure on the properties. Commenting on the project, John Mollard said: *“I’m thrilled to have worked on this unique and important project. This venture’s mandate is to manage these biodiverse wetlands, balancing sustainable agriculture and long-term conservation goals”*.

I recently had the opportunity to visit Gayini, to see the land first hand, thanks to Jamie Woods, Nari Nari land manager for Gayini, and Kathryn Ridge of the Murray Darling Wetlands Working Group. The scale of the environmental management task is mammoth. Vast plains of previously cropped land are being returned to wetland. The Nari Nari people are skilfully managing this transition and regeneration. This fundamentally important work will benefit future generations. ■

**Jodie Wauchope** is a Partner at Dentons leads the Dentons National Pro Bono program in addition to managing a planning and environmental practice. Her practice focuses on advice on complex planning and land use issues and litigation in the Land & Environment Court of NSW. This includes litigation in relation to development applications, contamination, unauthorised development and compulsory acquisition. She has been practising in this field for 20 years. The pro bono program at Dentons (formerly Gadens) was established in 2011. Jodie was the pro bono coordinator from 2011 to 2016, and pro bono lead partner from 2016. In managing the pro bono program Jodie works with pro bono coordinator Rachel Walker, and a national pro bono committee.



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