

From: EPSDD DLO
Sent: Tue, 14 Jan 2025 09:25 AM
To: EPSDD Support Team - Climate Change and Energy
Cc: EPSDD DLO
Subject: FOR ADVICE FROM OoW - Netflix production Apex filmed at Ginninderra Falls
Categories: In progress

OFFICIAL

Good morning team,

Can I please seek advice from the Office of Water as to whether this is one they can provide advice on/lead a response to?

Advice from the EPA (as below) is that the Minister would need to make a determination under the *Lakes Act 1976* which, according to the most recent [Administrative Arrangements](#), sits with the Minister for Climate Change, Environment, Energy and Water.

I can log a min corro if needed once the team have had a chance to review.

Thank you.

Regards,
Andrew

[Andrew Spain](#) | Directorate Liaison Officer

Office of Minister Suzanne Orr MLA | Minister for Climate Change, Environment, Energy and Water

Phone: 02 6205 3712 | Email: EPSDDDLO@act.gov.au

Environment, Planning and Sustainable Development | ACT Government

Address: ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

From: ORR <ORR@act.gov.au>
Sent: Monday, 13 January 2025 5:23 PM
To: EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Subject: FW: Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hey team, seeking advice on this one.

Just want to confirm if the matter falls with our office, and what the appropriate response would be.

Noting that EPSDD via EPA has been in contacted previously.

Kind regards,

Tim M.

Office Manager - Office of Suzanne Orr MLA

From: Anna Hyles [Sch 2.2(a)(ii)]
Sent: Monday, 13 January 2025 12:01 PM
To: ORR <ORR@act.gov.au>
Cc: John Hyles [Sch 2.2(a)(ii)]; Charlie Hyles [Sch 2.2(a)(ii)]
Subject: Netflix production Apex filmed at Ginninderra Falls

You don't often get email from [Sch 2.2(a)(ii)]. [Learn why this is important](#)

OFFICIAL

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Minister Orr

John and I are writing as the owners of Ginninderra Falls to advise you of a major Hollywood Netflix production that is being filmed at our property in February.

The movie is US \$100 million movie which will bringing major Hollywood stars Chalize Theron and Taron Egerton to the Canberra region. In addition there's a film crew of approximately 250 people, which will be a major boost for local businesses.

The movie is going to showcase the natural beauty of the Ginninderra Falls, as the storyline is centred around rock-climbing and kayaking. Much of the filming will be on the Ginninderra Creek and it is essential that there is good flow of water over the falls during the couple of days when they are filming this part of the production.

We are seeking permission for an increase of flow from the Ginninderra Lake to be released if the natural water flow is not sufficient on the planned days of filming.

We have been in touch with Patrick Bacon, Assistant Director of Water Regulation in the EPA and he has advised that a request such as this will need your approval.

We are asking for consideration to be given to open the maintenance lowering value a few days before filming to boost the flow.

In line with our confidentiality agreement with Netflix, news of the production is not allowed to be released to the general public at this time. This is for the protection and security of the movie stars and film crew, as the management team do not want mass crowds arriving at the site trying to get a look during filming.

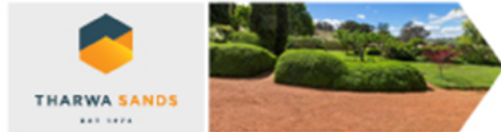
Apex will bring worldwide exposure of the Ginninderra Falls and Canberra region.

Please do not hesitate to let me know if you have any further questions.

Yours sincerely

Anna Hyles

Sch 2.2(a)(ii)



www.tharwasand.com.au

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From: Bacon, Patrick <Patrick.Bacon@act.gov.au>

Sent: Friday, January 10, 2025 11:32 AM

To: John Hyles <[REDACTED]>

Cc: Power, David <DAVID.POWER@act.gov.au>; Kelly, Joel <Joel.Kelly@act.gov.au>; Petrovic, Luke <Luke.Petrovic@act.gov.au>; Brown, MattD <MattD.Brown@act.gov.au>; Colley, Lawani <Lawani.Colley@act.gov.au>; Gaha, Manish <Manish.Gaha@act.gov.au>

Subject: RE: Netflix movie

OFFICIAL

Hello John,

As discussed over the phone – the relevant areas of Government are theoretically supportive of the novel proposal and welcome new economic opportunities in the Territory, however, there are a number of practical and legislative considerations that may make it unfeasible.

Approval (under the Lakes Act 1976) for lowering is to be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'lake maintenance':

11 Alterations in flow and water level

(1) For the purposes of the maintenance and preservation of a lake and the maintenance, testing and preservation of associated works, the Minister may authorise— (a) a raising or lowering, by any means, of the level of water in a lake; or (b) stopping the flow, or reducing the rate of flow, of water from a lake; or (c) the flow, or an increase in the rate of flow, of water from a lake.

(2) The Minister must ensure that any action necessary to minimise any detriment, inconvenience and damage that may result from doing something under subsection (1) is taken.
(3) The Minister must not authorise the doing of an act under subsection (1) without first consulting with the environment protection authority.

The Minister may also need to consider:

- The proposal could also cause issue with the irrigation pump intake points. If the lake water levels are allowed to drop too low, it may cause issues with irrigation pumps not being able to take up water and the turf surfaces in John knight park, Emu Inlet, western foreshores park and Diddams Close park (dog park) will suffer a loss of amenity.
- The ACT Government does not have gates to release the water from the lake 'on demand'. There is a maintenance lowering valve that is 450mm diameter. If opened to 100% , there will be some flows, but it is not known if it will give the flow volumes the producers may be anticipating.
- Upstream creek and lake recreational user considerations will need to be taken into account, as recharge rates at the present time of year may not be sufficient to restore the lake and creek level to a point considered suitable by some of these users. For example, beaches and boat ramps may be affected for some time after the proposal is completed.
- Discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve.

Please let me know if you have any further questions,

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.accesscanberra.act.gov.au

From: John Hyles <Sch 2.2(a)(ii) >
Sent: Thursday, 9 January 2025 1:44 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Environment Protection <Environment.Protection@act.gov.au>; Charlie Hyles <Sch 2.2(a)(ii) >; Anna Hyles <Sch 2.2(a)(ii) >; Peek, Rohan <Rohan.Peek@act.gov.au>
Subject: Fw: Netflix movie

Some people who received this message don't often get email from Sch 2.2(a)(ii) [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Pat

Thank you for your support.

Here is the movie the location of the movie is highly confidential for safety and security reasons.

I have signed a confidentiality agreement with Netflix.

The movie will be shot in early February this year.

It is essential that there is good big water flow over the falls during filming. It would be good if we can open the gates a few days before filming as it will take a while for the water to reach the falls.

We will be able to advise the person responsible for operating the gates at Lake Ginninderra a few days before hand.

The movie is \$100 mil US movie bringing major Hollywood stars including Chalitza Teron and Taron Egerton to the Canberra region.

It will also provide a huge financial boost to the Canberra community as we are using local Canberra businesses to help with filming.

The movie will bring world wide exposure of the Ginninderra Falls and Canberra region.

If this movie is a success it is envisaged that many more movies will follow as the Canberra region and the Ginninderra Fall is ideal for this genre.

Kind Regards

John and Charlie Hyles

https://www.perplexity.ai/search/is-ginninderra-falls-the-site-2r1K7t16TgKaN20wOQ_knQ

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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Kamarul, Matthew
Sent: Thu, 30 Jan 2025 3:38 PM
To: Bacon, Patrick; Starrs, Danswell
Cc: Wild-River, Su; AC - Office of ELTR
Subject: RE: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE -
Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Pat,

As discussed can you please arrange for the approved response to be sent to EPSDD via DLO.

Thanks,
MK

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>
Sent: Thursday, 30 January 2025 2:49 PM
To: Starrs, Danswell <Danswell.Starrs@act.gov.au>
Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>
Subject: FW: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hello Danswell,

I understand some of the information included below could be what you were after from the 1430 meeting request –

Please feel welcome to call if you are unsure about anything or require further detail on the Lakes Act.

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.accesscanberra.act.gov.au

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Sent: Tuesday, 21 January 2025 5:58 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>
Cc: AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

thanks Pat,

Su, subject to adding a sentence on services that AC Business Assist can provide, this is good to go. I understand that Leah McHenry is the person to reach out to.

Proposed text:

In order to assist the government's decision of the request the following further information is sought:

- *Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?*
- *Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)*
- *Please explain if more than 4 days of flow is requested, and, if so for how long?*
- *Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the Environment protection policies and guidelines - Access Canberra*
- *Please provide a formal works plan to assist government consideration.*

The contact Officer for the EPA is Patrick Bacon: Patrick.Bacon@act.gov.au

background for EPSDD:

The Office of the Environmental Protection Authority (EPA) and responsible Government Land Managers have identified a number of practical and legislative considerations that require additional information from the applicant to enable Government consideration of this proposal. Recommended requests for further information are in italics below each point:

1. The responsible ACT Government Land Managers (Dam Safety – Roads ACT) do not have 'gates' to release the requested water from the lake. There is a maintenance lowering valve

that is 450mm diameter. If this valve is opened to 100% it is expected that it will produce some flows through Ginninderra Creek, but the volumes are unknown and it is not predicted that there will be significant changes in the appearance / flow / volume / velocity of the waterway. The release of water through this valve is not normal practice and typically occurs twice a year for maintenance and dam safety requirements.

- [Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?](#)
2. There are irrigation systems located around the Lake that require a water level no lower than approximately 300mm below full supply level of the Lake. The Lake is currently approximately 100mm lower than full due to evaporation and limited inflows. There are also two recreational boat ramps, amateur sailors, professional sea-training groups and sea-scouts that will be affected by changes in Lake level and public notice will need to be given for closure of some facilities. Also, other community groups in the Ginninderra catchment would need some notification in advance of any Lake alterations, as they conduct work, environmental monitoring and conservation land management in and around the creek.
- [Please advise as to the proposed times, dates and duration of the requested flows \(to support a determination and action around potential ACT Government notifications to Lake users\)](#)
3. There are upstream (Lake Level and catchment recharge rate) considerations that need to be taken into account. The ACT is currently in the hottest period of the year and are experiencing low levels of rain, though with some falls in early February possibly on the way. With the release valve opened to 100%, the Lake will lower by about 80mm per day, giving about 4 days of flow before the irrigation systems and boat ramps at Lake Ginninderra are affected.
- [Please explain if more than 4 days of flow is requested, and, if so for how long?](#)
4. In accordance with the Catchment Code, total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters. Therefore discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve. .
- [Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the Environment protection policies and guidelines - Access Canberra](#)

5. It must also be considered that approval (under the Lakes Act 1976) for lowering would potentially be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider S11 of the Lakes Act, which reserves flow releases for 'Lake maintenance'. Furthermore, the Catchment Code restricts flow releases so that streamflow "shall be consistent with authorised diversion." For example: b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.
 - *[The applicant is to be advised that the Delegate may decide to not grant approval, as the lowering of the Lake for aesthetic or commercial purposes is not directly enshrined in the Lakes legislation.](#)*

6. The applicant has provided no formal works plan other than a link to the website [Is Ginninderra Falls the site of Apex new Netflix movie](#) which states "The property's owner, John Hyles, has assured producers that even if the falls dry up during filming, they can manipulate the water flow using a historic weir on Ginninderra Creek".
 - *[Please provide a formal works plan to assist government consideration.](#)*

The EPA seeks a response to the questions raised above, in italics, to support its consideration of the proposal.

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>
Sent: Tuesday, 21 January 2025 4:40 PM
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>
Cc: AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: RE: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Matt,

Yes – I am happy to be contact for AC – it looks like EPSDD are doubling up on information we already provided to the applicant as their reply (S11 of the Lakes Act), so supplementary advice from us and RoadsACT (dam safety) will be beneficial.

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601 www.accesscanberra.act.gov.au

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Sent: Tuesday, 21 January 2025 4:01 PM
To: Wild-River, Su <Su.Wild-River@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>
Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Su, Pat, and Lana,

I confirm that this will now be an EPSDD lead given the relevant delegate is the DDG of EPSDD. Please see attached.

As we update the below as input can we also include (a) EPA contact person - I assume that is Pat and (b) advise as to the services that AC Business Assist can provide?

thanks

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Sent: Tuesday, 21 January 2025 12:58 PM

To: Wild-River, Su <Su.Wild-River@act.gov.au>

Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>

Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

thanks SU,

I have updated the text in italics as follows is cleared to go to GBC. Can you confirm whether you are suggesting that the other detailed information also be included in the response to mr Hynes? I would suggest that level of detail isn't needed (but should go to the MO for information) and we can simply say:

In order to assist the government's decision of the request the following further information is sought:

- *Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?*
- *Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)*
- *Please explain if more than 4 days of flow is requested, and, if so for how long?*
- *Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the Environment protection policies and guidelines - Access Canberra*
- *Please provide a formal works plan to assist government consideration.*

The contact Officer for the EPA is Patrick Bacon: Patrick.Bacon@act.gov.au

Insert

thanks
MK

The Office of the Environmental Protection Authority (EPA) and responsible Government Land Managers have identified a number of practical and legislative considerations that require additional information from the applicant to enable Government consideration of this proposal. Recommended requests for further information are in italics below each point:

1. The responsible ACT Government Land Managers (Dam Safety – Roads ACT) do not have ‘gates’ to release the requested water from the lake. There is a maintenance lowering valve that is 450mm diameter. If this valve is opened to 100% it is expected that it will produce some flows through Ginninderra Creek, but the volumes are unknown and it is not predicted that there will be significant changes in the appearance / flow / volume / velocity of the waterway. The release of water through this valve is not normal practice and typically occurs twice a year for maintenance and dam safety requirements.
 - Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?

2. There are irrigation systems located around the Lake that require a water level no lower than approximately 300mm below full supply level of the Lake. The Lake is currently approximately 100mm lower than full due to evaporation and limited inflows. There are also two recreational boat ramps, amateur sailors, professional sea-training groups and sea-scouts that will be affected by changes in Lake level and public notice will need to be given for closure of some facilities. Also, other community groups in the Ginninderra catchment would need some notification in advance of any Lake alterations, as they conduct work, environmental monitoring and conservation land management in and around the creek.
 - Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)

3. There are upstream (Lake Level and catchment recharge rate) considerations that need to be taken into account. The ACT is currently in the hottest period of the year and are experiencing low levels of rain, though with some falls in early February possibly on the way. With the release valve opened to 100%, the Lake will lower by about 80mm per day, giving about 4 days of flow before the irrigation systems and boat ramps at Lake Ginninderra are affected.
 - Please explain if more than 4 days of flow is requested, and, if so for how long?

4. In accordance with the Catchment Code, total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters. Therefore discharge would need to be managed in such a way as to not

harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve. .

- *Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#)*
5. It must also be considered that approval (under the Lakes Act 1976) for lowering would potentially be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'Lake maintenance'. Furthermore, the Catchment Code restricts flow releases so that streamflow "shall be consistent with authorised diversion." For example: b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.
- *The applicant is to be advised that the Delegate may decide to not grant approval, as the lowering of the Lake for aesthetic or commercial purposes is not directly enshrined in the Lakes legislation.*
-
6. The applicant has provided no formal works plan other than a link to the website [Is Ginninderra Falls the site of Apex new Netflix movie](#) which states "The property's owner, John Hyles, has assured producers that even if the falls dry up during filming, they can manipulate the water flow using a historic weir on Ginninderra Creek".
- *Please provide a formal works plan to assist government consideration.*

The EPA seeks a response to the questions raised above, in italics, to support its consideration of the proposal.

From: Wild-River, Su <Su.Wild-River@act.gov.au>

Sent: Monday, 20 January 2025 4:56 PM

To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>

Subject: FW: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production
Apex filmed at Ginninderra Falls

OFFICIAL

Hi Matt (cc Pat, Lana, ELTR),

For your clearance back to Lana (GBC), the EPA has prepared the following advice in response to this request.

- Thanks Pat for your work preparing the advice.

The Office of the Environmental Protection Authority (EPA) and responsible Government Land Managers have identified a number of practical and legislative considerations that require additional information from the applicant to enable Government consideration of this proposal. Recommended requests for further information are in italics below each point:

1. The responsible ACT Government Land Managers (Dam Safety – Roads ACT) do not have 'gates' to release the requested water from the lake. There is a maintenance lowering valve that is 450mm diameter. If this valve is opened to 100% it is expected that it will produce some flows through Ginninderra Creek, but the volumes are unknown and it is not predicted that there will be significant changes in the appearance / flow / volume / velocity of the waterway. The release of water through this valve is not normal practice and typically occurs twice a year for maintenance and dam safety requirements.
 - *In response to this point, could the applicant please provide an estimation of the volume requested, the duration of the required flow, and the expected outcome being envisioned?*
2. There are irrigation systems located around the Lake that require a water level no lower than approximately 300mm below full supply level of the Lake. The Lake is currently approximately 100mm lower than full due to evaporation and limited inflows. There are also two recreational boat ramps, amateur sailors, professional sea-training groups and sea-scouts that will be affected by changes in Lake level and public notice will need to be given for closure of some facilities. Also, other community groups in the Ginninderra catchment would need some

notification in advance of any Lake alterations, as they conduct work, environmental monitoring and conservation land management in and around the creek.

- Can the applicant please provide information on the timing and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users that Ginninderra may be lowered at short notice, without warning, or on explicitly planned dates / times?)
3. There are upstream (Lake Level and catchment recharge rate) considerations that need to be taken into account. The ACT is currently in the hottest period of the year and are experiencing low levels of rain, though with some falls in early February possibly on the way. With the release valve opened to 100%, the Lake will lower by about 80mm per day, giving about 4 days of flow before the irrigation systems and boat ramps at Lake Ginninderra are affected.
- Can the applicant please explain if they request more than 4 days of flow, and what would be proposed if the water release required more than 4 days?
4. In accordance with the Catchment Code, total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters. Therefore discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve. .
- Can the applicant please provide a suitable plan on how environmental monitoring would take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#) ?
5. It must also be considered that approval (under the Lakes Act 1976) for lowering would potentially be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'Lake maintenance'. Furthermore, the Catchment Code restricts flow releases so that streamflow "shall be consistent with authorised diversion." For example: b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.
- The applicant is to be advised that the Delegate may decide to not grant approval, as the lowering of the Lake for aesthetic or commercial purposes is not directly enshrined in the Lakes legislation.

6. The applicant has provided no formal works plan other than a link to the website [Is Ginninderra Falls the site of Apex new Netflix movie](#) which states “The property's owner, John Hyles, has assured producers that even if the falls dry up during filming, they can manipulate the water flow using a historic weir on Ginninderra Creek”.
- *The applicant is to be requested to provide a formal works plan to assist government consideration.*

The EPA seeks a response to the questions raised above, in italics, to support its consideration of the proposal.

Cheers,

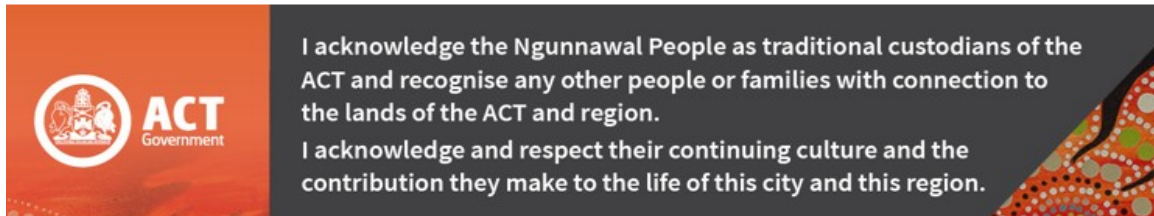
Dr Su Wild-River
Delegate of the Environment Protection Authority (including Water Resources)
Clinical Waste Controller
Delegate for Lakes



Access Canberra|Chief Minister,Treasury and Economic Development Directorate |ACT Government

Phone: 6207 1191|Email: su.wild-river@act.gov.au

480 Northbourne Avenue, Dickson | GPO Box 158 Canberra City ACT 2601 |
www.act.gov.au/accessCBR



From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Sent: 15 January 2025 09:11

To: ACDLO <ACDLO@act.gov.au>

Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>

Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Thanks Jenna,

I have included Su as delegate under the Lakes Act for consideration and advice noting that the information initially provided to the owners in the email below, (from Pat Bacon) has come from the EPA.

Kind regards,

MK

From: Huggett, Jenna <Jenna.Huggett@act.gov.au> on behalf of ACDLO <ACDLO@act.gov.au>
Sent: Wednesday, January 15, 2025 08:07
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>
Subject: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi MK

Are you able to advise if you can provide advice on the below?

Please note the confidentiality of this request and only to be forwarded to those only on a need to know basis

GBC – when creating this file please lock it down

Thank you

Jenna Huggett | Director

Access Canberra Directorate Liaison Officer

Office of the Deputy Director-General, Access Canberra

Phone: [REDACTED] | Email: acdlo@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Liu, Michael <Michael.Liu@act.gov.au>

Sent: Tuesday, 14 January 2025 9:52 PM

To: TCCS_DLO <TCCS.DLO@act.gov.au>; ACDLO <ACDLO@act.gov.au>

Cc: Briggs, Peter <Peter.Briggs@act.gov.au>; Treloar, Naomi <Naomi.Treloar@act.gov.au>

Subject: FW: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

Importance: High

OFFICIAL

Noting the confidentiality sensitivity, grateful for advice on this one please.

(EPSDD has advised that this falls with TCCS, but while ORR is the Min for the Lakes Act, querying whether this is actually AC based on delegations: <https://legislation.act.gov.au/View/ni/2023-748/current/html/2023-748.html> - which is why I've included you both 😊)

From: ORR <ORR@act.gov.au>
Sent: Tuesday, 14 January 2025 4:33 PM
To: CHEYNE <CHEYNE@act.gov.au>
Subject: FW: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hey team,

EPSDD has affirmed that this one falls to you via TCCS if you are happy to accept carriage!

Kind regards,

Tim M.

Office Manager - Office of Suzanne Orr MLA

From: Anna Hyles <[Sch.2.2\(a\)\(ii\)@act.gov.au](mailto:Sch.2.2(a)(ii)@act.gov.au)>
Sent: Monday, 13 January 2025 12:01 PM
To: ORR <ORR@act.gov.au>
Cc: John Hyles <[Sch.2.2\(a\)\(ii\)@act.gov.au](mailto:Sch.2.2(a)(ii)@act.gov.au)>; Charlie Hyles <[Sch.2.2\(a\)\(ii\)@act.gov.au](mailto:Sch.2.2(a)(ii)@act.gov.au)>
Subject: Netflix production Apex filmed at Ginninderra Falls

You don't often get email from [Sch.2.2\(a\)\(ii\)@act.gov.au](mailto:Sch.2.2(a)(ii)@act.gov.au). [Learn why this is important](#)

OFFICIAL

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Minister Orr

John and I are writing as the owners of Ginninderra Falls to advise you of a major Hollywood Netflix production that is being filmed at our property in February.

The movie is US \$100 million movie which will bringing major Hollywood stars Chalize Theron and Taron Egerton to the Canberra region. In addition there's a film crew of approximately 250 people, which will be a major boost for local businesses.

The movie is going to showcase the natural beauty of the Ginninderra Falls, as the storyline is centred around rock-climbing and kayaking. Much of the filming will be on the Ginninderra Creek and it is essential that there is good flow of water over the falls during the couple of days when they are filming this part of the production.

We are seeking permission for an increase of flow from the Ginninderra Lake to be released if the natural water flow is not sufficient on the planned days of filming.

We have been in touch with Patrick Bacon, Assistant Director of Water Regulation in the EPA and he has advised that a request such as this will need your approval.

We are asking for consideration to be given to open the maintenance lowering valve a few days before filming to boost the flow.

In line with our confidentiality agreement with Netflix, news of the production is not allowed to be released to the general public at this time. This is for the protection and security of the movie stars and film crew, as the management team do not want mass crowds arriving at the site trying to get a look during filming.

Apex will bring worldwide exposure of the Ginninderra Falls and Canberra region.

Please do not hesitate to let me know if you have any further questions.

Yours sincerely

Anna Hyles

Sch 2.2(a)(ii)



www.tharwasand.com.au

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From: Bacon, Patrick <Patrick.Bacon@act.gov.au>

Sent: Friday, January 10, 2025 11:32 AM

To: John Hyles Sch 2.2(a)(ii)

Cc: Power, David <DAVID.POWER@act.gov.au>; Kelly, Joel <Joel.Kelly@act.gov.au>; Petrovic, Luke <Luke.Petrovic@act.gov.au>; Brown, MattD <MattD.Brown@act.gov.au>; Colley, Lawani <Lawani.Colley@act.gov.au>; Gaha, Manish <Manish.Gaha@act.gov.au>

Subject: RE: Netflix movie

OFFICIAL

Hello John,

As discussed over the phone – the relevant areas of Government are theoretically supportive of the novel proposal and welcome new economic opportunities in the Territory, however, there are a number of practical and legislative considerations that may make it unfeasible.

Approval (under the Lakes Act 1976) for lowering is to be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider S11 of the Lakes Act, which reserves flow releases for 'lake maintenance':

11 Alterations in flow and water level

(1) For the purposes of the maintenance and preservation of a lake and the maintenance, testing and preservation of associated works, the Minister may authorise— (a) a raising or lowering, by any means, of the level of water in a lake; or (b) stopping the flow, or reducing the rate of flow, of water from a lake; or (c) the flow, or an increase in the rate of flow, of water from a lake.

(2) The Minister must ensure that any action necessary to minimise any detriment, inconvenience and damage that may result from doing something under subsection (1) is taken.

(3) The Minister must not authorise the doing of an act under subsection (1) without first consulting with the environment protection authority.

The Minister may also need to consider:

- The proposal could also cause issue with the irrigation pump intake points. If the lake water levels are allowed to drop too low, it may cause issues with irrigation pumps not being able to take up water and the turf surfaces in John knight park, Emu Inlet, western foreshores park and Diddams Close park (dog park) will suffer a loss of amenity.
- The ACT Government does not have gates to release the water from the lake 'on demand'. There is a maintenance lowering valve that is 450mm diameter. If opened to 100% , there will be some flows, but it is not known if it will give the flow volumes the producers may be anticipating.
- Upstream creek and lake recreational user considerations will need to be taken into account, as recharge rates at the present time of year may not be sufficient to restore the lake and creek level to a point considered suitable by some of these users. For example, beaches and boat ramps may be affected for some time after the proposal is completed.
- Discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be

provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve.

Please let me know if you have any further questions,

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601 www.accesscanberra.act.gov.au

From: John Hyles <Sch 2.2(a)(ii) >
Sent: Thursday, 9 January 2025 1:44 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Environment Protection <Environment.Protection@act.gov.au>; Charlie Hyles <Sch 2.2(a)(ii) >; Anna Hyles <Sch 2.2(a)(ii) >; Peek, Rohan <Rohan.Peek@act.gov.au>
Subject: Fw: Netflix movie

Some people who received this message don't often get email from <Sch 2.2(a)(ii) >. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Pat

Thank you for your support.

Here is the movie the location of the movie is highly confidential for safety and security reasons.

I have signed a confidentiality agreement with Netflix.

The movie will be shot in early February this year.

It is essential that there is good big water flow over the falls during filming.

It would be good if we can open the gates a few days before filming as It will take a while for the water to reach the falls.

We will be able to advise the person responsible for operating the gates at Lake Ginninderra a few days before hand.

The movie is \$100 mil US movie bringing major Hollywood stars including Chailitz Teron and Tarron Egerton to the Canberra region.

It will also provide a huge financial boost to the Canberra community as we are using local Canberra businesses to help with filming.

The movie will bring world wide exposure of the Ginninderra Falls and Canberra region.

If this movie is a success it is envisaged that many more movies will follow as the Canberra region and the Ginninderra Falls is ideal for this genre.

Kind Regards

John and Charlie Hyles

https://www.perplexity.ai/search/is-ginninderra-falls-the-site-2r1K7t16TgKaN20wOQ_knQ

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This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Taylor Pindo, Sara
Sent: Thu, 30 Jan 2025 5:13 PM
To: EPSDD DLO
Cc: ORR; OSullivan, Rory
Subject: FYI Netflix at Ginninderra Falls
Attachments: APEX_GinninderraFallsRequest.pdf

OFFICIAL

FYI and I'm so sorry I thought this went to you for some reason and you forwarded.
Hopefully this helps?

Sara

Sara Taylor Pindo (she/her)
Chief of Staff | Office of Suzanne Orr MLA
Sara.TaylorPindo@act.gov.au | [Sch 2.2\(a\)\(ii\)](#)

From: Anna Hyles

Sent: Thursday, January 30, 2025 8:13 am

To: Taylor Pindo, Sara ; Jeremy Peek

Subject: Netflix at Ginninderra Falls

You don't often get email from [Sch 2.2\(a\)\(ii\)](#). [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Sara

I am forwarding a copy of the letter from the Netflix production team with regards to the increase in water flow in the Ginninderra Creek.

Please feel free to contact me on [Sch 2.2\(a\)\(ii\)](#) if you have any questions.

With thanks

Anna

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From: Jeremy Peek

Sent: Thursday, January 30, 2025 6:47 am

To: Anna Hyles ; [Sch 2.2\(a\)\(ii\)](#)

Subject: Ginninderra Falls

Jeremy Peek
Location Manager

M: Sch 2.2(a)(ii)
E:



NETFLIX

CONFIDENTIAL

GINNINDERRA FALLS JANUARY 2025

for ACT Government Support at

GINNINDERRA FALLS

1 OVERVIEW

Netflix is currently producing a upcoming international feature film, currently titled APEX. The film stars Charlize Theron (*Mad Max: Fury Road, Monster, North Country*) and Taron Edgerton (*Kingsman / Rocketman / Carry On*). The film is an action, adventure, thriller set across multiple countries. The movie is directed by Baltasar Kormakur (*Touch, Everest, Adrift*), who is known for filming his movies in the visually stunning locations across the globe. This film is no different featuring scenes in Norway, New Zealand and Ginninderra Falls.

The director upon his first visit to Ginninderra Falls fell in love instantly with the dramatic beauty of the falls in full flow and immediately re-wrote an entire sequence to feature the falls in the film.

These two scenes are of the lead actress Charlize Theron, belaying her Kayak down the upper falls, and then a stunt double of Charlize kayaking down the Lower Falls. These scenes set the tone for the entire portion of the film the director has now re-written to be set in Australia.

2 GINNINDERRA FALLS WATER FLOW REQUEST

The production is currently seeking help from the ACT Government to help ensure that dramatic water flows that have been present at Ginninderra are guaranteed for the 2 filming days we have scheduled at the upper and lower falls.

- Request to do a controlled dam release from Ginninderra Lake to have constant water flows at Ginninderra Falls on Monday 3rd February & Wednesday 5th February. At this stage these dates are locked due to actor and scheduling restrictions.
- Formally would like to invite the Chief Minister Andrew Barr to the set on Monday 3rd Feb or Wednesday 5th February to watch the filming of these incredible scenes taking place. Alternatively if these dates don't work we can look at an alternative date between 3rd February & 10th February.

We thank you for your time to consider this unusual request and look forward to hearing from you.

Kind regards

Jeremy Peek
Supervising Location Manager
"APEX"

From: Taylor Pindo, Sara
Sent: Fri, 31 Jan 2025 9:28 AM
To: EPSDD DLO
Cc: ORR
Subject: FYI: Netflix at Ginninderra Falls

OFFICIAL

FYI for officials info.

Sara Taylor Pindo (she/her)
Chief of Staff | Office of Suzanne Orr MLA
Sara.TaylorPindo@act.gov.au | [REDACTED]

From: Anna Hyles [REDACTED]
Sent: Friday, 31 January 2025 9:12 AM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Cc: Jeremy Peek [REDACTED]
Subject: FW: Netflix at Ginninderra Falls

You don't often get email from [REDACTED] [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning Sara

I know your department has been working hard to try and get a resolution on the matter of the increase in water flow in the Ginninderra Creek, and we are grateful for your help.

Charlize Theron and her management team are planning to practise her stunt routines at the Ginninderra Falls on Sunday and everyone is concerned about the low levels of water in the creek.

The amount of work that goes into a movie production of this size with so many moving parts, makes it very difficult to change the scheduling of the film, and filming begins on Monday.

We are pleading with the Minister, could she please release some water from the lake so that there is an increase in water flow and water quality in the creek.

John and I visited Lake Ginninderra yesterday and confirmed that this large body of water is currently full, and a drop in the surface level would not be a massive impact on the lake, but it will give a massive impact to the visual affect of the movie.

Apex is going to be a big deal for Canberra, when Charlize Theron and Taron Egerton arrive in town and news of why they are here hits the press there is going to be a lot of focus on the movie.

It would be a huge bonus if the naturally stunning setting of the upper and lower Ginninderra Falls, which the Netflix team fell in love with, actually had a decent water flow so they could produce the movie that they envisioned.

With thanks

Anna

Anna Hyles

Sch 2.2(a)(ii)



www.tharwasand.com.au

From: Anna Hyles Sch 2.2(a)(ii) >
Sent: Thursday, 30 January 2025 8:13 AM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>; Jeremy Peek Sch 2.2(a)(ii) >
Subject: Netflix at Ginninderra Falls

Good morning Sara

I am forwarding a copy of the letter from the Netflix production team with regards to the increase in water flow in the Ginninderra Creek.

Please feel free to contact me on Sch 2.2(a)(ii) if you have any questions.

With thanks

Anna

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From: Jeremy Peek [Sch 2.2(a)(ii)]
Sent: Thursday, January 30, 2025 6:47 am
To: Anna Hyles [Sch 2.2(a)(ii)] > [Sch 2.2(a)(ii)]
<[Sch 2.2(a)(ii)]>
Subject: Ginninderra Falls

Jeremy Peek
Location Manager

M: [Sch 2.2(a)(ii)]
E: [Sch 2.2(a)(ii)]

From: Starrs, Danswell
Sent: Fri, 31 Jan 2025 1:13 PM
To: Bacon, Patrick; Wild-River, Su; Thorogood, Matthew; Neylon, Sam
Cc: AC - Office of ELTR; Kamarul, Matthew; Gilles, Jennie; McCoy, Linda
Subject: RE: FOR URGENT ADVICE - CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex

Hi Patrick,

I have had no communication with the applicant.

Cheers

Dan

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>
Sent: Friday, 31 January 2025 12:58 PM
To: Wild-River, Su <Su.Wild-River@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>; Thorogood, Matthew <Matthew.Thorogood@act.gov.au>; Neylon, Sam <Sam.Neylon@act.gov.au>
Cc: AC - Office of ELTR <acofficeofeltr@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Gilles, Jennie <Jennie.Gilles@act.gov.au>; McCoy, Linda <Linda.McCoy@act.gov.au>
Subject: FW: FOR URGENT ADVICE - CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls
Importance: High

OFFICIAL

Hello all,

I have included you all so we can make this response as clear as possible, as there seem to be a few moving parts on this one -

Su, I have sent a brief draft response from an EPA / AC perspective to the updated request, included below in green for your consideration.

Danswell, can you please confirm to all members of this email that the questions raised by EPA / Roads ACT in the response sent to EPSDD (for evidence of a monitoring regime, controls, actual volume envisioned – included in blue at the bottom of the email) were passed on to the applicant? Noting this current PDF document addresses nothing other than 2 proposed dates?

EPA provided them with advise on 10/1/25 which we have seen no response to (was it sent to EPSDD?)

Matthew T, can you please confirm if you have the staff and capacity to open the release vane (if the proposal is approved by the Minister)? Also, (and **Sam + Jennie**) will the lake being lowered next week interrupt any urgent work schedules (cleaning John Knight park? Irrigation?).

Sam, can you please advise if you have the capacity to erect signs and notify Lake Users of the proposed drainage, noting the request is for **Monday 3 Feb**? Noting roughly 3 hours until COB, the EPA could pass on to our on-call officer over the weekend??

EPA response to latest application:

Legal considerations:

The EPA notes that the lowering of a Lake for commercial and/or aesthetic purposes is not provided for under the Lakes Act 1976. Powers delegated to the Minister under S11 is the closest provision, however, this is for the maintenance of the lake.

Furthermore, S36 also provides an offence for person(s) who undertake a commercial activity without an agreement. The Minister has 15 days to approve an agreement.

36 Commercial activities in lake area

- (1) A person commits an offence if—
 - (a) the person undertakes a commercial activity in a lake area; and
 - (b) the activity is not undertaken in accordance with an agreement under section 35.

Maximum penalty: 30 penalty units.

- (2) An offence against this section is a strict liability offence.

AC has not sought legal advice to clarify these points (whether the activity is legal or considered commercial) due to the timeframe of the request and EPSDD leading the response.

EPA considerations:

The Lakes Act (and EP Regs) are explicit about the release of water and how it must be managed in a manner which has no adverse impacts on the receiving environment. The applicant has provided no management plan or works proposal which includes methods designed to address issues of water velocity, temperature, turbidity, etc. (further details to the request are included below, in blue).

EPA considerations **were raised with the applicant in the original response (10/1/25)** and have yet to be addressed.

- [Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?](#)
- [Please advise as to the proposed times, dates and duration of the requested flows \(to support a determination and action around potential ACT Government notifications to Lake users\)](#)
- [Please explain if more than 4 days of flow is requested, and, if so for how long?](#)
- [Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the Environment protection policies and guidelines - Access Canberra](#)
- [Please provide a formal works plan to assist government consideration.](#)

Practical issues:

Considering the size of the outlet (450mm) it is not certain that the release of the lake's water will achieve the volume of flow envisioned for the film.

Please feel welcome to call with any questions,

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.accesscanberra.act.gov.au

From: EPSDD Support Team - Climate Change and Energy <EPSDDSupportTeam-ClimateChangeandEnergy@act.gov.au>

Sent: Friday, 31 January 2025 11:53 AM

To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Bacon, Patrick <Patrick.Bacon@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>

Cc: Wild-River, Su <Su.Wild-River@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Thorogood, Matthew <Matthew.Thorogood@act.gov.au>; EPSDD DLO <EPSDDDLO@act.gov.au>

Subject: FOR URGENT ADVICE - CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

Importance: High

OFFICIAL

Hi All

Thanks so much for the work on this to date, noting urgency from MO on this im coming to everyone direct 🙏

Please see attached further correspondence from Netflix advising of dates they would need water to flow through to Ginninderra Falls. Would it be possible to please get some urgent advice on if there would be any environmental impact/issues that the EPA see with the valves being opened to allow for this.

[@Kamarul, Matthew](#) – I understand Fiona Wright has contacted you to give you a heads up.

Thanks
Linda

Linda McCoy (she/her) | Executive Officer, Climate Change, Energy and Water

Phone: (02) 6205 0457 or MS Teams | Email: linda.mccoy@act.gov.au

Environment, Planning and Sustainable Development Directorate | ACT Government

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Sent: Thursday, 30 January 2025 3:38 PM

To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>

Cc: Wild-River, Su <Su.Wild-River@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>

Subject: RE: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Pat,

As discussed can you please arrange for the approved response to be sent to EPSDD via DLO.

Thanks,
MK

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>

Sent: Thursday, 30 January 2025 2:49 PM

To: Starrs, Danswell <Danswell.Starrs@act.gov.au>

Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>

Subject: FW: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hello Danswell,

I understand some of the information included below could be what you were after from the 1430 meeting request –

Please feel welcome to call if you are unsure about anything or require further detail on the Lakes Act.

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.accesscanberra.act.gov.au

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Sent: Tuesday, 21 January 2025 5:58 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>
Cc: AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

thanks Pat,

Su, subject to adding a sentence on services that AC Business Assist can provide, this is good to go. I understand that Leah McHenry is the person to reach out to.

Proposed text:

In order to assist the government's decision of the request the following further information is sought:

- Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?
- Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)
- Please explain if more than 4 days of flow is requested, and, if so for how long?
- Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#)

- *Please provide a formal works plan to assist government consideration.*

The contact Officer for the EPA is Patrick Bacon: Patrick.Bacon@act.gov.au

background for EPSDD:

The Office of the Environmental Protection Authority (EPA) and responsible Government Land Managers have identified a number of practical and legislative considerations that require additional information from the applicant to enable Government consideration of this proposal. Recommended requests for further information are in italics below each point:

1. The responsible ACT Government Land Managers (Dam Safety – Roads ACT) do not have ‘gates’ to release the requested water from the lake. There is a maintenance lowering valve that is 450mm diameter. If this valve is opened to 100% it is expected that it will produce some flows through Ginninderra Creek, but the volumes are unknown and it is not predicted that there will be significant changes in the appearance / flow / volume / velocity of the waterway. The release of water through this valve is not normal practice and typically occurs twice a year for maintenance and dam safety requirements.
 - *Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?*
2. There are irrigation systems located around the Lake that require a water level no lower than approximately 300mm below full supply level of the Lake. The Lake is currently approximately 100mm lower than full due to evaporation and limited inflows. There are also two recreational boat ramps, amateur sailors, professional sea-training groups and sea-scouts that will be affected by changes in Lake level and public notice will need to be given for closure of some facilities. Also, other community groups in the Ginninderra catchment would need some notification in advance of any Lake alterations, as they conduct work, environmental monitoring and conservation land management in and around the creek.
 - *Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)*
3. There are upstream (Lake Level and catchment recharge rate) considerations that need to be taken into account. The ACT is currently in the hottest period of the year and are experiencing low levels of rain, though with some falls in early February possibly on the way. With the release valve opened to 100%, the Lake will lower by about 80mm per day, giving about 4 days of flow before the irrigation systems and boat ramps at Lake Ginninderra are affected.

- *Please explain if more than 4 days of flow is requested, and, if so for how long?*

4. In accordance with the Catchment Code, total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters. Therefore discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve. .

- *Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#)*

5. It must also be considered that approval (under the Lakes Act 1976) for lowering would potentially be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'Lake maintenance'. Furthermore, the Catchment Code restricts flow releases so that streamflow "shall be consistent with authorised diversion." For example: b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.

- *The applicant is to be advised that the Delegate may decide to not grant approval, as the [lowering of the Lake for aesthetic or commercial purposes is not directly enshrined in the Lakes legislation.](#)*

6. The applicant has provided no formal works plan other than a link to the website [Is Ginninderra Falls the site of Apex new Netflix movie](#) which states "The property's owner, John Hyles, has assured producers that even if the falls dry up during filming, they can manipulate the water flow using a historic weir on Ginninderra Creek".

- *Please provide a formal works plan to assist government consideration.*

The EPA seeks a response to the questions raised above, in italics, to support its consideration of the proposal.

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>

Sent: Tuesday, 21 January 2025 4:40 PM

To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>;

Potter, Morgan <Morgan.Potter@act.gov.au>

Cc: AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>

Subject: RE: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Matt,

Yes – I am happy to be contact for AC – it looks like EPSDD are doubling up on information we already provided to the applicant as their reply (S11 of the Lakes Act), so supplementary advice from us and RoadsACT (dam safety) will be beneficial.

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority

Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au

Environment Protection Authority | Access Canberra | ACT Government

480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601 www.accesscanberra.act.gov.au

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Sent: Tuesday, 21 January 2025 4:01 PM

To: Wild-River, Su <Su.Wild-River@act.gov.au>; Potter, Morgan <Morgan.Potter@act.gov.au>

Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>

Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Su, Pat, and Lana,

I confirm that this will now be an EPSDD lead given the relevant delegate is the DDG of EPSDD. Please see attached.

As we update the below as input can we also include (a) EPA contact person - I assume that is Pat and (b) advise as to the services that AC Business Assist can provide?

thanks

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Sent: Tuesday, 21 January 2025 12:58 PM

To: Wild-River, Su <Su.Wild-River@act.gov.au>

Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>

Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

thanks SU,

I have updated the text in italics as follows is cleared to go to GBC. Can you confirm whether you are suggesting that the other detailed information also be included in the response to mr Hynes? I would suggest that level of detail isn't needed (but should go to the MO for information) and we can simply say:

In order to assist the government's decision of the request the following further information is sought:

- *Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?*
- *Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)*

- *Please explain if more than 4 days of flow is requested, and, if so for how long?*
- *Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#)*
- *Please provide a formal works plan to assist government consideration.*

The contact Officer for the EPA is Patrick Bacon: Patrick.Bacon@act.gov.au

Insert

thanks

MK

The Office of the Environmental Protection Authority (EPA) and responsible Government Land Managers have identified a number of practical and legislative considerations that require additional information from the applicant to enable Government consideration of this proposal. Recommended requests for further information are in italics below each point:

1. The responsible ACT Government Land Managers (Dam Safety – Roads ACT) do not have ‘gates’ to release the requested water from the lake. There is a maintenance lowering valve that is 450mm diameter. If this valve is opened to 100% it is expected that it will produce some flows through Ginninderra Creek, but the volumes are unknown and it is not predicted that there will be significant changes in the appearance / flow / volume / velocity of the waterway. The release of water through this valve is not normal practice and typically occurs twice a year for maintenance and dam safety requirements.
 - *Please provide an estimate of volume requested, duration of the required flow, and the expected outcome sought?*
2. There are irrigation systems located around the Lake that require a water level no lower than approximately 300mm below full supply level of the Lake. The Lake is currently approximately 100mm lower than full due to evaporation and limited inflows. There are also two recreational boat ramps, amateur sailors, professional sea-training groups and sea-scouts that will be affected by changes in Lake level and public notice will need to be given for closure of some facilities. Also, other community groups in the Ginninderra catchment would need some notification in advance of any Lake alterations, as they conduct work, environmental monitoring and conservation land management in and around the creek.

- Please advise as to the proposed times, dates and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users)
3. There are upstream (Lake Level and catchment recharge rate) considerations that need to be taken into account. The ACT is currently in the hottest period of the year and are experiencing low levels of rain, though with some falls in early February possibly on the way. With the release valve opened to 100%, the Lake will lower by about 80mm per day, giving about 4 days of flow before the irrigation systems and boat ramps at Lake Ginninderra are affected.
- Please explain if more than 4 days of flow is requested, and, if so for how long?
4. In accordance with the Catchment Code, total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters. Therefore discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve. .
- Please provide a suitable plan on how environmental monitoring will take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#)
5. It must also be considered that approval (under the Lakes Act 1976) for lowering would potentially be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'Lake maintenance'. Furthermore, the Catchment Code restricts flow releases so that streamflow "shall be consistent with authorised diversion." For example: b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.
- The applicant is to be advised that the Delegate may decide to not grant approval, as the lowering of the Lake for aesthetic or commercial purposes is not directly enshrined in the Lakes legislation.
6. The applicant has provided no formal works plan other than a link to the website [Is Ginninderra Falls the site of Apex new Netflix movie](#) which states "The property's owner, John Hyles, has assured producers that even if the falls dry up during filming, they can manipulate the water flow using a historic weir on Ginninderra Creek".
- Please provide a formal works plan to assist government consideration.

The EPA seeks a response to the questions raised above, in italics, to support its consideration of the proposal.

From: Wild-River, Su <Su.Wild-River@act.gov.au>
Sent: Monday, 20 January 2025 4:56 PM
To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Cc: Bacon, Patrick <Patrick.Bacon@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Smith, Lana <Lana.Smith@act.gov.au>
Subject: FW: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi Matt (cc Pat, Lana, ELTR),

For your clearance back to Lana (GBC), the EPA has prepared the following advice in response to this request.

- Thanks Pat for your work preparing the advice.

The Office of the Environmental Protection Authority (EPA) and responsible Government Land Managers have identified a number of practical and legislative considerations that require additional information from the applicant to enable Government consideration of this proposal. Recommended requests for further information are in italics below each point:

1. The responsible ACT Government Land Managers (Dam Safety – Roads ACT) do not have ‘gates’ to release the requested water from the lake. There is a maintenance lowering valve

that is 450mm diameter. If this valve is opened to 100% it is expected that it will produce some flows through Ginninderra Creek, but the volumes are unknown and it is not predicted that there will be significant changes in the appearance / flow / volume / velocity of the waterway. The release of water through this valve is not normal practice and typically occurs twice a year for maintenance and dam safety requirements.

- In response to this point, could the applicant please provide an estimation of the volume requested, the duration of the required flow, and the expected outcome being envisioned?
2. There are irrigation systems located around the Lake that require a water level no lower than approximately 300mm below full supply level of the Lake. The Lake is currently approximately 100mm lower than full due to evaporation and limited inflows. There are also two recreational boat ramps, amateur sailors, professional sea-training groups and sea-scouts that will be affected by changes in Lake level and public notice will need to be given for closure of some facilities. Also, other community groups in the Ginninderra catchment would need some notification in advance of any Lake alterations, as they conduct work, environmental monitoring and conservation land management in and around the creek.
- Can the applicant please provide information on the timing and duration of the requested flows (to support a determination and action around potential ACT Government notifications to Lake users that Ginninderra may be lowered at short notice, without warning, or on explicitly planned dates / times?)
3. There are upstream (Lake Level and catchment recharge rate) considerations that need to be taken into account. The ACT is currently in the hottest period of the year and are experiencing low levels of rain, though with some falls in early February possibly on the way. With the release valve opened to 100%, the Lake will lower by about 80mm per day, giving about 4 days of flow before the irrigation systems and boat ramps at Lake Ginninderra are affected.
- Can the applicant please explain if they request more than 4 days of flow, and what would be proposed if the water release required more than 4 days?
4. In accordance with the Catchment Code, total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters. Therefore discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve. .
- Can the applicant please provide a suitable plan on how environmental monitoring would take place, using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#) ?

5. It must also be considered that approval (under the Lakes Act 1976) for lowering would potentially be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'Lake maintenance'. Furthermore, the Catchment Code restricts flow releases so that streamflow "shall be consistent with authorised diversion." For example: b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.
- *The applicant is to be advised that the Delegate may decide to not grant approval, as the lowering of the Lake for aesthetic or commercial purposes is not directly enshrined in the Lakes legislation.*
-
6. The applicant has provided no formal works plan other than a link to the website [Is Ginninderra Falls the site of Apex new Netflix movie](#) which states "The property's owner, John Hyles, has assured producers that even if the falls dry up during filming, they can manipulate the water flow using a historic weir on Ginninderra Creek".
- *The applicant is to be requested to provide a formal works plan to assist government consideration.*

The EPA seeks a response to the questions raised above, in italics, to support its consideration of the proposal.

Cheers,

Dr Su Wild-River
Delegate of the Environment Protection Authority (including Water Resources)
Clinical Waste Controller
Delegate for Lakes



Access Canberra|Chief Minister,Treasury and Economic Development Directorate |ACT Government

Phone: 6207 1191|Email: su.wild-river@act.gov.au

480 Northbourne Avenue, Dickson | GPO Box 158 Canberra City ACT 2601 |
www.act.gov.au/accessCBR



I acknowledge the Ngunnawal People as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region.

I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

From: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Sent: 15 January 2025 09:11

To: ACDLO <ACDLO@act.gov.au>

Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>

Subject: Re: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Thanks Jenna,

I have included Su as delegate under the Lakes Act for consideration and advice noting that the information initially provided to the owners in the email below, (from Pat Bacon) has come from the EPA.

Kind regards,

MK

From: Huggett, Jenna <Jenna.Huggett@act.gov.au> on behalf of ACDLO <ACDLO@act.gov.au>

Sent: Wednesday, January 15, 2025 08:07

To: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Cc: Access Canberra Government Business & Coordination <AccessCanberraGBC@act.gov.au>

Subject: CONFIDENTIAL: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hi MK

Are you able to advise if you can provide advice on the below?

Please note the confidentiality of this request and only to be forwarded to those only on a need to know basis

GBC – when creating this file please lock it down

Thank you

Jenna Huggett | Director

Access Canberra Directorate Liaison Officer

Office of the Deputy Director-General, Access Canberra

Phone: Sch 2.2(a)(ii) | Email: acdlo@act.gov.au

Chief Minister Treasury and Economic Development Directorate | ACT Government

GPO Box 158, Canberra City, ACT 2601 | www.act.gov.au/accessCBR



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From: Liu, Michael <Michael.Liu@act.gov.au>
Sent: Tuesday, 14 January 2025 9:52 PM
To: TCCS_DLO <TCCS.DLO@act.gov.au>; ACDLO <ACDLO@act.gov.au>
Cc: Briggs, Peter <Peter.Briggs@act.gov.au>; Treloar, Naomi <Naomi.Treloar@act.gov.au>
Subject: FW: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls
Importance: High

OFFICIAL

Noting the confidentiality sensitivity, grateful for advice on this one please.

(EPSDD has advised that this falls with TCCS, but while ORR is the Min for the Lakes Act, querying whether this is actually AC based on delegations: <https://legislation.act.gov.au/View/ni/2023-748/current/html/2023-748.html> - which is why I've included you both 😊)

From: ORR <ORR@act.gov.au>
Sent: Tuesday, 14 January 2025 4:33 PM
To: CHEYNE <CHEYNE@act.gov.au>
Subject: FW: FOR REDIRECTION TO MINISTER CHEYNE'S OFFICE - Netflix production Apex filmed at Ginninderra Falls

OFFICIAL

Hey team,

EPSDD has affirmed that this one falls to you via TCCS if you are happy to accept carriage!

Kind regards,

Tim M.

Office Manager - Office of Suzanne Orr MLA

From: Anna Hyles <Sch 2.2(a)(ii)>
Sent: Monday, 13 January 2025 12:01 PM
To: ORR <ORR@act.gov.au>
Cc: John Hyles <Sch 2.2(a)(ii)>; Charlie Hyles <Sch 2.2(a)(ii)>
Subject: Netflix production Apex filmed at Ginninderra Falls

You don't often get email from <Sch 2.2(a)(ii)> [Learn why this is important](#)

OFFICIAL

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Minister Orr

John and I are writing as the owners of Ginninderra Falls to advise you of a major Hollywood Netflix production that is being filmed at our property in February.

The movie is US \$100 million movie which will bringing major Hollywood stars Chalize Theron and Taron Egerton to the Canberra region. In addition there's a film crew of approximately 250 people, which will be a major boost for local businesses.

The movie is going to showcase the natural beauty of the Ginninderra Falls, as the storyline is centred around rock-climbing and kayaking. Much of the filming will be on the Ginninderra Creek and it is essential that there is good flow of water over the falls during the couple of days when they are filming this part of the production.

We are seeking permission for an increase of flow from the Ginninderra Lake to be released if the natural water flow is not sufficient on the planned days of filming.

We have been in touch with Patrick Bacon, Assistant Director of Water Regulation in the EPA and he has advised that a request such as this will need your approval.

We are asking for consideration to be given to open the maintenance lowering value a few days before filming to boost the flow.

In line with our confidentiality agreement with Netflix, news of the production is not allowed to be released to the general public at this time. This is for the protection and security of the movie stars and film crew, as the management team do not want mass crowds arriving at the site trying to get a look during filming.

Apex will bring worldwide exposure of the Ginninderra Falls and Canberra region.

Please do not hesitate to let me know if you have any further questions.

Yours sincerely

Anna Hyles

Sch 2.2(a)(ii)



www.tharwasand.com.au

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From: Bacon, Patrick <Patrick.Bacon@act.gov.au>

Sent: Friday, January 10, 2025 11:32 AM

To: John Hyles Sch 2.2(a)(ii)

Cc: Power, David <DAVID.POWER@act.gov.au>; Kelly, Joel <Joel.Kelly@act.gov.au>; Petrovic, Luke <Luke.Petrovic@act.gov.au>; Brown, MattD <MattD.Brown@act.gov.au>; Colley, Lawani <Lawani.Colley@act.gov.au>; Gaha, Manish <Manish.Gaha@act.gov.au>

Subject: RE: Netflix movie

OFFICIAL

Hello John,

As discussed over the phone – the relevant areas of Government are theoretically supportive of the novel proposal and welcome new economic opportunities in the Territory, however, there are a number of practical and legislative considerations that may make it unfeasible.

Approval (under the Lakes Act 1976) for lowering is to be granted by the Minister (or Delegate). In granting approval, the Minister will need to consider is S11 of the Lakes Act, which reserves flow releases for 'lake maintenance':

11 Alterations in flow and water level

(1) For the purposes of the maintenance and preservation of a lake and the maintenance, testing and preservation of associated works, the Minister may authorise— (a) a raising or lowering, by any means, of the level of water in a lake; or (b) stopping the flow, or reducing the rate of flow, of water from a lake; or (c) the flow, or an increase in the rate of flow, of water from a lake.

(2) The Minister must ensure that any action necessary to minimise any detriment, inconvenience and damage that may result from doing something under subsection (1) is taken.

(3) The Minister must not authorise the doing of an act under subsection (1) without first consulting with the environment protection authority.

The Minister may also need to consider:

- The proposal could also cause issue with the irrigation pump intake points. If the lake water levels are allowed to drop too low, it may cause issues with irrigation pumps not being able to take up water and the turf surfaces in John knight park, Emu Inlet, western foreshores park and Diddams Close park (dog park) will suffer a loss of amenity.

- The ACT Government does not have gates to release the water from the lake 'on demand'. There is a maintenance lowering valve that is 450mm diameter. If opened to 100% , there will be some flows, but it is not known if it will give the flow volumes the producers may be anticipating.
- Upstream creek and lake recreational user considerations will need to be taken into account, as recharge rates at the present time of year may not be sufficient to restore the lake and creek level to a point considered suitable by some of these users. For example, beaches and boat ramps may be affected for some time after the proposal is completed.
- Discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of turbidity, temperature, velocity, etc.), further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve.

Please let me know if you have any further questions,

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601 www.accesscanberra.act.gov.au

From: John Hyles <Sch 2.2(a)(ii)>
Sent: Thursday, 9 January 2025 1:44 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Environment Protection <Environment.Protection@act.gov.au>; Charlie Hyles <Sch 2.2(a)(ii)>; Anna Hyles <Sch 2.2(a)(ii)>; Peek, Rohan <Rohan.Peek@act.gov.au>
Subject: Fw: Netflix movie

Some people who received this message don't often get email from <Sch 2.2(a)(ii)>. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Pat

Thank you for your support.

Here is the movie the location of the movie is highly confidential for safety and security reasons.

I have signed a confidentiality agreement with Netflix.

The movie will be shot in early February this year.

It is essential that there is good big water flow over the falls during filming.

It would be good if we can open the gates a few days before filming as It will take a while for the water to reach the falls.

We will be able to advise the person responsible for operating the gates at Lake Ginninderra a few days before hand.

The movie is \$100 mil US movie bringing major Hollywood stars including Chailitz Teron and Tarron Egerton to the Canberra region.

It will also provide a huge financial boost to the Canberra community as we are using local Canberra businesses to help with filming.

The movie will bring world wide exposure of the Ginninderra Falls and Canberra region.

If this movie is a success it is envisaged that many more movies will follow as the Canberra region and the Ginninderra Fall is ideal for this genre.

Kind Regards

John and Charlie Hyles

https://www.perplexity.ai/search/is-ginninderra-falls-the-site-2r1K7t16TgKaN20wOO_knQ

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any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Starrs, Danswell
Sent: Fri, 31 Jan 2025 3:17 PM
To: Thorogood, Matthew
Cc: EPSDD Support Team - Climate Change and Energy
Subject: FW: SIGNED - Urgent - Min Information brief for approval
Attachments: Information Brief - SIGNED.obr

Hi Matt,

See below

Cheers
Danswell

From: EPSDD DLO <EPSDDDLO@act.gov.au>
Sent: Friday, 31 January 2025 3:16 PM
To: Wright, Fiona <Fiona.Wright@act.gov.au>; EPSDD DLO <EPSDDDLO@act.gov.au>
Cc: EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; EPSDD Support Team - Climate Change and Energy <EPSDDSupportTeam-ClimateChangeandEnergy@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>; Thorogood, Matthew <Matthew.Thorogood@act.gov.au>
Subject: SIGNED - Urgent - Min Information brief for approval

OFFICIAL

Hi Fiona,

Confirming Minister Orr has now signed this brief. For appropriate action please.

Recommendations

That you:

1. Approve the opening the maintenance valve (450mm service valve) on Lake Ginninderra to release water down Ginninderra creek from 3-5 pm 31 January 2025 to 3-5 pm 3 February 2025; and

Approved / Not Approved / Please Discuss

2. Note that EPSDD will send a letter to the owner of Ginninderra falls.

Noted / Please Discuss

Suzanne Orr MLA 31/01/25

Minister's Office Feedback

Regards,
Andrew

Andrew Spain | Directorate Liaison Officer

Office of Minister Suzanne Orr MLA | Minister for Climate Change, Environment, Energy and Water

Phone: 02 6205 3712 | Email: EPSDDDLO@act.gov.au

Environment, Planning and Sustainable Development | ACT Government

Address: ACT Legislative Assembly | 196 London Circuit, Canberra ACT 2601

From: Wright, Fiona <Fiona.Wright@act.gov.au>

Sent: Friday, 31 January 2025 3:00 PM

To: EPSDD DLO <EPSDDDLO@act.gov.au>

Cc: EPSD Government Services <EPSDGovernmentServices@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; EPSDD Support Team - Climate Change and Energy <EPSDDSupportTeam-ClimateChangeandEnergy@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>

Subject: Urgent - Min Information brief for approval

Importance: High

OFFICIAL

Hi Andrew

Please see Min info brief – Geoffrey provided verbal clearance that this could go straight to MO due to the urgency.

Can you please arrange for Minister's review and approval ASAP as TCCS is standing by for written approval?

Thanks
Fiona

Fiona Wright | Executive Group Manager

Phone: 02 620 79780 | Email: Fiona.Wright@act.gov.au

Climate Change, Energy & Water | Environment, Planning and Sustainable Development Directorate | **ACT Government**

480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



From: EPSDDExecutiveOffice
Sent: Fri, 31 Jan 2025 4:43 PM
To: Sch 2.2(a)(ii)
Cc: Rutledge, Geoffrey; Wright, Fiona; EPSDDExecutiveOffice; EPSDD Support Team - Climate Change and Energy
Subject: Correspondence - EPSDD Deputy Director-General, Geoffrey Rutledge
Attachments: Letter DDG to Anna Hyles - Increased waterflow to Ginninderra Falls for a Netflix production.pdf

Dear Anna,

Please find the attached correspondence from EPSDD Deputy Director-General, Geoffrey Rutledge.

Kind Regards

Chloe Tran (She/Her) | Executive Support Officer to Geoffrey Rutledge

Phone: 02 6207 0561 | Email: Chloe.Tran@act.gov.au | Website: canberra.com.au

Office of the Deputy Director-General, Environment, Water and Emissions Reduction

Environment, Planning and Sustainable Development Directorate | ACT Government

Level 4 (Snow Gum), 480 Northbourne Avenue, Dickson 2602 | GPO Box 158 Canberra ACT 2601

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ACT
Government

Environment, Planning and
Sustainable Development

Obj:24/0013928

Anna Hyles, CC: John Hyles and Charlie Hyles
Owners of Ginninderra Falls

Sch 2.2(a)(ii)

Dear Anna,

Thank you for your correspondence regarding increased waterflow to Ginninderra Falls for a Netflix production. You indicated filming days of Monday 3rd February and Wednesday 5th February 2025.

The Minister for Climate Change, Energy and Water has agreed to temporarily alter the flow and water level for Lake Ginninderra for three (3) days from 5pm on 31 January 2025 to 3 February 2025.

The timing for the water to reach Ginninderra Falls from Lake Ginninderra is estimated at 2-3 days, therefore releases would need to commence accordingly. Releasing water from Lake Ginninderra will result in lower water levels each day, which may impact fringing aquatic vegetation, irrigation pumps, access to boat ramps, and recreational users. This has been considered in granting approval for a period no longer than three (3) days.

Please note this may not achieve the maximum possible flow response at Ginninderra Falls, and it is suggested to consider supplementary measures such as a water tanker to assist with achieving the desired effect for filming.

If another release period is requested, please provide the following information:

- An estimate of volume requested, duration of the required flow, and the expected outcome sought.
- Proposed times, dates, and duration of the requested flows to support potential ACT Government notifications to Lake users.
- A suitable plan for environmental monitoring using techniques and parameters established in the [Environment protection policies and guidelines - Access Canberra](#).
- A formal work plan to assist government consideration.

It is noted that you had conversations regarding the information requirements outlined above with the EPA on 10 January 2025, however, they have not received a response. The request to the Minister's office was received on 13 January 2025. Given the lack of detail

and short timeframe provided for consideration of your request, we have provided the best response possible to meet obligations to the environment and our community. For future requests, please ensure sufficient detail and timing are provided to process appropriately.

Sincerely,

Sch 2.2(a)(ii)

A large grey rectangular box redacts the signature of Geoffrey Rutledge.

Geoffrey Rutledge
31 January 2025



Choose a Directorate:

To: Minister for Climate Change, Environment, Energy and Water

Tracking No.: 25/0013928

Date: 31/01/2025

From: Executive Group Manager, Climate Change Energy and Water

Subject: Release of water from Lake Ginninderra to support Netflix film production

Critical Date: 03/02/2025

Critical Reason: To provide advice to the proponent regarding a decision on releasing flows to support filming in early February 2025

- DDG .../.../...

Recommendations

That you:

1. Approve the opening the maintenance valve (450mm service valve) on Lake Ginninderra to release water down Ginninderra creek from 3-5 pm 31 January 2025 to 3-5 pm 3 February 2025; and

Approved / Not Approved / Please Discuss

2. Note that EPSDD will send a letter to the owner of Ginninderra falls.

Noted / Please Discuss

Suzanne Orr MLA 31/01/25

Minister's Office Feedback

please note in the letter we have done what we can within the info provided and in order to balance our environmental + community obligations.

Thankyou for your effort on this.

Background

1. The owner of Ginninderra Falls contacted your office on 13th of January 2025 seeking a release of water from Lake Ginninderra to support filming of a Netflix production in Ginninderra Falls. Ginninderra Falls is a scenic gorge and waterfall location on Ginninderra creek, downstream of Lake Ginninderra in New South Wales.
2. Subsequent correspondence from Netflix's supervising location manager has specified filming days of Monday 3rd February and Wednesday 5th of February 2025.
3. Under the current [Administrative Arrangements](#), The Minister for Climate Change, Energy and Water is the responsible Minister for the ACT Lakes Act (1976).
4. Section 11 (1) of the ACT [Lakes Act \(1976\)](#) specifies that for the purpose of "*the maintenance and preservation of a lake and the maintenance, testing and preservation of associated works*" the Minister can authorise:
 - a. a raising or lowering, by any means, of the level of water in a lake; or
 - b. stopping the flow, or reducing the rate of flow, of water from a lake; or
 - c. the flow, or an increase in the rate of flow, of water from a lake.
5. In addition, Section 11 states that the Minister "*...must ensure that any action necessary to minimise any detriment, inconvenience and damage that may result from doing something under subsection (1) is taken.*" and; "*The Minister must not authorise the doing of an act under subsection (1) without first consulting with the environment protection authority.*"
6. The operation and maintenance of the Lake Ginninderra is the responsibility of Roads ACT, in Transport Canberra and City Services.
7. The [ACT Environmental Flow Guidelines](#) (an instrument of the Water Resources Act (2007)) allows for fluctuating of water levels in urban lakes up to 0.6m below full supply level for environmental outcomes.

Issues

8. A range of functions under the Lakes Act (1976) have been delegated to various Directorates. Section 11 is not delegated and thus sits with the relevant Minister.
9. S11 (1) of the Lakes Act does not specify additional purposes beyond maintenance and preservation of the lake, and maintenance, testing and preservation of associated works as being permissible reasons for an increase in the rate of flow of water from a lake.
10. The Environment Protection Authority highlighted a range of legislative, operational and environmental concerns with releasing water from Lake Ginninderra, which was provided to the owner of Ginninderra falls on 10th of January 2025.

11. A range of issues have been raised by Transport Canberra and City Services and the Environment Protection Authority regarding this proposal. These include:
 - a. Fully opening the valve on Lake Ginninderra will result in the lake water level falling 0.08 – 0.12m per day. Multiple days of water release may be required to achieve the maximum possible flow response at Ginninderra falls.
 - b. Lowering water levels in Lake Ginninderra below 0.3m from full supply level impacts on irrigation pumps, which irrigate public green space in John Knight Park, Emu inlet, Wester Foreshores Park and Diddams Close Park. Extended periods without irrigation could impact on amenity.
 - c. Access to boat ramps and impacts on other stakeholders begin to become affected when water levels drop 0.5m below full supply level. This could impact on lake users such as amateur sailors, professional sea-training groups and sea scouts. Public notice will need to be given for closure of some facilities.
 - d. Impacts on lake recreational users would be contingent on lake water level recharge rates. At the present time natural inflows may not be sufficient to restore the lake and creek level to a point considered suitable by some of these users. For example, beaches and boat ramps may be affected for some time after the proposed water release is completed.
 - e. Discharge would need to be managed in such a way as to not harm the receiving environment (releasing water with awareness of poor water quality including turbidity, temperature, etc. and aspects of flow such as water depth and velocity). Environment Protection Authority advise that further advice can be provided once a formalised works plan and timings for the releases has been designed / proposed. However, real-time monitoring may be difficult with a 'passive release' 450mm valve.
 - f. It is unknown if opening the maintenance valve (450mm service valve) on Lake Ginninderra can release sufficient water down Ginninderra creek to create a sufficiently spectacular flow over the waterfall at Ginninderra falls. Releases are likely to be considerably less than occur during natural rainfall events. There is no additional 'gate' on Lake Ginninderra that can be opened to increase flows.
12. Further advice from EPSDD aquatic ecologists further identified the following potential issues of releasing water from Lake Ginninderra, including:
 - a. Extended period of low water level in Lake Ginninderra following the release could lead to some mortality of fringing aquatic vegetation in the lake, reducing amenity and habitat for small native fish.
 - b. Some fish may get washed out of the Lake through the valve into Lake Ginninderra, with potential for fish mortality to occur downstream in Lake

22. Environment Protection Authority (Patrick Bacon) has provided advice on potential impacts of lowering the water level on Lake Ginninderra. They require further details of the proposal to provide more complete guidance.

External

23. NA

Work Health and Safety

24. NA

Benefits/Sensitivities

25. The owner claims that the \$100M Netflix production will bring major Hollywood stars including Charlize Theron and Tarron Egerton to the Canberra region. This will also provide a 'huge financial boost' to the Canberra community as local Canberra businesses are helping with filming including a film crew of approximately 250 people.

Communications, media and engagement implications

26. News of filming is likely to create considerable media attention
27. Significant and rapid water level recession in Lake Ginninderra may generate attention from the public

Signatory Name: Fiona Wright Phone: via teams

Action Officer: Danswell Starrs Phone: x77032

From: Starrs, Danswell
Sent: Sunday, 2 February 2025 10:59 AM
To: McCoy, Linda; Wright, Fiona
Cc: Thorogood, Matthew; Neylon, Sam; Bacon, Patrick
Subject: Sitrep: Lake Ginninderra water release

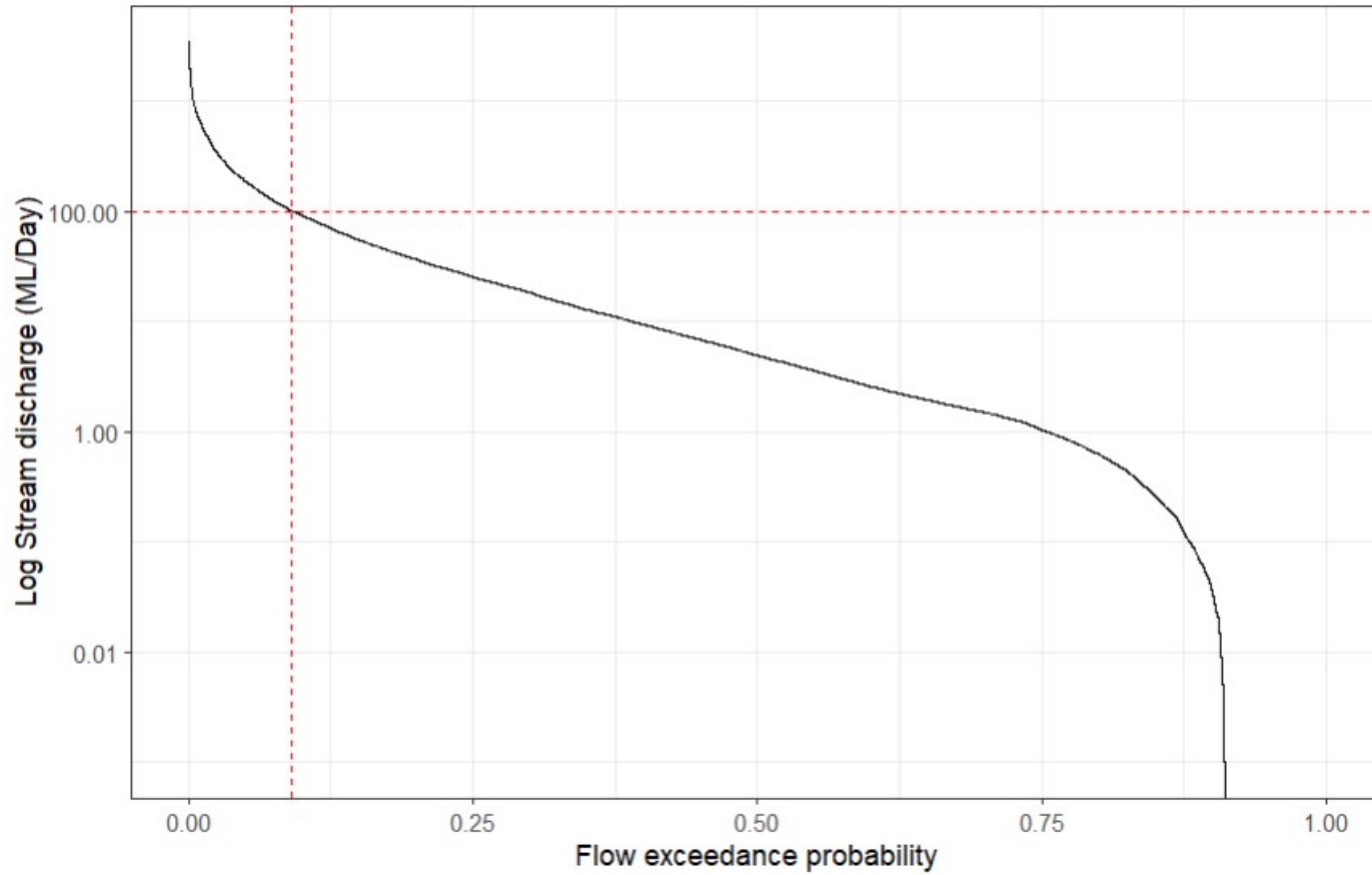
Sunday 2nd February, 10:45am

Summary: All on track and going as anticipated.

1. Streamflow gauge at Charnwood (downstream of Lake Ginninderra) has been showing a flow rate of 100ML/Day since late Friday. This is a great result. The release rate from the dam is possibly a little higher than we anticipated from the maintenance valve. This flow rate is only exceeded naturally about 9% of the time at Charnwood, based on analysing the entire record of data available. So this is a pretty good result realistically for a release from the maintenance valve. Given how quickly it got there (~ 8 hours after the valve opened) I would anticipate it would have reached Ginninderra falls sometime on Saturday.

Flow exceedance curve for Ginninderra creek. The red dashed lines show where the current flow release (100ML/Day) corresponds with regards to the historic records of flow for this streamflow gauge. Flow rate is exceeded about 9% of the time.

Flow exceedance probability curve for Ginninderra creek at Charnwood



2. Lake Ginninderra water level is dropping as anticipated. As at 5am 02 February, Lake Ginninderra is approximately 0.16m below full supply level. At this rate, I would anticipate it will be down 0.3m by Monday afternoon. This is in line with what TCCS advised would occur.

Lake Ginninderra Dam water level

ALS Hydrographics Environmental

HYPLOT V134 Output 02/02/2025

03/01/2025 to 03/02/2025

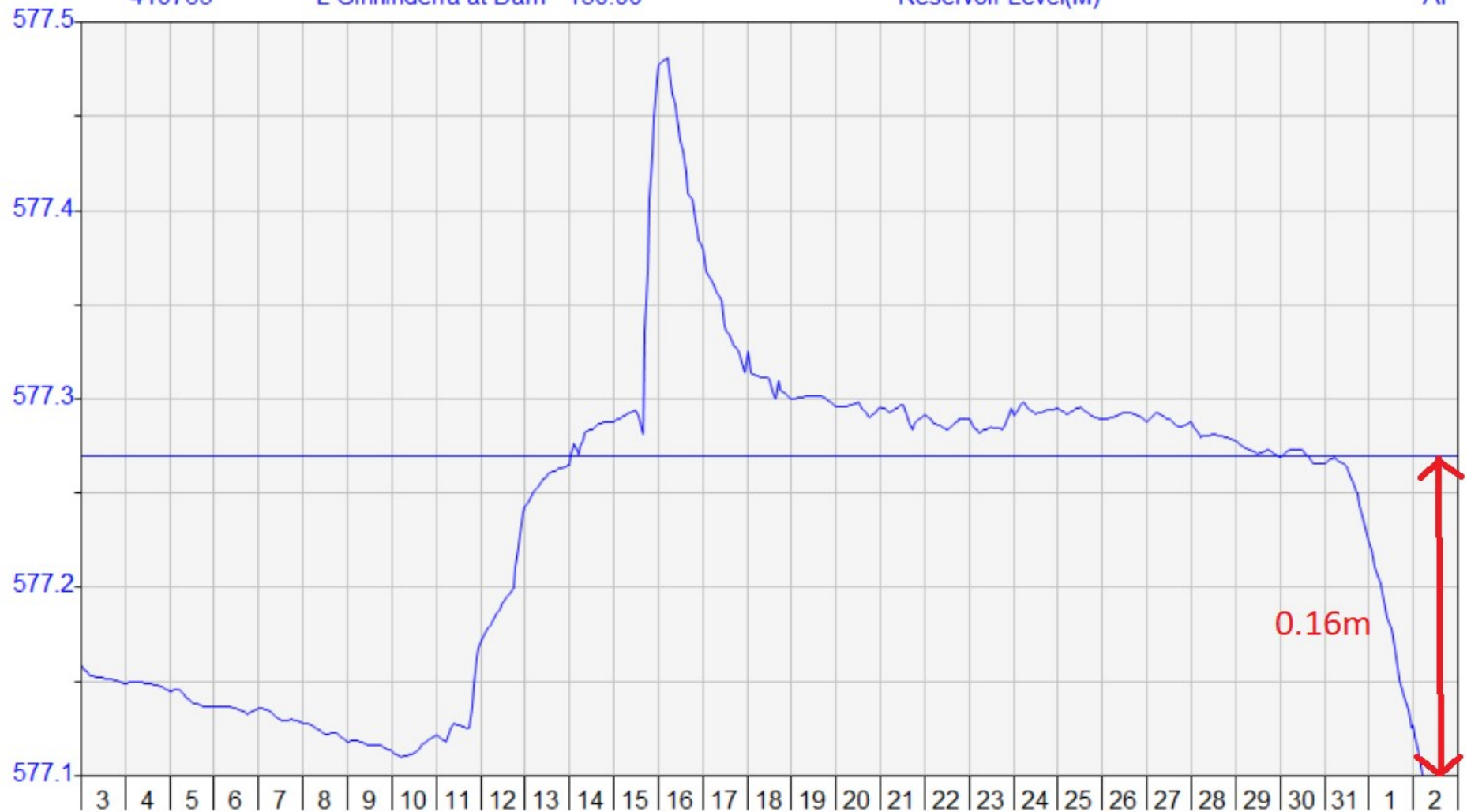
2025

— 410765

L Ginninderra at Dam 130.00

Reservoir Level(M)

AP



Data since 2025-01-03

Dr Danswell Starrs
Director, Water Information Services
Office of Water
Environment, Planning and Sustainable Development Directorate
480 Northbourne Avenue
T: (02) 6207 7032
M: Sch 2.2(a)(ii)
E: danswell.starrs@act.gov.au

From: Taylor Pindo, Sara
Sent: Mon, 3 Feb 2025 04:22 PM
To: Wright, Fiona
Cc: EPSDD DLO; Rutledge, Geoffrey; Tran, Chloe; ORR
Subject: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls
Release Extension
Attachments: MinisterAPEX_3Feb25.pdf

Hi Fiona

In case this hasn't come to you in the email below, see attached.

Very happy to chat and thanks again for all of this!

Sara

Sara Taylor Pindo (she/her)
Chief of Staff | Office of Suzanne Orr MLA
Sara.TaylorPindo@act.gov.au | [REDACTED]

From: Jeremy Peek [Sch 2.2(a)(ii)]
Sent: Monday, 3 February 2025 4:06 PM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>; ORR <ORR@act.gov.au>; Tran, Chloe <Chloe.Tran@act.gov.au>; EPSDDExecutiveOffice <EPSDDExecutiveOffice@act.gov.au>; Anna Hyles <[Sch 2.2(a)(ii)]>
Cc: Anna Hyles <[Sch 2.2(a)(ii)]>
Subject: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

You don't often get email from [Sch 2.2(a)(ii)]. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear all,

Im writing to you on behalf of Netflix for the Feature Film "APEX" that is currently filming at Ginninderra Falls with Charlize Theron & Taron Edgerton.

Firstly on behalf of the entire cast and crew would love to thank you for all your help with the production so far.

Although it seems the water reached Ginninderra Falls within 15 hours of releasing the water, rather than the 2-3 days as initially predicted by the Ministers office.

See attached our formal request to maintain the water release as the current flows until this Wednesday 5th February 5pm.

Im available to meet on site or talk through the proposal on the phone at anytime.

Thank you again for your help and we hope that you can visit the set one day while we are still filming.

Kind regards
Jeremy

Jeremy Peek
Supervising Location Manager
"APEX"

M: Sch 2.2(a)(ii)
E:
NF Ocean Productions Pty Ltd | ABN 38 643 491 061

From: Starrs, Danswell
Sent: Tue, 4 Feb 2025 1:19 PM
To: Wild-River, Su; Bacon, Patrick
Cc: Kamarul, Matthew
Subject: RE: Netflix Film - APEX - NF Ocean Productions Ginninderra Lake Dam Release

Hi Su,

My team have looked at the bathymetry of Yerrabi Pond. To release 100ML from Yerrabi (and assume all of it gets to Lake Ginninderra), this would raise the water level in lake Ginninderra by 0.1m. However, this would reduce the water level in Yerrabi Pond by ~ 0.4m.

In other words, Yerrabi is probably too small to make a meaningful contribution to balancing water level in Lake Ginninderra, without imposing a significant impact on Yerrabi.

Cheers
Dan

From: Wild-River, Su <Su.Wild-River@act.gov.au>
Sent: Tuesday, 4 February 2025 12:40 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>
Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Subject: Re: Netflix Film - APEX - NF Ocean Productions Ginninderra Lake Dam Release

OFFICIAL

Thanks for sharing Pat.

Without pre-empting any decision, it seems that one of the few useful things we could do to support any possibility of ongoing support for the venture would be for Danswell to do the calculations about when releases would start and stop to facilitate filming as requested for tomorrow and Thursday morning, and also what sort of impact that may have on the lake.

Another would be the consideration of Yerrabi Pond. Any idea how that option could be factored in?

Cheers.

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>
Sent: Tuesday, February 4, 2025 12:26
To: Starrs, Danswell <Danswell.Starrs@act.gov.au>
Cc: Wild-River, Su <Su.Wild-River@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Subject: FW: Netflix Film - APEX - NF Ocean Productions Ginninderra Lake Dam Release

OFFICIAL

From: Jeremy Peek [REDACTED]
Sent: Tuesday, 4 February 2025 12:24 PM
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>; Environment Protection <Environment.Protection@act.gov.au>
Subject: Netflix Film - APEX - NF Ocean Productions Ginninderra Lake Dam Release

Some people who received this message don't often get email from [REDACTED]. [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Patrick,

Thank you for the chat just now, as mentioned Netflix & NF Ocean Productions Pty Ltd will agree to all Environmental management plans & agreements as set out by the ACT Government and will pay for all fees and approvals under the water resource act. As also mentioned due to our tight scheduling restrictions with actors and day and night shoots - we are ideally looking for water to Ginninderra Falls from as soon as possible until end of day tomorrow.

As a result we would request water released from as soon as we can today until COB Wednesday 5th of February to ensure water levels remain constant for our stunt performers.

As we have not been able to film today due to the water levels dropping substantially we could look at scheduling the missed scenes from today first up on Thursday 6th February which would mean extending water flow until COB Thursday. But I wouldn't want this to jeopardise any water release today to ensure we can still film tomorrow

Im contactable anytime on [REDACTED]

Thanks again for all your help

Jeremy Peek
Location Manager

M: [REDACTED]
E: [REDACTED]
NF Ocean Productions Pty Ltd | ABN 38 643 491 061



Choose a Directorate:

To: Minister for Climate Change, Environment, Energy and Water

Tracking No.: 24/0015415

Date: 04/02/2025

From: Executive Branch Manager, Office of Water

Subject: Second request for release of water from Lake Ginninderra

Critical Date: 04/02/2025

Critical Reason: To provide advice to the proponent regarding a decision on a second release of flows to support filming in early February 2025

- DDG 4/2/25

Recommendations

That you:

1. Note the information contained in this brief;

Noted / Please Discuss

2. Do not authorise further releases from Lake Ginninderra given the poor water quality of the previous flow release and increasing impacts on the ACT community.

Approved / Not Approved / Please Discuss

OR

3. Approve up to two additional releases of approximately 14 hours duration to facilitate filming on Wednesday 5th and/or Thursday 6th of February.

Approved / Not Approved / Please Discuss

Suzanne Orr MLA 04/02/25

please speak to the owner re: licence options and gauge ^{OFFICIAL} if they are would still be open to the option once potential costs are known. Can you also check with the owner if they have any localised water supply e.g. weirs that could assist with flows, and what contingencies they had in place to ensure water flow when flooding Netflix.

Minister's Office Feedback

Background

1. The owner of Ginninderra Falls contacted your office on 13 January 2025 seeking a release of water from Lake Ginninderra to support filming of a Netflix production in Ginninderra Falls. Ginninderra Falls is a scenic gorge and waterfall location on Ginninderra creek, downstream of Lake Ginninderra in New South Wales.
2. A brief was provided on Friday 31st January (25/0013928) in which you authorised a 3-day release of water from Lake Ginninderra. This occurred from 3pm Friday 31st January to 3pm Monday 3rd February.
3. Flows reached Ginninderra falls over the weekend and ceased in the early hours of the morning of 4th of February. This has limited filming to occurring on Monday 3rd of February.
4. Netflix made a request on 3rd of February for additional flows to continue filming until the end of the day Wednesday 5th of February.
5. A revised request to extend releases to Thursday 6th of February to make up for lost filming on Tuesday 4th of February has been provided on the 4th of February.

Issues

6. Staff from the Environment Protection Authority have highlighted a range of legislative, operational and environmental concerns with the release of water from Lake Ginninderra, and have highlighted additional risks associated with any further releases. These include:
 - a. Water quality from water drawn from the bottom of Lake Ginninderra is not of suitable quality. Observations made by EPA on Monday 3rd of February identified that water released may not be of sufficient quality and possibly breach the Environment Protection Regulation environmental standards. Water samples have been sent to an accredited lab for analysis.
 - b. Additional controls on any further release would be required to mitigate impacts of poor water quality, as per the Environment Protection guidelines and agreements. Additional controls such as flocculating (dosing) flows out of the lake to reduce contaminants would take additional time and cost, which are unlikely to be achievable in the relevant timeframes.

can I confirm history of timeframes and whether requests have been made in reasonable timeframes to meet legislative obligations

if I can clarify the flow was predicted as expected when provided to me?

when are the samples due the results and will greater clarity that may?

c. The initial release resulted in Lake Ginninderra water level lowering by 0.3m. EPA staff were approached by members of the community who expressed concern at the rapidly reduced water levels in Lake Ginninderra. This is having impacts on recreational fishing, boat access and amenity.

d. Two further releases will exacerbate these impacts by further lowering the lake to approximately 0.45m. If no inflows occur in the next 15-20 days, Lake Ginninderra will continue to lower due to evaporation, with further impacts to the environment and public amenity.

e. Currently no signage or communication to the public has occurred or is planned to occur. Signage would be the responsibility of Transport Canberra and City Services staff.

7. The ACT Water Resources Act (Section 77A) states it's an offense to take water without a license to take water. The landholder in question does not have a Water Access Entitlement or license. Any further releases may be an offense under the ACT Water Resources Act.

8. The proponent is agreeable to paying any fees and charges associated with additional water releases. A retrospective license could be provided, alleviating the legal constraints under the Water Resources Act. Very rough calculations suggest the value of charges associated with the Water Access Entitlement and License would be in the order of \$520,000, for a release volume of ~ 420ML, which would cover the preceding release and two additional releases of 14 hours duration each.

a. The value of charges has not yet been disclosed to Netflix or the landowners. This information will be provided should you agree to approving the additional releases.

9. EPA are proposing to seek legal advice regarding the legal consequences of any further releases under the Lakes Act.

10. An additional two releases for a ~14 hour period is theoretically plausible, and could facilitate filming on Wednesday and Thursday, if made by (4pm) Tuesday 4th of February and again at 4pm Wednesday 5th of February.

11. Netflix have advised EPA they are willing to undertake basic visual monitoring of the Ginninderra creek and call a halt to releases if any impacts are observed.

12. Any further release would require written authorisation from the Minister to the Dams Manager in TCCS. It will not be logistically feasible in the timeframes available to mitigate poor water quality in the Ginninderra creek, as there will not be time to implement additional controls.

are controls post release an option?

*if has TCCS advised
try can assist
with signage*

*please see
notes in box
comm + 5 box*

- please provide when available

*would this
mitigate
the concerns?*

Financial Implications

- 13. If a retrospective WAE and license was issued, fees and charges associated with the water release may be recoverable from the landholder, however this would need further exploration.

Consultation

Internal

- 14. NA

Cross Directorate

- 15. Roads ACT (Matt Thorogood) has been involved in conversations regarding the recent and future release.

can I get an indication of local industry impacts? e.g. is local industry employed etc?

- 16. Environment Protection Authority (Patrick Bacon, Su Wild-River, Matthew Kamarul) have provided advice regarding poor water quality from the release from Lake Ginninderra and legality issues with regards to releases for commercial purposes without a Water Access Entitlement or license.

External

- 17. The landholder (John Hyles) has been in touch with EPA staff regarding future releases. He has advised that Netflix may move production to the blue mountains if additional flows can't be provided urgently.

Work Health and Safety

- 18. NA

Benefits/Sensitivities

- 19. The landholder is under considerable pressure from Netflix to deliver the flows.
- 20. Netflix and/or the landholder may make representations to the Minister's office or the opposition in seeking additional flows.
- 21. If flows are not provided, it is likely production will be moved to the Blue mountains, NSW

Communications, media and engagement implications

- 22. News of filming is likely to create considerable media attention
- 23. Significant and rapid water level recession in Lake Ginninderra may generate attention from the public

Signatory Name: Kieran Lawton

Phone: X70033

Action Officer: Danswell Starrs

Phone: x77032



ACT
Government

Environment, Planning and
Sustainable Development

EPSDD Ref No.:

Response to DLO Request

*** All information provided should be factual.**

EGM clearance email to be saved in the Objective file and forwarded to the EPSDD DLO inbox and copy in the relevant EO.

Subject: Response to Minister Comments on Brief 24/0015415

Response:

Annotation 1:

Please speak to the owner re: Licence options and gauge if they are(?) would still be open to the option once potential costs are known.

Can you also check with the owner if they have any localised water supply e.g. Weirs that could assist with flows, and what contingencies they have in place to ensure water flow when booking Netflix.

EPSDD Response:

The owners have advised that the conditions around the filming have changed significantly since November. The onsite weir is only suitable for short bursts of water and was a valid contingency on the earlier production arrangements, but no longer viable.

Netflix are open to the licence options from the point that they have been made aware of them (4 February 2025).

Annotation 2 (right side of the brief):

Can I confirm history of convo – timeframes and whether requests have been made in reasonable timeframes to meet leg/reg(?) obligations.

EPSDD Response:



ACT
Government

Environment, Planning and
Sustainable Development

EPSDD Ref No.:

1. The owner of Ginninderra Falls (in New South Wales northeast of the ACT) has engaged with Netflix to produce a film at Ginninderra Falls. An article published in the Canberra Times on 30 November 2024 demonstrated that the landholder had some ability to release a small amount of water.
2. The landholder contacted the Environment Protection Agency (EPA) seeking flows down Ginninderra creek from Lake Ginninderra on 9th of January 2025.
3. The owner of Ginninderra Falls contacted the Minister's office on 13 January 2025 seeking a release of water from Lake Ginninderra to support filming of a Netflix production in Ginninderra Falls. Ginninderra Falls is a scenic gorge and waterfall location on Ginninderra creek, downstream of Lake Ginninderra in New South Wales.
4. A brief was provided on Friday 31st January (25/0013928) in which the Minister authorised a 3-day release of water from Lake Ginninderra. This occurred from 3pm Friday 31st January to 3pm Monday 3rd February.
5. No application for a Water Access Entitlement (WAE) or license has been made by the owner of Ginninderra Falls. Applications for a WAE are considered by EPSDD before issuing. Whether a WAE can be issued retrospectively is unknown. The issuing of a license to take water is an EPA matter. Whether this can be issued retrospectively is unknown.
6. As this is a novel situation, insufficient time has been provided to adequately address legal issues regarding the take of water.

Annotation 3 (left side of brief):

Can I clarify if the timing of the flow predicted was as expected when(?) initial advice was provided to me?

EPSDD Response: Initial estimates of water transit time were based on limited information. Following the release on the 31st of January, and advice back from the proponent, an improved understanding of water transit times was generated. This was revised down from 2-3 days to approximately 15 hours.

Annotation 4:



ACT
Government

Environment, Planning and
Sustainable Development

EPSDD Ref No.:

When are the samples due back and will the results provide greater clarity than 'may'?

- 10/2/20
- a. Water quality from water drawn from the bottom of Lake Ginninderra is not of suitable quality. Observations made by EPA on Monday 3rd of February identified that water released may not be of sufficient quality and possibly breach the Environment Protection Regulation environmental standards. Water samples have been sent to an accredited lab for analysis.

EPSDD Response: Samples have been sent off to ALS Laboratories for analysis. Results can take multiple days to be returned. The nature of the poor water quality relates to the physical and chemical properties of the water, including pH, turbidity, dissolved oxygen etc. These do not pose any health risk to the public but have the potential to cause environmental harm (eg, fish kill) if extreme. To date no reports of impact in Ginninderra creek downstream of the lake have been reported that we are aware of. So while the water quality is not great we are unlikely to see a fish kill if a second release were undertaken.

Annotation 5:

Has TCCS advised if they can assist with signage?

EPSDD Response: TCCS have signage in storage to advise the public when water levels are dropped for maintenance reasons. These signs would not be appropriate in this case, so new signs would ideally be procured. TCCS have advised that if appropriate signage could be provided, that they could put the signs out. Procurement of signage would fall to EPSDD.

There is no public signage on this event around the lake currently.

Annotation 6 (regarding para 8):



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Environment, Planning and
Sustainable Development

EPSDD Ref No.:

Please see notes in comments box.

8. The proponent is agreeable to paying any fees and charges associated with additional water releases. A retrospective license could be provided, alleviating the legal constraints under the Water Resources Act. Very rough calculations suggest the value of charges associated with the Water Access Entitlement and License would be in the order of \$520,000, for a release volume of ~ 420ML, which would cover the preceding release and two additional releases of 14 hours duration each.

see
in
box
x5

a. The value of charges has not yet been disclosed to Netflix or the landowners. This information will be provided should you agree to approving the additional releases.

7. EPSDD Response:

8. There is still uncertainty on the application of the Water Resources Act and further legal advice will be sought. The Water Resources Act (s11) defines water take as

11 Taking water

(1) For this Act, **take** water includes—

(a) in relation to surface water—

(i) withdraw, pump, extract or use surface water; and

(ii) divert surface water for the purpose of using it; and

(iii) do anything else that results in a reduction of flow of surface water in a waterway; and

9. Should you agree to the water being released, it will be remaining within the waterway. The requestors have not indicated that they will withdraw, divert or reduce the flow of the water. It is not clear if this could be interpreted as 'taking water', in which case the Water Resources Act may not apply.

10. However if the legal interpretation is that the release constitutes 'water take' and that the Water Resources Act apply. Netflix has agreed to honour the relevant fees and charges from the point it was raised with them. The cost of water for each additional day of releases to meet their future requirements are estimated to be approximately \$72,100 per day.

Annotation 7 (regarding legal advice):



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Environment, Planning and
Sustainable Development

EPSDD Ref No.:

Please provide when available

9. EPA are proposing to seek legal advice regarding the legal consequences of any further releases under the Lakes Act. *- please provide when available*

EPSDD Response: EPA express that this would be a follow-up as part of review and for lessons learnt. This would not be the highest priority and would occur over the period of weeks to months.

Annotation 8 (regarding para 11):

Would this mitigate the concerns

11. Netflix have advised EPA they are willing to undertake basic visual monitoring of the Ginninderra creek and call a halt to releases if any impacts are observed. *would mitigate*

EPSDD Response: This would be helpful and would inform EPSDD's response in this situation. However, if a significant event were to occur (e.g. a fish kill), ceasing the flow is unlikely to mitigate or reduce the degree of impact. Basically its too late when the event has occurred.

Annotation 9 (regarding para 12):

Are controls post release an option?

12. Any further release would require written authorisation from the Minister to the Dams Manager in TCCS. It will not be logistically feasible in the timeframes available to mitigate poor water quality in the Ginninderra creek, as there will not be time to implement additional controls. *Not possible*

EPSDD Response: There are no cost-effective or logistically feasible controls that can be put in place on the timeframes required to fully mitigate the risks. Response is limited to visual monitoring of ecological response and the action to stop the flow if ill-effects are observed.



ACT
Government

Environment, Planning and
Sustainable Development

EPSDD Ref No.:

Annotation 10 (regarding consultation):

Can I get an indication of local industry impacts? Eg is local industry employed?

EPSDD Response:

The landholder has indicated that 300 people are on-site for the filming. Netflix has indicated that if this goes well, Netflix want to come back for other films, for what Canberra has to offer. This indicates there may be future economic benefits to the Territory.

Releasing additional water for 1 – 2 days of filming will lower the level in Lake Ginninderra to 0.4 – 0.45m below full level. The impacts on the Lake environment of this will be:

- Irrigation of public green space around the lake cannot occur due to pump infrastructure unable to draw water (inlets exposed above the low water level)
- Possible death of aquatic plants around the edge of the lake due to extended drying. This would lead to some loss of fish habitat, and may be unsightly and smelly and vegetation decomposes
- Access to the water via the boat ramps is compromised. This will reduce recreational opportunities for boat users, rowers, fisherfolk etc. Other organisations, such as sea scouts and dive training operators may be impacted.

There is rainfall forecast in the next 24 hours. The Bureau is forecasting up to 7mm of rain, in showers and possible storm with a 70% chance. If a major (7mm) rainfall event occurred over the entire Lake Ginninderra catchment, it is likely that Lake Ginninderra would re-fill. A small storm cell passing over part of the catchment may generate some inflows but is unlikely to re-fill the lake.



Choose a Directorate:

To: Minister for Climate Change, Environment, Energy and Water

Tracking No.: TBA

Date: 04/02/2025

From: Executive Branch Manager, Office of Water

Subject: Follow up - Second request for release of water from Lake Ginninderra

Critical Date: 04/02/2025

Critical Reason: To provide advice to the proponent regarding a decision on a second release of flows to support filming in early February 2025

- DDG

Recommendations

That you:

1. Note the responses to your previous questions in brief 25/15415 at Attachment A;

Noted / Please Discuss

2. Do not authorise further releases from Lake Ginninderra given the poor water quality of the previous flow release and increasing impacts on the ACT community.

Approved / Not Approved / Please Discuss

OR

3. Approve up to two additional releases of approximately 14 hours duration to facilitate filming on Wednesday 5th and/or Thursday 6th of February.

Approved / Not Approved / Please Discuss

4. Note that EPSDD will notify the requestor that the maintenance valve on Lake Ginninderra will be operated to release water down Ginninderra creek for 12hrs from 9pm 4 February 2025 to 9am 5 February 2025, as requested by production company Netflix and landholder John Hyles.

Noted / Please Discuss

Suzanne Orr MLA

01/02/25

Minister's Office Feedback

please see notes at end of brief.

Background

1. You considered brief 25/15415 and requested further discussion prior to making a decision.

Issues

2. Answers to your annotations have been provided at Attachment A.

Financial Implications

3. If a retrospective WAE and license was issued, fees and charges associated with the water release may be recoverable from the landholder from the point it was raised with them, however this would need further exploration.

Consultation

Internal

4. NA

Cross Directorate

5. Roads ACT (Matt Thorogood) has been involved in conversations regarding the recent and future release.
6. Environment Protection Authority (Patrick Bacon, Su Wild-River, Matthew Kamarul) have provided advice regarding poor water quality from the release from Lake Ginninderra and legality issues with regards to releases for commercial purposes without a Water Access Entitlement or license.

External

OFFICIAL

7. The landholder (John Hyles) has been in touch with EPA staff regarding future releases. He has advised that Netflix may move production to the blue mountains if additional flows can't be provided urgently.

Work Health and Safety

8. NA

Benefits/Sensitivities

9. The landholder is under considerable pressure from Netflix to deliver the flows.
10. Netflix and/or the landholder may make representations to the Minister's office or the opposition in seeking additional flows.
11. If flows are not provided, it is likely production will be moved to the Blue mountains, NSW

Communications, media and engagement implications

12. News of filming is likely to create considerable media attention
13. Significant and rapid water level recession in Lake Ginninderra may generate attention from the public

Signatory Name: Kieran Lawton

Phone: X70033

Action Officer: Danswell Starrs

Phone: x77032

Noting - Decision to approve opening the maintenance valve based on Lakes Act and criteria outlined in 25/0013928 noting issues raised in 24/0015015 + subsequent information including fish kill downstream unlikely given evidence to date, expected rain which would mitigate impacts to lake users + surrounding environment.

Re: Re emerging matter of licence, noting the high level of uncertainty as to whether it even applies + the undertaking by the proponent to honour any obligations please update me once resolved.

From: Thorogood, Matthew
Sent: Tue, 4 Feb 2025 10:15 PM
To: Wright, Fiona; Starrs, Danswell
Subject: Re: Brief in response to Minister's questions

Thanks Fiona.

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From: Wright, Fiona <Fiona.Wright@act.gov.au>
Sent: Tuesday, February 4, 2025 10:11:20 PM
To: Thorogood, Matthew <Matthew.Thorogood@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>
Subject: Fw: Brief in response to Minister's questions

Hi Matt - please see attached brief providing approval for the valve opening/water release.

Regards,

Fiona

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From: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Sent: Tuesday, February 4, 2025 10:06 pm
To: Wright, Fiona <Fiona.Wright@act.gov.au>
Cc: EPSDD DLO <EPSDDDLO@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>; OSullivan, Rory <Rory.OSullivan@act.gov.au>
Subject: RE: Brief in response to Minister's questions

Hi team


See attached to support your notifying process.

You have all gone way above and beyond looking into this, thank you.

Andrew, I saved these as PDFs and will [file](#) them for records.

Thank you so much again and happy to discuss

Sara

Sara Taylor Pindo (she/her)
Chief of Staff | Office of Suzanne Orr MLA
Sara.TaylorPindo@act.gov.au | 

From: Wright, Fiona <Fiona.Wright@act.gov.au>
Sent: Tuesday, 4 February 2025 8:49 PM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Cc: EPSDD DLO <EPSDDDLO@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Lawton,

Kieran <Kieran.Lawton@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>
Subject: RE: Brief in response to Minister's questions

Hi Sara,
Additional info in rec 4 to identify requestor, thanks.
Fiona

From: Wright, Fiona
Sent: Tuesday, 4 February 2025 8:44 PM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Cc: EPSDD DLO <EPSDDDLO@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>
Subject: RE: Brief in response to Minister's questions

Revised recommendations.

Thanks
Fiona

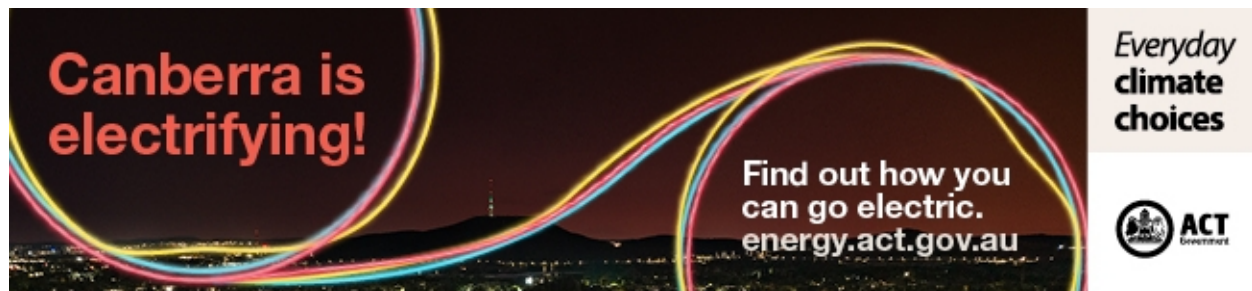
From: Wright, Fiona
Sent: Tuesday, 4 February 2025 8:09 PM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Cc: EPSDD DLO <EPSDDDLO@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>
Subject: Brief in response to Minister's questions

Hi Sara

Please see brief and Attachment A which responds to Minister's previous questions on brief 25/15415

Thanks,
Fiona

Fiona Wright | Executive Group Manager
Phone: 02 620 79780 | Email: Fiona.Wright@act.gov.au
Climate Change, Energy & Water | Environment, Planning and Sustainable Development Directorate | **ACT Government**
480 Northbourne Avenue Dickson ACT 2602 | GPO Box 158 Canberra ACT 2601 | www.environment.act.gov.au



From: Starrs, Danswell
Sent: Wed, 5 Feb 2025 1:18 PM
To: Bacon, Patrick; Neylon, Sam
Cc: Wild-River, Su; Wright, Fiona; AC - Office of ELTR; Thorogood, Matthew; Kamarul, Matthew; Lawton, Kieran
Subject: RE: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hi Pat, Sam,

An additional release was made from 10:30pm last night to 10:15am this morning. This was authorised by the Minister. The brief will be sent to you shortly.

- Have any of the environmental monitoring parameters been adopted? Or the discharge managed (reference EP Guidelines for discharge management and pollution control)?

No additional controls have been put in place. Release occurred overnight and has been since shut off. I have seen video of flows down in Latham, and water quality looked good. No reports of ecological issues have been raised to date that we are aware of. I personally observed fish, yabbies, water spiders etc which were in good health and abundance at the release point last night, suggesting that extreme poor water quality from the previous water release did not occur.

- Have relevant government agencies, recreational users and community groups (Waterwatch) been notified or in the process of being contacted? – Noting EPA has commercial boat operators now approved on Lake G.

No activities underway from EPSDD currently

- Are we (EPA) supposed to be adopting the model of billing Netflix for the water diversion and “usage”, as discussed yesterday?

To be advised

- Who is the responsible party for invoicing / licencing of the activity (if that pathway was approved)?

To be advised

From: Bacon, Patrick <Patrick.Bacon@act.gov.au>
Sent: Wednesday, 5 February 2025 11:57 AM
To: Starrs, Danswell <Danswell.Starrs@act.gov.au>
Cc: Neylon, Sam <Sam.Neylon@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>; Wright, Fiona

<Fiona.Wright@act.gov.au>; AC - Office of ELTR <acofficeofeltr@act.gov.au>; Thorogood, Matthew <Matthew.Thorogood@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Subject: FW: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

G'day Danswell,

Just had a meeting with Sam, and we're both unsure of the current situation (nil official notifications have come through)-

Can you please provide advice on –

- Have any of the environmental monitoring parameters been adopted? Or the discharge managed (reference EP Guidelines for discharge management and pollution control)?
- Have relevant government agencies, recreational users and community groups (Waterwatch) been notified or in the process of being contacted? – Noting EPA has commercial boat operators now approved on Lake G.
- Are we (EPA) supposed to be adopting the model of billing Netflix for the water diversion and “usage”, as discussed yesterday?
- Who is the responsible party for invoicing / licencing of the activity (if that pathway was approved)?

Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.accesscanberra.act.gov.au

From: Bacon, Patrick
Sent: Monday, 3 February 2025 7:08 PM
To: Starrs, Danswell <Danswell.Starrs@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>
Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Hepplewhite, Chris <Chris.Hepplewhite@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Autumn, Louis <Louis.Autumn@act.gov.au>; Petrovic, Luke <Luke.Petrovic@act.gov.au>
Subject: RE: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hello team,

Further to last – RE the impacts of stratification and the consideration of Water Regulation that the releases cannot be considered ‘environmental’.

As per the e-Flow Guidelines –

The Guidelines do not require environmental flow releases from ACT urban lakes and ponds. These waterbodies only have the capacity to release water by overtopping or discharge through a valve at the base of the dam. Water in the bottom of these reservoirs is often of low quality and its release would potentially compromise downstream aquatic ecosystems.

From: Bacon, Patrick

Sent: Monday, 3 February 2025 6:56 PM

To: Starrs, Danswell <Danswell.Starrs@act.gov.au>; Wild-River, Su <Su.Wild-River@act.gov.au>

Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Hepplewhite, Chris <Chris.Hepplewhite@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Autumn, Louis <Louis.Autumn@act.gov.au>; Petrovic, Luke <Luke.Petrovic@act.gov.au>

Subject: RE: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hello Danswell,

Further to Su's comments – Water Regulation have concerns based on the turbidity, colour and odour of the current release and its impacts on the receiving environment. The results of tests conducted today are likely to indicate an exceedance of environmental values (field observations indicated a potential breach of several parameters under the EP Act – due to changes in turbidity, velocity and the depth of the release pipe coupled with the stratification of Lake Ginninderra.). As of today, there were no monitoring systems / persons in place at the release valve, when the EPA inspected.

Noting the offer from Netflix (below) could you please advise that environmental monitoring is requested ASAP, before considering further releases?

• Environmental Monitoring: Netflix is committed to ensuring no harm is made to the environment by any of our requests, so we can send out members of our location team to key points along the River and to assess the Lake itself until the release is completed on Wednesday 5th February 5pm. If there is any additional requests or requirements needed from the Minister we will act these immediately.

It is also worth noting that during today's inspection, EPA was approached by TCCS field crews, as well as a recreational boat user, who were unsure why the lake was lowered. Does EPSDD have plans to lead a communication campaign associated with the lowering of the lake?

I have indicated 'upstream and downstream' photos, below, to give some context to the changes in turbidity caused by the release, as well as the impact the release is already

having on infrastructure (note the water intake pipes and boat launch ramp – taken at 031000FEB25).



Sincerely,

Patrick Bacon | Assistant Director, Water Regulation | Office of the Environment Protection Authority
Phone: 02 6207 2142 | email: patrick.bacon@act.gov.au
Environment Protection Authority | Access Canberra | ACT Government
480 Northbourne Avenue, Dickson | GPO BOX 158 CANBERRA ACT 2601
www.accesscanberra.act.gov.au

From: Starrs, Danswell <Danswell.Starrs@act.gov.au>

Sent: Monday, 3 February 2025 6:26 PM

To: Wild-River, Su <Su.Wild-River@act.gov.au>; Bacon, Patrick <Patrick.Bacon@act.gov.au>

Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Hepplewhite, Chris <Chris.Hepplewhite@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>

Subject: RE: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hi Su,

I'll have a better idea of Lake Ginn water level in the morning. I anticipate it will be ~ 0.3m down.

Given that we now know the water transit time is ~ 15 hours, we can better target the release. Flows for Tuesday are now impossible, so we would be targeting a release for Wednesday at best. A 12-15 hour release may be feasible, but obviously that is a question for TCCS.

Eg. if the valve was opened Tuesday 5pm, and shut off Wednesday morning, would deliver flows from Wednesday morning into Wednesday evening.

The valve was closed this afternoon at 3pm.

I'll include you in any meeting I can organise tomorrow morning.

Cheers
Dan

From: Wild-River, Su <Su.Wild-River@act.gov.au>
Sent: Monday, 3 February 2025 6:13 PM
To: Starrs, Danswell <Danswell.Starrs@act.gov.au>; Bacon, Patrick <Patrick.Bacon@act.gov.au>
Cc: Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Hepplewhite, Chris <Chris.Hepplewhite@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>
Subject: Re: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Well this is bad news, with the lake already low. I note the following:

- Min Brief 25/0013928 section 7 indicated the "[ACT Environmental Flow Guidelines](#) (an instrument of the Water Resources Act (2007)) allows for fluctuating of water levels in urban lakes up to 0.6m below full supply level for environmental outcomes." - so 60cm seems a potential maximum to take into account.
- Danswell's situation report - attached suggested a drop of 30cm by today. Presumably the rate of change is not linear - so the requested additional 2 days would be close to and may be beyond that limit.

Do we know if the valve was closed as planned this afternoon?

Please include me in the meeting invitation for tomorrow.

Cheers,

Su

From: Starrs, Danswell <Danswell.Starrs@act.gov.au>
Sent: Monday, February 3, 2025 17:55
To: Bacon, Patrick <Patrick.Bacon@act.gov.au>
Cc: Wild-River, Su <Su.Wild-River@act.gov.au>; Kamarul, Matthew <Matthew.Kamarul@act.gov.au>; Hepplewhite, Chris <Chris.Hepplewhite@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>
Subject: FW: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hi Patrick,

See attached. Ill try to catch you in the morning to discuss.

Cheers

Dan

From: Wright, Fiona <Fiona.Wright@act.gov.au>
Sent: Monday, 3 February 2025 5:27 PM
To: Hepplewhite, Chris <Chris.Hepplewhite@act.gov.au>; Starrs, Danswell <Danswell.Starrs@act.gov.au>
Cc: EPSDD Support Team - Climate Change and Energy <EPSDDSupportTeam-ClimateChangeandEnergy@act.gov.au>; Lawton, Kieran <Kieran.Lawton@act.gov.au>
Subject: Fw: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hi Chris and Danswell,

We've received a request to extend the release of water from Lake Ginninderra.

Can you please take a look at the additional information provided (attached) and talk to our colleagues in the EPA and TCS and determine if this can be accommodated or not?

If you could consider this in a timely manner tomorrow that would be appreciated.

Thanks

Fiona

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From: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>
Sent: Monday, February 3, 2025 4:22 pm
To: Wright, Fiona <Fiona.Wright@act.gov.au>
Cc: EPSDD DLO <EPSDDDLO@act.gov.au>; Rutledge, Geoffrey <Geoffrey.Rutledge@act.gov.au>; Tran, Chloe <Chloe.Tran@act.gov.au>; ORR <ORR@act.gov.au>
Subject: FOR CONSIDERATION: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

Hi Fiona

In case this hasn't come to you in the email below, see attached.

Very happy to chat and thanks again for all of this!

Sara

Sara Taylor Pindo (she/her)

Chief of Staff | Office of Suzanne Orr MLA
Sara.TaylorPindo@act.gov.au | [REDACTED]

From: Jeremy Peek [Sch 2.2(a)(iii)] >
Sent: Monday, 3 February 2025 4:06 PM
To: Taylor Pindo, Sara <Sara.TaylorPindo@act.gov.au>; ORR <ORR@act.gov.au>; Tran, Chloe <Chloe.Tran@act.gov.au>; EPSDDExecutiveOffice <EPSDDExecutiveOffice@act.gov.au>; Anna Hyles <[Sch 2.2(a)(ii)]>
Cc: Anna Hyles [Sch 2.2(a)(ii)]
Subject: TIMELY: Netflix Film - APEX - Ginninderra Falls Water Release Extension

You don't often get email from [Sch 2.2(a)(ii)] [Learn why this is important](#)

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear all,

Im writing to you on behalf of Netflix for the Feature Film "APEX" that is currently filming at Ginninderra Falls with Charlize Theron & Taron Edgerton.

Firstly on behalf of the entire cast and crew would love to thank you for all your help with the production so far.

Although it seems the water reached Ginninderra Falls within 15 hours of releasing the water, rather than the 2-3 days as initially predicted by the Ministers office.

See attached our formal request to maintain the water release as the current flows until this Wednesday 5th February 5pm.

Im available to meet on site or talk through the proposal on the phone at anytime.

Thank you again for your help and we hope that you can visit the set one day while we are still filming.

Kind regards
Jeremy

Jeremy Peek

Supervising Location Manager

"APEX"

M: Sch 2.2(a)(ii)
E:

NF Ocean Productions Pty Ltd | ABN 38 643 491 061