

Choose an item.



MINISTERIAL BRIEF

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

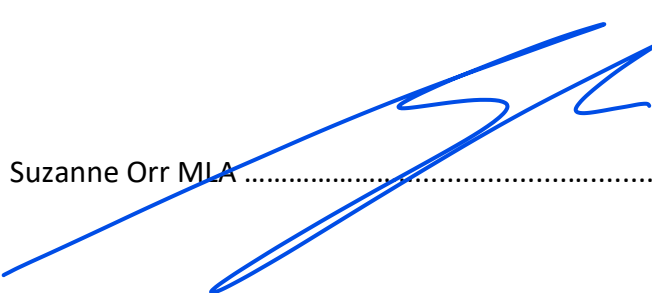
2. Do not authorise further releases from Lake Ginninderra given the poor water quality of the previous flow release and increasing impacts on the ACT community.

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 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.

if has TCCS advised try can assist with signage

please see notes in box

- please provide when available

would this mitigate the concerns?

are controls post release an option?

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.

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