# Notice

***Environmental Protection Act 1994***

## Notice of decision – Temporary emissions licence

*This statutory notice is issued by the administering authority pursuant to section 357F of the* Environmental Protection Act 1994*, to advise you of a decision or action.*

Pembroke Olive Downs Pty Ltd
Level 19 1 Macquarie Place
SYDNEY NSW 2000 Australia
Via email transmission only
ngaire.tranter@pembrokeresources.com.au

ATTN: Ngaire Tranter

Your reference: EA0001976
Our reference: A-TEL-NEW-101013432; TEL101013436

### 1 Application details

Application for temporary emissions licence (TEL) for the release of mine affected water from Pit 1 and MAW Dam and varied receiving water flow conditions for release point RP1 and RP2 at Olive Downs Coal Mine.

### 2 Decision

Thank you for your application for a temporary emissions licence. Your application, which was received by this office on **16 January 2026**, has been **granted on different terms than those submitted**

### 3 Reason for the decision

The department has determined that heavy rainfall associated with the ex-tropical cyclone Koji has resulted in substantial volumes of water entering and being captured within the Mine Affected Water (MAW) storages and Mine Pit at Olive Downs Coal Mine which has the potential to result in uncontrolled release.

Should heavy rain persist or be predicted for the week following the TEL period **17 January 2026** to **31 January 2026**, you may apply to extend the TEL period.

With issue of this TEL notice, the TEL notice approved for environmental authority EA0001976 on 14 January 2026 will be cancelled. Releases previously approved under that TEL notice are permitted to continue in accordance the conditions of this TEL notice, for the period of this TEL notice.



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## 4 Human rights

A human rights assessment was carried out in relation to this decision/action and it was determined the decision is compatible with human rights.

## 5 Review and appeal rights

You may apply to the administering authority for a review of this decision within **10 business days** after receiving this notice. You may also appeal against this internal review decision to the Land Court. Information about your review and appeal rights is attached to this notice. This information is guidance only and you may have other legal rights and obligations.

## 6 Temporary emissions licence

This temporary emissions licence commences on **16 January 2026** and ends on **30 January 2026,** with the exception of the requirements for **conditions TEL 1.6 to 1.9** which remain in effect until the condition is satisfied.

The licence permits the following emission:

- **Release of mine affected water from Pit 1 and MAW Dam to the Isaac River at varied locations and receiving water flow events for release points RP1 and RP2.**

The licence overrides the following conditions of your environmental authority, approval number EA0001976:

- **Condition F2** (replaced by Condition TEL F2)
- **Condition F3** (replaced by Condition TEL F3)
- **Condition F4** (replaced by Condition TEL F4)
- **Condition F7** (replaced by Condition TEL F7)
- **Condition F9** (replaced by Condition TEL F9)
- **Condition F10** (replaced by Condition TEL F10)
- **Condition F11** (replaced by Condition TEL F11)
- **Condition F13** (replaced by Condition TEL F13)
- **Condition F18** (replaced by Condition TEL F18)
- **Condition F20** (replaced by Condition TEL F20)
- **Condition F21** (replaced by Condition TEL F21)
- **Condition F22** (replaced by Condition TEL F22)
- **Table F1: Mine Affected Water Release Points, Sources and Receiving Waters** (replaced by Table TEL F1)
- **Table F2: Mine Affected Water Release Limits** (replaced by Table TEL F2)
- **Table F4: Mine Affected Water Release during Flow Events** (replaced by Table TEL F4)
- **Table F5: Receiving Waters Contaminant Trigger Levels** (replaced by Table TEL F5)**.**
- **Table F6: Receiving Water Upstream Background Sites and Downstream Monitoring Points** (replaced by Table TEL F6)**.**

The following conditions apply to this licence:

| Condition Number | Condition |
|---|---|
| TEL F2 | The release of mine affected water to waters must only occur from the release points specified in **Table TEL F1: Mine affected water release points, sources and receiving waters.**<br><br>The holder of this environmental authority must advise the administering authority of the location of mine affected water release points, sources and receiving waters at least **twelve (12) months** prior to the commencement of releasing mine affected water from locations other than those listed in **Table TEL F1: Mine affected water release points, sources and receiving waters**. |
| TEL F3 | The release of mine affected water to waters in accordance with **Condition TEL F2** must not exceed the release limits stated in **Table TEL F2: Mine affected water release limits** when measured at the monitoring points specified in **Table TEL F1: Mine affected water release points, sources and receiving waters** for each quality characteristic. |
| TEL F4 | The release of mine affected water to waters from the release points must be monitored at the locations specified in **Table TEL F1: Mine affected water release points, sources and receiving waters** for each quality characteristic and at the frequency specified in **Table TEL F2: Mine affected water release limits** and **Table F3: Release contaminant trigger investigation levels**.<br><br>Note: The administering authority will take into consideration any extenuating circumstances prior to determining an appropriate enforcement response, in the event **Condition TEL F4** is contravened due to a temporary lack of safe or practical access. The administering authority expects the holder of this environmental authority to take all reasonable and practicable measures to maintain safe and practical access to designated monitoring locations. |
| TEL F7 | **Mine affected water release events**<br><br>The holder of this environmental authority must ensure stream flow is determined at the locations specified in **Table TEL F4: Mine affected water release during flow events** prior to and during releases. |
| TEL F9 | The release of mine affected water to waters in accordance with **Condition TEL F2** must only take place during periods of natural flow events in accordance with the receiving water flow criteria for discharge specified in **Table TEL F4: Mine affected water release during flow events** for the release point(s) specified in **TEL Table F1: Mine affected water release points, sources and receiving waters.** |
| TEL F10 | The release of mine affected water to waters in accordance with **Condition TEL F2** must not exceed the electrical conductivity, sulfate release limits or the maximum release rate (for all combined release point flows) for each receiving water flow criteria for discharge specified in **Table TEL F4: Mine affected water release during flow events** when measured at the monitoring points specified in **Table TEL F1: Mine affected water release points, sources and receiving waters**. |
| TEL F11 | A report proposing site-specific sulfate release limits for each flow criteria in **Table TEL F4: Mine Affected Water Release during Flow Events** must be submitted to the administering authority for approval and inclusion in the environmental authority once sufficient data has been obtained at each flow rate to determine appropriate sulfate limits. |
| TEL F13 | All continuous environmental monitoring systems required by this environmental authority must have an instrument availability of at least 80% except for the continuous monitoring of release points specified in **Table TEL F1: Mine affected water release points, sources and receiving waters** which must have an instrument availability of at least 90%. |

| Condition Number | Condition |
|---|---|
| TEL F18 | **Notification of release event exceedance**<br>If the release limits defined in **Table TEL F2: Mine affected water release limits,** when measured at the monitoring points in **Table TEL F1: Mine Affected Water Release Points, Sources and Receiving Waters,** are exceeded, the holder of this environmental authority must notify the administering authority, via WaTERS, within **twenty-four (24) hours** of receiving the results. |
| TEL F20 | **Receiving environment monitoring and contaminant trigger levels**<br>The quality of the receiving waters must be monitored at the locations specified in **Table TEL F6: Receiving Water Upstream Background Sites and Downstream Monitoring Points** for each quality characteristic and at the monitoring frequency stated in **Table TEL F5: Receiving Waters Contaminant Trigger Levels**. |
| TEL F21 | A report proposing site-specific trigger levels for total suspended solids and turbidity in **Table TEL F5: Receiving Waters Contaminant Trigger Levels** must be submitted to the administering authority for approval and inclusion in the environmental authority once sufficient data has been obtained for total suspended solids and turbidity to determine appropriate trigger levels. |
| TEL F22 | If quality characteristics of the receiving water at the downstream monitoring points exceed any of the trigger levels specified in **Table TEL F5: Receiving Waters Contaminant Trigger Levels** during a release event the holder of this environmental authority must compare the downstream results to the upstream results in the receiving waters and:<br>(a) where the downstream result is the same or a lower value than the upstream value for the quality characteristic, then no action is to be taken; or<br>(b) where no sample can be taken at the upstream location specified in **Table F6: Receiving Water Upstream Background Sites and Downstream Monitoring Points**, cease release; or<br>(c) where the downstream results exceed the upstream results, cease release. |

The following additional conditions apply to this TEL:

| Condition Number | Condition |
|---|---|
| **TEL 1.1** | The release of mine affected waters to waters from the release point TEL RP2 must not cause:<br>(a) erosion of the bed and banks of the drainage line or receiving waters beyond that of the natural flow regime;<br>(b) significant impacts to wetlands, remnant vegetation, or habitat values; or<br>(c) a build-up of sediment beyond that of the natural flow regime. |
| **TEL 1.2** | The holder must carry out daily visual inspections of the 'MSES High Ecological Significant Wetland' illustrated in **Figure TEL A1 – HES Wetlands** for the duration of release of mine affected waters to waters from the release point TEL RP2 to confirm that flows are present from the 'MSES High Ecological Significant Wetland' to the Isaac River. |
| **TEL 1.3** | Despite **Table TEL F4: Mine Affected Water Release during Flow Events**, the release of mine affected water to waters from TEL RP2 must only occur when the visual inspection required under condition **TEL 1.2** confirm that flows are present from the 'MSES High Ecological Significant Wetland' to the Isaac River. |

| | |
|---|---|
| **TEL 1.4** | The release of mine affected waters to waters from TEL RP2 must immediately cease if the trigger levels specified in **Table F3: Release Contaminant Trigger Investigation Levels** or **Table TEL F5: Receiving Waters Contaminant Trigger Levels** are exceeded when measured at 'TEL Downstream Monitoring Point' as described in **Table TEL F6: Receiving Water Upstream Background Sites and Downstream Monitoring Points**. |
| **TEL 1.5** | Where water quality monitoring of the MAW dam, associated with releases from TEL RP2, indicate an exceedance of any limit specified in **Table F3: Release Contaminant Trigger Investigation Levels**, the release of mine affected waters from TEL RP2 must cease. |
| **TEL 1.6** | No later than **one (1) month** after the cessation of the release at TEL RP2, an appropriately qualified person must design an appropriate monitoring program to confirm that no actual or potential environmental harm to remnant ecosystem or essential habitat has occurred as a result of releases at TEL RP2. |
| **TEL 1.7** | No later than **three (3) months** after the cessation of the release at TEL RP2, an appropriately qualified person must implement the monitoring program required under condition **TEL 1.6**. |
| **TEL 1.8** | No later than **three (3) months** after the cessation of the release at TEL RP2, an impact survey must be completed by an appropriately qualified person in accordance with the methodologies outlined in the Groundwater Dependent Ecosystems and Wetland Monitoring Program (GDEWMP) under environmental authority condition **E24** of EA0001976 at the GDE/wetland monitoring sites B-Imp1, B-u3 and C-u3 as described in Table 7 of the GDEWMP. |
| **TEL 1.9** | Within **ten (10) business days** of completion of the monitoring program and survey required under conditions **TEL 1.7** and **TEL 1.8,** a report of the findings must be provided to the administering authority. |

**Figure TEL A1 – HES Wetlands**




Imagery © Planet 2025

**Table TEL F1: Mine Affected Water Release Points, Sources and Receiving Waters**

| Release point | Latitude | Longitude | Mine affected water source location | Monitoring point | Receiving waters description |
|---|---|---|---|---|---|
| RP1 | -22.180893 | 148.378217 | P9 | Pipe Outlet | Isaac River via unnamed drainage line |
| **TRP** | **-22.174497** | **148.353175** | **Pit 1** | **Pipe Outlet** | **Isaac River via diversion drain** |
| **TEL RP2** | **-22.229687** | **148.374524** | **MAW Dam** | **MAW Dam** | **Isaac River via pipe and unnamed drainage line from MAW Dam** |
| RP3 | -22.248724 | 148.402340 | P33 | Pipe Outlet | Isaac River via unnamed drainage line |
| RP4 | -22.260291 | 148.411143 | P46 | Pipe Outlet | Isaac River via unnamed drainage line |
| RP5 | -22.340264 | 148.502564 | WROM | Pipe Outlet | Isaac River via unnamed drainage line |

### Table TEL F2: Mine Affected Water Release Limits

| Quality characteristic | Release limit[1] | Monitoring frequency |
|---|---|---|
| Electrical conductivity (µS/cm) | Release limits specified in **Table TEL F4: Mine Affected Water Release during Flow Events** during flow events for variable flow criteria. | Continuous (minimum hourly average); or daily manual sample when continuous monitoring systems are not available. |
| pH (pH unit) | 6.5 (minimum)<br>9.0 (maximum) | Daily during release (the first sample must be taken within two hours of commencement of release). |
| Turbidity (NTU) | 300 NTU or unless the upstream turbidity is higher[1] | Daily during release (the first sample must be taken within two hours of commencement of release). |
| Sulfate (mg/L) | 1,000 | Daily during release (the first sample must be taken within two hours of commencement of release). |

Notes:

1. For releases of mine affected water with turbidity levels above 300NTU the upstream turbidity must be monitored on a minimum frequency of daily to provide sufficient compliance evidence.

### Table TEL F4: Mine Affected Water Release during Flow Events

| Receiving water | Release points (RP) | Gauging station | Gauging station Latitude | Gauging station Longitude | Receiving water flow recording frequency | Receiving water flow criteria for discharge ($m^3/s$) | Maximum release rate (for all combined RP flows) | Electrical conductivity and sulfate release limits |
|---|---|---|---|---|---|---|---|---|
| Isaac River | **TEL RP2** | 130410A Isaac River at Deverill | -22.164296 | 148.350830 | Continuous (minimum daily) | Medium Flow after natural flow events that exceed 1 $m^3/s$ | 1.0 $m^3/s$ | 2,000 µS /cm<br>$SO_4^{2-}$ mg/l: 545 |
| Isaac River | RP1<br>**TRP** | 130410A Isaac River at Deverill | -22.164296 | 148.350830 | Continuous (minimum daily) | Medium Flow after natural flow events that exceed **1 $m^3/s$** | 1.0 $m^3/s$ | **4,000 µS/cm**<br>$SO_4^{2-}$ mg/l 1,000[1] |
| | | | | | | High Flow after natural flow events that exceed 50 $m^3/s$ | 2.0 $m^3/s$ | 4,000 µS/cm<br>$SO_4^{2-}$ mg/l 1,000[1] |
| | | | | | | High Flow after natural flow events that exceed 100 $m^3/s$ | 3.0 $m^3/s$ | 6,000 µS/cm<br>$SO_4^{2-}$ mg/l 1,000[1] |
| | | | | | | Very high Flow after natural flow events that exceed 300 $m^3/s$ | 5.0 $m^3/s$ | 10,000 µS/cm<br>$SO_4^{2-}$ mg/l 1,000[1] |

[1] Sulfate limit is based on the mine affected water release limit in **Table TEL F2: Mine affected water release limits** of this environmental authority. Site specific sulfate limits will be developed for each variable flow criteria in accordance with **Condition TEL F11** of this environmental authority.

**Table TEL F5: Receiving Waters Contaminant Trigger Levels**

| Quality characteristic | Trigger level | Monitoring frequency |
|---|---|---|
| Electrical conductivity (µS/cm) | 2,000 | Continuous (minimum hourly average); or daily manual sample when continuous monitoring systems are not available |
| pH | 6.5 – 9.0 | Daily manual sample during the release |
| Total suspended solids (mg/L) | Event flow (>4.7$m^3$/s): <380 | |
| Turbidity (NTU) | Event flow (>4.7$m^3$/s): <590 | |
| Sulfate ($SO_4^{2-}$) (mg/L) | 545 | |

**Table TEL F6: Receiving Water Upstream Background Sites and Downstream Monitoring Points**

| Monitoring points | Receiving waters location description | Latitude | Longitude |
|---|---|---|---|
| **Upstream background monitoring points** | | | |
| Monitoring point at Gauge No. 130410A 'Deverill', Isaac River | Isaac River - upstream of RP1 and RP2 | -22.164296 | 148.350830 |
| SW3 (Alternative upstream monitoring point when there is no access to 130410A gauging station)@ | Isaac River - upstream of RP1 and RP2 | -22.1675 | 148.3823 |
| **Downstream monitoring points** | | | |
| ODC IRGS1* | Isaac River - downstream of RP1 and RP2, upstream of Boomerang Creek confluence. | -22.22357 | 148.416464 |
| ODC IRGS2# | Isaac River upstream of Phillips Creek confluence. | -22.33844 | 148.47217 |
| ODC IRGS3^ | Isaac River at Fitzroy Development Road | -22.41971 | 148.69932 |
| **TEL Downstream Monitoring Point&** | **Isaac River downstream of TEL RP2** | **-22.246604** | **148.422783** |

@ = Applies to water quality grab samples only

*= ODC IRGS1 – must be established prior to releases from RP1 and RP2 and monitoring during releases from RP1 and RP2

#= ODC IRGS2 - must be established prior to releases from RP3 and RP4 and monitoring during releases from RP3 and RP4

^= ODC IRGS3 – must be established prior to releases from any RPs and monitored during releases from any RP.

**& = TEL Downstream Monitoring Point – must be established prior to releases from TEL RP2.**

Should you have any questions about the notice, please contact Ben Byrd using the details provided below.

|  | 16 January 2026 |
|---|---|
| Signature | Date |

Ben Byrd

**Department of the Environment, Tourism, Science and Innovation**
Delegate of the administering authority
*Environmental Protection Act 1994*

**Enquiries:**

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Information sheet Internal review and appeals (ESR/2015/1742)