Government of Western Australia
Department of Water and Environmental Regulation

Decision Report

Application for Works Approval

Part V Division 3 of the *Environmental Protection Act 1986*

Works Approval Number	W3040/2025/1
Applicant	Black Cat (Kal East) Pty Ltd
ACN	620 898 044
App number	APP-0029003
Premises	Fingals Gold Project Mining tenements: M26/148, M26/197, M26/248, M26/357, M26/364, M26/409, M26/417, M26/635 EAST COOLGARDIE, WA As defined by the premises maps attached to the issued works approval
Date of report	1 October 2025
Decision	Works approval granted

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1. Decision summary

This decision report documents the assessment of potential risks to the environment and public health from emissions and discharges during the construction and time limited operations undertaken at the premises. As a result of this assessment works approval W3040/2025/1 has been granted.

2. Scope of assessment

2.1 Regulatory framework

In completing the assessment documented in this decision report, the Department of Water and Environmental Regulation (the department; DWER) has considered and given due regard to its regulatory framework and relevant policy documents available at https://dwer.wa.gov.au/regulatory-documents.

2.2 Overview of premises and application summary

On 7 May 2025, Black Kat (Kal East) Pty Ltd (the applicant) submitted a works approval application to the department under section 54 of the *Environmental Protection Act 1986* (EP Act). The application relates to the Fingals Gold Project (the premises), previously known as Mount Monger South, located approximately 40 kilometres (km) south-east of Kalgoorlie, in the Eastern Goldfields Region.

Mining activities at the premises commenced in 1991 and included the excavation of four open pits - Fingals Fortune (referred to in this report as Fingals open pit and Fingals in-pit TSF), Bagus, Futi Bagus and Sibu. Ore processing commenced in 1992. Excavation of the pits ceased in 1994 and was followed by partial rehabilitation work while ore processing continued until 1997, using material sourced from the nearby Randall's mine (Figure 1).

Tailings generated at the premises during this period were stored in the above ground Fingals tailings storage facility (TSF), and within the previously excavated open pits (in-pit storage). Processing activities ceased in 1997 and in 2012 most of the infrastructure was removed from the premises.

The current works approval application seeks to recommence mining activities at the premises. Specifically, the applicant proposes to undertake preparatory earthwork of the existing above ground TSF (construction phase) to facilitate the dry stacking of historic tailings removed from the Fingals, Bagus and Futi-Bagus open pits in a time limited operations phase. The removal and disposal of historic tailings is proposed to occur in two stages:

- Stage 1: Removal and storage of approximately 200,000 tonnes of historic tailings from the Fingals open pit during the first year; and
- Stage 2: Removal and storage of approximately 1.15 Megatonnes (Mt) of historic tailings from the Bagus and Futi Bagus open pits.

Further details of the proposed activities are provided later in this report. Figure 2 illustrates the general arrangement of the above ground and in-pit TSFs at the premises.

The premises falls under a prescribed category and assessed production capacity defined under Schedule 1 of the *Environmental Protection Regulations 1987* (EP Regulations) and defined on works approval W3040/2025/1. The infrastructure and equipment associated with the premises category and any related activities have been assessed by the department in accordance with *Guideline: Risk Assessments* (DWER 2020).

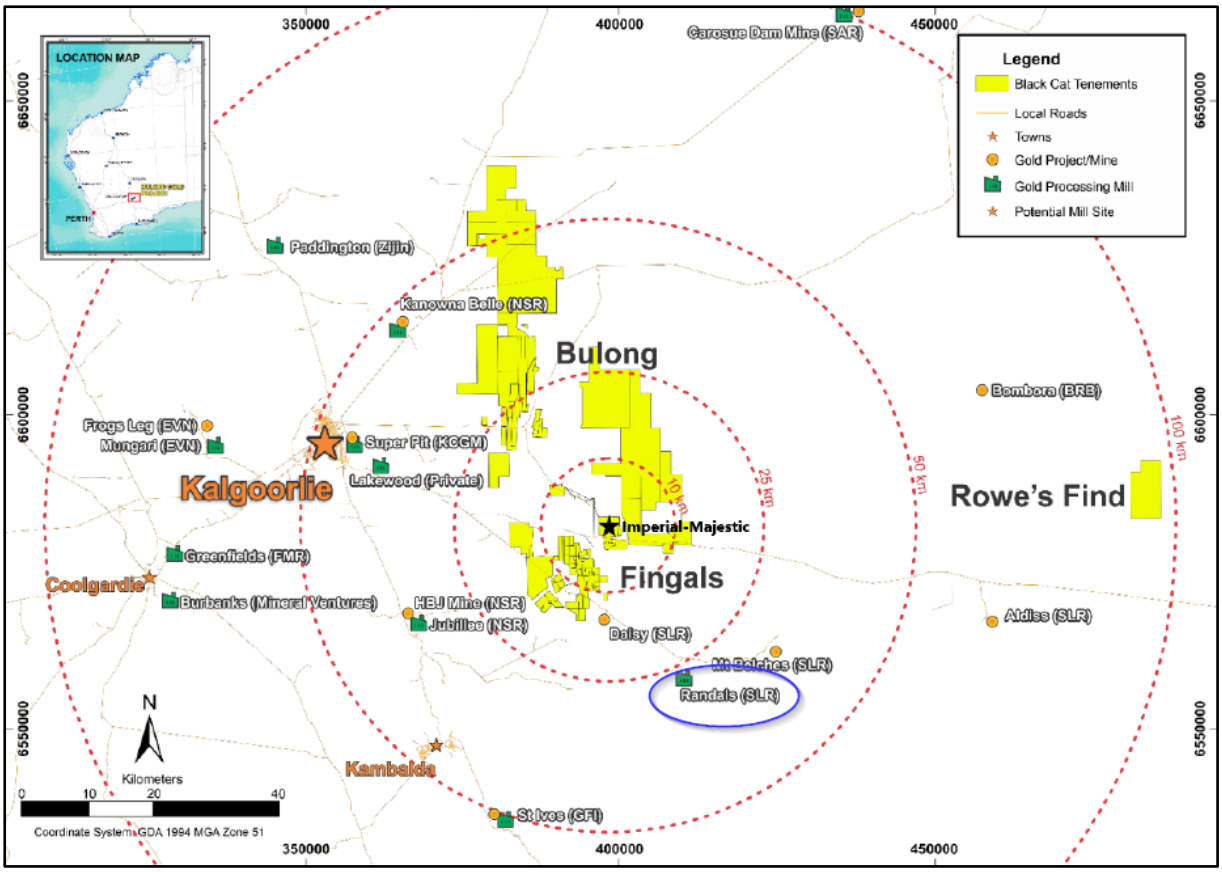

Figure 1: Location of the Fingals Project in the regional context. Randall's mine (highlighted in blue) for historical reference

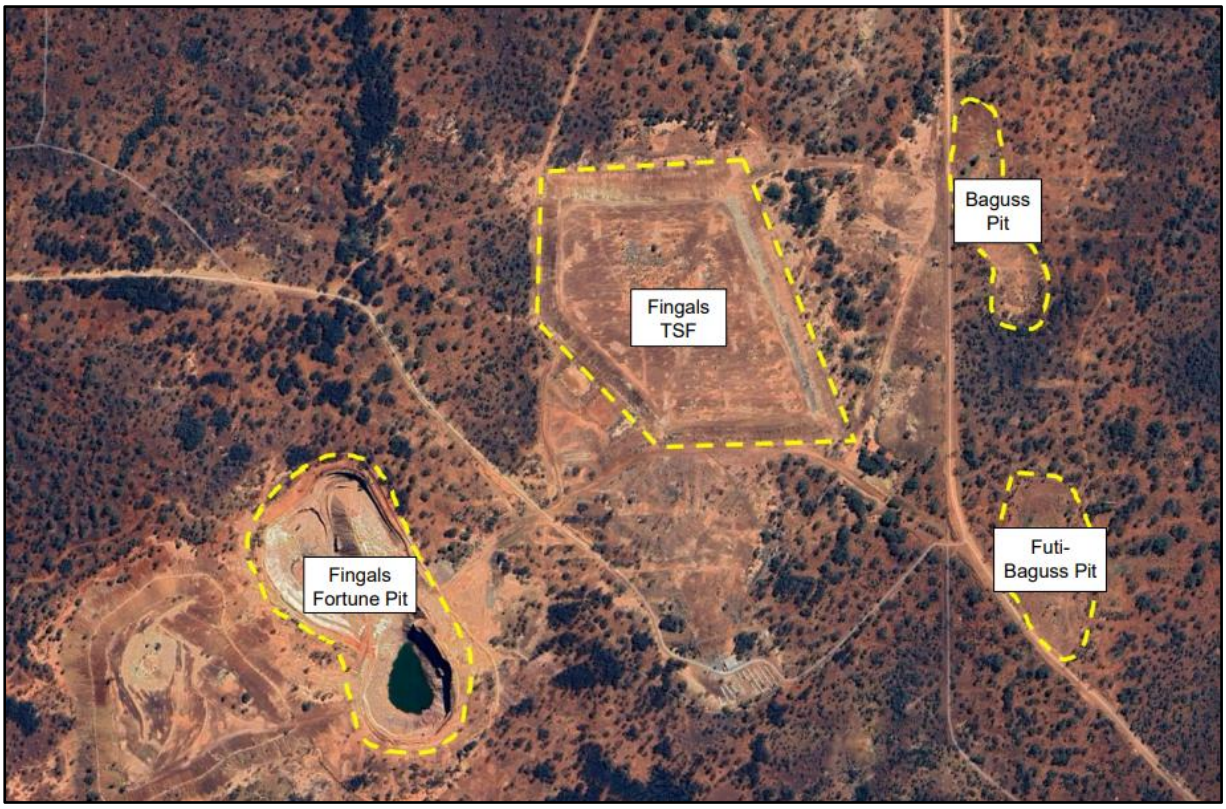

Figure 2. Site layout showing the Fingals above-ground TSF and the proposed in-pit TSFs to be excavated as part of the Fingals Gold Project

2.2.1 Premises conditions

Fingals TSF

The Fingals TSF is an above ground paddock style tailings storage facility, constructed on mining tenement M26/248. The height of the facility is approximately five metres with capped tailings reaching a height of 4.5 metres. Capping material consists of mine waste clay material similar to that stockpiled at the premises. The TSF covers an approximate area of 10 hectares and has a surface perimeter of 1.3 kilometers. Embankments batters are graded at 1 vertical rise (V): 3 horizontal run (H). In-situ tailings and embankment fill are expected to be dry (Tailcon, 2025). A site inspection undertaken by CMW Geoscience in 2022, noted that there appeared to be no degradation of the TSF embankment and the TSF surface was in good condition. Sumps had been excavated in the area and access tracks were noted around the perimeter of the TSF. A sump was also located at its centre. No evidence of extensive erosion was noted on the northern face of the batter, and erosion protection measures were in place. The eastern, southern, and western batters showed signs of water flow and erosion, with meandering gullies leading to a larger drainage channel at the base, likely designed to divert the water away from the TSF. The report recommended the backfilling of the erosion gullies with competent rock and ensure appropriate drainage of the landform.

Historic tailings characteristics

Bagus, Futi Bagus and Fingals Fortune in-pit TSFs are located to the east, southeast and southwest respectively of the Fingals above ground TSF (Figure 2). A study of the physical characteristics of in-situ tailings from the Futi Bagus was undertaken by Geoanalytica in 2021. The study is considered representative of the tailings within the other in-pit TSFs at the premises, given the history of the mine site.

A summary of the main findings from this study is shown below:

- Pore pressure measurements indicated that the tailings were not fully saturated, suggesting that no groundwater was present along the whole tailings' profile.
- In situ tailings were either classified as *course* or *fine*, likely the result of timing of deposition and type of treatment the ore was subjected to.
- Tailings were found to be stratified, with fine and coarse fractions forming discrete layers.
- Coarse tailings were mainly composed of silty sand material, where the silt element was of low plasticity and the sand was fine-grained with a sub-rounded to sub-angular angularity. Bulk density ranged between 1.7 tonnes (t) / cubic metre (m^3) and 1.9 t / m^3 with an in-situ moisture content ranging from 6 and 8 % and a corresponding in-situ dry density between 1.6 and 1.7 t / m^3. Particle density was somewhat higher than typical gold tailings. The coarse tailings material exhibited partial cementation, likely due to lime conditioning during ore processing. Their dry and free-draining nature, combined with a coarse-grained composition, suggested the tailings would behave in a drained and stable manner under both static and dynamic loading conditions when deposited.
- Fine tailings were primarily composed of high plasticity silt material with a similar bulk density to the course tailings. However, in-situ moisture content was significantly higher, around 40%, with an in-situ dry density of approximately 1.3 t / m^3. Tailings testing showed a high proportion of moisture content relative to the material's liquid limit and excess pore pressure development was observed during piezometer penetration tests. This suggests that under static transient conditions, the tailings may be prone to instability.

2.2.2 Details of proposed activities

Construction activities

Construction activities will be undertaken at the premises to ensure that the Fingals above ground TSF can accommodate the dry stacking of tailings and that the area is safe to operate. Construction work will include:

- Grading of the existing TSF capping to a minimum of 2%, to improve drainage of rainfall entering the TSF; and
- Construction of a 1.5 m mine waste windrow along the downstream embankment toe to form an exclusion zone for light vehicles and personnel.

A schematic of the construction activities is presented in Figure 3.

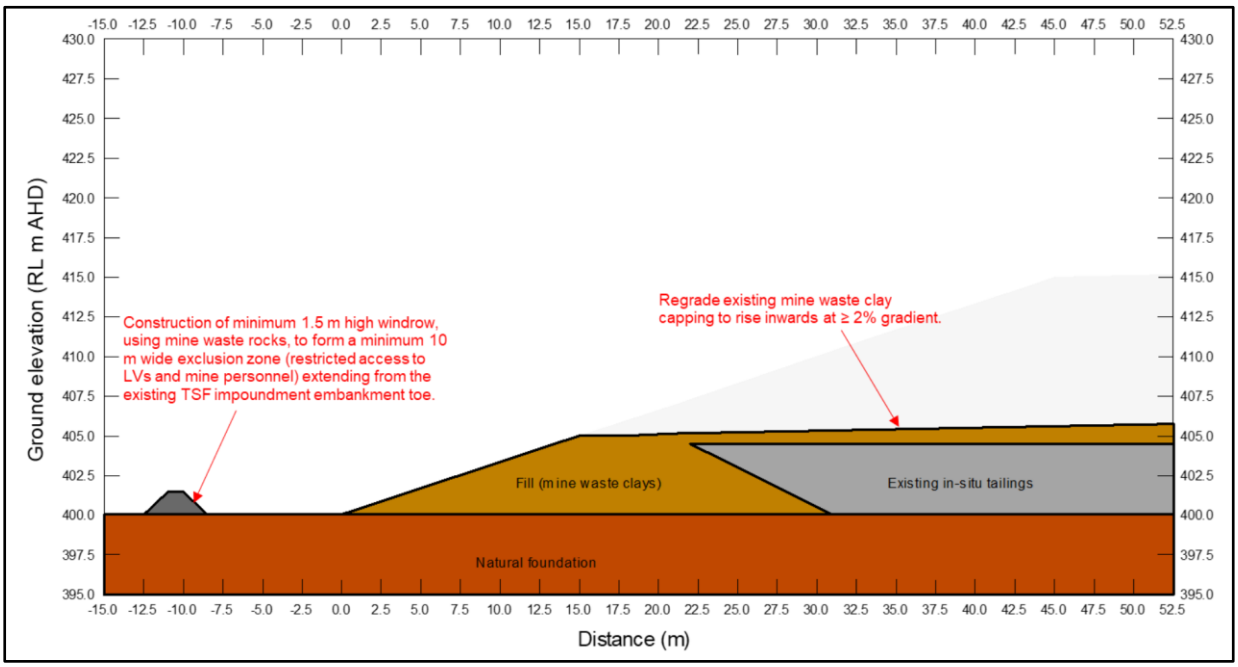

Figure 3. Construction activities to be undertaken at the Fingals above ground TSF

Time limited operations: tailings placement and management

As outlined in section 2.2.1, fine-grained tailings were identified as having a potential risk of liquefaction due to their elevated moisture content relative to the material liquid limit. Tailcon Project Consulting (2025) recommended that this risk be mitigated through the implementation of tailings conditioning. The conditioning aims to reduce the likelihood of shear failure and liquefaction under undrained conditions, thereby ensuring safe transport and stable deposition.

The following conditioning methodologies were recommended:

1. Solar Desiccation
   Excavated fine-grained tailings should be spread on flat ground in approximately 400 mm thick horizontal loose lifts. This will allow solar desiccation and evaporative drying. Transportation trials are recommended to determine the critical moisture content threshold for safe handling

   and/or

2. Co-Mixing
   Fine-grained tailings should be mixed in a 1:3 ratio (by tonnage) with coarse-grained tailings. The blending should aim to reduce the overall moisture content to ≤15%.

The licence holder has indicated that co-mixing will be the preferred method of conditioning and

solar desiccation will only be undertaken if necessary. Co-mixing will be undertaken within the excavated pit.

After conditioning, excavated historic tailings will be transported to the above ground Fingals TSF using uncovered haul trucks. Placement will be carried out in accordance with the following specifications:

- Deposition will occur at a batter slope no steeper than 1V:3H, consistent with the existing TSF slope.
- Tailings will be dry-stacked in continuous 500 mm thick layers and compacted. Compaction testing will be undertaken to achieve minimum dry density of 1.6 tonnes per cubic metre (approximately 95% standard maximum dry density).
- A minimum 3 meter wide fresh rock armour will be placed over the dry-stacked tailings batter, with the armour surface matching the TSF slope gradient.
- Installation of the armour will be carried out concurrently with tailings stacking to limit exposure of the tailings batter.
- Deposited tailings will maintain a minimum 2% downward gradient toward the batter edges to promote drainage and prevent ponding.
- The maximum height of the stacked tailings will not exceed 1 meter above the existing TSF crest. The total volume of tailings to be deposited will be approximately 115,200 cubic metres.

Where practicable, mining operation will be conducted in warmer weather to maximise drying of tailings.

Figure 4 shows the proposed operations.

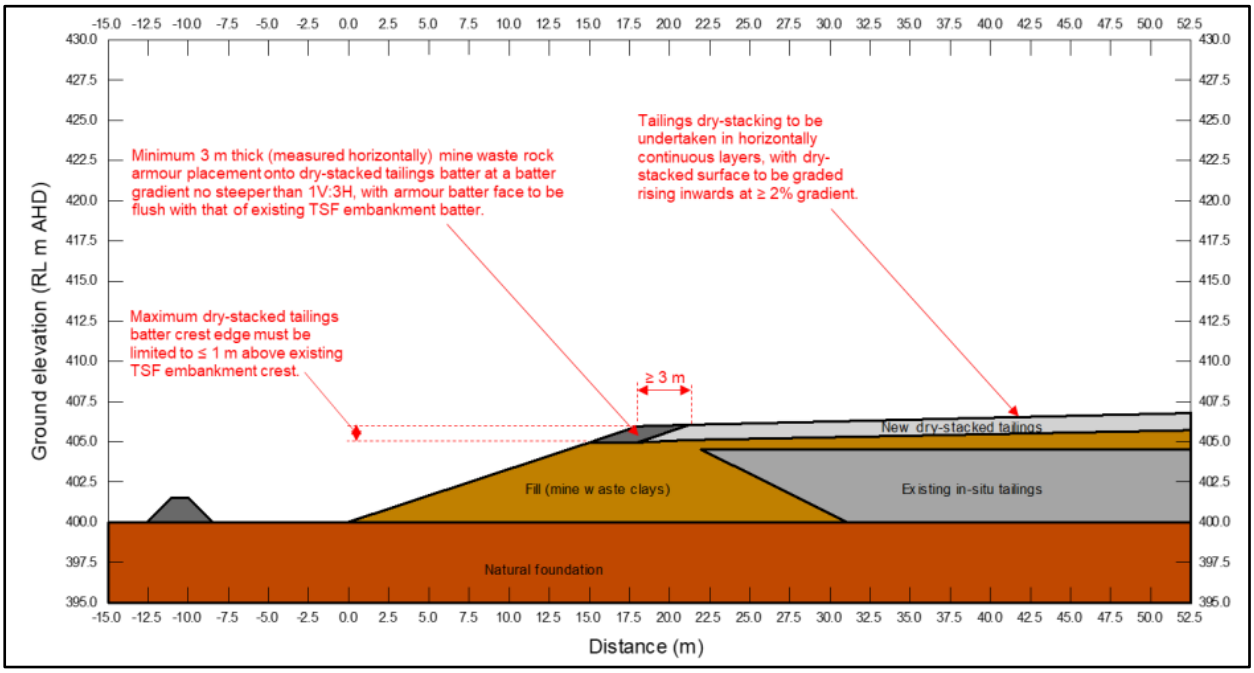

Figure 4. Dry stacking at the Fingals above ground TSF

Time limited operations: flood and runoff management

A hydro-meteorological and surface water management study was undertaken at the premises by Groundwater Resource Management (2021). The report indicated that the premises has historically been subject to significant rainfall events. The wettest day on record occurred on 22 February 1948, when 177.8 s (mm) of rain was recorded approximately 45 km northwest of the

premises. This event was associated with a Tropical Cyclone and had an Annual Exceedance Probability (AEP) of less than 1%.

Short-duration rainfall intensities resulting from remnant cyclones and tropical depressions can occur in the vicinity of the premises. Regional records indicate that maximum six-minute rainfall intensities exceeding 150 mm/hour (hr), which are indicative of cyclonic rainfall could potentially affect the Fingals Gold Project.

Hydrologically, the premises is positioned on the regional catchment divide between Lake Raeside–Ponton Catchment to the north (1,155 km²) and Lake Lefroy Catchment to the south (24,880 km²). There is no evident upstream catchment area. Two ephemeral drainage lines cross the premises approximately 300 m south of the Fingals open pit and 700 m north of the above ground TSF. No *significant* river systems or watercourses are found in the immediate vicinity.

Surface water management at the site will therefore focus on direct precipitation. Flooding and runoff risks during rainfall events at the above ground TSF will be mitigated through the construction of a perimeter safety bund surrounding the TSF and roll-over bunds at the top of pit ramps to prevent water ingress into the pit.

Runoff generated at the fuel storage truck area and workshops will be collected in open drains directed to an oily water separator. Runoff generated from the mine activities around the pits, waste rock dumps and topsoil stockpiles will be contained and directed to an already constructed, lined sedimentation pond. Any runoff generated during the removal of tailings will be collected into sumps and pumped to the surface water pond for reuse. Drains in the mine services area will be sized to accommodate a 1 in 10 AEP (10%) rainfall event. Runoff generated in the undisturbed catchment areas will be kept separate by using diversion channels.

Time limited operations: duration

As outlined in section 2.2 of this report, the applicant requested to undertake operations at the premises in two stages:

- Stage 1: involving the removal of historic tailings from the Fingals open pit
- Stage 2: involving the removal of tailings from the Bagus and Futi Bagus open pits

Stage 1 of the operations was forecast to last approximately one year and achieve the removal and dry stacking of 200,000 tonnes of tailings.

Time limited operations on any works approval can last a maximum of 180 days in accordance with the department's *Guideline: Industry Regulation Guide to Licensing* (June 2019). Accordingly, only removal of the Fingals historic tailings for a maximum duration of 180 days will be assessed in the risk assessment table (Table 3) as part of this decision report. This decision is consistent with the Department of Mines, Petroleum and Exploration (DMPE) decision to grant mining approval on the dry stacking of tailings by no more than 1 metre above the current tailings' height. The DMPE decision reflects the uncertainty surrounding the geotechnical strength response of the dry-stacked tailings throughout different climatic conditions over a yearly period (Mining approval ref: 500339).

Ongoing operations of the tailings dry stacking activities (the second half of Stage 1 and Stage 2) must be assessed and authorised under a new licence application.

3. Risk assessment

The department assesses the risks of emissions from prescribed premises and identifies the potential sources, pathways and impacts to receptors in accordance with the *Guideline: Risk Assessments* (DWER 2020).

To establish a risk event, there must be an emission, a receptor that is exposed to that emission

via an identified actual or likely pathway, and a potential adverse effect on the receptor resulting from that exposure.

3.1 Source-pathways and receptors

3.1.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises construction and time limited operation considered in this decision report are detailed in Table 1. Table 1 also details the control measures the applicant has proposed to assist in controlling these emissions, where necessary.

Table 1: Proposed applicant controls

Emission	Sources	Potential pathways	Proposed controls
Construction			
Dust	Mobilisation of equipment, movement of vehicles, construction of windrow, exclusion zone, surface water contamination preventative measures, grading of TSF capping	Air / windborne pathway	Water trucks will be used for dust suppression when visible dust is noted.
Noise		Air / windborne pathway	Operations will comply with the *Environmental Protection (Noise) Regulations 1997.*
Contaminated stormwater (during heavy rainfall events)		Overland runoff	No controls were proposed for contaminated stormwater, during the construction activities.
Time limited operations			
Dust	Removal and transport of historic tailings from the in-pit TSFs Conditioning of tailings within the in-pit TSFs Dry stacking of tailings within the above ground TSF	Air / windborne	No transport to be undertaken in windy conditions. Daily inspections of the TSF will be undertaken during disposal of tailings. A water cart will be available for dust suppression when dust is visible. Compaction of tailings will be undertaken during deposition with in-situ density tested (approx. 95% of standard maximum dry density). Progressive capping will occur with non-acid forming fresh basalt rock once the historic tailings reach 1 m in height. Designated speed limits will be enforced for onsite vehicles. An armour placement will be undertaken concurrently with the dry stacking. Exposure of tailings batter will not exceed 1 meter.
Contaminated sediment		Overland	A waste rock windrow approximately 1.5 m high will be constructed surrounding the above

Emission	Sources	Potential pathways	Proposed controls
laden stormwater		runoff	the ground Fingals TSF. Sumps and a pumping system will be constructed within the in-pit TSF. Contaminated stormwater around the operational area will be collected and stored within a collection pond. Diversions will be constructed to maintain non contaminated stormwater away from the processing area. An oily water separator will be constructed to ensure any oil contaminated stormwater is maintained separate. Monitoring of the above ground TSF perimeter will be undertaken after heavy rainfall.
Historic tailings materials	Transport to the above ground TSF	Direct discharge	Geotechnical shear vane testing will be undertaken and any testing will be available to staff on the following shift. Transportation trials will be undertaken to determine the critical moisture content threshold. Conditioning of tailings will be undertaken as follows: • Fine grained tailings will be co-mixed with course grained tailings at a 1:3 ratio, to reach a moisture content of 15% or lower and / or • Solar desiccation will be undertaken in open flat ground in ~400 mm horizontal loose lifts.
Hydrocarbon spills	Refueling and storage of hydrocarbons at the premises.	Direct discharge	All fuel will be stored in bunded areas or bunded containers. Drip trays will be used while refuelling. Spills will be collected and disposed of offsite. Spills will be investigated and reported.

3.1.2 Receptors

In accordance with the *Guideline: Risk Assessment* (DWER 2020), the Delegated Officer has excluded the applicant's employees, visitors, and contractors from its assessment. Protection of these parties often involves different exposure risks and prevention strategies and is provided for under other state legislation.

Table 2 provides a summary of potential human and environmental receptors that may be impacted as a result of activities upon or emission and discharges from the prescribed premises *(Guideline: Environmental Siting* (DWER 2020)).

Table 2: Sensitive human and environmental receptors and distance from prescribed activity

Environmental receptors	Distance from prescribed activity
Flora & Fauna: Native vegetation (Pre-European) - Interim Biogeographic Regionalisation of Australia: Coolgardie Low Eucalypt woodland with species and density varying by soil and elevation (*Eucalyptus stricklandii* on the elevated lateritic ground; *Eucalyptus salubris* and *Eucalyptus gracilis* on calcareous plains). A survey conducted by Botanica Consulting (2021) found that the above vegetation habitat may host the following *vulnerable species* (under the *Environment Protection and Biodiversity conservation Act 1999* and *Biodiversity Conservation Act 2016*) • Grey Facon *(Falco hypoleucos)* • Mallefowl *(Leipoa ocellata)* The Arid Bronze Azure Butterfly (ABAB) and the Inland Hairstreak may also occur at the premises. The ABAB has an obligate association with the sugar ant (*Camponotus sp. nr. Terebrans)* present at the premises.	Surrounding the activities at the premises, including the Fingals open pit and Fingals above ground TSF.
Groundwater Goldfields proclaimed groundwater area under the *Rights in Water and Irrigation Act 1914* (RIWI Act)	Underlying It is not considered that the activities proposed under this works approval will affect the groundwater at the premises. As an actual or likely pathway does not exist, groundwater has not been considered further in the risk assessment table.
Surface water Drainage lines of ephemeral nature	300 m southeast of the Fingals open pit (to be excavated) and 700 m north the above ground Fingals TSF.

3.2 Risk ratings

Risk ratings for each identified emission source have been assessed in accordance with *Guideline: Risk Assessments* (DWER 2020) and considers potential source-pathway and receptor linkages as identified in Section 3.1. Where linkages are incomplete, they have not been considered further in the risk assessment.

Where the applicant has proposed mitigation measures/controls (as detailed in Section 3.1), these have been considered when determining the final risk rating. Where the delegated officer considers the applicant's proposed controls to be critical in maintaining an acceptable level of risk, these will be incorporated into the works approval as regulatory controls.

Additional regulatory controls may be imposed where the applicant's controls are deemed insufficient. Where this is the case the need for additional controls will be documented and justified in Table 3.

Works approval W3040/2025/1 that accompanies this decision report authorises construction and time-limited operations at the premises. The conditions in the issued works approval, as outlined in Table 3 have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).

Following the time-limited operational phase authorised under the works approval a licence is required to authorise emissions associated with the ongoing operation of the premises. A risk assessment for the operational phase has been included in this decision report, however licence conditions will not be finalised until the department assesses the licence application.

Table 3: Risk assessment of potential emissions and discharges from the premises during construction, commissioning and operation

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of works approval	Justification for regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
Construction								
Construction activities including mobilisation of machinery, earthworks and construction of the windrow surrounding the Fingals TSF	Dust	**Pathway:** air/windborne pathway **Impact**: degradation of surrounding vegetation (from smothering)	Native vegetation	Refer to Section 3.1	C = Minor L = Rare **Low Risk**	Y	Condition 1	Applicant's proposed controls have been deemed sufficient to maintain an acceptable level of risk of dust emissions affecting the surrounding vegetation at the premises. Applicant's controls have been conditioned within the works approval in accordance with *Guideline: Risk Assessments* (DWER, 2020)
	Contaminated / sediment laden stormwater	**Pathway**: overland runoff **Impact:** contamination of nearby surface water and soil	Surface water and soil	Refer to Section 3.1	C = Slight L = Rare **Low Risk**	N/A	N/A	The risk of sediment laden stormwater resulting from the construction activities was not specifically addressed on the application. However, given the short duration of construction activities, and the distance from ephemeral surface lines, it is considered that no regulatory controls are necessary on the works approval.
Time-limited-operations								
Removal of historic tailings from the Fingals open pit, conditioning, transport and	Dust	**Pathway:** Air/windborne pathway **Impact:** degradation	Native vegetation	Refer to Section 3.1	C = Minor L = Rare **Low Risk**	Y	Condition 6 Condition 7	Applicant's proposed controls, including the use of water carts during the removal of tailings, and the adaptive management of dust emissions based on weather conditions have been deemed

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of works approval	Justification for regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
deposition into the Fingals above ground TSF		of surrounding vegetation (from smothering)						sufficient for this risk event. Applicant's controls have been conditioned within the works approval in accordance with *Guideline: Risk Assessments (2020).*
	Sediment laden stormwater	**Pathway**: overland runoff **Impact:** contamination of nearby surface water and soil	Surface water and soil	Refer to Section 3.1	C = Minor L = Possible **Medium Risk**	Y	Condition 1	The premises is located in a semi-arid climate, characterised by irregular rainfall, usually in the form of heavy downpours. This can include tropical cyclones that can result in flash flooding. Sediment laden stormwater represents a risk to surface water and soil and causes ecosystem disturbance. The closest ephemeral surface water lines to the activities undertaken at the premises are located approximately 300 and 700 m away. Unlike construction activities, the applicant proposed several measures to mitigate the risk of sediment laden stormwater affecting receptors, including bunds and diversion channels. The proposed controls have been deemed acceptable in mitigating this risk event. The Delegated Officer deemed the risk rating to be medium from a moderate consequence and a possible likelihood, as risk of failure of the infrastructure as a result of

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of works approval	Justification for regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
								erosion can occur. Additionally, containment may be insufficient for all runoff generated during a 1% AEP. Applicant's controls have been conditioned within the works approval in accordance with *Guideline: Risk Assessments (2020).*
	Tailings enriched with arsenic and chromium	**Pathway**: direct discharge from spills during transport **Impact:** contamination of soil leading to ecosystem degradation and disturbance	Soil and native vegetation	Refer to Section 3.1	C = Minor L = Possible **Medium Risk**	Y	Condition 6	Loading of tailings into dump trucks will occur within the pit, therefore it is expected that any spill will be contained and managed without adversely impacting surrounding receptors. Section 2.2.1 discussed the risk associated with the high moisture content of the fine grained tailings and the measures that the applicant will take to ensure the tailings are sufficiently desiccated / mixed before transport and deposition. The measures outlined appear to be sufficient in maintaining an acceptable level of risk, however it is noted that a proactive and an adaptive management approach will be necessary in order to determine the suitability of tailings for transport. The applicant's controls have been conditioned within the works approval in accordance with

Risk events					Risk rating [1] C = consequence L = likelihood	Applicant controls sufficient?	Conditions [2] of works approval	Justification for regulatory controls
Sources / activities	**Potential emission**	**Potential pathways and impact**	**Receptors**	**Applicant controls**				
								Guideline: Risk Assessments (2020).
Use and refuelling of heavy vehicles, storage of hydrocarbons onsite	Hydrocarbons	**Pathway**: direct discharge from spills **Impact:** contamination of soil, surface water leading to ecosystem degradation and disturbance	Soil, surface water ephemeral lines and native vegetation	Refer to Section 3.1	C = Slight L = Unlikely **Low Risk**	Y	N/A	No regulatory controls are required as the *Environmental Protection (Unauthorised Discharge) Regulations 2004* apply. Hydrocarbon storage is regulated under the *Dangerous Goods Safety Act 2004.*

Note 1: Consequence ratings, likelihood ratings and risk descriptions are detailed in the *Guideline: Risk Assessments* (DWER 2020).

Note 2: Proposed applicant controls are depicted by standard text. **Bold and underline text** depicts additional regulatory controls imposed by department.

4. Consultation

Table 4 provides a summary of the consultation undertaken by the department.

Table 4: Consultation

Consultation method	Comments received	Department response
Application advertised on the department's website on 25 August 2025	None received	N/A
The City of Kalgoorlie – Boulder was advised of proposal on 25 August 2025	A response was received by the department on 31 August 2025. The following points were noted: • While the risk of sulphide oxidation is negligible in the area, some risk of oxidation of dry historic tailings (particularly sulphide tailings) remains and could potentially mobilise metals into water and the dust emitted during operations in the area. Therefore, appropriate management and monitoring controls should be incorporated into the works approval to control water and oxygen ingress. • The local government also commented that any closure planning should incorporate long-term controls to minimise the potential for tailings oxidation and associated dust generation post closure.	The department noted the City of Kalgoorlie comments and provides the following response. Acid mine drainage resulting from the oxidation of sulphidic minerals during mining (excavation) operations is regulated by DMPE under the *Mining Act 1978*. Similarly, mine closure is also regulated by DMPE under the same Act, and as such it is outside the scope of this assessment. This decision report considers operational issues, including the removal of historic tailings from the Fingals open pit and the dry stacking on the Fingals above ground TSF. The applicant submitted a geochemical characterisation report of comparable historic tailings (sourced at the Imperial Majestic) and tailings were found to be non-acid forming and therefore are not anticipated to oxidise with exposure to water and oxygen. Furthermore, in accordance with regulatory requirements the DWER uses a source-pathways- receptor framework to assess and determine risk rating and appropriate controls on licences or works approvals. In this case the removal of in-situ tailings, is unlikely to affect the groundwater as the removal will occur well above the water table. There are also no identified human receptors that could be potentially affected by dust. Therefore, tailings dust emissions are only considered in this decision report in the context of their potential to degrade the surrounding vegetation and other

Consultation method	Comments received	Department response
		environmental receptors. This assessment found that with the proposed controls in place, the risk of tailings dust contaminating the environment is “low”.
The department of Planning, Lands and Heritage was advised of proposal on 25 August 2025	Comments were received on17/9/2025. A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area intersects with the Aboriginal heritage Place Lake Yindarlgooda – Duncan Swamp Story Line (ID 30609). However, this place has been assessed by the Aboriginal Cultural Heritage Committee as not a site as it does not meet section 5 of the Aboriginal Heritage Act 1972 (AHA). Therefore, based on the current information held by DPLH no approvals under the AHA are required for the proposed Activity. It is also advised that: • The grant of the works approval does not impact the Aboriginal heritage of the area; • Given that the granting of the works approval will facilitate development in the area the proponent (Black Cat Syndicate) needs to contact the Aboriginal Heritage Conservation Team for their own advice prior to the commencement of works; • It should be emphasised to the proponents that the granting of the works approval does not count as approval under the AHA.	Comment’s have been considered in the assessment of this application.
The applicant was provided with a copy of the draft decision report and draft works approval on 23 September 2025.	The applicant requested that: • Table 1, Item 1, Stormwater diversion bunds and drains, (f): remove the requirement from the above ground Fingals TSF as unnecessary • Wave the 21 day comment period and issue the works approval	The comment has been noted and the requirement removed. The 21-day comment period has been waved.

5. Conclusion

Based on the assessment in this decision report, the delegated officer has determined that a works approval will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

References

1. CMW Geoscience 2022, *Fingals Tailings Storage Facility Mount Monger WA: Geotechnical Investigation and Assessment Report,* Perth, Western Australia.
2. Department of Environment Regulation (DER) 2015, *Guidance Statement: Setting Conditions*, Perth, Western Australia.
3. Department of Water and Environmental Regulation (DWER) 2020, *Guideline: Environmental Siting*, Perth, Western Australia.
4. DWER 2020, *Guideline: Risk Assessments*, Perth, Western Australia.
5. Geoanalytica 2021, *Futi Bagus In-pit Tailings Storage Facility,* Perth Western Australia.
6. Tailcon Project Consulting, 2025, *Fingals TSF – Geotechnical Design of Dry-Stack Tailings Trial,* Perth, Western Australia.