



## Application for Licence Amendment

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

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<b>Licence Number</b>	L9267/2020/1
<b>Licence Holder</b>	Mario Michelle Giacci
<b>File Number</b>	DER2020/000475~2
<b>Premises</b>	<p>Gwindinup Sand and Gravel Pits</p> <p>Lot 287 South Western Highway and Lot 393, 79 Lowrie Road</p> <p>GWINDINUP WA 6237</p> <p>Part of Lot 287 on Deposited Plan 100056 (Certificate of Title Volume 1245, Folio 936) and Lot 393 on Deposited Plan 159607 (Certificate of Title Volume 1215, Folio 880)</p> <p>As defined by the coordinates in Schedule 2 of the Revised Licence</p>
<b>Date of Report</b>	01 August 2025
<b>Decision</b>	Revised licence granted

Fiona Westcott

**MANAGER, RESOURCE INDUSTRIES**

**STATE-WIDE DELIVERY (ENVIRONMENTAL REGULATION)**

an officer delegated under section 20 of the *Environmental Protection Act 1986* (WA)

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## 1. Decision summary

Licence L9267/2020/1 is held by Mario Michelle Giacci (licence holder) for the Gwindinup Sand and Gravel Pits (the premises), located at Lot 287, South Western Highway and Lot 393, 79 Lowrie Road, Gwindinup WA.

This amendment report documents the assessment of potential risks to the environment and public health from proposed changes to the emissions and discharges during the operation of the premises. As a result of this assessment, revised licence L9267/2020/1 has been granted.

## 2. Scope of assessment

### 2.1 Regulatory framework

In completing the assessment documented in this amendment report, the department has considered and given due regard to its Regulatory Framework and relevant policy documents which are available at <https://dwer.wa.gov.au/regulatory-documents>.

### 2.2 Application summary

On 24 June 2024, the licence holder submitted an application to the department to amend licence L9267/2020/1 under Section 59 and 59B of the *Environmental Protection Act 1986* (EP Act). The following amendments are being sought:

- Increase capacity of the premises from 120,000 tonnes per year to 200,000 tonnes per year.
- Changes to stormwater management infrastructure, and
- Change operational hours of the premises to include Saturday 7 am – 1 pm.

Licence L9267/2020/1 was also due to expire on 25 September 2024, and a renewal of licence was requested under the same application. The licence renewal was actioned separately to this assessment.

Table 1 below outlines the proposed changes to the existing licence

**Table 1: Proposed design or throughput capacity changes**

Category	Current throughput capacity	Proposed throughput capacity	Description of proposed amendment
Category 12: Screening etc. of material	120,000 tonnes per year	200,000 tonnes per year	Increase throughput of the premises by 80,000 tonnes per year.

#### 2.2.1 Change to application scope February 2025

A draft decision report and amendment licence was provided to the licence holder on 20 December 2025. On 8 January 2025 the licence holder informed the department that the development approval (DA) and extractive industries licence (EIL) for Lot 287 was refused by the City of Capel and there is currently no active DA/EIL for Lot 287.

The department's stance is that since the DA/EIL for Lot 287 has been denied it would not grant the Part V licence amendment to extend the premises boundary and area of operation. This would include any proposed plans to construct retention ponds or any works to increase capacity of existing ponds.

The department has determined that it could grant the licence amendment if it removes parts of the assessment that deal with Lot 287. The proposed increase to capacity, and adjusted hours of operation (to include half day Saturday) could be issued in the revised licence.

### **3. Risk assessment**

The department assesses the risks of emissions from prescribed premises and identifies the potential source, pathway and impact to receptors in accordance with the *Guideline: Risk assessments* (DWER 2020).

To establish a Risk Event there must be an emission, a receptor which may be exposed to that emission through an identified actual or likely pathway, and a potential adverse effect to the receptor from exposure to that emission.

#### **3.1 Premises description**

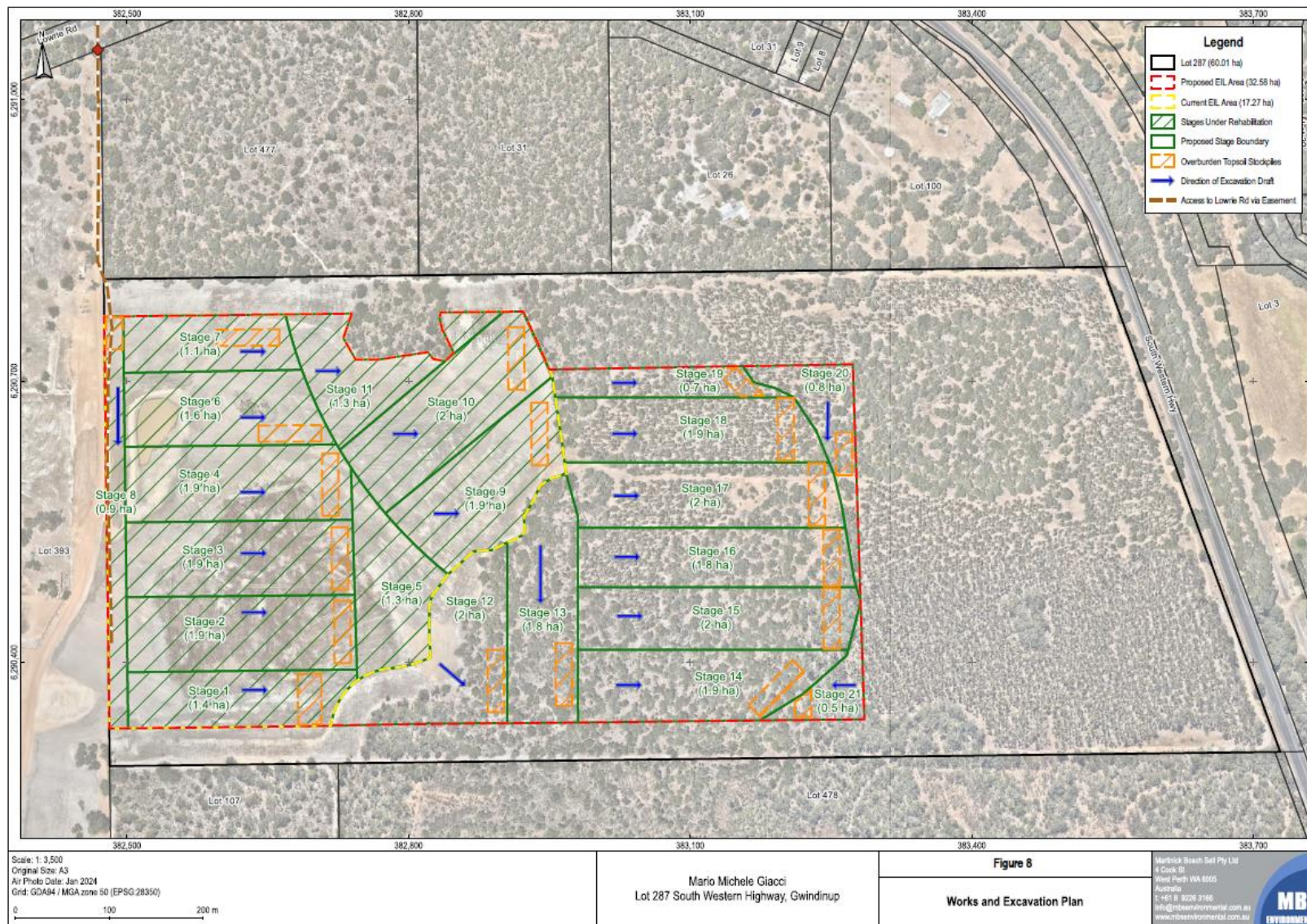
The premises comprises a sand and gravel quarry, associated mobile machinery, a mobile crushing and screening plant, and material stockpiles. Access to the site is via an existing access track on Lot 393 off Lowrie Road. There are no buildings, waste storage, fuel or other chemical storage, power generation, or major servicing of machinery on site.

The current licence covers a prescribed premises of 49.8 ha.

On Lot 287, extraction has concluded, and rehabilitation activities are underway in the previously approved Stages 1 through 11 (Figure 1). The licence holder has proposed additional extraction stage (12 – 21) but these are not approved under the Part V licence. Any future licence amendment would require evidence of current DA/EIL from the Shire of Capel.

On Lot 393, the proposed extraction area has not changed and covers a total area of 31.4 ha. Eighteen stages of approximately 2 ha each will be excavated in numerical sequence (Figure 2). The licence holder states that once a stage is completed, rehabilitation will commence. To date, stages 1, 2, 4, 5 and most of 6 and 7 have had extraction activities completed, and rehabilitation works are underway. Operations on Lot 393 are currently active in Stages 8 to 10, including crushing and screening, material stockpiles, an access track, and a turnaround area.





**Figure 1: Staged works and extraction plan – Lot 287**



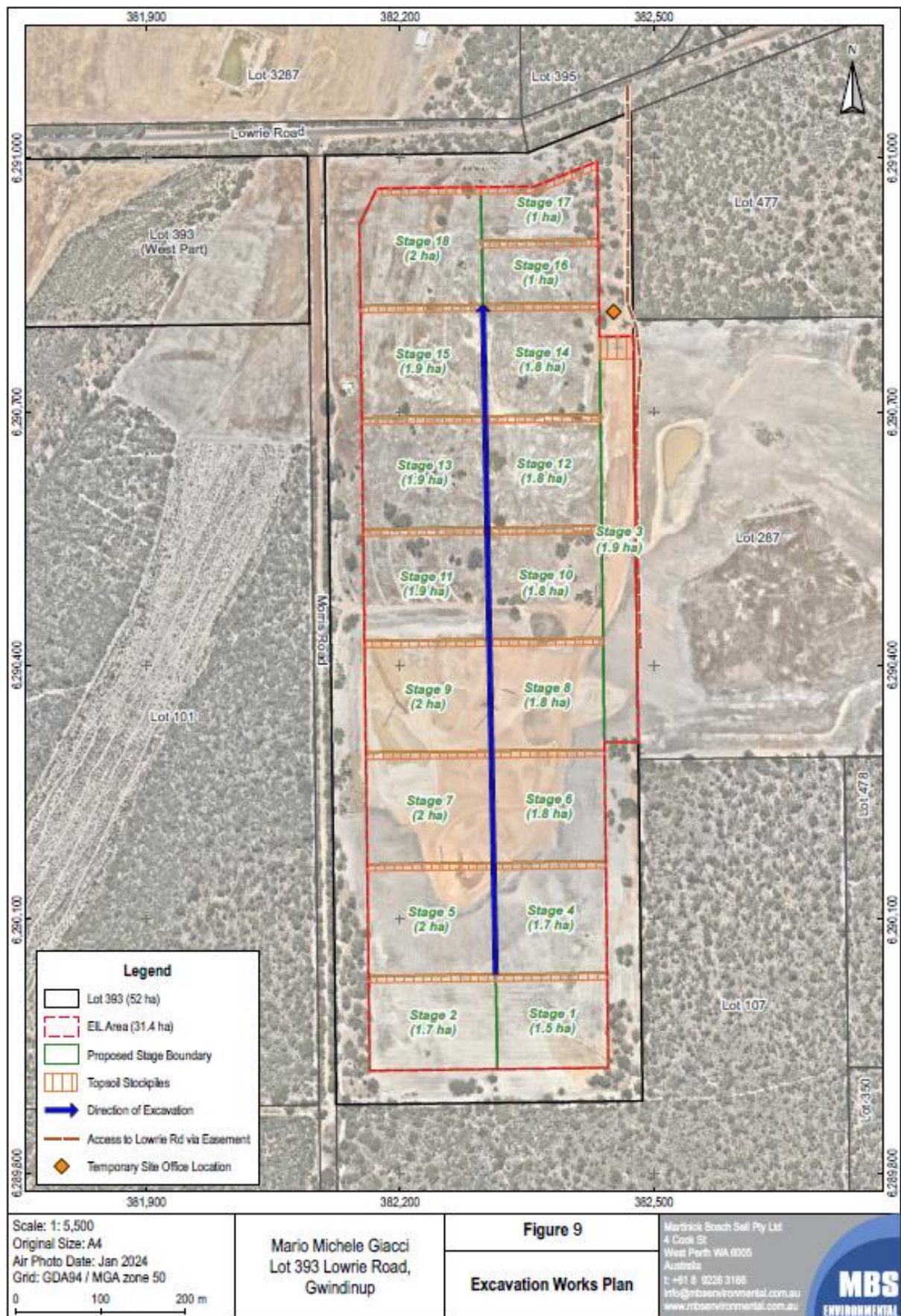


Figure 2: Staged works and extraction plan – Lot 393

The crushing and screening plant will continue to include the following (or similar):

- Impact crusher (Terex Finlay I-130).
- Screener (Terex Finlay 693+ Supertrack), and
- Stacker (Terex Finlay 632).

Other machinery on site is expected to continue to include the following (or similar):

- CAT D9 dozer.
- CAT 980 front end loader, and
- CAT 972 front end loader.

Machinery will be taken off site for servicing; however, the licence holder indicates that minor repairs will be carried out within the quarry. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and cleanup equipment. No hydrocarbons (fuel) are stored at the site.

### **3.1.1 Change to Category 12 capacity to 200,000 tonnes per year**

Maximum design capacity for the Category 12 crushing and screening plant is approximately 450,000 tonnes per year; however proposed throughput has been determined by market factors. Previously assessed throughput of the premises was 120,000 tonnes per year, but the licence holder has received an increased demand for gravel and have requested that Category 12 capacity be increased.

Assuming a total annual extraction volume of 165,000 m<sup>3</sup> across the two lots, of which approximately 70% is gravel weighing 1.7 tonnes per m<sup>3</sup>, the proposed throughput of the Category 12 crushing and screening plant is 200,000 tonnes of gravel per year.

### **3.1.2 Change to operating hours**

The current Development Approval (DA) from the Shire of Capel permits operations from 7 am to 6 pm Monday to Friday and an addition of half day on Saturday (7 am to 1 pm).

No operations are proposed on Sundays or public holidays. Thus, the maximum hypothetical operating hours are 61 hours per week.

The licence holder has conducted additional noise modelling, factoring in operations on Saturday from 7 am to 1pm and the department has assessed this, see Section 3.1.4.

### **3.1.3 Stormwater management changes**

Stormwater from extraction activities is managed in accordance with the latest revision of the project Stormwater Management Plan (SMP). The objective of this SMP is to reduce the potential of impacts from extractive activities on downstream waters, specifically sediment and turbidity impacts caused by stormwater runoff from disturbed areas.

Several diversion drains and retention ponds have been constructed as a requirement to the licence holder's previous and existing EIL, issued by the Shire of Capel.

On Lot 287, a major retention pond has been constructed in the northwest part of the extraction area, where extraction has already been completed. This pond has capacity to provide retention for runoff from the other west draining stages on Lot 287. The licence holder notes that to optimise stormwater management some stormwater was redirected from Lot 393 to Lot 287 and the major retention pond in Lot 287 was increased in size from 7,200 m<sup>3</sup> to 10,400 m<sup>3</sup>.

On Lot 393, Stages 1 to 9 (excluding 3) have flow directed to a retention pond in stage 9. This has an estimated capacity of 6,000 m<sup>3</sup>. The calculations supplied by the licence holder indicate that this is sufficient capacity for the upstream catchment of the pond, comprising most of Stages

1 to 9 (15 ha), which has a required containment volume of 4,596 m<sup>3</sup>.

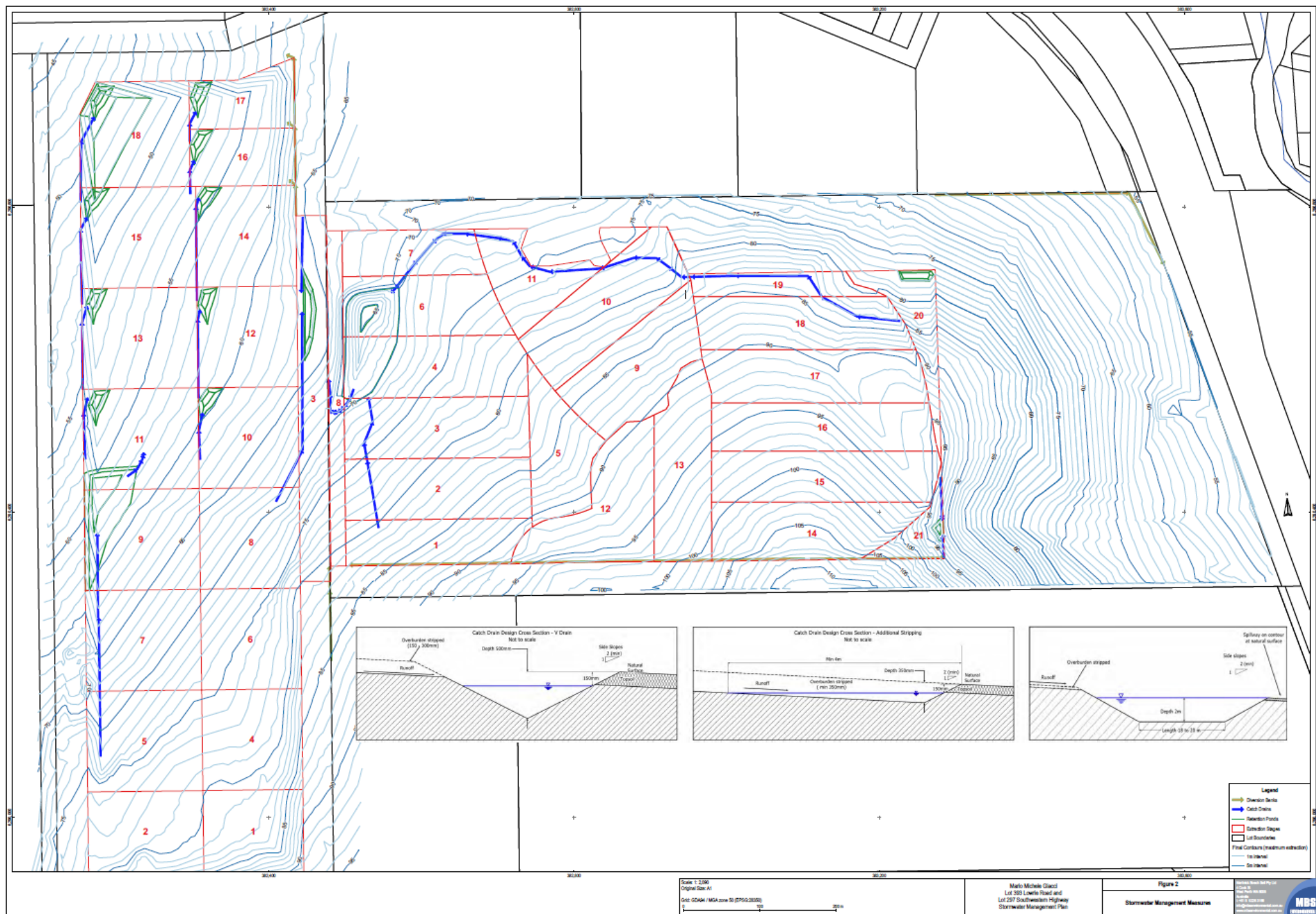
Temporary retention ponds for the remaining stages (10 to 18) on Lot 393 will be gradually constructed as each stage is commenced. The licence holder has provided calculations showing that retention ponds will be constructed with sufficient capacity to retain the 10% Annual Exceedance Probability (AEP) 2-hour duration runoff volume from the upstream cleared area, assuming a runoff coefficient of 80%.

The premises has one recorded incident in 2022 where a temporary retention pond failed releasing sediment laden stormwater into a neighbouring property. The licence holder provided details of the failure to the department, along with short and long-term management actions that would prevent further discharge and there have been no further reports of stormwater discharge.

Catch drains will continue to be constructed on the downstream boundaries of each stage to direct runoff to the corresponding retention pond (Figure 3). The licence holder states that stripping of topsoil and the removal of overburden at the time of clearing (and stockpiling this material on the downstream side) will be sufficient to direct any runoff reaching the boundary of a stage into the retention pond.

Figure 3 shows the locations of existing and proposed stormwater management infrastructure.





**Figure 3: Stormwater management infrastructure**

### 3.1.4 Noise management

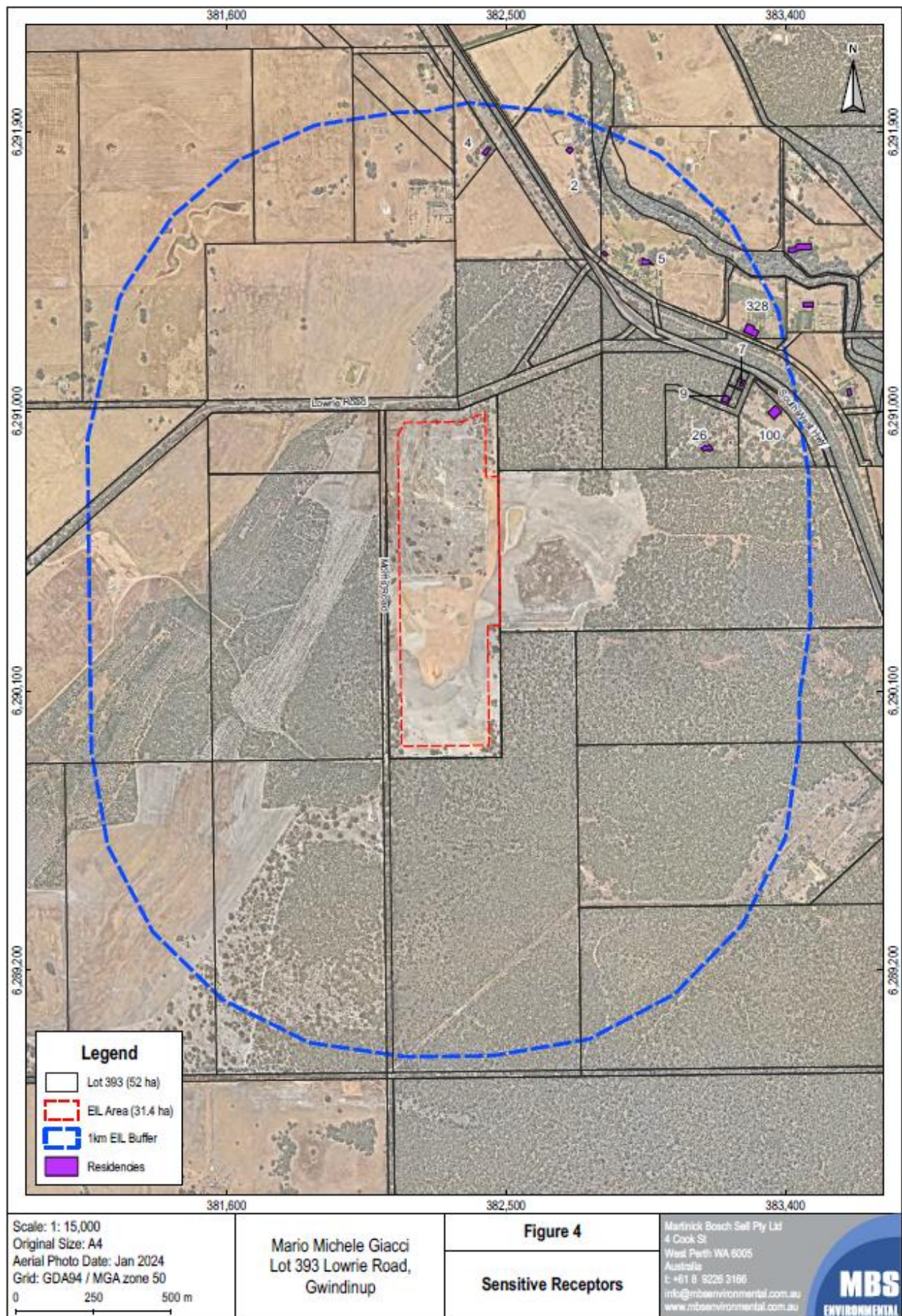
#### Noise assessment for Lot 393

Lot 393 is located further away from the sensitive receptors and involves similar activities to Lot 287. A Noise Management Plan (NMP) is in place for the premises to address any potential impacts from operational noise emissions. To date the department has not received any noise complaints regarding operations on the premises.

The proposed extraction operations within Lot 393 are at least 500 m from the closest residence, located on Lot 5 to the northeast and situated 566 m from the proposed EIL boundary (Figure 4).

A noise assessment was undertaken by Lloyd George Acoustics (2021) for the sand and gravel extraction operations on the adjoining Lot 287, where the closest residence is located 155 m away. The assessment found that extractive operations on Lot 287 could be undertaken in compliance with all applicable regulatory requirements subject to appropriate management measures being in place. The operations on Lot 393 are further removed from sensitive receptors than those on Lot 287, with no sensitive premises within 500 m of the operations on Lot 393. Therefore, it is expected that, with appropriate management measures in place, the operations on Lot 393 will remain in compliance with noise regulations.





**Figure 4: Distance to sensitive noise receptors to Lot 393**

## 3.2 Site rehabilitation

Gradual rehabilitation has been following extraction operations. At this stage, for Lot 287, it is proposed that within the extraction area ~90% will be rehabilitated to pasture and ~10% to native vegetation. Outside the extraction area, it is proposed that blue gum plantations will be converted to native vegetation and that existing native vegetation will be retained and improved.

The proposed rehabilitation areas and rehabilitation measures may change as part of the Clearing Permit application process with DWER.

The extraction area on Lot 393 that requires clearing of pockets of highly degraded native vegetation amongst the (now harvested) Blue Gum plantation, will be rehabilitated to a mixture of pasture (18.6 ha) and native vegetation (12.8 ha) in line with conditions of the existing clearing permit (CPS 7171/2).

Rather than re-establishing degraded pockets of native vegetation, the licence holder aims to rehabilitate Lot 393 to create northern and southern corridors of higher density native vegetation that will facilitate connectivity between remnant native vegetation on surrounding properties. The areas that will be rehabilitated to pasture will provide a source of rural income, like the Blue Gums that existed on the property before.

## 3.3 Shire of Capel amendment to extractive industry approval

The department attempted to contact the local government authority (LGA) in regard to this application, but no response was received. The department recognises the importance of land use planning in the context of the delivery of appropriate public health and environmental outcomes and has regard to the processes and views of other authorities in its decision making process.

In January 2025, the department learned that the DA/EIL for Lot 287 had been rejected by the Shire of Capel. In assessing an application, the department may decline to make a regulatory decision on an application where a planning decision prevents implementation of the application. Based on the rejection of DA/EIL of Lot 287 the department has modified this amendment to only include sections of the proposal that relate to Lot 393.

## 3.4 Source-pathways and receptors

### 3.4.1 Emissions and controls

The key emissions and associated actual or likely pathway during premises operation which have been considered in this Amendment Report are detailed in Table 2 below. Table 2 also details the proposed control measures the licence holder has proposed to assist in controlling these emissions, where necessary.

**Table 2: Licence Holder controls**

Emission	Sources	Potential pathways	Proposed controls
Dust	Crushing of material, vehicle movements, lift-off from stockpiles and/or stored product, earthworks etc.	Air/windborne pathway causing impacts to health and amenity	<ul style="list-style-type: none"><li>Vegetation clearing and topsoil removal will only be undertaken on days of conducive wind strength and conditions to ensure windblown dust is minimised.</li><li>Vegetation clearing and ground disturbance will be gradual in nature and proceed in stages.</li><li>Rehabilitation will also be gradual in nature and proceed in stages, closely</li></ul>



Emission	Sources	Potential pathways	Proposed controls
			<p>following the completion of sand extraction.</p> <ul style="list-style-type: none"> <li>• Topsoil stockpiles will be no greater than 2 m in height and other stockpiles will not exceed 4 m in height.</li> <li>• A vehicle speed limit of 20 km/h will be implemented across the site.</li> <li>• A water cart with a capacity greater than 10,000 L will be available when required and will undertake preventative watering of access tracks, working areas, and stockpiles during dry periods.</li> <li>• Trucks leaving the site will be required to have their load covered and tailgates and draw-bars clear of dust producing material prior to exiting the property. Appropriate signage will be erected at the site exit advising truck drivers to cover loads and clean their vehicle as required prior to entering public roads.</li> <li>• Visual monitoring of dust generation from the operations will be undertaken on an ongoing basis.</li> <li>• Should excessive dust generation be observed onsite and there is a risk of dust being blown off site, additional watering of dust sources with the water cart will be organised. Alternative dust controls, such as chemical dust suppressants or dust fencing, may also be considered for more persistent sources of dust.</li> <li>• When weather conditions negate the effectiveness of dust prevention and mitigation measures and dust continues to be blown off site, the dust generating activities will cease until conditions improve.</li> </ul>
Noise	<p>Operation of mobile screening plant</p> <p>Vehicle movements (reversing beepers)</p>	Air/windborne pathway causing impacts to health and amenity	<ul style="list-style-type: none"> <li>• Crushing and screening operations will remain more than 500 m away from residences.</li> <li>• Operational hours will be limited to between 7 am and 6 pm Monday to Friday and 7 am to 1 pm on Saturday.</li> <li>• Dozer(s) will not operate at the same time as the mobile crusher.</li> <li>• The mobile crusher is set up on the pit floor behind the working face or behind</li> </ul>

Emission	Sources	Potential pathways	Proposed controls
			<p>material stockpiles.</p> <ul style="list-style-type: none"> <li>• Topsoil and overburden will be stockpiled on the northern side of each stage and along the western boundary.</li> <li>• The combination of pit floor depth to top of working face and/or bunding is a minimum of 4 m in height.</li> <li>• Heavy vehicles working on the property are fitted with the less intrusive broadband-type ('croaker') reversing alarms rather than the tonal beepers.</li> <li>• All vehicles and machinery on site will be regularly serviced to maintain good operating condition and minimise unnecessary noise. Speed limit on site will be 10 km/h. The importance of minimising noise on site will be communicated to all personnel and contractors.</li> </ul>
Sediment laden stormwater	<p>Screening of material</p> <p>Handling and stockpiling of material including loading of material into trucks</p>	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	<ul style="list-style-type: none"> <li>• All runoff from active extractive areas shall be contained onsite initially, through detention ponds and settling pits, to achieve effective removal of sediment and turbidity.</li> <li>• Stormwater management structures shall be designed to manage at minimum the calculated runoff, with detention ponds / sediment traps designed and built to an adequate standard and capacity, prior to extraction beginning.</li> </ul>

### 3.4.2 Receptors

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

Table 3 below provides a summary of potential human and environmental receptors that may be impacted because of activities upon or emission and discharges from the prescribed premises (*Guideline: Environmental siting* (DWER) 2020).

**Table 3: Sensitive human and environmental receptors and distance from prescribed activity**

Human receptors	Distance from prescribed activity
Lot 7 on Deposited Plan 130054 - 2 Dempster Street, GWINDINUP WA	Approximately 362 m north of premises boundary
Lot 9 on Deposited Plan 130054 – 10	Approximately 310 m north of premises boundary

Dempster Street, GWINDINUP WA	
Lot 26 on Deposited Plan 143766 - 7 Dempster Street, GWINDINUP WA	Approximately 157 m north of premises boundary
Lot 100 on Deposited Plan 4466 - 1 Dempster Street, GWINDINUP WA	Approximately 272 m northeast of premises boundary
<b>Environmental receptors</b>	<b>Distance from prescribed activity</b>
Capel River	Approximately 500 m northwest of the premises boundary
Localised groundwater	5.25 metres from the surface of the land at the lowest point of the premises, the northwest boundary
Remnant vegetation within Lot 287	Adjacent to the eastern premises boundary within Lot 287
Banksia Woodlands of the Swan Coastal Plain (Lot 458, Lot 447 and Lot 101 Lowrie Road)	Approximately 40 m north of premises boundary
Reserved for Public Purpose and Regional Open Space under the Shire of Capel Town Planning and Greater Bunbury Region schemes (Lot 477) – public purpose	Directly adjacent to the northern boundary of Lot 287
Reserved for Public Purpose and Regional Open Space under the Shire of Capel Town Planning and Greater Bunbury Region schemes (Lot 31) – regional open space	Directly adjacent to the northern boundary of Lot 287
Reserved for Public Purpose and Regional Open Space under the Shire of Capel Town Planning and Greater Bunbury Region schemes (Lot 478) – public purpose	Directly adjacent to southeast boundary of Lots 287 and 393

### 3.5 Risk ratings

Risk ratings have been assessed in accordance with the *Guideline: Risk Assessments* (DWER 2020) for those emission sources which are proposed to change and considers potential source-pathway and receptor linkages as identified in Section 3.4. Where linkages are in-complete they have not been considered further in the risk assessment.

Where the licence holder has proposed mitigation measures/controls (as detailed in Section 3.4), these have been considered when determining the final risk rating. Where the Delegated Officer considers the licence holder's proposed controls to be critical to maintaining an acceptable level of risk, these will be incorporated into the licence as regulatory controls.

Additional regulatory controls may be imposed where the licence holder's controls are not deemed sufficient. Where this is the case the need for additional controls will be documented and justified in Table 4.

The Revised Licence L9267/2020/1 that accompanies this Amendment Report authorises emissions associated with the operation of the premises i.e. Category 12 crushing and screening activities.

The conditions in the Revised Licence have been determined in accordance with *Guidance Statement: Setting Conditions* (DER 2015).



**Table 4. Risk assessment of potential emissions and discharges from the Premises during operation**

Risk Event					Risk rating <sup>1</sup> C = consequence L = likelihood	Licence Holder's controls sufficient?	Conditions <sup>2</sup> of licence	Justification for additional regulatory controls
Source/Activities	Potential emission	Potential pathways and impact	Receptors	Licence Holder's controls				
Operation								
Screening, crushing, unloading, loading and storage of material  Vehicle movements	Dust	Air / windborne pathway causing impacts to health and amenity	Residences 150 m north and 360 m north-east of the extraction area boundaries.	Refer to Section 3.1.1	C = Minor L = Possible <b>Medium Risk</b>	Y	Condition 1  Operational requirements	The controls proposed by the licence holder are already conditioned within the existing licence and are sufficient to mitigate potential impacts from dust emissions associated with screening activities.
	Noise	Air / windborne pathway causing impacts to health and amenity		Refer to Section 3.1.1	C = Minor L = Possible <b>Medium Risk</b>	Y	Condition 2  Hours of operation.	Hours of operation have been added to the licence as a condition.
	Sediment laden stormwater	Overland runoff potentially causing ecosystem disturbance or impacting surface water quality	Multiple use public purpose and regional open space located to the north of the premises boundary	Refer to Section 3.1.1	C = Moderate L = Rare <b>Low Risk</b>	Y	Condition 1  Operational requirements	The licence holder has a Stormwater Management Plan (SMP) as a requirement under the Extractive Industry Licence issued by the Shire of Capel.  Conditions in the licence include containment infrastructure constructed as part of the SMP.

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

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

## 4. Consultation

Table 5 provides a summary of the consultation undertaken by the department.

**Table 5: Consultation**

Consultation method	Comments received	Department response
Application advertised on the department's website 13 August 2024.	None received	N/A
Local Government Authority Shire of Capel advised of proposal 9 August 2024.	None received.  The department followed up on the status of the Development Application / Extractive Industries Licence (DA/EIL) on 25 November 2024. No comment received.	The Delegated Officer has given due regard to the status of DA/EIL relevant to the amendment of licence L9267/2020/1 and based on the amendment application requiring a detailed assessment, plus the previous risk assessment, the Delegated Officer has determined that an amendment to licence can proceed without comment from the LGA.  The Delegated Officer notes that the onus rests with the licence holder to ensure compliance with all relevant regulatory bodies.
The licence holder was provided with draft amendment on 20 December 2024.  Second draft provided to licence holder on 10 July 2025	The licence holder responded to the first draft on 8 January 2025 informing the department that the local government approval for Lot 287 was refused.  There is currently no active DA/EIL for Lot 287. The previously approved extraction area has been finished, and the associated DA/EIL has expired.  The licence holder responded to the second draft on 18 July 2025 and requested that the final instrument be issued as soon as possible.	The department allowed the licence holder a period of time to attempt an appeal to DA/EIL rejection but suggested that the licence amendment be finalised by removing sections related to Lot 287 from the application.  The licence holder agreed with this decision and requested a second draft of the licence amendment package be sent for review.  The licence holder did not make any comment on the second draft and requested that the revised licence be issued.

## 5. Conclusion

Based on the assessment in this Amendment Report, the Delegated Officer has determined that a revised licence will be granted, subject to conditions commensurate with the determined controls and necessary for administration and reporting requirements.

### 5.1 Summary of amendments

Table 6 provides a summary of the proposed amendments and will act as record of implemented changes. All proposed changes have been incorporated into the revised licence as part of the

amendment process.

**Table 6: Summary of licence amendments**

Condition no.	Proposed amendments
Cover page	Added 'date of amendment' row and increased assessed production capacity from 120,000 tonnes to 200,000 tonnes per year.
Licence history	Added this licence amendment to the table
Condition 1, Table 1: Infrastructure and equipment requirements	Changed storage volume from 7,200 m <sup>3</sup> to 10,400 m <sup>3</sup> of Lot 287 permanent major retention pond.
	Changed storage volume from 7,500 m <sup>3</sup> to 6,000 m <sup>3</sup> of Lot 393 permanent retention pond.
	Added cross-reference to Figure 2, Schedule 1: Maps to all relevant stormwater management infrastructure.
Condition 2 – Hours of operation	Added hours of operation to the licence - 7 am to 6 pm Monday to Friday and 7 am to 1 pm on Saturday.
Schedule 1, Figure 2: Stormwater management infrastructure	Added Figure 2 to the licence showing stormwater management infrastructure.

## References

1. Environmental Protection Authority (EPA, 2015), *EPA Guidance Statement 3 - Separation Distances between Industrial and Sensitive Land Uses*", 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. Lloyd George Acoustics 2022, *Environmental Noise Assessment – Gravel Pit Expansion Lot 287 South Western Highway*, prepared for MGM c/- MBS Environmental, Hillarys, Western Australia.
6. Mario Michele Giacci 2024, *Application form L9267/2020/1 Gwindinup Sand and Gravel Pits licence amendment*, Bunbury, Western Australia
7. Martinick Bosch Sell Pty Ltd (MBS Environmental) 2024, *Gwindinup Sand and Gravel Pits Environmental Licence Supporting Document*, West Perth, Western Australia
8. Martinick Bosch Sell Pty Ltd (MBS Environmental) 2024, *Stormwater Management Plan - Lot 396 Lowrie Road and Lot 287 South Western Highway, Gwindinup (Rev. 7)*, West Perth, Western Australia