

8 May 2017

Mr Anthony Witherdin  
Director, Modification Assessments  
Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

Attention: Jane Flanagan

Dear Mr Witherdin

**Further information - modification to operational environmental management clauses for Sydney Water major projects**

Further to our letter dated 10 March 2017, this letter confirms that the modification requests are made under Section 96(1A) of the *Environmental Planning and Assessment Act (EP&A Act) 1979* and that landowners consent is not required.

Sydney Water is seeking to modify the operational environmental management clauses in the Conditions of Approval (CoA) for 13 major project approvals. This will enable Sydney Water to adopt its certified management systems, in place of preparing and implementing project specific OEMPs.

Clause 96(1A) of the EP&A Act enables a modification can be granted by the consent authority if the proposed modification:

- (a) involves minimal environmental impact;
- (b) does not substantially change the development for which the consent was originally granted; and
- (c) has been notified in accordance with the *Environmental Planning and Assessment Regulation 2000*, if the regulations so require.

The proposed modifications involve minor changes to operational clauses and therefore meet clause 96(1A)(a) and (b) above.

In relation to notifications required under the EP&A Regulation, clause 8F(1) requires consent of the land owner on which a project is carried out for a project application or modification application unless:

- (a) the application is made by a public authority; or
- (d) the application relates to a linear infrastructure project.

Sydney Water is a public authority and therefore landowner consent is not required for these modification applications as per Clause 8F(1)(a). In addition, 10 out of the 13 projects include 'linear infrastructure' (see updated spreadsheet attached). Public notification of these modification applications will be required by newspaper advertisement as per the requirements of Clause 8F(3)(a).

Should you require any further information to assess these modification requests, or wish to discuss this matter further please do not hesitate to contact me on 8849 6414 or [gillian.fowler@sydneywater.com.au](mailto:gillian.fowler@sydneywater.com.au).

Yours sincerely



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A/ Resources and Environment Manager  
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