

Mr Guy Evans  
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10/11/2021

Dear Mr Evans

**St Marys Intermodal (SSD-7308)**  
**Operational requirements – conditions D13 and D19**

I refer to your submission dated 20 September 2021 seeking an alternate timeframe for delivering operational requirements under conditions D13 and D19. I also thank you for your response to the Department's request for additional information.

You have noted in your request that delivery of the following operational requirements has been delayed due to COVID-19 restrictions:

1. the installation of the approved Rail Noise Monitoring System (RNMS) (condition D13);
2. registration of the positive covenant with Penrith City Council (condition D19).

I understand that a suitable interim noise monitoring solution has been installed onsite and will remain in place until such time that the approved RNMS is installed and operational. Therefore, the Department supports this approach as described in your submission dated 20 September 2021. This is subject to the following conditions:

1. You must install the approved RNMS no later than 28 February 2022.
2. You must provide monthly progress updates to the Department.

I also note that Council does not object to an Occupation Certificate being issued prior to the requirements of condition D19 being satisfied. Upon consideration of the circumstances which have resulted in the delay, the Department as the consent authority also supports this approach. Therefore, non-compliance with condition D19, for the reasons stated above, should not be an impediment to the Certifier issuing an Occupation Certificate provided that the requirements of condition D19 are satisfied by 31 March 2022.

A copy of this letter has been provided to the Certifier.

If you wish to discuss the matter further, please contact Amy Porter on 9373 2853.

Yours sincerely



**Jake Shackleton**  
**Director – Infrastructure Management**

As nominee of the Planning Secretary