

Lauren Forrest-Martin

From: Jason Zeaiter <jason@tzconstructions.com.au>
Sent: Thursday, 24 September 2020 2:44 PM
To: Lucy Goldstein
Cc: Peter Morson
Subject: RE: Conditions DA19/0499 draft conditions

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Hi Lucy,

I confirm acceptance of the consent conditions that you have just emailed through.

I do note that the items listed in condition 27 are itemised with the same lettering in a few instances. There are 2x (c) and 2x (h). Not a big deal but just noticed and thought I would let you know.

Also do you know when we could expect the DA consent to become operational and be issued?

Thanks

Kind regards,

Jason Zeaiter
Business Operations Manager

 Mobile - 0407 239 536  Phone - 02 9653 1178
 Fax - 02 9653 1117  PO Box 326, Galston, NSW, 2159



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From: Lucy Goldstein <lucy.goldstein@penrith.city>
Sent: Thursday, 24 September 2020 2:21 PM
To: Jason Zeaiter <jason@tzconstructions.com.au>
Cc: Peter Morson <peter@morsongroup.com.au>
Subject: RE: Conditions DA19/0499 draft conditions

Hi Jason,

Could a final email response please be provided confirming acceptance of all conditions, as per attached.

Conditions attached are as discussed and agreed on 24 September 2020 (as per the word document provided in your email below 24/9/20).

This is just for sake of clarity as the panel requires written confirmation of acceptance of all conditions (not just the ones that have been amended.)

Thank you very much,

Lucy Goldstein

Senior Development Assessment Planner

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From: Jason Zeaiter [<mailto:jason@tzconstructions.com.au>]

Sent: Thursday, 24 September 2020 9:32 AM

To: Lucy Goldstein <lucy.goldstein@penrith.city>; Peter Morson <peter@morsongroup.com.au>

Subject: RE: Conditions DA19/0499 draft conditions

EXTERNAL EMAIL: This email was received from outside the organisation. Use caution when clicking any links or opening attachments.

Hi Lucy,

I confirm that we accept the amended wording for condition 29 as per your email yesterday afternoon.

I have attached a document of the draft DA conditions with the amendments that we have discussed.

Thank you for your assistance with these conditions, it is much appreciated

Kind regards,

Jason Zeaiter

Business Operations Manager

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 Fax - 02 9653 1117  PO Box 326, Galston, NSW, 2159



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From: Lucy Goldstein <lucy.goldstein@penrith.city>
Sent: Thursday, 24 September 2020 8:14 AM
To: Peter Morson <peter@morsongroup.com.au>; Jason Zeaiter <jason@tzconstructions.com.au>
Subject: RE: Conditions DA19/0499 draft conditions

Hi Jason and Peter,

Could you please advise re condition 29, as soon as possible.

As Council is required to report back to the Panel today as to the status of conditions.

Thank you for confirming all other conditions.

Kind Regards,

Lucy Goldstein
Senior Development Assessment Planner

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From: Lucy Goldstein
Sent: Wednesday, 23 September 2020 3:58 PM
To: jason@tzconstructions.com.au
Cc: Peter Morson <peter@morsongroup.com.au>
Subject: RE: Conditions DA19/0499 draft conditions

Hi Jason,

I have sought further advice from Council's Environmental Officer on condition 29.

The condition is factual and requires the development to comply with relevant environmental health standards.

The following amended wording is considered necessary, and recommended to be adopted:

No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system unless it has been treated to remove pollutants. Supporting documentation to demonstrate that water disposed of into the stormwater system was **treated to the standard required by the guidelines 'Managing Urban Stormwater – Soils and Construction' 4th edition 2004; and the 'Australian and New Zealand Guidelines for Fresh & Marine Water Quality'** must be retained in order to verify lawful disposal. These records are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to Council prior to the commencement of works.

The reason for this, is for water to be considered 'not polluted' certain parameters need to be met before discharge (specified in The Managing Urban Stormwater). Otherwise water that is "treated" but does not meet standards, could still result in discharge of polluted water. Which is not permitted under the Protection of the Environment Operations Act 1997.

Based on discussions on Monday, it is my understanding that the Panel also expressed concern with amended/deleting this condition. Given this and the above, it is our intention to pursue this condition as worded above.

Kind Regards,

Lucy Goldstein
Senior Development Assessment Planner

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From: Jason Zeaiter [<mailto:jason@tzconstructions.com.au>]

Sent: Wednesday, 23 September 2020 12:33 PM

To: Lucy Goldstein <lucy.goldstein@penrith.city>; Peter Morson <peter@morsongroup.com.au>

Subject: RE: Conditions DA19/0499 draft conditions

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Hi Lucy,

Thank you for your email and for the clarification of DA condition 50, that is a great help.

I confirm that we now agree on DA conditions 14, 50 and 55.

With DA condition 29, we understand what council is trying to achieve and we will of course be implementing sediment control measures to ensure compliance with the statutory obligations. However considering we have not seen this as a condition before and was not a condition of the Phillip St project, can we please propose a slight amendment to the wording as follows,

- No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system unless it has been treated to remove pollutants. Supporting documentation to demonstrate that water disposed of into the stormwater system was ~~not polluted~~ **treated** must be retained in order to verify lawful disposal. These records are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to Council prior to the commencement of works.

I appreciated your assistance in reviewing these matters.

Thank you

Kind regards,

Jason Zeaiter
Business Operations Manager

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 Fax - 02 9653 1117  PO Box 326, Galston, NSW, 2159



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From: Lucy Goldstein <lucy.goldstein@penrith.city>
Sent: Wednesday, 23 September 2020 11:40 AM
To: Peter Morson <peter@morsongroup.com.au>
Cc: Jason Zeaiter <jason@tzconstructions.com.au>
Subject: Conditions DA19/0499 draft conditions

Hi Peter,

Please see comments below;

- **Condition 14**

We accept that the solid wall height and length for the Unit 003 POS western wall is limited in height to 1.8m for a length of 2m from the face of the external wall of the building.

The intention of this condition is to improve amenity of the POS. A 2m terrace wall can surely be agreed is a poor outcome, particularly noting the subterranean nature of this terrace (eastern elevation). A maximum height of 1.8m for the full length of this wall would be accepted given the circumstances, though not ideal. Amended wording proposed: "In relation to Unit 003, the terrace wall located on the western elevation is to be a maximum height of 1.8m for the full length of the wall so as to improve amenity of Unit 003. Detail of this is to be included on the construction plans."

- **Condition 29 Waste Water**

We attach a stormwater treatment plan to satisfy the requirements of this condition. We request that the condition be re-worded to be the following:

'Waste water discharge resulting from, or associated with, the basement excavation and construction phase of the development, is to be treated and disposed of as prescribe on the Erosion & Filtration Measures plan prepared by CAM consulting SW-205_Rev.D'

There is insufficient time for Council to properly review new plans. The condition as proposed does not prescribe how waste water is to be treated. Permitting waste water is treated, and only clean water is directed to the stormwater system, then the condition can be satisfied. Condition proposed to remain as following:

"No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system unless it has been treated to remove pollutants. Supporting documentation to demonstrate that water disposed of into the stormwater system was not polluted must be retained in order to verify lawful disposal. These records are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to Council prior to the commencement of works."

- **Condition 50 Underground services** **We are confused by the wording of the condition. Can you please clarify what is meant by 'existing services which relate to the development?' The issue is that this condition could be interpreted in that all services are required to be relocated which is a significant amount of work as demonstrated by the attached diagram. As you can appreciate this is a significant amount of work in comparison to the scale of the building. Please clarify what is exactly required and consider that the quantum of work required is significant.**

The intention of this condition is to ensure that all services (proposed and existing) from the boundary into the site are underground. The intention is not to relocate existing overhead mains within the street. To clarify, the following amended wording is proposed:

Prior to the occupation of the development, all existing (aerial) and proposed services relating to the subject development only (from the boundary into the site), including those across the frontage of the development, are to be located or relocated underground in accordance with the relevant authorities regulations and standards.

- **Condition 55** **If LAHC produce an undertaking to council by way of a letter to council that an easement will be granted over their property 27 Little Chapel St & 223 Blair Ave, to permit stormwater drainage from the development located on 232-25 Lethbridge St, would this be enough to permit the condition to be satisfied prior to Occupation? Please advise ASAP as we need to organise with LAHC to produce the undertaking in the form of a letter.**

The issue is that a legal drainage point is required to be established for the development before works commence. This is secured through the registration of easements with LRS, and does not necessarily directly involve Council. The condition is not overly onerous and would ordinarily be required before the issue of an operational consent. It is understood the reason behind the request to change to this condition is to expedite works. However, given the lots are already owned by NSW Land and Housing Corporation, this requirement is unlikely to result in any unreasonable or significant delay.

Kind Regards,

Lucy Goldstein
Senior Development Assessment Planner

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From: Peter Morson [<mailto:peter@morsongroup.com.au>]
Sent: Tuesday, 22 September 2020 5:56 PM
To: Lucy Goldstein <lucy.goldstein@penrith.city>
Cc: Jason Zeaiter <jason@tzconstructions.com.au>; Federico Rosales <federico@morsongroup.com.au>
Subject: Fwd: Condition 29_ DA19/0499 draft conditions

EXTERNAL EMAIL: This email was received from outside the organisation. Use caution when clicking any links or opening attachments.

Hi Lucy

Please see our response below.
Can you please review and provide a response back asap?

Regards,

Peter Morson I Director
Architect
(NSW Rego no. 8100), (QLD Rego no. 5340)

mobile // 0439 477 181
office // 02 9380 4946
address // Suite 4, 94 Oxford Street, Darlinghurst, NSW 2010
postal // Po Box 170, Potts Point, NSW 1335



morsongroup.com.au

NOMINATED ARCHITECT: P F Morson (8100)
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----- Forwarded message -----

From: Lucy Goldstein <lucy.goldstein@penrith.city>
Date: Tue, 22 Sep 2020 at 17:23

Subject: RE: Condition 29 _ DA19/0499 draft conditions

To: jason@tzconstructions.com.au <jason@tzconstructions.com.au>, Peter Morson
<peter@morsongroup.com.au>

Hi Peter and Jason,

Following yesterday's panel meeting, the draft conditions have been updated to reflect the agreed changes, including conditions 10, 27, 36, 48. Please find attached updated draft conditions.

As I understand, conditions 14, 29, 50, 55 are the final conditions left to resolve.

In relation to these conditions, please see below comments:

• **Condition 14** – *We believe the wall should remain however we can reduce the size and screen the rest. We would like a 1.8m high wall for a length of 2m should be solid to facilitate mounting of a clothes line.*
A reduction in the wall height is encouraged. If the clothes lines cannot be further reduced in height, a maximum wall height of 1.8m could be accepted with no screening on top. The terrace adjoins the landscaped area which is non-trafficable, and so less likely to cause privacy issues.

We accept that the solid wall height and length for the Unit 003 POS western wall is limited in height to 1.8m for a length of 2m from the face of the external wall of the building.

• **Condition 29 Waste Water** – *This was not a condition imposed on Phillip Street. If this needs to remain, we request the condition is amended to Ensure sediment control measures are put in place prior to construction.*
As discussed at yesterday's meeting, this condition enforces what is required under Protection of the Environment Operations Act 1997. Retention of this condition, as worded below is requested.

"No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council's stormwater system unless it has been treated to remove pollutants. Supporting documentation to demonstrate that water disposed of into the stormwater system was not polluted must be retained in order to verify lawful disposal. These records are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to Council prior to the commencement of works."

We attach a stormwater treatment plan to satisfy the requirements of this condition. We request that the condition be re-worded to be the following:

'Waste water discharge resulting from, or associated with, the basement excavation and construction phase of the development, is to be treated and disposed of as prescribe on the Erosion & Filtration Measures plan prepared by CAM consulting SW-205_Rev.D'

• **Condition 50 Underground services** – *We have no issue with new services however there are no existing services to our site so we request that the word "existing" be removed.*

In review of aerial photographs, and following discussions yesterday, it is understood that there is an existing electricity pole located in front of the site on Lethbridge Street, and across the road on Blair Avenue. Existing and proposed services are required to be (re)located underground, but only that which relate to the

development. Existing services that may run further along the street would not be required to be relocated underground by this condition. Retention of this condition as originally proposed is requested.

We are confused by the wording of the condition. Can you please clarify what is meant by 'existing services which relate to the development?' The issue is that this condition could be interpreted in that all services are required to be relocated which is a significant amount of work as demonstrated by the attached diagram. As you can appreciate this is a significant amount of work in comparison to the scale of the building. Please clarify what is exactly required and consider that the quantum of work required is significant.

• Condition 55 - NSW Land & Housing own the adjoining properties so the easement will not be a problem and therefore we request it is conditioned to be prior to occupation

Proposed amendment to this condition poses unnecessary risk, in the event that adjoining land is sold etc. Registration of the easement prior to commencement of works is not considered overly onerous, given owner's consent from a third party does not need to be obtained.

If LAHC produce an undertaking to council by way of a letter to council that an easement will be granted over their property 27 Little Chapel St & 223 Blair Ave, to permit stormwater drainage from the development located on 232-25 Lethbridge St, would this be enough to permit the condition to be satisfied prior to Occupation? Please advise ASAP as we need to organise with LAHC to produce the undertaking in the form of a letter.

Should you wish to discuss any of the above, please get in contact as soon as possible, so we can look to resolve these last few matters.

As instructed by the panel, final comments on conditions shall be provided to Council by c.o.b Wednesday 23 September. This will allow Council to advise the Panel members on Thursday 24 September the status of the conditions and whether agreement has been reached to proceed with the determination.

Thank you,

Lucy Goldstein
Senior Development Assessment Planner

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From: Jason Zeaiter [mailto:jason@tzconstructions.com.au]
Sent: Monday, 21 September 2020 12:55 PM
To: Lucy Goldstein <lucy.goldstein@penrith.city>; Peter Morson <peter@morsongroup.com.au>
Subject: RE: Condition 29_ DA19/0499 draft conditions

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Hi Lucy,

The list we are agreeing to is,

- Condition 10
- Condition 27
- Condition 36
- Condition 48

Minor items of contention

- Condition 14 – We believe the wall should remain however we can reduce the size and screen the rest. We would like a 1.8m high wall for a length of 2m should be solid to facilitate mounting of a clothes line.
- Condition 55 - NSW Land & Housing own the adjoining properties so the easement will not be a problem and their fore we request it is conditioned to be prior to occupation

Main items of contention

- Condition 29 - Waste Water – This was not a condition imposed on Phillip Street. If this needs to remain, we request the condition is amended to Ensure sediment control measures are put in place prior to construction.

- Condition 50 – Underground services – We have no issue with new services however there are no existing services to our site so we request that the word “existing” be removed.

Thank you

Kind regards,

Jason Zeaiter

Business Operations Manager

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From: Lucy Goldstein <lucy.goldstein@penrith.city>
Sent: Monday, 21 September 2020 11:04 AM
To: Peter Morson <peter@morsongroup.com.au>; Jason Zeaiter <jason@tzconstructions.com.au>
Subject: Condition 29_ DA19/0499 draft conditions

Hi Peter and Jason,

In regards to **Condition 29** –

The intention of this condition is to prevent sediment laden water from being pumped out of the basement during excavation/construction and into the stormwater system. It is recommended that this condition be amended to read:

“No waste water resulting from, or associated with, the basement excavation and construction phase of the development, is permitted to enter Council’s stormwater system unless it has been treated to remove pollutants. Supporting documentation to demonstrate that water disposed of into the stormwater system was not polluted must be retained in order to verify lawful disposal. These records are to be made available to Penrith City Council on request. Should approval be obtained from Sydney Water for the discharge of any waste water from the basement excavation and construction phase of the development, to the sewer, evidence and details of this approval are to be submitted to Council prior to the commencement of works.”

Kind Regards,

Lucy Goldstein
Senior Development Assessment Planner

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From: Lucy Goldstein
Sent: Monday, 21 September 2020 10:44 AM
To: Peter Morson <peter@morsongroup.com.au>; jason@tzconstructions.com.au
Subject: DA19/0499 draft conditions

Hi Peter,

Following my earlier email, please find below responses to proposed amendments relating to Conditions 24 and 27.

As discussed this morning, any unresolved conditions will be tabled at the Panel meeting for discussion. I would recommend that any conditions that have been agreed on be confirmed prior to meeting, so as to focus discussions.

- **Condition 24 D Special Unexpected Finds**
Proposed deletion of reference to remediation works requiring development consent from Penrith City Council.

All remediation works within the Penrith Local Government Area are classed as Category 1 works under State Environmental Planning Policy 55 Remediation of Land, and require development consent. However, the proposed amendment to delete this reference is accepted on the basis that it is an advisory note.

- **Condition 27 Special Waste Infrastructure**

(a) insertion of “*Additional doors to the rear of the waste rooms is to be added for resident access and shall be fitted with a standard key lock*” accepted, so as to provide resident access to waste bins.

(c) Proposed amended wording not agreed. The waste collection room should comply with the minimum size requirements required by Council’s policy. In this regard, unobstructed internal dimensions of 7.8m by 3.2m wide is required to provide sufficient room to manoeuvre bins, and ensure functionality of the waste room. Compliance with this condition is not considered unreasonable.

(e) deletion of this requirement accepted.

In regards to the proposed deletion of **Condition 29**, I still seeking advice from Council’s Environmental Management Officer on this matter, and will aim to get a response to you ahead of the meeting.

Kind Regards,

Lucy Goldstein

Senior Development Assessment Planner

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From: Lucy Goldstein

Sent: Friday, 18 September 2020 7:04 PM

To: jason@tzconstructions.com.au

Cc: Peter Morson <peter@morsongroup.com.au>

Subject: RE: DA19/0499 draft conditions

Hi Jason,

In response to your emails below, please find attached Council’s response (contained within the “comments section”) to proposed amendments to conditions.

There are a few conditions (no. 24, 27, 29) that I am seeking further advice on from the relevant Council officers, and a response in relation to these conditions will be provided separately.

In regards to the proposed amendment to replace “*Prior to commencement of Works*” with ‘*Prior to commencement of the relevant Construction stage of the works relevant to this condition*’ – respectfully, this amendment is not considered appropriate, and not agreed to. The proposed wording poses unnecessary risk in that works/conditions are missed. Further, works may have flow on effects to other aspects of the development, and so matters required to be completed prior to commencement of works should be considered and addressed holistically. It is noted that ‘prior to commencement of works’ is standard wording, and has been previously accepted on other NSW Land and Housing Corporation projects.

Should you wish to discuss, please get in contact,

Kind Regards,

Lucy Goldstein
Senior Development Assessment Planner

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From: Jason Zeaiter [<mailto:jason@tzconstructions.com.au>]
Sent: Friday, 18 September 2020 2:05 PM
To: Lucy Goldstein <lucy.goldstein@penrith.city>
Cc: Peter Morson <peter@morsongroup.com.au>
Subject: RE: DA19/0499 draft conditions
Importance: High

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Hi Lucy,

Further to my previous email, we also request that any mention of '**Prior to commencement of Works**' in the consent be replaced with '**Prior to commencement of the relevant Construction stage of the works relevant to this condition**'

Thank you

Kind regards,

Jason Zeaiter

Business Operations Manager



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From: Jason Zeaiter

Sent: Friday, 18 September 2020 1:45 PM

To: lucy.goldstein@penrith.city

Cc: Peter Morson <peter@morsongroup.com.au>

Subject: DA19/0499 draft conditions

Importance: High

Hi Lucy,

Please find attached the DA conditions that NSW Land & Housing Corporation are seeking amendments to for 23-25 Lethbridge Street, St Marys.

Should you have any questions please do not hesitate to contact me or Peter Morson.

Thank you

Kind regards,

Jason Zeaiter

Business Operations Manager

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 Fax - 02 9653 1117  PO Box 326, Galston, NSW, 2159



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