

## RESPONSE TO DEFERRAL NOTICE

### PPSTH – 33 -1 SIMMONS STREET WAGGA – RIVERINA CONSERVATORIUM

An addendum report and amended conditions of consent were provided via the planning portal on 1 October 2010 together with a copy of the updated Preliminary Site Investigation.

Response to the specific matters raised under the record of deferral is detailed below:-

- 1a) In accordance with the requirements of SEPP55, the potential contamination of the property has been addressed in the updated PSI. Testing of soil within the areas where UPSS were located indicates that no significant petroleum hydrocarbons exist within the upper 4m of the subsurface. Furthermore, volatile contaminants have not been identified in the fill across the site and any contaminants found did not exceed the thresholds that would be of relevance to the proposed land use. The report concludes that filling does not pose an unacceptable health risk to future users of the site but does recommended the preparation of a management plan to address unsightly fill during any construction works.
- 1b) The applicant has raised no objection to the proposed conditions of consent, including the additional conditions added after the briefing of 22 September.
- 1c) The application is not integrated development.
- 2a) An addendum report has previously been provided.
- 2b) The amended PSI concludes that the subject site is suitable for the intended use subject to a management plan. Council accepts the conclusion from the certified practitioner and has proposed that an additional condition (11A) be included that requires the recommended management plan to be prepared.
- 2c) There is no known legal impediment that would prevent the Panel issuing a determination in accordance with Council's recommendation.
- 2d) Modified conditions were provided in the Addendum report.