

Revised Statement of Commitments

Note: The Revised Statement of Commitments applies to the modified Project Application.

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
1. Development				
1.1	The development will be undertaken in accordance with the Subdivision Concept Plan prepared by WorleyParsons, the Concept Engineering Drawings prepared by Geoff Slattery and Partners, the Environmental Assessment and Preferred Project Report prepared by WorleyParsons.	Utilia Pty Ltd	Construction and operation	Updated – inclusion of Preferred Project Report and reference to Concept Engineering Drawings
1.2	Construction Management Plans will be prepared for each stage of construction of the development and submitted to Coffs Harbour City Council for approval.	Utilia Pty Ltd	Prior to construction	No change
2. Ecological				
2.1	The development is to be undertaken in accordance with the recommendations in the Ecological Assessment report prepared by James Warren and Associates.	Utilia Pty Ltd	Construction and operation	No change
2.2	Weeds within habitat areas will be controlled and managed and habitat restoration is to be implemented in accordance with the Vegetation Management Plan (JWA 2013).	Coffs Harbour City Council (CHCC)	Operation	Updated – change of year
2.3	Contiguous areas of retained vegetation are to be fenced with permeable fencing (e.g. post and rail) to discourage access from human visitation and from trail bikes, etc. Fencing will be installed along the southern and western site boundaries to the	Utilia Pty Ltd	Construction	Updated – clarification of site boundaries

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	National Park in accordance with the <i>Typical detail for Rural boundary fence</i> and <i>Plan view of pedestrian access</i> contained in the Landscape Concept Plan prepared by Terras Landscape Architects.			
2.4	The final access points to the fire trails and into the Bongil Bongil National Park are to be approved by the National Parks and Wildlife Service (NPWS) prior to installation and then funded and installed by the proponent.	Utila Pty Ltd and OEH (NPWS)	Construction	New
2.5	Landscape and landfill materials should be sourced from a supplier where Cane toads do not occur.	Utila Pty Ltd and subcontractors	Construction	No change
2.6	A qualified fauna handler will be on site when clearing occurs.	Utila Pty Ltd	Construction	No change
2.7	40 km/hr speed limit will be imposed on internal access roads. Other measures to reduce traffic speeds include traffic calming features, and lighting.	Utila Pty Ltd	Construction	No change
2.8	Formal walking tracks will be provided to established access points to Bongil Bongil National Park. Access points are to be adjacent to the locked gates at the final approved fire trail access points. This will prevent the formation of a larger number of informal tracks.	Utila Pty Ltd and OEH (NPWS)	Construction	Updated – to reflect discussions with OEH
2.9	The design and creation of any formalised access points leading into the Bongil Bongil National Park are to be determined and approved by NPWS prior to commencement of works onsite in order to control unauthorised access (eg. unregistered trail bikes).	Utila Pty Ltd and OEH (NPWS)	Construction	New
2.10	The keeping of cats and dogs (with the exception of assistance animals, as defined under the Commonwealth Disability Discrimination Act 1992) within the site is prohibited and all residential lots are to be encumbered to this effect with a Section 88B instrument under the Conveyancing Act 1919.	Utila Pty Ltd	Operation	New. Note: in endeavouring to satisfy the requirements of the legislation it is noted that there can be difficulties in implementation.

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
				This comment is submitted for consideration in determining the Project Application in respect of this point.
2.11	Regeneration and revegetation works on the subject site will utilise preferred Koala food trees where appropriate.	Utila Pty Ltd and subcontractors	Construction	No change
2.12	Lighting will be designed to minimise spill over flora and fauna habitat areas.	Utila Pty Ltd	Construction	No change
2.13	The proponent will be responsible for the monitoring and reporting of the implementation of the Vegetation Management Plan (VMP) and progress for 5 years following commencement of initial VMP works, including ongoing weed control works.	Utila Pty Ltd	Construction	New
2.14	Appropriate protection measures to be implemented to reduce urban run-off into the Swamp Sclerophyll Forests EEC located to the east of the site.	Utila Pty Ltd	Construction	New
2.15	The proponent is required to develop a Riparian Management Plan (RMP) for the site in accordance with the NSW Office of Water's Guidelines for Controlled Activities. This is to be developed in consultation with and to the satisfaction of the NSW Office of Water.	Utila Pty Ltd	Construction	New
2.16	<p>The development design must conform with Coffs Harbour City Council's Koala Plan of Management guidelines and strategies to protect Koala, namely:</p> <ul style="list-style-type: none"> • Road design • Fencing (boundary to estate and pools) • Surface Wildlife Crossings • Urban Services 	Utila Pty Ltd	Construction	New

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	<ul style="list-style-type: none"> Landscaping Amelioration measures 			
3. Bushfire				
3.1	Construction and operation of the proposed subdivision will be in accordance with the Bushfire Assessment report – Residential Subdivision prepared by Holiday Coast Bushfire Solutions.	Utila Pty Ltd and Coffs Harbour City Council	Construction and operation	No change
3.2	Construction in the Asset Protection Zones (APZs) is to be implemented in accordance with the Asset Protection Zone Plan included in the Bushfire Assessment report – Residential Subdivision prepared by Holiday Coast Bushfire Solutions.	Utila Pty Ltd	Construction	Updated – references to the APZ Plan
3.3	The Asset Protection Zones identified on the Asset Protection Zone Plan included in the Bushfire report – Residential Subdivision (prepared by Holiday Coast Bushfire Solutions, are to be managed and maintained in accordance with <i>Planning for Bushfire Protection 2006</i> and the Bushfire Assessment.	Utila Pty Ltd, OEH (NPWS) and Coffs Harbour City Council(after 5 years)	Operation	Updated – references to the APZ Plan
3.4	A s88B Covenant will be created in accordance with the <i>Conveyancing Act 1919</i> for the title of future lots located within the Asset Protection Zone, to ensure that vegetation and landscaped areas are maintained in accordance with the requirements of <i>Planning for Bushfire Protection 2006</i> and the Bushfire Assessment report.	Utila Pty Ltd	Operation	No change
3.5	All dwellings within the Asset Protection Zone are to be constructed in accordance with Australian Standard 3959 – 2009: Construction of buildings in bushfire-prone areas.	Utila Pty Ltd	Construction	No change
3.6	The development will provide vehicular and pedestrian access to fire trails on National Park land in accordance with the Preliminary Subdivision Concept Layout. Access to the fire trails on the subject land will be maintained by NPWS. Locked gates will be provided at the boundary of the subject land to provide connection to those fire trails within the National Park.	Utila Pty Ltd and OEH (NPWS)	Construction and operation	Updated – to reflect OEH requirements

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
3.7	The existing 6m wide fire trails will be managed by NPWS as APZs. The relevant sections of the APZ buffer areas will be dedicated to Council and the other areas will be managed by the proponent. Maintenance responsibility for public reserves will transfer from the proponent to the Council after five years from the commencement date of initial VMP works.	Utila Pty Ltd, OEH (NPWS) and Coffs Harbour City Council (after 5 years)	Construction and Operation	New
4. Water Management				
4.1	The proposed bio-retention basins and bio-retention swales will be constructed in accordance with the Stormwater Concept Plan (Geoff Slattery and Partners), and consistent with the Stormwater Management Strategy (WorleyParsons) and the Landscape Concept Masterplan and Landscape Design Report (Terras Landscape Architects) for the proposed development. This infrastructure is to be maintained in accordance with these reports and the Vegetation Management Plan prepared by James Warren and Associates.	Utila Pty Ltd and Coffs Harbour City Council (after 5 years)	Construction and operation	No change
4.2	All dwellings will be constructed with a minimum 500mm freeboard above the 1 in 100 year flood level.	Utila Pty Ltd	Construction	No change
4.3	The public reserves, including riparian corridors, will be dedicated to Coffs Harbour City Council.	Utila Pty Ltd	Prior to release of the subdivision certificate	No change
4.4	Future maintenance and ongoing management of the public reserves, riparian corridors and stormwater infrastructure will be the proponent's responsibility for the first 5 year period commencing from the date of the initial Vegetation Management Pan works. After this time responsibility will lie with the Coffs Harbour City Council.	Utila Pty Ltd Coffs Harbour City Council (after 5 years)	Construction and operation	New
4.5	Prior to the commencement of any works, the proponent is to demonstrate that the quality and quantity of stormwater to be dispersed into the Bongil Bongil National Park, from the development will improve or maintain the natural hydrological regime operating at present.	Utila Pty Ltd	Prior to construction	New
4.6	A detailed stormwater management plan (SWMP) for the construction and	Utila Pty Ltd	Construction and	New

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	operational phases of the project must be prepared by a suitably qualified person as per specifications detailed by LANDCOM Soil and Construction guidelines for managing urban stormwater (2004).		operation	
4.7	The SWMP must consider offsite impacts, namely to the National Park, the identified Endangered Ecological Community and Primary Koala Habitat. The SWMP must provide detailed modelling and amelioration strategies to ensure the project will not increase the quantity or pollutant load of stormwater discharged from the site.	Utila Pty Ltd	Construction	New
4.8	The SWMP must be submitted to the Department of Planning and Infrastructure for approval.	Utila Pty Ltd	Prior to construction	New. Note: it is understood that in relation to this item the SWMP can be prepared to the <u>satisfaction</u> of a nominated body or person such as a Council or Council Officer.
4.9	Subject to the SWMP being approved, it must be implemented prior to the commencement of any other activities on the site.	Utila Pty Ltd	Prior to construction	New
4.10	To aid in the protection of receiving water source quality, all stormwater runoff must be adequately treated at its source and/ or diverted through the stormwater treatment process designed for the site, prior to the stormwater being discharged to surface water and groundwater sources.	Utila Pty Ltd	Construction	New
4.11	All dams associated with the project must be in accordance with any Harvestable Right Order published under section 54 of the Water Management Act 2000.	Utila Pty Ltd	Construction	New

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
4.12	In relation to maintenance arrangements and commitments to the stormwater system, including Gross Pollutant Traps, a 2 year bond (devices involving growth of plants) is to be applied. Handover of these facilities requires such facilities to only be treating natural rainfall events (not development sediment runoff). It may be appropriate to require that either the facilities not be finished as bio-retention ponds until all the development civil works of the stage(s) that might be draining to the device as a sediment pond is (are) completed and in a state where sediment runoff is being fully controlled upstream OR the bioretention pond be cleaned and proven to be suitable to operate as such at that handover time. The latter would require testing etc to demonstrate that the filters are not blocked etc. The bond should ensure the bio retention ponds performance at the handover stage (after 2 years). Ongoing maintenance can be scheduled based on the handover condition.	Utila Pty Ltd	Construction and Operation	New
4.13	The proponent is to undertake further detailed stormwater design to replace the central swales with a suitable bio retention treatment and submit to Coffs Harbour City Council at the Construction Certificate stage.	Utila Pty Ltd	Prior to Construction Certificate	New
5. Minimal Use of Water and Energy				
5.1	Each dwelling will have at least one (1) rainwater tank with a minimum capacity of 5kL. This requirement is consistent with the North Bonville Developer Contributions Plan.	Coffs Harbour City Council	Construction	Updated – reference to number of rainwater tanks
6. Landscaping / Visual Amenity				
6.1	The street tree planting and other landscaping will be implemented and maintained in accordance with the Landscape Concept Plan and Landscape Design Report prepared by Terras Landscape Architects.	Utila Pty Ltd Coffs Harbour City Council (after 5 years)	Construction and operation	No change
7. Traffic Management and Access				

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
7.1	The construction and operation of the proposed subdivision will be in accordance with the Concept Road Layout and accompanying road profiles prepared by Geoff Slattery and Partners.	Utila Pty Ltd	Construction and operation	No change
7.2	The bus stops and bus shelters will be provided by the developer in the locations nominated on the Concept Road Layout prepared by Geoff Slattery and Partners and maintained by Council.	Utila Pty Ltd Coffs Harbour City Council	Construction	No change
8. Noise				
8.1	The noise impacts from the construction of the subdivision will be monitored and comply with the <i>Environmental Criteria for Road Traffic Noise</i> (EPA, 1999).	Coffs Harbour City Council	Construction	No change
8.2	All new dwellings on the land will be constructed in accordance with <i>Acoustics – Road traffic noise intrusion – Building siting and construction</i> (Standards Australia, 1989, AS 3671-1989).	Coffs Harbour City Council	Construction	No change
9. Cultural Heritage				
9.1	All contractors will be made aware that, under Part 6 Section 90 of the NPWS Act 1974, a person who knowingly destroys, defaces or damages or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place without first obtaining the written consent of the Director-General, is guilty of an offence against the NPWS Act 1974.	Utila Pty Ltd and subcontractors	Construction	Updated – change to responsibility
9.2	When requested or required to do so, the proponent will complete a DECCW Aboriginal Site Impact Recording (ASIR) form and submit to OEH as per the requirements of section 89A of the NPW Act. Any management outcomes for the site(s) must be included in the information provided to AHIMS.	Utila Pty Ltd	Prior to construction	New
9.3	All ridge topsoil will be removed and relocated to the nominated reserve area of the proposed development as shown on Geoff Slattery and Partners Drawing No. 121 Archaeological Topsoil Placement.	Utila Pty Ltd	Prior to construction (prior to bulk earthworks)	Updated – additional details on topsoil placement

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
9.4	The relocated location of the ridge topsoil will be recorded as a relocated site with the OEH Aboriginal Heritage Information Management System (AHIMS).	CHLALC OEH	Prior to construction	No change
9.5	Relocation of ridge topsoil should be monitored by Coffs Harbour Local Aboriginal Land Council (CHLALC).	CHLALC	Prior to construction	No change
9.6	After the ridge topsoil has been relocated, a walkover of the removal areas should be conducted by the CHLALC and any visible artefacts collected.	CHLALC	Prior to construction	No change
9.7	Collected artefacts will be redeposited by CHLALC representatives in a secure location on site negotiated between Utila Pty Ltd and the CHLALC.	CHLALC Utila Pty Ltd	Construction and operation.	No change
9.8	Street names in the development will acknowledge the Traditional Owners of the area. Consultation with the CHLALC and the CHCC will be undertaken to ascertain suitable names for the streets.	Utila Pty Ltd CHLALC CHCC	Prior to construction	No change
9.9	Implementation of the Cultural Heritage Management Plan and the Work Method Statement, contained in Section 6.3 of the Cultural Heritage Assessment report, will be undertaken.	Utila Pty Ltd	Construction and operation.	No change
9.10	A map indicating the specific location of the ridge topsoil deposits is provided to all registered Aboriginal community stakeholders, the Department of Planning and Infrastructure and all contractors prior to any of this work commencing.	Utila Pty Ltd	Prior to construction (prior to bulk earthworks)	New
9.11	The proponent must continue to consult with and involve all the registered local Aboriginal representatives for the project, in the ongoing management of the Aboriginal cultural heritage values. Evidence of this consultation must be collated and provided to the consent authority upon request.	Utila Pty Ltd and CHLALC	Prior to construction and construction	New
9.12	The proponent shall implement a Cultural Heritage Management Plan (CHMP) for the project area. The CHMP is to be implemented in consultation with the registered local Aboriginal stakeholders. The plan must include procedures for	Utila Pty Ltd and CHLALC	Prior to construction and construction	New

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	ongoing Aboriginal consultation and involvement, details of the responsibilities of all stakeholders, management of any recorded sites within the project area, monitoring and relocation procedures, procedures for the identification and management of previously unrecorded sites (excluding human remains), identification and management of any proposed cultural heritage conservation/relocation area(s), and details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process, details of proposed mitigation and management strategies for sites identified to be impacted within the project area and compliance procedures in the unlikely event that non-compliance with the CHMP is identified.			
9.13	The proponent is to provide fair and reasonable opportunities for the registered local Aboriginal stakeholders to monitor any initial ground disturbance works associated with all ridges identified within the approved project area, including the outer perimeter roads. In the event that additional Aboriginal objects are uncovered during the monitoring/relocation program, the objects are to be recorded and managed in accordance with the requirements of sections 85A and 89A of the National Parks and Wildlife Act 1974, as amended.	Utila Pty Ltd and CHLALC	Prior to construction and construction	New
9.14	If human remains are located in the event that surface disturbance occurs, all works must halt in the immediate area to prevent any further impacts to the remains. The NSW Police are contacted immediately. No action is to be undertaken until police provide written notification to the proponent. If the skeletal remains are identified as Aboriginal, the proponent must contact DECCW's Enviroline on 131555 and representatives of the local Aboriginal community. No works are to continue until DECCW provide written notification to the proponent.	Utila Pty Ltd	Construction	New
9.15	All reasonable efforts must be made to avoid impacts to Aboriginal cultural heritage at all stages of the development works. If impacts are unavoidable, mitigation measures are to be negotiated with the local Aboriginal community	Utila Pty Ltd and subcontractors	Construction	New

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	and DECCW. All sites impacted must have a DECCW Aboriginal Site Impact Recording (ASIR) form completed and submitted to DECCW AHIMS unit within three (3) months of completion of these works.			
9.16	An Aboriginal Cultural Education Program must be developed for the induction of all personnel and contractors involved in the construction activities on site. Records are to be kept of which staff/contractors were inducted and when for the duration of the project. The program should be developed and implemented in collaboration with the local Aboriginal community.	Utila Pty Ltd and subcontractors	Construction	New
10. Infrastructure				
10.1	Further consultation will be undertaken with Coffs Harbour City Council and service providers to determine the requirements for electricity and telecommunication systems.	Utila Pty Ltd	Prior to construction	No change
10.2	The developer will supply reticulated water and sewerage services for each residential lot in accordance with Coffs Harbour City Council's requirements.	Utila Pty Ltd	Construction	No change
10.3	The developer will supply underground electricity and telecommunication infrastructure to each residential lot in accordance with the service provider requirements.	Utila Pty Ltd	Construction	No change
10.4	The proponent is to provide for a portion of the land dedicated for public reserve to be developed as a neighbourhood park as identified on the Geoff Slattery and Partners Drawing No. 120 Proposed Neighbourhood Park.	Utila Pty Ltd	Construction	New
11. Groundwater				
11.1	The four monitoring wells established on the site (MW1-4) will be monitored monthly during construction and for 12 months post development so as to assess the impact the development may have on groundwater in the immediate vicinity of the site. The results of monitoring should be reviewed by a competent groundwater practitioner and recommendations made on	Utila Pty Ltd	Construction and operation	No change

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	modifying, or the need for, further groundwater monitoring.			
11.2	The base of all spoon drains will be sited above 5m AHD to avoid groundwater intersection.	Utila Pty Ltd	Construction	No change
11.3	<p>In regard to taking or interfering with groundwater, a number of conditions apply:</p> <p>a. All groundwater licences must be obtained and associated works appropriately authorised prior to works commencing.</p> <p>b. All works that intersect the aquifer should be licensed by NSW Office of Water prior to any work being carried out. This includes groundwater excavations within the groundwater aquifer, which includes, but is not necessary limited to excavations for on-site detention basins, recharge pits, spoon drains, all monitoring and production bores (if any), wells and spear points.</p> <p>c. For all areas on the site that require dewatering, a water licence under Part 5 of the Water Act 1912 should be obtained prior to commencement of work. This water licence application must be accompanied by a groundwater and excavation monitoring program and acid sulphate soils contingency plan, developed to the satisfaction of NSW Office of Water.</p>	Utila Pty Ltd	Construction	New
11.4	All further information as part of the detailed design phase relating to groundwater must be provided to the NSW Office of Water for review and recommended conditions of approval, prior to approval by the consent authority.	Utila Pty Ltd	Construction	New
12. Acid Sulfate Soils				
12.1	If soils are to be removed from the low lying area in the southwest of the site where PASS was encountered, then the upper 0.5m of soils will be stripped, stockpiled and treated with lime to increase the pH.	Utila Pty Ltd	Construction	No change

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
	(Note: Liming ratios have been calculated for the PASS and acidic soils should liming be required. Good quality fine agricultural lime will be used to treat excavated PASS. In calculating the liming ratios, a factor of safety of 1.5 has been allowed above the theoretical requirement to take into account the rate of lime reactivity and the possibility of inhomogeneous mixing, particularly in the cohesive soils. Using a 95% confidence limit for the liming results provided, the liming ratio requirements were assessed to be 13.5kg of lime per tonne of soil for the PASS soils).			
12.2	Further testing for ASS will be undertaken in the high risk areas if disturbance or drainage is likely to occur as part of the development.	Utila Pty Ltd	Construction	New
13. Geotechnical				
13.1	<p>A more detailed geotechnical investigation will be undertaken of the site prior to construction that, in particular, will assess the steeper slopes in the southern portion of the site.</p> <p>The intrusive investigations (such as test pitting) will be undertaken over the site to further assess the subsurface conditions and the potential for slope instability.</p>	Utila Pty Ltd	Prior to construction	No change
13.2	The existing fill on the site will be removed and replaced and compacted with approved fill under Level 1 conditions.	Utila Pty Ltd	Construction	No change
13.3	For shallow footings founded in stiff clay materials (i.e. as encountered on the hillslopes) an allowable bearing pressure of 100kPa may be adopted for design purposes.	Each developer of housing on the site	Construction	No change
13.4	Construction on gently sloping ground (less than 10°) is considered to be at lower risk of potential instability. These areas of the site are more likely to be suited to single level slab on ground construction or split level residential construction.	Each developer of housing on the site	Construction	No change

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
13.5	The subsurface conditions within the watercourses areas are likely to comprise firm alluvial clay and silty soils overlying stiffer alluvial clay and residual clay soils. For construction in these areas, consideration will be given to the shallow groundwater table, soils with inadequate bearing pressures and the presence of soils with high silt contents which can be problematic for fill placement and compaction. Construction in these areas may require dewatering, excavation and replacement with controlled Level 1 fill or piled foundations to suitable founding strata below and uncontrolled fill or unsuitable natural materials.	Utila Pty Ltd	Construction	No change
13.6	Several areas of seepage were observed within the watercourse catchment in the southwest of the site. Due to the likely wet subsurface conditions associated with such seepage, consideration will be given to further assessing the subsurface conditions in this area prior to development. Associated with these seepage zones were gully erosion features which have developed downslope of the seepage points. To limit the effects of erosion in these areas, it is likely that permanent drainage structures such as gravel drains will be required to manage the water flow and prevent further erosion.	Utila Pty Ltd	Construction	No change
13.7	For shallow footings founded in stiff clay materials (i.e. as encountered on the hillslopes) an allowable bearing pressure of 100kPa will be adopted for design purposes.	Each developer of housing on the site	Construction	No change
14. Developer Contributions				
14.1	The developer will pay Section 94 developer contributions in accordance with the North Bonville Developer Contributions Plan (Coffs Harbour City Council).	Utila Pty Ltd	Prior to issue of Subdivision Certificate	No change
14.2	Coffs Harbour City Council is to acquire from the proponent those lands identified in Geoff Slattery and Partners Drawing No. 119 Proposed Public Reserves in accordance with the requirements of the North Bonville Developer Contribution Plan for Neighbourhood Park and Stormwater Management.	Coffs Harbour City Council	Prior to release of the subdivision certificate	New

Theme & SoC No.	Proposed Commitment	Responsibility	Project Phase	Status of SoC?
15. Residual Lot				
15.1	The proponent will enter into negotiations with the Office of Environment & Heritage, or relevant authority, regarding the dedication of this land for environmental conservation purposes or for its dedication as part of Bongil Bongil National Park, not precluding the use of the land for bio-banking purposes.	Utila Pty Ltd	Prior to construction of first stage adjacent to the land	New