

Request for Decision

**Extension to draft plan of subdivision approval,
Raft Lake Subdivision, South Lane Road, Sudbury
- Nickel Range Investments Ltd**

Presented To:	Planning Committee
Presented:	Monday, Feb 23, 2015
Report Date	Monday, Feb 09, 2015
Type:	Routine Management Reports
File Number:	780-6/96003

Recommendation

That upon payment of Council's processing fee of \$1,407.00, the conditions of draft approval for the draft plan of subdivision on those lands known as Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder, File 780-6/96003, shall be amended as follows:

a) By deleting Condition #4 and replacing it with the following:

"4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By laws of the Municipality in effect at the time such plan is presented for approval."

b) By deleting Condition #7 and replacing it with the following:

"7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities."

c) By deleting Condition #9 and replacing it with the following:

"9. Deleted."

d) By replacing the words "Public Works" with "Infrastructure Services" in Conditions #13 through to Condition #19

e) By deleting Condition #15 and replacing it with the following:

"15. Deleted."

f) By deleting Condition #16 and replacing it with the following:

Signed By

Report Prepared By

Glen Ferguson
Senior Planner
Digitally Signed Feb 9, 15

Reviewed By

Eric Taylor
Manager of Development Approvals
Digitally Signed Feb 9, 15

Recommended by the Division

Mark Simeoni
Acting Director of Planning Services
Digitally Signed Feb 9, 15

Recommended by the Department

Paul Baskcomb
Acting General Manager of Growth & Development
Digitally Signed Feb 9, 15

Recommended by the C.A.O.

Doug Nadorozny
Chief Administrative Officer
Digitally Signed Feb 10, 15

"16. The owner shall be responsible to have a stormwater management report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development, in addition to the flows generated from upstream lands. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels for the 1:5, 1:100 and regional storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The quality of the stormwater must meet an "enhanced" level of protection as defined by the Ontario Ministry of the Environment."

g) By adding the following at the end of Condition #17:

"17. The detailed lot grading plan is to be prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of construction plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners as well as any required setbacks or buffer zones. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path."

h) By deleting Condition #19 i) and replacing it with the following:

"19. i)Where it is the intent to provide potable water from an adjoining waterbody, the developer is to provide a report prepared by a professional engineer, licensed in the province of Ontario and experienced in drinking water systems, detailing the required treatment to provide potable water from a surface water source. The developer is required to establish a Potable Water Agreement for each property capable of using surface water as a potable water source referencing the recommendations put forth in the report to the satisfaction of the General Manager of Infrastructure Services."

i) By deleting Condition #19 ii) a, b, c and d and replacing with:

"19. ii)Where it is the intent to provide potable water from a well, the developer shall prove to the satisfaction of the General Manager of Infrastructure Services that an adequate quantity of potable water is available, and if water can only be made potable by treatment, an agreement with the City must be placed on title to clear this condition. Wells are to meet the requirements of Ministry of Environment Procedure D5-5 as a minimum as well as the following:

j) By deleting Condition #19 ii) e) and replacing with:

"a. Prior to the signing of the final plan the owner is required to provide a deposit for corrective measures should groundwater supplies of adjacent properties be affected as a result of this subdivision. The deposit is to be calculated by the owner's engineer to the satisfaction of the General Manager of Infrastructure Services."

k) By deleting Condition #20 and replacing it with the following:

"20. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced."

l) By deleting Condition #22 and replacing it with the following:

"22. That this draft approval shall lapse on March 14, 2018."

m) By deleting Condition #27 and replacing it with the following:

“27. The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and the Nickel District Conservation Authority.”

n) By replacing the word “Persona” with “Eastlink” in Condition #30.

o) By adding a new Condition #31 as follows:

“31. The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.”

p) By adding a new Condition #32 as follows:

“32. The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.”

q) By adding a new Condition #33 as follows:

“33. The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

- i. Pre-blast survey of surface structures and infrastructure within affected area;
- ii. Trial blast activities;
- iii. Procedures during blasting;
- iv. Procedures for addressing blasting damage complaints;
- v. Blast notification mechanism to adjoining residences; and,
- vi. Structural stability of exposed rock faces.

The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.”

r) By adding a new Condition #34 as follows:

“34. Should the developer’s schedule require to commence blasting and rock removal prior to the final subdivision plan having been signed, a site alteration permit shall be required under the City of Greater Sudbury’s By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.”

s) By adding a new Condition #35 as follows:

“35. As part of the submission of servicing plans, the owner shall have slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.”

t) By adding a new Condition #36 as follows:

“36. The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.”

u) By adding a new Condition #37 as follows:

"37. Prior to any vegetation removal or other site alteration on the subject lands, the owner shall consult with the Ministry of Natural Resources with respect to the presence of any species at risk under the Endangered Species Act. The owner shall demonstrate to the satisfaction of the Director of Planning Services that all requirements set out by MNR under the Endangered Species Act have been satisfied."

STAFF REPORT

Applicant:

Nickel Range Investments Ltd.

Location:

Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder (South Lane Road, Sudbury)

Application:

To extend the draft approval conditions which were approved originally by Council on March 14, 1997 and are set to expire on March 14, 2015, for a draft plan of subdivision on those lands known as Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder.

Proposal:

The applicant is requesting that the draft approval conditions for the above noted lands be extended for a period of three (3) years until March 14, 2018.

Background:

The City received a request from Nickel Range Investments Ltd. on October 6, 2014 to extend draft approval on a plan of subdivision for a period of three years on those lands described as Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder. The subject draft approval of a plan of subdivision is for 28 single-detached dwelling lots. The lots are to be accessed from South Lane Road.

The previous draft approval extension was granted by Council on February 14, 2012 and the request from Nickel Range Investments Ltd. is to further extend their draft approval for a period of three (3) years until March 14, 2018. Staff has circulated the request to relevant agencies and departments for comment and is now bringing forward this report to extend the draft approval.

Departmental & Agency Comments:

Building Services

No concerns. Based on the anticipated quantities of removal of rock through blasting, the following conditions will be imposed on the draft plan of subdivision:

- a) The developer will be required to provide a geotechnical report on how the work related to blasting shall be undertaken safely to protect adjoining structures and other infrastructure. The geotechnical report shall be undertaken by a blasting consultant defined as a professional engineer

licensed in the Province of Ontario with a minimum of five (5) years experience related to blasting.

b) The blasting consultant shall be retained by the developer and shall be independent of the contractor and any subcontractor doing blasting work. The blasting consultant shall be required to complete specified monitoring recommended in his report of vibration levels and provide a report detailing those recorded vibration levels. Copies of the recorded ground vibration documents shall be provided to the contractor and contract administration weekly or upon request for this specific project.

c) The geotechnical report will provide recommendations and specifications on the following activity as a minimum but not limited to:

- a. Pre-blast survey of surface structures and infrastructure within affected area;
- b. Trial blast activities;
- c. Procedures during blasting;
- d. Procedures for addressing blasting damage complaints;
- e. Blast notification mechanism to adjoining residences; and,
- f. Structural stability of exposed rock faces.

d) The above report shall be submitted for review to the satisfaction of the Chief Building Official prior to the commencement of any removal of rock by blasting.

e) Should the developer's schedule require to commence blasting and rock removal prior to the final subdivision plan having been signed, a site alteration permit shall be required under the City of Greater Sudbury's By-law #2009-170 and shall require a similar geotechnical report as a minimum prior to its issuance.

Development Engineering

No concerns. Please revise the following conditions:

- a) Conditions 15 and 27 by deleting and replacing with:

The owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the Director of Planning Services and Conservation Sudbury (Nickel District Conservation Authority).

- b) Condition 16 by deleting and replacing with:

The owner shall be responsible to have a stormwater management report prepared to assess how the quality and quantity of stormwater will be managed for the subdivision development, in addition to the flows generated from upstream lands. The report shall establish how the quantity of stormwater generated within the subdivision will be controlled to pre-development levels for the 1:5, 1:100 and regional storm events. The owner shall be required to submit a comprehensive drainage plan of the subject property, and any upstream areas draining through the subdivision. The quality of the stormwater must meet an " *enhanced*" level of protection as defined by the Ontario Ministry of the Environment.

- c) Condition 17 by replacing “General Manager of Public Works” with “Director of Planning Services” and adding:

The detailed lot grading plan is to be prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of construction plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners as well as any required setbacks or buffer zones. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties and show the stormwater overland flow path.

- d) Condition 19 i) by deleting and replacing with:

Where it is the intent to provide potable water from an adjoining waterbody, the developer is to provide a report prepared by a professional engineer, licensed in the province of Ontario and experienced in drinking water systems, detailing the required treatment to provide potable water from a surface water source. The developer is required to establish a Potable Water Agreement for each property capable of using surface water as a potable water source referencing the recommendations put forth in the report to the satisfaction of the General Manager of Infrastructure Services.

- e) Condition 19 ii), and Conditions 19. ii) a. b. c. and d. by deleting and replacing with:

Where it is the intent to provide potable water from a well, the developer shall prove to the satisfaction of the General Manager of Infrastructure Services that an adequate quantity of potable water is available, and if water can only be made potable by treatment, an agreement with the City must be placed on title to clear this condition. Wells are to meet the requirements of Ministry of Environment Procedure D5-5 as a minimum as well as the following:

Condition 19 ii) e. by deleting and replacing with:

Prior to the signing of the final plan the owner is required to provide a deposit for corrective measures should groundwater supplies of adjacent properties be affected as a result of this subdivision. The deposit is to be calculated by the owner's engineer to the satisfaction of the General Manager of Infrastructure Services.

- f) Please amend Condition 30 by changing Persona to Eastlink.

- g) Please include the following additional conditions:

a) As part of the submission of servicing plans, the owner shall have slope treatments designed by a geotechnical engineer licensed in the Province of Ontario incorporated into the lot grading plans if noted as required at locations required by the Director of Planning Services. Suitable provisions shall be incorporated into the Subdivision Agreement to ensure that the treatment is undertaken to the satisfaction of the Director of Planning Services.

b) The owner shall be required to have all stormwater management facilities constructed and approved by the City prior to initial acceptance of roads and sewers or at such time as the Director of Planning Services may direct. The owner shall provide lands for said facilities as required by the City.

Drainage

No concerns.

Environmental Initiatives

The subject lands have the potential to serve as habitat for the Blanding's Turtle and the Eastern Whip-poor-will, species designated as "Threatened" in Ontario by the Ministry of Natural Resources (MNR). The proponent will need to contact the Sudbury District MNR and satisfy all requirements set out by the MNR under the Endangered Species Act prior to any site alteration or construction taking place on the subject lands.

Nickel District Conservation Authority

No concerns.

Roads, Traffic and Transportation

No concerns.

Planning Considerations:

Draft Approval Conditions

Condition #22 should be deleted entirely and replaced with a sentence referencing March 14, 2018 as the revised date on which the subject draft plan approval shall lapse. Building Services is requesting that standard blasting conditions be added. Development Engineering has also requested several amendments to existing conditions and the inclusion of two new conditions dealing with geotechnical and stormwater matters. Environmental Initiatives has also requested that their standard condition regarding species at risk be added to the draft approval. These new conditions have been incorporated accordingly into the draft plan approval document. No other changes to the draft approval documents have been requested either by the applicant or by circulated agencies and departments. The draft conditions are attached to this report along with a sketch of the draft approved plan of subdivision for reference purposes.

Processing Fees

The applicant will be required to pay the applicable processing fee in the amount of \$1,407.00. It is recommended that the draft approval extension be granted upon receipt of Council's processing fee from the applicant. Staff notes that the applicant made the request to extend the draft approval in 2014 and has already accordingly provided the processing fee to the City. This amount is calculated as per By-law 2014-3F being the Planning Application Fees By-law:

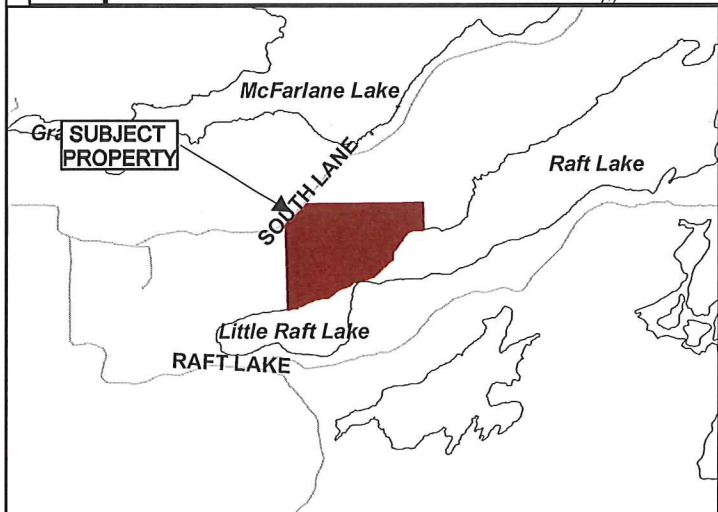
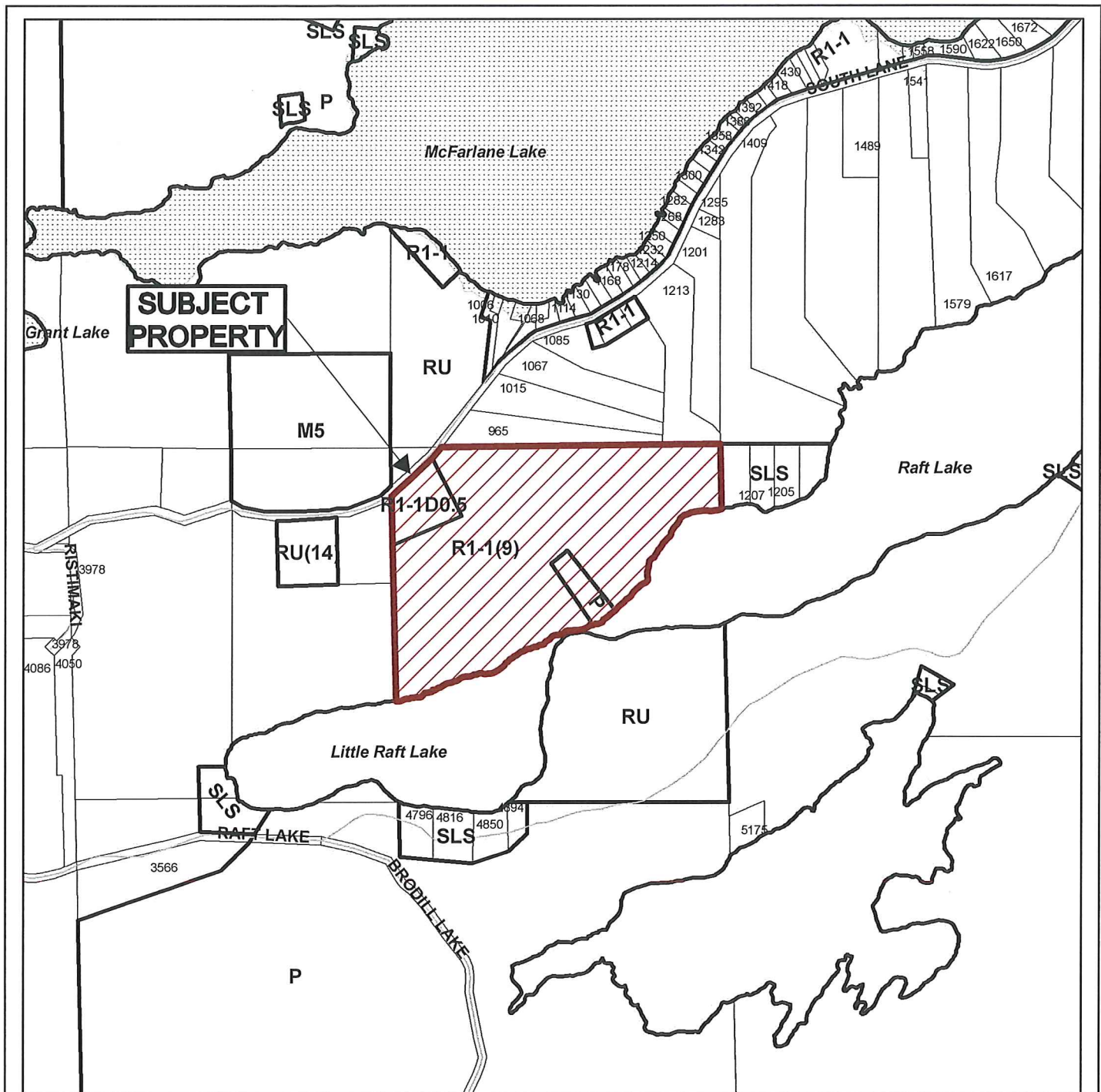
2014 Application Fee

Base Fee	\$2,660.00
28 lots x \$106	\$2,968.00
Total Fee	\$5,628.00
Total Maximum Fee	\$10,300.00
25% of Application Fee (3 year extension)	\$1,407.00

Total Maximum Applicable Fee (3 year extension) \$1,407.00

Summary:

Planning Services Staff has reviewed the request to extend the subject draft approval and has no objections to the requested extension for a period of three years. The request was also circulated to relevant agencies and departments for comment and no concerns were identified with respect to extending the draft approval of the subdivision. Development Engineering has requested several new conditions and that several existing conditions be amended. Building Services has also requested standard blasting conditions be included in the draft approval document. Environmental Initiatives has also noted that the lands may provide habitat for certain species at risk and the City's standard condition is to be incorporated into the draft approval document. The Planning Services Division therefore recommends that the application to extend draft approval for a period of three years until March 14, 2018 be approved subject to the applicant paying the appropriate processing fee in the amount of \$1,407.00.



Growth and Development Department



Subject Property being part of PIN 73477-0216,
part of Pcl 9502 SES, Lot 2, Concession 3,
Township of Broder, South Lane Road ,
Sudbury, City of Greater Sudbury

Sketch 1
NTS

751-6/02-6 & 780-6/96003

Date: 2012 01 26

**COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL PLAN
FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:**

1. That this draft approval applies to the draft plan of subdivision of Part of Parcel 9502 S.E.S., Lot 2, Concession 3, Township of Broder, City of Sudbury, as shown on a plan prepared by Peter M. Bull, O.L.S., dated February 19th, 1996 and as revised June 5th, 1996.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That the lot areas, frontages and depths appearing on the final plan shall not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, street lights and installation of services and drainage.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 2 years after registration.
9. That prior to the signing of the final plan the O.L.S. shall provide the Planning Department with written confirmation that all lots will comply with the minimum requirements of the zoning by-law.
10. That 5% of the land included in the subdivision be deeded to the City of Greater Sudbury for municipal park purposes in accordance with Section 51.1(1) of The Planning Act.
11. That Lots 11, 13, 14 and 15 be consolidated with Lot 12 into one lot on the final plan to the satisfaction of the Director of Planning Services. Should the Planning Services Division be advised by the Sudbury and District Health Unit that these lots are suitable for development on subsurface sewage disposal systems then the consolidation of these lands shall not be required.
12. That a Notice of Agreement be placed on title to all lots having water frontage whereby the owner shall agree that a natural vegetation buffer be maintained

along the water's edge, to be measured horizontally 30 metres back from the normal high water mark. The existing vegetation and natural soil mantle within this buffer strip will be maintained in a natural state, except where traversed by access paths or walkways, or to accommodate a sewage disposal system in accordance with the requirements of a Certificate of Approval for a subsurface sewage disposal system.

13. That a Notice of Agreement be placed on title to all lots whereby the owner shall agree:
 - i) that any sewage system proposal made at the time of application for a Certificate of Approval be designed by a consulting engineer to the satisfaction of the Sudbury and District Health Unit.
 - ii) that they shall not demand municipal sewer and water services as specified by the General Manager of Public Works.
14. That all roadway design and final construction be established to the satisfaction of the General Manager of Public Works.
15. That prior to the signing of the final plan, the developer shall prepare a sediment control plan for the construction phase of the project and shall undertake to provide any subsequent recommended works, to the satisfaction of the General Manager of Public Works.
16. That prior to signing of the final plan, the developer shall have a storm water management report and plan prepared by a consulting engineer with a valid certificate of designation which assesses the impact of storm water runoff from this developed subdivision on the downstream watercourses and area waterbodies to the satisfaction of the General Manager of Public Works. Said report shall set out the required necessary improvements to downstream watercourses. Further, the subdivision agreement may contain provisions whereby the developer agrees to provide downstream drainage improvements, including the acquisition of necessary easements from private property owners as may be required, in accordance with the City of Greater Sudbury Downstream Drainage Policy.
17. That prior to signing of the final plan the developer shall submit a detailed Lot Grading Plan and subsequently enter into a Lot Grading Agreement which shall be registered on title of the property, to the satisfaction of the General Manager of Public Works.
18. That the subdivision agreement provide for improvements to South Lane Road adjacent to the proposed subdivision, including surface improvement, widening and street lighting to the satisfaction of the General Manager of Public Works. The developer will be responsible for 50% of the improvement cost to a maximum of \$50,000.00. The execution of the road work shall be determined by the General Manager of Public Works. Cost recovery shall be on a per lot basis at the time of lot transfer.

19. i) Where it is the intent to provide potable water from an adjoining waterbody, the developer shall be required to prove that such a source is safe for human consumption. If the supply is by individual separate intake lines for each lot, then an agreement with the City must be placed on title to each lot which establishes the microbiological problems with surface water sources (including giardia and cryptosporidium) and the treatment and the treatment options which are recommended."
- ii) Where it is the intent to provide potable water from a well the following requirements shall be established:
- a. A well shall be constructed with a minimum of 33 m of available draw down for each lot which is to be created. A well driller's record shall be submitted to the City indicating the minimum capacity of each well.
 - b. Each well must provide a sustainable well yield of 13.7 l/min. For wells providing a sustainable yield of less than 18 l/min. a notice of agreement shall be placed on the title of such lots which establishes that a storage system may be required to compensate for the low yield which has been identified within the potable water supply.
 - c. A notice of agreement shall be placed on the title of each lot advising that a survey of water supplies in the Richard Lake/ McFarlane Lake Area suggests that elevated concentrations of aesthetic parameters and hardness may be encountered. Such elevated concentrations may cause objectionable effects such as taste, colour and appearance. If encountered, purchasers are advised that treatment systems may be necessary.
 - d. To evaluate the extent of off site impacts or interference which could occur with respect to adjacent residential groundwater supplies during, or subsequent to subdivision development, prior to any pre-servicing, or the registration of any phase of the plan of subdivision the developer shall document to the satisfaction of the General Manager of Public Works the existing well conditions for the adjacent well(s).
 - e. Prior to any pre-servicing, or the registration of any phase of the plan of subdivision the developer shall undertake to the satisfaction of the General Manager of Public Works, in the event of a significant impact upon an adjacent residential well, corrective measures which may include the deepening of the existing well(s) or establishment of a new well. Such undertaking shall include appropriate authorization of the affected landowner(s). Further, cash or a letter of credit in the amount of \$12,000 per adjacent developed parcel shall be provided to the City for each of the following properties to ensure required works can be completed: Parcels 27772, 30723, 7115 and 1965 S.E.S.; Part 1, Plan 53R-9265; Part 7, Plan 53R-9326; Parts 1 and 3, Plan 53R-9326 and Part 1, Plan 53R-9326.

20. That the survey fabric of the subdivision be tied into the City of Greater Sudbury Control Survey Network to the satisfaction of the Co-ordinator of the Geographic Information, Surveys and Mapping Section.
21. That prior to the signing of the final plan the City is to be advised by the owner that all provisions of the Environmental Assessment Act have been complied with.
22. That this draft approval shall lapse on March 14, 2015.
23. That prior to the signing of the final plan the Planning Services Division is to be advised by the Director of Legal Services/City Solicitor that Conditions 2., 3., 5., 6., 7., 8., 10., 11., 12, 13., 14., 15., 16., 17., 18., 19., 20., 24., 25. and 26. have been complied with to her/his satisfaction.
24. The revised draft plan shall be amended to show both cul-de-sacs with a 20 metre radius right-of-way.
25. Prior to the submission of servicing plans, the applicant/owner shall, to the satisfaction of the General Manager of Growth and Development, provide a soils report prepared by a geotechnical engineer licensed in the Province of Ontario. Said report shall, as a minimum, provide factual information on the groundwater conditions within the proposed development. Also, the report should include design information and recommend construction procedures for the following items: storm and sanitary sewers, storm water management facilities, watermains, 20 -year design standard for roads, the mass filling of land, surface drainage works including erosion control, slope stability (if applicable), and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official.
26. Prior to the signing of the final plan the owner shall undertake to provide a source of water on the subject lands for fire protection purposes to the satisfaction of the Fire Chief, Fire Division/ Emergency Services Department.
27. That the owner shall develop a siltation control plan for the subdivision construction period to the satisfaction of the General Manager of Infrastructure and Emergency Services, Nickel District Conservation Authority and the Department of Fisheries and Oceans.
28. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
29. The owner will be required to ensure that the corner radius for all intersecting streets is to be 9.0m.
30. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Plus or Hydro One, Bell, Union Gas, and Persona. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.