

## Ordinary Meeting Minutes

31 January 2017

10.00 am

Council Chambers, Bundaberg

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### **Present:**

Cr JM Dempsey (Mayor - Chairman), Cr WR Trevor OAM (Deputy Mayor), Cr JP Bartels, Cr WA Honor, Cr HL Blackburn, Cr GR Barnes, Cr SA Rowleson, Cr CR Sommerfeld, Cr DJ Batt and Cr JA Peters

Moved by Cr WA Honor, seconded by Cr GR Barnes, That Cr PR Heuser's attendance by teleconference be accepted. – Carried unanimously.

### **Officers:**

Mr PJ Byrne, Chief Executive Officer  
Mr AW Fulton, General Manager Infrastructure & Planning  
Mr GJ Steele, General Manager Community & Environment  
Mr C Joosen, Acting General Manager Organisational Services  
Miss NK Launchbury, Senior Executive Assistant  
Mrs WE Saunders, Executive Services Co-ordinator

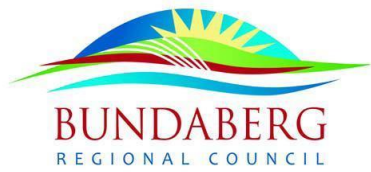
### **Minute's Silence:**

Before commencing the meeting, the Council stood for a minute's silence in honour of the late Frederick John Faircloth OAM who passed away on 18 January 2017.

Mr Faircloth having served Bundaberg City Council as an Alderman and Councillor from May 1964 to March 1982, and November 1984 to March 2008. During his time on Council John served under 5 Mayors and was Deputy Mayor for 3 Council Terms.

### **Invocation:**

At the invitation of the Mayor, Pastor Errol Buckle (Honorary Chaplain) gave a short address and lead this Ordinary Meeting of Council in prayer.



## Minutes

31 January 2017

<b>Item Number:</b> B1	<b>File Number:</b>	<b>Part:</b> Minutes
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**Subject:**

Confirmation of Minutes

**1880**

**Resolution**

Cr HL Blackburn moved:-

**That the minutes of the Ordinary Meeting of Council held on 13 December 2016 be taken as read and confirmed.**

Seconded by Cr CR Sommerfeld - and carried unanimously without debate.



## Minutes

31 January 2017

<b>Item Number:</b> E1	<b>File Number:</b> .	<b>Part:</b> FINANCE
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**Portfolio:**

Organisational Services

**Subject:**

Financial Summary as at 3 January 2017

**1881**

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That the Financial Summary as at 3 January 2017** (as detailed on the 16 pages appended to this report) – **be noted by Council.**

Seconded by Cr DJ Batt.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b> E2	<b>File Number:</b> .	<b>Part:</b> FINANCE
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**Portfolio:**

Organisational Services

**Subject:**

2016/2017 Budget Review for period ending 31 December 2016

**1882**

**Resolution**

Cr JM Dempsey presented the report; and moved:-

**That in accordance with Sections 170 and 173 of *Local Government Regulation 2012*, the Budget Review for the period ending 31 December 2016 (as detailed on the 5 pages appended to this report) - be adopted.**

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b> F1	<b>File Number:</b> .	<b>Part:</b> GOVERNANCE & COMMUNICATIONS
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**Portfolio:**

Organisational Services

**Subject:**

2016-2017 2nd Quarter Operational Report

**1883**

**Resolution**

Cr HL Blackburn presented the report; and moved:-

**That the 2016-2017 2nd Quarter Operational Report** (as detailed on the 43 pages appended to this report) – **be received and noted by Council.**

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

Item Number:	File Number:	Part:
F2	.	GOVERNANCE & COMMUNICATIONS

### Portfolio:

Organisational Services

### Subject:

Harbour Esplanade, Burnett Heads - Conversion of Perpetual Lease over Lots 2 and 3 on SP157913

Pursuant to Section 173 of the “Local Government Act 2009”, Cr WA Honor declared a perceived Conflict of Interest in relation to this item - as his parents own a property opposite the subject land; but had considered his position and was firmly of the opinion that he could participate in debate and vote on this matter in the public interest.

**1884**

### Resolution

Cr HL Blackburn presented the report; and moved:-

**That the Department of Natural Resources and Mines be advised Council offers no objection to the reclamation clause being added to its perpetual lease over Lots 2 and 3 on SP157913, located on Harbour Esplanade, Burnett Heads.**

Seconded by Cr SA Rowleson.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
G1	Nil	INFRASTRUCTURE

**Portfolio:**

Infrastructure & Planning Services

**Subject:**

De-main Zunker Street, Burnett Heads

Pursuant to Section 173 of the “Local Government Act 2009”, Cr WA Honor declared a perceived Conflict of Interest in relation to this item - as his parents own a property in the vicinity of Zunker Street (the subject of this item); but had considered his position and was firmly of the opinion that he could participate in debate and vote on this matter in the public interest.

**1885**

**Resolution**

Cr WA Honor presented the report; and moved:-

**That a request be made to the Department of Transport & Main Roads to de-main a section of Zunker Street, from Moss Street to Marshall Street, Burnett Heads.**

Seconded by Cr SA Rowleson.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b> H1	<b>File Number:</b> .	<b>Part:</b> ROADS & DRAINAGE
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**Portfolio:**

Infrastructure & Planning Services

**Subject:**

Sole Supplier Approval - Road Signage Software

**1886**

**Resolution**

Cr WA Honor presented the report; and moved:-

**Pursuant to Section 235(b) of the Local Government Regulation 2012, because of the specialised nature of the services that are sought it would be impractical or disadvantageous to invite quotes or tenders**

**- that Council enter into a five year contractual arrangement with Asignit Pty Ltd to provide software to manage the documentation and reporting of roadworks, closures, floods and other traffic events on Council's road network.**

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.





## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K1	339.2017.11.1	DEVELOPMENT ASSESSMENT

**Portfolio:**

Infrastructure & Planning Services

**Subject:**

Off Branyan Drive & Daveys Drive, Branyan – Request for Street Name

**1887**

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That the unnamed road reserve running south-west from the intersection of Branyan Drive and Daveys Drive, Branyan, be named Strathavon Lane.**

Seconded by Cr DJ Batt.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K2	339.2016.10.1	DEVELOPMENT ASSESSMENT

**Portfolio:**

Infrastructure & Planning Services

**Subject:**

164 & 166 McCarthy Road (Corner Chards Road), Avenell Heights - Request for Street Name

**1888**

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That Road A in the development at Corner 164/166 McCarthy Road and Chards Road, Avenell Heights, described as Lot 9 and 10 on RP54207 (approved under Development Approval 321.2016.46689.1) be named Honeybee Court.**

Seconded by Cr JA Peters.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K3	321.2016.47063.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

Buxton Road, Isis River - Reconfiguring a Lot - Boundary realignment - 4 Lots into 4 Lots

### Summary:

<b>APPLICATION NO</b>	321.2016.47063.1
<b>PROPOSAL</b>	Reconfiguring a Lot - Boundary realignment - 4 lots into 4 lots
<b>APPLICANT</b>	Bundaberg Regional Council
<b>OWNER</b>	Bundaberg Regional Council
<b>PROPERTY DESCRIPTION</b>	Lot 4 on RP182418, Lot 1 on RP216831, Lots 1 & 2 on RP24496
<b>ADDRESS</b>	Buxton Road, Howard Street & Refinery Street, Isis River
<b>PLANNING SCHEME</b>	Bundaberg Regional Council Planning Scheme 2015
<b>ZONING</b>	Rural Zone
<b>OVERLAYS</b>	SPP Biodiversity: Wetlands Values – MSES Regulated Vegetation (intersecting a watercourse); MSES Watercourse Buffer; MSES Wetlands buffer; MSES High Ecological Significance wetlands; Vegetation & Habitat – MSES Wildlife habitat & MSES Regulated vegetation SPP Bushfire hazard Area – Medium Potential Bushfire Intensity SPP Agricultural Land – Class B Steep land: BRC data Flood hazard: Non-urban creeks/overland flow SPP Coastal Protection: Coastal management district & Erosion Prone Areas Acid sulphate soils: Area 1 & 2
<b>LEVEL OF ASSESSMENT</b>	Code
<b>SITE AREA</b>	Lot 4: 125.444 hectares, Lot 1: 2.0234 hectares Lot 1: 2.3225 hectares Lot 2: 1.748 hectares Total: 131.42 hectares
<b>CURRENT USE</b>	Vacant rural land
<b>PROPERLY MADE DATE</b>	24 November 2016
<b>STATUS</b>	The decision period ends 20 days after receipt of the Concurrence Agency response
<b>REFERRAL AGENCIES</b>	Queensland Department of Infrastructure, Local Government & Planning – Coastal Management District
<b>NO OF SUBMITTERS</b>	Not applicable
<b>PREVIOUS APPROVALS</b>	Not applicable
<b>SITE INSPECTION CONDUCTED</b>	Aerial photographs were adequate to assess proposal
<b>LEVEL OF DELEGATION</b>	Level 3

1889

**Resolution**

Cr CR Sommerfeld presented the report; and moved:-

**That Development Application 321.2016.47063.1 be determined as follows:**

**DESCRIPTION OF PROPOSAL**

Reconfiguring of a Lot for Boundary Realignment - 4 lots into 4 lots

**SUBJECT SITE**

Buxton Road, Isis River described as Lot 4 on RP182418, Lot 1 on RP216831, Lots 1 and 2 on RP24496

**DECISION**



Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

**1. DETAILS OF APPROVAL**

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Reconfiguring a lot	Part 1, table 3, item 1	<input checked="" type="checkbox"/>	

**Deemed Approval**

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

**2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

Not Applicable.

**3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS**

Not Applicable

**4. CODES FOR SELF ASSESSABLE DEVELOPMENT**

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

- Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies

**5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT**

Compliance assessment is required under chapter 6, part 10 of SPA for the following documents or works in relation to the development

Documents or works requiring compliance assessment	Matters or things against which the document or work must be assessed	Compliance assessor	When the request for compliance assessment must be made
Subdivision Plan	The matters or things listed in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>	Bundaberg Regional Council	In the time stated in Schedule 19, Table 1 of the <i>Sustainable Planning Regulation 2009</i>

**6. SUBMISSIONS**

Not Applicable

**7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT**

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

**8. REFERRAL AGENCY**

The referral agency for this application is:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p><b>Coastal Management District</b></p> <p>Schedule 7, Table 2, Item 14 of SP Regulation</p> <p>Reconfiguring a lot made assessable under schedule 3, part 1, table 3, item 1 if –</p> <p>(a) The land is situated completely or partly within a coastal management district; or</p> <p>(b) The reconfiguration is in connection with the construction of a canal</p>	Department of Infrastructure, Local Government and Planning	Concurrence	<p>State Assessment and Referral Agency (SARA)</p> <p>E: WBBSARA@dsdip.qld.gov.au</p> <p>P: PO Box 979 Bundaberg Qld 4670</p>

## 9. APPROVED PLANS

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Drawing No 123223 Rev A	Proposed Subdivision cancelling Lot 4 on RP182418, Lot 1 on RP216831, Lots 1 and 2 on RP24496	28 November 2016
Plan No 47063-1A	All built structures must be located outside of the brown hatched area	28 November 2016

## 10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse two (2) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

## 11. REFUSAL DETAILS

Not Applicable

## 12. CONDITIONS ABOUT INFRASTRUCTURE

No conditions about Infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*.

## SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

### PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

#### General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.
3. Comply with all of the conditions of this Development permit prior to the submission of a Plan of Subdivision for compliance assessment and signing, unless otherwise stated within this notice.

#### Electricity, Street lighting and Telecommunications

4. Enter into an agreement with an approved electricity provider, to ensure that electricity will be available to each lot under standard tariff conditions and without further capital contributions. Provide evidence of such an agreement, along with associated bonding arrangements, to the Assessment Manager prior to the approval of the Plan of Subdivision.

**Location of Future Structures**

5. All dwellings and other structures must be located outside of any areas of State Environmental Significance (MSES) as shown on Plan No 47063-1A dated 28 November 2016.

**PART 1B – ADVICE NOTES****Rates and Charges**

- A. In accordance with the *Sustainable Planning Act 2009*, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to the Plan of Subdivision being endorsed by the Assessment Manager.

**Property Notes**

- B. Development Approval [321.2016.47063.1] – Sewerage

The following notation applies to all approved Lots:

This property is not serviced by the Council's reticulated sewerage network. Any future development on the lot must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 "*On-site Domestic Wastewater Management*".

- C. Development Approval [321.2016.47063.1] – Water

The following notation applies to all approved Lots:

This property is not serviced by the Council's reticulated water network. At the time of final Building Approval for a residential dwelling, the owner must provide a potable water supply through connection of the dwelling to a rainwater storage tank, or tanks, having a capacity of not less than 45,000 litres.

- D. Development Approval [321.2016.47063.1] – Driveways

The following notation applies to all approved Lots:

The driveway to the Lot:

- must be built to the standard specified in the *planning scheme policy for development works – driveways and access to developments*.
- must be constructed in accordance with Council's Policy FM-7-003 *Application to carry out works in, on, over or under Council owned and maintained property*.
- is used to provide the rural number (property address number). Please refer to Bundaberg Regional Council Policy FM-7-115 *Rural Number Application* for information on how to obtain a rural number for property.

For further information please contact the Road and Drainage Technical Officer for your area to obtain guidance on the appropriate driveway for the property and how to obtain a rural number.

E. Development Approval [321.2016.47063.1] - Rural numbering

The following notation applies to all approved Lots:

The location of the driveway is used to provide the rural number to the Lot (property address number). Please refer to Bundaberg Regional Council Policy FM-7-115 *Rural Number Application* for information on how to obtain a rural number for property.

For further information please contact the Road and Drainage Technical Officer for your area to obtain guidance on how to obtain a rural number.

F. Development Approval [321.2016.47063.1] – Structures to be located outside areas of State Environmental Significance:

The following notation applies to all approved Lots:

As required by Condition 5 of DA 321.2016.47063.1, all dwellings and other structures must be located outside of any areas of State Environmental Significance (MSES) as shown on Plan No 47063-1A dated 28 November 2016.

## **PART 2—CONCURRENCE AGENCY CONDITIONS**

The Queensland Department of Infrastructure, Local Government and Planning, by letter dated 20 December 2016 (copy letter attached for information).

Seconded by Cr WR Trevor.

There being no discussion on this item - the Motion was put - and carried unanimously.





## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K4	322.2016.45432.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

3 Boundary Street, Bundaberg South - Material Change of Use for Office (Accounting Firm) - Negotiated Decision Request

### Summary:

<b>APPLICATION NO</b>	322.2016.45432.1
<b>PROPOSAL</b>	Material Change of Use for Office (Accounting Firm)
<b>APPLICANT</b>	Vikki Graham & Accountants
<b>OWNER</b>	P & V Graham Properties Pty Ltd
<b>PROPERTY DESCRIPTION</b>	Lot 44 on RP13448
<b>ADDRESS</b>	3 Boundary Street, Bundaberg South
<b>PLANNING SCHEME</b>	Bundaberg Regional Council Planning Scheme 2015
<b>ZONING</b>	Low Density Residential Zone (Local Area 6)
<b>OVERLAYS</b>	Heritage and neighbourhood character overlay
<b>LEVEL OF ASSESSMENT</b>	Code Assessable
<b>SITE AREA</b>	1012m <sup>2</sup>
<b>CURRENT USE</b>	Dwelling House
<b>PROPERLY MADE DATE</b>	24 March 2016
<b>STATUS</b>	The targeted 20 business day decision period for negotiated decision requests ends on 15 February 2017
<b>REFERRAL AGENCIES</b>	N/A
<b>NO OF SUBMITTERS</b>	Two properly made submissions were received during the public notification stage of the development application process.
<b>PREVIOUS APPROVAL</b>	This application was discussed and conditionally approved at Council's Meeting of 13 December 2016.
<b>SITE INSPECTION CONDUCTED</b>	1 June 2016
<b>LEVEL OF DELEGATION</b>	Level 3

1890

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

That Council (the Assessment Manager) agree with the representations pertaining to the Development Application 322.2016.45432.1, being a Development Approval for Material Change of Use for Office (Accounting Firm) on land at 3 Boundary Street, Bundaberg South, to amend Condition 7 thereto to read as follows:-

**7. The tenancy located at 3 Boundary Street, Bundaberg South as shown on the Approved Plans must not be used for any purpose other than for an Office for the practice of a professional advice business. This includes, but is not limited to, use by the following professions:**

- a. **Accountants;**
- b. **Financial Planners;**
- c. **Architects;**
- d. **Town Planners;**
- e. **Surveyors,**
- f. **Engineers; and**
- g. **Solicitors and Lawyers.**

**The approval does not include the operation of any profession that would fall under a different definition under the Bundaberg Regional Council Planning Scheme 2015, for example medical practitioners.**

Seconded by Cr HL Blackburn.

There being no discussion on this item – the Motion was put – and carried by 10 votes to 1 vote.

For  
 Cr WR Trevor  
 Cr WA Honor  
 Cr HL Blackburn  
 Cr GR Barnes  
 Cr SA Rowleson  
 Cr CR Sommerfeld  
 Cr DJ Batt  
 Cr JA Peters  
 Cr PR Heuser  
 Cr JM Dempsey

Against  
 Cr JP Bartels

It being noted that the Planning Officers had recommended:-

*That the Applicant for Development Application 322.2016.45432.1, being a Development Approval for Material Change of Use for Office (Accounting Firm) on land at 3 Boundary Street, Bundaberg South be advised the Assessment Manager does not agree with the representations received by Council on the 5 January 2017 pertaining to Condition 7 of the Development Approval.*

However, Council has not accepted this recommendation.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K5	325.2016.46102.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

59 Cummins Street, Bundaberg North - Preliminary Approval (s.241) for a Material Change of Use (number of uses), Reconfiguration of a Lot, Operational Works and Building Works, incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015

### Summary:

<b>APPLICATION NO</b>	325.2016.46102.1
<b>PROPOSAL</b>	Preliminary Approval (s.241) for a Material Change of Use (number of uses) and a Preliminary Approval for Reconfiguration of a Lot, Operational Works and Building Works (for development relating to those uses), incorporating a (s.242) component to vary the effect of the Bundaberg Regional Council Planning Scheme 2015.
<b>APPLICANT</b>	Tech Park No 1 Pty Ltd & Tech Park No 2 Pty Ltd & Tech Park No 3 Pty Ltd & others.
<b>OWNER</b>	Tech Park No 3 Pty Ltd & Tech Park No 2 Pty Ltd & others
<b>PROPERTY DESCRIPTION</b>	Lot 10 on SP271539
<b>ADDRESS</b>	59 Cummins Street, Bundaberg North
<b>PLANNING SCHEME</b>	Bundaberg Regional Council Planning Scheme 2015
<b>ZONING</b>	Industry Zone
<b>OVERLAYS</b>	Acid Sulphate Soils, Airport, Biodiversity, Flood Hazard, Steep Land, Coastal Management, Infrastructure
<b>LEVEL OF ASSESSMENT</b>	Impact Assessable
<b>SITE AREA</b>	7.151 ha
<b>CURRENT USE</b>	Vacant
<b>PROPERLY MADE DATE</b>	15 July 2016
<b>STATUS</b>	The 20 business day decision period ends on 6 December 2016
<b>REFERRAL AGENCIES</b>	Department of Infrastructure, Local Government and Planning
<b>NO OF SUBMITTERS</b>	One (1)
<b>PREVIOUS APPROVALS</b>	Nil.
<b>SITE INSPECTION CONDUCTED</b>	19 August 2016 and 23 November 2016
<b>LEVEL OF DELEGATION</b>	Level 3

1891

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

**That Development Application 325.2016.46102.1 be determined as follows:**

**DESCRIPTION OF PROPOSAL**

Preliminary Approval (s.241), including a component that varies the effect of the Bundaberg Regional Council Planning Scheme 2015, for:

- a. Material Change of Use for the following uses:
  - i. Agricultural Supplies Store;
  - ii. Wholesale Nursery;
  - iii. Hardware and trade Supplies;
  - iv. Outdoor Sales;
  - v. Bulk Landscape Supplies;
  - vi. High Impact Industry;
  - vii. Low Impact Industry;
  - viii. Marine Industry;
  - ix. Medium Impact Industry;
  - x. Research and Technology Industry;
  - xi. Service Industry;
  - xii. Special Industry;
  - xiii. Transport Depot; and
  - xiv. Warehouse

Reconfiguration of a Lot where development related to the following uses:

- i. Agricultural Supplies Store;
  - ii. Wholesale Nursery;
  - iii. Hardware and trade Supplies;
  - iv. Outdoor Sales;
  - v. Bulk Landscape Supplies;
  - vi. High Impact Industry;
  - vii. Low Impact Industry;
  - viii. Marine Industry;
  - ix. Medium Impact Industry;
  - x. Research and Technology Industry;
  - xi. Service Industry;
  - xii. Special Industry;
  - xiii. Transport Depot; and
  - xiv. Warehouse
- b. Operational Works where development related to the following uses:
  - i. Agricultural Supplies Store;
  - ii. Wholesale Nursery;
  - iii. Hardware and trade Supplies;
  - iv. Outdoor Sales;
  - v. Bulk Landscape Supplies;
  - vi. High Impact Industry;
  - vii. Low Impact Industry;
  - viii. Marine Industry;
  - ix. Medium Impact Industry;
  - x. Research and Technology Industry;
  - xi. Service Industry;
  - xii. Special Industry;
  - xiii. Transport Depot; and
  - xiv. Warehouse

- c. Building Works where development related to the following uses:
  - i. Agricultural Supplies Store;
  - ii. Wholesale Nursery;
  - iii. Hardware and trade Supplies;
  - iv. Outdoor Sales;
  - v. Bulk Landscape Supplies;
  - vi. High Impact Industry;
  - vii. Low Impact Industry;
  - viii. Marine Industry;
  - ix. Medium Impact Industry;
  - x. Research and Technology Industry;
  - xi. Service Industry;
  - xii. Special Industry;
  - xiii. Transport Depot; and
  - xiv. Warehouse

**SUBJECT SITE**

59 Cummins Street, Bundaberg North described as Lot 10 on SP271539

**DECISION**

Approved in full subject to conditions

The conditions of this approval are set out in **Schedule 1**. These conditions are clearly identified to indicate whether the assessment manager or concurrence agency imposed them.

**1. DETAILS OF APPROVAL**

The following approvals are given:

	<b>Sustainable Planning Regulation 2009, schedule 3 reference</b>	<b>Development Permit</b>	<b>Preliminary Approval</b>
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Reconfiguring a lot	Part 1, table 3, item 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Operational work assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Carrying out building work assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Deemed Approval**

Section 331 of the *Sustainable Planning Act 2009* (SPA) is not applicable to this decision.

**2. PRELIMINARY APPROVAL AFFECTING THE PLANNING SCHEME**

A preliminary approval to which section 242 of the SPA applies is given and the assessment manager has approved a **variation to the local planning instruments**:

Local Planning Instrument	Variation Approved
<p>Bundaberg Regional Council Planning Scheme 2015</p>	<p>Part 5 – Tables of Assessment - Table 5.5.9 Industry Zone – Levels of Assessment for material change of use is overridden by the provisions of <b>Table 1.1 - Cummins Street Development Plan Level of Assessment Table – Material Change of Use - Industry Zone</b> as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.6.1 Reconfiguring a lot – Levels of assessment is overridden by the provisions of <b>Table 1.2 - Cummins Street Development Plan Level of Assessment Table – Reconfiguring a Lot</b> as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.7.1 Building work - Levels of assessment is overridden by the provisions of <b>Table 1.3 - Cummins Street Development Plan Level of Assessment Table – Building Work</b> as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.8.1 Operational work - Levels of assessment is overridden by the provisions of <b>Table 1.4 - Cummins Street Development Plan Level of Assessment Table – Operational Work</b> as included in the Schedule A.</p> <p>Part 5 – Tables of Assessment - Table 5.10.1 Levels of Assessment – Overlays for development is overridden by the provisions of <b>Table 1.5 - Cummins Street Development Plan Level of Assessment Table – Overlays</b> as included in the Schedule A.</p> <p>Part 6 – Zone codes – 6.2.9 Industry zone code is overridden by the <b>1.0 Cummins Street Development Plan Industry zone code</b> as included in the Schedule A.</p> <p>Part 9 Development Codes – 9.3.1 Business Uses Code is overridden by the <b>3.0 Cummins Street Development Plan Business uses code</b> as included in the Schedule A.</p> <p>Part 9 Development Codes – 9.3.9 Industry Uses Code is overridden by the <b>2.0 Cummins Street Development Plan Industry uses code</b> as included in the Schedule A.</p> <p>Part 9 Development Codes – 9.4.4 Reconfiguring a lot code is overridden by the <b>4.0 Cummins Street Development Plan Reconfiguring a lot code</b> as included in the Schedule A.</p> <p>Part 9 Development Codes – 9.4.5 Transport and parking code is overridden by the <b>6.0 Cummins Street Development Plan Transport and parking code</b> as included in the Schedule A.</p> <p>Part 9 Development Codes – 9.4.7 Works, service and infrastructure code is overridden by the <b>5.0 Cummins Street Development Plan Works, service and infrastructure code</b> as included in the Schedule A.</p> <p>Part 9 – Overlay Codes – 8.2.8 Flood hazard overlay code is overridden insofar as development is considered Exempt for approved development.</p>

### 3. OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

1. All Building Work
2. All Plumbing and Drainage Work
3. All Operational Work
4. All Material Change of Use, unless otherwise made Exempt or Self-Assessable
5. All Reconfiguring of Lots

### 4. CODES FOR SELF ASSESSABLE DEVELOPMENT

The following codes must be complied with for self-assessable development related to the development approved.

The relevant codes identified in the:

1. Bundaberg Regional Council Planning Scheme and Associated Planning Scheme Policies
2. Cummins Street Development Plan

### 5. DETAILS OF ANY COMPLIANCE ASSESSMENT REQUIRED FOR DOCUMENTS OR WORK IN RELATION TO THE DEVELOPMENT

Not Applicable

### 6. SUBMISSIONS

There was one (1) submission received for the application. The name and address of the principal submitter for each properly made submission are as follows:

Name of principal submitter	Address
1. David & Yvonne Chivers	95 Cummins Street, Bundaberg North QLD 4670

### 7. CONFLICT WITH A RELEVANT INSTRUMENT AND REASONS FOR THE DECISION DESPITE THE CONFLICT

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
Removal of the provisions of the Flood Hazard overlay code of the Bundaberg Regional Council Planning Scheme 2015.	<ul style="list-style-type: none"> <li>• It has been determined that the constructed flood levee in the vicinity of this site provides a level of flood immunity and that the flood issues to the extent that was mapped under this overlay (to a 2013 event level) have been resolved.</li> </ul>

## 8. REFERRAL AGENCY

The referral agency for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p><b>State-controlled road</b>  <i>Schedule 7, Table 3, Item 2</i>            –  <i>An aspect of development identified in schedule 9 that –</i>            (a) <i>Is for a purpose mentioned in schedule 9, column 1; and</i>            (b) <i>Meets or exceeds the threshold –</i>                <i>i. For a development in LGA population 1 – mentioned in schedule 9, column 2 for the purpose; or</i>                <i>ii. For development in LGA population 2 – mentioned in schedule 9, column 3 for the purpose.</i>  <i>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</i></p>	Department of Infrastructure, Local Government and Planning	Concurrence agency	State Assessment and Referral Agency (SARA) <i>E:</i> WBBSARA@dsdip.qld.gov.au <i>P:</i> PO Box 979 Bundaberg Qld 4670

## 9. APPROVED PLAN

The approved plan and/or document/s for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Plan 1A – 325.2016.46102.1	Cummins Street Development Plan Area	25.11.2016

## 10. WHEN APPROVAL LAPSES IF DEVELOPMENT NOT STARTED

Pursuant to section 341 of the *Sustainable Planning Act 2009*, this approval will lapse four (4) years from the date that the approval takes effect unless the relevant period is extended pursuant to section 383.

## 11. REFUSAL DETAILS

Not Applicable



## 12. CONDITIONS ABOUT INFRASTRUCTURE

The following conditions about infrastructure have been imposed under Chapter 8 of the *Sustainable Planning Act 2009*:

Condition/s	Provision under which the Condition was imposed
17,18,19,20,26	Section 665 – Non-trunk Infrastructure
N/A	Section 646 – Identified Trunk Infrastructure
N/A	Section 647 – Other Trunk Infrastructure

### SCHEDULE 1 CONDITIONS AND ADVICES IMPOSED BY THE ASSESSMENT MANAGER

#### PART 1A – CONDITIONS IMPOSED BY THE ASSESSMENT MANAGER

##### General

1. Meet the full cost of all works and any other requirements associated with this development, unless specified in a particular condition.
2. Where there is any conflict between Conditions of this Decision Notice and details shown on the Approved Plans, the Conditions prevail.

##### Date Development Must be Completed By (Lapsing Date)

3. In accordance with section 342 of the Sustainable Planning Act 2009, this Development Approval to the extent it relates to development not completed will lapse fifteen (15) years from the date of this approval.

##### External Storage of Materials

4. Ensure goods, equipment, packaging material or machinery associated with any of the uses subject to this Preliminary Approval is not stored or left exposed outside the building so as to be visible from any public road or thoroughfare. Any storage on site is required to be screened from view from all roads and adjacent properties.

##### Loading/Unloading

5. Loading and unloading of all vehicles associated with any of the uses subject to this Preliminary Approval must occur wholly within the subject site.

##### Roadwork

6. At the earlier of the first Material Change of Use or Reconfiguring a Lot application on the subject land:
  - a. Provide a dedicated road connection to the adjoining Lot 5 on RP46039 in a location to the satisfaction of the Assessment Manager; and
  - b. The road must be sufficient to accommodate an Industrial Access Road in accordance with standard drawing R1001 C Type cross sections urban roads.

##### Stormwater

7. The land uses approved under each development application associated with this preliminary approval must not compromise the integrity or function of the levee within lot 11 on SP271539 (Flood Mitigation levee).

8. All development of the land must be free draining directly to a lawful point of discharge on Cummins Street.

### **Waste Management**

9. Any of the uses subject to the Preliminary Approval must provide a sufficient area for the storage of all waste bins. This area must be sealed, screen fenced and designed so as to prevent the release of contaminants to the environment.
10. Any of the uses subject to the Preliminary Approval must maintain and operate an adequate waste disposal service, including the maintenance of refuse bins and associated storage areas so as not to cause any nuisance, to the satisfaction of the Assessment Manager.

### **Water**

11. At the earlier of the first Material Change of Use (self-assessable or assessable) or Reconfiguring a Lot on the subject land, extend the existing water main at the current location at the western corner (frontage) of Lot 1 RP96951, to the frontage of the subject site using a main of size, type and dimensions to the satisfaction of the Assessment Manager, by supplying all necessary materials, including structures and equipment, and performing all necessary works. The works must include all necessary upgrades of Council infrastructure to ensure that downstream properties are not adversely affected by the increased demand of the development. Works must be finalised as part of an application for Operational Works.

## **PART 1B – ADVICE NOTES**

### **Environmental Harm**

- A. The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks, construction and operational phases of this development, are to adhere to their 'general environmental duty' to minimise the risk of causing environmental harm.

Environmental harm is defined by the Act as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the administering authority to cause undue disturbance or annoyance to persons or affect property not connected with the use.

### **Extent of the Approval**

- B. Any subsequent development on the approved subject site (as per Plan 1A – 325.2016.46102.1, Cummins Street Development Plan Area dated 25.11.2016) shown as Industry Zone, is to be in accordance with the approved Cummins Street Development Plan included as a Schedule in this decision.

**Fencing**

- C. Fencing should be undertaken in accordance with the provisions of the Neighbourhood Disputes (Dividing Fences and Trees) Act 2011. This includes appropriate mediation practices and agreements regarding the type of materials, location and retrieval of any materials for any fence removed.

**Rates and Charges**

- D. In accordance with the Sustainable Planning Act 2009, all rates, charges or any expenses being a charge over the subject land under any Act must be paid prior to any Plan of Subdivision being endorsed by the Assessment Manager for any Reconfiguring a Lot application on the subject land, relying on this preliminary approval.

**Water and Sewer**

- E. This property is not currently serviced by the Council's reticulated sewerage network. Any future development must be provided with reticulated sewerage infrastructure or an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use. The system must be designed, constructed, operated and maintained in accordance with the Queensland Plumbing and Wastewater Code (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 'On-site Domestic Wastewater Management'.
- F. The Developer should engage an appropriately qualified hydraulic consultant to assess the suitability of the water supply system to cater for the proposed development, including fire fighting requirements in accordance with AS2419.
- G. Arrangements for the installation of any new metered service and sub-meters, or removal of an existing service, must be made with Council's Water and Wastewater Infrastructure Planning Technical Support Section.
- H. Connection to Council's water and sewer infrastructure is subject to further approvals. For further information about these requirements, contact Council's Water and Wastewater Infrastructure Planning Technical Support Section on 1300 883 699.
- I. Council permits only one water service for each property. This means only one connection to the water main although there may be a potable and fire service feeding from that connection.

**PROPERTY NOTES****PN1 Development Approval 325.2013.46102.1 – Sewerage**

The following notation applies to the Subject land any future Reconfigured Lots:

This property is not currently serviced by the Council's reticulated sewerage network. Any future development must be provided with reticulated sewerage infrastructure or an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.

The establishment of a waste water treatment and disposal system for the site requires a Compliance Permit to be obtained from Council under the Plumbing and Drainage Act 2002. The system must be designed in accordance with the Queensland Plumbing and Wastewater Code (Department of State Development and Infrastructure & Planning, 2007) and Australian Standard AS/NZS1547: 2000 'On-site Domestic Wastewater Management'.

PN2 Development Approval 325.2013.46102.1 – Flooding

The following notation applies to the Subject land and any future Reconfigured Lots:

A levee has been provided adjacent to the Land that allows 300mm freeboard over the RL11.89 water surface level identified as the Defined Flood Event level under the *Bundaberg Regional Council Planning Scheme 2015* for the river flooding in the area. Meaning, while the levee remains, it will protect the Land from flooding only up to that Defined Flood Event.

## **PART 2—CONCURRENCE AGENCY CONDITIONS**

The Department of Infrastructure, Local Government and Planning by letter dated 13 September 2016 (copy letter attached for information).

Seconded by Cr JP Bartels.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
K6	322.2015.43006.1	DEVELOPMENT ASSESSMENT

### Portfolio:

Infrastructure & Planning Services

### Subject:

33 Hunter Street, Bundaberg South (Lot 40 on RP13441) - Bundaberg Aboriginal and Torres Strait Islanders Housing and Advancement Society - Request to reduce the Development Application Fee

1892

### Resolution

Cr CR Sommerfeld presented the report; and moved:-

**That Bundaberg Aboriginal and Torres Strait Islanders Housing and Advancement Society be advised Council does not agree to refund the paid application fees for the Development Permit for Material Change of Use for General Business (Commercial Activity 'A' – Office) (Council reference 322.2015.43006.1) at 33 Hunter Street, Bundaberg South as requested by letter dated 16 September 2016.**

Seconded by Cr HL Blackburn.

There being no discussion on this item - the Motion was put - and carried unanimously.

**Item****31 January 2017**

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
O1	.	WASTE & RECYCLING

**Portfolio:**

Community &amp; Environment

**Subject:**

Cedars Road Landfill Facility Community Consultation Group Annual Report 2016

**1893****Resolution**

Cr SA Rowleson presented the report; and moved:-

**That the Cedars Road Landfill Facility Community Consultation Group Annual Report and attachments (dated December 2016) - be received and noted by Council.**

Seconded by Cr WA Honor.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

Item Number:	File Number:	Part:
P1	fA60333	ENVIRONMENT & NATURAL RESOURCES

### Portfolio:

Community & Environment

### Subject:

Biosecurity Surveillance Program for Priority Weed Species in accordance with the Biosecurity Act 2014

1894

### Resolution

Cr WR Trevor presented the report; and moved:-

**That in accordance with the provisions of the *Biosecurity Act 2014*, Council undertake an "Approved Pest Survey Program" (as detailed hereunder), and make notification in the local newspapers and Council's website:-**

"Under the *Biosecurity Act 2014* (the Act), Council Land Protection Officers acting under an approved Surveillance Program are permitted to gain access to private properties for the purpose of inspecting for declared pest plants/animals. These programs can operate for a period of up to 1 year and must be approved by Council and advertised in a newspaper circulating in the local area.

On 31 January 2017 the Bundaberg Regional Council approved the following Surveillance Program as part of Council's ongoing pest management program:- Council Officers or their contractors will be undertaking inspections of properties to monitor landholders' compliance with requirements under the Act for the control of declared pest plants/animals.

Area to be covered by this survey program: All properties in the Bundaberg Regional Council area.

Purpose: Council Officers will be undertaking inspections and mapping of priority pest plant/animals infestations as identified in Council's Pest Management Plan.

Duration of survey: 1 February 2017 to 31 January 2018.

Council's objective is to achieve the early detection and control of the nominated pest plants/animals therefore limiting the spread of these pest plants/animals throughout the Bundaberg Regional Council area."

Seconded by Cr WA Honor.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
S1	A2971221	ECONOMIC DEVELOPMENT

**Portfolio:**

Community & Environment

**Subject:**

Procurement Exemption – Second-hand Passenger Security Screening Equipment

**1895**

**Resolution**

Cr GR Barnes presented the report; and moved:-

**That a proposal be submitted to the Shire of Exmouth to purchase assorted second-hand security screening equipment for not more than \$15,000.**

Seconded by Cr JA Peters.

There being no discussion on this item - the Motion was put - and carried unanimously.



The Mayor advised at this stage due to the confidential nature of the following 4 items:-

- T1 Request for Reduction in Rates
- T2 Request for Relief from Water Charges
- T3 Request for General Rates Exemption
- T4 Corporate Risk Register Review

– pursuant to Section 275 of the “Local Government Regulation 2012”, the meeting would now have to be closed to the public.

Pursuant to Section 173 of the “Local Government Act 2009” Cr DJ Batt declared a Conflict of Interest in relation to the following item (T3) - as he has professional dealings with the Applicant - and with the consent of the Mayor left the Council Chambers.

### Resolutions

Cr WA Honor moved:-

**That the Order of Business of today’s meeting be amended, and item T3 be the next item for consideration.**

Seconded by Cr GR Barnes - and carried unanimously without debate.

Cr HL Blackburn moved:-

**That the meeting be closed to the public – and discussion on item T3 to be held in Committee.**

Seconded by Cr JA Peters - and carried unanimously without debate.

Cr WR Trevor then moved:-

**That the meeting now be reopened.**

Seconded by Cr HL Blackburn - and carried unanimously without debate.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T3	A2946002	CONFIDENTIAL

**Portfolio:**

Organisational Services

**Subject:**

Lot 4 on RP55022 - Request for General Rates Exemption

**1896****Resolution**

Cr HL Blackburn moved:-

**That Council provide a General Rate exemption in accordance with Section 93(i) of the Local Government Act 2009 for land described as Lot 4 on RP55022 effective 1 July 2016.**

Seconded by Cr JA Peters.

There being no discussion on this item - the Motion was put - and carried unanimously.

Cr DJ Batt then returned to the Council Chambers.

Cr WR Trevor moved:-

**That the meeting be closed to the public – and discussion on items T1, T2, and T4 be held in Committee.**

Seconded by Cr CR Sommerfeld - and carried unanimously without debate.

Cr WR Trevor then moved:-

**That the meeting now be reopened.**

Seconded by Cr DJ Batt - and carried unanimously without debate.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T1	A2678870	CONFIDENTIAL

**Portfolio:**

Organisational Services

**Subject:**

Lots 19 and 20 on RP 14526 - Request for a reduction in rates

**1897**

**Resolution**

Cr HL Blackburn moved:-

**In view of the circumstances pertaining to this matter – that in terms of Section 120(c) of the Local Government Regulation 2012, Council waive general rates on property described as Lots 19 and 20 on RP14526 for the 2016/2017 financial year only.**

Seconded by Cr WA Honor.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b>	<b>File Number:</b>	<b>Part:</b>
T2	A2952094	CONFIDENTIAL

**Portfolio:**

Organisational Services

**Subject:**

Lot 102 on RP177617 - Request for relief from water charges

**1898**

**Resolution**

Cr HL Blackburn moved:-

**In view of the circumstances pertaining to this matter – that in terms of Section 120 of the Local Government Regulation 2012, Council provide relief of \$2,084.950 to reduce the water consumption charges to a level consistent with previous water use, attaching to property at Lot 102 on RP177617 Parish Kalkie.**

Seconded by Cr JP Bartels.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b> T4	<b>File Number:</b> .	<b>Part:</b> CONFIDENTIAL
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**Portfolio:**

Organisational Services

**Subject:**

Corporate Risk Register Review

**1899**

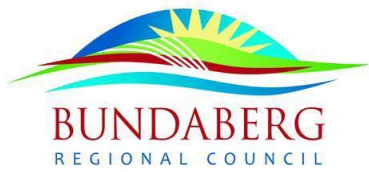
**Resolution**

Cr HL Blackburn moved:-

**That the Corporate Risk Register 2016-2018** (as detailed on the 5 pages appended to this report) – **be adopted.**

Seconded by Cr SA Rowleson.

There being no discussion on this item - the Motion was put - and carried unanimously.



## Minutes

31 January 2017

<b>Item Number:</b> V1	<b>File Number:</b>	<b>Part:</b> Meeting Close
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**Subject:**

Meeting Close

There being no further business – the Mayor declared this Ordinary Meeting closed at 11.08 am.

Confirmed this twenty-first day of February 2017.

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MAYOR