



abn: 56 291 496 553  
6 Porter Street, Byron Bay, NSW, 2481  
PO Box 538, Lennox Head, NSW, 2478  
Telephone: 1300 66 00 87

30 July 2018

Our reference: 1522.2475

The Manager  
Northern Region  
Department of Planning & Environment  
Level 3  
49 Victoria Street  
GRAFTON NSW 2460

Dear Sir

**RE: Site Compatibility Certificate for part of Lot 239 DP 1201225, Skennars Head Road, Skennars Head, Shire of Ballina**

Please find attached our application for a Site Compatibility Certificate pursuant to SEPP (Housing for Seniors and People with a Disability) 2004 (Seniors SEPP). The subject site has previously been granted a site compatibility certificate for 211 dwellings. That certificate has now lapsed and the attached application is lodged to support Development Application No. 2016/524 lodged with Ballina Shire Council on 16<sup>th</sup> September 2016 in relation to the subject site. DA 2016/524 has now reached a stage where we understand that Council officers are generally comfortable with the nature of the scheme proposed and are in the course of finalising a report to the Northern JRPP.

Our Site Compatibility Certificate application only relates to part of Lot 239 DP 1201225, being that part of the land which is not identified as "Environmentally Sensitive Land" under Clause 4(6) of the Seniors SEPP.

Attached is:

- 3 copies of the Departmental Form and attached documentation;
- CD rom containing the relevant attached documentation; and
- processing fees of \$5,590.

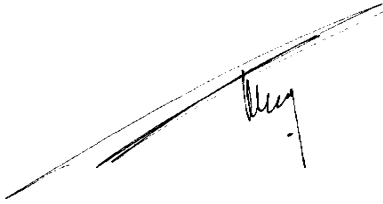
Given the circumstances of DA 2016/524, we would appreciate the Department's best endeavours to process this Site Compatibility Certificate application as efficiently as possible. To assist in that regard, we have today provided Ballina Shire Council with a copy of the Application Form and associated documentation.

You may be aware that Council was not supportive of the issue of the original Site Compatibility Certificate. From discussions with senior town planning officers with Council, we understand that it will not raise an objection to the current application.

Should the Department require any additional information or wish to clarify any matter raised by this application, please feel free to contact the writer at any time.

Yours faithfully,

**PLANNERS NORTH**

A handwritten signature in black ink, appearing to read 'Stephen', is written over a diagonal line that extends from the top left towards the center of the page.

**Stephen Connelly RPIA (Fellow)**

PARTNERSHIP PRINCIPAL

(m) 0419 237 982

(e) [steve@plannersnorth.com.au](mailto:steve@plannersnorth.com.au)

Encl.



Date received: \_\_\_/\_\_\_/\_\_\_

Site compatibility application no. \_\_\_\_\_

LODGEMENT

Instructions to users

This application form is to be completed if you wish to apply to the Director-General of the Department of Planning for a site compatibility certificate under Chapter 3, Part 1A of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the SEPP).

A site compatibility certificate is required under section 50(2A) of the Environmental Planning and Assessment Regulation 2000 to accompany development applications for certain proposed developments under the SEPP. The types of development applications to which the Regulation applies are listed in clause 24 of the SEPP.

Before lodging this application, it is recommended that you consult with the Department of Planning concerning your development proposal, including whether a site compatibility certificate is required and what application fee will apply.

To ensure that your application is accepted, you must:

- complete all parts of this form, and
submit all relevant information required by this form, and
provide 3 copies of this form and attached documentation,
provide form and documentation in electronic format (e.g. CD-ROM).

NB: The Department of Planning may request further information if your application is incomplete or inadequate.

All applications must be lodged with the Director-General, by courier or mail. Applications can be lodged with the relevant regional office of the NSW Department of Planning. Please refer to www.planning.nsw.gov.au for contact details.

PART A — APPLICANT AND SITE DETAILS

A1 APPLICANT FOR THE SITE COMPATIBILITY CERTIFICATE

Company/organisation/agency

PLANNERS NORTH

Mr Ms Mrs Dr Other

First name Stephen

Family name

Connelly

Street address Unit/street no. 6

Street name Porter St

Suburb or town BYRON BAY

State NSW

Postcode 2481

Postal address (or mark 'as above') PO Box or Bag PO Box 538

Suburb or town Lennox Head

State NSW

Postcode 2478

Daytime telephone 1300 66 00 87

Fax

Email steve@plannersnorth.com.au

Mobile 0419 237 982

A2 SITE AND PROPOSED DEVELOPMENT DETAILS

Identify the land you propose to develop and for which you seek the Director-General's site compatibility certificate.

NAME OF PROPOSAL

GemLife

STREET ADDRESS

Unit/street no. 62

Street or property name Skennars Head Road

Suburb, town or locality Skennars Head

Postcode 2478

Local government area Ballina Shire

NAME OF PROPERTY

REAL PROPERTY DESCRIPTION

**Attach**—map and detailed description of land.

See Attachment A which shows the part of Lot 239 which is the subject of this compatibility certificate. Only the part of the land which is not environmentally sensitive land is the subject of this application.

Note: The real property description is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands. Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma to distinguish between each real property description.

DESCRIPTION OF PROPOSED DEVELOPMENT (as it is to appear on the Director-General's certificate) Refer to the proposed site layout by title or drawing number to enable reference in the certificate.

Seniors living involving 147 seniors living self-care housing dwellings, a managers residence, club house, recreational facilities, roads, utility services, environmental management and environmental protection works.

**Attach**—copy of proposed site layout.

See Attachment B and Page 12 of the SEE.

## PART B — PROPOSAL'S CONSISTENCY WITH THE SEPP

### B1 THE PROPOSED SITE

Answer the following questions to identify whether the SEPP applies to the land you propose to develop.

1.1. Is the subject site land zoned primarily for urban purposes?  Yes  No

**OR**

1.2. Is the subject site land adjoining land zoned primarily for urban purposes?  Yes  No

**Attach**—copy of zoning extract or other evidence of zoning. See Attachment C and D.

If you have answered **no** to **both** questions 1.1 and 1.2, then the SEPP does not apply to the land and a site compatibility certificate will not be issued.

1.3. Are dwelling houses, residential flat buildings, hospitals or special uses permitted on the site?  Yes  No

**Attach**—copy of development control table. See Attachment E and Page 16 of the SEE.

**OR**

1.4. Is the land being used for the purposes of an existing registered club?  Yes  No

If you have answered **no** to **both** questions 1.3 and 1.4, then the SEPP does not apply to the land and a site compatibility certificate will not be issued.

1.5. Is the subject site excluded from the application of the SEPP under clause 4(6)—*Land to which Policy does not apply*?

- Environmentally sensitive land (Schedule 1). **No ELS is sought.**  Yes  No
- Land that is zoned for industrial purposes (except Warringah LGA).  Yes  No
- Land in Warringah LGA located in localities identified in clause 4(6)(c) of the SEPP.  Yes  No
- Land to which Sydney Regional Environmental Plan No. 17—Kurnell Peninsula (1989) applies.  Yes  No

If you have answered **yes** to **any** subsection in question 1.5, then the SEPP does not apply to the land and a site compatibility certificate will not be issued.

#### SECTION B1 — SUMMARY CHECK

Continue to fill out this application form **only** if you have answered:

- Yes to questions 1.1 and 1.2, **and**
- Yes to questions 1.3 and 1.4, **and**
- No to **all** subsections in question 1.5.

If you have satisfied the Summary Check—**proceed to Section B2.**

**B2 SITE COMPATIBILITY CERTIFICATE REQUIRED FOR CERTAIN DEVELOPMENT APPLICATIONS**

Identify the reason why you need to apply for a Director-General's site compatibility certificate.

- 2.1. Is the proposed development for the purpose of seniors housing permissible with consent on the land under the zoning of an environmental planning instrument? (See clause 24 [1A].)  Yes  No
- 2.2. Is the proposed development staged development of a kind saved under the savings provisions of the SEPP? (See clause 53.)  Yes  No

If you have answered YES to **either** question 2.1 **or** question 2.2 your proposal does not require a site compatibility certificate. You can submit your application directly to the relevant local council.

2.3. A site compatibility certificate is required because: (see clause 24[1])

- the land adjoins land zoned primarily for urban purposes  Yes  No
- the land is within a zone that is identified as 'special uses' (other than land on which hospitals are permitted)  Yes  No
- the land is used for the purposes of an existing registered club  Yes  No
- the proposed development application involves buildings having a floor space ratio that would require the consent authority to grant consent under clause 45.  Yes  No

If you have answered NO to **all** subsections in question 2.3, your proposal does not require a site compatibility certificate.

**SECTION B2 — SUMMARY CHECK**

Continue to fill out the application form **only** if you have answered:

- No to **both** question 2.1 and question 2.2, **and**
- Yes to **any** subsection in question 2.3 above.

If you have satisfied the Summary Check—**proceed to Section B3.**

**B3 TYPES OF SENIORS HOUSING**

Does the proposed development include any of the following?

If yes, please indicate in the appropriate space/s provided the number of beds or dwellings that are proposed

- A residential care facility  Yes  No  Beds
- A hostel  Yes  No  Dwellings
- Infill self-care housing (urban only and not dual occupancy)  Yes  No  Dwellings
- Serviced self-care housing  Yes  No  Dwellings
- A combination of these  Yes  No  Beds  Dwellings

If you answered **yes** to serviced self-care housing—**proceed to Section B4.** Otherwise—**proceed to Part C.**

**B4 'GATEWAY' FOR SERVICED SELF-CARE HOUSING ON LAND ADJOINING URBAN LAND**

If the proposed development includes serviced self-care housing on land adjoining land zoned primarily for urban purposes, will the housing be provided:

- for people with a disability?  Yes  No
- in combination with a residential care facility?  Yes  No
- as a retirement village within the meaning of the *Retirement Villages Act 1999*?  Yes  No


If you answered **no** to **all** questions in Section B4, it is unlikely that the proposal will satisfy the council when you submit a development application (see clause 17[2] of the SEPP) and also unlikely that a site compatibility certificate would be issued.

## PART C — SITE COMPATIBILITY OF THE PROPOSED DEVELOPMENT


In this Part, please **attach** documentation to describe the development proposal, its context and strategic justification.

### C1 DEVELOPMENT PROPOSAL INFORMATION


#### 1. CONTEXT [Refer to Section 2 in the attached SEE.](#)

-  The context for development can be presented through photos, maps at an appropriate scale and written evidence.
- Location, zoning of the site and representation of surrounding uses
  - Description of surrounding environment:
    - built form
    - potential land use conflicts
    - natural environment (including known significant environmental values and resources or hazards)
  - Access to services and facilities and access (clause 26):
    - accessibility and interrelationships with the surrounding area—transport infrastructure and services, accessible pedestrian routes
    - location and description of available shops, banks and other retail and commercial services, community services and recreational facilities, medical facilities
  - Open space and special use provisions (if relevant)
  - Agricultural capability of the site and adjoining land if the proposal affects land not zoned primarily for urban purposes
  - Type, values and significance of native vegetation on site, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003. (nb: separate Guideline available for further information)


#### 2. PROPOSAL [Refer to Section 3 in the attached SEE.](#)

-  The proposal can be presented through photos, maps and written evidence
- Description of the proposal including the type(s) of seniors housing proposed including numbers of beds/units, community facilities and any ancillary development
  - Site description—natural elements of the site (including known hazards and constraints)
  - Building envelope—footprint and height relative to adjoining development/uses and indicative layout of proposed uses in relation to adjoining development/uses
  - proposed extent of native vegetation clearing, if land is not located in an urban LGA or urban zone listed under Schedule 1 of the Native Vegetation Act 2003

#### 3. STRATEGIC JUSTIFICATION [Refer to Sections 3 & 6 in the attached SEE.](#)


-  Brief description of the proposed development—10 pages limit
- Relationship with regional and local strategies
  - Public interest reasons for applying for seniors housing in this locality
  - Adequacy of services and infrastructure to meet demand

#### 4. PRE-LODGE MENT CONSULTATION WITH THE CONSENT AUTHORITY (COUNCIL) AND INFRASTRUCTURE/SERVICE PROVIDERS

-  Attach evidence of pre-lodgement consultation [The application is registered as DA 2016/524 with Ballina Shire Council. It was lodged with Council on September 2016 and has been the subject of considerable consultation.](#)
- Evidence of consultation
  - Description of and response to issues raised in consultation

Note: Pre-lodgement discussion with the council and with agencies such as the Roads and Traffic Authority, Rural Fire Service and providers of infrastructure and services such as health, community, transport, electricity, water, and sewerage infrastructure and services, will assist in preparation and assessment of your application.

### C2 STATEMENT ADDRESSING SEPP SITE COMPATIBILITY CRITERIA

 Applicants should provide a statement demonstrating whether the site is suitable for more intensive development and is development for the purposes of seniors housing of the kind proposed in the application compatible with the surrounding environment, having regard to (at least) the following matters for consideration outlined under clause 25(5)(b) of the SEPP:

#### 1. THE NATURAL ENVIRONMENT (INCLUDING KNOWN SIGNIFICANT ENVIRONMENTAL VALUES, RESOURCES, OR HAZARDS), AND THE EXISTING USES AND APPROVED USES OF LAND IN THE VICINITY OF THE PROPOSED DEVELOPMENT.

**The land is flood prone and bushfire prone. However, both of these constraints are able to be satisfactorily mitigated and managed - see Technical Reports accompanying the SEE.**

2. THE IMPACT THAT THE PROPOSED DEVELOPMENT IS LIKELY TO HAVE ON THE USES THAT ARE LIKELY TO BE THE FUTURE USES OF THE LAND IN THE VICINITY OF THE DEVELOPMENT.

Land in the vicinity of the subject site has been fully developed. Council plans to make improvements to the sporting facilities to the north. The development will not have any adverse impact on those facilities. Land to the east is fully developed for a Manufactured Home Park and land to the south and west is designated for environmental protection.

3. THE SERVICES AND INFRASTRUCTURE THAT ARE OR WILL BE AVAILABLE TO MEET THE DEMANDS ARISING FROM THE DEVELOPMENT (PARTICULARLY, RETAIL, COMMUNITY, MEDICAL, AND TRANSPORT SERVICES HAVING REGARD TO THE LOCATION AND ACCESS REQUIREMENTS SET OUT IN CLAUSE 26 OF THE SEPP) AND ANY PROPOSED FINANCIAL ARRANGEMENTS FOR INFRASTRUCTURE PROVISION.

The requirements for the development have been comprehensively assessed in the Statement of Environmental Effects. The location of access and arrangements with respect to infrastructure have been agreed with Council.

4. IN THE CASE OF APPLICATIONS IN RELATION TO LAND THAT IS ZONED OPEN SPACE OR SPECIAL USES—THE IMPACT THAT THE PROPOSED DEVELOPMENT IS LIKELY TO HAVE ON THE PROVISION OF LAND FOR OPEN SPACE OR SPECIAL USES IN THE VICINITY OF THE DEVELOPMENT.

The land is not zoned for Open Space or special use.

5. WITHOUT LIMITING ANY OTHER CRITERIA, THE IMPACT THAT THE BULK, SCALE, BUILT FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS LIKELY TO HAVE ON THE EXISTING USES, APPROVED USES AND FUTURE USES OF LAND IN THE VICINITY OF THE DEVELOPMENT.

The proposed development is generally low scale, low intensity development, generally single storey in height. The proposed land use intensity is consistent with land in the immediate vicinity of the subject site.

6. IF THE DEVELOPMENT MAY INVOLVE THE CLEARING OF NATIVE VEGETATION THAT IS SUBJECT TO THE REQUIREMENTS OF SECTION 12 OF THE *NATIVE VEGETATION ACT 2003*—THE IMPACT THAT THE PROPOSED DEVELOPMENT IS LIKELY TO HAVE ON THE CONSERVATION AND MANAGEMENT OF NATIVE VEGETATION (NB: *THIS CRITERIA DOES NOT APPLY TO LAND IN URBAN LOCAL GOVERNMENT AREAS OR URBAN ZONES LISTED UNDER SCHEDULE 1 OF THE NATIVE VEGETATION ACT 2003*).

The proposal involves retention of major stands of existing vegetation and the implementation of buffering to important site vegetation.

### C3 ADDITIONAL COMMENTS


We would be pleased if the Department would note the issue of previous Site Compatibility Certificate for the land involving some 211 dwellings. The subject proposal is significantly "scaled back" from that earlier Certificate granted by the Department.

**PART D — CHECKLIST, PAYMENT AND SIGNATURES**

**D1 APPLICATION CHECKLIST**


Please check that you have provided all the information required for your application.

I have completed all sections of this application form.  Yes  No

-  I have attached supporting information. If yes, please check boxes below, as relevant.  Yes  No
- Map and detailed description of land
  - A copy of proposed site layout
  - A copy of zoning extract or other evidence
  - A copy of development control table
  - Proposal information—context, proposal and strategic justification
  - Additional information for statements against site compatibility criteria (optional)

I have addressed the following SEPP site compatibility matters in **section C2** of the form.  Yes  No

1. Existing environment and approved uses
2. Impact on future uses
3. Availability of services and infrastructure
4. Impact on open space and special uses provision
5. Impact of the bulk and scale of the proposal
6. Impact on conservation and management of native vegetation

 I have provided **three** hard copies of this form and all relevant supporting information  Yes  No

I have provided the application form and supporting information in electronic format  Yes  No

I have enclosed the application fee (see below for details)  Yes  No

**D2 APPLICATION FEE**

You are required to pay a fee for the assessment of an application for the Director General's certificate for site compatibility. This fee is based on the estimated number of beds of the SEPP Seniors Housing Facility. The Department may require that you pay a proportion of the total fee with this application. You should consult with the Department before lodging this application to determine the proportion to be paid. The maximum fee payable is **\$5580**

Number of beds or dwellings

**D3 CERTIFICATE APPLICANT'S AUTHORISATION**

By signing below, I/we hereby:

- apply, subject to satisfying the relevant requirements under State Environmental Planning Policy ((Housing for Seniors or Persons with a Disability) 2004 for a Director-General's site compatibility application pursuant to clause 50(2A) of the Environmental Planning and Assessment Regulation 2000
- provide a description of the proposed seniors housing development and address all matters required by the Director-General pursuant to clause 25(5)(b) of the State Environmental Planning Policy (Housing for Seniors or Persons with a Disability) 2004
- declare that all information contained within this application is accurate at the time of signing.

Signature(s)  


In what capacity are you signing if you are not the owner of the land

Name(s)

Date

**D4 LAND OWNER'S CONSENT**

As the owner(s) of the land for which the proposed seniors' housing development is located and in signing below, I/we hereby agree to the lodgement of an application for a Director-General's site compatibility certificate.

Signature

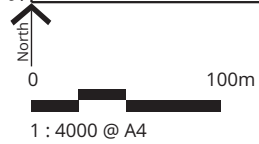
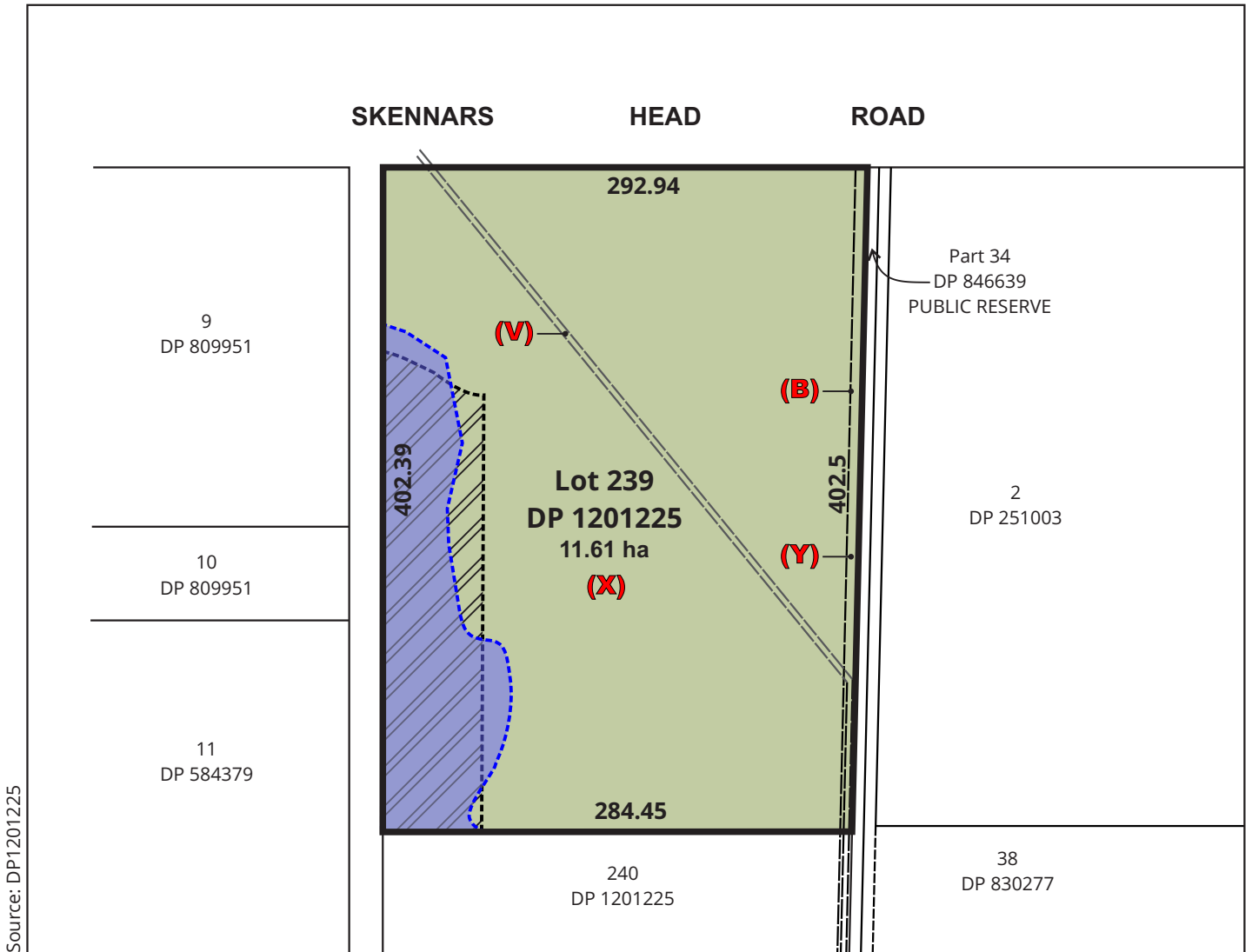
Name

Date




Signature

Name





**Legend**

-  Subject Site
-  7(a) Zone (BLEP 1987)
-  Coastal SEPP Wetlands

*Easements:*

- B** Right of Carriageway 7 wide (DP 251003)
- V** Easement for Water Supply 3.66 wide (by Transfer M892179) (DP 1146651)
- X** Land excludes minerals - see Crown Grants
- Y** Benefited Right of Carriageway 7 wide (DP 251003)

**OVERLAY OF  
THE SITE,  
COASTAL SEPP WETLANDS  
& 7(a) ZONE**

**BUILDER:** GTH PROJECT NO 4 PTY LTD  
**WMS CHARTERED ACCOUNTANTS**  
 SUITE 1401, LEVEL 14, THE ROCKET,  
 203 ROBINA TOWN CENTRE DRIVE, ROBINA QLD 4226  
 PH 07 3804 7833  
 EMAIL: ADRIAN@GEMLIFE.COM.AU  
**QBCC LICENCE NUMBER:** 15029129  
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**AMENDMENTS: DATE/ISSUE**  
 A. 04.11.17 G. 19.03.18 M. 23.04.18  
 B. 06.11.17 H. 22.03.18 N. 11.05.18  
 C. 06.11.17 I. 28.03.18 O. 21.05.18  
 D. 23.02.18 J. 07.04.18  
 E. 24.02.18 K. 09.04.18  
 F. 01.03.18 L. 10.04.18

**GENERAL NOTES**  
 ALL WORK TO COMPLY WITH THE POSITIONS OF THE  
 BCA AND NCC OF AUSTRALIA, AUSTRALIAN  
 STANDARDS AND ANY BYLAWS OR REQUIREMENTS  
 OF THE LOCAL AUTHORITY.  
 USE FIGURED DIMENSIONS ONLY.  
 DO NOT SCALE - VERIFY ALL DIMENSIONS  
 PRIOR TO ORDERING OR SHOP FABRICATION.  
 IF IN DOUBT ASK.

**PLEASE READ CAREFULLY**  
 THIS PLAN CERTIFIED CORRECT IS THE ONE REFERRED TO IN  
 THE CONTRACT & SPECIFICATIONS AND I UNDERSTAND  
 CHANGES HEREAFTER MAY NOT BE POSSIBLE. THESE  
 SUPERCEDE ALL OTHER PREVIOUS PLANS OR SKETCHES.

**CLIENT:**  
 GemLife  
**SITE:**  
 67 SKENNARS HEAD ROAD  
 LENNOX HEAD

**MODEL:** SITE PLAN  
**JOB NO.:** LH-01  
**ISSUE:** O  
**SHT NO.:** 1 OF 1  
**DRAWN:** FJ

**ISSUE DATE:** 21/05/18

**GemLife**  
 LENNOX HEAD



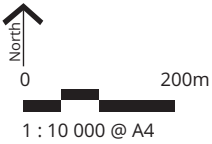
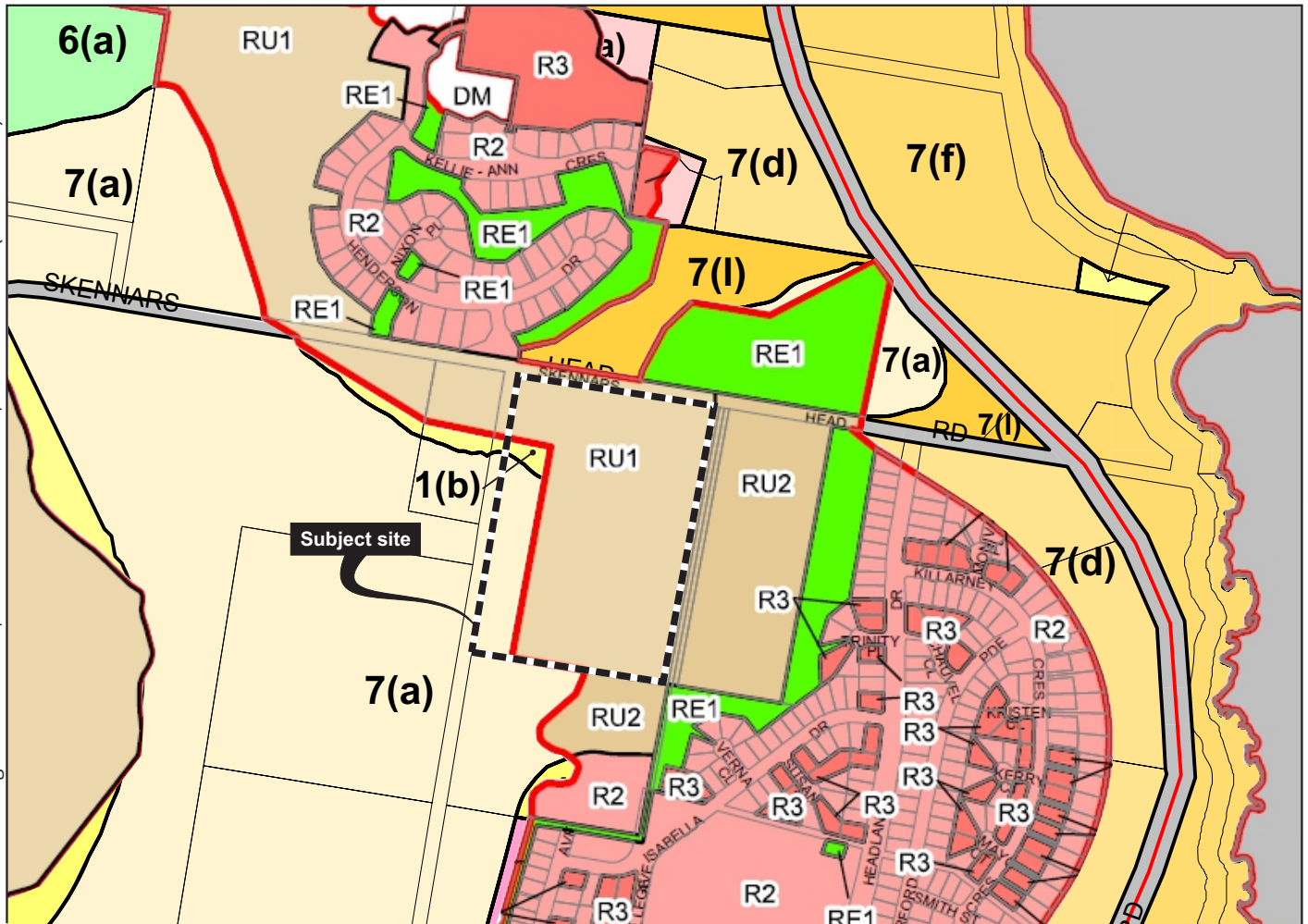
SCALE 1:1500 @ A3



**PROPERTY INFORMATION**  
 LOT 239 ON DP1201225 P  
 TOTAL SITE AREA - 11.61ha  
 HOMES - 147  
 MANAGERS RESIDENCE - 1  
 EMERGENCY EXIT

LIVING GEMS, SKENNARS HEAD

Source: NSW Legislation website, viewed 24 March 2016; Ballina LEP 1987 (as amended)



**Legend**

Subject Site

**LEP 2012 Zones:**

- Deferred Matter
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RU1 Primary Production
- RU2 Rural Landscape

**LEP 1987 Zones:**

- 1(b) Rural - Plateau Lands Agriculture
- 2(a) Residential - Living Area
- 6(a) Open Space
- 7(a) Environmental Protection - Wetlands
- 7(d) Environmental Protection - Scenic/Escarpment
- 7(f) Environmental Protection - Coastlands
- 7(l) Environmental Protection - Habitat

**Plan 4.1**  
**LEP 2012**  
**ZONING**  
**CONTROLS**










Source: NSW Planning & Environment website, viewed 30 July 2018



**Legend**

-  Subject site
-  Coastal Wetlands
-  Littoral Rainforests
-  Coastal Management Area Map
-  Coastal Use Area Map

**COASTAL  
SEPP  
MAPPING**

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# Ballina Local Environmental Plan 2012

Current version for 20 July 2018 to date (accessed 30 July 2018 at 12:32)

Land Use Table > Zone RU1

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## Zone RU1 Primary Production

### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To maintain the rural, cultural and landscape character of the locality.
- To enable development that is compatible with the rural and environmental nature of the land.
- To ensure that there is not unreasonable or uneconomic demands for the provision of public infrastructure.

### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Home-based child care; Home occupations; Intensive plant agriculture

### 3 Permitted with consent

Airstrips; Animal boarding or training establishments; Aquaculture; Boat launching ramps; Boat sheds; Car parks; Cellar door premises; Cemeteries; Dual occupancies; Dwelling houses; Environmental facilities; Extractive industries; Farm buildings; Flood mitigation works; Forestry; Helipads; Home businesses; Home industries; Home occupations (sex services); Information and education facilities; Intensive livestock agriculture; Jetties; Markets; Mooring pens; Moorings; Open cut mining; Recreation areas; Recreation facilities (outdoor); Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Sewerage systems; Signage; Tourist and visitor accommodation; Turf farming; Water recreation structures; Water supply systems

### 4 Prohibited

Advertising structures; Backpackers' accommodation; Hotel or motel accommodation; Serviced apartments; Any other development not specified in item 2 or 3

