

**MINUTES OF THE CITY OF MARION
DEVELOPMENT ASSESSMENT PANEL HELD AT THE
ADMINISTRATION CENTRE 245 STURT ROAD STURT
ON
WEDNESDAY 21 OCTOBER 2015**

1.1 PRESENT

Gavin Lloyd-Jones (Presiding Member), Graham Goss, Phil Smith,
Jerome Appleby, Nick Westwood, Nick Kerry and Wendy Bell

1.2 APOLOGIES

Nil

1.3 IN ATTENDANCE

Rob Tokley - Team Leader – Planning (DAP Executive Officer)
Kathy Jarrett – Acting CEO
Steve Hooper - Manager, Development Services
Joanne Reid - Development Officer- Planning

1.4 COMMENCEMENT

The Meeting commenced at 6.30pm



DAP211015**2. HEARING OF APPLICATIONS****2.1 Reference No: DAP211015 – 2.1****Application No: 100/2015/224****Site Location: 24 Towers Terrace, Edwardstown**

- Callum Little addressed the Panel on behalf of Mr Bernard & Mrs Ann Beljon (Representors)
- Mrs Geraldine Russel (Representor) addressed the Panel
- Mr Darren Allison (Representor) addressed the Panel
- Mr Tony Erickson (Representor) addressed the Panel
- Rod Hook on behalf of Edwardstown Community Church (Applicant) addressed the Panel

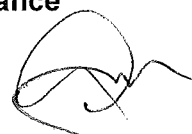
The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) **The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) **The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) **That Development Plan Consent and Development Approval for Development Application No: 100/2015/224 for use of facilities for dance school classes for up to a maximum of 20 hours per week at 24 Towers Terrace, Edwardstown be GRANTED subject to the following conditions:**

CONDITIONS

1. **The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/224, except where varied by the following conditions of consent.**
2. **The hours of operation of the church hall for dance classes (including concerts, practice and related activities, set up, student departure and closing) shall be restricted to the following days and times:**
 - **Tuesday, Wednesday and Thursday between 5.00pm and 9.00pm; and**
 - **Saturday between 9.00am and 5.00pm**
3. **A minimum interval time of 15 minutes shall be provided between one dance class finishing and the next dance class commencing.**
4. **The church hall shall accommodate no more than:**
 - **20 participants for Tuesday, Wednesday and Thursday dance classes at any one time; and**



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- 25 participants for Saturday dance classes at any one time
5. No live bands shall operate within the church hall while dance classes are operating.
 6. Noise emanating from the premises during dance classes shall not exceed the recognised maximum noise level for residential areas as identified by the Environment Protection Authority.
 7. Non-church related activities shall not occur within the church hall while dance classes are operating.
 8. A sign shall be placed inside the church hall advising users of the hall to be considerate to neighbours upon arriving and leaving the premises by keeping noise to a minimum.
 9. A large print, A1 size copy of the traffic management practices to be adopted by the applicant shall be placed inside the church hall adjacent the main exit door to advise participants where to preferably park their car or conduct drop-off / pick up.

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2.2 Reference No: DAP211015 – 2.2
Application No: 100/2015/1147
Site Location: 2/115 Perry Barr Road, Hallett Cove

- Phil Weir (on behalf of the Applicant) answered questions of the Panel

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/1147 for a three storey detached dwelling, with associated pool, decking, earthworks and retaining walls at 2/115 Perry Barr Road, Hallett Cove be GRANTED subject to the following conditions:**

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1147.**
- 2. A revised siteworks and drainage plan shall be provided to Council for consideration and approval, prior to Development Approval being issued, that details; top of kerb, existing ground levels throughout the site, proposed finished floor and pave levels, the location and height of retaining walls and the method of stormwater disposal from the site.**
- 3. All devices/treatments proposed as part of the Development Application to protect the privacy of adjoining properties shall be installed and in use prior to occupation of the premises.**
- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.**
- 5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.**



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6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.



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2.3 Reference No: DAP211015 – 2.3
Application No: 100/2015/813
Site Location: 53 Limbert Avenue Seacombe Gardens

- Mr Don Spender (Representor) addressed the Panel
- Mr Bill Stefanopoulos addressed the Panel on behalf of Carl Williamson (Applicant)

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) **The Panel note this report and concur with the findings and reasons for the recommendation;**
- (b) **The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) **That Development Plan Consent for Development Application No: 100/2015/813 for a two storey residential flat building comprising two dwellings and a single storey residential flat building to the rear comprising two dwellings with associated garages, car parking, common driveway and landscaping at 53 Limbert Avenue, Seacombe Gardens be REFUSED for the following reasons:**

REASONS FOR REFUSAL

1. **The development does not result in an “attractive residential environment”, or an “appropriately designed medium density development” and does not reflect “good residential design” and is therefore at variance to Objective 3 and the Desired Character of the Medium Density Policy Area 12 and Transport and Access Principle 36(i).**
2. **The development does not minimise the potential impact of garaging of vehicles on the character of the area and is therefore at variance to Objective 2 of Medium Density Policy Area 12.**
3. **The dominant appearance of the driveway does not reinforce or contribute to an attractive streetscape as sought by Transportation and Access Principle 44 (c) and 45 (a) and (b).**
4. **The development has not been designed to “facilitate attractive landscaping and tree planting” due to the dense layout of the development and limited areas and dimensions of landscaped spaces; failing to satisfy Objective 1 and Principles 1 (a), (b) and (e) of the General Section (Landscaping, Fences and Walls) and Residential Development Principle 1(b).**
5. **The development fails to provide sufficient area around the dwellings for the safe and convenient manoeuvring of vehicles and results in**



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decreased safety for residents and visitors and fails to satisfy Residential Development Principle 1(c), Transport and Access Objective 1(b), Principle 36(b) and 36(c).

6. The location of car parking in front of Unit 4 results in a variation to Residential Development Principle 29 as habitable rooms have not been adequately shielded from external noise and vibration.
7. The lounge room of Unit 4 and meals room of Unit 2 fail to ensure that these living rooms have an external outlook in accordance with Residential Development Principle 5.
8. Units 3 and 4 fail to have a habitable room window with an external outlook over the common driveway and have not been designed to maximise surveillance over the common land and is therefore at variance to Crime Prevention Objective 1 and Principles 1 and 2.



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2.4 Reference No: DAP211015 – 2.4
Application No: 100/2015/1001
Site Location: 462 Morphett Road Warradale

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1001 for a freestanding Sign - 3.5 metres high by 750 millimetres wide at 462 Morphett Road Warradale be GRANTED, subject to seeking CONCURRENCE from the Development Assessment Commission and the following conditions:


CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1001, being the following documents;
 - 'Elevations' prepared by Regal Display and received by Council 18/07/2015
 - 'Statement of Support' prepared by MasterPlan SA, dated August 2015except when varied by the following conditions of consent.
2. The advertisement(s) and supporting structure(s) shall be prepared and erected in a professional and workmanlike manner and maintained in good repair at all times, to the reasonable satisfaction of the Council.
3. No visible elements of LED or LCD display may be included in any signage.
4. Lighting associated with the signs shall be of an intensity that will not cause an unreasonable light overspill nuisance to adjacent occupiers, or be an undue distraction to motorists, to the reasonable satisfaction of Council.
5. The illumination of the sign shall be limited to a low level in order to minimise the impact of the sign on the safety of motorists.
6. The proposed signage shall not include any element that scrolls, flashes, moves or changes.



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7. The proposed sign shall be constructed wholly on the subject site and no part shall extend beyond the property boundaries.

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2.5 Reference No: DAP211015 – 2.5
Application No: 100/2015/1047
Site Location: 6 Torquay Road, Sturt

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1047 for two (2) single-storey semi-detached dwellings at 6 Torquay Road, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1047, being drawings prepared by Superior Land Projects amendment date 1.10.15 and documentation from SA Water dated 7 October 2015 and 8 October 2015, except when varied by the following conditions of consent.
- 2. The vehicle crossover to Residence 2 shall be set back a minimum 1.0 metre from the existing Telstra pit, unless otherwise approved by Telstra.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

- 4. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
- 5. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.



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6. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.

NOTES

1. An Easement to the Minister for Infrastructure runs along the southern side boundary of Residence 1. The carport of Residence 1 forms an authorised encroachment within the easement area. The corporation (SA Water) has imposed the following conditions in relation to the encroachment:
 - Any concrete flooring or paving installed within 0.6 metres on either side of the centre line of the main shall be laid as slabs of not more than 1.0 metres x 1.2 metres.
 - The level of the ground surface over the easement shall not be altered by excavation or filling without prior corporation approval.
 - No encroachment may be altered, added or relocated without prior corporation approval.
 - The corporation does not accept liability for any damage or loss to the encroachment as a result of corporation operations within the easement.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
6. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
7. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.



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2.6 Reference No: DAP211015 – 2.6
Application No: 100/2015/1395
Site Location: 18 Travers Street, Sturt

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2015/1395 for three single storey row dwellings at 18 Travers Street, Sturt be GRANTED subject to the following conditions:

CONDITIONS

- 1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2015/1395, being drawing numbers 1 of 6 to 6 of 6 (inclusive) prepared by MCA Design (SA) Pty Ltd, received by Council 24/09/2015, except when varied by the following conditions of consent.
- 2. A fully engineered site works and drainage plan shall be provided to Council for consideration and approval prior to Development Approval being issued. This plan must detail top of kerb level, existing ground levels throughout the site and on adjacent land, proposed bench levels and finished floor levels, the extent of cut/fill required, the location and height of proposed retaining walls, driveway gradients, and the location of all existing street infrastructure and street trees.
- 3. Stormwater from the structure approved herein shall be collected and directed into a detention tank (or tanks) which are sized and installed in accordance with the specifications contained in Council's information guide titled "Stormwater Detention", to the reasonable satisfaction of the Council.

Note: A copy of the information guide can be viewed at the City of Marion webpage www.marion.sa.gov.au/page.aspx?u=181

- 4. All areas nominated as landscaping or garden areas on the approved plans shall be planted with a suitable mix and density of native trees, shrubs and groundcovers prior to the occupation of the premises to the reasonable satisfaction of the Council.



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5. All existing vegetation nominated to be retained and all new vegetation to be planted shall be nurtured and maintained in good health and condition at all times with any diseased or dying plants being replaced, to the reasonable satisfaction of the Council.
6. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
7. All car parking, driveways and vehicle manoeuvring areas shall be constructed of concrete or paving bricks and drained in accordance with recognised engineering practices prior to occupation of the premises.
8. Where the driveway crosses the front boundary, the finished ground level shall be between 50mm and 150mm above the top of kerb.
9. Any habitable room walls shared with the garage of another dwelling shall be treated with an appropriate noise acoustic treatment to minimise noise transfer between dwellings.

NOTES

1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
2. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).
3. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
4. The proposed crossover/access must be constructed a minimum of one (1) metre clear of all infrastructure, at its closest point, including but not limited to, street trees, stobie poles, SEP's, pram ramps etc.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.



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2.7 **Reference No: DAP211015 – 2.7**
Application No: 100/2015/1202 (100/D144/15)
Site Location: 100-102 Daws Road and 1108-1112 South
Road, Edwardstown

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent and Land Division Consent for Development Application No: 100/2015/1202 to undertake a boundary realignment and allotment amalgamation (Torrens Title - 5 into 2 allotments), incorporating demolition of the existing building on Lot 33, at 1108-1112 South Road and 100-102 Daws Road, Edwardstown, be **GRANTED** subject to the following Reserved Matter and conditions:

RESERVED MATTER

1. A Construction Environment Management Plan (CEMP) which has been prepared by a site contamination consultant in accordance with the EPA publication Environmental Management of On-site Remediation and other relevant EPA guidelines must be provided to the satisfaction of the EPA and the City of Marion, and implemented during site works. The CEMP must incorporate, without being limited to, the following matters:
 - a. air quality, including odour and dust
 - b. noise
 - c. surface water including erosion and sediment control
 - d. soils, including fill importation, stockpile management and prevention of soil contamination
 - e. groundwater, including prevention of groundwater contamination
 - f. occupational health and safety
 - g. remediation, if remediation is necessary to address contamination that may be identified which poses an actual or potential harm to the health or safety of human beings or the environment that is not trivial taking into the land use, or actual or potential harm to water that is not trivial
 - h. if during redevelopment site contamination is determined to exist, engage a site contamination consultant to undertake an environmental assessment (including validation) following completion of the proposed works, to ensure the site is suitable for the intended use (in accordance with Planning Advisory Notice 20/02 Site Contamination, found at:



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<http://dataserver.planning.sa.gov.au/publications/715p.pdf>) and that any residual contamination does not pose unacceptable risks to human health or the environment taking into account the land use, or harm to water that is not trivial

CONDITIONS

Development Plan Consent

1. The development shall be undertaken in accordance with the plans and details submitted with and forming part of Development Application No.100/2015/1202, except when varied by the following conditions of consent.
2. All buildings and all deleterious materials such as concrete slabs, footings, retaining walls, irrigation, water or sewer pipes and other rubbish shall be cleared from the subject land, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
3. The final survey plan shall be available to the Council, prior to the Council advising the Development Assessment Commission that it has no objection to the issue of a certificate pursuant to Section 51 of the Development Act.
4. The South Road access to Allotment 371 must accommodate any simultaneous two-way movement of a fuel tanker and B85 vehicle and shall be provided with generous flaring to minimise any encroachment of existing tankers on the South Road median lane.
5. The Daws Road and South Road access points to Allotment 371 shall be line marked and sign-posted to reinforce the desired traffic flow through the site.
6. All redundant crossovers (or part thereof) shall be closed and reinstated to Council standard kerb and gutter at the applicant's expense.
7. All vehicles must enter and exit the subject site in a forward direction.
8. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of Daws Road and South Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense and to DPTI standards and requirements.

Land Division Consent

1. The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0034477).



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An investigation will be carried out to determine if the connection/s to the development will be costed as standard or non standard.

SA Water Corporation further advise on approval of the application, all internal water piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

The internal drains shall be altered to the satisfaction of the SA Water Corporation. The necessary easements shall be granted to the SA Water Corporation free of cost.

2. A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the Development Assessment Commission for Land Division Certificate purposes.

NOTES

1. All access to/from Allotment 341 should be located either adjacent the western boundary or via adjoining land to the north in the same proprietorship (FP 12147, Lot 38).



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**2.8 Reference No: DAP211015 – 2.8
Application No: 100/2015/571
Site Location: 634 South Road Glandore**

- Lynette Brandwood answered questions of the Panel on behalf of the Applicant

The Development Assessment Panel resolved that;

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report;**
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and**
- (c) That Development Plan Consent for Development Application No: 100/2015/571 for Telecommunications facility and associated works at 634 South Road, Glandore be REFUSED for the following reasons:**
 - 1. The proposed telecommunications facility is not sited to minimise visual impact on the amenity of the local environment, and therefore does not accord with Objective 2 and Principle 1(g) (General Section: Telecommunications Facilities).**
 - 2. The proposal does not satisfy PDC 1(a) or Objective 1 of the General Section: Design & Appearance given that the proposed monopole structure does not respond to and reinforce positive aspects of the local environment and built form, nor does it reflect the desired character of the locality and the design does not have regard to building height.**
 - 3. The proposed facility has not been located and designed to minimise adverse impact between land uses, protect community health and amenity from adverse impacts of development, or to protect desired land uses from incompatible development and therefore fails to comply with Objectives 1, 2 and 3 and PDC 2 of the General Section: Interface between Land Uses.**
 - 4. The proposed development does not create a safe, convenient and pleasant environment in which to live, and therefore conflicts with Objective 1 (General Section: Orderly and Sustainable Development).**



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3. OTHER BUSINESS

- 3.1 Determination of requests for withdrawal of applications from upcoming DAP meeting

The Development Assessment Panel seek further clarification from staff regarding delegation of the processing of requests from applicants to withdraw their application from an upcoming DAP meeting.

- 3.2 Appeals update
3.3 Policy Observations

- 3.3.1 Consideration should be given to placing greater emphasis upon the retention of mature vegetation on development sites

- 3.4 Thank you to Kathy Jarrett

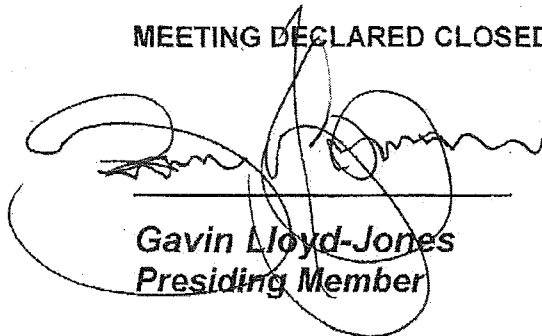
The Panel would like to thank Kathy Jarrett for her time and important contribution to the City of Marion Development Assessment Panel.

4. CONFIRMATION OF MINUTES

The minutes of this meeting held Wednesday 21 October 2015 taken as read and confirmed this twenty first day of October 2015.

5. CLOSURE

MEETING DECLARED CLOSED AT 8.38PM



Gavin Lloyd-Jones
Presiding Member

21 / 10 / 15.