

**COFFS HARBOUR CITY COUNCIL
ORDINARY MEETING
12 FEBRUARY 2015**

Minutes confirmed at Council meeting: 26 February 2015
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Agenda Report

GM15/1 LEGAL APPEAL - APPLICATION TO REVIEW DETERMINATION OF MODIFICATION APPLICATION 43/14DM (955/12DA) - LOT 5 DP 876129, NO. 81D OLD BUCCA ROAD, MOONEE BEACH - ANIMAL ESTABLISHMENT (DOG BOARDING FACILITY)

EXECUTIVE SUMMARY:

To consider legal advice provided by Council's legal representative in relation to a Land and Environment Court appeal.

The appeal is against Council's refusal to modify the deferred commencement condition relating to the bitumen sealing of the right of carriageway and remove the requirement for a separate development consent for the access and intersection upgrade works specified in the deferred commencement condition issued for an Animal Establishment, comprising a Dog Boarding Facility.

MOVED (Palmer/Sultana) that:

1. Council notes the advice of its Solicitor dated 3 February 2015.
2. [REDACTED] Council instruct its Solicitor to proceed to finalise this action and accept the conditions of consent and plan of management as considered appropriate.

The **MOTION** on being put to the meeting was **LOST**.

DIVISION

MOVED (Degens/Innes) that a division be called, and those members voting for and against the motion were recorded:

VOTED FOR

Cr Degens
Cr Cowling
Cr Innes
Cr Rhoades

VOTED AGAINST

Cr Arkan
Cr Townley
Cr Knight
Cr Sultana
Cr Palmer