

## **5.05. REPEAL MOTION - 5.02 - DRAFT WIND FARM STATE CODE**

**COUNCILLOR:** Cr David Carey

### **REPEAL MOTION:**

That parts A and B of the Council's decision of 24 November 2014 viz:

*"A. That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code, raising the issues as outlined in the officer's report.*

*B. That a copy of the Council's submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code is forwarded to the Local Government Association of Queensland (for inclusion in any joint Council submission to be prepared by the LGAQ.)*

*C. That the submission be provided to Councillors before it is forwarded to the LGAQ."*

be repealed.

### **BACKGROUND**

The Council made the abovementioned decision on 24 November 2015 in respect of item 5.02 – *Draft Wind Farm State Code*, contained in the agenda for the ordinary meeting of the Council of that day.

It is apparent that the decision of that meeting has not been fully implemented in that the submission described in part A of the resolution has not been sent to the Department of Infrastructure, Local Government and Planning. Nor, pursuant to Part B of the resolution, has it been forwarded to the Local Government Association of Queensland.

Instead it is evident by email correspondence over the last week that some Councillors are desirous of amending the submission purported by the resolution to include other matters and opinions. I understand this will be considered at the meeting of the Council to be held on 16 December 2015.

It is my belief that the Council cannot proceed to amend the submission it has already determined to submit without first repealing (or at the very least amending) the decision which approves and authorises that submission.

Clause 262 of the Local Government Regulation 2012 provides:

*"262 A resolution of a local government may be repealed or amended only if written notice of intention to propose the repeal or amendment is given to each councillor at least 5 days before the meeting at which the proposal is to be made".*

If adopted, this repeal motion will, by proper and legitimate process, facilitate the renewed decision making opportunity some Councillors now seek.