



# Ordinary Council Meeting

22 March 2023

Commencing at 1.00 pm

## LATE REPORTS AGENDA

Enclosed are late reports and/or attachments for council to consider.

Suzie Haslehurst

**CHIEF EXECUTIVE OFFICER**



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**ATTACHMENTS** can be found in the Attachments Paper on the Council website alongside this agenda.

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## 13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

### 13.1 MEMBERS

#### 13.1.1 Councillor Pearce - Notice of Motion - North Street Closure

Date of Report:	14 March 2023
Applicant or Proponent:	Shire of Toodyay
File Reference:	IAM88578
Author:	M Rebane – Executive Assistant
Responsible Officer:	S Haslehurst – Chief Executive Officer
Previously Before Council:	N/A
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	Nil

#### PURPOSE OF THE REPORT

To consider a notice of motion provided by Councillor Pearce.

#### BACKGROUND

On 13 March 2023, Councillor Pearce provided the Chief Executive Officer with a notice of motion for the 22 March 2023 Ordinary Council Meeting (OCM) as follows:

*That Council requests the CEO to bring a report to the April 2023 OCM regarding legal advice obtained on the opening of North Street to vehicular traffic.*

Clause 4.4(4)(c) of the Shire of Toodyay Standing Orders Local Law states that the Chief Executive Officer “*may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on matters such as policy, budget and law*”. This report is provided in accordance with such.

#### COMMENTS AND DETAILS

The matter of North Street closure was discussed at a Council workshop was held on 30 November 2022, attended by six councillors. Several questions were raised regarding the time elapsed and the validity of previous resolutions regarding this matter. Officers agreed to seek legal advice on the matter.

Due to competing workload issues, advice was sought only recently, and officers await the outcome which will be presented as part of the report to Council at the April 2023 OCM.

**IMPLICATIONS TO CONSIDER****Consultative:**

Nil

**Strategic:*****Shire of Toodyay Strategic Community Plan 2018-2028***

*The way the Shire leads and operates*

*O1: Provide accountable and transparent leadership for the community*

**Policy related:**

Nil

**Financial:**

Nil

**Legal and Statutory:**

The Shire's Standing Orders Local Law prescribes the manner in which motions of notice are to be given. The provision of notice by Councillor Pearce is in accordance with the requirements of Part 4.4 of the *Shire of Toodyay Standing Orders Local Law 2008*.

**Risk related:**

Nil

**Workforce related:**

The outcome of this motion is that a report will need to be submitted to the next OCM. This will be managed within existing resources.

**VOTING REQUIREMENTS**

Simple Majority

**COUNCILLOR PEARCE – NOTICE OF MOTION 1**

That Council requests the CEO to bring a report to the April 2023 Ordinary Council Meeting regarding legal advice obtained on the opening of North Street to vehicular traffic.