



**Confirmed Minutes
ORDINARY MEETING
OF COUNCIL**

15 July 2025

SHIRE OF CUE
Ordinary Meeting of Council
MINUTES

Held in the Council Chambers, 73 Austin Street Cue on
Tuesday, 15 July 2025 commencing at 6:00 PM

ORDER OF BUSINESS

1 DECLARATION OF OPENING

The meeting was opened at 06:01 PM

The Presiding Member welcomed those present and read the following disclaimer:

No responsibility whatsoever is implied or accepted by the Shire of Cue for any act, omission or statement or intimation occurring during this Meeting.

It is strongly advised that persons do not act on what is heard at this Meeting and should only rely on written confirmation of council's decision, which will be provided within fourteen (14) days of this Meeting.

PRESENT:

Shire President Les Price
Deputy Shire President Elizabeth Houghton
Councillor Ian Dennis
Councillor Julie Humphreys
Councillor Ross Pigdon

STAFF:

Chief Executive Officer Richard Towell
Deputy Chief Executive Officer Lisa Keen
Executive Assistant Janelle Duncan
Accountant Ahmed Khan
Town Planning Consultant Eugene Ferraro
Environmental Health Officer Consultant Maurice Walsh

GALLERY:

Mrs Jenni Dennis
Ms Catherine Willett

2 APOLOGIES AND APPROVED LEAVE OF ABSENCE

Councillor Ron Hogben

3 DISCLOSURE OF MEMBER'S INTERESTS

Nil

4 PUBLIC QUESTION TIME

Nil

5 CONFIRMATION OF MINUTES

Council Decision: 01072025 **Voting Requirement: Simple Majority**

MOVED: Cr Elizabeth Houghton **SECONDED: Cr Ross Pigdon**

That the Minutes of the Ordinary Meeting 17 June 2025 are confirmed as a true and correct record of the meeting.

CARRIED: 5/0
AGAINST: None

6 APPLICATION FOR LEAVE OF ABSENCE

Nil

7 DEPUTATIONS

Nil

8 PETITIONS

Nil

9 ANNOUNCEMENTS WITHOUT DISCUSSION

The Shire President welcomed Mr Maurice Walsh Environmental Health Officer Consultant and Mr Eugene Ferraro Town Planning Consultant to the meeting and they both gave updates on their current activities as consultants for the Shire of Cue.

06:05pm Mr Ahmed Khan left the chamber

06:09pm Mr Ahmed Khan re-entered the chamber

Method of Dealing with Agenda Business

As part of the Shire's efforts to ensure the efficiency and effectiveness of meetings, tonight's meeting will include the opportunity for matters to be considered by Council en bloc.

Matters not to be included in en bloc decisions are those which require:

- Absolutely Majority;
- Matters to be determined behind closed doors;
- Declared interests made in relation to the item; and
- Deputations or Statements made in relation to the item.

Before commencing the process, the Presiding Member provides a brief explanation of the 'en bloc' method of decision making, for the benefit of any members of the

public in the gallery.

The following items have been identified to be decided upon by voting en bloc:

- 10.1 Accounts and Statements of Account
- 10.2 Financial Statements

After reading out all reports identified to be decided on by 'en bloc', Elected Members are given the opportunity to have any reports removed that they deem not appropriate to be included in this process.

Once all are agreed, a mover and seconder will propose a motion for the en bloc decision.

"That the recommendations contained in items 10.1 and 10.2 be adopted en bloc".

The items 10.1 and 10.2 en bloc were moved by Cr Julie Humphreys and seconded by Cr Ross Pigdon.

REPORTS

10 REPORTS

10.1 ACCOUNTS AND STATEMENTS OF ACCOUNT

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Lisa Keen - Deputy Chief Executive Officer

DATE: 6 July 2025

Matters for Consideration:

To receive the List of Accounts paid for the period 1 June 2025 - 30 June 2025.

Background:

The Local Government, under its delegated authority to the CEO to make payments from municipal and trust funds, is required to prepare a monthly list of accounts showing each account paid and present it to Council at the next Ordinary Council meeting. The list of accounts prepared and presented to Council must form part of the minutes of that meeting.

Comments:

The list of accounts are for the month of June 2025.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 13.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council receive the attached payments for the period 1 June 2025 - 30 June 2025, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

JUNE 2025

Municipal Fund Bank EFTs	EFT NUMBER 14822 - 14870	\$	822,291.88
Direct Debit Fund Transfer	General	\$	42,107.94
Direct Debit Fund Transfer	CEO Credit Card	\$	12,674.80
Payroll		\$	165,578.78
BPAY		\$	101,791.77
Cheques		\$	0.00
Total		\$	1,144,445.17

Council Decision: 02072025

Voting Requirement: Simple Majority

MOVED: Cr Julie Humphreys

SECONDED: Cr Ross Pigdon

That Council receive the attached payments for the period 1 June 2025 - 30 June 2025, which have been made in accordance with delegated authority under s5.42 of the *Local Government Act 1995*.

JUNE 2025

Municipal Fund Bank EFTs	EFT NUMBER 14822 - 14870	\$	822,291.88
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Direct Debit Fund Transfer	CEO Credit Card	\$	12,674.80
Payroll		\$	165,578.78
BPAY		\$	101,791.77
Cheques		\$	0.00
Total		\$	1,144,445.17

CARRIED: 5/0

AGAINST: None

EN BLOC

10.2 FINANCIAL STATEMENTS

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Lisa Keen - Deputy Chief Executive Officer

DATE: 6 July 2025

Matters for Consideration:

The attached monthly Financial Report is for the period ending June 2025 and includes the following statements and notes:

- Statement of Financial Activity
 - Major Variances
-

- Net Current Funding Position
- Statement of Financial Position
- Cash and Investments
- Trust Fund
- Cash Backed Reserve
- Receivables
- Capital Disposals
- Borrowings
- Capital Acquisitions
- Rate Revenue
- Grants and Contributions

Please note that these are not the final figures for the 2024/2025 Financial Year.

Background:

Under the *Local Government (Financial Management) Regulations 1996*, a monthly Financial Report must be submitted to an Ordinary Council meeting within two months after the end of the month to which the statement relates. The monthly Financial Report presents an overview of the financial position of the local government at the end of each month. The monthly Financial Report must be adopted by Council and form part of the minutes.

Comments:

The monthly Financial Report is for the month of June 2025.

Statutory Environment:

Local Government (Financial Management Regulations) 1996 – Clause 14.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Richard Towell, Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council receive the attached monthly Financial Report, prepared in accordance with the *Local Government (Financial Management) Regulations 1996*, for the period ending June 2025.

Council Decision: 03072025	Voting Requirement: Simple Majority
MOVED: Cr Julie Humphreys	SECONDED: Cr Ross Pigdon
That Council receive the attached monthly Financial Report, prepared in accordance with the <i>Local Government (Financial Management) Regulations 1996</i> , for the period ending June 2025.	
CARRIED: 5/0 AGAINST: None EN BLOC	

10.3 ASSIGNMENT OF LEASE - PART LOT 641 ROBINSON STREET

APPLICANT: Shire of Cue

DISCLOSURE OF INTEREST: Nil

AUTHOR: Richard Towell - Chief Executive Officer

DATE: 9 July 2025

Matters for Consideration:

Granting approval to the deemed assignment of the lease of Part Lot 641 Robinson Street (fuel outlet) leased by IOR Pty Ltd due to its sharesale to Stonepeak Texas BidCo Pty Ltd.

Background:

IOR Pty Ltd have advised that they have entered into a transaction with Stonepeak Texas BidCo Pty Ltd that will result in a change in control of IOR Pty Ltd, impacting its lease of the Cue Outdoor Payment Terminal (OPT) facility. IOR Pty Ltd have requested a Deed of Consent to Deemed Assignment (Change of Control) for the lease of Part Lot 641 Robinson Street to approve the change in control to Stonepeak Texas BidCo Pty Ltd.

IOR Pty Ltd advises that after completion of the proposed transaction:

- IOR Pty Ltd will retain all rights and obligations under the lease
- Stonepeak Texas BidCo Pty Ltd, as the new controlling shareholder is responsible, respectable, of sound financial standing with the business skills to conduct the business operated on the premises; and
- The business conducted from the premises will remain the same as is currently conducted.

Stonepeak Texas BidCo Pty Ltd and IOR Pty Ltd confirm that:

- The Premises will continue to be used for the Permitted Use;
- The Tenant will remain the same current entity with a proven ability to conduct the Permitted Use at the Premises;
- The Tenant will continue to be respectable, financially responsible, solvent and capable of complying with the financial and contractual obligations under the Lease;
- All employees and management staff connected with the Cue OPT facility will continue to be employed with the Tenant and it is anticipated that all employees in the Premises will remain employees following completion; and
- All IOR Pty Ltd contact persons with respect to the lease will remain.
- There are no outstanding amounts due on the leased premises.

Comments:

Due to the transaction, StonePeak Texas BidCo Pty Ltd will acquire the majority shareholding control of IOR Pty Ltd and IOR Pty Ltd's leased premises, being part of Lot 641 Robinson Street which is leased from the Shire for a fuel outlet. A Deed of Consent to Deemed Assignment (Change in Control) has been proposed between the two parties. In accordance with the lease provisions, IOR Pty Ltd have requested the Shire to grant approval of the arrangement.

Statutory Environment:

Clause 14 of the current lease states:

14.1(a) No assignment

The Tenant shall not assign, mortgage or charge the Tenant's leasehold estate in the Leased Premises, nor sublet, part with possession or dispose of the Leased premises in any way without the Landlord's consent (such consent not to be unreasonably withheld or delayed).

14.4 Landlord may consent to assignment

In the case of an assignment under clause 14.1(a), the Landlord will not unreasonably withhold consent if the following criteria are satisfied:

a. The Tenant satisfies the Landlord that:

i. The proposed assignee is a respectable and responsible person of good financial standing, with sound business acumen, with adequate business experience and who is capable of meeting all the financial commitments of the Tenant under this lease;

ii. At the time of the Tenant's application, there is no Rent or other money payable under this lease due but unpaid; and

iii. There is no unremedied breach of the Tenant's Obligations that has been notified to the Tenant by the Landlord and that has not been waived by the Landlord;

b. The Tenant procures the execution by the proposed assignee of an assignment of lease prepared by the Landlord's solicitors at the Tenant's cost (such costs to be reasonably and properly incurred) which contains terms acceptable to the Landlord, including a covenant by the proposed assignee with the Landlord to pay all Rent and other money payable under this Lease and to observe and perform all of the tenant's obligations;

c. If the proposed assignee is a company, the directors or substantial shareholders of the company at the option of the Landlord (acting reasonably) guarantee to the Landlord the observance and performance of all of the Tenant's Obligations including payment of the Rent and other money payable under this lease; and

For the avoidance, in the case of an assignment under clause 14.1(a) or clause 14.1(b), the Tenant agrees that the covenants of the assignee are independent of the covenants of the Tenant in this Lease and will not release or relieve the Tenant from the Tenant's Obligations and the Tenant acknowledges that the Tenant will continue to be fully responsible for the Tenant's Obligations notwithstanding the assignment of the Lease to the proposed assignee, particularly on the occurrence of an Event of Default by the proposed assignee or any other party.

LOCAL GOVERNMENT ACT 1995 - SECT 9.49A

9.49A . Execution of documents

1. A document is duly executed by a local government if -

(a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or

(b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.

2. The common seal of a local government is not to be affixed to any document except as authorised by the local government.

3. *The common seal of the local government is to be affixed to a document in the presence of -*

(a) the mayor or president; and

(b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.

Policy Implications:

Nil

Financial Implications:

Nil

Strategic Implications:

Nil

Consultation:

Lisa Keen, Deputy Chief Executive Officer

Officers Recommendation:

Voting Requirement: Simple Majority

That Council:

1. Grant approval for the lease held by IOR Pty Ltd on Lot 641 Robinson Street, Cue to be assigned to Stonepeak Texas BidCo Pty Ltd, subject to satisfactory assessment of the Deed of Consent to Deemed Assignment (Change in Control) by the Shire's legal representative; and
2. Authorise the Shire President and Chief Executive Officer to sign the letter of authorisation of change in control and apply the common seal.

Council Decision: 04072025

Voting Requirement: Simple Majority

MOVED: Cr Ian Dennis

SECONDED: Cr Ross Pigdon

That Council:

1. Grant approval for the lease held by IOR Pty Ltd on Lot 641 Robinson Street, Cue to be assigned to Stonepeak Texas BidCo Pty Ltd, subject to satisfactory
-

assessment of the Deed of Consent to Deemed Assignment (Change in Control) by the Shire's legal representative; and

2. Authorise the Shire President and Chief Executive Officer to sign the letter of authorisation of change in control and apply the common seal.

CARRIED: 4/1

AGAINST: Deputy Shire President Houghton

11 MOTIONS BY MEMBERS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 MOTIONS FOR CONSIDERATION AT THE NEXT MEETING

Nil

13 NEW BUSINESS OF AN URGENT NATURE

Nil

CLOSED COUNCIL

14 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Council Decision: 05072025

Voting Requirement: Simple Majority

MOVED: Cr Ross Pigdon

SECONDED: Cr Elizabeth Houghton

That the meeting be closed to members of the Public to discussion confidential matters.

CARRIED : 5/0

AGAINST: None

06:47pm the meeting closed to the public

06:47pm Mrs Jenni Dennis left the chamber

06:47pm Ms Catherine Willett left the chamber

14.1 PURCHASE OF NEW SIDE TIPPERS AND DOLLY

Council Decision: 06072025 **Voting Requirement: Simple Majority**

MOVED: Cr Elizabeth Houghton **SECONDED: Cr Julie Humphreys**

That Council authorise the Chief Executive Officer to purchase two side tippers and dolly from Lombardi Nominees Pty Ltd, trading as Howard Porter, for the price of \$349,120 including GST.

CARRIED: 4/1

AGAINST: Deputy Shire President Houghton

14.2 PURCHASE OF NEW PRIME MOVER

Council Decision: 07072025 **Voting Requirement: Simple Majority**

MOVED: Cr Ross Pigdon **SECONDED: Cr Julie Humphreys**

That Council authorise the Chief Executive Officer to purchase a Freightliner Cascadia 126 Prime Mover from Daimler Trucks Geraldton (Ulti-Mech Pty Ltd), for the price of \$381,158 including GST plus on road costs.

CARRIED: 4/1

AGAINST: Deputy Shire President Houghton

14.3 THAT THE MEETING BE REOPENED TO MEMBERS OF THE PUBLIC

Council Decision: 08072025 **Voting Requirement: Simple Majority**

MOVED: Cr Elizabeth Houghton **SECONDED: Cr Ross Pigdon**

That the meeting be re-opened to members of the public.

The Presiding Member read out the resolutions that were decided behind closed doors, as per Standing Orders Cue 5.2 (6).

CARRIED : 5/0

AGAINST: None

07:04pm the meeting was re-opened to members of the public.

07:04pm Mrs Jenni Dennis re-entered the chamber

07:04pm Ms Catherine Willett re-entered the chamber

CLOSURE

15 CLOSURE

The Presiding Member thanked those present for attending the meeting and declared the meeting closed at 07:07 PM.

To be confirmed at Ordinary Meeting on the 19 August 2025.

Signed:

Presiding Member at the Meeting at which time the Minutes were confirmed.
