

MINUTES

Greater Shepparton City Council

COUNCIL MEETING

6:00PM, Thursday 27 October 2022

Function Room, Riverlinks Eastbank

COUNCILLORS

Cr Shane Sali (Mayor)
Cr Seema Abdullah
Cr Dinny Adem
Cr Anthony Brophy
Cr Geoffrey Dobson
Cr Greg James
Cr Sam Spinks
Cr Fern Summer

VISION

GREATER SHEPPARTON, GREATER FUTURE

A thriving economy in the foodbowl of Victoria with excellent lifestyles, innovative agriculture a diverse community and abundant opportunities

Values

Values reflect what we feel is important. Organisations may have core values that reflect what is important in the organisation. These values may be guiding principles of behaviour for all members in the organisation.

Respect first, always

We are attentive, listen to others and consider all points of view in our decision making.

Take ownership

We take pride in honouring our promises and exceeding expectations, and are transparent with and accountable for our actions.

Courageously lead

We lead with integrity, and stand up and stand by what is in the best interests of the Greater Shepparton community.

Working together

We work collaboratively to create higher quality outcomes that are more efficient, thoughtful, effective and responsive. We cannot accomplish all that we need to do without working together.

Continually innovate

We are open to new ideas and creatively seek solutions that encourage us to do our best for our community.

Start the celebration

As ambassadors for our people and place, we proudly celebrate the strengths and achievements of Council and the Greater Shepparton community.

**MINUTES
FOR THE
COUNCIL MEETING
HELD ON
THURSDAY 27 OCTOBER 2022 AT 6:00PM**

**CHAIR
CR SHANE SALI**

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Risk Level Matrix Legend

Note: A number of reports in this agenda include a section on “risk management implications”. The following table shows the legend to the codes used in the reports.

Likelihood	Consequences				
	Negligible (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5) Would be expected to occur in most circumstances (daily/weekly)	LOW	MEDIUM	HIGH	EXTREME	EXTREME
Likely (4) Could probably occur in most circumstances (i.e. Monthly)	LOW	MEDIUM	MEDIUM	HIGH	EXTREME
Possible (3) Reasonable probability that it could occur (i.e. over 12 months)	LOW	LOW	MEDIUM	HIGH	HIGH
Unlikely (2) It is not expected to occur (i.e. 2-5 years)	LOW	LOW	LOW	MEDIUM	HIGH
Rare (1) May occur only in exceptional circumstances (i.e. within 10 years)	LOW	LOW	LOW	MEDIUM	HIGH

Extreme Intolerable – Immediate action is required to mitigate this risk to an acceptable level. Event/Project/Activity is not to proceed without authorisation

High Intolerable – Attention is needed to treat risk.

Medium Variable – May be willing to accept the risk in conjunction with monitoring and controls

Low Tolerable – Managed by routine procedures

1 Welcome to Country

To be presented by Cr James on behalf of the Yorta Yorta Elders Council and the 16 family groups.

2 Acknowledgement

We, Greater Shepparton City Council, acknowledge the Yorta Yorta Peoples of the land which now comprises Greater Shepparton, we pay our respect to their tribal elders, we celebrate their continuing culture and we acknowledge the memory of their ancestors.

3 Privacy Notice

This public meeting is being streamed live via our Facebook page and made available for public access on our website along with the official Minutes of this meeting.

All care is taken to maintain your privacy; however as a visitor in the public gallery, it is assumed that your consent is given in the event that your image is broadcast to the public. It is also assumed that your consent is given to the use and disclosure of any information that you share at the meeting (including personal or sensitive information) to any person who accesses those recordings or Minutes.

4 Governance Principles

Council considers that the decisions contained in these Minutes gives effect to the overarching governance principles stated in Section 9(2) of the *Local Government Act 2020*. These principles are as follows:

1. Council decisions are to be made and actions taken in accordance with the relevant law;
2. priority is to be given to achieving the best outcomes for the municipal community, including future generations;
3. the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
4. the municipal community is to be engaged in strategic planning and strategic decision making;
5. innovation and continuous improvement is to be pursued;
6. collaboration with other Councils and Governments and statutory bodies is to be sought;
7. the ongoing financial viability of the Council is to be ensured;
8. regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
9. the transparency of Council decisions, actions and information is to be ensured.

5 Apologies

Nil Received.

6 Declarations of Conflict of Interest

In accordance with section 130 (1)(a) of the Local Government Act 2020 Councillors are required to disclose any “conflict of interest” in respect of a matter to be considered at a Council Meeting.

Disclosure must occur immediately before the matter is considered or discussed.

Cr Greg James declared a conflict of interest in relation to item 10.3 Seniors Festival Grants 2022 Round 2.

Cr Anthony Brophy declared a conflict of interest in relation to item 13.1 Our Sporting Future Funding - Round One 2022/2023.

Cr Geoff Dobson declared a conflict of interest in relation to item 12.4 Shepparton CBD Complimentary Parking Initiative 2022.

7 Confirmation of Minutes of Previous Meetings

Statement by Cr Shane Sali:

I note that due to the current flood emergency, Council will not be sending a Delegation to the Asia Fruit Logistica in Bangkok as considered at the Additional Council Meeting held on 4 October 2022.

**Moved by Cr Adem
Seconded by Cr Summer**

That the minutes of the 20 September 2022 Council Meeting and 4 October 2022 Additional Council Meeting as circulated, be confirmed.

CARRIED UNOPPOSED

8 Public Question Time

Nil Received.

9 Deputations and Petitions

Nil Received.

10 Community Directorate

10.1 Mooroopna Community Plan 2022-2026

Moved by Cr Spinks
Seconded by Cr Summer

That the Council note the Mooroopna Community Plan 2022-2026, as attached.

CARRIED UNOPPOSED

10.2 Council's Role in Marking 26 January in 2023 and Beyond

Moved by Cr Brophy
Seconded by Cr Adem

That, in relation to Council's role in January 26 activities for 2023 and beyond, Council endorse:

1. That Greater Shepparton City Council write to the Prime Minister, the Minister for Home Affairs, other relevant Australian Government Ministers, Members of Parliament and Senators to:
 - a. Change the date for Australia's National Day from January 26.
 - b. Remove the *Australian Citizenship Ceremonies Code* requirement for the local government councils to conduct citizenship ceremonies on January 26.
2. The lowering of the Aboriginal and Torres Strait Islander flag to half-mast on 26 January at all council-owned facilities to acknowledge this date as a day of mourning for Aboriginal people.
3. Financial and in-kind support for:
 - a. Greater Shepparton's Australia Day Committees for 2023
 - b. 'Survival Day Dawn Ceremony' and recognition of this event in Council communications
4. A review of the Australia Day grant guidelines to encourage and support grant recipients to reflect on Australia's full history at events held on January 26
5. Continued community engagement to inform a Council decision about:
 - a. Australia Day in 2024 and beyond
 - b. The development of a program proposal for a day of community celebration for 2024, that is not held on 26 January, that is inclusive, reflects the full history of Australia, and is culturally respectful

Cr Adem requested that the motion be put to the vote in two parts. Consent of the Chair was granted.

ITEM 1

1. That Greater Shepparton City Council write to the Prime Minister, the Minister for Home Affairs, other relevant Australian Government Ministers, Members of Parliament and Senators to:
 - a. Change the date for Australia's National Day from January 26.
 - b. Remove the *Australian Citizenship Ceremonies Code* requirement for the local government Councils to conduct citizenship ceremonies on January 26.

CARRIED UNOPPOSED

Cr Brophy called for a Division

For: Cr Sali, Cr Brophy, Cr James, Cr Spinks, Cr Adem, Cr Summer, Cr Dobson, Cr Abdullah

ITEM 2

2. The lowering of the Aboriginal and Torres Strait Islander flag to half-mast on 26 January at all council-owned facilities to acknowledge this date as a day of mourning for Aboriginal people.
3. Financial and in-kind support for:
 - a. Greater Shepparton's Australia Day Committees for 2023
 - b. 'Survival Day Dawn Ceremony' and recognition of this event in Council communications
4. A review of the Australia Day grant guidelines to encourage and support grant recipients to reflect on Australia's full history at events held on January 26
5. Continued community engagement to inform a Council decision about:
 - a. Australia Day in 2024 and beyond
 - b. The development of a program proposal for a day of community celebration for 2024, that is not held on 26 January, that is inclusive, reflects the full history of Australia, and is culturally respectful

CARRIED UNOPPOSED

Cr Brophy called for a Division

Item 2 - For: Cr Sali, Cr Brophy, Cr James, Cr Spinks, Cr Adem, Cr Summer, Cr Dobson, Cr Abdullah

10.3 Seniors Festival Grants 2022 Round 2

Cr James declared a conflict of interest and left the meeting at 7:08pm.

Moved by Cr Summer
Seconded by Cr Brophy

That the Council note the successful applicants awarded funding under delegated authority for Round Two of the 2022 Seniors Festival Grant Program as follows:

Organisation	Grant Amount Awarded (GST Free)
Goulburn Valley University of the Third Age (GV U3A)	\$500.00
Shepparton Senior Citizens Club, in partnership with Kerry Miller and Jenny Carter	\$500.00
Mooroopna Education and Activity Centre	\$500.00
Mooroopna Education and Activity Centre, in partnership with Kaiela Arts	\$500.00
Shepparton Athletics Club Inc.	\$500.00
Shepparton Senior Citizens	\$500.00
Total	\$ 3,000.00

CARRIED UNOPPOSED

Cr James returned to the meeting at 7:11pm.

11 Corporate Services Directorate

11.1 2023 Council Meeting Schedule

**Moved by Cr Dobson
Seconded by Cr Abdullah**

The Council resolves that:

- 1. scheduled Council meetings for 2023 continue to be held at 3.00pm on the third Tuesday of each month, at 70-90 Welsford Street, Shepparton;**
- 2. no Scheduled Council Meeting be held in January 2023; and**
- 3. the Scheduled Council Meeting cycle be resumed on 21 February 2023.**

CARRIED UNOPPOSED

11.2 2022/2023 Christmas Closure

**Moved by Cr Summer
Seconded by Cr Spinks**

That the Council resolve to close the Council Offices to members of the public at 3.00pm on Friday 23 December 2022, and reopen at 9.00am, Tuesday 3 January 2023.

CARRIED UNOPPOSED

11.3 Annual Report 2021-2022

**Moved by Cr Summer
Seconded by Cr Brophy**

That the Council adopt the 2021-2022 Annual Report for the year ended 30 June 2022 including the Financial Statements and Performance Statement, as certified by the Auditor-General.

CARRIED UNOPPOSED

11.4 Child Safety and Wellbeing Policy

**Moved by Cr James
Seconded by Cr Brophy**

That the Council adopt the Child Safety and Wellbeing Policy, as attached.

CARRIED UNOPPOSED

11.5 Governance Rules 2022

Moved by Cr Summer
Seconded by Cr Spinks

That the Council:

1. Adopt the Governance Rules and the Election Period Policy, with endorsed changes that have been carried during consideration of this motion in parts;
2. Resolve that the Governance Rules take effect from 28 October 2022

Changes as follows:

1/

53 – Lost Motion

Include addition to paragraph at point 53.1:

53.1 “If a motion is lost, including a Notice of Motion, a similar motion cannot be put before Council for at least (3) calendar months from the date it was lost, unless the Chief Executive Officer determines, after consulting with the Mayor, to bring the matter back before Council for consideration by way of a Council Officer report. The matter in question must be time sensitive and cannot be safely deferred for 3 months without potential legal ramifications.

2/

55 - Right of Reply

Exchange all references to ‘right of reply’ for ‘closing comment’

Amend point 55.1 to read – ‘Once the debate on a motion has concluded, the mover of a motion has a closing comment to matters raised during debate.

Remove 55.2

3/

Division 8 – Notice of Motion

62 - Councillors may Submit Notices of Motion

Include additional dot point 62.3 – ‘That the CEO will allow Councillors access to Council resources for the purpose of clarifying the intent or legal implications of a Notice of Motion, as per section 46.1 (a) & (b) and 46.2 (b) of the Local Government Act 2020.

LG Act 2020:

- 46.1

The CEO is responsible for;

(a): supporting the Mayor and Councillors in the performance of their roles

(b): ensuring the effective and efficient management of the day to day operations of the Council

- 46.2

(b): ensuring the Council receives timely and reliable advice about its obligations under this Act, or any other Act

4/

63 - Procedure for Submitting a Notice of Motion

a)

- Amend submission date for NoM from 10 business days, to 7 business days

63.1 A Notice of Motion must be:

63.1.1 submitted on the appropriate form via one of the following methods;

63.1.1.1 the Councillor Portal;

63.1.1.2 email to "governance@shepparton.vic.gov.au"; or

63.1.1.3 provided in person to a member of the Governance Team; and

63.1.2 submitted no later than seven (7) Business Days prior to the Scheduled Council Meeting at which it is to be considered.

4/

63 - Procedure for Submitting a Notice of Motion

b)

- Remove 63.4 (calling for a report) in its entirety and retain 63.2

Retain 63.2 – The Chief Executive Officer must inform Councillors about the potential and legal cost implications of any Notice of Motion that is submitted in accordance with this rule 63.

5/

68 – Notice of Motion must be Moved as listed in the agenda

68 Notice of Motion

68.1 A Notice of Motion will be handled in accordance with Division 7 of Rule 45 of Chapter 2 of these Governance Rules

6/

77 - How Motions are Determined

- Include additional dot point: 77.10 'In the event of a division, abstained votes are to be recorded as 'abstained'

7/

Include appendix with a table of Procedural Motions, similar to the appendix listed in the Model Governance Rules

Cr Summer requested that the motion be put to the vote in parts. Consent of the Chair was granted.

PART 1

1/

53 – Lost Motion

Include addition to paragraph at point 53.1:

53.1 "If a motion is lost, including a Notice of Motion, a similar motion cannot be put before Council for at least (3) calendar months from the date it was lost, unless the Chief Executive Officer determines, after consulting with the Mayor, to bring the matter back before Council for consideration by way of a Council Officer report. The matter in question must be time sensitive and cannot be safely deferred for 3 months without potential legal ramifications.

CARRIED

PART 2

2/

55 - Right of Reply

Exchange all references to 'right of reply' for 'closing comment'

Amend point 55.1 to read – 'Once the debate on a motion has concluded, the mover of a motion has a closing comment to matters raised during debate.

Remove 55.2

CARRIED

PART 3

3/

Division 8 – Notice of Motion

62 - Councillors may Submit Notices of Motion

Include additional dot point 62.3 – ‘That the CEO will allow Councillors access to Council resources for the purpose of clarifying the intent or legal implications of a Notice of Motion, as per section 46.1 (a) & (b) and 46.2 (b) of the Local Government Act 2020.

LG Act 2020:

- 46.1 The CEO is responsible for;

(a): supporting the Mayor and Councillors in the performance of their roles (b): ensuring the effective and efficient management of the day to day operations of the Council

- 46.2

(b): ensuring the Council receives timely and reliable advice about its obligations under this Act, or any other Act

LOST

PART 4a

4/

63 - Procedure for Submitting a Notice of Motion

a)

- Amend submission date for NOM from 10 business days, to 7 business days

63.1 A Notice of Motion must be:

63.1.1 submitted on the appropriate form via one of the following methods;

63.1.1.1 the Councillor Portal;

63.1.1.2 email to “governance@shepparton.vic.gov.au”; or

63.1.1.3 provided in person to a member of the Governance Team; and

63.1.2 submitted no later than seven (7) Business Days prior to the Scheduled Council Meeting at which it is to be considered.

CARRIED

PART 4b

4/

63 - Procedure for Submitting a Notice of Motion

b)

-Remove 63.4 (calling for a report) in its entirety and retain 63.2

Retain 63.2 – The Chief Executive Officer must inform Councillors about the potential and legal cost implications of any Notice of Motion that is submitted in accordance with this rule 63.

LOST

PART 5

5/

68 – Notice of Motion must be Moved as listed in the agenda

68 Notice of Motion

68.1 A Notice of Motion will be handled in accordance with Division 7 of Rule 45 of Chapter 2 of these Governance Rules

LOST

PART 6

6/

77 - How Motions are Determined

Include additional dot point: 77.10 ‘In the event of a division, abstained votes are to be recorded as ‘abstained’

LOST

PART 7

7/

Include appendix with a table of Procedural Motions, similar to the appendix listed in the Model Governance Rules

CARRIED

ITEM 1

- 1. Adopt the Governance Rules and the Election Period Policy, with endorsed changes that have been carried during consideration of this motion in parts;**

CARRIED UNOPPOSED

ITEM 2

- 2. Resolve that the Governance Rules take effect from 28 October 2022**

CARRIED UNOPPOSED

11.6 Quarter 1 Forecast Review 2022/2023

Moved by Cr Abdullah
Seconded by Cr Dobson

That the Council:

- 1) Receive and note the revised forecasts identified by the 2022/2023 Quarter 1 Forecast Review; and
- 2) Adopt the following amendments to the 2022/2023 User Fees and Charges:
 - a. Release Fee – Unregistered Animal – Dog or Cat. Current amount \$45.00 inc GST. Amend to \$110.00 incl GST;
 - b. New Fee – Asbestos – Domestic (Minium Charge) \$40.00 inc GST
 - c. New Fee – Asbestos – Domestic 180kgs \$52.20 inc GST
 - d. New Fee – Asbestos – Domestic 200kgs \$58.00 inc GST
 - e. New Fee – Asbestos – Domestic 500kgs \$145.00 inc GST
 - f. New Fee – Commercial/Industrial/Building/Demolition \$91.00 inc GST
 - g. Indexation of various statutory fees and charges for 2022/2023 as gazetted by the State Government

CARRIED UNOPPOSED

11.7 Contracts Awarded Under Delegation - September

**Moved by Cr James
Seconded by Cr Summer**

That the Council note:

- 1. that no contracts were awarded under delegation pursuant to a formal tender or quotation process for the reporting period; and**
- 2. the requests for tenders advertised but not yet awarded.**

CARRIED UNOPPOSED

11.8 ICT Desktop Hardware Renewal

Peter Harriott advised of a correction to the figure in the recommendation the amount of \$787,000 should read \$881,160.18 including GST.

Moved by Cr Adem
Seconded by Cr Summer

That the Council award contract number 2275 – ICT Desktop Hardware Renewal to Dell Technologies at approximately \$881,160.18 inc. GST.

CARRIED UNOPPOSED

11.9 September 2022 Monthly Financial Report

**Moved by Cr Abdullah
Seconded by Cr Dobson**

That the Council receive and note the September 2022 Monthly Financial Report.

CARRIED UNOPPOSED

11.10 Public Interest Disclosure Policy

**Moved by Cr Dobson
Seconded by Cr Adem**

That the Council adopt the Public Interest Disclosure Policy, as attached.

CARRIED UNOPPOSED

Cr Shane Sali adjourned the meeting temporarily at 8:01pm

Cr Shane Sali reconvened the meeting at 8:09pm

12 Sustainable Development Directorate

12.1 Adoption of the Calder Woodburn Memorial Avenue Advisory Committee Terms of Reference and appointment of Community Representatives

**Moved by Cr Brophy
Seconded by Cr Summer**

That the Council:

- 1. adopt revised Terms of Reference for the Calder Woodburn Memorial Avenue Advisory Committee, as attached; and**
- 2. appoint the following community representatives to the Calder Woodburn Memorial Avenue Advisory Committee for a three-year term commencing on 19 October 2022 and concluding on 18 September 2025:**
 - Jan Sinclair;**
 - John Head;**
 - Julie Jackson;**
 - Mark Reynolds; and**
 - Terri Cowley.**

CARRIED UNOPPOSED

**12.2 Adoption of the Greater Shepparton Cultural
Heritage Awards Guidelines 2022**

**Moved by Cr Summer
Seconded by Cr Adem**

That the Council adopt the *Cultural Heritage Awards Guidelines 2022*, as attached.

CARRIED UNOPPOSED

12.3 Domestic Animal Management Plan 2022-2025

**Moved by Cr Summer
Seconded by Cr Spinks**

- 1. That Council adopt the Domestic Animal Management Plan 2022-2025, as attached.**
- 2. Include provision to consider the feasibility of an outdoor no kill cat shelter in future years to be inserted under key activities for euthanasia on page 15 of the Domestic Animal Management Plan**

Cr Adem gave notice of a foreshadowed motion

The motion was lost

**Moved by Cr Adem
Seconded by Cr Dobson**

That Council adopt the Domestic Animal Management Plan 2022-2025, as attached.

CARRIED UNOPPOSED

12.4 Shepparton CBD Complimentary Parking Initiative 2022

Cr Dobson declared a conflict of interest and left the meeting at 8:25pm.

Moved by Cr Brophy
Seconded by Cr James

That Council:

1. resolve to undertake a free complimentary on-street parking initiative in the Shepparton CBD from 1 December 2022 to 31 January 2023
3. review the Shepparton CBD Car Parking Strategy of 2020 to include additional parking boundaries within the Shepparton CBD and to implement free complimentary parking on-street in the Shepparton CBD for the months of December and January.

CARRIED

Cr Dobson returned to the meeting at 8:44pm.

12.5 GV Link - Detailed Design

**Moved by Cr Dobson
Seconded by Cr Brophy**

That the Council allocate funding to complete a revised detailed design for GV Link, at 250 Toolamba Road, Mooroopna.

CARRIED

Cr Summer called for a division.

For: Cr Adem, Cr Abdullah, Cr Brophy, Cr Dobson, Cr James, Cr Sali

Against: Cr Spinks, Cr Summer

The motion was put and carried

13 Infrastructure Directorate

13.1 Our Sporting Future Funding - Round One 2022/2023

Cr Brophy declared a conflict of interest and left the meeting at 9:06pm.

Moved by Cr Spinks
 Seconded by Cr Adem

That the Council note the successful applicants awarded funding under delegated authority for Round One of the 2022/2023 Our Sporting Future Funding Program as follows:

Our Sporting Future – Minors

Club	Project	Grant Amount Awarded
Shepparton Golf Bowling Club	Lighting Upgrade	\$10,175.00
Shepparton Notre Junior Football Club	Electronic Scoreboard for Emmaus Oval	\$12,000.00
	SUBTOTAL	\$22,175.00

Our Sporting Future – Junior and Youth Participation

Club	Project	Grant Amount Awarded
Shepparton United Soccer Club	Uniform, Registration Fees & Equipment	\$5,000.00
Shepparton Lawn Tennis Association Inc	Junior Playing Tops	\$3,920.00
Congupna Football Netball Club	Junior Netball Development Program	\$5,979.00
	SUBTOTAL	\$14,899.00

Our Sporting Future – Sports Aid

Club	Project	Grant Amount Awarded
Shepp Feathers Incorporated	Badminton Coaching Program	\$4,040.00
Greater Shepparton Lighthouse Project	Kids Inclusive Sport	\$3,934.00
Central Park St Brendan's Cricket Club	Strategic Plan	\$4,950.00



	SUBTOTAL	\$12,924.00
	TOTAL	\$49,998.00

Note: All amounts awarded are GST Free.

CARRIED UNOPPOSED

Cr Brophy returned to the meeting at 9:08pm.

15 Councillor Reports

15.1 Councillor Activities

15.1.1 Councillor Activities - September 2022

Moved by Cr Adem
Seconded by Cr Summer

That the Council receive and note the summary of the Councillor's Community Interactions and Informal Meetings of Councillors.

CARRIED UNOPPOSED

15.1.2 Report on Murray Darling Conference 2022

**Moved by Cr James
Seconded by Cr Adem**

That the Council receive and note Cr Geoffrey Dobson's Report – Murray Darling Conference 2022

CARRIED UNOPPOSED

15.2 Council Committee Reports

Nil Received.

15.3 Notice of Motion, Amendment or Rescission

Nil Received.

16 Documents for Signing and Sealing

Nil Received.

17 Urgent Business not Included on the Agenda

Nil Received.

18 Close of Meeting

Meeting closed at 9:17pm.