

Colac Otway

AGENDA

STATUTORY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL

5 DECEMBER 2008

at 5.00 pm

COPACC Meeting Room Rae Street, Colac

COLAC-OTWAY SHIRE STATUTORY COUNCIL MEETING 5 DECEMBER 2008

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NOTICE is hereby given that the next **STATUTORY COUNCIL MEETING OF THE COLAC-OTWAY SHIRE COUNCIL** will be held in the COPACC Meeting Room, Rae Street, Colac on 5 December 2008 at 5.00 pm.

AGENDA

1. OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

- 2. PRESENT
- 3. APOLOGIES

4. STATEMENT BY ACTING CHIEF EXECUTIVE OFFICER

Colac Otway Shire encourages active community input and participation in Council decisions. Council meetings provide one of these opportunities as members of the community may ask questions relating to matters being considered by Council at the current meeting. Questions not related to current agenda items can be made in writing and will be addressed if received within two days of the Council meeting. Council meetings also enable Councillors to debate matters prior to decisions being taken.

I ask that we all respect each other during this process by:

- being courteous and respectful in the way in which you speak;
- not speaking unless you have been permitted to by me as chairperson:
- respecting the local laws which govern meeting procedure (copies of these are here for your information); and
- understanding that I have a responsibility to ensure proper meeting procedure and the upholding of the local law.

Thank you, now question time. 30 minutes is allowed for question time.

- 1. Questions received in writing prior to the meeting
- 2. Questions from the floor

- 5. QUESTION TIME
- 6. DECLARATION OF INTEREST

OFFICERS' REPORTS

Chief Executive Officer

OM080512-1	ELECTION OF MAYOR
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OM080512-5	COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL
	BODIES

Jack Green Acting Chief Executive Officer

OM080512-1 ELECTION OF MAYOR

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to elect the Mayor of the Colac Otway Shire.

Background

Section 71(1) of the Local Government Act 1989 provides that Councillors must elect a Councillor to be Mayor of the Council.

Section 71(3)

"The Mayor is to be elected -

- (a) after the last Saturday in November but not later than 31 December in each year; or
- (b) as soon as possible after any vacancy in the office of Mayor occurs."

The provisions of the Local Government Act 1989 states that the office of Mayor becomes vacant at 6.00 am on the day of the election of the Council. Accordingly as the office of Mayor will be vacant, the Chief Executive shall act as chairperson until the Mayor has been elected.

A new section in the Local Government Act clarifies that the office of Mayor always becomes vacant at 6.00 am on the day of a general election.

Following the election the Mayor shall assume the chair to deal with the remaining matters before the meeting.

Election Procedure

Council's Local Law No 4 – Processes of Municipal Government Part Three provides for the procedure in the election of Mayor.

"14. Procedure for Election of Mayor

In determining the election of Mayor the following will apply:

- (a) If there is only one nomination, that Councillor must be declared elected;
- (b) If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates by a show of hands (or by such other method as Council determines);
- (c) Where two nominations are received, the Councillor with the majority of the votes will be declared elected:
- (d) Where there are two or more nominations and all votes cast are equally divided between two or more nominees the election must be determined by lot:
- (e) Where there are more than two nominations received and the result has not been determined under paragraphs (c) or (d) the nominee with the fewest number of votes cast must be eliminated (and if more than one of them, the nominee determined by lot) and the names of the remaining nominees must be put to the vote again;

(f) The procedure in paragraph (e) must be repeated until the circumstances in paragraph (d) apply or until there are only two nominees remaining in which case a further vote must be taken and the nominee with the majority will be declared elected or if there is an equal division of votes, the election must be determined by lot.

Term of Mayor

The Local Government Act has been amended to allow a Council to resolve to elect the Mayor for a 2 year term of office.

Recommendation

That pursuant to the provisions of Section 71 of the Local Government Act 1989, the Council elects Councillor to be the Mayor of the Colac Otway Shire Council for the next twelve months.

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OM080512-2 CREATION OF POSITION OF DEPUTY MAYOR

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to consider the creation of the position of Deputy Mayor for the Colac Otway Shire for the next twelve months.

Background

Council should consider the creation of the position of Deputy Mayor in order that if the Mayor is absent or incapable of acting as Mayor, the Deputy Mayor can preside in the Mayoral duties.

Proposal

That Council create the position of Deputy Mayor for the next twelve months.

Local Law

Council's Local Law No. 4 - Process of Municipal Government Clause 17 provides for a Deputy Mayor.

"If the Council resolves to appoint a Deputy Mayor the provisions contained in this part for the election of Mayor will apply to the election of the Deputy Mayor".

Recommendation

That Council create the position of Deputy for the next twelve months for the Colac Otway Shire Council.

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OM080512-3 ELECTION OF DEPUTY MAYOR

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to consider the appointment of a Deputy Mayor for the Colac Otway Shire for the next twelve months.

Background

If there is a vacancy in the office of Mayor or the Mayor is absent or incapable of acting, the Council must appoint one of the Councillors to be the Acting Mayor. An Acting Mayor may perform any function or exercise any power conferred on the Mayor.

It has been the practice at Colac Otway Shire to appoint an Acting Mayor on an as required basis. A number of other Councils appoint a Deputy Mayor to act as Mayor if the Mayor is unable to be present at a function/meeting.

The position of Deputy Mayor is not a statutory position and no special allowance is payable.

Local Law

Council's Local Law No 4 - Process of Municipal Government Clause 17 provides for a Deputy Mayor.

"If the Council resolves to appoint a Deputy Mayor the provisions contained in this part for the election of Mayor will apply to the election of the Deputy Mayor."

Recommendation

That Council elect Cr. as Deputy Mayor of Colac Otway Shire Council for the next twelve months.

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OM080512-4 COUNCIL APPOINTMENT TO INTERNAL COMMITTEES

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	GEN0460

Introduction

The purpose of this report is to appoint Councillors to Special Internal Committees

Council has supported the establishment of Council Committees to assist in the achievement of the purposes and objectives of Council.

Background

The Local Government Act 1989 acknowledges the need for Special Committees of the Council and Advisory Committees in Part 4 Division 2 of the Local Government Act 1989 which allows for Committees made up of Councillors, Council staff and other persons and for a Council, by Instrument of Delegation, to delegate any of its functions, duties or powers to a Special Committee. Procedural requirements in respect to these Committees include that whereby a Council may specify in an Instrument of Delegation that a member of a Special Committee, who as a member of the public or of Council staff does not have voting rights on the Special Committee.

The Committees of Council as set out below are recommended in dealing with the business of Council.

In forming the Committees it is recommended that the following guidelines apply to meetings of the Committees to ensure communication and accountability to the full Council.

- Mayor to be ex-officio to all committees;
- Minutes of all meetings to be circulated to full Council;
- All Councillors able to attend but voting rights are for appointed committee members only.

Council has previously established the following Committees:

Council Committees

- (a) Contracts Committee
- (b) Planning Committee

Advisory Committees

- (c) Audit Committee
- (d) Australia Day Advisory Committee
- (e) Chief Executive Officer Appraisal Committee
- (f) Festival and Events Support Scheme Advisory Committee
- (g) Grants/Community Funding Advisory Committee
- (h) Roads Advisory Committee
- (i) Small Town Improvement Advisory Committee

Proposal

The following table provides details of each committee.

No changes are proposed to the Planning Committee and Roads Committee as all Councillors are members of the committees.

The appointments will be until the next statutory meeting.

Contracts Committee

Number of Delegates to be appointed by Council	2 Councillors
Date Appointed	22 April 2008
Terms of Appointment	Until November General Election
Meeting Details	As required
Other Information	Purpose to evaluate tenders and make recommendations on the awarding of contracts between \$100,000 to \$200,000 outside of the normal Council meeting cycle. CEO is non-voting member.
Previous Delegates	Cr Graham and Cr Smith
New Delegates	Cr Smith and Cr Crook

Planning Committee (b)

(b) I laining committee	
Number of Delegates to be appointed by Council	All Councillors
Meeting Details	Meets on 2 nd Tuesday of the month commencing at 10.30 am (except Dec) or more frequently as required.
Other Information	The Planning Committee has been established as a Special Committee under Section 86 of the Local Government Act 1989 and Section 188 of the Planning and Environment Act 1987. The Committee comprises all Councillors and has the power to determine on planning matters as set down in the Instrument of Delegation.
Previous Delegates	All Councillors
New Delegates	No change

(c) **Audit Committee**

Number of Delegates to be appointed by Council	2 Councillors
Date Appointed	22 April 2008
Term of Appointment	Until November General Election
Meeting Details	Quarterly or more frequently as determined
Other Information	Made up of 2 Councillors and 2 independent members. An independent member to be chairperson. The committee is an advisory committee of Council. CEO is non-voting member.
Previous Delegates	Cr Mercer and Cr Smith
New Delegates	Cr Stephen Hart and Cr Stuart Hart

(d) **Australia Day Advisory Committee**

(u) Australia bay Auvisory Committee	
Number of Delegates to be	4 Councillors
appointed by Council	
Date Appointed	22 April 2008
Term of Appointment	Until November Council Election
Meeting Details	Once per year December/January
Other Information	Purpose is to review nominations and select Australia Day
	Award winners in the various categories.
Previous Delegates	Crs Smith, Di Cecco, Mercer, Riches
New Delegates	Cr Smith, Cr Russell, Cr Buchanan, Cr Crook

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Number of Delegates to be	4 Councillors
appointed by Council	
Date Appointed	22 April 2008
Term of Appointment	Until November General Election
Meeting Details	Once per year May / June
Other Information	Purpose is to consider the applications received for the Festival and Events Support Scheme and make recommendations to Council on any strategic directions for specific events on the Support Scheme.
Previous Delegates	Crs Smith, Di Cecco, Mercer, Riches
New Delegates	Cr Smith, Cr Buchanan, Cr Crook and Cr Russell

Grants/Community Funding Advisory Committee (f)

(i) Craines, Community i arrang havisory Community		
Number of Delegates to be	4 Councillors	
appointed by Council		
Date Appointed	22 April 2008	
Term of Appointment	Until November General Election	
Meeting Details	Once per year in May / June and others as required	
Other Information	Purpose is to consider the applications received for the	
	Community Funding program and make	
	recommendations to Council on any strategic directions	
	for specific projects or the funding program.	
Previous Delegates	Crs Di Cecco, Mercer, Riches, Smith, Lehmann	
New Delegates	Cr Smith, Cr Stephen Hart, Cr Crook and Cr Stuart Hart	

(a) **Roads Advisory Committee**

(g) Rodus Advisory Commi	11.00
Number of Delegates to be	All Councillors and 4 staff
appointed by Council	
Meeting Details	Quarterly or more frequently as determined.
Other Information	Vic Roads Representation was appointed until November
	2008. The Roads Committee has been established as an
	advisory committee of Council.
Previous Delegates	All Councillors
	Chief Executive Officer
	GM Infrastructure & Services
	Manager Cosworks
	Manager Asset Development
	Vic Roads Representative
New Delegates	No change

(h) Small Town Improvement Program Advisory Committee

int i rogram Advisory Committee
4 Councillors
22 April 2008
Until November General Election
Once per year in May and others as required
Purpose is to consider the applications received for the
Small Town Improvement Program.
Crs Di Cecco, Mercer, Riches
Cr Russell, Cr Stuart Hart, Cr Smith and Cr Higgins

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Recommendation

That Council make the following appointments to the following committees until the next Statutory Meeting of Council in December 2009.

- (a) That Council appoint Cr Smith and Cr Crook as members of the Contracts Committee.
- (b) That Council appoint Cr Stephen Hart and Cr Stuart Hart as members of the Audit Committee.
- (c) That Council appoint Cr Smith, Cr Russell, Cr Buchanan and Cr Crook as members of the Australia Day Advisory Committee.
- (d) That Council appoint Cr Smith, Cr Buchanan, Cr Crook and Cr Russell as members of the Festival and Events Support Scheme Advisory Committee.
- (e) That Council appoint Cr Smith, Cr Stephen Hart, Cr Crook and Cr Stuart Hart as members of the Grants/Community Funding Advisory Committee.
- (f) That Council appoint Cr Russell, Cr Stuart Hart, Cr Smith and Cr Higgins as members of the Small Town Improvement Program Advisory Committee.

OM080512-5 COUNCILLOR APPOINTMENTS TO COMMITTEES AND EXTERNAL BODIES

AUTHOR:	Colin Hayman	ENDORSED:	Jack Green
DEPARTMENT:	Executive	FILE REF:	GEN0460

Purpose

The purpose of this report is to appoint Councillors to various committees and external bodies.

Background

Council has councillor/officer representation on a number of committees with varying purposes from managing Council owned or managed facilities, to advising Council on issues to representing Council views on regional and statewide matters.

These Committees vary on the number of meetings that are held each year and the role that a Councillor plays on them.

Most of the committees are usually outside the control of Council as they operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

Council has previously appointed Councillors and officers to the various committees at its Statutory Meeting.

If formal representation is not required, Councillors could still attend meetings as specific issues arise or where invited by the committee.

The attached schedule of committees (Attachment 1) provides for the information of Councillors to external committees for the next 12 months.

Proposal

The attached Nomination of Councillors to Committees and External Bodies table provides details of each committee.

The table indicates:

- Committee and Purpose
- Representative(s)
- Current Councillor Representative (as at Dec 2007)
- Appointment to November 2008
- Meeting Schedule
- Additional Information

The appointments will be until the next statutory meeting of Council in December 2009.

Changes

Changes have been made to the previous list of "Nominations to Council's External Committees". The following committees are no longer required or a Councillor is not required to be nominated to the committee:

- Region 6 Fire Prevention Committee
- Cliff Young and Community Recreation Centre Committee
- Colac Roadsafe

Officers

In some cases an officer(s) still needs to be appointed to a Committee on an annual basis.

- COPACC Trust (2) (Manager Recreation Arts and Culture and COPACC Manager)
- Corangamite Regional Library Corporation (1) (General Manager Corporate and Community Services)
- G21 Board (1) (Tracey Slatter current representative) can either be a Councillor or officer.
- Otways Tourism Inc (1) (Manager Economic Development)

Attachment

Nomination of Councillors to Committees and External Bodies

Recommendation

That Councillor and officer nominations to committees and external bodies be agreed to as set out in Attachment 1 until the appointment of new representatives after the next Statutory Meeting of Council in December 2009.



NOMINATION OF COUNCILLORS TO COMMITTEES AND EXTERNAL BODIES

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 09	Meeting Schedule	Additional Information
Apollo Bay Harbour Redevelopment Community Reference Group Involvement in the planning of the redevelopment of the harbour precinct.	(1) Councillor	Cr Joe Di Cecco	Cr Frank Buchanan	As required	Meetings at Apollo Bay
Apollo Bay Leisure Centre Committee Management of the Leisure Centre at Apollo Bay.	(1) Councillor (1) Officer	Cr Joe Di Cecco	Cr Frank Buchanan	As required	Meetings at Apollo Bay
Australian Local Government Association	(1) Councillor	Cr Chris Smith	Cr Chris Smith	Annually in June	Meetings in Canberra
Barnard Trust Committee Administer scholarship fund bequeathed to 2 Colac public secondary schools	(1) Councillor	Cr Chris Smith	Cr Chris Smith	Twice yearly	Meetings at Colac High School when all results received
Barwon Regional Waste Management Committee To provide a framework for strategic regional waste management planning.	(1) Councillor (1) Officer	Cr Peter Mercer	Cr Stephen Hart	Quarterly Thursday 10 am – 2 pm	Regional meetings at various municipalities.
Colac Affordable Housing Strategy To provide local input and advice on the implementation of the Housing Strategy.	(1) Councillor	Cr Chris Smith Cr Fran Lehmann	Cr Lyn Russell	As required	Meetings in Colac
Colac Livestock Selling Centre Advisory Committee Provide advice on the operations of the Centre and make recommendations to Council.	(1) Councillor (2) Officers	Cr Peter Mercer	Cr Geoff Higgins	Annual budget meeting – others as required Thursday pm or Friday am	Meetings at saleyards.
Colac Otway Network of Community Centres To participate in the development of community strengthening initiatives, sharing of community information and discussing community planning.	(1) Councillor	Cr Chris Smith	Cr Lyn Russell	Quarterly Tuesday 10 am – 12.30 pm	Meetings alternate between centres
COPACC Trust The Trust is an independent committee appointed to accept donations to be used for the development of COPACC facilities and programs.	(2) Councillors (2) Officers (4) Community Reps	Cr Peter Mercer Cr Warren Riches Manager Recreation, Arts & Culture COPACC Manager	Cr Chris Smith Cr Brian Crook Manager Recreation, Arts & Culture COPACC Manager	Quarterly 2 nd Wednesday 8 – 9 am	Meetings at COPACC

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 09	Meeting Schedule	Additional Information
Corangamite Regional Library Corp. The Corporation determines policy in the delivery of services throughout the region (Warrnambool, Moyne, Corangamite, Colac Otway)	(1) Councillor (1) Officer	Cr Peter Mercer General Manager, Corporate & Community Services	Cr Stephen Hart General Manager, Corporate & Community Services	Quarterly	Meetings at Terang or Camperdown
Dairy Industry Training Committee To assist the Dairy Industry with suggested training.	(1) Councillor	Cr Chris Smith	Cr Chris Smith	Monthly or as required	Meetings at Colac Otway Shire Offices
Friends of the Botanic Gardens An advisory committee undertaking projects and advising Council on the care and protection of the Gardens.	(1) Councillor	Cr Peter Mercer	Cr Chris Smith	Monthly 2 nd Thursday 7.30 pm	Meetings at Botanic Gardens Café
Geelong Otway Tourism Board To set strategic long term direction and priorities for Geelong Otway Tourism Inc, a well-recognised regional tourism body, incorporating Geelong, Bellarine, Colac Otway and Surfcoast.	(1) Councillor	Cr Joe Di Cecco Cr Carol Wilmink (Reserve)	Cr Lyn Russell	Monthly Thursday 9 am	Meetings at Geelong Otway Tourism Offices
G21 Board To oversee the management of the company, set the strategic direction of the company, monitor overall performance, financial performance and governance.	Councillor or Officer	Tracey Slatter Mayor to attend if CEO unavailable	Chief Executive Officer Mayor	Monthly Last Friday of month 9 – 11 am	Meetings at member Councils
Great South Coast Municipalities Group To advocate and co-ordinate planning on regional issues (8 municipalities)	Mayor	Cr Chris Smith	Mayor	Quarterly 3 rd Friday 10 am	Meetings at member Councils
Lake Colac Co-Ordinating Committee To produce a management plan for Lake Colac with environmental, recreational, business & social actions. Assign responsibility to various agencies.	(2) Councillors (4) Officers Community/ Organisation Reps	Cr Chris Smith Cr Warren Riches	Cr Chris Smith	Quarterly 2 nd Tuesday of month 19 am – 12 noon	Meetings at COPACC
Lavers Hill Swimming Pool Committee of Management To monitor and review management of the Lavers Hill Pool.	(1) Councillor	Cr Carol Wilmink	Cr Stephen Hart	Quarterly	Meetings at Lavers Hill

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 09	Meeting Schedule	Additional Information
Municipal Aerodrome Committee – Colac Manage day to day operations and maintenance.	(1) Councillor (1) Officer	Cr Warren Riches	Cr Geoff Higgins	As required.	Meetings at 1 Bromfield St Colac
Municipal Association of Victoria To act as a Victorian Local Government Peak Body.	(1) Councillor	Cr Chris Smith	Cr Chris Smith	2 per year	Meetings in Melbourne
Municipal Emergency Management Planning Committee Ensure the prevention of, the response to and the recovery from emergencies that could occur within the Shire.	(1) Councillor	Cr Peter Mercer	Cr Stuart Hart	Quarterly – Feb, May, Aug, Nov 3 rd Thursday 2 - 4 pm	Meetings at COPACC
Municipal Fire Prevention Committee Manage requirements of the Beeac and Corangamite brigade groups.	(1) Councillor (1) Officer	Cr Peter Mercer	Cr Stuart Hart	Twice yearly	Meetings at COPACC
Old Beechy Line Committee To monitor and review development of the line. Section 86 Committee of Management under Council.	(1) Councillor (1) Officer Community/ Organisation Reps	Cr Chris Smith	Cr Chris Smith	Bi monthly 2 nd Monday of month 10 am – 12 noon	Meetings at COPACC
Ondit Quarry Consultative Committee Required by VCAT to manage concerns between landholders and the quarry operations.	(1) Councillor (1) Officer	Cr Peter Mercer	Cr Geoff Higgins	Quarterly	Meeting location varies
Otways Tourism Inc. The Board is an independent body appointed to develop policy and implement strategies facilitating tourism marketing and information services.	(1) Councillor (1) Officer	Cr Joe Di Cecco Cr Carol Wilmink (Reserve)	Cr Lyn Russell	Monthly 3 rd Tuesday 10 am – 1 pm	Alternate meeting venue between Colac and Apollo Bay
Port of Apollo Bay Consultative Group To consider issues related to the Port of Apollo Bay.	(1) Councillor (2) Officers	Cr Joe Di Cecco	Cr Frank Buchanan	Quarterly Thursday 4.30 pm	Meetings at AB Office. Meeting dates set at meeting.
Premier Recreation Reserve Committee To monitor and review development of Central Reserve.	(1) Councillor (1) Officer	Cr Warren Riches	Cr Brian Crook	Bi monthly 2 nd Wednesday 6 – 7 pm	Meetings at Hockey Club rooms.

Committee	Representatives	Previous Councillor Representation	Appointment to Dec 09	Meeting Schedule	Additional Information
Rural Councils Network (Vic) Cooperative grouping of Victoria's rural Councils that acts collectively to influence decision makers and tackle the longer term strategic challenges facing rural communities.	(1) Councillor	Cr Chris Smith	Cr Chris Smith	As required	
Rural Financial Counselling Service Vic – Wimmera Southwest (RFC)	(1) Councillor	Cr Peter Mercer	Cr Lyn Russell	Bi monthly 12 – 1pm	Meetings at DPI Office Colac
Timber Towns Committee MAV Working Group to further the interest of towns which have timber industries.	(1) Councillor (1) Officer	Cr Peter Mercer	Cr Geoff Higgins	Bi monthly. 2 nd Friday of month 10.00 am	Meetings at MAV Melbourne
Tirrengower Drainage Scheme Committee of Management Manage drainage scheme. Discuss maintenance issues etc	(1) Councillor (1) Officer	Cr Warren Riches	Cr Geoff Higgins	Monthly 1 st Wednesday 8 pm	Meetings at Swan Marsh Hall
Transport Connections Local Advisory Group To support and monitor the Transport Connections project at a local level	(1) Councillor	Cr Peter Mercer	Cr Stuart Hart	6 weekly	Group includes shire staff plus a number of representatives from other community groups.
Victoria Regional Botanic Gardens Network Executive and BGANZ Council To participate on the Executive and Council.	(1) Councillor	Cr Peter Mercer	Cr Chris Smith	Quarterly	Meetings at regional venues
Weeds Consultative Committee	(1) Councillor	Cr Peter Mercer	Cr Brian Crook	Quarterly	Meetings at COPACC
Youth Council To pursue initiatives for young people across the Shire in accordance with mission statement.	(1) Councillor (1) Officer Young People (up to 15)	Cr Chris Smith	Cr Chris Smith	Fortnightly as per charter Monday 4 – 5 pm	Meetings at COPACC Additional commitments ie.overnight Beechy Walk