

NOTICE OF MEETING



STRATEGIC BUSINESS PANEL MEETING

A Strategic Business Panel Meeting of Byron Shire Council will be held as follows:

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 30 May 2019
Time	2.00pm

Shannon Burt
Director Sustainable Environment and Economy

I2019/789
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CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL
STRATEGIC BUSINESS PANEL MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 Strategic Business Panel Meeting held on 26 March 2019

4. STAFF REPORTS

Sustainable Environment and Economy

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STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **Strategic Business Panel and Agricultural Cluster Group Combined Meeting (Resolution 19-081)**

Directorate: Sustainable Environment and Economy

Report Author: Andrew Cameron, Farm Liaison Officer

File No: I2019/774

Summary:

The purpose of this report is to respond to **Resolution 19-081**.

Members of the Agricultural Cluster Group have been invited to attend the discussion on this report.

RECOMMENDATION:

1. That the Strategic Business Panel endorse the Agricultural Cluster Group Terms of Reference (#E2018/90392).

Attachments:

- 1 Agricultural Cluster Group Terms of Reference, E2018/90392 , page 7 [↓](#)

Report

Council considered a report on Report No. 13.17 Sustainable Agriculture and Agribusiness Project update https://byron.infocouncil.biz/Open/2019/02/OC_28022019_AGN_984.PDF at the ordinary meeting 28 February 2019 and resolved as follows:

Resolution 19-081:

- 1. That Council endorse the Byron Shire Agricultural Cluster Group Terms of Reference (Attachment 1 – E2018/90392) with the addition to objective e as follows: e) Work collaboratively within industry, commerce, the wider community and Council on shared interests towards a common goal including the right to farm land responsibly**
- 2. That the Council members of the Strategic Business Panel be appointed to the Agricultural Cluster Group.**
- 3. That the next meeting of the Group include a wider discussion on the Groups purpose, remit and objectives to inform a review of these to be presented to a subsequent council meeting for final endorsement.**

The purpose of the Agricultural Cluster Group (ACG) is to act as an industry sounding board into Council and scope possible projects to improve social, economic and environmental outcomes within the agricultural industry.

Sector representatives previously met informally to review a draft terms of reference on the 4 February 2019.

The sector representatives at that meeting included:

Rex Harris – Macadamias
 Joe Harvey-Jones – Sustainable Timber
 Mike Shea – Hemp
 Johan Kortenhurst – Grazing
 Lindsay Murray – Grazing
 Kevin Archibald – Sugarcane
 Liz Gray – Organic produce
 Mark Napper – Horticulture
 Sheia Kalima Kironn – Small lot farming
 Steve Toneguzzo – Organic produce
 Timber – member to be confirmed

Terms of Reference

To address part 3 of the above resolution a part combined meeting of the Strategic Business Panel and Agricultural Cluster Group has been convened.

Part 3 of Resolution 19-081 requires a wider discussion and agreement to be reached on the Group's purpose, remit and objectives.

Based on the previous feedback from members, and item 1 of Resolution 19-081 a small number of changes have been made, to the draft Terms of Reference in attachment 1 (E2018/90392) to assist the discussion.

Membership

The current membership of the ACG is comprised of the following sector representatives:

- Rex Harris – Macadamias
- Joe Harvey-Jones – Sustainable Timber
- Mike Shea – Hemp
- Johan Kortenhurst – Grazing
- Lindsay Murray – Grazing
- Kevin Archibald – Sugarcane
- Liz Gray – Organic produce
- Mark Napper – Horticulture
- Sheia Kalima Kironn – Small lot farming
- Steve Toneguzzo – Organic produce
- Timber – member to be confirmed

Item 2 of Resolution 19-081 also provides that Council members of the Strategic Business Panel be appointed to the Agricultural Cluster Group. Confirmation of which Council members is however required.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.4	Support and secure our farming future	3.4.1	Develop and implement strategies to support agriculture, agri-business and farmers	3.4.1.2	Continue to develop partnerships with other LGs, State and Federal Government and Agri-business organisations to facilitate education, mentoring, advocacy and investment in agriculture

Legal/Statutory/Policy Considerations

N/A

Financial Implications

N/A

Statutory and Policy Compliance Implications

N/A



BYRON SHIRE COUNCIL

Agricultural Cluster Group

Terms of Reference

E2018/90392

BYRON SHIRE COUNCIL

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

4.1 - ATTACHMENT 1

INFORMATION ABOUT THIS DOCUMENT (INTERNAL USE ONLY)

Date Commenced	February 2019	Timeframe to carry out objectives	2020
Date Group to be Disbanded	February 2021		
Convenor / Facilitator	Farm Liaison Officer		
Review Timeframe	Annually		

5 *Document History*

Doc No.	Date Amended	Details Comments eg Resolution No.
E2018/90392	8 February 2019	Resolutions 17-571 and 18-425
E2018/90392	28 February 2019	Res 19-081 – Amend Objective e) & appoint Councillor representatives

Further Document Information and Relationships

Actions (Operational Plan)						
CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.4	Support and secure our farming future	3.4.1	Develop and implement strategies to support agriculture, agri-business and farmers	3.4.1.2	Continue to develop partnerships with other LGs, State and Federal Government and Agri-business organisations to facilitate education, mentoring, advocacy and investment in agriculture
Related Legislation	Local Government Act 1993 Section 451 Government Information (Public Access) Act) 2009					
Related Policies	Code of Conduct Policy 2016 Privacy Management Plan (E2013/32774) Work Health Safety Policy					
Related Procedures/ Protocols, Statements, documents	Agenda Template for ACG Meetings Minutes Template for ACG Meetings Action List Template for ACG Meetings					

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1.

Preamble

Industry “clusters” are geographic groups that are part of the same industry, share a common characteristic, coordinate some parts of their enterprise activities but are competitive in others.

5 Recent research has recognized the importance of industry clusters to regional development, competitiveness and innovation. In particular, clusters are promoted as innovative models for rural communities in the face of globalization.

10 The Byron Shire Agricultural Cluster Group (ACG) is created for and on behalf of the Byron Shire agricultural industry and will act as a communications channel for industry into Council. The ACG will lead and guide internal decision making within Council to ensure sustainable agricultural outcomes. The ACG is made up of cross-sectoral members within the agricultural community who have been identified as industry leaders.

2. Objectives

- 15 The purpose of the ACG is to:
- a) Act as the conduit for all sectors covered by agriculture within Byron Shire.
 - b) Develop the Byron Shire agricultural industry
 - 20 c) Identify agricultural projects that Council can support and deliver
 - d) Design and deliver an Agriculture Action Plan for the Shire that focusses on long-term viability, protection of agricultural land against the impacts of climate change, land use and demographic changes.
 - e) Work collaboratively with industry, commerce, the community and Council on shared
 - 25 interests towards a common goal including the right to farm land responsibly.

The ACG Terms of Reference will be confirmed by Council Resolution 19-081.

3. Timeframe for Group

30 The lifespan of the ACG is for the term of council 2016-2020.

4. Responsible Directorate

35 This ACG is administered by the Sustainable Environment and Economy Directorate. A delegate of this Directorate (the delegate) will attend these meetings and minutes will be taken by a member of their staff.

5. Membership

- 40 • The ACG is to have cross-sectoral representation from industry leaders, including – but not limited to:
 - Horticultural vegetable and fruit production
 - Broad acre macadamia production
 - Cattle grazing
 - 45 - Sugarcane production
 - Fibre – cabinet timbers and hemp
 - Organic vegetable and fruit production
 - Small lot farming – under 5 acres
 - Future and first generation farmers

50 The ACG will comprise of no fewer than five members, excluding Councillors and staff.

Membership nominations are open to leaders from within identified sectors of Byron Shire's Agricultural Community. For a member's nomination to be considered, it must be supported by at least two other representatives from within the nominees sector.

- Three Councillor representatives being:

- Cr Richardson
- Cr Spooner
- Cr Hunter

6. Induction

All members will be required to participate in an induction process at the establishment of the ACG, and at any time a replacement voting member joins the ACG. The induction will be scheduled prior to the first meeting of the ACG and will cover topics such as the Terms of Reference, the Code of Meeting Practice, Conflicts of Interest and Code of Conduct.

7. Quorum

A quorum is to constitute at least half the number of members. The delegate, who must be a member of staff, is to attend the meeting and is not counted in the quorum for the meeting

8. Confidentiality

Members of the ACG will, in those circumstances where confidential matters are subject to deliberation, maintain confidentiality.

9. Conflict of Interest

Any members of the ACG who identify a conflict of interest with agenda items must declare this conflict of interest at the commencement of the meeting and may be excluded from the discussion.

10. ACG Meeting Protocol

a) Election of Chairperson

The position of Chairperson is to be elected from Councillors on the group, and in the absence of Councillor representation, then from within the ACG.

b) Convening Meetings

Meetings will be held as required, generally every quarter. They may also be held on farms or other locations.

c) Agenda Preparation

It is the responsibility of the delegate to prepare the agenda in consultation with ACG members, setting out the terms of business to be considered.

An agenda for each meeting is to be provided to ACG members 7 days prior to the meeting being held. For some matters, it will be necessary to attach other relevant information to

the agenda to inform and direct discussion. Such information is to be circulated with the agenda.

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ACG members may request items for inclusion in future agendas, through the Chairperson or delegate.

d) Records of meetings

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The minutes of meetings are to be circulated to members of the group within 7 days of the meeting so that members can provide feedback through the delegate on the draft unconfirmed minutes.

Minutes of ACG meetings will be kept and attached to the next ACG agenda.

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e) Absence from ACG Meetings

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All ACG members are required to advise the delegate when they are unable to attend ACG meetings. The absence of ACG members from the meeting is to be recorded in the minutes. An ACG member ceases to be a member of the ACG if the member:

25

1. Has been absent from three consecutive meetings of the ACG without having given reasons acceptable to the ACG for the member's absence, or
2. Has been absent from at least half of the meetings of the ACG held during the immediately preceding year without having given to the ACG acceptable reasons for the member's absences.

f) Meeting Practice

30

Meetings are to be conducted in accordance with this Terms of Reference and, where required, reference to Council's Code of Meeting Practice.

g) Section 377 Delegation

35

The ACG does not have any delegated functions pursuant to section 377 of the Local Government Act (1993) and does not have the power to direct staff.

11. Miscellaneous**a) Insurance**

5 All group members are covered by the public liability policy of Council. This insurance does not preclude the ACG from exercising due diligence and all Council policies must be adhered to.

b) Code of Conduct

10 All group members are to abide by Council's adopted Code of Conduct at all times.

c) Pecuniary Interest

15 Pecuniary Interest may be defined as an interest that a person has in a matter, as a group member or employee of a company or other body, because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person, or another person with whom the person is associated. Such other person includes the spouse or de-facto partner or relative of the group member.

20 Section 446 of the Local Government Act states that "a member of a council committee, other than a committee that is wholly advisory, must disclose pecuniary interests".

25 Even though the Local Government Act provides an exemption to disclose pecuniary interests, Council's preference is for all members to declare pecuniary interests where applicable.

d) Work Health Safety

30 All group members are required to comply with the "Worker Responsibilities" as prescribed in the Work Health Safety Policy.

Report No. 4.2 Update National Landcare Program's Smart Farms Small Grants round 2

Directorate: Sustainable Environment and Economy

Report Author: Andrew Cameron, Farm Liaison Officer

File No: I2019/785

Summary:

In April 2019, the then Minister for Agriculture and Water Resources the Hon. David Littleproud MP approved 110 successful projects under the National Landcare Program's Smart Farms Small Grants round 2.

Byron Shire Council was successful in this round and received a grant of \$50,000 to undertake the project *Managing Land in the Micro Climate of Byron Shire – Capacity Building for New and Lifestyle Land Managers*.

The purpose of the grant is to support the development and adoption of best practices that improve the management and quality of natural resources and increase on farm productivity.

RECOMMENDATION:

That the Strategic Business Panel note the report.

REPORT

A Smart Farms Small Grant has been awarded to Council.

- 5 The next steps are for Council to work in collaboration with a consortium of organisations to develop a 'Rural Land Know How Package' for new and existing lifestyle landholders.

10 Council will seek to build the capacity and capability of both new and established land managers in the area - to increase their awareness, knowledge and skills of land management best practice and how to mitigate risks associated with climate change.

15 The Program is anticipated to deliver agricultural productivity gains in conjunction with net benefits to soil, water, vegetation and biodiversity within the region. This will be achieved through producing a best practice guide titled: "I've Just Bought Rural Land – Help!" distributed through real estates and online.

20 The Program will also create a mentoring program to connect new farmers with industry leaders and will deliver 6 field days/workshops/farm tours on subjects such as marketing produce, chemical and pest management, restoring riparian corridors and improving soil health.

STRATEGIC CONSIDERATIONS

25 ***Community Strategic Plan and Operational Plan***

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.4	Support and secure our farming future	3.4.1	Develop and implement strategies to support agriculture, agri-business and farmers	3.4.1.2	Continue to develop partnerships with other LGs, State and Federal Government and Agri-business organisations to facilitate education, mentoring, advocacy and investment in agriculture

Legal/Statutory/Policy Considerations

30 N/A

Financial Considerations

Grant managed within existing operational budget allocation.

Consultation and Engagement

35 As required to meet the terms of the grant.

Report No. 4.3 Sustainable Agriculture and Agribusiness Project update

Directorate: Sustainable Environment and Economy
Report Author: Tania Crosbie, Economy and Sustainability Coordinator
Andrew Cameron, Farm Liaison Officer
File No: I2019/786

Summary:

In October 2018, Council appointed the Farm Liaison Officer on a two year contract. This position's objective is to elevate our farming community's profile to ensure the future of sustainable farming in Byron Shire, to be the main point of contact for farming enquiries and to develop plans and systems to support our farming community.

A verbal update on current projects and activities being undertaken by the Farm Liaison Officer will be presented to the Panel.

RECOMMENDATION:

That the Strategic Business Panel note the update provided by the Farm Liaison Officer on current projects and activities to support agriculture, agri-business and farmers in Byron Shire.

REPORT

The following provides a summary of the current projects and activities being undertaken by the Farm Liaison Officer to support agriculture, agri-business and farmers in Byron Shire. A verbal update on each will be provided at the meeting.

- Successful Funding Application submitted for the Small Farms – Small Grants a Federal Government.
- Establishing the role and engaging with the farming sector through visits and communications. In order to evaluate the types of interactions and enquiries, a database of issues has been established, as well as a database of local farmers and producers.
- A re-vamp of the Council publication “Farmers Farm... and Cows DO Moo”. This publication will be completed by 30 June 2019.
- Representing Council on the Northern Rivers Young Farmers Alliance Leadership Board to support and build the capacity of farmers aged under 40 working in the Byron Shire.
- Supporting and exploring options for farmers to value-add or diversify through food and agritourism on farm.
- Exploring proof of concept for the delivery of a Byron Shire agriculture industry forum.
- Liaising with, and acting as a conduit into Council for landholders who are seeking to make amendments to our LEP, to help empower new farming entrants and reduce their barriers to entry. Such projects would see affordable leasing arrangements for small scale farmers as well as providing on-farm living arrangements (i.e. Lighthouse Organics/Conscious Grounds and The Walker Farm Project).

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 3: We protect and enhance our natural environment	3.4	Support and secure our farming future	3.4.1	Develop and implement strategies to support agriculture, agri-business and farmers	3.4.1.5	Develop Agriculture and Agribusiness Action Plan

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

N/A

Consultation and Engagement

N/A

Report No. 4.4 **2019 Meeting dates and agenda items**
Directorate: Sustainable Environment and Economy
Report Author: Tania Crosbie, Economy and Sustainability Coordinator
File No: I2019/787

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Summary:

10 This report advises the Panel of the adopted 2019 Strategic Business Panel meeting dates.

Point 12 of the Constitution of the Panel advises, in regard to convening meetings:

Convening Meetings

Meetings will be held as required, generally every quarter. An annual timetable of meetings will be prepared in advance, and adopted by Council every October/November for the following 12 months.

A meeting of the Panel may be convened in response to either the direction of the Mayor (or in the Mayor's absence the Deputy Mayor) in written form to the General Manager; or two Councillors in written form to the General Manager, or by resolution of the Council.

15

RECOMMENDATION:

That the Strategic Business Panel:

- 1. Note the 2019 meeting dates.**
- 2. Confirm the next Panel meeting theme be around businesses working in the renewables and sustainability space.**

20

REPORT

Meeting dates

5 At 13 December Council meeting 2018, the following dates were adopted by Council to hold the Panel 2019 meetings on:

- 31 January
- 30 May
- 29 August

The Panel may recommend that additional meeting dates be arranged. Another meeting day, in lieu of a Thursday, should be considered as an option if this were to occur, as there are few vacant Thursday dates available.

These dates can be added to the recommendation.

Meeting themes

In addition to the above, each of the previous Panel meetings has been held in response to a theme.

To date themes include: Agriculture, Business Incubators, Creative Industry and Big Ideas breakfast.

It is proposed to theme the next Panel meeting around businesses working in the renewables and sustainability space. Other themes can be considered for future meetings and added to the recommendation.

STRATEGIC CONSIDERATIONS

Community Strategic Plan and Operational Plan

CSP Objective	L2	CSP Strategy	L3	DP Action	L4	OP Activity
Community Objective 4: We manage growth and change responsibly	4.3	Promote and support local business development, education and employment opportunities	4.3.1	Facilitate and support sustainable development of our business community	4.3.1.1	Continue to strengthen partnerships between Council and the business community

Legal/Statutory/Policy Considerations

N/A

Financial Considerations

N/A

Consultation and Engagement

N/A