

Notice of Meeting

Business and Industry Advisory Committee Meeting

A Business and Industry Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Cavanbah Centre, Byron Bay
Date	Thursday, 31 August 2023
Time	9.00am

Shannon Burt
Director Sustainable Environment and Economy

I2023/1277
Distributed 28/08/23

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 Code of Conduct for Councillors (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 the Code of Conduct for Councillors.

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.

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 of the provisions in the Code of Conduct (particularly if you have a significant non-pecuniary interest)

Committee members are reminded that they should declare and manage all conflicts of interest in respect of any matter on this Agenda, in accordance with the [Code of Conduct](#).

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 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.

OATH AND AFFIRMATION FOR COUNCILLORS

Councillors are reminded of the oath of office or affirmation of office made at or before their first meeting of the council in accordance with Clause 233A of the Local Government Act 1993. This includes undertaking the duties of the office of councillor in the best interests of the people of Byron Shire and the Byron Shire Council and faithfully and impartially carrying out the functions, powers, authorities and discretions vested under the Act or any other Act to the best of one's ability and judgment.

BYRON SHIRE COUNCIL

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

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4. STAFF REPORTS

Sustainable Environment and Economy

- 4.1 Future Discussion Items for Business and Industry Advisory Committee 19
4.2 Business, Industry and Visitor Economy Strategy 21

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 Confirmation of Minutes from 15 June 2023 meeting

5 **Directorate:** Sustainable Environment and Economy
Report Author: Arika McElroy, Project Support Officer
File No: I2023/1254

10

RECOMMENDATION:

That the minutes of the Business and Industry Advisory Committee Meeting held on 15 June 2023 be confirmed.

15

Attachments:

- 20
- 1 Minutes 15/06/2023 Business and Industry Advisory Committee, I2023/936 , page 8 [↓](#) 
 - 2 Business and Industry Advisory Committee Constitution, E2023/78915 , page 12 [↓](#) 

Report

The attachment to this report provides the minutes of the Business and Industry Advisory Committee Meeting of 15 June 2023.

Report to Council

- 5 The minutes were reported to Council on 24 August 2023. **Comments**

In accordance with the Committee Recommendations, Council resolved the following:

23-267 Resolved that Council:

1. Notes the minutes of the Business and Industry Advisory Committee Meeting held on 15 June 2023.
- 10 2. Adopts the Business and Industry Advisory Constitution, Attachment 2, E2023/78915, updated at Point 7, Quorum.

Minutes of Meeting

Business and Industry Advisory Committee Meeting

Venue	Conference Room, Station Street, Mullumbimby
Date	Thursday, 15 June 2023
Time	4.30pm



BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

BUSINESS AND INDUSTRY ADVISORY COMMITTEE MEETING MINUTES 15 JUNE 2023

Minutes of the Business and Industry Advisory Committee Meeting held on Thursday, 15 June 2023

File No: I2023/936

PRESENT: Cr A Hunter

Staff: Shannon Burt (Director Sustainable Environment and Economy)

Sharyn French (Manager Environmental and Economic Planning)

Lisa Richards (Business and Visitor Economy Officer)

Arika McElroy (Minute Taker)

Cr Hunter (Chair) opened the meeting at 4:31pm and acknowledged that the meeting was being held on Bundjalung Country.

APOLOGIES:

Cr M Lyon (Mayor), Cr A Pugh

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

NOTE: As there was only one voting member of the Business and Industry Advisory Committee present none of the recommendations were seconded. The following items were discussed:

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

Report No. 3.1 **Confirmation of minutes from 30 March 2023 meeting**
File No: I2023/505

Moved:

That the minutes of the Business and Industry Advisory Committee Meeting held on 30 March 2023 be confirmed.

(Hunter)

BYRON SHIRE COUNCIL

ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

3.1 - ATTACHMENT 1

BYRON SHIRE COUNCIL

BUSINESS AND INDUSTRY ADVISORY COMMITTEE MEETING MINUTES 15 JUNE 2023

Note: The minutes of the meeting held on 30 March 2023 were noted, and the Committee Recommendations adopted by Council, at the Ordinary Meeting held on 25 May 2023.

BUSINESS ARISING FROM PREVIOUS MINUTES

There was no business arising from previous minutes.

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 **Future Discussion Items for Business and Industry Advisory Committee**
File No: I2023/769

Moved:

That the Business and Industry Advisory Committee notes the report.

(Hunter)

Report No. 4.2 **Business, Industry and Visitor Economy Strategy**
File No: I2023/30

Moved:

That the Business and Industry Advisory Committee notes the report.

(Hunter)

There being no further business the meeting concluded at 4:33.pm



BYRON SHIRE COUNCIL

**BUSINESS AND INDUSTRY ADVISORY
COMMITTEE**

CONSTITUTION

Constitution: Business and Industry Advisory Committee

INFORMATION ABOUT THIS DOCUMENT

(INTERNAL USE ONLY)

Date Adopted by Council		Resolution No.	
Responsibility	Director Sustainable Environment and Economy		
Review Timeframe	Each Term of Council		
Last Review Date:	February 2022	Next Scheduled Review Date	December 2024

Document History

Doc No.	Date Amended	Details Comments eg Resolution No.
E2021/148723	February 2022	Draft Strategic Business Advisory Committee
E2022/86761	August 2022	Res 22-399 Adopted Business and Industry Advisory Committee
E2023/58978	May 2023	Res 23-186 Adopted Business and Industry Advisory Committee
E2023/78915	August 2023	Attachment to Council Report following updated Point 7 Quorum

Further Document Information and Relationships

Related Legislation	Section 355, Local Government Act (1993)
Related Policies	Code of Conduct 2016 Work Health Safety Policy Code of Meeting Practice
Related Procedures/ Protocols, Statements, documents	

Constitution: Business and Industry Advisory Committee

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Constitution: Business and Industry Advisory Committee

1. Preamble

The Business and Industry Advisory Committee is a Committee of the Council and does not have executive power or authority to implement actions.

The role of the Committee is to provide appropriate specialist advice and recommendations to Council on matters relevant to this Constitution.

2. Purpose

The purpose of the Business and Industry Advisory Committee is:

1. To assist Council in the development, implementation and review of the new business industry and visitor economy strategy.
2. To identify and report business and visitor economy matters to Council including, but not limited to opportunities or concerns, funding opportunities, government policy, best practice/guidelines.

Key strategic objectives include:

1. Support the resilience and longevity of local industry, business and employment
2. Where appropriate take a leadership role to encourage new and emerging sectors to flourish
3. Build informed and connected businesses

These objectives cover job security and creation, entrepreneurship and innovation, business resilience, collaboration and leadership, promotion of investment, education and training as well as support for a sustainable visitor economy.

To achieve this, different formats for each meeting will be used such as field days and workshops with guest speakers and industry leaders.

The Committee Councillors and staff set the theme and invite the leading business people, relevant speakers, experts and attendees for each meeting.

3. Timeframe for Committee

The lifespan of the Business and Industry Advisory Committee is for the term of Council 2022-2024.

4. Responsible Directorate

This Committee is administered by the Sustainable Environment and Economy Directorate. The Director or their delegate will attend these meetings and minutes will be taken by a member of their staff.

5. Membership

Council must appoint all Committee members. Appointment must take place prior to a member being conferred the responsibilities and rights as set out in this document.

Constitution: Business and Industry Advisory Committee

Council may release individual members from the Committee at any time by a resolution of council. Council may also appoint any new members to a Committee at any time by a resolution of council.

Membership is to include:

- 3 Councillors
- Byron Shire General Manager (or staff member delegate)

Note: Staff members participating on the Committee do not have any voting entitlements.

6. Induction

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

Replacement voting members will be inducted by experienced Committee members at, or prior to, their first meeting.

7. Quorum

A quorum is to constitute at least half the number of members plus one (resulting half numbers go down), two of which are to be Councillors. The General Manager or delegate, who must be a member of staff, is to attend the Committee meeting and is not counted in the quorum for the meeting.

8. Confidentiality

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

9. Election of Chairperson

The position of Chairperson is to be elected from Councillors comprising the Committee but only in circumstances where the Mayor elects not to assume the position of Chairperson.

10. Voting

- a) Each member of the Committee (with the exception of staff members) is to have one vote, with the Chairperson to have a casting vote in addition to a deliberative vote.
- b) Members of the Committee who are not Councillors may abstain from voting in any circumstances without such abstention being recorded in the negative.

11. Majority Decision

A majority decision of the Committee requires a majority of appointed members to be present and voting on any item subject to the requirements of a quorum being met at the meeting.

12. 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 for the following 12 months.

Constitution: Business and Industry Advisory Committee

A meeting of the Committee 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.

13. Agenda Preparation

It is the responsibility of the chairperson to prepare the agenda in consultation with the relevant Director, setting out the terms of business to be considered.

The agenda is an organised list of the business, in order, that will be transacted at the meeting. An agenda for each meeting, containing a brief report on each item, is to be provided to Committee members and available on Council's website at least 7 days prior to the meeting being held.

Each item of business to discuss at the meeting is required to be listed on the agenda and in written form. Verbal reports at the meeting are not an acceptable practice.

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.

Committee members may request items for inclusion in future agendas, through the Chair.

14. Conduct of Business

Each item of business is discussed in the order in which it appears on the agenda. No new matters will be introduced at the meeting. New items of business may be included in a future agenda as noted in clause 13 above.

15. Records of meetings

- a) 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 Chair on the draft unconfirmed minutes.
- b) Any recommendation of a Committee that requires a resolution of Council will be reported to Council through a staff report to Council from the responsible Directorate for the Committee, and the staff report will include as an attachment, a copy of the minutes of the Committee meeting at which the recommendation was made.

16. Absence from Committee Meetings

All Committee members are required to advise the chair when they are unable to attend Committee meetings. The absence of Committee members from the meeting is to be recorded in the minutes. A Committee member (other than the Mayor) ceases to be a member of a Committee if the member:

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

Constitution: Business and Industry Advisory Committee

17. Section 377 Delegation

The Committee 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.

18. Meeting Practice

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

19. Miscellaneous

- a) **Insurance:** All group members are covered by the public liability policy of Council. This insurance does not preclude the Committee from due diligence and all Council policies must be adhered to.
- b) **Code of Conduct:** All group members to abide by Council's adopted Code of Conduct at all times.
- c) **Pecuniary Interest:** 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.

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..."

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

STAFF REPORTS - SUSTAINABLE ENVIRONMENT AND ECONOMY

Report No. 4.1 Future Discussion Items for Business and Industry Advisory Committee

5 **Directorate:** Sustainable Environment and Economy

Report Author: Arika McElroy, Project Support Officer

File No: I2023/1253

Summary:

10 This report summarises reports and information requested by the Business and Industry Advisory Committee.

Future requests, resourcing and alignment with Council's Operational Plan can be tabled for discussion by the committee.

15 There were no requests for reports or information received from the Business and Industry Advisory Committee members for this meeting.

RECOMMENDATION:

20 **That the Business and Industry Advisory Committee notes the report.**

Report

There were no requests for reports or information received from the Business and Industry Advisory Committee members for this meeting.

Requests for future items can be raised at this meeting.

- 5 These requests, resourcing and alignment with Council's Operational Plan will be tabled for discussion by the committee at the next meeting, to resolve whether they are taken to Council for consideration for inclusion in a future Council OP and budget.

Key issues

Nil

10 Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
1: Effective Leadership We have effective decision making and community leadership that is open and informed	1.2: Engage and involve community in decision making	1.2.4: Advisory Committees - Coordinate advisory committees to inform decision making on their areas of expertise	1.2.4.1	Coordinate and support Advisory Committees to assist with effective Council decision making

Recent Resolutions

Nil

Legal/Statutory/Policy Considerations

- 15 Nil

Financial Considerations

No detailed costings for requested items provided at this stage.

Consultation and Engagement

Nil

Report No. 4.2 Business, Industry and Visitor Economy Strategy

Directorate: Sustainable Environment and Economy

Report Author: Lisa Richards, Business and Visitor Economy Officer

5 **File No:** I2023/31

Summary:

Michael Campbell of Lucid Economics will facilitate a workshop on the Business Industry and Visitor Economy Strategy (BIVE) with the Committee and invited key sector stakeholders.

10 The purpose of the workshop is to provide an update of the BIVE and its current direction, objectives and strategic framework.

The current direction for the strategy has been informed by the detailed analysis as well as stakeholder engagement to date.

15

RECOMMENDATION:

That the Business and Industry Advisory Committee notes the report.

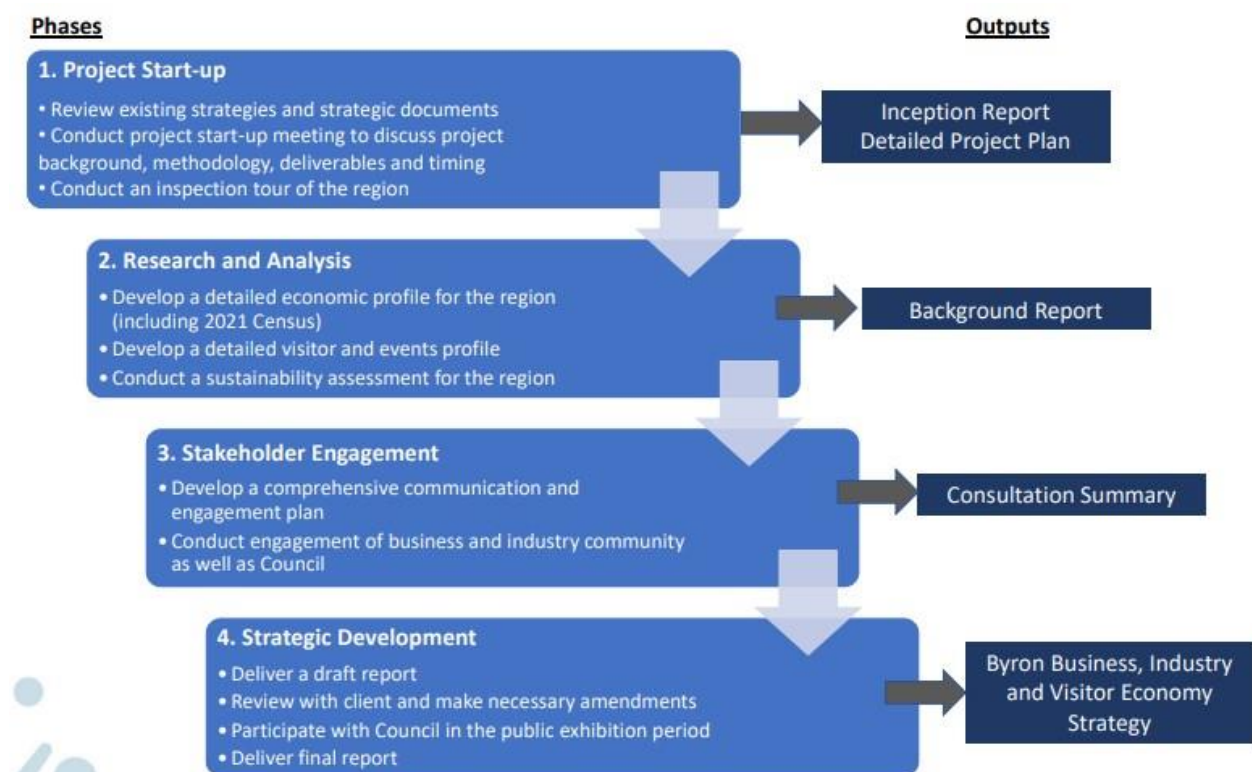
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Report

A lot has happened and is happening in our rapidly changing economy. From events and tourism bouncing back after COVID to the impacts of last year's flood disaster and the effects of recent interest rate rises.

Following Council's resolution (21-199) to endorse the framework and progress toward development of a whole of business industry strategy, work has progressed, and Lucid Economics has been engaged to develop the strategy.

The figure below shows the project approach.



Next steps

At the time of this report, a brief survey is being prepared to request feedback on the key findings and aspirations to date from the broader community. This will be completed in early September 2023.

The project is then progressing into the strategy development phase as per the above figure. (Stage 4)

Strategic Considerations

Community Strategic Plan and Operational Plan

CSP Objective	CSP Strategy	DP Action	Code	OP Activity
4: Ethical Growth We manage growth and change responsibly	4.3: Promote and support our local economy	4.3.1: Diverse economy - Develop a Business and Visitor Economy Strategy to support a resilient and diverse economy	4.3.1.1	Progress development of Business and Visitor Economy Strategy
4: Ethical Growth We manage growth and change responsibly	4.3: Promote and support our local economy	4.3.3: Business advice and support - Support, participate, and advocate for sustainable business	4.3.3.2	Continue to strengthen partnerships between Council and the business community / industry
4: Ethical Growth We manage growth and change responsibly	4.4: Foster sustainable visitation and manage the impacts of tourism on the Shire	4.4.3: Sustainable visitation - Investigate opportunities to mitigate peak tourist demands on local amenity and infrastructure	4.4.3.1	Continue to liaise with our business and tourism industry

Recent Resolutions

- Res 21-199: That Council: 1. Endorses the framework and process to develop the whole of business industry strategy as outlined in the report.

5 Financial Considerations

Budget already allocated.

Consultation and Engagement

- 10 Engagement to date includes a series of focus group conversations and interviews with key sector stakeholders. At the time of this report, a brief survey is being prepared to request feedback on the key findings and aspirations to date from the broader community. This will be completed in early September 2023.