

# Adelaide Park Lands Authority Appointments

**ITEM 12.1** 26/03/2019  
**Council**

**Program Contact:**

Daniel Bennett, AD Strategy &  
Design 8203 7295

2010/03029  
Public

**Approving Officer:**

Beth Davidson-Park, Director  
Operations

## EXECUTIVE SUMMARY:

Apart from the Presiding Member, all current appointments to the 10-member Board of the Adelaide Park Lands Authority (the Authority) expire on 31 March 2019.

At the Council meeting on 11 December 2018:

1. The Lord Mayor accepted her statutory position as Presiding Member
2. Councillors Moran, Simms, Martin and Donovan were nominated on an interim basis until 31 March 2019
3. The Minister for Planning's nominees of Sally Smith (Deputy Presiding Member), Anita Allen, Stephanie Johnston, Kirsteen Mackay and Roger Zubrinich as appointees until 31 March 2019 were endorsed.

This report recommends:

4. A member of the Kurna community be nominated by the City of Adelaide
5. Nominees for consideration by Council (in addition to the Lord Mayor's continuation as Presiding Member)
6. Support for the Minister's following nominees:
  1. Kirsteen Mackay (as Deputy Presiding Member)
  2. Stephen Forbes
  3. Stephanie Johnston
  4. Ben Willsmore
  5. Craig Wilkins.

## RECOMMENDATION:

### THAT COUNCIL

1. Notes the Lord Mayor's continuation as Presiding Member of the Adelaide Park Lands Authority and appoints (contingent upon consultation with the Minister for Planning) the following four persons to the Authority for the period commencing 1 April 2019 and expiring 31 December 2020:
  - 1.1. Jessica Davies-Huynh as a Kurna community representative
  - 1.2. xxxx
  - 1.3. xxxx
  - 1.4. xxxx
2. Supports the Minister for Planning's following nominees to the Board of the Adelaide Park Lands Authority for the period 1 April 2019 to 31 December 2021:
  - 2.1. Kirsteen Mackay (as Deputy Presiding Member)
  - 2.2. Stephen Forbes

2.3. Stephanie Johnston

2.4. Ben Willsmore

2.5. Craig Wilkins.



## IMPLICATIONS AND FINANCIALS:

City of Adelaide 2016-2020 Strategic Plan	<p><b>Strategic Alignment – Liveable</b></p> <p>Work with neighbouring councils and the State Government to enhance the facilities, attractions, landscapes and movement networks in the Park Lands to meet the needs and expectations of growing high-density communities living in and near the City (Page 49).</p>
Policy	<p>The State Government, State agencies and authorities, and the Adelaide City Council, should actively seek to co-operate and collaborate with each other in order to protect and enhance the Adelaide Park Lands (from the statutory principles, s. 4 in the <i>Adelaide Park Lands Act 2005</i>).</p> <p>The Adelaide Park Lands Authority Charter, as adopted by the City of Adelaide, replicates the provisions of the <i>Adelaide Park Lands Act 2005</i> with regards to appointments to the Authority.</p> <p>The City of Adelaide Reconciliation Action Plan 2018-2021 identifies 'Action 47' (Representation &amp; Governance) as “<i>Explore opportunities for a designated Kurna representative on APLA</i>”.</p>
Consultation	<p>The Minister and the City of Adelaide must consult with each other in making appointments in order to endeavour to achieve a range of knowledge, skills and experience across the following areas:</p> <ul style="list-style-type: none"> <li>(a) biodiversity or environmental planning or management</li> <li>(b) recreation or open space planning or management</li> <li>(c) cultural heritage conservation or management</li> <li>(d) landscape design or park management</li> <li>(e) tourism or event management</li> <li>(f) indigenous culture or reconciliation</li> <li>(g) financial management</li> <li>(h) local government.</li> </ul> <p>Public consultation is not required.</p>
Resource	Not as a result of this report.
Risk / Legal / Legislative	Statutory processes are provided for in the <i>Adelaide Park Lands Act 2005</i> and supplemented by additional provisions in the Adelaide Park Lands Authority Charter.
Opportunities	<p>To establish a new Adelaide Park Lands Authority with the skill set to provide valuable advice to the City of Adelaide and State Government on matters pertaining to the Park Lands.</p> <p>To appoint a member of the Kurna community to the Authority.</p>
18/19 Budget Allocation	Not as a result of this report.
Proposed 19/20 Budget Allocation	Not as a result of this report.
Life of Project, Service, Initiative or (Expectancy of) Asset	Consistent with the Charter for the Authority, the City of Adelaide's appointments can be for a maximum period of two years (to coincide with Council election periods) and those by the Minister for a maximum of three years.
18/19 Budget Reconsideration (if applicable)	Not as a result of this report.
Ongoing Costs (eg maintenance cost)	Not as a result of this report.
Other Funding Sources	Not as a result of this report.

# DISCUSSION

## Background

1. The *Adelaide Park Lands Act 2005* (the Act) [here](#) was developed in consultation with the City of Adelaide as a means of protecting and fostering the interests of the Adelaide Park Lands. The Minister responsible for the Act is Stephan Knoll, Minister for Planning and Minister for Transport, Infrastructure and Local Government (the Minister).
2. The Adelaide Park Lands Authority (the Authority) is established by the Act (as a subsidiary of Adelaide City Council under the *Local Government Act 1999*) to provide strategic advice to both Council and the State Government on the management of the Adelaide Park Lands.
3. The role, functions and powers of the Authority are defined in the Act and the Authority's Charter [here](#).
4. Under the provisions of the Act, the Authority's Board of Management is constituted by:
  - 4.1. The Lord Mayor (as Presiding Member) or, if the Lord Mayor chooses not to be a member of the Authority, a person appointed by the City of Adelaide (as the Presiding Member)
  - 4.2. Four other members appointed by the City of Adelaide
  - 4.3. Five members appointed by the Minister (one of which will be the Deputy Presiding Member).
5. Both the City of Adelaide and the Minister must ensure that they each appoint at least one woman and one man to the Authority.
6. All current interim appointments to the Authority expire 31 March 2019.

## Expertise-based Membership

7. Section 6 of the Act describes the process for appointing Board Members to the Authority and has a clear emphasis on the need to provide for park management-based expertise.
8. Both Council and the Minister must consult with each other and endeavour to achieve a membership with a gender balance and range of knowledge, skills and experience across the following areas:
  - 8.1. biodiversity or environmental planning or management
  - 8.2. recreation or open space planning or management
  - 8.3. cultural heritage conservation or management
  - 8.4. landscape design or park management
  - 8.5. tourism or event management
  - 8.6. indigenous culture or reconciliation
  - 8.7. financial management
  - 8.8. local government.
9. In his letter dated 10 December 2018, the Minister for Planning (and responsible for the *Adelaide Park Lands Act 2005*) has indicated his desire to establish "*an independent Board which collectively possess a broad range of expertise to aid APLA in its endeavours*".

## Opportunity for City of Adelaide to appoint a member of the Kurna community

10. One of the appointment criteria for both the City of Adelaide and the Minister to consider is (7.6 above) "indigenous culture or reconciliation".
11. The City of Adelaide Reconciliation Action Plan 2018-2021 identifies 'Action 47' (*Representation & Governance*) as "*Explore opportunities for a designated Kurna representative on APLA*".
12. The Reconciliation Action Plan states that it focuses on:
 

*"recognising and celebrating Aboriginal and Torres Strait Islander cultures, projects and strategies for management of our city's Park Lands that draw on Kurna knowledge"*
13. Such an appointment has not been made in the 11 years since the Authority was established and would:
  - 13.1. Improve the City of Adelaide's proactive management of Aboriginal heritage sites in the Park Lands, particularly with respect to new obligations arising from the *Aboriginal Heritage (Miscellaneous) Amendment Act 2016*
  - 13.2. Strengthen opportunities to deliver a range of newly endorsed actions from the Integrated Biodiversity Management Plan 2018-23 which seek to 'embed Kurna knowledge'

- 13.3. Provide for input into the management of the Park Lands from a Kaurna perspective.
14. The person confirmed as a nominee by the Kaurna community is Jessica Davies-Huynh, who is a Director on the Board of the Kaurna Yerta Aboriginal Corporation.

#### **Remaining appointments for the City of Adelaide**

15. In making its remaining three nominations (in addition to the Lord Mayor's statutory position and the Kaurna nominee), it is recommended that Council consider the requirement to satisfy the following appointment criteria:
- 15.1. biodiversity or environmental planning or management
  - 15.2. recreation or open space planning or management
  - 15.3. cultural heritage conservation or management
  - 15.4. landscape design or park management
  - 15.5. tourism or event management
  - 15.6. indigenous culture or reconciliation
  - 15.7. financial management
  - 15.8. local government.
16. To broaden the park management related skill base of the Authority's membership, it is recommended that, in addition to a member of the Kaurna community, and in accordance with the membership provisions of the Act (as above), the City of Adelaide nominates (for consultation with the Minister):
- 16.1. One Councillor (consistent with the Local Government experience criterion)
- Together with two of the following (bios provided on request):
- 16.2. Lucy Sutherland, Director, Botanic Gardens of South Australia and State Herbarium, (biography provided upon request)
  - 16.3. Matt Davis, Director Davis + Davis Architects, expert in architecture, urban design, & planning, with experience in private practice, academia, and government (biography provided upon request)
  - 16.4. Sharon Mackay, Landscape Architect with extensive experience across the public sector and private practice
  - 16.5. Alison Bretones, Recreation Planner who has worked for over 15 years at a senior management level in the Parks and Recreation industry
  - 16.6. Sarah Sutter, CEO Nature Play SA since 2014

#### **Ministerial appointments to the Authority**

17. The Minister for Planning's expiring appointments (expiring 31 March 2019) are as follows:
- 17.1. Sally Smith (Deputy Presiding Member)
  - 17.2. Anita Allen
  - 17.3. Stephanie Johnston
  - 17.4. Roger Zubrinich
  - 17.5. Kirsteen Mackay
18. The Minister has nominated the following persons for the period 1 April 2019 to 31 December 2021:
- 18.1. Kirsteen Mackay (as Deputy Presiding Member)
  - 18.2. Stephen Forbes
  - 18.3. Stephanie Johnston with Professor Emeritus Damien Mugavin as Ms Johnston's deputy
  - 18.4. Ben Willsmore
  - 18.5. Craig Wilkins.
19. Kirsteen Mackay is the South Australian Government Architect in the Office for Design and Architecture SA and former Head of the Design Review at the UK's Commission for Architecture and the Built Environment. Kirsteen has been a member of the Authority since January 2018.

20. Ben Willsmore is the President of the Australian Institute of Landscape Architects, SA Chapter and currently works as the Manager of Urban Planning, Design and Transport at the City of Unley.
21. Stephen Forbes began his career working on botanical surveys and plant taxonomy from the Royal Botanic Gardens, Melbourne. Since then he has held leadership roles in botanic gardens in Melbourne, Perth and Sydney and was director of the Botanic Gardens of South Australia for 15 years.
22. Craig Wilkins is the current Chief Executive of the Conservation Council SA and has more than 25 years experience as a community activist.
23. The Minister is required (pursuant to section 6 (4) of the Act) to appoint a person "*from a panel of 3 persons nominated by an incorporated body that, in the opinion of the Minister, has demonstrated an interest in the preservation and management of the Adelaide Park Lands for the benefit of the community and that has been invited by the Minister to make a nomination*". That person is Stephanie Johnston with Professor Emeritus Damien Mugavin as Ms Johnston's deputy.

#### **Deputy Presiding Member**

24. Section 10 of the Act provides for the Ministerial appointment of the Authority's Deputy Presiding Member.
25. The Minister is required to consult with Council on his/her nominations but not on the appointment of one of those nominees as the Deputy Presiding Member (in this instance, Kirsteen Mackay).

#### **Nomination and appointment of Council members**

26. Pursuant to Standing Orders (22.4 & 22.6):
  - 26.1. In the event of more nominations than positions an election shall be effected by voting by ballot unless otherwise decided by the majority of the Council
  - 26.2. All elections for positions will be subject to confirmation by way of a resolution of Council before being final and binding.
27. The Act provides for an Authority Board Member to be appointed for a term of up to three years. However, the Authority's Charter states that Board Members appointed by the City of Adelaide "shall hold office for a two-year term or any lesser period determined by the Council" to align with Council's four-year term.
28. The recommendation of this report is that the City of Adelaide appointments at this stage be for a period of one year and nine months until 31 December 2020 (half way through the current term of Council).
29. In accordance with the Conflict of Interest provisions within the *Local Government Act 1999 (SA)*, in consideration of the pecuniary benefit associated with the position (Board Meeting Attendance \$51.50 per hour), any Member nominated for the Board at the point when motion for appointment of a successful nominee is voted upon, will be required to declare a material conflict of interest in the matter and leave the Council Chamber.

#### **Next Steps**

30. Consultation with the Minister for Planning regarding Council's nominees.
31. Subject to that consultation, appointments to the Authority are confirmed through publication in the State Government Gazette.
32. The Authority's next scheduled meeting is 11 April 2019.

---

## **ATTACHMENTS**

Nil

---

- END OF REPORT -