



AGENDA

Ordinary meeting of the

Community Services Committee

**Thursday 30 August 2018
Commencing at 9.00a.m.
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

**Pat Dougherty
Chief Executive**

Membership: Councillor Gaile Noonan (Chairperson), Her Worship the Mayor Rachel Reese, Councillors Mel Courtney (Deputy Chairperson), Kate Fulton, Matt Lawrey, Brian McGurk, Paul Matheson and Mike Rutledge

Quorum: 4

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Order 12.1:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the room for discussion and voting on any of these items.

1. Apologies

Nil

2. Confirmation of Order of Business**3. Interests**

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

4. Public Forum

4.1 Public Forum - Nelson Festivals Trust Board, update on how the establishment of the Trust and the transition of the festival operations is progressing

5. Confirmation of Minutes

5.1 12 July 2018

8 - 15

Document number M3622

Recommendation

That the Community Services Committee***Confirms the minutes of the meeting of the Community Services Committee, held on 12 July 2018, as a true and correct record.***

6. Nelson Festivals Trust - Transition and Trust Deed Update **16 - 39**

Document number R9507

Recommendation

That the Community Services Committee

Receives the report Nelson Festivals Trust - Transition and Trust Deed Update (R9507) and its attachments (A2029206 and A2018096).

Recommendation to Council

That the Council

Approves the amended Nelson Festivals Trust Deed (A2029206).

7. Chairperson's Report **40 - 44**

Document number R9654

Recommendation

That the Community Services Committee

Receives the report Chairperson's Report (R9654) and its attachment (A2032665); and

Approves retrospectively the Nelson City Council submission (A2032665) to the government's consultation on a new strategy to prepare for an ageing population.

8. Youth Council Constitution and Update **45 - 48**

Document number R9608

Recommendation

That the Community Services Committee

Receives the report Youth Council Constitution and Update (R9608) and its attachment (A1966873); and

Receives the Nelson Youth Council Terms of Reference 2018 adopted by Nelson Youth Council on 23 July 2018.

9. Options for Reviewing Council's Positive Ageing Policy

49 - 60

Document number R9582

Recommendation

That the Community Services Committee

Receives the report Options for Reviewing Council's Positive Ageing Policy (R9582) and its attachments (A2027424, A2032351 and A2027348);

Agrees that staff initiate work on development of a multi-agency, multi-stakeholder strategy for an ageing population;

Agrees that a Councillor Working Group be formed to support the strategy development; and

Delegates selection of members for a community steering group to the Chair of Community Services with input from the Councillor Working Group.

10. Verbal Update on Stoke Library Water Tightness

Officers will provide a verbal update on Stoke Library water tightness issues prior to a full report to be provided at the Committee's 18 October 2018 meeting.

11. Greenmeadows Centre - Progress Update (number two)

61 - 64

Document number R9595

Recommendation

That the Community Services Committee

Receives the report Greenmeadows Centre - Progress Update (number two) (R9595).

PUBLIC EXCLUDED BUSINESS

12. Exclusion of the Public

Recommendation

That the Community Services Committee

Excludes the public from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Community Services Committee Meeting - Public Excluded Minutes - 12 July 2018	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7.	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities
2	Greenmeadows Centre - Progress Update	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none">• Section 7(2)(g) To maintain legal professional privilege• Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

Note:

- **This meeting is expected to continue beyond lunchtime.**
- **Lunch will be provided.**
- **Youth Councillors Emma Edwards and Max Scheider will be in attendance at this meeting.**



Minutes of a meeting of the Community Services Committee

Held in the Council Chamber, Civic House , 110 Trafalgar Street, Nelson

On Thursday 12 July 2018, commencing at 9.02a.m.

Present: Councillor G Noonan (Chairperson), Councillors M Courtney (Deputy Chairperson), K Fulton, B McGurk, P Matheson and M Rutledge

In Attendance: Councillors I Barker, T Skinner and S Walker, Chief Executive (P Dougherty), Group Manager Infrastructure (A Louverdis), Group Manager Community Services (R Ball), Group Manager Strategy and Communications (N McDonald) and Governance Adviser (E Stephenson)

Apologies: Her Worship the Mayor R Reese and Councillor M Lawrey

1. Apologies

Resolved CS/2018/019

That the Community Services Committee

Receives and accepts the apologies from Her Worship the Mayor R Reese and Councillor M Lawrey.

Courtney/McGurk

Carried

2. Confirmation of Order of Business

The Chairperson advised that Item 8 - Stoke Library Weather Tightness Report would be considered after Item 4 - Public Forum.

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

Attendance: Councillor Rutledge entered the meeting at 9.04a.m.

4. Public Forum

4.1 Public Forum - Jenna Stallard - Scholarship to United World College

Youth Councillor Jenna Stallard addressed the committee regarding her scholarship to the United World College. A PowerPoint presentation was provided.

Attachments

- 1 A2007035 - Jenna Stallard Scholarship to United World College Powerpoint presentation

5. Stoke Library Weather Tightness Report (Agenda Item 8)

Document number R9489, agenda pages 20 - 66 refer.

An Interim Stoke Library Weathertightness report (A2006114) was tabled.

Manager Parks and Facilities, Rosie Bartlett, provided background information on the tabled interim report. Ms Bartlett advised that a non-invasive investigation into other areas of the library had raised concerns so an invasive inspection would take place on Saturday 14 July. She clarified that the library would remain open on that date.

Property Parks and Facilities Asset Manager, Andrew Petheram, spoke to the report. He advised that he would report back to the next committee meeting to provide a further update and future options. Mr Petheram answered questions regarding Council's obligations around safety under the Health and Safety Act, the extent of construction work and risks, maintaining public and staff safety, health risks, when the first signs appeared, whether there was any action to check other council properties, regular formal condition assessments and whether there were other similar buildings that officers were aware of.

Resolved CS/2018/020

That the Community Services Committee

Receives the Stoke Library Weather Tightness Report (R9489) and its attachment 'Weathertightness Report Structural Roof Beams at Stoke Library' A1999139; and

Directs officers to report back to the Community Services Committee at its next meeting on:

1. Further details and costs relating to the weather tightness of the Stoke Library; and

2. Options to respond to the issues discovered.

McGurk/Matheson

Carried

Attachments

- 1 A2006114 - Stoke Library Interim Weathertightness report 6 July 2018

6. Confirmation of Minutes (Agenda Item 5)

6.1 12 April 2018

Document number M3421, agenda pages 7 - 11 refer.

Resolved CS/2018/021

That the Community Services Committee

Confirms the minutes of the meeting of the Community Services Committee, held on 12 April 2018, as a true and correct record.

Courtney/McGurk

Carried

7. Chairperson's Report (Agenda Item 6)

Document number R9490, agenda pages 12 - 14 refer.

The Chairperson provided a verbal addition to her report, reading out an email passed on to Group Manager Community Services, Roger Ball, from the Stoke Library regarding comments received from a library user who had mentioned that young people had recently carried her books and groceries and that youth worker input continued and was having a positive influence on youth in the area.

Group Manager Community Services, Roger Ball, answered questions regarding budget for the gifted Airport sculptures and the reasons for amending the committee's previous decision were confirmed.

Group Manager Strategy and Communications, Nicky McDonald provided a verbal update on revising Council's Positive Ageing policy and the possibility of developing a strategy for addressing Nelson's ageing demographic. She advised that a report would be presented to a future committee meeting looking at options for the work, including the possibility of a community-led strategy.

Ms McDonald answered questions regarding links with the Urban Development Capacity, public seating and infrastructure, the need for a broader approach, allowing older people to engage and being age friendly. Ms McDonald was asked to bring a report to the Committee.

Resolved CS/2018/022

That the Community Services Committee

Receives the report Chairperson's Report (R9490); and

Amends the resolution CS/2018/18 of the Community Services Committee 12 April 2018 to read:

Accepts the gift of ~~nine~~ sculptures for the city from Nelson Airport Limited; and

Thanks the Board of Nelson Airport Limited for making the ~~nine~~ sculptures available as public art for the community to enjoy; and

Delegates decision making on the sites of the ~~nine gifted artworks~~ sculptures that Nelson City Council will receive from Nelson Airport Limited to Councillors Mel Courtney and Kate Fulton, based on advice from the Arts Selection Panel, with an emphasis on exploring options for enhancement in the CBD.

Noonan/Fulton

Carried

8. Community Services Report 1 January to 31 May 2018

Document number R9409, agenda pages 15 - 19 refer.

An update to the Community Services Report 1 January to 31 May 2018 to include the statistics for May and June (A2009383) was tabled.

Acting Manager Libraries, Anthony Lewis answered questions regarding trends in library usage statistics and data for longer term trends and said that he could provide further information to the Committee on this if required.

Group Manager Community Services, Roger Ball, answered questions regarding arrangements for Council events related to the All Blacks game, and confirmed that he would provide details of arrangements for the civic component to Councillors via email once they were finalised.

Resolved CS/2018/023

That the Community Services Committee

Receives the report Community Services Report 1 January to 31 May 2018 (R9409).

Matheson/Fulton

Carried

Attachments

- 1 A2009383 - Update to Community Services Report 1 January - 31 May 2018 (R9409)

9. Youth Council Update

Youth Councillor Alex Hunter provided her verbal update on the Youth Council's activities, which included:

- Youth Councillors had received presentations training in June
- Youth Council had been approached by the Roading and Utilities Manager and given the opportunity to promote bike safety out in the community
- Youth Council had nominated community groups for the Trustpower Community Awards as well itself, and Youth Councillors were looking forward to attending the awards ceremony later this year
- As a result of a forum last year, when it was decided that youth should be included on boards, Miss Hunter had been accepted onto the Big Brother Big Sister Nelson Tasman board.

Miss Hunter also congratulated fellow Youth Councillor Jenna Stallard on achieving her scholarship.

Youth Councillor Nathaniel Rais provided his verbal update, which included:

- Youth Councillors had been spreading awareness about Youth Council at the two Rockquest events via newsletters and a \$200 voucher award
- Youth Councillors attendance as youth representatives at meetings of a joint partnership between Nelson City Council, the Ministry of Youth Development and Youth Training Providers
- Youth Council had submitted to the Long Term Plan 2018 – 2028
- Youth Councillors had been involved in a project painting O'l Lumpy (Nelson Bowl) Skatepark, they had handed the project over to Council officers to complete. Youth Councillors were designing a sign for the park to increase awareness of the Youth Council, he

said that this was a good opportunity to support heritage and to make it a good place for youth.

10. Greenmeadows Centre - Progress Update

Document number R9486, agenda pages 67 - 70 refer.

The Chair noted that, in light of the recent media release, reasons for confidentiality no longer existed for a substantial amount of the information in the public excluded report on this issue. A redacted public excluded report containing all of the information that was able to be made publicly available (A2009124) was tabled.

Group Manager Infrastructure, Alec Louverdis and Manager Capital Projects, Shane Davies provided background on the issues. They answered questions regarding:

- the reasons that some of the public excluded information needed to remain confidential
- tenant occupation
- cladding issues
- commitment to quality
- building progress
- resourcing
- meetings with the contractor
- project management going forward
- payment of suppliers and subcontractors
- reputational risk
- the tendering and contract evaluation process
- completion date
- review and assessment of lessons learned after the project completion
- review of the tendering policy.

Attendance: Councillor Matheson left the meeting at 10.27a.m. and returned at 10.36a.m.

Attendance: The meeting was adjourned at 10.37a.m. and reconvened at 10.56a.m. Councillor Matheson was not present.

Attendance: Councillor Matheson returned to the meeting at 10.58a.m.

Mr Louverdis and Mr Davies answered further questions regarding project management, additional onsite supervision, the independent assessor, the intention to report back to Council, clarification of additional costs, provision of wiring for an external emergency generator, timeframes and the review process.

Resolved CS/2018/024

That the Community Services Committee

Receives the report Greenmeadows Centre - Progress Update (R9486).

Noonan/Fulton

Carried

Attachments

- 1 A2009124 - Greenmeadows Centre Progress (Public Excluded) Update - redacted

3. Exclusion of the Public

Resolved CS/2018/025

That the Community Services Committee

Excludes the public from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Rutledge/McGurk

Carried

Item	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Particular interests protected (where applicable)
1	Greenmeadows Centre - Progress Update	Section 48(1)(a) The public conduct of this matter would be likely to result in disclosure of information for which good reason exists under section 7	The withholding of the information is necessary: <ul style="list-style-type: none"> Section 7(2)(h) To enable the local authority to carry out, without prejudice or disadvantage, commercial activities

The meeting went into public excluded session at 11.28a.m. and resumed in public session at 12.22p.m.

There being no further business the meeting ended at 12.22p.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date

REPORT R9507

Nelson Festivals Trust - Transition and Trust Deed Update

1. Purpose of Report

- 1.1 To approve the amendments to the Nelson Festivals Trust Deed and provide an update on the Trust Board establishment and transition.

2. Summary

- 2.1 Council has previously approved the draft Trust Deed for the Nelson Festivals Trust and has since appointed a Chair for the Trust Board. The remaining members of the Trust have also been appointed, including two Council appointees.
- 2.2 The Nelson Festivals Trust Board members have requested changes to the Trust Deed. The requested changes are outlined in this report with the final draft Deed presented for approval.
- 2.3 The Board members have identified key milestones which will be incorporated into a transition plan with timeframes and more detail for the transition of operations and governance from Council to the Trust. Members of the Trust will be present to provide an update and answer questions.

3. Recommendation

That the Community Services Committee

Receives the report Nelson Festivals Trust - Transition and Trust Deed Update (R9507) and its attachments (A2029206 and A2018096).

Recommendation to Council

That the Council

Approves the amended Nelson Festivals Trust Deed (A2029206).

4. Background

- 4.1 Council decided in the Long Term Plan 2015-25 to establish an independent governance structure for the Nelson Arts Festival.
- 4.2 After considering the options, feedback from the Nelson Arts Festival Transition Group, risks, and community feedback, Council decided the new structure would be an independent governing body. On 28 November 2017 Council decided to establish the Nelson Festivals Trust, resolving as follows:

That the Council

Establishes a Charitable Trust, registered as the Nelson Festivals Trust, to provide governance and operations of the Nelson Arts Festival as an independent governing body; and

Implements the transition timeframe and actions outlined in this report (R7929), with transfer of operations to occur in time for the Trust to shadow the 2018 Nelson Arts Festival and to operate the Festival from 2019; and

Directs an interview panel comprising of the Chair Community Services, Deputy Chair Community Services and Her Worship the Mayor, to commence recruitment for a Chair of the Trust and recommend a preferred candidate to Council for approval; and

Notes that due to timeframe requirements, the recruitment process for the Chair will commence before formal Council approval on 9 November 2017, identifying within the application process that it is subject to Council approval; and

Acknowledges that the newly appointed Chair will be responsible for appointing the other initial trustees of the Trust.

- 4.3 Following a recruitment process, Brent Thawley was selected as the preferred Chair for the Trust Board by Her Worship the Mayor (Rachel Reese), the Chair of Community Services (Councillor Noonan) and Deputy Chair Community Services (Councillor Courtney). On 14 December 2017 Council resolved:

That the Council

Approves the appointment of Brent Thawley as the initial Nelson Festivals Trust Board Chair, subject to successful referee checks and acceptance of the role by the candidate.

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

- 4.4 Council considered a draft Trust Deed for the Trust on 14 December 2017 and resolved:

That the Council

Approves the draft Nelson Festivals Trust Deed (A1867010), with the following amendment:

- *no casting vote*
- *two of the trustees to be appointed by the Council on an ongoing basis*

- 4.5 Recruitment for the remaining board members commenced in January 2018 with appointments made in March 2018. Eighteen applications were received and a shortlist of eight applicants was interviewed by a panel comprising the Chair of the Nelson Festivals Trust and the Chair and Deputy Chair of the Community Services Committee.

On 8 March 2018 Council resolved:

That the Council

Appoints the following as Trustees to the Board of the Nelson Festivals Trust for a three-year term concluding March 2021, subject to successful referee checks and acceptance of the role by the candidate:

- *Ali Boswijk*
- *Sarah Yarrow*

- 4.6 (It is noted that the resolutions above in paragraphs 4.3-4.5 were adopted in Public Excluded but have been released under the authority of the Chief Executive.)

- 4.7 The remaining Trustees were selected by the Chair. The final membership of the Trust comprises:

- Brent Thawley (Chairperson)
- Ali Boswijk (Council appointee)
- Sarah Yarrow (Council appointee)
- Pic Picot
- Caroline Marshall
- Sarah Sharpe
- Debbie Hannan

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

- 4.8 The Board members have since held four formal meetings to discuss the future involvement of the Board, the strategic direction for the Festival and the transition of the Festival from Council to the Trust.

5. Discussion

- 5.1 Since their appointment, the Board members have considered the draft Trust Deed and have requested a number of changes be made. Once finalised, the Trust Deed will be formally submitted to the Registrar of Incorporated Societies and the Trust will become a Legal Entity.
- 5.2 This report considers the requested changes to the Trust Deed, recommends the final version for Council approval and provides an update on the establishment of the Board as well as the transition plan for the Board to take over operations and governance of the Festival.

Trust Deed updates

- 5.3 Having considered the Trust Deed prepared by Council and obtaining legal advice, the Nelson Festivals Trust Board members wrote to Council requesting changes to the Deed on 28 June 2018.
- 5.4 Most of the requested changes are minor and have little effect on the overall purpose of the Deed. Legal advice was sought on the requested changes on behalf of Council and after discussion with the Board Chair, a mutual agreement to the changes was reached. The key changes, as highlighted in the final draft Trust Deed (A2029206) are as follows:
- Clause 3.1 – Amend the first registered office of the Trust to ‘Founders Heritage Park’ as that is where the festivals office is located, rather than using the Council address.
 - Clause 4.1 – Broadened statement to include community so that it is clear the education resources could be broader than school-based. This now reads ‘in schools and communities’.
 - Clause 4.2 - New Clause added stating that the Trust is restricted from any purpose that is not wholly charitable. This clause was requested by the Board as it will aid registration for charitable status.
 - Clause 4.3 and 4.4 - The definition of ‘major transaction’ has been amended to increase the threshold for a major transaction requiring a special resolution from 25% to 75% of the Trust’s assets so that a special resolution is only required where necessary and will not be so cumbersome for the Board with such a small asset base.
 - Clause 5.1 - A request for the number of trustees was made to reduce the minimum number to four, however the minimum needs to be six so that it will not be a Council Controlled Organisation (50% of members). Similarly if a non-Council appointee steps down there would need to be the majority of non-Council

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

members, therefore the minimum number of Trustees is changed to six.

- Clause 6.3 – Increase the maximum tenure a Trustee can be on the Board from seven to nine years to allow the Board to maximise the experience of Trustees.
- Clause 7.8 – Wording altered so that the Board can appoint a treasurer or secretary from non-board members.
- Clause 10.1 – Amended to provide that payment to a Trustee for professional services needs the prior written approval of the Board.
- Clause 13.1 - Financial year amended to a calendar year to better align with the timing of the Festival.
- Clause 13.3 – Amended to include that the auditor must not be a board member.
- New Clauses 11.2 to 11.7 - New clauses to address conflicts of interest.

5.5 Other changes requested by the Board, that are not recommended to be changed in the Trust Deed, are as follows:

- Clause 2.2 – The Board requested to change the name of the Board from 'Nelson Festivals Trust' to 'Nelson Festivals Trust Board' in this clause. Legal advice recommends that this should not be changed as it would mean the Trust would also be named the 'Nelson Festivals Trust Board'.
- Clause 7.10 – It was requested to include the process around annual meeting – this is not required as this is at the discretion of the Board.
- Clause 9.1 – A request for Board ratification for reimbursement of expenses was requested however that is already adequately covered by clause 9.2.
- Clause 6.5 - Council appointments: a request was made by the Board to amend the Deed to include that Council would need to replace Council appointees within six months should one stand down, and that if not the Board would have power to appoint a replacement Trustee after giving Council notice that it intends to do so. Advice given is that the existing wording should stay and that Council will understand the need to promptly replace any Council Trustee that steps down from the Trust. The existing wording in clause 6.5 should stay.
- Clause 16.1 (c) – The Board requested that the clause for Council to approve any changes to the Trust be replaced with a sub clause prohibiting the Trustees to amend Council appointee provisions,

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

except where the Council is no longer the major funder of the Trust as they believe it would not be appropriate if Council is no longer interested in the Festival or funding it, seeking to control changes to the Deed given it has two appointees. However, Council has previously stipulated that it wishes the Board not to change the wording of the Trust Deed without the Council's permission, so it is recommended that clause 16.1(c) should remain unchanged. After discussing the request with the Board Chair, it was agreed the current wording will remain, on the basis that if the Council ceases to be a major funder in future, Council would consider a request from the Board to not require Council approval to make changes to the Trust Deed.

Transition update

- 5.6 The Board members have met formally four times to discuss the formation of the Board and begin planning for the transition for the Board to take over operations and governance of the Festival. The key areas of focus for the Board at this time include:

- 5.6.1 Strategic planning and community engagement – the Board is undertaking a piece of strategic work with Business Lab, to be completed by December 2018. Funding of \$7500 has been secured from Creative NZ as well as funding from external sponsors.
- 5.6.2 Funding applications – the Board is to apply to Creative NZ funding for 'arts grants' up to \$65k for the 2019 Festival and then to the 'Kahikatea' fund for the 2020 Festival for a larger amount (application April 2019).

Key transition milestones:

- 5.7 The following are key steps that will be taken to formalise the Trust and begin the transition of operations. This is further detailed in attachment two (A2018096):
- September 2018: Application submitted to Registrar for incorporated societies (to be lodged once final Trust Deed confirmed) to establish the trust as a legal entity.
 - Application for charitable status will be lodged once legal entity confirmed.
 - Funding agreement being drafted and contract for services agreed on and effective from 1 November 2018.
 - 1 November 2018: Transfer of operations begin – to be detailed in a transition plan currently being developed. Transfer of operations complete by 30 June 2019.
- 5.8 Council will continue to resource and deliver its annual calendar of summer events including the New Year's Countdown, Teddy Bear's

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

Picnic, Lantern Celebration, Buskers Festival, Summer Movies, Tahuna Summer Sounds, and the bi-annual Opera in the Park event.

6. Options

- 6.1 Option one is for Council to approve the agreed changes to the Nelson Festivals Trust Deed at the request of the Board, as outlined in this report. This is the recommended option.
- 6.2 Option two is for Council to decline the requested changes by the Board, this is not recommended as the proposed changes are all relatively minor and legal advice provided is that the proposed changes are acceptable.

Option 1: Approve Trust Deed with changes as recommended	
Advantages	<ul style="list-style-type: none">• The Trust will have a legally valid Trust Deed• Shows the Board that Council is willing to agree to its reasonable request• Not all the changes requested by the Board are being agreed to, therefore the overall purpose of the Trust Deed stays within Council's reasons for establishing a Trust
Risks and Disadvantages	<ul style="list-style-type: none">• Further changes could be made to the draft Trust Deed
Option 2: Decline the request to approve the Trust Deed	
Advantages	<ul style="list-style-type: none">• Will not require the Trust Deed to be updated
Risks and Disadvantages	<ul style="list-style-type: none">• The Trust will not be able to operate without a Trust Deed• Could undermine Council's relationship with the new Board as it considers the request to be reasonable

7. Conclusion

- 7.1 The transition of governance and operations of the Nelson Arts Festival to an external Trust is on track for a 1 November commencement as planned. The next key milestone is for the Trust to become a legal entity. To do so, the final Trust Deed which has changes to the first draft must be agreed by Council.
- 7.2 It is recommended that the Committee agree to the changes outlined in this report and recommend to Council to approve the new version of the Trust Deed.

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

Author: **Shanine Raggett, Project Manager**

Attachments

Attachment 1: A2029206 - Nelson Festivals Trust - Trust Deed August 2018 [↓](#)

Attachment 2: A2018096 - Nelson Arts Festival transition timeline [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government <p>This decision supports a more cost-effective delivery of the festival through increased opportunities for other funding partners to share the cost and allowing greater community ownership of the Festival.</p>
2. Consistency with Community Outcomes and Council Policy <p>The report aligns with Council's Community outcome:</p> <ul style="list-style-type: none">• <i>"Our communities have opportunities to explore their heritage, identity and creativity" and;</i>• <i>"We have a strong sense of community, enhanced by the wide range of arts, cultural and sporting opportunities on offer".</i>
3. Risk <p>The recommendations in this report are low risk as they align with Council's previous decision to establish an external governance structure for the Nelson Arts Festival and align with the requirements of establishing a charitable trust. Legal advice has been sought on the recommendations in this report.</p>
4. Financial impact <p>There are no costs associated with this decision as the recommendation is within existing budget allocations and Council has previously decided to allocate funding towards the external governance structure to operate the Festival.</p>
5. Degree of significance and level of engagement <p>The decision to establish an external governance structure for the Nelson Arts Festival was a high significance issue and was consulted on through the Long Term Plan 2015-25. The Nelson Arts Festival Transition Group also consulted with a large number of relevant stakeholders. A public feedback process on establishing a CCO structure was also undertaken resulting in 15 submissions. No further engagement on this decision is recommended given thorough process to date.</p>
6. Inclusion of Māori in the decision making process <p>Māori have not been consulted in relation to this report.</p>
7. Delegations

Item 6: Nelson Festivals Trust - Transition and Trust Deed Update

The Community Services Committee has the following delegations to consider the decision in this report

Areas of Responsibility:

- *Community Festivals and Events*

Powers to Recommend:

- *Community Festivals and Events*

Nelson Festivals Trust

Deed of Trust

Fletcher Vautier Moore
Lawyers
Nelson

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A2029206

This Deed made the _____ day of _____ 2018

Between

- | | | |
|--------|--|-----------------------|
| (1) | [name], of [address], [occupation] Brent Thawley , of Nelson, Relationship Manager, Sport New Zealand; | Formatted: Font: Bold |
| (2) | [name], of [address], [occupation] Ali Boswijk , of Nelson, Head of International and Business Development, World of Wearable Art; | Formatted: Font: Bold |
| (3) | [name], of [address], [occupation] Sarah Alison Yarrow , of Nelson, National Programme Manager; | Formatted: Font: Bold |
| (4) | [name], of [address], [occupation] Debbie Hannan , of Nelson, Communications Consultant; | Formatted: Font: Bold |
| (5) | [name], of [address], [occupation] Caroline Margaret Marshall , of Nelson, Company Director; | Formatted: Font: Bold |
| (6) | Pic Picot , of Nelson, Company Director; and | Formatted: Font: Bold |
| (5)(7) | Sarah Sharp , of Nelson, | Formatted: Font: Bold |
| | (Trustees) | Formatted |

Background

- A** The parties to this deed wish to establish a charitable trust (**Trust**) for the purposes described in clause 4.1 of this deed.
- B** The Trustees have agreed to enter into this deed specifying the purposes of the Trust and providing for its control and governance.

This Deed Witnesses:

1. Name and trust property

- 1.1 The name of the Trust shall be Nelson Festivals Trust.
- 1.2 The Trustees acknowledge and declare that they have received the sum of \$100.00 which they hold, together with such other assets as may be added from time to time, upon the trusts declared in this deed.

2. Incorporation

- 2.1 The Trustees will apply for incorporation as a Board under Part 2 of the Charitable Trusts Act 1957.
- 2.2 The name of the Board shall be Nelson Festivals Trust or such other name as the Board may determine from time to time.

3. Registered office

- 3.1 The registered office of the Board shall be such place in the Nelson/Tasman region as the Board may determine from time to time, and shall first be at ~~{Founders Park}~~ Founders Heritage Park, 87 Atawhai Drive, Nelson 7010.

4. Purposes

- 4.1 ~~To The Trust is established to~~ carry out the following charitable purposes within the Nelson/Tasman region:

- (a) To establish, organise, and promote at such intervals as the Board shall determine a festival of the arts (**festival**) for the benefit of the citizens of the Nelson/Tasman region in particular, and New Zealand in general.
- (b) To establish, organise, and promote artistic and cultural events outside the period of the festival for the benefit of the citizens of the Nelson/Tasman region in particular, and New Zealand in general.
- (c) To encourage, promote and support participation in the festival and other artistic and cultural events established or organised by the Trust.
- (d) To assist with the establishment, funding, promotion and ongoing operation of artistic and cultural activities in the Nelson/Tasman region for the benefit of the citizens of the Nelson/Tasman region in particular, and New Zealand in general.
- (e) To encourage, promote and support artistic and cultural performances, and associated educational resources, in schools and communities in the Nelson/Tasman region in conjunction with the Nelson Arts Festival and other artistic and cultural events established or organised by the Trust.
- (f) To co-ordinate and apply funds and other resources from central and local government, and from the private sector, for the attainment of the charitable purposes of the Trust.
- (g) Without restricting the scope of the foregoing, to take all ancillary and related actions to achieve the charitable purposes of the Trust.
- (h) Any private benefit derived by an individual, business or anyone receiving funding from the Trust (other than remuneration for their services as a trustee of employee) will be incidental to the pursuit of the Trust's charitable purposes.

- 4.2 ~~The Trust shall not carry out any purpose which is not a charitable purpose.~~

- 4.24.3 In this deed, "**special resolution**" means a resolution of the Board, passed by a majority of not less than two thirds of the Trustees.

- 4.34.4 In this deed, "**major transaction**" means a transaction, undertaking, agreement or arrangement that has or is likely to have the effect of the Trust acquiring rights or interests or incurring obligations or liabilities, the value of which is more than 75% of the value of the Trust assets at that time.

4.44.5 In this deed, unless the context otherwise requires:

- (a) Clause headings are inserted for reference only and shall not affect the interpretation of this deed.
- (b) References to statutes, or provisions thereof, include that statute or provision as from time to time amended, or re-enacted, and a statute or provision enacted in substitution thereof.
- (c) References to the singular include the plural and vice versa.

5. Trustees

- 5.1 There shall be no more than 7 trustees and no fewer than 6 trustees. The initial Trustees shall be the signatories to this deed.
- 5.2 There shall at all times be two Trustees who have been appointed by Nelson City Council (**Council Trustees**). Of the initial trustees, ~~{~~Ali Boswijk and {
Sarah Yarrow are the Council Trustees.
- 5.3 If at any time there are less than the minimum number of Trustees in office then, subject to clause 6.5, the remaining Trustees shall restore the number of Trustees to the minimum number.
- 5.4 Unless otherwise specified in this deed, a Trustee shall cease to hold office upon the date the Trustee:
 - (a) Dies; or
 - (b) Is declared bankrupt; or
 - (c) Is convicted of an offence punishable by a term of imprisonment of two or more years; or
 - (d) Is found to be a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
 - (e) Resigns as a Trustee by written notice to the Board; or
 - (f) Fails to attend three consecutive meetings of the Board unless the failure to attend is excused (whether before or after the meeting) at a meeting of the Board; or
 - (g) Is disqualified from being a Trustee under section 16 Charities Act 2005; or
 - (h) Is removed under the power contained in clause 6.4 or 6.5 of this deed.

6. Appointment/ Retirement/ Removal

- 6.1 At the conclusion of each Annual Meeting of the Trust two of the Trustees for the time being shall retire from office. The Trustees who so retire shall be those Trustees who have been longest in office since their appointment or reappointment. As between

persons who became Trustees on the same day, those to retire shall, unless they otherwise agree among themselves, be determined by lot.

- 6.2 Subject to clause 6.3 a retiring Trustee will be eligible for reappointment as a Trustee, but the decision to reappoint a Trustee (other than a Council Trustee) is entirely at the discretion of the Board.
- 6.3 No person shall hold office as a Trustee for more than 9 years.
- 6.4 Except as provided for in clause 6.5, the power to appoint and remove Trustees is vested in the Board.
- 6.5 Nelson City Council has the sole power to appoint and remove the Council Trustees.

7. Board

- 7.1 From the date of incorporation the Board, consisting of the persons who are for the time being the Trustees, shall be responsible for the governance of the Trust.
- 7.2 The Board shall meet at such times and places as it determines.
- 7.3 The initial chairperson of the Board shall be appointed by Nelson City Council and shall hold office until the conclusion of the second Annual Meeting of the Trust unless that Person ceases to hold office as a Trustee under subclauses 5.4 (a) to (g) of this deed. Thereafter, the chairperson shall be as elected by the members of the Board from time to time, the Board shall determine the period for which the chairperson is to hold office, and the Board (excluding the chairperson) may at any time by special resolution remove the chairperson.
- 7.4 The chairperson shall preside at all meetings of the Board at which he or she is present. In the absence of the chairperson from any meeting, the members present shall appoint one of their number to preside at that meeting.
- 7.5 A quorum for a meeting of the Board is a majority of the Trustees, and no business shall be transacted unless a quorum is present.
- 7.6 The Board shall exercise its powers and discretions by a majority of votes of members present unless otherwise specified in this deed.
- 7.7 A minute book shall be kept by the Board and all proceedings of the Board shall be entered in the minute book.
- 7.8 The Board shall have the power to appoint and remove a Secretary and/or Treasurer, and such persons do not have to be a Trustee
- 7.9 Trustees shall be given notice of all meetings by phone, fax, email or letter provided that it will not be necessary to give notice of a meeting of the Board to any Trustee for the time being absent from New Zealand.
- 7.10 The Board shall meet as necessary to conduct the business of the Trust but shall meet not less than once every three months. One of such meetings, to be held not more than three months after the end of the financial year, shall be designated as the

Annual Meeting of the Trust. Meetings of the Board shall be convened by the chairperson at such place and time as the chairperson may determine.

- 7.11 A resolution in writing signed by all of the Trustees entitled to receive notice of a meeting of the Board will be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held. Any such resolution may consist of several documents in like form each signed by one or more Trustees.

8. Meetings by Way of Electronic Communication

- 8.1 The contemporaneous linking together by telephone or other means of communication of a number of Trustees being not less than the quorum (whether or not any one or more of the Trustees is out of New Zealand) shall be deemed to constitute a meeting of the Board and all the provisions of this deed in respect of such meetings shall apply, so long as the following conditions are met:
- (a) All the Trustees for the time being entitled to receive notice of a meeting of the Board shall be entitled to notice of the meeting by telephone or other means of communication and to be linked by telephone or other means for the purpose of such meeting and shall have received two working days notice prior to such meeting;
 - (b) Each Trustee taking part in a meeting by telephone or other means of communication must throughout the meeting be able to hear each of the Trustees taking part in the meeting; and
 - (c) At the commencement of the meeting each Trustee must identify himself/herself to the other Trustees and must acknowledge the Trustee's presence for the purpose of the meeting to all other Trustees taking part.

9. Powers

- 9.1 In addition to the powers implied at law including the powers contained in the Trustee Act 1956 and the Charitable Trusts Act 1956, the powers which the Board may exercise in order to carry out its charitable purposes are as follows:
- (a) To use the Trust property as the Board thinks necessary or proper in payment of the costs and expenses of the Trust, including the employment of professional advisers, agents, and staff as appears necessary or expedient;
 - (b) To purchase, take on lease or in exchange or hire or otherwise acquire any real or personal property and any rights or privileges which the Board thinks necessary or expedient for the purposes of the Trust, and to sell, exchange, bail or lease, with or without option of purchase, or in any manner dispose of any such property, rights or privileges as aforesaid;
 - (c) To carry on any business;
 - (d) To construct, maintain, improve, manage, develop any real or personal property which, or an interest in which, forms part of the Trust property, in such manner as the Board thinks fit;
 - (e) To lend upon such terms and conditions as the Board thinks fit;

- (f) To accept donations and make gifts for the purposes of furthering the charitable purposes of the Trust;
 - (g) To invest surplus funds in any way permitted by law for the investment of Trust funds and upon such terms as the Board thinks fit;
 - (h) To borrow or raise money from time to time with or without security and upon such terms as to priority and otherwise as the Board thinks fit;
 - (i) To appoint, employ, dismiss and remunerate employees;
 - (j) To enter into any arrangement with any local authority or the Government that is conducive to the Trust's purposes, or any of them, and to obtain from any such local authority or the Government any rights, privileges and concessions which the Board think is desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions;
 - (k) To carry out such fund raising activities for the purposes of the Trust as the Board in their sole and absolute discretion think fit and to expend monies belonging to the Trust for the purposes of carrying out or promoting such activities in such manner as the Board shall in their sole and absolute discretion think fit;
 - (l) To acquire, hire, operate and maintain any vehicles;
 - (m) To open and maintain bank accounts;
 - (n) To advertise the existence and purposes of the Trust;
 - (o) To enter into any contract of indemnity, or act as surety, or give any guarantee, provided that any such indemnity, guarantee or security given must relate to the purposes of the Trust;
 - (p) To mediate or refer to arbitration any actions, proceedings, disputes, claims or demands against the Board;
 - (q) To pay for any Trustee's Liability Insurance cover taken out by the Board from time to time;
 - (r) To do all things as may from time to time be necessary or desirable to enable the Board to give effect to and attain the charitable purposes of the Trust.
- 9.2 The Board may reimburse the Trustees for all reasonable out of pocket expenses incurred by the Trustees in attending meetings of the Board, and attending to the business of the Trust.
- 10. Professional Trustees**
- 10.1 Any person who is a Trustee shall, with the prior approval of the Board, be entitled to charge and receive fees for professional services performed in relation to the administration or execution of the Trust as he or she would have been entitled to make or receive if he or she had not been a Trustee.

11. Restriction on Exercise of Trustees' Powers

- 11.1 Trustees may not enter into a major transaction unless the major transaction is:
- (a) authorised by a special resolution; or
 - (b) conditional upon the passing of a special resolution.
- 11.2 A Trustee who is interested in a matter relating to the Board must disclose details of the nature and extent of the interest:
- (a) to the chairperson of the Board; and
 - (b) in an interests register kept by the Board.
- 11.3 Disclosure under clause 11.2 must be made as soon as practicable after the Trustee becomes aware that he or she is interested.
- 11.4 A Trustee who is interested in a matter relating to the Board must not vote or take part in any discussion or decision of the Board relating to the matter.
- 11.5 In clauses 11.2 to 11.4 (inclusive) and clause 11.6, matter means the Board's performance of its powers.
- 11.6 For the purposes of clauses 11.2 to 11.4 (inclusive), a Trustee is interested in a matter if he or she:
- (a) may derive a financial benefit from the matter; or
 - (b) is the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
 - (c) may have a financial interest in a person to whom the matter relates; or
 - (d) is a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
 - (e) is otherwise directly or indirectly interested in the matter.
- 11.7 Nothing in clauses 11.2 to 11.4 (inclusive) shall apply in any case where the interest of a Trustee appointed by Nelson City Council is no different from the interest of Nelson City Council.

12. Income, benefit or advantage to be applied to charitable purposes

- 12.1 Any income, benefit or advantage is derived by the Trustees in trust for charitable purposes and shall be applied to the charitable purposes of the Trust.
- 12.2 No Trustee or person associated with a Trustee shall derive any income, benefit or advantage from the Trust where they can materially influence the payment of the income, benefit or advantage except where that income, benefit or advantage is remuneration for professional services in accordance with clause 10.1.

13. Accounts and Audits

- 13.1 The financial year for the Trust shall be from 1 ~~April-January~~ in each year to 31 ~~March~~ December of the following year.
- 13.2 The Board shall keep true and fair accounts of all money received and expended.
- 13.3 The Board shall as soon as practicable after the end of every financial year of the Trust, cause the accounts of the Trust for that financial year to be audited. The audited accounts shall be made available to the public, and a copy of the audited accounts presented to Nelson City Council. The auditor of the accounts for a financial year shall be appointed by the Board at the Annual Meeting of the Trust that follows the end of that financial year. The auditor must not be a Trustee or the Treasurer.
- 13.4 The Board shall report regularly on its activities to Nelson City Council.

14. Delegation by Board

- 14.1 The Board may from time to time appoint any committee or person and may delegate any of its powers and duties to such committee or person, and the committee or person may without confirmation by the Board exercise or perform the delegated powers or duties in like manner and with the same effect as the Board could itself have exercised or performed them.
- 14.2 Any committee or person to whom the Board has delegated powers or duties shall be bound by the terms of this deed.
- 14.3 Every such delegation shall be revocable by the Board at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the Board.
- 14.4 It shall not be necessary that any person who is appointed to be a member of any such committee, or to whom any such delegation is made, be a member of the Board.

15. Execution of Documents

- 15.1 All documents shall be executed in accordance with Section 19 of the Charitable Trusts Act 1957. Upon incorporation as a Board the Trustees shall adopt a common seal, to be held at the office of the Board. A contract which if made by private persons would be by law required to be by deed may be made on behalf of the Board in writing under the common seal of the Board, attested by at least 2 of the Trustees.

16. Alteration/Variation of the Trust Deed

- 16.1 The Board may pursuant to a special resolution by supplemental deed make alterations or additions to the terms of this deed provided that no such alteration or addition shall:
 - (a) Detract from the exclusively charitable nature of the Trust or result in the distribution of its assets on winding up or dissolution for any purpose that is not exclusively charitable;

- (b) Affect the charitable purposes of the Trust, or clauses 12.1, 12.2 or 17.1 of this deed; or
- (c) Be made without the prior written approval of Nelson City Council.

17. Winding up of the Board

- 17.1 On the liquidation of the Board or on its dissolution by the Registrar of Incorporated Societies, all surplus assets after the payment of costs, debts and liabilities shall be applied to such charitable purposes within New Zealand as are generally consistent with the purposes of the Trust as set out in this deed, or disposed of in accordance with the directions of the High Court pursuant to section 27 of the Charitable Trusts Act 1957.
- 17.2 The Board shall not be put into voluntary liquidation unless the Trustees unanimously resolve to liquidate the Board.

18. Trustees' Liability and Indemnity

- 18.1 No Trustee shall be liable for any losses or liabilities in connection with the Trust not arising out of his or her own dishonesty, wilful default or wilful breach of trust.
- 18.2 Each Trustee shall be indemnified out of the Trust assets for and in respect of all losses, liabilities and expenses incurred or sustained by him or her in the exercise or attempted exercise of the powers and discretions vested in the Trustees under this deed, unless such losses, liabilities or expenses are attributable to the Trustee's own dishonesty, wilful default or wilful breach of trust.

19. Patron

- 19.1 The Board may at any time and from time to time appoint a person of its choice as Honorary Patron of the Trust (**Patron**). The Patron shall be entitled to attend, and participate in, any meetings of the Board but shall not be entitled to vote on any matter arising at the meeting.

IN WITNESS WHEREOF this deed is duly executed the day and year hereinbefore written

Signed by [_____] Brent
Thawley in the presence of:

[_____] B Thawley

Witness Signature

Witness Name

Witness Occupation

Witness Address

Signed by [_____] Ali Boswijk
in the presence of:

[_____] A Boswijk

Witness Signature

Witness Name

Witness Occupation

Witness Address

Signed by [_____] Sarah
Yarrow in the presence of:

[_____] S Yarrow

Witness Signature

Witness Name

Witness Occupation

Witness Address

Signed by [_____] Debbie
Hannan in the presence of:

_____]D Hannan

Witness Signature

Witness Name

Witness Occupation

Witness Address

Signed by _____]Caroline
Marshall in the presence of:

_____]C Marshall

Witness Signature

Witness Name

Witness Occupation

Witness Address

Signed by _____]Pic Picot in
the presence of:

Witness Signature

Witness Name

Witness Occupation

Witness Address

Signed by [_____] Sarah
Sharp in the presence of:

Witness Signature

Witness Name

Witness Occupation

Witness Address

—} P Picot

—]S Sharp

Nelson Arts Festival transition timeline

Updated at August 2018

Key milestones

Month	Task / milestone	Responsibility	Progress
2017			
October	Nelson Arts Festival	NCC	Complete
November	Appoint Trust Board Chair	NCC	Complete
	Approve draft Trust Deed	NCC	Complete
2018			
January	Commence application process to appoint Board members	NCC/Trust Chair	Complete
March	Board members appointed	NCC/Trust Chair	Complete
August	Approve final Trust Deed	NCC	In progress
	Application for Creative NZ 'arts grants' funding for 2019	NCC/Trust Board	In progress
September	Submit application to Registrar of Incorporated Societies	NCC/Trust Board	
	Submit application to Charities Commission for charitable status (backdated)	NCC/Trust Board	
October	Nelson Arts Festival	NCC	
November	Trust in effect	Trust Board	
	Funding agreement in effect	NCC/Trust Board	
	Transition of operations begin	NCC/Trust Board	
December	End of financial year for Trust	Trust Board	
2019			
January	Start of financial year for Trust		
April	Application for Creative NZ 'Toi Uru Kahikatea – Arts Development investment programme' for 2020	Trust Board	
June	Transition of operations complete	Trust Board/NCC	
October	Nelson Arts Festival	Trust Board	
December	End of financial year for Trust	Trust Board	

A2018096

Chairperson's Report

1. Recommendation

That the Community Services Committee

Receives the report Chairperson's Report (R9654) and its attachment (A2032665); and

Approves retrospectively the Nelson City Council submission (A2032665) to the government's consultation on a new strategy to prepare for an ageing population.

2. Update

- 2.1 Seniors Minister Tracey Martin is undertaking a consultation aimed at gathering ideas for the review of New Zealand's Positive Ageing Strategy 2001. It will be critical that councils have the necessary support from central government to tackle the challenges of an ageing demographic. So I think it is important that we have our say on the key issues. A draft submission from Nelson City Council has been submitted on a pro forma basis and is attached for the Committee's consideration.
- 2.2 I have visited the Menzshed recently to see how they are going. They meet on Tuesdays and Thursdays and I am sure they would appreciate a visit. When I called in there was quite a lot of activity.
- 2.3 The Nelson Arts Festival launched on 8 August and will run through until a finale concluding with the Masked Parade and carnival on 26 October. Staff advise that sales are tracking well as we near the end of the Early Bird stage (31 August), with some shows already proving to be the public's favourites. The *Out the Gate Schools Programme* has been well received by the local schools with many bookings coming into the Festival office. The Festival conducted workshops a few weeks ago for our large community project, *The Flag Project* which had over 500 participants. The Flag designs are currently being finalised and will go into production soon. There has also been very good coverage in both the local and national media. Coupled with the All Blacks game on 8 September, this is an exciting period for events and entertainment in the City.

Item 7: Chairperson's Report

- 2.4 There has been quite a bit of discussion around Stoke and youth. We have several facilities that need to be reviewed including the Stoke library and the Stoke Memorial Hall. There are also community groups having discussions about where to base themselves to deliver youth services. There are activities that can/should be based in Stoke. Should we move the youth section of the library and the internet services from the current library to give more space for other activities and relocate with other youth services? Should we have a place where people can be taught some life skills out of our facilities? Are there community groups who could use some of our spaces in a shared way? How do these activities relate to other commercial/community plans? How can we move these discussions along?
- 2.5 As well as this during the LTP process the Stoke Youth (intergenerational) Park project was brought forward a year. Officers have commenced the project with work starting on a scoping project and identifying a strategy for public engagement. Community engagement is critical for all this work to be successful. Clare Barton has started on this work and will be at the meeting to answer any questions we have.

Author: Gaile Noonan, Chairperson - Community Services Committee

Attachments

Attachment 1: A2032665 - Strategy for an Ageing Population - Submission to Office for Seniors [↓](#)

Item 7: Chairperson's Report: Attachment 1

Strategy for an Ageing Population

Office for Seniors

PO Box 1556

Wellington 6140

Nelson City Council submission on the Strategy for an Ageing Population

Thank you for the opportunity to comment on the government's work to develop a new strategy to consider and respond to New Zealand's ageing population.

Nelson City Council is very conscious of the changing demographic of its local community and the wider national impacts of an ageing population. It appreciates the Government's initiative in deciding to develop a new strategy to guide New Zealand's response to the challenges and opportunities that its ageing demographic presents. This is a much needed piece of work.

Councils, due to their role in directly delivering services and responding to the needs of their communities, are very significantly affected by the ageing demographic. For many councils this ageing trend is paired with, and complicated by, slowing or declining population growth. In Nelson's case, we are fortunate to still be experiencing good levels of growth but we know the projections show a different future.

Many councils will need to adapt to a reducing ratepayer base as the proportion of their ratepayers retiring with debt and living on fixed incomes grows. Despite these increasing constraints on rates income, there will be pressure to maintain existing levels of service. At the same time the changing community will create new demands, for example from the increasing levels of disability predicted as the population ages. Clearly, operating models will need to change and in particular the sustainability of property rates as the main basis for funding the local government sector needs to be seriously considered.

Given the wide variation in the capacity to address these issues amongst councils, support from the Government will be essential. Nelson City Council hopes that the new strategy can tackle these issues and provide guidance for councils as to how to best prepare for and respond to the ageing population.

Some areas of particular concern are:

Housing – Nelson is one of the least affordable areas for purchasing and renting housing. Future cohorts of older residents are less likely to reach their later years owning a home and thus the need for social housing will increase. The efforts by the Government to increase social housing stock in the region are appreciated as is the inclusion of Nelson in the Housing First programme. However even with these new efforts supply is likely to fall short of the fast-growing demand and we must continue to work together to find affordable housing options, particularly for our most vulnerable residents.

Workforce – If current projections are correct, Nelson will face increasing labour market shortages and indeed anecdotal evidence is that shortages in specialised skills are already occurring. There are already more residents at the traditional age of exit from the workforce than there are young people

A2032665

Item 7: Chairperson's Report: Attachment 1

ready to enter work. As we are surrounded by councils with older populations there is no nearby source of new workers.

Clearly one element to address the shortfall is for older workers to stay in employment longer. A constraint is the ability to retrain older workers to move into areas of labour shortage and to adapt to new technology. The current funding model of the Tertiary Education Commission, makes it difficult for Nelson Marlborough Institute of Technology to offer affordable training for these older ages and we would encourage the Government to consider a new approach as the only real option would be for NMIT to adopt a user pays model which, due to affordability, could automatically reduce access.

Voluntary work is another area where we expect constraints to occur as factors such as longer working lives and family care responsibilities reduce the pool of available older volunteers. At the 2013 census volunteer hours in New Zealand were shown to have fallen 42% over the last nine years. Volunteers play a crucial role in building safer, stronger, more welcoming communities and we expect the need for unpaid workers to increase with an ageing demographic. We expect a shortfall in volunteering hours available to the community and would like the government to consider how this can be mitigated.

Social connection – Social isolation is a serious issue for older adults as it has been shown to have flow on effects to their wellbeing and overall health. Sharing of successful models for combatting isolation is a useful role Government can play. Also important are efficient and accessible transport networks that can keep older adults connected and involved in the community, particularly where driving may no longer be an option. In cities like Nelson where population density makes cost-effective public transport a challenge, ongoing funding support from Government will be necessary.

Research – Council appreciates the work of the Office for Seniors in commissioning research that can be used by local government in its planning. Examples such as the bibliography of research on ageing and the Attitudes towards Ageing report have proved valuable resources as Nelson City Council has developed its planning for the ageing demographic. Continuing and expanding Government's role to provide research on areas of common interest is valuable as local authorities rarely have the resources to undertake such work themselves.

Reporting – the 2001 Positive Ageing Strategy had a reporting requirement for councils. This can be a valuable way to track responses to the ageing demographic across the country but must also take into account the generally limited resources available within councils to respond. Nelson City Council suggests that a few key metrics be selected for councils to report against that will not be time consuming but deliver a snapshot of progress in implementing the Strategy within the local government sector. These could include elements such as whether the Council has a policy dealing with the ageing demographic and when it was last reviewed and consulted on with the community; funding available for age-friendly initiatives; sharing one example of an innovative approach/project dealing with the ageing demographic.

Conclusion – Although the ageing demographic brings many challenges, the fact that so many people are living longer lives is something to be celebrated. There are many opportunities to draw on the skills, experience and talents of our older residents and to keep them engaged and contributing to their communities. Nelson City Council looks forward to working with Government to ensure we are well prepared to support our community through this demographic transition.

A2032665

Item 7: Chairperson's Report: Attachment 1

Please note that due to the timing of meetings this submission has not yet been approved by Council and should be considered as pro forma. We will advise if there are any changes to the submission following the meeting of the Community Services Committee on 30 August.

Gaile Noonan

Chair Community Services Committee

22 August 2018

A2032665

Youth Council Constitution and Update

1. Purpose of Report

- 1.1 To inform the Committee of the Nelson Youth Council's new adopted Terms of Reference which replaces its previous constitution and to update the Committee regarding the activities of the Youth Council.

2. Recommendation

That the Community Services Committee

Receives the report Youth Council Constitution and Update (R9608) and its attachment (A1966873); and

Receives the Nelson Youth Council Terms of Reference 2018 adopted by Nelson Youth Council on 23 July 2018.

3. Background

- 3.1 At its 23 July 2018 meeting, the Nelson Youth Council adopted a new terms of reference to replace its constitution. This was done to improve accessibility and to use a document more appropriate for the Youth Council's needs. The new terms of reference has language that is easier to understand and an improved structure. This document needed to be changed to be easily accessed by youth councillors, because it is used to guide the activities of the Youth Council.
- 3.2 One of the few substantive changes made was to remove the prescribed number of each type of representative required on the Youth Council, but the groups that must be represented remain the same. The other change regarded membership termination and meeting attendance. Previously a member had to miss three consecutive meetings with apologies to have their membership terminated, which has been changed to three meetings in total, not necessarily consecutive.
- 3.3 This newly adopted document is a terms of reference, not a constitution. This is because the Youth Council did not require the legal nature of a constitution. When this document was created in 1998 it was not made a

Item 8: Youth Council Constitution and Update

formal constitution and is a constitution by name only. A terms of reference is more suited to the needs of the Youth Council, and is what is used by many Youth Councils across the country.

Author: **Nelson Youth Council**

Attachments

Attachment 1: A1966873 - Nelson Youth Council Terms of Reference [↓](#)

Nelson Youth Council

Te Kaunihera Rangatahi o Whakatū

Terms of Reference July 2018

Background

In 1996, under the guidance of a supportive Mayor, a youth forum was established to give youth a voice. Due to its success, in May of 1998 the Nelson Youth Council officially came into existence. Its objective was to enable youth to have a say in the running of the City.

Purpose

Nelson Youth Council will initiate and/or respond to issues and engage young people in the Nelson district to have a voice in decision making.

Aims and Objectives

1. To give Nelson youth a real voice, so that young people can be heard and taken seriously on issues affecting youth and to promote the development of a dynamic community for the youth of the future.
2. To promote the Nelson Youth Council and the activities it undertakes, and to inform/engage the Nelson City Council, Nelson youth and the general public of issues being dealt with.
3. To bring the needs and concerns of young people to the attention of local and central government and to encourage consideration of such issues at a local, regional and national level.
4. To assist Nelson City Council with its planning processes and projects, and with a focus on the provision of services and facilities that have a potential impact on young people.
5. To identify local youth needs and resources.
6. To develop youth leadership skills through experience of representation processes, local government and civic activities.

Operating Principles/Operation

1. The Nelson Youth Council will meet monthly; from February to October.
2. Nelson City Council will provide the administrative and secretarial requirements for the Nelson Youth Council.
3. A request for agenda items will be sent to Nelson Youth Council members (via email) two weeks prior to the meeting. The agenda will be circulated prior to the meeting.
4. The Nelson Youth Council will report to the Nelson City Council.
5. The Nelson Youth Council may constitute subgroups or subcommittees, which will be accountable to the Nelson Youth Council for their actions.
6. The role of Chairperson shall be rotated at the discretion of the Nelson Youth Council.
7. Support will be provided by a Nelson City Councillor.
8. Nelson Youth Council acknowledges that it has a responsibility to take account of the principles of the Treaty of Waitangi. These responsibilities include maintaining and improving opportunities for rangatahi/Māori youth to contribute to local government decision-making processes.

Membership

The call for applications for Youth Council members will be made in September each year for the following year.

The Youth Council will consist of a maximum of 20 members. Membership may consist of:

Item 8: Youth Council Constitution and Update: Attachment 1

- Youth, year 10 and above from Nayland College, Nelson College, Nelson College for Girls, Garin College and Waimea College
- Youth from Community Groups who currently work with youth
- Youth Nelson students
- Rangatahi Māori Representative
- Youth in the community
- Youth undertaking tertiary study

1. Members must be between 14 and 24 years of age and live within the boundaries of Nelson City Council or attend school/training at an identified school or be employed with-in the Nelson City Council district.

2. If a delegated organisation cannot be represented, or applicants of an organisation applying are not suitable, their seat will be filled by a representative of one of the other membership categories.

3. Youth Councillors will be selected on their ability to work as a team member, be proactive and to demonstrate leadership, governance and civic service skills.

4. Applications will be considered by Nelson City Council staff with advice obtained from Youth Councillors and organisations concerned.

5. Applications will not be considered from people who have previously had their membership terminated.

Term of Appointment

1. Members are appointed to the Youth Council for one year.

2. Members should re-apply each year and consideration will be given to those with ongoing commitment with the Youth Council.

3. If a Youth Council member resigns during the year, a new member may be appointed to join for the remainder of the year.

Removal

Members will take an active part in meetings and subgroups. Youth Councillors are expected to put in their apologies if unable to attend a meeting.

- If a member is absent from two meetings without providing apologies, then membership will be terminated, without further consideration.
- If a member is absent from three meetings with apologies for each meeting, their membership will be terminated, unless the Youth Council resolves otherwise.
- In the event of a Youth Councillor failing to observe the Rights and Responsibilities agreement, or if a concern or complaint is received about a Youth Councillor, Nelson City Council may remove the Youth Councillor from membership. Where relevant, this will be done in consultation with the representative organisation concerned. All concerns and/or complaints must be received in writing addressed to the Community Partnerships Adviser.

Quorum

Eight members must be in attendance for a quorum.

Review

The Terms of Reference will be reviewed every three years or sooner if required, with agreement of a 75% majority of members.

Options for Reviewing Council's Positive Ageing Policy

1. Purpose of Report

- 1.1 To consider options for reviewing Council's Positive Ageing Policy.

2. Summary

- 2.1 Nelson's Positive Ageing Policy 2011 is due for review. The ageing demographic will have a significant impact on the Nelson community in many areas such as housing, accessibility, transport, workforce, ratepayer base etc. The Committee needs to consider how best to update Council's strategic approach to this issue.

3. Recommendation

That the Community Services Committee

Receives the report Options for Reviewing Council's Positive Ageing Policy (R9582) and its attachments (A2027424, A2032351 and A2027348);

Agrees that staff initiate work on development of a multi-agency, multi-stakeholder strategy for an ageing population;

Agrees that a Councillor Working Group be formed to support the strategy development; and

Delegates selection of members for a community steering group to the Chair of Community Services with input from the Councillor Working Group.

4. Background

- 4.1 The Community Services Committee indicated at a workshop on 31 August 2017 that, once work on the Long Term Plan was complete, there was interest in initiating a process to develop a strategic approach to Nelson's ageing demographic.
- 4.2 Council's first Positive Ageing Policy was developed in collaboration with Tasman District Council and adopted in 2003. Nelson City Council reviewed its policy in 2011 and included a section on Positive Ageing with a new vision and policies as part of the Social Wellbeing Policy. Tasman District Council still uses the 2003 policy but is part way through a review process.

5. Discussion

- 5.1 The dramatic change to the age structure of populations around the world has been acknowledged as one of the significant challenges of this century. Although New Zealand has the youngest age profile amongst the OECD countries, the changes associated with this demographic shift are becoming evident in many areas from the labour market to health services. At the local level, councils will bear the brunt of much of this change and need to work with their communities to prepare and respond.

Nelson's ageing population

- 5.2 Nelson, with 19% of its population aged 65 or over (2017 estimates), has an ageing profile in the top third of territorial authority populations. By the time of the 2043 census Nelson is expected to be the 14th oldest community in New Zealand. All of the territorial authority areas around Nelson have older profiles eg Tasman District Council estimates it will have the second oldest population in the country within two decades, with one in three residents 65 or older.
- 5.3 Nelson's older population is increasing both in actual numbers and as a proportion of the total population. While the results of the latest census are needed to check trends, all growth over the next few decades is expected to be in the 65+ age group. Nelson already has more older residents (65+) than children (0-14) and this trend is unlikely to reverse. These changes are driven by increasing longevity, declining birth rates, Nelson's traditional net migration loss of people aged 15 to 24 years and a net migration gain of retirement age residents. A map showing the distribution of Nelson's older residents across the city is in Attachment 1.

Policy response

- 5.4 Nelson is recognised as having a Council that has been proactive in considering the impacts of an ageing demographic. Examples include Council's two day Positive Ageing Seminar in 2008 involving outside experts and a range of councils, through to the recent Long Game series

Item 9: Options for Reviewing Council's Positive Ageing Policy

in 2017 bringing to Nelson experts from around New Zealand to speak on ageing issues. This proactive approach has given Nelson access to many opportunities to be involved with national initiatives on the ageing demographic, particularly through the work of the Office for Seniors.

WHO Age Friendly Model

- 5.5 One of those initiatives is the growing interest in the World Health Organisation's (WHO) Age Friendly model (see explanatory material in Attachment 2). In March this year Hamilton became the first New Zealand city to be accepted into the WHO network of Age Friendly cities. Its Age Friendly Plan was developed over a two year period by a steering group composed of community members and supported by Hamilton City Council (copy of the Hamilton Plan available in the councillors' lounge).
- 5.6 Other councils are working on community-led strategies under this model and more are using the model as a tool in their thinking about ageing communities. The model makes older adults central to the strategy process and considers their needs in eight different domains: housing, transport, outdoor spaces and buildings, community support and health services, communication and information, civic participation and employment, respect and social inclusion, social participation.
- 5.7 The process would involve an assessment of the current level of age friendliness of Nelson, identification of gaps and opportunities, multiple opportunities for community input and finally development of an action plan with commitments from a range of partners.
- 5.8 The WHO model would seem a good starting point for a review of Nelson's policy. Supporting the community to develop a strategy should lead to greater buy-in and allow commitments from a range of partners in addressing issues. A decision about whether to submit the final strategy to the WHO for approval and to officially become part of the Age Friendly Cities network could be taken later in the process, taking into account community views.
- 5.9 There are some aspects of the strategy development where Council might wish to supplement the community-led work. More formal involvement of key service-delivery agencies in the strategy would be useful in order to recognise their role and encourage commitments in the action plan. A number of agencies have already undertaken substantial planning on response to the ageing demographic, for example the Nelson Marlborough District Health Board, and their involvement will bring valuable insights. There are also some areas of interest to Council that tend to get less attention in community-led strategies e.g. the older workforce, so may need parallel processes. Council may also wish to undertake some more detailed analysis to inform future decisions on its own investment in assets and facilities.
- 5.10 Another area where Council may wish to take the initiative is in examining its own workplace, both in terms of being age friendly and with a view to preparing for the loss of experienced older staff as they

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retire. The average age of Council employees is 48 years. There are 23 staff due to turn 65 in the next five years and another 40 due to reach 65 in the next 10 years. A graph showing the age spread of Council staff is in Attachment 3.

- 5.11 Taking all the elements required for a robust strategy into account it is recommended that Council chooses a multi-agency, multi-stakeholder collaborative approach with a community steering group a central part of the process.

Council-led review

- 5.12 Another option would be for Council to lead the process of reviewing the policy. This would involve stakeholder pre-consultation and drafting of a revised policy by officers followed by community consultation. This would be a simpler and shorter process but the policy and action plan would focus more on Council service provision and funding. This approach is not recommended given the advantages of greater community buy-in and commitments to action from a wider range of partners that the WHO model brings.

Councillor working group

- 5.13 To build links with the work being led by community members and to provide guidance to staff throughout the development it would be helpful to have a working group of interested councillors. These councillors would represent the governance level of Council at key meetings, champion the process with the community and ensure a good level of awareness amongst elected members of what is likely to be a long-running project.
- 5.14 It is suggested that interested elected members contact the Chair of the Community Services Committee to register interest in participating in the working group. This invitation would be extended to all elected members, not just those on the Community Services Committee. The next Chair's report can then update the Committee on membership of the group.

Community Steering Group

- 5.15 An important part of the success of a strategy process will be involving community members with valuable skills and experience. An appeal for interested people to register their interest in participating could form the basis of a list from which the Chair of the Community Services Committee, with input from Working Group members, could select. Those who are not selected for the Steering Group would be invited to be involved in the strategy process in other ways.
- 5.16 Criteria to consider in choosing steering group members could be the level of expertise/interest in ageing issues, networks within the community and ability to engage. Within the group there should be a mix of long term residents and newcomers as well as different ethnic backgrounds, income brackets and interests. In addition the group would

Item 9: Options for Reviewing Council's Positive Ageing Policy

ideally represent a range of ages as the strategy is about the future of Nelson and therefore not just of interest to older adults themselves.

6. Options

- 6.1 The recommended approach is option 3, to initiate development of a multi-agency, multi-stakeholder strategy involving as wide a range of partners as possible.

Option 1: Status quo – continue to use existing Positive Ageing Policy	
Advantages	<ul style="list-style-type: none">• Saving in staff time which can be redirected to other policy priorities
Risks and Disadvantages	<ul style="list-style-type: none">• Current policy is seven years old and not up to date• Lost opportunity to engage with the community and raise awareness on an important issue• Lost opportunity to get commitment from a range of partners to act together to address issues
Option 2: Update Positive Ageing Policy	
Advantages	<ul style="list-style-type: none">• Council has a greater amount of control over the final policy• Overall smaller process with quicker turnaround
Risks and Disadvantages	<ul style="list-style-type: none">• Final product will not be as wide-ranging or prepare Nelson as well for changing demographic• Lost opportunity to get commitment from a range of partners to act together to address issues
Option 3: Multi-agency, multi-stakeholder strategy	
Advantages	<ul style="list-style-type: none">• Wide engagement and enhanced community buy-in• Process will help raise awareness and responsiveness to changing demographic• Strategy will include actions from a range of partners and avoid Council being seen as provider of all necessary services/funding

Item 9: Options for Reviewing Council's Positive Ageing Policy

Risks and Disadvantages	<ul style="list-style-type: none">• Greater community involvement likely to lead to a slower process• Less Council control over final product
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Author: Nicky McDonald, Group Manager Strategy and Communications

Attachments

Attachment 1: A2027427 - Map of Nelson population 65 and over [↓](#)

Attachment 2: A2032351 - World Health Organisation Age-Friendly Cities Network [↓](#)

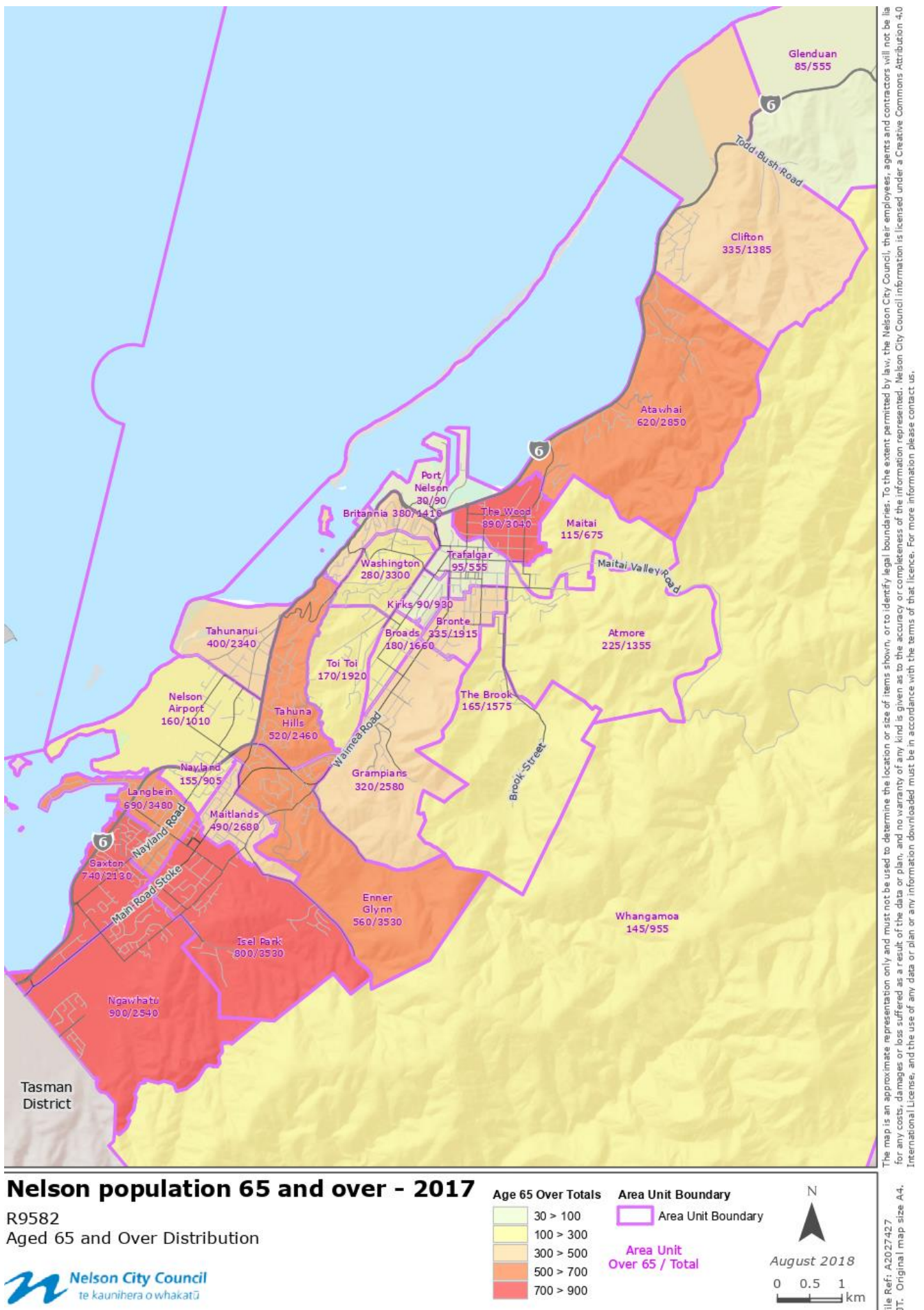
Attachment 3: A2027348 - Age Profile of Nelson City Council staff [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government Approving work on an Age Friendly Strategy will allow Council to consider how to best provide services to a growing segment of its community in the most cost effective and sustainable way.
2. Consistency with Community Outcomes and Council Policy The recommendations in this report support the Community Outcomes our communities are healthy, safe, inclusive and resilient; our communities have access to a range of social, educational and recreational facilities and activities; our Council provides leadership and fosters partnerships, a regional perspective and community engagement.
3. Risk Initiating work on a strategic approach to Nelson's ageing demographic reduces the risk that Council and the community will not be sufficiently prepared to respond to the significant social and economic changes resulting from an ageing population.
4. Financial impact The cost of work on a strategy can be met within existing budgets.
5. Degree of significance and level of engagement While the ageing demographic will impact significantly on the community there are varying degrees of awareness and interest in the issue. A broad, community-led process of engagement is planned both to seek the widest possible input and to raise awareness of issues.
6. Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
7. Delegations The Community Services Committee has the following delegations to consider policy on the ageing demographic <i>Areas of Responsibility:</i> <ul style="list-style-type: none">• Community Development, including youth issues, ageing issues and social well-being <i>Powers to Decide:</i>

Item 9: Options for Reviewing Council's Positive Ageing Policy

- To undertake community engagement other than Special Consultative Procedures for any projects or proposals falling within the areas of responsibility

Item 9: Options for Reviewing Council's Positive Ageing Policy: Attachment 1





WHO Global Network for Age-friendly Cities and Communities

A growing number of cities and communities worldwide are striving to better meet the needs of their older residents. The WHO Global Network for Age-friendly Cities and Communities (the Network) was established to foster the exchange of experience and mutual learning between cities and communities worldwide.

Cities and communities in the Network are of different sizes and are located in different parts of the world. Their efforts to become more age-friendly take place within very diverse cultural and socio-economic contexts. What all members of the Network do have in common is the desire and commitment to promote healthy and active ageing and a good quality of life for their older residents

What are age-friendly environments?

Health and well-being are not only determined by our genes and personal characteristics but also by the environment into which we are born and live throughout the life course. The environment therefore plays an important role in determining how we age and how we respond to disease, loss of function and other forms of loss and adversity that we may experience at different stages of life, and in particular in later years.

Age-friendly environments foster health and well-being and the participation of people as they age. They are accessible, equitable, inclusive, safe and secure, and supportive. They promote health and prevent or delay the onset of disease and functional decline. They provide people-centred services and support to enable recovery or to compensate for the loss of function so that people can continue to do the things that are important to them.

Why are age-friendly environments important?

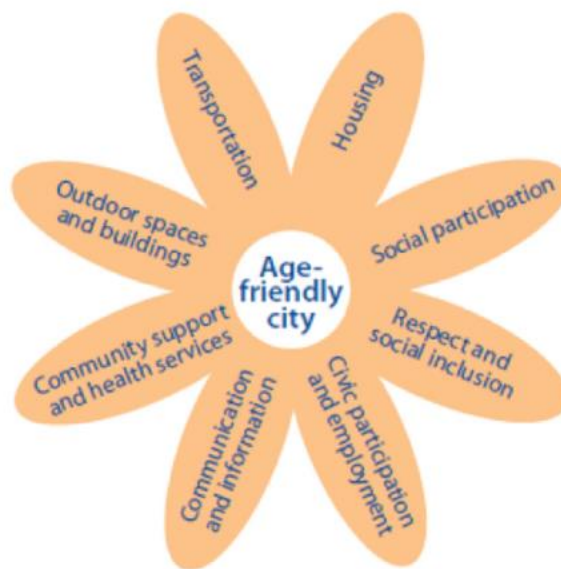
Without age-friendly environments, health for all cannot be achieved. Everyone should have the opportunity to achieve the highest possible level of health and well-being, regardless of age, sex or gender, cultural or ethnic background, wealth or health status.

Older people may experience negative attitudes and discrimination based on their age. Creating age-friendly environments acknowledges diversity, fights ageism and ensure that everyone has the opportunity to fully participate.

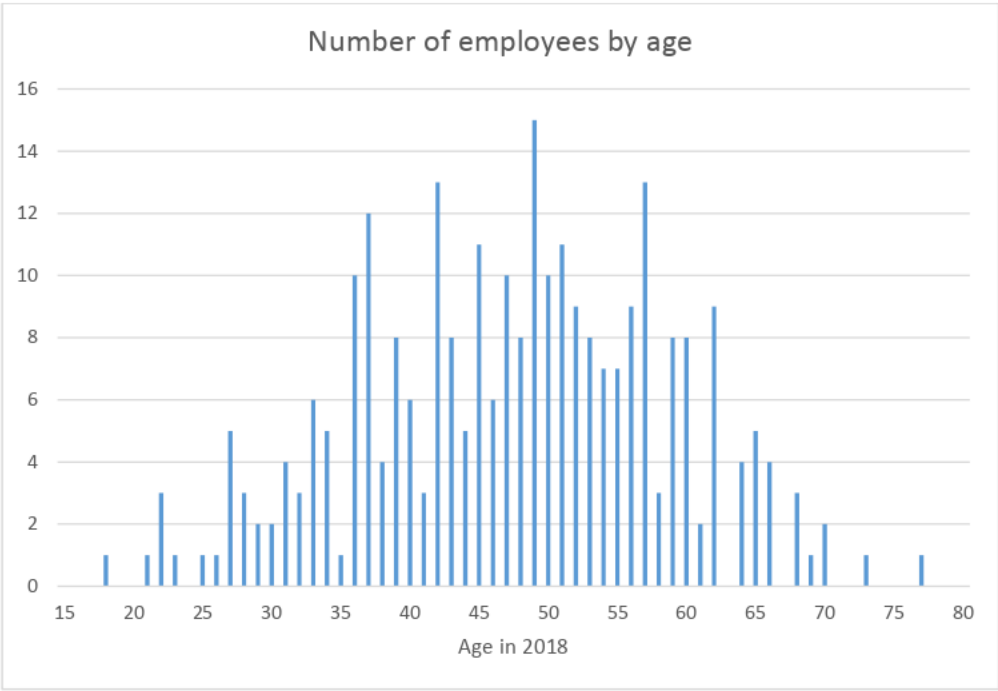
Creating barrier-free and affordable housing, accessible public spaces, and transportation enable people to stay independent and participate in community life. An age-friendly environment reduces the risk of falls and prevents the neglect and abuse of vulnerable older people by increasing the safety of the natural and built environments and the security and protection of older people in the community.

A2032351

Older people play a crucial role in their communities – they engage in paid or volunteering work, transmit experience and knowledge, and help their families with caring responsibilities. These contributions can only be ensured if societies foster their health and participation.



Age Profile of Nelson City Council staff



Greenmeadows Centre - Progress Update (number two)

1. Purpose of Report

- 1.1 To update the Committee on progress of the Greenmeadows Centre (Centre).

2. Recommendation

That the Community Services Committee

Receives the report Greenmeadows Centre - Progress Update (number two) (R9595).

3. Background

- 3.1 At its meeting of 20 March 2018, Council approved additional funding to enable the completion of the Centre and resolved as follows:

"Requests regular updates on the Greenmeadows Centre Budget and Programme to the Community Services Committee".

- 3.2 This is the second progress update to the Community Services Committee and is to be read in conjunction with report R9594 in the public excluded portion of the agenda.

4. Discussion

Progress

- 4.1 A full time Clerk-of-Works has been appointed to ensure that all remedial works are being undertaken in line with the drawings and specifications. This role will continue until successful completion of the project.
- 4.2 Remedial works are well underway and been undertaken in a co-ordinated manner.
- 4.3 The windows on the western (Songer Street Stoke) end of the facility have all been re-set with correct air seals now in place in accordance with the specifications and drawings. This has allowed the installation of the exterior cedar cladding panels to re-commence.

Item 11: Greenmeadows Centre - Progress Update (number two)

- 4.4 The buckling on the eastern edge of the roof is still to be investigated. A verbal update will be provided at the meeting.
- 4.5 The work to the stormwater slot drain at the playing fields end will be programmed to coordinate with work on the windows and cladding at that end.
- 4.6 W&H have received confirmation from the structural engineer on specific remedial works to the reinforcing steel around the base plates on the first floor. This work will be incorporated into the remediation program.
- 4.7 Quality is the main focus at present. A completion date is not yet known but is unlikely to be before December 2018.

Tenants

- 4.8 The Chair of the Community Services Committee with the aid of a consultant are working closely with the tenants. Update as below:
 - With additional work required to the first floor, Stoke rugby have vacated their rooms.
 - Fit out work on the café has started.
 - Work in the tennis area continues with the aim of ensuring that Stoke tennis will be able to occupy their rooms as soon as possible.
 - It is too soon yet to provide an occupation date for Nelson Cricket.
 - Stoke Seniors have advised that they would prefer to wait until the facility is completed before moving across from their current premises.

Other work

- 4.9 The resource consent for the building requires a series of plans to be submitted and certified before the building can be occupied including a noise management plan, landscape plan and centre management plan.
- 4.10 An application to vary the resource consent has been lodged to enable tennis, rugby club and the café to occupy the facility prior to the centre being fully completed. It is considered the available parking and marked accessible parking is sufficient for these activities and the tenants are subject to compliance with the noise management plan that has been submitted for certification.
- 4.11 The provision of the centre management plan is largely to ensure other events and functions do not adversely impact on nearby residents. As the main hall and one of the function rooms is not finished these events will not be occurring until the management plan has been completed and certified.
- 4.12 Progress on the plans is as below:

Item 11: Greenmeadows Centre - Progress Update (number two)

- The noise management plan has been submitted for certification;
- The landscape plan has been submitted and certified;
- The original resource consent stipulated that the centre management plan had to be in place 60 days after any individual part of the building was in use. The variation has requested 60 working days to complete the plan from when the building is fully occupied.

4.13 The parking provisions have mostly been completed, but a small aspect is still outstanding. Three of the six mobility scooter parks are not finished as these are located within the work site so are not available for use.

Resourcing

4.14 Watts and Hughes (W&H) have committed that that they will provide both the necessary competent resources and supervision to meet the required standards. A lot of the resources currently on site are from Christchurch, with resourcing reaching up to 30 carpenters on site.

4.15 W&H have provided a new full time experienced senior site manager and a further full time experienced contracts project manager to the project.

Risk

4.16 The following risks still exist:

- Lack of resources – W&H has provided the required competent resources to address the issues and this is being monitored by the Clerk-of-Works.
- Quality – A process is now in place to ensure that all remedial work is been delivered to the required standards.
- Reputational risk to Council – this continues to be by far the largest risk. The focus is on ensuring that the project is delivered to a high quality.
- The extra Council resources committed to this project could see other project works delayed.

Author: Alec Louverdis, Group Manager Infrastructure

Attachments

Nil

Important considerations for decision making
1. Fit with Purpose of Local Government The new facility is significant for both Nelson and Stoke and has a high profile in the local community. It will add to the well-being and vibrancy of the Stoke community and provide for good quality local infrastructure.
2. Consistency with Community Outcomes and Council Policy The new facility meets the following Community outcome - 'Our communities have access to a range of social, educational and recreational facilities and activities'.
3. Risk The main risk to Council is one of reputational damage.
4. Financial impact Additional funding has already been approved for this project.
5. Degree of significance and level of engagement The facility has a high community interest and has a moderate significance to all residents, but will be of higher significance to the residents of Stoke.
6. Inclusion of Māori in the decision making process Maori have not been specifically been consulted on this report.
7. Delegations The Community Services Committee responsibilities include: <i>"Community Centre and halls – Greenmeadows Community Centre".</i>