

**Te Pātaka o Rākaihautū**  
**Banks Peninsula Community Board**  
**MINUTES ATTACHMENTS**

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**Date:** Monday 17 May 2021  
**Time:** 10am  
**Venue:** Lyttelton Community Boardroom,  
25 Canterbury Street, Lyttelton

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**BP Community Board, May 17, 2021**  
**Banks Peninsula Libraries Update**

Thanks for allowing me to speak to you about Peninsula library services. I am a big fan of CCC libraries and I always support the system in my annual and LTP submissions. It is a fantastic service that helps underpin social resilience and cohesion which is delivered by very dedicated staff. Through the earthquakes and years of aftershocks libraries were the social glue that held communities together. Libraries provide a safe, warm and welcoming environment to everyone especially during times of uncertainty.

Peninsula libraries are especially important for our distant communities because they give ratepayers, students and children a place to meet and visit, as well as being an educational tool for learning.

Libraries are a free social resource and in Akaroa located 70 kilometers from Christchurch, we have very few such places.

As you know, I do not support LTP suggestions to reduce library hours nor do I support the Service Centre desk being imposed into a small community library located next to the primary and junior school. *(I hope you take the time to pay a visit to the Akaroa Library)*

At 180 sq metres the Akaroa Area School and Community Library is already too small to accommodate future upgrades which will be required to serve community and school needs in the years to come.

- According to the report staffing levels are assured until June 30 but what happens should the desk remain?
- Bringing back volunteers could assist the daily operation of the library service.
- And if the desk closes, Akaroa loses all “face to face” customer service.
- Ultimately the Service Centre needs to return to the historic Post Office building where it belongs.

I wish to note the report states that Service Centre inquiries are higher than anticipated by those who shut the Post Office building and reduced the level of service to ratepayers without consulting the community board or ratepayers.

Libraries in Christchurch provide a range of computers, services, public programs and resources – I need to clarify a point here, very few of which have been made available in Akaroa. ( hold up 45 page **BOOKLET** what’s on in your library)

In my view

- Peninsula ratepayers should enjoy the same standard and level of service as that provided in Christchurch.
- Otherwise we are seen and treated as second class citizens but we already know that as being fact, not fiction.

I strongly support greater public activity at the library as expressed in today's report where statistics have confirmed increased use. As international visitors start to return in the next 18-24 months activity and usage will continue to increase.

Library exhibitions and workshops could include speakers to give public sessions locally, instead of ratepayers having to drive long distances into town to attend lectures and events.

The Council could help through its Heritage Team and museum staff in assisting Peninsula libraries to increase public programs for the community.

The Council could provide greater engagement with rural communities by supporting and utilising Peninsula libraries. The cost would be minor. Such programs exist in Christchurch but not in Akaroa.

A Library book group could work with the Akaroa Cinema in relation to particular films or by promoting a film festival focusing on specific topics. There are numerous opportunities that would enhance community engagement, wellbeing and resilience.

Volunteers appear to be part of other libraries so I suggest that Akaroa reestablish its Library Volunteer Group that was terminated in December 2019 without the knowledge or approval of the BP Community Board.

No doubt this was an executive decision made at a high level in town but it was contrary to Council policies and the strategic framework. The excuse could not have been financial because everyone involved were volunteers....

In conclusion

**I ask that you pass a resolution to support greater use of the Akaroa Area School and Community Library by reinstating Library Volunteers and the Friends of The Akaroa Library.**

If you really want the School and Community Library to serve the community then you have to involve individuals who have supported the facility for more than 25 years.

Libraries can be much more than books on shelves if the Council allows them to be.

Thank you.

Victoria Andrews, Ratepayer

### Reserve Management Committees – Revised (Draft) Terms of Reference (May 2021)

I'd like to offer some personal comments about this report on the revised Terms of Reference for RMC's in front of you today.

I believe the entire premise of this report to you is flawed. It is written from the point of view of the Local Government Act and not the Reserves Act.

I recommend you do not approve this document for consultation with RMC's today. I believe you need further legal advice. You individually as Board members need to do due diligence to ensure you are complying with the relevant legislation. I think there is a risk to you as Board Members that the Reserves Act is not being taken into account as it should be. This report says the risk relates to non compliance with the Local Government Act. I think it's the other way around. If you do not get further advice I think there is a risk to the Council of a Judicial Review on how you are running Reserve Management Committees.

Why am I certain that you need further advice?

In 1999 A Reserves Act Guide for local bodies was produced. It was a joint publication between Local Government NZ and the Department of Conservation.

This is what the guide has to say about administering bodies and the LGA and Reserves Act.

*The LGA and the Reserves Act are complimentary in their intentions and deal with the general powers and functions of local government authorities. The LGA enables and directs administrative processes. The Reserves Act provides specific powers for the administration of reserves.*

*Which Act Applies?*

*The question arises with the administration of a reserve vested in the Council (or over which the Council has an appointment to control and manage). The relevant statutory provisions under which decisions will be made about the reserve will most likely be found in the Reserves Act. The Reserves Act takes precedent in the case of administrative issues affecting reserves.*

I think this advice conflicts with the advice you have been given.

Similarly Reserves Management Committees have been told time and time again that they cannot handle money. This is what the Reserves Act Guide says:

### Revenue from Reserves

*Financial practices of councils are generally dictated by the Local Government Act and standard accounting procedures. The Reserves Act also has financial management requirements that administering bodies must take into account.*

*Part IV of the Act includes requirements to be met by reserve administering bodies in dealing with revenue derived from reserves.*

*S.78 directs that all money received "by way of rent, royalty, or otherwise in respect of dealing with any reserves. . . shall –*

*"a) Where the reserve is vested in an administering body or an administering body has been appointed to control and manage the reserve, be held by the administering body and applied for the purposes of this Act:".*

This means that the Community Board or the Reserves Management Committee can hold a Bank Account for the purpose of managing the reserve under the Reserves Act. These accounts belong to the council and the funds contained are only able to be spent for purpose. This is how the LRMC account operates now.

I believe Reserve Management Committees do not need to be consulted on suitable structures for your community to manage their reserves. Your Reserve Committees are all operating under the correct structure now that almost complies with legislation. You the Board just need to clearly state in the TOR that the RMC is the manager of the reserve in liaison with your staff as the Terms of Reference from 2007 formerly stated.

Wendy Everingham May 17th 2021

#### Proposed (Draft) Terms of Reference

Good Morning my name is Brian Downey and I have lived in the Lyttelton area for the past 40 years.

I have been closely associated with all the reserves since 1998. I have come to speak to you about the proposed changes in the Draft Terms of Reference for RMCs

The former Banks Peninsula District Council created Reserve Management Committees as sub-committees of Council to fulfil its management obligations, as required in law, for gazetted reserves under the Reserves Act 1977. The reserves would be maintained and enhanced as a community asset using local knowledge and building on community buy-in. The local communities knew where there were skills and resources that could be used for reserve purposes. Community members were able to see the on-going work reaching fruition and this gave further encouragement for community engagement.

In 2006 the Banks Peninsula District Council was amalgamated with the Christchurch City Council. The reserve management committees continued to operate as sub-committees of the City Council until 2007. At a meeting of all the RMCs at Little River in 2007, the council staff announced that the Council had made changes to the Terms of Reference and the Delegations. The Council placed the RMCs as sub committees of the Community Boards. The Council had taken some of the powers back to Council and other powers it sub delegated to the Community Boards who could sub delegate some of those powers to their RMCs. Those changes did not materially affect the ordinary day-to-day management of the reserves.

The Lyttelton Reserve Management Committee has been able to draw on typically 100 or more people every year. In the previous year 2019-20 a total of 2,574 hrs was spent on Urumau Reserve. An equivalent to the living wage is \$56,885.

This way of operating reserves is foreign to the City Council. In the City many reserves are actually Council freehold land only and are not gazetted reserves.

Control of the reserves has been an ongoing issue for the RMCs since amalgamation. Christchurch City staff who have always managed City reserves and obviously want the same to apply on the Peninsula. Without RMCs there is little transparency as to what happens on a reserve. Volunteers are just required for a day for a working bee. There is no long term buy-in to the reserve. The amount of work done on the reserve will be limited because there will be no ongoing day-to-day cohesive planning.

The paper presented to the Board today reflects a "staff only" management approach. By getting rid of the day to day operations from the proposed Terms of Reference that can empower communities to manage the reserves, committees, if they sign up to the current proposal, will be in fact advisory committees only. If committees opt to go for the alternative structures, outside council, I believe they will also be advisory only. MOU's or leases will be written by staff to restrict community activities to specific areas.



I believe the only framework that enables all the different committees to function as originally intended are in the Terms of Reference as set out in 2007. This has not been one of the options offered because it appears to breach the Local Government Act 2002. Urumau and Whaka Raupō Reserves are gazetted reserves and therefore comes under the Reserves Act 1977. A joint review by DoC and Local Government has determined that the Reserves Act 1977 has precedence over the Local Government Act 2002. This negates the legal arguments presented to the Board to abolish the RMC as they have operated until now. Under the Reserves Act, Management Committees in local authority structures do have the power to manage their own finances, operate bank accounts, engage contractors and carry out the day to day operational management of their reserves. Staff officers are specifically NOT permitted to be a reserve management authority.

The recommendation presented to you today should be rejected. These new Terms of Reference and the alternative option of new structures offered should NOT be adopted (even in Draft Form) if you believe in your community.