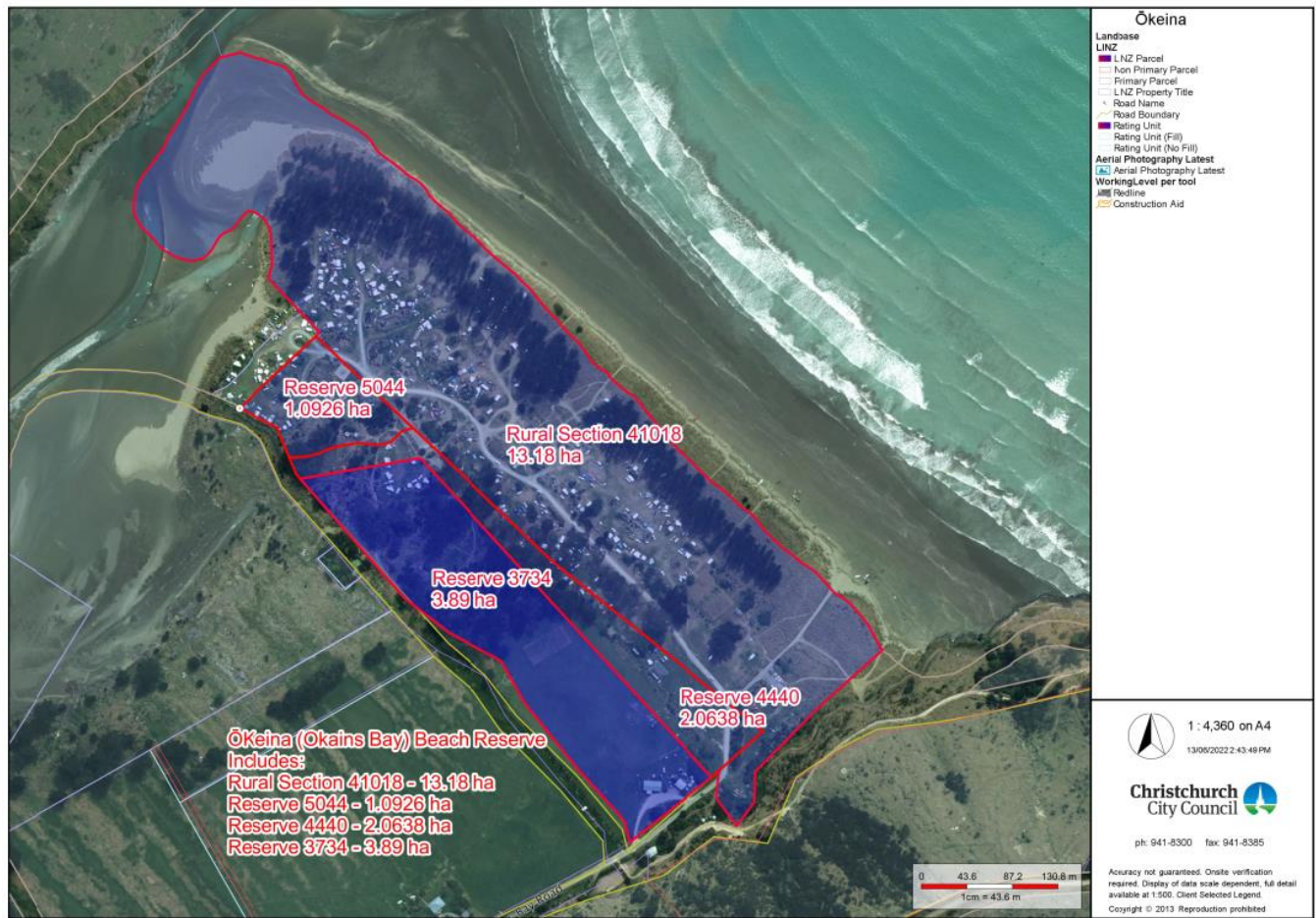
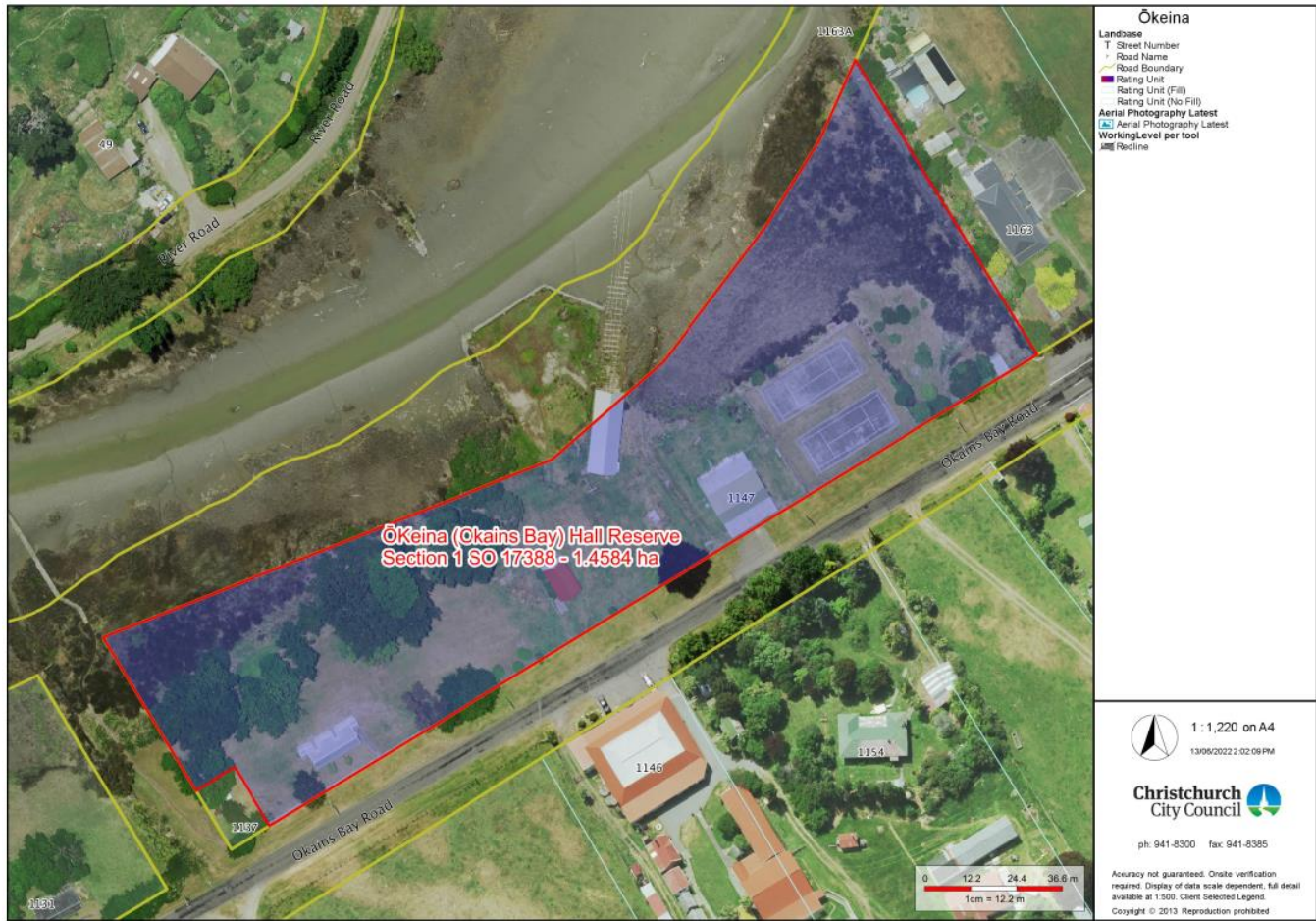


RESERVE COMMITTEE – RESERVE SCHEDULE

Okains Bay Reserve



Reserves and Facilities for: **OKAINS BAY Reserve Committee**

Note: The Ōkeina/Okains Bay Management Plan Advisory Group has been formed to act in an advisory capacity to assist CCC to review the existing Okains Bay Reserves Management Plan 2006 and prepare a new Management Plan for Ōkeina. The current Okains Bay Reserve Committee will continue to operate as per the Banks Peninsula Reserve Committees Terms of Reference adopted by the Te Pātaka Rākauhautū Banks Peninsula Community Board on 12 December 2022, until such times as a new Management Plan for Ōkeina is formally adopted. It is intended that the land parcels vested in Te Rūnanga o Ngāi Tahu under the Ngāi Tahu Claims Settlement Act 1998 will be included in a new Ōkeina/Okains Bay Management Plan. It is intended that Sefton Park will be included in the overall Banks Peninsula Reserves Management Plan.

Item	Description / Address	
Reserve	Ōkeina/ Okains Bay Hall Reserve	Ōkeina/ Okains Bay Beach Reserve
Address	1147 Okains Bay Road, Okains Bay	1357 and 1365 Okains Bay Road, Okains Bay
Legal Description	Section 1 SO 17388	Rural Section 41018 Reserve 5044 Reserve 4440 Reserve 3734
Certificate of Title	CB46C/376	CB46C/376
Reserve Classification	Managed as if it were a recreation reserve as per Section 129 of the Ngāi Tahu Claims Settlement Act 1998	Managed as if it were a recreation reserve as per Section 129 of the Ngāi Tahu Claims Settlement Act 1998
Subject to Reserves Act Y/N	Not subject to the Reserves Act 1977. Is subject to the Ngāi Tahu Claims Settlement Act 1998	Not subject to the Reserves Act 1977. Is subject to the Ngāi Tahu Claims Settlement Act 1998
Gazette Notice	Not applicable	Not applicable
Crown derived Y/N	Y	Y
Land Area	Section 1 SO 17388 - 1.4584 ha	Rural Section 41018 – 13.18 ha Reserve 5044 – 1.0926 ha Reserve 4440 – 2.0638 ha Reserve 3734 – 3.89 ha
District Plan Zoning	Open Space Community Parks	Open Space Community Parks
Wai Tapu / Silent File	Not within a silent file area however is a site of Ngāi Tahu cultural significance in District Plan Ngā Tūranga Tūpuna - 62 Ōkeina (Okains Bay) and Kawatea (Little Okains Bay) are associated with several important pā settlements and events and is ancestrally, and contemporarily significant as a mahinga kai for Ngāi Tahu.	Not within a silent file area however is a site of Ngāi Tahu cultural significance in District Plan Ngā Tūranga Tūpuna - 62 Ōkeina (Okains Bay) and Kawatea (Little Okains Bay) are associated with several important pā settlements and events and is ancestrally, and contemporarily significant as a mahinga kai for Ngāi Tahu.
Flooding Risk	Coastal Hazard Assessment – susceptible to coastal flooding Orange tsunami evacuation zone	
Leases	Any leases need to be reviewed through the management plan process. Okains Bay Māori and Colonial Museum Trust– currently have the Old School on their asset list. FENZ – Fire shed.	

Community Facilities	Council owned – Okains Bay Community Hall	
Camping Ground Facilities		Okains Bay Camping Ground Okains Bay Caretakers House Okains Bay Office Pavilion Amenity block X 2 - Containing toilets, coin operated showers, washing facilities and kitchens
Sports / Parks Facilities	Council owned – - Old School House - Fire Shed Te Rūnanga o Ngāi Tahu owned - Tini Ara Pata - Waka shed 2 asphalt tennis courts	Playground with climbing frame, swings and a slide Swing set with swinging basket and 2 swings Flying fox X 2 Mountain bike track Picnic tables
Heritage Buildings/Structures	District Plan – Listed Heritage Place Heritage Item Number 1184 Former Okains Bay School and Setting TRIM: 18/74953	
Assets / machinery	List assets	Kitchens have electric hobs, zips, microwaves, fridges and freezers Recycling facilities AED (Automated External Defibrillator) Located where?
User Groups		
Employees		Okains Bay Campground Staff Casual staff over peak summer season
Reserve Management Plan	TRIM: 10/30076 Ōkeina / Okains Bay Reserves Management Plan 2006	TRIM: 10/30076 Ōkeina / Okains Bay Reserves Management Plan 2006
Landscape Development Plan		TRIM: 10/607100 Okains Bay Beach Reserve Landscape Concept Plan November 2006 Revised July 2008
Plantings / Protected Trees	Ngai Tahu Ecological area – Salt marsh community backing onto and bordering the Opara Stream along the northern side of the reserve near the school.	
Maintenance	Campground Caretaker Casual Staff Christchurch City Council Staff Contractors	
Policies / Registers	Yes - Health and Safety Register and Evacuation Procedure Council Policies and Bylaws	
Rūnanga	Te Rūnanga o Ngāi Tahu Te Rūnanga o Koukourarata	
Specific Community Committee is Located in	Akaroa Subdivision	
Council Staff Liaison	Colin Jacka – Recreation, Sports and Events Paul Devlin - Parks Dane Moir, Linda Burkes - Governance Steven Armstrong – Parks (toilets) Delia Walker – Parks Unit (Reserve Management Plans)	
Relevant Council Teams	As above row	
Board Member Liaison	Asif Hussain	

Part A

Land vested in Te Rūnanga o Ngāi Tahu in fee simple

Land	Description	Encumbrances
Ōkeina (Okains Bay)	All that land situated in Canterbury Land District, Banks Peninsula District, comprising 21.6848 hectares, more or less, being Reserves 3734, 4440 and 5044 (SO 9731), Rural Section 41018 (SO 14853), and Section 1, SO 17388. Part Gazette 1991, page 760. As shown on Allocation Plan MS 257 (SO 19873).	Subject to licence to graze dated 23 July 1997 in favour of Murray Thacker. Subject to licence to graze dated 23 July 1997 in favour of B R Harris and J P Harris.

127 Ōkeina (Okains Bay) vested in Te Rūnanga o Ngāi Tahu

- (1) In this section and [sections 128 to 130](#), **Ōkeina (Okains Bay)** means the land described by that name in [Part A](#) of Schedule 7.
- (2) The appointment of Banks Peninsula District Council to control and manage Ōkeina (Okains Bay) as a reserve is revoked.
- (3) The reservation of Ōkeina (Okains Bay) as a reserve is revoked.
- (4) The building on Ōkeina (Okains Bay) known as “Tini Ara Pata” and the fee simple estate in Ōkeina (Okains Bay) are vested in Te Rūnanga o Ngāi Tahu, subject to the encumbrances relating to Ōkeina (Okains Bay) described in [Part A](#) of Schedule 7.

128 Structures and improvements on Ōkeina (Okains Bay)

- (1) The ownership of the structures and improvements attached to or on Ōkeina (Okains Bay) is vested in the Banks Peninsula District Council to hold in trust, maintain, and administer for the benefit of the Ōkeina (Okains Bay) community.
- (2) Subsection (1) applies whether or not Ōkeina (Okains Bay) continues to be controlled and managed as if it were a recreation reserve under [section 38](#) of the Reserves Act 1977.
- (3) The Banks Peninsula District Council may replace the structures and improvements on Ōkeina (Okains Bay) if it considers it necessary to do so.
- (4) Subsections (1) to (3) do not apply to the building on Ōkeina (Okains Bay) known as “Tini Ara Pata”.
- (5) Notwithstanding subsection (1), the Banks Peninsula District Council may, but is not required to, remove from Ōkeina (Okains Bay) the structures and improvements vested in it by that subsection.
- (6) The Banks Peninsula District Council has rights of unrestricted access onto and over Ōkeina (Okains Bay) to use and maintain the structures and improvements vested in it by subsection (1), whether or not Ōkeina (Okains Bay) continues to be controlled and managed as if it were a recreation reserve under [section 38](#) of the Reserves Act 1977.
- (7) The vesting of the fee simple estate in Ōkeina (Okains Bay) in Te Rūnanga o Ngāi Tahu by [section 127](#) does not affect—

- (a) lawful rights of public access to the foreshore and adjoining beach and the stream adjacent to Ōkeina (Okains Bay); or
- (b) lawful rights of public access to and recreational use and enjoyment of the Banks Peninsula District Council's structures and improvements on the land comprising Ōkeina (Okains Bay),—

existing on 21 November 1997, for as long as, and to the extent that, those rights otherwise remain lawful.

- (8) Subsection (7) is subject to any regulation of public access and use by the Banks Peninsula District Council pursuant to the terms of its appointment to control and manage Ōkeina (Okains Bay) pursuant to [section 129](#).

129 Management of Ōkeina (Okains Bay) by Banks Peninsula District Council

- (1) The agreement of Te Rūnanga o Ngāi Tahu in clause 11.2.9 of the deed of settlement to the Banks Peninsula District Council controlling and managing Ōkeina (Okains Bay) is sufficient for the purposes of [section 38\(1\)](#) of the Reserves Act 1977.
- (2) The approval of the Minister of Conservation to the Banks Peninsula District Council controlling and managing Ōkeina (Okains Bay) is deemed to have been given for the purposes of [section 38\(1\)](#) of the Reserves Act 1977.
- (3) The management and control by Banks Peninsula District Council of Ōkeina (Okains Bay) as if it were a recreation reserve and in accordance with [section 38](#) of the Reserves Act 1977 is subject to the restrictions, terms, and conditions set out in attachment 11.7 of the deed of settlement (as quoted in [Schedule 8](#)) as if they were approved under section 38(1) of the Reserves Act 1977.
- (4) The quoting in [Schedule 8](#) of the restrictions, terms, and conditions referred to in subsection (3) is a matter of record only and does not give them any greater force or effect than they have as terms and conditions under [section 38\(1\)](#) of the Reserves Act 1977.
- (5) The Banks Peninsula District Council may exempt Ōkeina (Okains Bay) from rates, for so long as it is controlled and managed as if it were a recreation reserve, as contemplated in the restrictions, terms, and conditions referred to in subsection (3).

130 Certificate of title for Ōkeina (Okains Bay)

The Registrar must, upon issue of the certificate of title for Ōkeina (Okains Bay), make a notation upon it to record that Ōkeina (Okains Bay) is subject to [sections 127 to 129](#).

Section 130: amended, on 1 February 1999, pursuant to section 31(2) of the Land Transfer (Automation) Amendment Act 1998 (1998 No 123)

Schedule 8

Attachment 11.7 of deed of settlement

Restrictions, terms, and conditions on which Banks Peninsula

District Council is to manage and control Ōkeina (Okains Bay)

s 129

- Banks Peninsula District Council may continue to delegate all powers and obligations of control and management to a committee of the Council.
- Te Rūnanga to be invited to appoint a member to that committee or any body substituted for that committee.
- Council to have power to erect new structures and improvements (also to be vested in the Council, to be held in trust for the benefit of the Ōkeina (Okains Bay) Community) and to move structures and improvements owned by the Council to a different location on the land, after consulting Te Rūnanga and having particular regard to its views.
- Council to have the sole right to charge for the use of facilities and to manage expenditure and revenue for the benefit of Ōkeina (Okains Bay) and the structures and improvements on the land.
- Council to exempt the land from rates for so long as it is controlled and managed as if it were a recreation reserve.
- Public access to and all activities on reserve to be regulated by the Council in accordance with the Reserves Act 1977.
- Te Rūnanga is always to have free access to Tini Ara Pata (which the Council has agreed may be vested in Te Rūnanga).

Deed of Settlement Section 11 – Mahinga Kai Transfer and Vesting of Properties

11.2.8 Vesting of Ōkeina (Okains Bay)

The Crown agrees that the Settlement Legislation will provide for the cancellation of the appointment of the Banks Peninsula District Council to control and manage Ōkeina (Okains Bay) as a recreation reserve under the Reserves Act 1977, the revocation of the reserve status of Ōkeina (Okains Bay) and the vesting of the fee simple estate in the land which comprises Ōkeina (Okains Bay) as described in Attachment 11.7, and the building known as “Tini Ara Pata” on that land, in Te Rūnanga without charge. For the avoidance of doubt, references in this clause 11.2.8 and clauses 11.2.8A, 11.2.9, 11.2.9A and 11.2.9B to the Banks Peninsula District Council include its successors.

11.2.8A Title Extends to Land Only

The Crown agrees that the Settlement Legislation will provide that:

- (a) ownership of the structures and improvements attached to or on the land which comprises Ōkeina (Okains Bay), except for the building known as “Tini Ara Pata”, shall not be vested in Te Rūnanga but shall be vested in the Banks Peninsula District Council to be held in trust and maintained and administered (and replaced as considered necessary by the Banks Peninsula District Council) by the Banks Peninsula District Council for the benefit of the Ōkeina (Okains Bay) community, whether or not the land which comprises Ōkeina (Okains Bay) continues to be controlled and managed as if it were a recreation reserve under the Reserves Act 1977;
- (b) Banks Peninsula District Council shall not be obliged to remove the structures and improvements which it owns from their current location on the land, but may do so if it wishes;
- (c) Banks Peninsula District Council shall have rights of unrestricted access over the land which comprises Ōkeina (Okains Bay) for the purposes of use and maintenance of structures and improvements, whether or not that land continues to be controlled and managed as if it were a recreation reserve under the Reserves Act 1977;
- (d) all existing lawful rights of public access to the foreshore and adjoining beach and the stream adjacent to Ōkeina (Okains Bay) and of public access to and recreational use and enjoyment of the Banks Peninsula District Council’s structures and improvements on the land comprising Ōkeina (Okains Bay) shall remain unaffected by the vesting of title to the land in Te Rūnanga, for as long as, and to the extent that, such rights otherwise remain lawful, and subject to any regulation of such access and use by the Banks Peninsula District Council pursuant to the terms of its appointment to control and manage Ōkeina (Okains Bay) under clause 11.2.9.

11.2.9 Management of Ōkeina (Okains Bay) by Banks Peninsula District Council

Te Rūnanga agrees to Ōkeina (Okains Bay) being managed and controlled by the Banks Peninsula District Council in accordance with section 38(2) of the Reserves Act 1977 with effect from the Settlement Date, as if it were a Recreation Reserve and subject to the restrictions, terms and conditions set out in Attachment 11.7. The Crown agrees that the Settlement Legislation will provide that:

- (a) for the purposes of sections 38(1) and 38(2) of the Reserves Act 1977, the agreement of Te Rūnanga as owner of the land pursuant to this clause 11.2.9 shall be deemed to be sufficient, and the approval of the Minister of Conservation shall be deemed to have been given to, Banks Peninsula District Council managing and controlling Ōkeina (Okains Bay)) as if it were a recreation reserve and subject to the restrictions, terms and conditions set out in Attachment 11.7;

- (b) the District Land Registrar shall be directed to record on the Certificate of Title for the land comprising Ōkeina (Okains Bay):
- (i) the vesting of the structures and improvements on the land in Banks Peninsula District Council;
 - (ii) the vesting of Tini Ara Pata in Te Rūnanga
 - (ii) the rights of Banks Peninsula District Council to use and maintain structures and improvements and to have unrestricted access to them for these purposes;
 - (iii) the management and control of the land by Banks Peninsula District Council pursuant to clause 11.2.8A and this clause 11.2.9; and
 - (iv) the existing lawful rights of public access and of recreational use and enjoyment affecting part of the land preserved under clause 11.2.8A(f); and

those matters shall be deemed to amount to interests within the meaning of section 62 of the Land Transfer Act 1952, and be capable of registration under the Land Transfer Act 1952 (to the extent that they do not already amount to such interests).

11.2.9A Continuing Management and Control

Te Rūnanga and the Crown acknowledge and confirm that the management and control by Banks Peninsula District Council of Ōkeina (Okains Bay) as if it were a recreation reserve pursuant to clause 11.2.9 is intended to continue in perpetuity.

11.2.9B Lease of Garage

Te Rūnanga and the Crown note the existence of the agreement entitled “Deed of Lease” dated 1 April 1997 to John Edward Hartley and agree that that agreement and any rights which may exist under it shall not be affected by the vesting of the land comprising Ōkeina (Okains Bay) in Te Rūnanga or the vesting of the buildings in Banks Peninsula District Council pursuant to this Deed.

ATTACHMENT 11.7
ŌKEINA (OKAINS BAY) TO BE VESTED IN TE RŪNANGA
IN FEE SIMPLE
(Clause 11.2.8)

<i>Area</i>	<i>Description</i>	<i>Encumbrances</i>
Ōkeina (Okains Bay)	Canterbury Land District, Banks Peninsula District Court. 21.6848 hectares, more or less, being Reserves 3734 (S.O. 9731), 4440 (S.O. 9731) and 5044 (S.O. 9731), Rural Section 41018 (S.O. 14853), Section 1 (S.O. 17388). Part New Zealand Gazette 1991 page 760, as shown on <i>Allocation Plan MS 257 (SO Plan 19873)</i> .	Licence to graze dated 23 July 1997 in favour of Murray Thacker. Licence to graze dated 23 July 1997 in favour of B R Harris and J P Harris.

Restrictions, Terms and Conditions of Appointment

- Banks Peninsula District council may continue to delegate all powers and obligations of control and management to a committee of the Council.
- Te Rūnanga to be invited to appoint a member to that committee or any body substituted for that committee.
- Council to have power to erect new structures and improvements (also to be vested in Council, to be held in trust for the benefit of the Ōkēina (Okains Bay) Community) and to move structures and improvements owned by the Council to a different location on the land, after consulting Te Rūnanga and having particular regard to its views.
- Council to have sole right to charge for use of facilities and to manage expenditure and revenue for the benefit of Ōkeina (Okains Bay) and the structures and improvements on the land.
- Council to exempt the land from rates for so long as it is controlled and managed as if it were a recreation reserve.
- public access to and all activities on reserve to be regulated by Council in accordance with the Reserves Act 1977.
- Te Rūnanga always to have free access to Tihi Ara Pata (which the Council has agreed may be vested in Te Rūnanga).

38 Control and management of land that is not a reserve

- (1) The Minister, or an administering body of a reserve with the consent of the Minister, may also control and manage any land that is not a reserve (including any Maori reservation) for any of the purposes specified in [sections 17 to 23](#):
provided that the administering body shall not control and manage any land under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the appointment and to the use of the land for that specified purpose, and subject to such terms and conditions as to the use of the land as are approved by the Minister and the owner, trustee, or controlling authority of the land:
provided further that the Minister shall not control and manage any land under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the use of the land for that specified purpose.
- (2) For the better carrying out of the purposes of this Act, the Minister may, by notice in the *Gazette*, appoint such persons, trustees (including trustees appointed under section 438 of the Maori Affairs Act 1953), trust, voluntary organisation, Maori Trust Board, or Maori incorporation as he or she thinks fit to be an administering body to control and manage any land which is not a reserve (including any Maori reservation) for any of the purposes specified in [sections 17 to 23](#):
provided that an administering body shall not be appointed under this subsection except with the agreement of the owner, trustee, or controlling authority of the land to the appointment and to the use of the land for that specified purpose, and subject to such terms and conditions as to the use of the land as are approved by the Minister and the owner, trustee, or controlling authority of the land.
- (3) While an arrangement as aforesaid remains in force, [sections 93 to 105](#) shall, as far as they are applicable and with the necessary modifications, apply to that land in all respects as if it were a reserve under this Act:
provided that in their application to any such land [sections 93 to 105](#) shall be read subject to any agreement between the owner, lessee, or licensee of the land and the Minister preserving to the owner, lessee, or licensee the right to do any act or thing forbidden by this Act.

Compare: 1953 No 69 ss 58, 75A; 1966 No 26 s 3; 1971 No 144 s 4

Section 38(1): amended, on 1 January 1980, by section 12(1) of the Reserves Amendment Act 1979 (1979 No 63).

Section 38(1) second proviso: inserted, on 1 January 1980, by section 12(2) of the Reserves Amendment Act 1979 (1979 No 63).

17 Recreation reserves

- (1) It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
- (2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—
- (a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by [sections 53 and 54](#), to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it;
 - (b) where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:
provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the [Wildlife Act 1953](#) or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [Heritage New Zealand Pouhere Taonga Act 2014](#);
 - (c) those qualities of the reserve which contribute to the pleasantness, harmony, and cohesion of the natural environment and to the better use and enjoyment of the reserve shall be conserved;
 - (d) to the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained.

Compare: 1953 No 69 ss 32, 33; 1964 No 108 s 2

Section 17(2)(b) proviso: amended, on 20 May 2014, by [section 107](#) of the Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26).

