

## **Crown Pastoral Land Tenure Review**

**Lease name : BOG ROY**

**Lease number : PO 310**

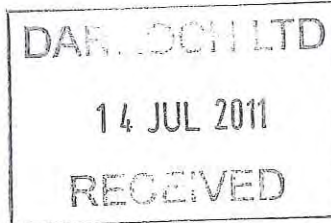
### **Public Submissions**

These submissions were received as a result of the public advertising of the Preliminary Proposal for Tenure Review.

The submissions attached are released under the Official Information Act 1982.

# Submission 1

Commissioner of Crown Lands  
C/- Darroch Limited  
PO Box 27  
Alexandra



Waitaki District Council  
Private Bag 50058, Oamaru 9444

Tel: 03-433 0300  
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20 Thames Street  
Oamaru, New Zealand  
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**Submission on: Bog Roy Tenure Review**

**Submission from: Waitaki District Council**

**Address: Private Bag 50058  
Oamaru 9444  
c/- David Campbell**

**Phone: (03) 433 0300**

**Email: [dcampbell@waitaki.govt.nz](mailto:dcampbell@waitaki.govt.nz)**

The Waitaki District Council (WDC) generally supports the proposed tenure review of the Bog Roy Pastoral Lease. WDC are about to embark on a district wide Ecological Study for the purposes of meeting the requirements under the Resource Management Act 1991 as well as the Proposed National Policy Statement on Indigenous Biodiversity. Information contained in the Bog Roy tenure review will be useful for this study. However, the mechanisms by which indigenous vegetation is assessed and protected under the proposed tenure review may not necessarily end up being the same as those that WDC chose after the study has been completed.

The following section of this submission will discuss, where necessary, the concerns WDC has with the preliminary proposal.

I. Schedule 2, Special Conditions

- a) The Council is concerned that grazing of stock (allowed for under condition 1.0 may detrimentally affect taller vegetation. There is no clarity around the stocking rate, as it is silent on the number of sheep and cattle that may graze the area.
- b) The monitoring results proposed under item 2.0 would be useful for WDC and we would request that these be forwarded to WDC to assist with State of the Environment reporting. This will help WDC meet its monitoring requirements under the Resource Management Act 1991 while reducing the cost to ratepayers.
- c) Notwithstanding the above, the WDC is concerned at the lack of details of the monitoring programme, for example the methods to be used, frequency and certainty of it happening.

The Waitaki District Council is happy to be contacted by the Commissioner of Crown Lands to clarify any point raised in this submission

Yours Sincerely

David Campbell  
**Planning Manager**  
**On behalf of the Waitaki District Council**

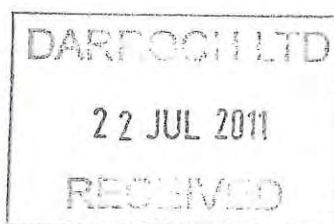
## **Submission 2**



**Council of Outdoor Recreation Associations of New Zealand Inc**  
 P O Box 1876 Wellington  
 Tel&Fax +64 4 934 2244  
[hugh@infosmart.co.nz](mailto:hugh@infosmart.co.nz)

22 July 2011

Commissioner of Crown Lands  
 C/o The Manager  
 Darroch Limited  
 P O Box 27  
 Alexandra  
[luana.pentecost@darroch.co.nz](mailto:luana.pentecost@darroch.co.nz)  
 By 1 August, 2011



### **CORANZ Submission: Bog Roy Tenure Review, Lake Benmore, Otematata**

The Council of Outdoor Recreation Associations of NZ (CORANZ) makes the following submission on this Preliminary Proposal.

The Council of Outdoor Recreation Associations (CORANZ) is a national umbrella Council for national and regional outdoor sporting and recreational associations. These include New Zealand Salmon Anglers Association, NZ Federation of Freshwater Anglers, Public Access New Zealand, New Zealand Four Wheel Drive Association, Jet Boating New Zealand, NZ Bowhunters Association, Option 4 (a recreational sea fishing trust), and the Marlborough Recreational Fishing Association. The total number of people belonging to our eight associations numbers approximately 12,000.

Our member bodies and their members are interested in adequate public access to the areas being retained in public ownership, and public land areas beyond, for both walking and mechanised access, and in the recreational value of the retained land, and any roads, tracks, and any other facilities available on or through that retained land, as well as its suitability for the different types of recreation our members undertake.

#### **1 General description of the Proposal:**

Bog Roy is a mid-altitude pastoral lease on the south side of the mid-Waitaki Valley, which adjoins Lake Benmore, and has SH 83 running through it, just west of Otematata township. The lease is 2,860 Ha, much of it over-sown and top-dressed, and of relatively gentle gradient. Three conservation areas CA1 (80 ha), CA2 (20 ha) and CA3 (35 ha) are proposed to be bought back from the lessee as conservation land, and a covenant CC1 is proposed on part of the free-held land along the Lake Benmore lakefront.

**CA1 (80 ha):** A narrow peninsula and hill jutting out into Lake Benmore, to be accessed by easement a-b for foot, mountain bikers and horses, from a gravel road branching off from the Lake Benmore Dam road, and using a Transpower track. The peninsula is steep to undulating,

and should provide interesting open space walks beside the hydro lake, as well as the opportunity for boaties to land.

**CA2 (20 ha):** A narrow sliver of land to the west of the Otamatapaio River. It has recreational, historic and biodiversity values. The Otamatapaio Recreation Reserve lies on the opposite side of SH 83.

**CA3 (35 ha):** A long narrow strip of land adjoining the Otamatapaio River and its marginal strip. Protects native biodiversity values. Also provides public access to a legal road and marginal strip in the valley of the Otamatapaio River that accesses the Hawkdun Conservation Park. It will provide alternative access to the Park, which is important for recreational use.

**CC1 (500 ha):** Landscape covenant. Covers the steep lake faces – for conservation and lake landscape conservation, and important to lake users.

**Conclusion – CORANZ supports:** CORANZ supports this Preliminary Proposal. Although not much land is being re-purchased, because the land is primarily mid altitude pasture, the areas that are will provide important recreational opportunities, allow access to the Hawkdun/Otehake Conservation Park, protect important landscapes, and protect rare native plant species.

The three proposed conservation areas would be better designated as recreation reserves, as they provide valuable recreational amenities.

Yours truly

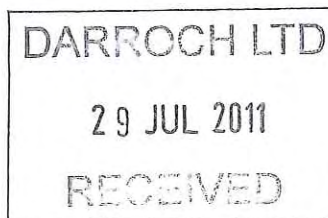
Dr Hugh Barr  
Secretary.

## **Submission 3**

The Commissioner of Crown Lands  
C/o Darroch Ltd.,  
PO Box 27  
Alexandra



**FOREST  
& BIRD**  
**Dunedin Branch**  
PO Box 5793  
Dunedin  
27.7.11



Dear Sir,

I enclose these submissions on the preliminary proposal for Bog Roy Pastoral Lease on behalf of the Dunedin Branch of Forest and Bird.

Thankyou for the opportunity to make submissions on this proposal and for arranging permission for us to inspect the lease.

Yours sincerely

Janet Ledingham  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society

Email [jledingham@xtra.co.nz](mailto:jledingham@xtra.co.nz)  
622 Highgate, Maori Hill, Dunedin 9010.  
Phone 03 467 2960



## **Submission on the Preliminary Proposal for Bog Roy Pastoral Lease**

### **On behalf of the Dunedin Branch Forest and Bird Management Committee.**

This submission is written on behalf of the Dunedin Branch of the Forest and Bird Protection Society which has approximately 900 members, many with strong interests in the High Country values and recreational opportunities as well as in botany and natural history in general. Many of the members enjoy active recreation in the back country and are very aware of the need to ensure the protection of natural values, vegetation and landscape, historical sites and to improve public access through the tenure review process.

The submission is written with reference to the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the recently stated government objectives for the South Island high country, especially the following:-

- *to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy to progressively establish a network of high country parks and reserves.*

This submission is based on a days inspection when we were kindly conducted over the lease by David Anderson and we wish to thank him for that. We much appreciated his company and comments which helped us understand the issues on Bog Roy. We have also consulted the Conservation Resources Report (CRR) and the associated values maps which are a part of the report.

### **Introduction**

Bog Roy is a Pastoral Lease covering approximately 2860 ha in the Waitaki Valley just west of Otematata. It runs from the shores of Lake Benmore, including a small peninsula at the NE corner over the Benmore Faces and south to SH 83. It includes land to the south of SH83 which covers flats in the lower Otomatapaio Valley and runs back to the base of the Hawkdun Range.

This submission is based on a days inspection when we were kindly conducted over the lease by the lessee David Anderson and we wish to thank him for that. We much appreciated his company and comments which helped us understand the issues on Bog Roy. We have also consulted the Conservation Resources Report (CRR) and the associated values maps which are a part of the report.

### **The Proposal**

**CA1 - 80ha approximately to be designated as land to be restored to full Crown ownership and control as conservation areas .**

CA1 covers the area of the peninsula/headland which has important SIVs. High botanical, landscape and recreational values all well described in the proposal and in the CRR. The shrublands and rock outcrop plant communities are representative of the original vegetation of the Benmore Ecological District and includes *Carmichaelia curta* (nationally endangered), *Carmichaelia crassicaule* (gradual decline), *Clematis marata* (sparse) and *Vittadinia australis* (data deficient).

The area would be enjoyed by members of the public for its natural history opportunities, walking, biking and enjoyment of the scenery.

**We fully endorse the creation of CA1 for all the values detailed in the CRR and in the proposal.**

**CA2 – 20ha approximately, an area to the west of SH83 and bounded by the Otamatapaio River and a recognisable low hill.**

This area is a location of threatened biodiversity along with historic and recreational values. Access is readily available from the SH. The rocky outcrop, as described in the proposal, has 3 at risk species which are worthy of protection, *Carmichaelia crassicaulis* subsp. *Crassicaulis* (at risk), *Convolvulus verecundus* (at risk) and the fern *Pleurosaurus rutifolius* (at risk, naturally uncommon).

The spring-fed wetland has number of tall rush and sedge species and a number of other plants all well described in the proposal and the CRR as are the other native species present within the proposed CA.

Of historic significance is the remains of an old dwelling considered representative of early pastoral activity.

**We fully endorse the creation of CA2 for the protection of all the biodiversity and historic values detailed in the CRR and in the proposal.**

**CA3 - 35ha approximately to be designated as land to be restored to Crown control as conservation area subject to a qualified designation.**

This land has wetlands and remnant shrubland vegetation and is well described in the proposal and in the CRR. We see the wetland as very worthy of protection and consider there will also be the potential in the future for further planting to enhance it. We note that it encompasses a chronically threatened LENZ site and has threatened native plants on the river terraces.

CA3 would also provide good access to the Oteake Conservation Park, though we suggest future management should include a 4WD track along the new fenceline so that vehicles could get closer to the Oteake boundary. This would make it less likely that people, including hunters wishing to access the Oteake hunting block, be tempted to drive along the legal road and then wander across the flats to be freeholded outside CA3 and cause problems for the farming operations.

**We fully support the creation of CA3 for protection of the wetlands, plants and river terrace biodiversity detailed in the CRR and in the proposal and as a further important access point for the Oteake Conservation Park.**

**Qualified Designation:**

(i) A concession easement to convey water in favour of Bog Roy Station Limited (under Section 36(1)(a) Crown Pastoral Land Act 1998).

(ii) Continuation in force of the easements created by Transfer 325135 and the Land Improvement Agreement registered as 843125 (under Section 36(3)(c) Crown Pastoral Land Act 1998).

**We have no objection to the above qualified designation**

### **Land to be Freeholded**

**2,725ha approximately to be disposed of by freehold disposal to Bog Roy Station Limited (under Section 35(3) Crown Pastoral Land Act 1998) subject to a protective mechanism and a qualified designation.**

We note the proposal description of the three blocks involved here, the homestead block to the east of SH83, the small triangle of land adjacent to the west of SH83 and the block at the southern end of the property and in general, apart from the northerly faces towards Lake Benmore, agree that they are largely modified and suitable for continued pastoral use.

### **Protective Mechanism:**

**CC1 - A conservation covenant over an area of approximately 500ha (under Section 40(1)(c) and 40(2)(a) Crown Pastoral Land Act 1998).**

The proposed Covenant of 510ha provides a degree of protection for an altitudinal sequence running up the Benmore Faces from the Lakeshore to the ridge above at 731m to the west and up to 897m at Trig Q towards the east. CC1 has number of SIVs well described in the CRR and in Schedule 1 of the Covenant document, Botanical values of note include shrubland and rockland plant communities that are representative of the original vegetation of the Benmore Ecological District. In addition, it supports two threatened species, *Carmichaelia crassicaulis* sbsp, *Crassicaulus* and *Raoulia monroi*, both ranked as 'At Risk Declining' and, in the shrubland communities, *Sophora prostrata* which is regionally uncommon. CC1, as viewed from Lake Benmore, has high landscape values even though it is modified from its original state before the Waitaki was dammed.

We note that the Lake Benmore Peninsula and the Lake Faces are classified as LUC Class VIIe, i.e. these soils have serious limitations for pastoral use and would be difficult to manage in a way that is ecologically sustainable.

According to Schedule 2, grazing (sheep and cattle) will be permitted at limits to be set and oversowing and topdressing will be permitted. We note in point 2.0 "The Minister may design and undertake a monitoring programme for the covenant area.

**We believe that rigorous monitoring is essential and that 'may' must be changed to 'shall' in this condition.**

### **Addition to CA1**

Reference to the 'values' map which is part of the CRR and to the CRR itself indicates a concentration of significant botanical values in the hatched green area – see figure below. We submit that this area with its good diversity of plant communities be added to CA1, the Benmore Peninsula, for best protection of the SIVs contained within it. It includes the NE corner of the CC1 area up to the ridgeline and along to a point just west of Trig Q at about GR H39 8365 2405 at which point a new fence would be required to run down the ridge to the lakeshore just beyond the point where the lakeshore track ends. Recreation values would also be enhanced with the ability to botanise over the area and to enjoy the views from the ridge-line.

**We accept the designation of CC1 in general but with adequate monitoring conditions being specified in detail.**

**We strongly submit that the area of CC1 with designated high botanical values and shown in green on the map below be added to CA1 as a conservation area. Monitoring of this area would then not be necessary.**

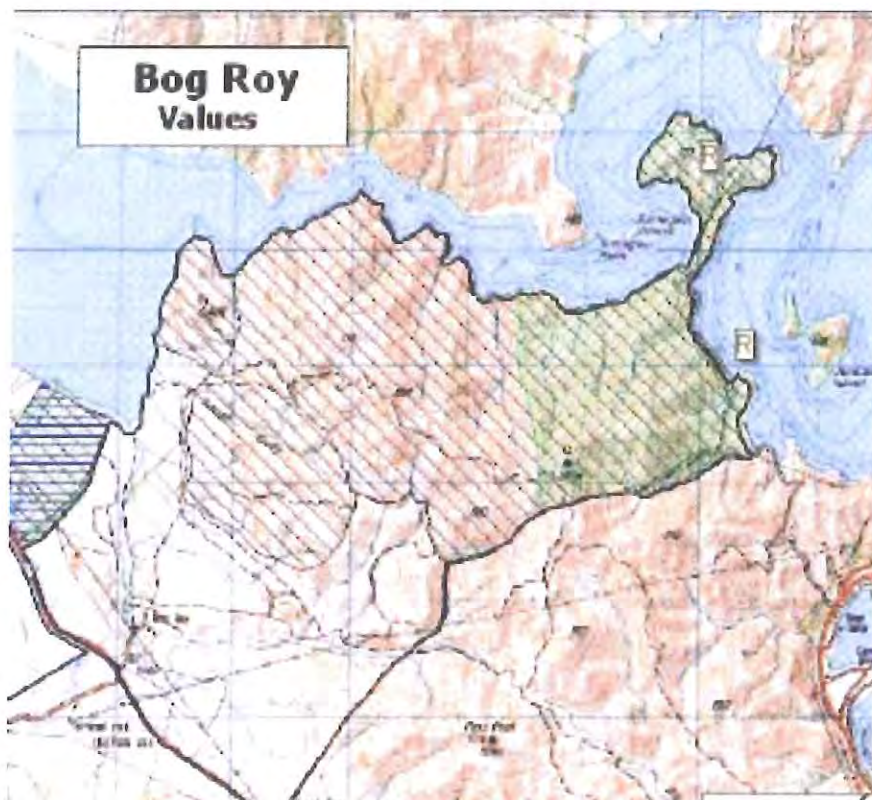


Figure Part of the Values map for Bog Roy showing, in green, a block of botanical significance at the NE corner of the lease adjoining the Peninsula which should be designated CA.

**Qualified Designation:**

An easement in gross to provide for public, foot, mountain bike and horse access and conservation management access (under Section 36(3)(b) Crown Pastoral Land Act 1998).

**We fully support the above designation.**

Continuation in force of the easements created by Transfer 325135 and the Land Improvement Agreement registered as 843125 (under Section 36(3)(c) Crown Pastoral Land Act 1998).

**We have no objection to this qualified designation**

**Further landscape protection**

We submit that ideally there should be a landscape covenant over the Benmore Faces to the north and west of the proposed CC1 to prevent forestry, and major buildings on the area as viewed from SH83 east of Sailors Cutting and from the narrow channel section of the Lake. It is a significant landscape as seen from the road and the steep north facing faces are an important part of the views from those boating on the Lake. This would not entail any new fencing. We do understand that some of this area close to the lake is zoned rural residential.

Janet Ledingham,  
For the Management Committee of the Dunedin Branch, Forest and Bird Protection Society.

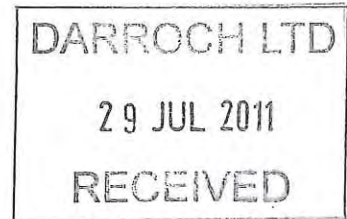
## **Submission 4**



**FEDERATED MOUNTAIN CLUBS OF NEW ZEALAND (Inc.)**  
P.O. Box 1604, Wellington.

28 July 2011

The Commissioner of Crown Lands  
C/-Darroch Ltd.  
PO Box 27  
ALEXANDRA



Dear Sir,

**Re: Preliminary Proposal for Tenure Review: Bog Roy Pastoral Lease (Po 310)**

I write on behalf of Federated Mountain Clubs of NZ Inc. (FMC) which represents over 11,000 members of tramping, mountaineering, climbing and other outdoor clubs throughout New Zealand. We also indirectly represent the interests and concerns of many thousands of private individuals who may not currently be members of clubs but who enjoy recreation in the back country.

On their behalf, FMC aims to enhance recreation opportunities, to protect natural values, especially landscape and vegetation, as well as historic values and to improve public access to the back country through the tenure review process.

FMC fully supports the objectives of tenure review as set out in the Crown Pastoral Land (CPL) Act 1998, and the Clark (Labour-led) government's stated objectives for the South Island high country especially the following:-

- *\* to promote the management of the Crown's high country in a way that is ecologically sustainable.*
- *\* to protect significant inherent values of reviewable land by the creation of protective measures; or preferably by restoration of the land concerned to full Crown ownership and control.*
- *\* to secure public access to and enjoyment of high country land.*
- *to ensure that conservation outcomes for the high country are consistent with the NZ Biodiversity Strategy.*

[EDC Min (03) 5/3; CAB Min (03) 11/5 refer]

\* Note that regardless of the change of government and of government's policy, these objectives are still the law of the land as enshrined in the Crown Pastoral Land Act, 1998.

We recognize that additional (introduced by the Labour-led government) objectives have been reviewed and modified by the current (National-led) government, but we still believe they are fundamental to the future well-being of the South Island high country and should be given appropriate weight in the tenure review process.

FMC appreciates this opportunity to comment on the Preliminary Proposal for the review of Bog Roy Pastoral Lease.

## **THE PRELIMINARY PROPOSAL**

### **General description of proposal:**

- 1. 100ha approximately to be designated as land to be restored to full Crown ownership and control as conservation areas CA 1 and CA 2 (under Section 35(2)(a)(i) Crown Pastoral Land Act 1998).**
- 2. 35ha approximately to be designated as land to be restored to Crown control as conservation area CA 3 (under Section 35(2)(b)(i) Crown Pastoral Land Act 1998) subject to a qualified designation.**

### **Qualified Designation:**

(i) A concession easement to convey water in favour of Bog Roy Station Limited (under Section 36(1)(a) Crown Pastoral Land Act 1998).

(ii) Continuation in force of the easements created by Transfer 325135 and the Land Improvement Agreement registered as 843125 (under Section 36(3)(c) Crown Pastoral Land Act 1998).

- 3. 2,725ha approximately to be disposed of by freehold disposal to Bog Roy Station Limited (under Section 35(3) Crown Pastoral Land Act 1998) subject to a protective mechanism and a qualified designation.**

### **Protective Mechanism:**

(i) A conservation covenant over an area of approximately 500ha (under Section 40(1)(c) and 40(2)(a) Crown Pastoral Land Act 1998).

### **Qualified Designation:**

(ii) An easement in gross to provide for public, foot, mountain bike and horse access and conservation management access (under Section 36(3)(b) Crown Pastoral Land Act 1998).

(iii) Continuation in force of the easements created by Transfer 325135 and the Land Improvement Agreement registered as 843125 (under Section 36(3)(c) Crown Pastoral Land Act 1998).

## **Introduction and Submissions**

When Bog Roy Station first entered the tenure review process in 2002 FMC was unable to inspect the property because it proved not possible to arrange a time convenient to the holder. Therefore, on this occasion there is no previous "Early Warning" report to refer to. This submission is based on the Summary of the Preliminary Proposal, The Conservation Resources Report, and on our inspection of the property in July 2011. It was unfortunate that this inspection had to be carried out during the winter months and some parts of the property were inaccessible due to winter conditions, notably the high country in the vicinity of Trig "Q".

Our submission is arranged in the same format as the Public Notice of the Proposal:-

- 1. 100ha approximately to be designated as land to be restored to full Crown ownership and control as conservation areas CA 1 and CA 2 (under Section 35(2)(a)(i) Crown Pastoral Land Act 1998).**

The area consists of two separate parcels of land designated CA.1 (80ha) on the Lake Benmore Peninsula and CA.2 (20ha) a wetland and rocky outcrop adjacent to the Otamatapaio River.

CA.1 is well described in the Proposal as a headland within the environs of Lake Benmore, with a narrow connection to the rest of the property. We agree that it is an important feature of the Lake Benmore landscape with a moderate to high degree of naturalness, intactness, coherence and legibility.

We note that the area supports shrubland and rock outcrop plant communities that are representative of the original vegetation of the Benmore Ecological District. This, together with its highly aesthetic landscape, and lake surroundings, ensure that it will become a destination of significant public value for recreation and enjoyment. We agree that as the area has good accessibility from Lake Benmore and from Benmore Dam it is likely to be particularly of public interest for walking, picnicking, and scenic appreciation, including photography and nature study.

The TransPower track leading to the pylon near the extremity of the peninsula provides an excellent walking opportunity and we are delighted that the whole family value of this opportunity will be able to be enjoyed as a result of the designation of an Easement for public for foot, mountain bike and horse access (see below).

We assume that public access to CA.1 will depend on the outcome of the Rostreivor tenure review as the track crosses Rostreivor land before entering Bog Roy at Boundary Gully. Meantime public access will depend on permission from the holder of Rostreivor.

We note that the Summary of the Proposal refers to “peninsula access from both directions via easements” but we are unclear as to how this can be achieved when the track west of the “neck” of the peninsula appears to be limited to a few hundred meters along the shoreline before petering out at an unnamed gully marked by a large old willow tree.

**FMC Submission:**

***FMC fully supports and endorses the designation of some 80ha on the Lake Benmore Peninsula as land to be restored to full Crown ownership and control as a Conservation Area CA.1.***

CA.2 consists of some 20ha adjacent to the Otamatapaio River which is bounded by the River to the west and State Highway 83 to the north.

We note that this small area has value as a refuge for threatened biodiversity, as well as historic and recreational values close to the highway. Biodiversity includes plants associated with both the rocky outcrop and a range of wetland tall rush and sedge species as well as other plant species. A number of threatened species including Olearias and other shrubs, herbs and grasses will also be protected within the proposed Conservation Area.

Public interest in this small but accessible area includes the historic remains of an early pastoral dwelling which is thought to date back to the 1860s.

Thus, although the area is small it does have significant public value which is enhanced by association with the nearby Otamatapaio Recreation Reserve.



***FMC Submission:***

***FMC fully supports and endorses the designation of some 20ha of wetland and rocky outcrop adjacent to the Otamatapaio River as land to be restored to full Crown ownership and control as Conservation Area CA.2.***

**2. 35ha approximately to be designated as land to be restored to Crown control as conservation area CA 3 (under Section 35(2)(b)(i) Crown Pastoral Land Act 1998) subject to a qualified designation.**

This narrow strip of riverside land, which adjoins the marginal strip along the Otamatapaio River, deserves protection as a chronically threatened LENZ site which contains wetlands of national importance and somewhat degraded remnants of Matagouri shrubland which was once much more extensive.

We are aware that this area is characterized by Recent soils classified LUC Class VI, indicating only moderate suitability for pastoral use on account of its limitations due to shallow and stony soil conditions related to its riverbed origins. The area therefore has limited farming value but high conservation value as indicated above.

We note that a formed legal road provides access to the northern end of the area from the state highway while the southern end provides access to the Oteake Conservation Park. FMC recognizes that this access is particularly important for recreational use of the recently established Conservation Park because the only other northern legal access to the Park is from Omarama, the Broken Hut Road and the Omarama Stream valley. The Otamatapaio route would provide access to the upper reaches of the Otamatapaio River and its tributaries, and to the Hawkdun Range whereas the Omarama Stream leads to the Ewe Range and the Upper Manuherikia catchment via the Omarama Saddle.

The total distance to the Park boundary in the Otamatapaio is some 13 km, of which about 7km are on Bog Roy land from State Highway 83 to the southern boundary. We note that it is proposed to fence the boundary of CA.3 "U – V". We believe there are good reasons to consider providing vehicle access along this boundary. We understand from the runholder that problems arise with recreational hunters making their way to the hunting block beyond the Rog Roy boundary. For safety reasons it would be beneficial to have hunters move through CA.3 on Bog Roy as quickly as possible. It would also mean that those making their way to the Park did not wander at will extensively over the proposed freehold area on the Otamatapaio flats. Vehicle access would also significantly shorten the time for trampers to reach the Oteake Conservation Park boundary and enable greater penetration into the Park on the first day.

***FMC Submission:***

***FMC fully supports and endorses the designation of some 35ha of wetland and remnant shrubland adjacent to the Otamatapaio River as land to be restored to Crown control as Conservation Area CA.3. FMC strongly recommends the provision of vehicle access along the proposed new fenceline "U – V."***

**Qualified Designation:**

- (i) A concession easement to convey water in favour of Bog Roy Station Limited (under Section 36(1)(a) Crown Pastoral Land Act 1998).**
- (ii) Continuation in force of the easements created by Transfer 325135 and the Land Improvement Agreement registered as 843125 (under Section 36(3)(c) Crown Pastoral Land Act 1998).**

FMC recognizes that this is a formality which will allow the holders to obtain water from a number of new source points in the Otamatapaio River as well as an existing right which is to be moved upstream to provide for irrigation and stock water.

We note that the water is to be piped through the CA. 3 area and will therefore require guaranteed minimal disturbance to protect the values of the landscape and vegetation when installing the pipelines. We recommend that conditions are attached to the granting of the Easement to ensure that pipeline construction work will be carried out in such a way as to minimize adverse effects on the native vegetation and landscape.

The Draft Concession Easement Document at Paragraph 9.1 (f) states that for the protection of the environment, the Concessionaire "*will not carry out earthworks (including drainage of ditching)*". This will need to be amended to permit the installation of the pipes referred to above.

We further note that in Schedule 1, Paragraph 4 "*the Concessionaire has the right to.....install..... a buried irrigation pipe up to 1 metre in diameter*" at easement area "e-f" and at the other 5 easement areas the Concessionaire has the right to "*install a stock water intake and inground 60mm water supply pipeline for conveying a stock water supply.*" We strongly recommend that conditions should be attached to this Schedule such the environmental effects of the installation work (especially at easement area "e-f") has the least possible adverse effect on the landscape and vegetation in Conservation Area CA 3.

**FMC Submission:**

***FMC has no objection to the granting of a new concession easement to convey water across Conservation Area CA.3, or to the continuation in force of an existing easement so long as conditions are attached to minimize the adverse environmental effects of installing the pipelines as described above.***

**3. 2,725ha approximately to be disposed of by freehold disposal to Bog Roy Station Limited (under Section 35(3) Crown Pastoral Land Act 1998) subject to a protective mechanism and a qualified designation.**

With regard to freeholding pastoral leasehold land, the most important objective stated in the Crown Pastoral Land Act (CPLA) is "*to promote the management of the land in a way that is ecologically sustainable*". FMC believes that to achieve this objective the most important factors are the nature of the soils and their Land Use Capability (LUC Class) and the way they are managed within the farming system. We comment as follows on the soils on Bog Roy Station:

The Lake Benmore Peninsula and the Lake Faces are characterized by droughty Waitaki Steepland Brown Grey Earth soils which have been Classified LUC Class VIIe. These soils have serious limitations for pastoral use and would be difficult to manage in a way that is ecologically sustainable. The lake faces form an impressive feature when viewed from the lake and the Bog Roy Hills represent no less than 18km of the lake's shoreline and enclose the narrow convoluted portion of the lake between West Arm and the Benmore Dam. We note that in the Conservation Resources Report (CRR) it is reported that "*native shrublands, occur in gullies, on rocky outcrops, rocky spurs and boulderfields. The best of these shrublands are found on the north slopes above Lake Benmore and on the small peninsula below these slopes.*" Furthermore, the CRR reports that "*the rocky spurs and gullies below and NW of Trig Q also support diverse shrublands with a similar range of species to that present on the peninsula*". Given that these landscape features and significant conservation values have also been recognized on the lake faces, freehold disposal and establishment of a Conservation Covenant may not be the best designation for this land area. FMC recommends that return to full Crown ownership and management as a Conservation Area

would be much better than the proposed Conservation Covenant. Full Crown ownership is also the preferred form of protection under the CPLA.

Most of the higher ground in the Homestead Block is characterised by Omarama Hill and Omarama Steepland Yellow Grey Earth soils which have been classified LUC Class VI, with moderate suitability for pastoral production. With moderate levels of stocking and regular treatment with fertilizer to maintain soil nutrient status, it should be possible to manage this area in a way that is ecologically sustainable. The lower parts of the block, closer to the homestead are characterized by Otematata and Ranfurly Brown Grey Earth soils classified LUC Class IV which, with irrigation, are well suited to pastoral production. The homestead block therefore appears to be suitable for freeholding.

The small triangular block adjacent to the highway is characterized by recent alluvial soils classified LUC Class IV and represents some of the best soils on Bog Roy. This area is undoubtedly suitable for freeholding.

Much of the remainder of the property lies close to the Otamatapaio River and is characterized by outwash deposits and recent alluvial soils, some of which are poorly drained especially in wetland areas. There is also an extensive flat upper terrace which has been cleared of briar and scrub and is eminently suitable for development. Much of this land area has been classified LUC Class IV but contains pockets of LUC Class VI land which are either too wet or too dry for optimal use.

Alluvial soils on river flats are notoriously variable and therefore quite difficult to manage in a way that is ecologically sustainable. However, this area does have potential to be developed with irrigation water abstracted from the adjacent Otamatapaio River. It is therefore suitable for freehold disposal.

We note that at the southern end of the property there is an area described in the CRR as *“previously recommended for protection (Hawkdun RAP 2) where native broom is common... together with matagouri, Olearia, Coprosma and porcupine scrub”*. FMC considers that, in view of its significant inherent values, this area should be reconsidered for protection under a Conservation Covenant within the freehold area.

### **FMC Submission**

*FMC accepts that a large part of the remaining area of Bog Roy pastoral lease (some 2,700ha) of land mainly classified LUC Class IV and VI, should be capable of being managed in a way that promotes ecological sustainability, and is therefore suitable for freehold disposal. However, we believe that some 700ha of land on the north and west faces of the Bog Roy Hills, Classified LUC Class VIIe would be difficult to manage in such a way. It should not be designated for freehold disposal. Instead its remaining shrubland communities and landscape character should be protected by return to full Crown ownership and control. (See below)*

### **Protective Mechanism:**

**(i) A conservation covenant over an area of approximately 500ha (under Section 40(1)(c) and 40(2)(a) Crown Pastoral Land Act 1998).**

This area covers the lake faces overlooking Lake Benmore. It is characterized by droughty Waitaki Steepland Brown Grey Earth soils which have been Classified LUC Class VIIe (with serious limitations for pastoral use). On the other hand the landscape and natural values of the area are high and the steep north facing slopes would provide an excellent backdrop to the Conservation Area on the Peninsula.

We note that the discussion of proposed designations in the Summary of the Preliminary Proposal states that: *“the majority of the area {proposed} for freehold has either been developed or is capable of economic development with reallocation of water rights. The possible exception to this is the northerly faces lying towards Lake Benmore which are arid and steep”*. This indicates to us that not only have the significant landscape and natural values of this area been appreciated but so too have the limitations for productive use, also been recognized during this review. FMC argues that the difficulties of managing the land in a way that would promote ecological sustainability, together with the significant landscape and natural values indicate that the lake faces should be returned to full Crown ownership and control as Conservation Area. It should also be noted that this is the preferred method of protection under the CPLA. If it is not possible to return all 500ha of CC1 to full Crown ownership, serious consideration should be given to the protection of the values in an area (some 200ha) NW of Trig Q as an upward extension of CA1. This area was identified in the CCR as having a range of important significant inherent values.

The NW end of the Bog Roy Hills is very prominent when viewed from SH 83 in the vicinity of Sailors Cutting. Because the protection of landscape character and remaining shrubland communities is the main objective of the proposed covenant CC1, it may be appropriate to consider extending the area proposed as CC1 to include the NW corner of the Bog Roy Hills above Rough Gully. The area is also characterized by Waitaki Steepland soils and its rugged appearance is similar to the rest of CC1. We recommend that an area of land (some 200ha) west of the existing fence running north to north-east from point 731, and around to a line between the high point at point 824 and the mouth of Rough Gully, should be considered for addition to the area originally designated CC1 in order to protect its outstanding landscape values. Because it is the landscape character which is proposed to be protected from inappropriate land use and development (rather than its botanical values) it may not be necessary to fence this extension of CC1. The area would be notionally bounded by the zig-zag track from point 824 to the shoreline at the mouth of Rough Gully

**FMC Submission:**

*FMC recommends that return to full Crown ownership as Conservation Area would be the preferred designation for the lake faces overlooking Lake Benmore. The proposed Covenant Area CC1 should therefore be designated for return to full Crown ownership and control. If it is not possible to return the whole 500ha to full Crown ownership, then at least the 200ha area NW of Trig Q, (identified in the CRR as having the highest inherent values) should be added to Conservation Area CA1.*

*FMC believes that an area (approx. 200ha) west of CC1 and west of the existing fence from point 731 down to the lakeshore in the narrows of the lake, has outstanding landscape values which deserve protection. FMC therefore recommends that an area on the NW corner of Bog Roy Hills should be added to the originally proposed CC1 area. Because the intention would be to protect the landscape values from inappropriate use and development it may not be necessary to enclose this area within a fence. Instead it could be notionally defined by the line of the zig-zag track below point 824, extended down to the shoreline near the mouth of Rough Gully.*

**Qualified Designation:**

**(ii) An easement in gross to provide for public, foot, mountain bike and horse access and conservation management access (under Section 36(3)(b) Crown Pastoral Land Act 1998).**

FMC believes that the track through the proposed Covenant Area CC 1 to the end of the Lake Benmore Peninsula will provide an excellent recreational opportunity for people of a wide range of abilities and interests including families. It should be suitable for walking and mountain bike use and will provide opportunities for passive recreation such as photography and painting as well as more active pursuits.

**FMC Submission:**

*FMC fully supports and enthusiastically endorses the establishment of an Easement for foot mountain bike and horse use over the route "a-b" to Conservation Area CA 1 on the Lake Benmore Peninsula.*

**Qualified Designation:**

**(iii) Continuation in force of the easements created by Transfer 325135 and the Land Improvement Agreement registered as 843125 (under Section 36(3)(c) Crown Pastoral Land Act 1998).**

We understand that this designation will permit the continued use of existing water races in the vicinity of the Otamatapaio River, to convey water for irrigation purposes.

**FMC Submission**

*FMC has no objection to the continuation in force of an easement for conveying irrigation water through existing water races.*

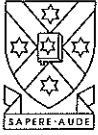
Finally, FMC is grateful to staff of Darroch Ltd., Alexandra for arranging our inspection of Bog Roy Pastoral Lease and to the Lessee, David Anderson for permission to inspect his property and accompanying us on an inspection tour of Bog Roy. This proved to be a valuable day which improved our appreciation and understanding of the issues on the property and knowledge of the resources of Bog Roy pastoral lease.

Yours faithfully



*pp* Phil Glasson  
Hon. Secretary, Federated Mountain Clubs of NZ, Inc.

## **Submission 5**



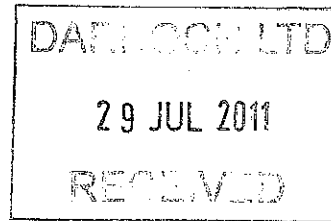
Department of Botany

Division of Sciences  
PO Box 56, Dunedin  
NEW ZEALAND

University of Otago  
Te Whare Wananga o Otago

Tel: National 03 479 7573 International 64 3 479 7573  
Fax: National 03 479 7583 International 64 3 479 7583  
Email: [amark@otago.ac.nz](mailto:amark@otago.ac.nz)

Manager,  
Darroch Ltd.,  
PO Box 27,  
ALEXANDRA



July 28, 2011.

**SUBMISSION ON THE PRELIMINARY PROPOSAL FOR TENURE REVIEW:  
BOG ROY PASTORAL LEASE**

Dear Sir,

Thank you for sending me a copy of this document and I appreciate the opportunity to comment on it based on my knowledge of the general ecology of the mid Waitaki Valley and the southern side of Lake Benmore up the slopes of the Hawkdun Range, in particular.

The proposal for this 2860 ha property provides only a relatively small area, a total of 135 ha (4.7%) in three parcels, with the balance of 2725 ha (95.3%) to be disposed of as freehold land with a conservation covenant of ~500 ha to be recognised within this latter area.

Dealing first with the proposed conservation areas, **CA1** occupies the small peninsula of some 80 ha located on the shore of Lake Benmore. This is an obvious recommendation, based on the ecological, landscape and recreational values of this peninsula, which contains mixed shrublands, including viable stands of the coral broom, *Carmichaelia crassicaulis* ssp. *crassicaulis* and also *C. curta* (both on the threatened plants list), as well as the scrambling *Clematis marata* and the cryptic daisy shrub *Vittadinia australis*. There are also important rock outcrop communities characteristic and representative of the original plant cover of the Benmore Ecological District.

Although the adjacent area has been recommended as a **~500 ha Conservation Covenant**, the **eastern half** of this area (~250 ha to the east of the ridgeline commencing immediately west of Trig Q [1974 m] and running down to the lakeshore), also has important ecological-biodiversity values and is **strongly recommended** to be **added to CA1**, to provide a **~330 ha Conservation Area**. This area contains remnant shrublands and rocklands with some threatened plant species (coral broom *Carmichaelia crassicaulis*, scabweed *Raoulia monroi*, and the prostrate kowhai *Sophora prostrata*), as discussed in the proposal, which **adds justification to this recommendation**. The perimeter fence around the CC1 would need to be extended down this ridgeline to protect the **proposed extended CA1** area from further grazing by stock. This recommendation can be further justified by the classification of this enlarged area as Class VIIe land capability, which means it has very limited potential for sustained pastoral farming. **Monitoring** would no longer be necessary on this enlarged conservation area, but should be a specified requirement on the remaining conservation covenant area using permanent photo-points monitored at regular intervals. The **proposed public access** to this proposed Conservation Area 1, being an **easement** for public foot, mountain bike and horse access, shown as **“a-b”** on the plan, should still be provided to the peninsula, as proposed (**“a-b”** on the plan), from the existing legal accessup to point **“a”**.

The remaining area of the proposed CC1 is **accepted** as a conservation covenant but this area **should be extended** to the west as a **landscape covenant** to include all of the north-aspect faces above Lake Benmore, as far west as the ridge below Trig TV (498 m). This landscape covenant should be specified so as to retain its important natural landscape values but could be grazed as part of the larger block of to-be freeholded land.

The **proposed Conservation Area 2** of 20 ha, being a discrete area immediately west of and directly accessible from the State Highway, and bounded by the Otamatapaio River and a recognisable terrace edge, is considered important for three separate reasons, as outlined in the proposal, and is **accepted**. This area comprises an “acutely threatened” landscape under the LENZ Classification, and also contains some important plant communities, including rock outcrops with at least three “at risk” species (*Carmichaelia crassicaulis*, *Convolvulus verecundis* and the fern *Pleurosorus rutifolius*), as well as a spring-fed wetland containing several tall rush and sedge species, as well as the native toi toi *Cortaderia richardii* and several ferns. The other indigenous plant species present, as listed in the report, include two daisy shrubs (*Olearia bullata* and *O. odorata*) and three raoulias (*Raoulia australis*, *R. apicenigra* and *R. parkii*), and *Pimelea pulvinaris*, among others, and represents an important group of species which certainly justifies formal protection. The remains of an old dwelling, dating probably from early pastoral activities in this area, the 1860s, adds further value and interest to this area. It is assumed this area is already fenced along its eastern boundary, since exclusion of stock would be important for the area to retain and likely improve its natural values over time.

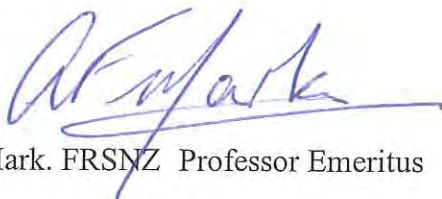
The **proposed Conservation Area 3**, is also **strongly endorsed**, being a 35 ha area alongside an existing marginal strip on a ~5 km section of the Otamatapaio River, with a formed legal road giving access to its northern (highway) end. This area is strategically important in providing important public access along its length, to the southern end of the pastoral lease but also to the Oteake Conservation Park beyond, being the only other legal access to the park from the northern end, via Broken Hut Road. Eventual 4WD access adjacent to the new fenceline should be considered to provide closer access to the Park boundary for the less active members of the public. This area also comprises a “chronically threatened” LENZ site. In addition, the wetlands on the lower river terrace within this area are considered to be of National Importance in relation to National Priority regarding the Protection of Rare and Threatened Indigenous Biodiversity on Private Land. The remnant mixed shrublands, although currently partially damaged, should recover given the protection that this proposal would provide.

The **Qualified Designation** for **six proposed easements (“e-f” to “o-p”)** along the length of this conservation area, to allow the holders to obtain water, via pipes from the Otamatapaio River for irrigation and stock water purposes, as shown on the plan, is **endorsed**, as is the existing easement, registered as Transfer 325135 and also the Land Improvement Agreement registered as 843125, as described in the proposal.

Of the **land proposed for freeholding**, subject to a protective mechanism and a qualified designation, I have already commented and made a recommendation regarding the proposed Conservation Covenant. Descriptions of the **three blocks**, the homestead block to the northeast of the highway, the block at the southern end of the property, and the small triangle of land adjacent to the proposed CA2, indicates they are all highly modified for farming purposes and should be **suitable for continued pastoral farming**, which is **endorsed**.

I thank you for the opportunity to comment on this proposal and I reequest that my comments and recommendations be seriously considered.

Yours sincerely,



Alan F. Mark. FRSNZ Professor Emeritus



## **Submission 6**



**Our Ref: 22015-001**  
**Your Ref: P0310/1**

*Patron:*  
*His Excellency The Honourable*  
*Sir Anand Satyanand, GNZM, QSO*  
*Governor-General of New Zealand*

29 July 2011

Darroch Ltd  
PO Box 27  
Alexandra 9340



Attn: Luana Pentecost

Dear Ms Pentecost

**RE: BOG ROY PASTORAL LEASE TENURE REVIEW PRELIMINARY PROPOSAL**

Thank you for your letter of 3 June 2011 concerning the above. The NZHPT's Southern Regional Office in Christchurch has forwarded it to the Otago/Southland Area Office for a response.

The NZHPT is Crown Entity and is New Zealand's lead agency in historic heritage management. Its purpose is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand, as provided for in Section 4(1) of the Historic Places Act 1993. The NZHPT's powers and functions are set out in Section 39 of the Historic Places Act.

NZHPT has developed guidelines based on internationally recognised best practice to assist in the identification and protection of historic heritage values. This includes a specific guideline on the undertaking of archaeological assessments. NZHPT monitors 'one off' opportunities such as this to ensure the Crown's commitment to the identification of significant inherent heritage values and other features warranting recognition and protection on pastoral lease lands subject to the tenure review process.

NZHPT has the following comments to make with respect to the Bog Roy Pastoral Lease proposal:

- The NZHPT believes that historic and archaeological sites are present on Bog Roy pastoral lease, and these need to be more thoroughly investigated in order to properly inform this preliminary proposal.
- We note that neither the Summary of Preliminary Proposal dated May 2011, nor Conservation Resources Report dated June 2003, make reference to field work or an archaeological assessment having been undertaken for Bog Roy Pastoral Lease.
- There is no mention of Maori sites having been recorded or searched for on the property.
- The NZHPT has undertaken its own desktop analysis for the property. NZHPT's Regional Archaeologist for Otago/Southland has carried out some preliminary

*NZHPT Otago/Southland Area Office, Floor 4, Queens Building, 109 Princes Street*  
*PO Box 5467, DUNEDIN 9058 Ph (03) 477-9871 Fax (03) 477-3893*

checks and provided advice confirming that there was 19<sup>th</sup> century activity on the lease, including the following potentially notable sites –

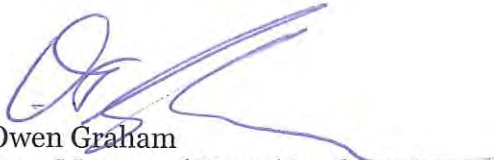
- SO16349 from 1863 shows a house on the true left of the Otamatapaio River south of Trig station B. The house belonged to Frederick Thomas Walker.
  - SO16157 from 1863 then updated in 1866 shows a house on “11acres, 2 Roads” which may have originally belonged to McMaster and Teschemaker in 1863 with the 1866 update on this map changing this to George Gray Russell.
  - One of the above-mentioned sites may be the dwelling remains mentioned on page 4 of the report, located in the area identified as CA2, however field work would be required to confirm this.
  - NZMS1 1<sup>st</sup> edition 1968 shows 4 hut sites, a hay barn and three historic trigs (A, B & Q). Two wooden bridges are also shown which may be historic. Two water races are also shown. One may flow along the west side of the lease, but might not be on the lease. Another appears to be source from the Otamatapaio River on the lease which then flows over the property to a free hold piece of land on the east side (this freehold section being the location of a power terminal.)
- We have also checked the NZHPT Register of Historic Places, Historic Areas, Wahi Tapu and Wahi Tapu Areas, the Waitaki District Council’s District Plan Appendix B: Heritage Items and the NZAA Database. No registered or scheduled sites were identified, nor were any recorded archaeological sites.

Based on the above, we believe that a more thorough field based archaeological assessment should be undertaken to establish whether any obvious archaeology is present relating to the structures mentioned above and whether any other early sites such as old musterers huts, farm buildings or Maori sites are present. This would facilitate a proper assessment of historic heritage values on Bog Roy Pastoral Lease and enable recommendations to be made regarding appropriate levels of protection for all sites. The NZHPT is able to provide advice on how to undertake this work and should be provided with a copy of the assessment once completed.

It is important to note that the Crown has an obligation to both the lessee and the public to properly inform itself of significant inherent values on Bog Roy Pastoral Lease, prior to any disposal. Where appropriate it can then seek adequate protection measures as part of the tenure review. Protective mechanisms could include heritage covenants which are provided for under section 6 of the Historic Places Act 1993.

Should you have any queries regarding the above, please address these to: Jane O’Dea, Heritage Adviser (Planning), ph (03) 470-2366, email: [jodea@historic.org.nz](mailto:jodea@historic.org.nz)

Yours sincerely



Owen Graham  
Area Manager (Otago/Southland)

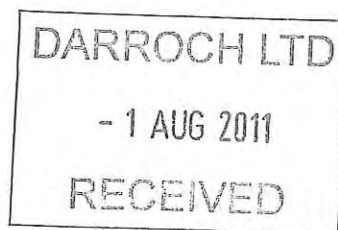
## **Submission 7**



**WALKINGACCESS**  
ARA HĪKOI AOTEAROA

1 August 2011

The Commissioner of Crown Lands  
C/- Darroch Limited  
PO Box 27  
**ALEXANDRA 9340**



### **Preliminary Proposal for Tenure Review of Bog Roy Pastoral Lease Po 310 Submission from the Walking Access Commission**

Thank you for providing an opportunity to comment on the preliminary proposal for the tenure review of Bog Roy pastoral lease. As you will appreciate, this is the first opportunity that the New Zealand Walking Access Commission (the Commission) has had to comment on this proposal. We have not had the opportunity to undertake a ground inspection.

In this submission the Commission seeks to have the legal roads and the Corbies Creek marginal strip through Bog Roy Pastoral Lease depicted clearly as not being part of the pastoral lease.

In addition to the proposed public access route 'a-b' to CA1, the Commission also seeks to have practical public access established above the shoreline of Lake Benmore from the Otamatapaio Recreation Reserve east to CA1.

The Commission seeks to have additional public access along the ridge line above Rough Gully (in vicinity of south side of area CC1) plus public access along the southern boundary between Corbies Creek and the Otamatapaio River, and between Corbies Creek and the southeast boundary where it joins the existing road.

The Commission also seeks to have specified, the public access to be provided for in CA3.

#### **A. Introduction**

##### **Purpose, Objective and Functions of the NZ Walking Access Commission**

The Walking Access Act 2008 (sections 3, 9 and 10) sets out the purpose, objective and functions of the NZ Walking Access Commission.

Central to its role is the Commission's leadership functions in negotiation and provision of free, certain, enduring and practical access to the outdoors for New Zealanders and visitors.

##### **Focus of Submission is Public Access**

The Commission's submission on the Bog Roy Preliminary Proposal is designed, as envisaged by the Act, to achieve appropriate and enduring public access in this popular area of New Zealand.

The Commission's submission reinforces the objectives of the Crown Pastoral Land Act 1998, in particular section 24(c) which is to make easier the securing of public access to and enjoyment of reviewable land. Specifically, our submission addresses the public access and public enjoyment matters specified in subsection (2)(c) and (d) of section 40 of the Crown Pastoral Land Act 1998.

## **B. Submission**

### **General comments**

The designations plan in the preliminary proposal (the plan) depicts the legal road, and Corbies Creek marginal strip running southwards through the southern block of the property but, taking the plan at face value, it appears to indicate that these public access areas are part of the pastoral lease to be disposed of by freehold disposal. The plan should clearly identify the legal roads and Corbies Creek marginal strip as not being part of the reviewable land, by marking these areas as the boundaries of the pastoral lease.

While the summary of Preliminary Proposal provided one plan covering the area, some of the access points on the boundaries of Bog Roy would be more readily analysed if the adjoining properties were defined on the plan.

#### *The Commission:*

1. *Seeks to have the boundaries between the pastoral lease and legal roads and Corbies Creek marginal strip clearly marked as the pastoral lease boundaries on the plan.*
2. *Suggests that a locality plan, clearly identifying adjoining properties, should be included to provide better context and to assist analysis.*

### **Existing public access**

There is a 20m wide fixed marginal strip (section 24(3) Conservation Act) between Lake Benmore and the pastoral lease, but it may be unlikely to provide practical public access.

There is a Crown Land strip on the true right of the Otamatapaio River adjoining the southern sections of the property, but the northern end of this strip is not accessible from the Omarama-Otematata Road – restricted by Part Run 160A Blk IV Benmore SD, and Section 9 BLK III Gala SD.

The Corbies Creek marginal strip provides legal public access from the Crown land strip by the Otamatapaio River south to the southern boundary and some 550m beyond.

There is a legal road (Backyards Road) which provides physical access through to the southern block of the property from the Omarama-Otematata Road. It is formed on the general alignment of the legal road for half its length, to the vicinity of the junction of Corbies Creek and Otamatapaio River. A formed road also coincides with the legal road alignment from the bridge (at spot height 467 ) to the eastern boundary corner of the property. But between these two sections of road, where legal and formed alignment coincide, there is approximately 2km of formed road that deviates to the west of the legal road. Survey action, to align the road with physical access, is recommended to ensure that public access issues do not arise in the future.

At the bridge (spot height 467) the legal road splits and provides public access to the southwest boundary of the southern block of the property. A farm track generally follows this alignment. At spot height 547 this road splits again, with the eastern alignment providing access to Corbies Creek and marginal strip on the southern boundary of the property.

#### *The Commission:*

3. *Seeks to have the current alignment of Backyards Road surveyed to ensue the cadastre and the physical alignment coincide.*

### **Proposed public access**

Public foot, horse, and cycle access is proposed along the easement 'a-b'. While we note that this currently does not connect with any public access to the south, we support the creation of this access in anticipation of future public access to the south being achieved.

*The Commission:*

4. *Supports the provision of public access on the identified routes 'a-b'.*

The creation of CA2 will provide useful public access from the Omarama-Otematata Road to the Crown land strip on the true right of the Otamatapaio River.

*The Commission:*

5. *Supports the public access aspects of the proposed CA2*

It appears as though CA3 will consist of a 100-150m wide strip alongside the Crown land strip on the true right of the Otamatapaio River, and that eastern boundary of this strip ('U-V') will be fenced with deer netting. While gates are specified, their location is not. CA3 will presumably be accessed at 'U' from the legal road off the Omarama-Otematata Road, so we presume that gates will be at each end of the strip, i.e. in the vicinity of 'U' and 'V'.

*The Commission:*

6. *Supports the public access aspects of the proposed CA3*

**Desirable public access**

Access to and alongside water areas contributes significantly to New Zealanders' and visitors' quality of life and well-being, as well as enhancing awareness of the natural environment. It is inconceivable that certain, enduring and practical access alongside the shores of Lake Benmore is not provided for in this tenure review. The opportunity to provide a practical link capable of having a track constructed on it from the Otamatapaio Recreation Reserve to CA1 and then further south should be a critical outcome for this review. It would have immense benefit for the general public including tourists, and it could also potentially become part of the Alps 2 Ocean Cycle Trail. The Preliminary Proposal also states the peninsular will have access from both directions via easements.

We also note that there is no provision for public access along the ridge north of Rough Gully, particularly along the formed tracks depicted on the plan between the TV structure, spot height 498m, at the northwest end and Trig D, spot height 897m, to the east. These existing tracks about Rough Gully provide alternative active access routes which would enable attractive circuit options for walkers, cyclists and horse riders – especially when joined up with the Otamatapaio Recreation Reserve in the northwest and the proposed easement point 'a' in the northeast. The track southeast wards below spot height 897 to the eastern boundary of Bog Roy also provides possible future access connection to the adjoining Big Gully track depicted on the plan.

*The Commission seeks to have:*

7. *Practical access, capable of having a track constructed on it, provided from the Otamatapaio Recreation Reserve, around the lake frontage, to CA1.*
8. *Public access along the existing tracks from Lake Benmore up Rough Gully then onto the ridge north of Rough Gully to provide public access extending between spot height 498 at the northwest end of the ridge and eastwards to the eastern boundary of Bog Roy below spot height 897 then southwards to the boundary then northeast along the boundary (Boundary Gully) to proposed easement point 'a'.*
9. *Provision made for public access along the track below spot height 897 southwards to the boundary (where the track then continues southwards onto the adjoining property).*

Being proposed as conservation land, there is no specific public access specified for CA3. Given

the significance of the area in providing through to the Oteake Conservation Park it will presumably be at least foot and mountain bike access. Public vehicle access is potentially available on the legal roads through the southern block of the property however it may be preferable to have clearly defined vehicle access provided for in CA3.

While the future use of CA3 may be considered to be a DOC management issue post-tenure review, we believe that the public should know the access that will be provided for.

Also, the Commission notes that there is no access provided for also in the south-western boundary behind spot height 687. The Commission believes that public access and public enjoyment opportunities would be enhanced by providing appropriate walking, cycling and horse riding access from the southern boundary at Corbies Creek westwards along the boundary fence line to the Otamatapaio River. In addition the Commission believes that the public's best interest would be served by ensuring vehicle access is also provided for along this boundary for the last 100 plus metres from the unformed legal road to the river boundary.

We note there is an unformed legal road that extends southwards from the southern boundary from Corbies Creek but the current practical and formed road traverses the south-eastern boundary corner of the pastoral lease. Further research on the history of this formed track, which extends approximately 3km southwards before it joins with the legal road alignment, would be required to determine if in fact the track could be deemed to be legal road. In the interim we ask that vehicular access be allowed for as well as walking, cycling and horse access for this desirable access corridor.

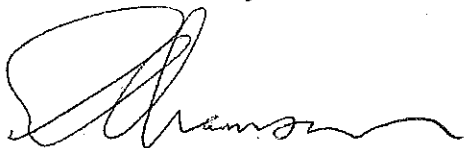
*The Commission seeks to have:*

10. *Public access by foot, horse, cycle and motor vehicles provided for in CA3.*
11. *Public access by foot, horse or cycle along the southern boundary between Corbies Creek and Otamatapaio River – with the addition of vehicle access from the legal road to Otamatapaio River.*
12. *Public access, including vehicle access, along the southern boundary from the intersection of the legal road with Corbies Creek south-eastwards to the formed road at the southeast boundary corner of Bog Roy.*

Thank you for the opportunity to make a submission on the Preliminary Proposal for tenure review of the Bog Roy pastoral lease.

We request advice in due course as to how the points we have raised have been analysed and what amendments, if any, are subsequently proposed to the Preliminary Proposal designations.

Yours sincerely



PP  
Mark Neeson  
Chief Executive



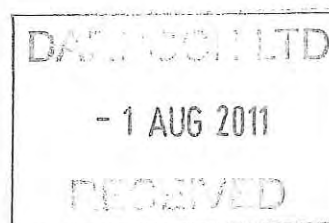
## **Submission 8**

Submission to:

Crown Pastoral Land Tenure Review

Lease name : Bog Roy Lease number : Po 310

Date: Monday, 1 August 2011



From: NZ Horse Recreation

Contact: Vivien Dostine (Founder)

55 Gallony Ave, Massey Auckland 0614

Phone (09) 833 6743

Email: [viv@nzhorseriders.info](mailto:viv@nzhorseriders.info)

We support the proposed easement at Bog Roy (provided that it allows adequate access for horse riders, walkers and others without undue barriers. Access infrastructure (gates) needs to be carefully planned, to ensure continued access for horse riders and people with disabilities. Cattle grids (stops) should not be acceptable access ways, as these create barriers for horse access. Ideally any gates should be able to be opened from horseback.

The Conservation Resources Report comments on public recreation note:

### ***2.7.3 Activities***

*There is little recreational use of the lease at present apart from landings by boat on the Lake Benmore shoreline and some access up the Otamatapio River for fishing and hunting.*

The Otago Goldfields Heritage Trust who organise cavalcades (journeys for wagons, horses and walkers, have used Bog Roy station, riding via the Clay Cliffs, Omarama and Otamatapio Station. Although noted as a relatively small station, it is important to ensure that traditional or existing horse routes are not broken through lack of access to sections.

We support allowing horse riders continued access to traditional routes and along historic trails as this brings history alive and provides a living link to our colonial and agricultural past. It provides insight into the experiences and hardship of past eras, and brings people closer to the natural elements of weather, ground conditions and terrain.

The horse has had significant influence on New Zealand's history and success as a nation. The traditions of sheep droving with horses, is still retained on several stations in the Benmore area and we would like to ensure that provision for future access by horse riders (cyclists and walkers) who wish to retrace old droving routes or experience the high country by horse are retained. We would

also like to ensure that sufficient public access is retained to enable new commercial opportunities using public trail routes (horse trekking , cavalcades or some other recreational activity) as might be created to meet future demand.

Horse riding (and carriage driving) allow for quiet enjoyment of the natural environment by others, including those with disabilities. The aging population of New Zealand means that there will be more people with disabilities. Not all people can walk for long distances, or over rough terrain; yet often our most precious natural settings are remote. International disability tourism is increasing enormously, and is a great opportunity for New Zealand as a disability tourism destination.

Many horse riders have disabilities; although few would describe themselves as disabled. A horse gives the rider strong legs, endurance and sharp senses to enable them to participate in independent, active, outdoor recreation across many types of terrain and in remote natural areas.

NZ Horse Recreation supports codes of conduct for horse riders to share recreation areas and use trails and resources in an environmentally responsible way.

#### Background:

The recreational and sport horse sector is twice as large as the racing sector domestically; the sport horse sector brings in export earnings, and has much potential for growth. Like the marine industry the equine sector has components in recreation, sport, and industry that have complex and closely linked relationships and dependencies.

Equine social, disabilities and tourism programmes provide substantial benefits to the community, and economic well being of the region. New opportunities lie in high-tech, performance, and veterinary technologies as well as substantially increased tourism.

### About NZ Horse Recreation

NZ Horse Recreation is a national advocacy group for and on behalf of recreational horse riders, and carriage drivers. Formed in 2007, the group now represents some 500 members (individuals and families), and 16 affiliated clubs or organisations (listed below).

### Affiliated Groups

- Waiheke Island Riding Club
- Thames Pony Club and Adult Ride
- Kokatahi-kowhitirangi pony club
- Grey Valley Riding Club
- Kumeu Western Riding Club
- Katikati Hack and Hunters Riding Club
- South Head Riders
- Clevedon Pony Club
- Matakana Pony Club
- Auckland Woodhill Endurance Club (AWEC)
- Totara Park Pony Club
- Te Atatu Pony Club
- Franklin Western Riding Club
- Matakana Pony Club
- Kohukohu Riding Club
- CD Trekkers

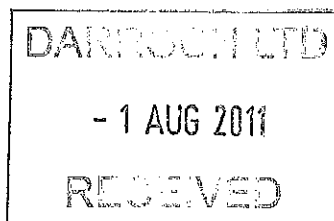
In addition NZ Horse Recreation is a member of the Northern Regional Equestrian Initiative (Auckland), and consults with NREI and other equestrian groups on recreational horse riding issues and submissions.

### Northern Regional Equestrian Initiative (NREI), members:

- Woodhill Sands Equestrian Centre
- Waitemata Eventing
- Show Jumping Waitemata
- Waitemata Riding Club
- Showhunter Waitemata
- Waitemata Hunt Club
- Dressage Waitemata

## **Submission 9**

## CENTRAL OTAGO RECREATIONAL USERS FORUM



186 Faulks Road,  
RD 2.,  
WANAKA 9382  
Phone, (03) 443 4337

e-mail, secretary@coruf.org.nz

1 August 2011

The Commissioner of Crown Lands  
c/o Darroch Ltd.  
PO Box 27  
ALEXANDRA

Dear Sir,

### Preliminary Proposal: Bog Roy Pastoral Lease, PO 310

CORUF, the Central Otago Recreational Users Forum, is pleased to make a submission on Bog Roy Pastoral Lease, PO 310.

The Central Otago Recreational Users Forum is a voice for a diverse group of user interests, representing over 60 recreational clubs and groups. A significant part of our brief is to represent recreation by the public to the statutory managers of public lands, and to receive and disseminate relevant information in return.

A fundamental principle guiding us is the belief that public lands should be accessible to, and able to be enjoyed by, the general public.

An associated principle is for due care and respect, to the land, the landscape, natural and historical values, and to the private landowners whose properties have easements across them, giving public access to conservation land.

While our interest lies in Central Otago, we also pay attention to leases on the other side of the main ranges which are our boundary, in this case to matters which concern access to Oteake Conservation Park.

Two of our members met with the Lessee of Bog Roy Pastoral Lease for an extensive look at the property, they express their grateful thanks to Mr Alexander.

The Central Otago Recreational Users Forum makes the following submissions.

### Bog Roy Pastoral Lease.

We believe that the Bog Roy Lease is a significant one, for its shoreline on, and access to, Lake Benmore, for its highly visible landscapes along the highway; and for the access to Oteake Conservation Park via the Otamatapaio River and Otamatapaio Conservation Area.

We address three parts of the proposal.

#### 1. CA1.

*2.1. Land to be restored to full Crown ownership and control as a conservation area (under Section 35(2)(a)(i) Crown Pastoral Land Act 1998) ... marked "CA1" on the proposed designations plan.*

#### 2. Qualified Designation (access).

*2.4.2. An easement in gross to provide for public, foot, mountain bike and horse access adjacent to the margins of Lake Benmore and providing access to the conservation area "CA1" being the Lake Benmore Peninsula. This is the route marked "a-b" on the designations map.*

We give the designation "CA1" on the Benmore Peninsula our approval, together with the proposed public track leading to it. We agree that it will be of high public value for its unique location, for shoreline recreation, and for its natural dryland values.

The track access "a-b" will be equally valuable. It originates from the pylon track and is thus accessible from Benmore dam. Its accessibility and ease of use will allow a wide range of the recreating public to use it for differing reasons.

#### 3. CA3.

*2.3. 35ha approximately to be designated as land to be restored to Crown control as conservation area CA 3 (under Section 35(2)(b)(i) Crown Pastoral Land Act 1998) subject to a qualified designation: delineated "u-v" on the designations map.*

The Bog Roy property is a significant one, for being adjacent to the DOC access track to Oteake Conservation Park and Otamatapaio Conservation Area, via the bed of the Otamatapaio River.

On the Waitaki Valley (Canterbury) side, there are effectively only two public entrances to Oteake Conservation Park. One can enter at its north west end by driving on a legal road to Omarama Saddle / Little Omarama Saddle, or one can walk to the Hawkdun Range by the track on the Otamatapaio. An existing DOC track makes this essential connection, beginning at a car park off State Highway 83 and proceeding via the gravelly riverbed of the Otamatapaio River.

As a new fence is to be built to delineate the CA3 strip, it would seem that at the same time a fundamental road could be provided, to allow 4WD vehicles to traverse some or all of this boundary.

It seems that the fence line will be on a stony terrace, in a location that will not compromise the riverside wetland values to be conserved in the CA3 designation.

The proposed route originates on a formed legal road that runs from the highway to the point marked "u" on the designations map. It then extends via the CA3 fence line to point "v" on the map, being the inland boundary of Bog Roy Lease.

We recommend that such a road, either running some way towards or reaching the point marked "v", be looked at as part of the proposal for Bog Roy lease.

We also recommend that steps are taken, via fencing and locked gates, or a stile, to limit vehicle access beyond point "v". With some off-road vehicles, it would be technically possible to drive on the river-bed as far as the hut, and we see this as undesirable.

The valley of the Otamatapaio has significant remote qualities which it is important to protect, to maintain the recreational experience of walking into Oteake Conservation Park. As a walk-in hut, the experience of the small Otamatapaio Hut would be spoiled if one could simply drive to it.

A permanent vehicle barrier at some suitable point on or at the end of CA3 is recommended.

Should such a road be installed, we recommend that it provides all year access, so that back-country skiers may access it to the parking area.

CORUF is grateful for the opportunity to comment.

Jan Kelly  
Secretary  
Central Otago Recreational Users Forum.

A handwritten signature in blue ink, appearing to read 'J Kelly', written in a cursive style.



## **Submission 10**

## Royal forest and Bird Protection of New Zealand Incorporated

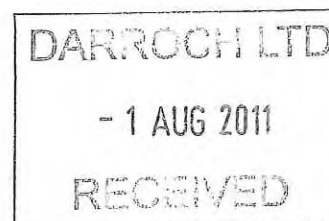
### Central Otago-Lakes Branch

Denis Bruns – Secretary  
4 Stonebrook Drive  
WANAKA 9305

28<sup>th</sup> July 2011

The Manager  
Darroch Limited  
P O Box 27  
ALEXANDRA

[e.mail\\_launa.pentecost@darroch.co.nz](mailto:e.mail_launa.pentecost@darroch.co.nz)



Dear Sir

### Bog Roy - Po310 – Tenure Review Preliminary proposal

We thank you for sending us a copy of this proposal and we appreciate having this opportunity to make a submission on it. We have just recently carried out an inspection of the property and would like to thank Mr David Anderson for showing us around Bog Roy.

We have members in our branch who are familiar with the area as we have already made tenure review reports on other properties in the Waitaki River Basin. We have read the Conservation Resources Reports and are conversant with the Conservation Management Strategy where it concerns the area.

Bog Roy is in two parts, situated on both sides of SH 83. The northern block has Lake Benmore as its northern boundary. The north block with its dry rocky hills has considerable scenic value as seen when travelling over the Chain Hills and around Sailors Cutting just south of Omarama. Bog Roy is at the eastern edge of the Omarama and Mckenzie basins, but its climate will be similar to that of those basins.

The southern block which has the Otamatapaio River - which drains the eastern side of the Hawkdun Range - as its western boundary is not so visible to the public. It is a mixture of river flats and low rocky hills at its south end.

The property has soil types of varying capability, ranging from Class VIIe, which are only marginally suitable for grazing by stock, the rest mostly Class VI with some Class IV or V which is capable of supporting good pasture under good management .

We comment on the various designations and easements:.

**1. The Landscape:** The landscape north of Bog Roy, is comprised of Lake Benmore and the dam itself, it is a very distinctive dry-land landscape, it is reminiscent of the Marlborough Sounds; in fact it is that of a drowned valley, but in this instance it was created by man and not a geological accident as are the Marlborough Sounds. There is a threat of a wilding conifer invasion from the vicinity of the

2. **Land to be returned to the Crown for protection, "CA1":** An interesting peninsular surrounded by Lake Benmore containing much in the way of shrubs and rock dwelling plants representative of this type of country, some of them "threatened" or in "decline". *We fully approve of it being returned to the Crown for protection. However, as this type of country and its eco-system extends much further west we believe a new fence should be erected starting from Trig Q and running down in a northerly direction to the lake. This would also allow public walking access to the high point of a prominent landscape feature and view point.*
  
3. **The Protective Mechanism, "CC1":** This is a covenant which covers the north facing dry rocky hillside on the northern boundary overlooking Lake Benmore, maximum height at Trig Q 897m., it has sparse population of short tussock but supports a variety of woody vegetation – some of it becoming "threatened" or in "decline". The lower part of the block contains a mixture of native and exotic grasses and much sweet briar. There does not appear to be much in the way of pasture above about 500ms. (See photo # 1) *Every effort should be made to protect what is left of the woody vegetation but considering the nature of the country and especially as the whole face would probably be classed as LUC 7 e any covenant devised will have to be rigidly monitored and enforced. In particular would be the grazing of cattle; as the country does contain significant *Charmichaelia* to which they are attracted – cattle should not be grazed if any damage is done to this plant, or any other for that matter. The covenant should be so monitored and so managed to allow for any young plants to become established and this be "ecologically sustainable".*
  
4. While **Schedule 1, 2 Values of Land to be Protected. "CC1" – Lake Benmore Faces** is strong on protecting the landscape values of these Lake Faces but little mention is made of the similar values contained in the whole of this northern part of the lease. While it is a considerably modified landscape from what it would have been originally it is still a very significant intact landscape. It is very visible from the highway, especially so when coming over the Chain Hills and going through Sailors Cutting (See Photo # 2) It stands out at the bottom end of the lake as an isolated block of mountains surrounded by even higher mountains. *If this landscape is to protected in any way and to maintain the status quo the whole of the northern block should be included in the covenant "CC1"*
  
5. The western lower slopes of this northern block facing the lake and the slopes behind the homestead have better soils, some of it Class V, and are being cultivated to advantage and support good pasture, the steeper country being Class VI behind and above can be over sown and top dressed, but the effectiveness of this will be subject to climate.
  
6. **CA2:** There is much of botanical and historical interest in his block. *We fully support it being returned to the Crown for protection. When de-stocked the values it contains cannot but improve. Being on a main highway and when interpretative signage is put in place it will attract much attention.*
  
7. The southern part of Bog Roy consists of approximately two thirds river flats and one third rolling hill country, rising to 687ms at the south end. A proportion of this block is very stony but where the soil is free of stone good pasture has been established. We noted that where cultivation has been undertaken it has been after either the spraying or the mulching of the sweet briar. Both methods appear to be effective, but the spray has also killed the matagouri. *When access to water has been obtained it is intended to irrigate this flat country which will make it far more productive.*
  
8. **CA3:** Having this land being returned to the Crown for protection and having both sides of the Otamatapaio River fenced from stock is going to be good for the significant conservation values this

piece of river bed contains. While some of the river bed is "braided" there are some wet or swampy areas still supporting native plants that are "threatened" or are "declining". We note that this area is captured by Priority One of the "Statement of National Priorities for Protecting Rare and Threatened Indigenous Biodiversity on Private Land" The seed of matagouri is hard and there will still be viable seed in the ground that will help the re-generation of one of the main species present prior to farming.

9. This area is also very important in the fact that it gives access for recreationists to the eastern side of the recently created Oteake Conservation are. When the new fence S – T, U – V is constructed it should be so constructed on the river bank that it will allow access for 4WD vehicles to reach the southern end of the lease.

10. **Qualified Designation:** A concession easement to convey water across this strip of land in six different places. We fully approve of this; making this southern block more economically viable will help meet the aims of the Act ".....to promote the management of reviewable land in a manner that is economically sustainable....."

11. To be more robust we would recommend the following changes being made to the Covenant

12. **SCHEDULE 1, Special Conditions CCi - Lake Benmore Faces:** (page 8)

**Should read: CC1 Lake Benmore Faces together with all the of the northern part of the lease..**

**SCHEDULE 2, Special Conditions CCi - Lake Benmore Faces:** (page 9)

1. 1.0 **Add: - 1.5 The owner must keep the property clear of wilding conifers.**

2. 2.0 The Minister **may** design and undertake a monitoring programme for the covenant area. The word **may** should be altered to **shall**

**In Conclusion:**

If vehicle access were to be made available through CA3, and the provisions being made to protect the landscape as well as the vegetation on the north faces over-looking Lake Benmore were to be extended to include the whole of the northern block we would endorse the proposal that 2,735ha of Bog Roy become freehold and be disposed of to Bog Roy Station Limited, and if irrigation is undertaken it should be both economically viable and ecologically sustainable, and so meet the requirements of the CPL Act 1998.

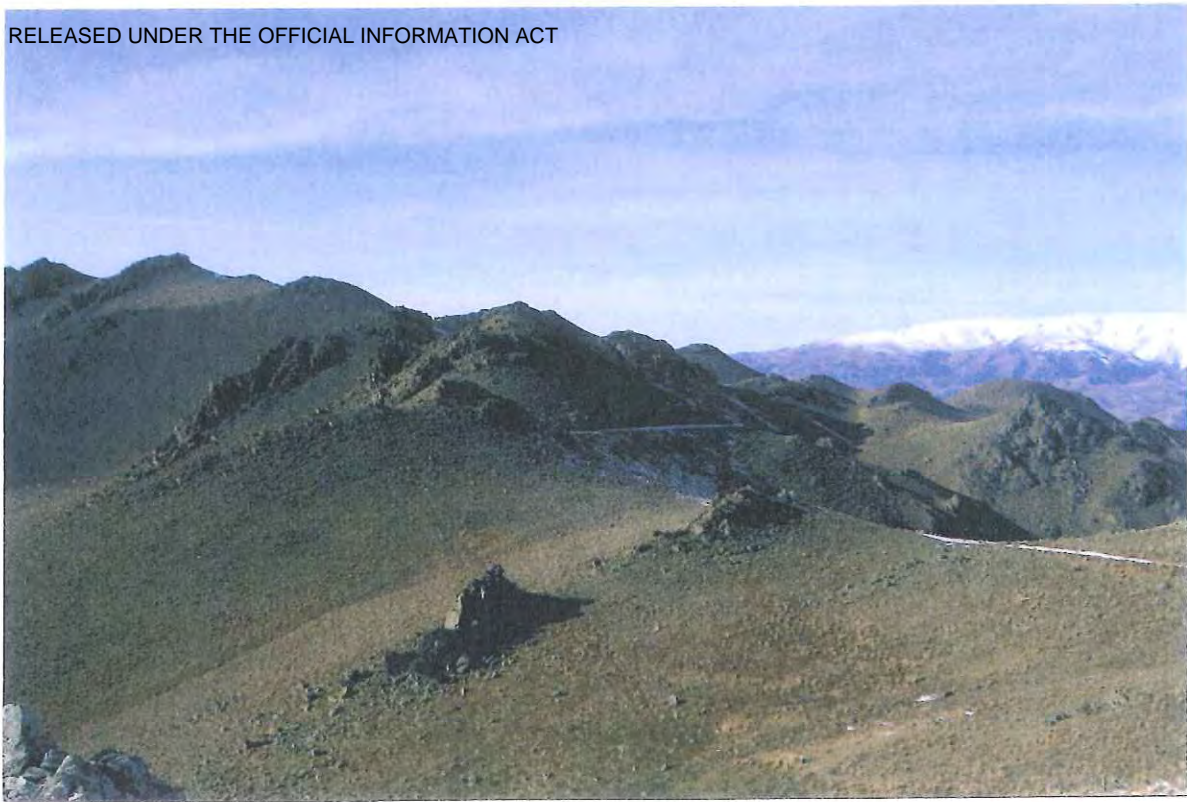
We wait to see the outcome with interest.

Yours faithfully.

Denis Bruns



For Central Otago-Lakes Branch Forest and Bird



(Photo # 1) View of high ground taken from approximately spot height .824 looking towards Trig Q. The landscape and vegetation present is to be protected by covenant "CC1". This land is classed as VIIe but it does support some woody vegetation but very little in the way of pasture, it will have to be managed and rigorously monitored if it is to protect the values as specified in "CC1".

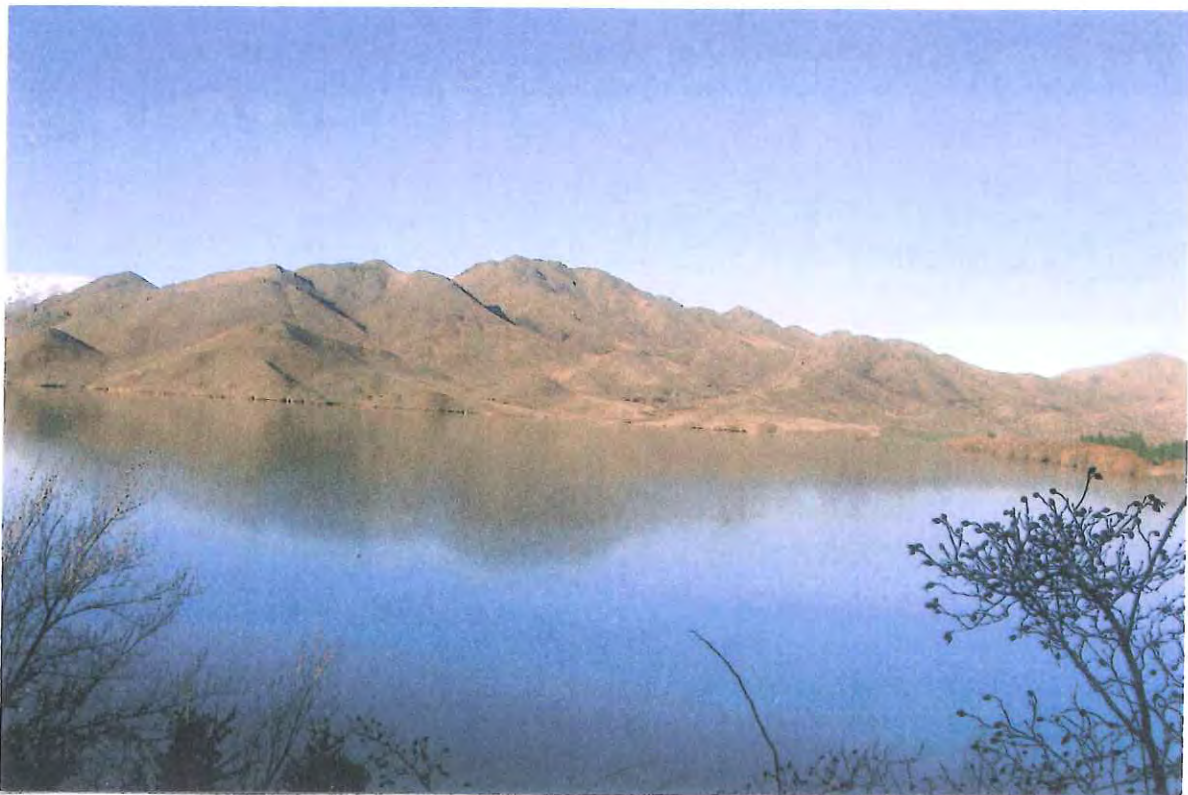


Photo # 2) View of the northern part of the Bog Roy lease taken from about Sailors Cutting. A significant and important landscape which has to be managed to maintain the status quo.