

Crown Pastoral Land Tenure Review

Lease name : THE GRAMPIANS

Lease number : PT 022

Analysis of Public Submissions

This document includes information on the public submissions received in response to an advertisement for submissions on the Preliminary Proposal. The report identifies if each issue raised is allowed or disallowed pursuant to the Crown Pastoral Land Act. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

The report attached is released under the Official Information Act 1982.

**ANALYSIS
OF
PUBLIC SUBMISSIONS

THE GRAMPIANS**



ANALYSIS OF PUBLIC SUBMISSIONS**Statement Pursuant To Sec 45(a)(iii) Crown Pastoral Land Act 1998****THE GRAMPIANS TENURE REVIEW NO 185****Details of lease**

Lease name:	The Grampians pastoral lease.
Location:	Southern Mackenzie Basin, 20 km south of Lake Tekapo, extending into northern Hakataramea Valley
Lessee:	Christopher Dan Williams and George Arthur Northcote as to a 1/3 share, William Peter Marshall Humphreys as to a 1/8 share, Frances Anne Smallbone as to a 1/96 share, Alastair Edwin Salmond as to a 1/96 share, Andrew Alister Buchanan and Christopher Dan Williams as to a 1/96 share as Executors, Andrew Norman Hope, John Murray Crotty and John Ormond Acland as to a 9/40 share, Andrew Norman Hope, John Ormond Acland and John Murray Crotty as to a 9/40 share, Construction Nominees Limited as to a 1/20 share, Christopher Dan Williams as to a 1/96 share.

Public notice of preliminary proposal

Date advertised:	21 st March 2015
Newspapers advertised in:	
- The Press	Christchurch
- The Otago Daily Times	Dunedin
- The Timaru Herald	Timaru.
Closing date for submissions:	21 st May 2015.

Details of submissions received

Number received by closing date:	11
Number of late submissions received/accepted:	
1 late submission was received on 26 th May 2015. LINZ approval for this late submission was granted on 20 th May 2015.	
Cross-section of groups/individuals represented by submissions:	
Seven submissions were received from national or regional non government organisations, two submissions were received from local organisations of the Mackenzie District, and three submissions from individuals.	
Number of late submissions refused/other:	Nil.

ANALYSIS OF SUBMISSIONS

Introduction

Each of the submissions received has been reviewed in order to identify the points raised and these have been numbered accordingly. Where submitters have made similar points, these have been given the same number.

The following analysis:

1. Summarises each of the points raised along with the recorded number (shown in the appended tables) of the submitter(s) making the point.
2. Discusses each point.
3. Recommends whether or not to **allow** the point for further consideration.
4. If the point is **allowed**, recommends whether to **accept** or **not accept** the point for further consideration.

The points raised have been analysed to assess whether they are matters that are validly-made [i.e relates to the right property and tenure review], relevant to the tenure review and can be properly considered under the Crown Pastoral Land Act 1998 (CPLA). Where it is considered that they are the decision is to **allow** them. Further analysis is then undertaken as to whether to **accept** or **not accept** them.

Conversely where the matter raised is not a matter that is validly-made or relevant or cannot be properly considered under the CPLA, the decision is to **disallow**. The process stops at this point for those points disallowed.

The outcome of an **accept** decision will be that the point is considered further in formulation of the draft SP. To arrive at this decision, the point must be evaluated with respect to the following:

The objects and matters to be taken into account in the CPLA; and

Whether the point introduces new information or a perspective not previously considered; or

Where the point highlights issues previously considered but articulates reasons why the submitter prefers an alternative outcome under the CPLA, or

Is a statement of support for aspects of the Preliminary Proposal which can be considered by the Commissioner when formulating the designations for a Substantive Proposal.

How those accepted points have been considered will be the subject of a Report on Public Submissions which will be made available to the public. This will be done once the Commissioner of Crown Lands has considered all matters raised in the public submissions in formulating a Substantive Proposal.

Analysis

The submissions have been numbered in the order in which they were received and the points have been arranged so similar points are grouped together.

Appendix III provides a table of the points raised by the various submitters.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
1	An additional public access easement should be provided to Grays River	1, 7, 8	Allow	Accept

Submitter 1 suggested that an additional non-motorized public access easement should be provided, from Haldon Road to the Grays River, to enable anglers to access the southern reaches of the river, which they state has a reputable brown trout fishery and is well used by anglers. The submitter provided a map showing a suggested route, approximately 1km south of the Snow River.

Submitter 7 also suggested there should be angler access to the Gray River where the river forms part of the freehold boundary.



Submitter 8 proposed the same access for the same reason, and that it could provide access to any conservation land across the Grays River from a future Grays Hill tenure review (red line on submitters plan attached). The submitter suggested the easement run along the side of the "Snow Bridge" block.

Rationale for Allow or Disallow

The securing of public access to and enjoyment of reviewable land is relevant to tenure review under s24(c)(i) CPLA and therefore the point has been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access has been previously considered, the submitter has articulated an alternative outcome and given reasons, being to enable access for fishermen. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
2	An additional public access easement should be provided to area CA6 near point W	1, 8	Allow	Accept

Submitter 1 suggested an additional easement for non-motorized public access from the Hakataramea Pass Road across to point W, about 3 km south of Hakataramea Pass where CA6 extends to near the Hakataramea Pass Road. Their view is that this would be of benefit to the public because of the gamebird hunting on the Grampian Mountains.



Submitter 8 suggested there should be public non-motorized access, not allowing dogs, in the same general location (red line on submitters plan attached), unless a marginal strip will exist over the nearby stream. They stated that this access would greatly enhance access to CA6 and that there may be a farm track that could be used.

Rationale for Allow or Disallow

The securing of public access to and enjoyment of reviewable land is relevant to tenure review under s24(c)(i) CPLA and therefore the point has been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate public access has been previously considered, submitters have articulated alternative outcome and given reasons, being to enable better access to CA6. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
3	Public access connections should be provided from the end of legal roads at the southern end of the lease.	1, 5	Allow	Accept

Submitter 1 suggested an additional easement for non-motorized public access from the end of the legal road near Grampian Stream, across to CA6. Their view is that this would be of benefit to the public because of the gamebird hunting on the Grampian Mountains.

Submitter 5 also suggested some provisions should be made for public access connections from the end of legal roads at the southern end of the lease, suggesting that they could be valuable public access routes in future.

Rationale for Allow or Disallow

The securing of public access to and enjoyment of reviewable land is relevant to tenure review under s24(c)(i) CPLA and therefore the point has been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and easements to connect with these unformed legal roads have not been considered before. The submitters have also articulated some reasons for such an alternative outcome, being to enable better access to CA6 for gamebird hunting, or that these public roads may be valuable access routes in future. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
4	Statements of support for aspects of the proposal.	2, 4, 5, 6, 7, 8, 9, 10, 12	Allow	Accept

Various submitters made specific statements of support for either the entire proposal or particular aspects of the proposal, as follows:

Submitter 2 supported the preliminary proposal in principle and strongly supported the ongoing practice to undertake consultation with Te Runanga o Ngai Tahu to identify Maori cultural and heritage values.

Submitter 4 supported the establishment of conservation areas CA1 to CA6, and was generally happy with protection provisions in the proposal.

Submitter 5 strongly supported CA5 and CA6 which they consider would add valuable mountain land to the conservation estate. They were also pleased to see public access being formalised for the Dalgety and Grampian ranges. They supported the proposal going ahead in its current form, although they have suggested some minor changes, covered under other points.

Submitter 6 fully supported the preliminary proposal and in particular welcomed the inclusion of motorized public access on the easements leading to CA6.

Submitter 7 made statements supporting the adoption of CA1, CA2, CA3, CA4, CA5, and CA6, while also suggesting an expansion of each of these areas, covered in later points. The submitter also provided partial support for CC1a and CC1b, CC3, and supported the adoption of CC4. The submitter also made statements supporting the proposed public access and farm management easement concessions, and provided partial support for the sustainable management covenant, including support for the fact that the covenant perpetuates regardless of property ownership.

Submitter 8 commended the proposal. The submitter generally supported the proposed land to be freeholded, and the easement instruments, with some proposed adjustments.

Submitter 9 considered that the proposal was satisfactory with regard to meeting many of the conservation and recreation needs of that part of the Mackenzie Basin.

Submitter 10 was also in support of public access across the Grampian Mountains by more than foot access. They pointed out that other mountain areas in this region are accessible by vehicle and they think the Grampian Mountains would be ideal for mountain biking. The submitter incorrectly assumed that the proposal only provided foot access to the Grampian Mountains.

Submitter 12 fully supported the proposed easement routes and associated car parks. They provided particularly strong support for the provision of motorized public access across the Grampian Mountains.

All the above submitters also sought some changes to the proposal, as covered under other points.

Rationale for Allow or Disallow

In providing support for aspects of the proposal, most submitters mentioned aspects related to the protection of significant inherent values, or public access. The protection of significant inherent values is identified in section 24(b) CPLA, and the making easier of public access is indicated in section 24(c)(i) CPLA. These matters can therefore be properly considered under the CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

Statements of support for aspects of the preliminary proposal can be considered by the Commissioner when formulating the designations for a Substantive Proposal. Point 4 has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
5	A condition should be added to the Final Plan to ensure that current and future owners are made aware of recorded and potential archaeological sites and their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014.	2	Disallow	N/A

Rationale for Allow or Disallow

The submitter suggested that a condition should be added to the Final Plan to ensure appropriate protection of recorded and unrecorded archaeological sites. It is assumed that the point relates to more than placing wording on the designation plan, which will not persist after tenure review. However the submitter has not suggested any mechanisms available under the CPLA to achieve this. The point really relates to informing land owners of their responsibilities under other legislation. On this basis the point has been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
6	There are sections of unsealed public road that should be formally declared legal road as part of the Tenure Review process, and sections of unformed legal road that these sections replace that could be "stopped" and amalgamated into the adjacent land parcel.	3	Disallow	N/A

Rationale for Allow or Disallow

Declaring land under tenure review as legal road is not a tenure review option under the CPLA, and also unformed legal roads are not included in the land under review. The options suggested therefore cannot be achieved under the CPLA, and the point has therefore been disallowed. However, the non-alignment of formed and legal roads across The Grampians is noted, and there are procedures that can be adopted outside of tenure review to address such situations.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
7	Motorized public access on easement a1-b1-c1 should be stopped at Monkey Rock, at 1500 metres.	4	Allow	Accept

Submitter 4 considered that walkers would not enjoy seeing 4WD vehicles on top of the range in CA6, and suggested that motorized vehicles should be stopped above Monkey Rock. They suggested this would still provide a 4WD experience and be within easy walking distance of CA6 for most passengers, as well as still allowing for the possibility of a loop trip to the west.

Rationale for Allow or Disallow

This point relates to the enjoyment of reviewable land which is a matter that is relevant to tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and the concept that motorised access should not be allowed across the higher ground of CA6 due to the potential conflicts with the enjoyment of walkers is not a perspective that has been previously considered. They have also suggested an alternative outcome and given a reason. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
8	Adjustments or alternatives are proposed to the access easement from w to z.	4, 5	Allow	Accept

Submitter 4 suggested that the proposed easement route from w to z was unpleasant and an easement should instead be placed over the 4WD track further to the north near Fett Stream. The submitter suggested that the 4WD track near Fett Stream provides a more practical route than the proposed easement from w to z, which they say climbs pointlessly only to descend on the other side. They suggested the public will be unlikely to follow this route and may end up deviating to the track.

Submitter 5 suggested a more direct connection across to a road car park, presumably running west from y rather than deviating north.

Rationale for Allow or Disallow

This point relates to public access and the enjoyment of reviewable land which is a matter that is relevant to tenure review under s24(c)(i) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the best route for this access has been previously considered, the submitters have suggested alternative easement routes for the reason that they consider it would provide a more direct connection or avoid the need to climb and descend. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
9	The track from c1 to h1 should also allow motorised vehicle access.	6, 9	Disallow	N/A

Submitter 2 welcomed the provision of motorized public access on the easements across the freehold leading up to CA6 on the Grampian Mountains (a1-b1-c1, and h1-i1), and also sought that this provision be provided all the way from a1 to i1, with at least 4WD club access provided in the easement concession from c1 to h1 across CA6. Submitter 9 was also in favour of public motorized and non motorized access between c1 and h1.

Rationale for Allow or Disallow

The easement concession between c1 and h1 is a proposed agreement specific to the owner of the adjoining freehold land for farm access purposes, and is not a means of defining public access provisions. However, more widely, when the land between c1 and h1 becomes public conservation land (CA6), it will automatically enable unfettered public access, including via motor vehicle access, unless the Department of Conservation takes specific measures to limit access outside of tenure review. The submitters suggestion is therefore not a matter that can be further considered within the tenure review under the CPLA, and the point is therefore not allowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
10	CA1 should be extended westward.	7	Allow	Accept

The submitter supported the adoption of CA1 but recommended the area should be extended westward on the basis that this would support species, natural communities, and the land environment's persistence and provide additional buffering.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and has suggested an alternative outcome with reasons relating to the protection of species, communities, land environment persistence, and buffering. Although this area has already been investigated, the

submitter has suggested an alternative outcome and given reasons, so the point has been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
11	CA2 and CA4 should be integrated by an extension of either area to meet the other.	7	Allow	Accept

The submitter supported the adoption of CA2 and CA4 but recommended that they should be joined through an extension of either CA2 or CA4, as this would improve the fortunes of species and natural communities in both areas by providing a corridor and buffering.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While various boundary options have already been explored for this area, the submitter has suggested an alternative outcome with reasons relating to the protection of species, communities, providing a corridor and buffering. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
12	CA3 should be expanded westwards to include part of the SMC land.	7	Allow	Accept

The submitter supported the adoption of CA3 but recommended that the area should be expanded westwards, for the reason of enduring diversity and health of the area and its species and sub-communities, and greater linkage with surrounding surfaces which they consider would be best achieved by the rehabilitation and enduring protection of those surfaces.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the possibility of a larger area for CA3 has already been considered, the submitter has suggested an alternative outcome with reasons relating to the protection of species and communities. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
13	CA4 should be expanded.	7	Allow	Accept

The submitter supported the adoption of CA4 but recommended that the area should be extended to the legal road running from Haldon Road to approximately 500m west of CA2 and to the legal road from that point back to Haldon Road further north, on the basis of the restoration, enhancement, and maintenance of high diversity and health and the ongoing viability of the area, particularly invertebrates, fish, and other fauna. The submitter has also suggested that if this is done, appropriate adjustments should be made to public and conservation management access.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although an expanded area for CA4 has already been considered, the submitter has suggested an alternative outcome with reasons relating to the restoration and maintenance of values as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
14	CC2 should be included as part of CA5	7	Allow	Accept

The submitter supported the adoption of CA5 but recommended that the area should be expanded to include the CC2 area, because they consider that this area has the same botanical, invertebrate, fauna, and landscape values as in CA5 and they consider that the protection of these values would be enhanced by the guardianship of full public ownership and management for conservation purposes. They also considered that top dressing and oversowing were inappropriate given the values present.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the inclusion of this land as part of CA5 has already been considered, the submitter has suggested an alternative outcome, being Crown retention of this area, with reasons relating to the protection of significant inherent values as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
15	CA6 should be extended.	7	Allow	Accept

The submitter supported the adoption of CA6 but considered that values extended beyond it's indicated boundaries, and recommended that the northern border should be extended further north to include Monkey Rock and finish close to CA2 in the east, and in the east it should be pushed to the property's boundary where new fencing line V-W is indicated. The submitter considered that this would provide protection of significant landscape and aquatic values including those in the Snow River and Dalgety Stream brook char habitat, and chronically threatened and critically underprotected land environments.

Rationale for Allow or Disallow

The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the inclusion of the areas concerned in CA6 has already been considered, the submitter has suggested an alternative outcome with reasons relating to the protection of significant inherent values as mentioned above. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
16	Oversowing should not be allowed in CC1 and top dressing should be carefully controlled and monitored	7	Allow	Accept

The submitter supported the adoption of covenant CC1 and CC1b, but opposed oversowing being allowed as they considered this was likely to have a negative impact on botanical values, and suggested there should be monitoring of the effects of top dressing as they considered this could also impact negatively on botanical values.

Rationale for Allow or Disallow

The suggested limitations or monitoring of oversowing and top dressing can be properly considered under the CPLA as they relate to the protection of significant inherent values as described, which is an object of tenure review under section 24(b) CPLA, and can be written in to the covenant document. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While the terms of this covenant have already been considered in detail, the submitter has suggested an alternative outcome, being to not allow oversowing over any of CC1, and that the covenant should prescribe specific monitoring of the effects of oversowing, with reasons relating to the protection of significant inherent botanical values. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
17	Monitoring results of CC1, CC3, and the SMC should be made freely available to interested parties	7	Disallow	N/A

Rationale for Allow or Disallow

The provision of monitoring results to interested parties is a post tenure review matter, and is not relevant to the matters to be taken into account in this tenure review under the CPLA. The point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
18	Management of the SMC, including under the property's future ownership, should recognise the significance of threats to the land environments present, and the SMC should be extended to include other proposed freehold areas with high land environment threat levels.	7	Allow	Accept

The submitter stated that the SMC area is almost exclusively land environments that are acutely or chronically threatened or critically underprotected and suggested the management regime should be appropriate to perpetuate these land environments, and the SMC extended to include any such environments in other proposed freehold areas.

Rationale for Allow or Disallow

The point relates to the protection of threatened land environments which can be a significant inherent value, which is therefore relevant to tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA and the management terms and boundaries of the SMC have already been considered in detail. However, the SMC in its current form does not offer protection of significant inherent values associated with land environments, and the submitter has suggested an alternative outcome, for the reason of protecting threatened land environments. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
19	Provision should be made for the protection of water quality where Grays River forms part of the proposed freehold property boundary.	7	Allow	Not accept

Rationale for Allow or Disallow

The protection of water quality in a stream adjoining review land is an ecological sustainability issue for the land under review, since ecological sustainability includes off-site impacts. Ecological sustainability is a relevant matter for tenure review under s24(a)(i) CPLA and the point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. However, ecological sustainability has been previously considered, and in this point the submitter has not introduced new information, nor suggested an alternative outcome or provided support for the proposal. The point has therefore not been accepted.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
20	Legal roads should remain open to protect present and future recreation access and connectivity and conservation and farm management access	7	Disallow	N/A

Rationale for Allow or Disallow

Legal roads are not included in the land under review and consequently this is not a matter that can be considered under the CPLA. The point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
21	Technical advice supporting this review should be used to inform classification of public conservation land resulting from the process.	7	Disallow	N/A

Rationale for Allow or Disallow

The classification of public conservation land resulting from tenure review is a post tenure review decision and is not a matter for consideration under this tenure review under the CPLA. The point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point		Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
22		Stock grazing should not be allowed in CC3.	8	Allow	Accept

Submitter 8 noted the Nationally Critical status of the species *Ceratocephala pungens* found in CC3 and suggested that CC3 should have a stock and rabbit-proof fence to protect this species

Rationale for Allow or Disallow

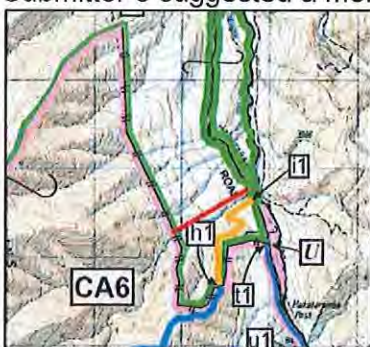
The point relates to the protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although the issue of grazing of this area has already been considered, the submitter has suggested an alternative outcome, being that covenant CC3 should not allow grazing, for the reason of protecting *Ceratocephala pungens*. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
23	The boundary of CA6 should run down the true left of the stream just north of point i1.	8	Allow	Accept

Submitter 8 suggested a more practical boundary of CA6 would be down the true left of the stream just north of point i1 (red line on submitters plan attached), as this would reduce fencing costs and negate the need for easement i1-h1.



Rationale for Allow or Disallow

Determining practical boundaries and access are relevant matter for tenure review under the CPLA, so the point has been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While this suggested boundary has already been explored, the submitter has suggested an alternative outcome for the boundary of CA6, for the reason of practical boundaries and provision of access. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
24	The easement which terminates at n1 should be extended up to Y.	8	Allow	Accept



Submitter 8 suggested that unless a substantive proposal for Kirkliston included a public access easement along the track from n, then the easement terminating at n1 should be extended up to Y to provide practical access to CA6 (red line on submitters plan attached).

Rationale for Allow or Disallow

The provision of appropriate public access can be properly considered under the CPLA, as securing public access is an object of tenure review under section 24(c) CPLA, The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and although appropriate access in this area has already been considered, the submitter has suggested alternative outcome, being an extension of an easement, for the reason of providing access to conservation area CA6. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
25	Public access should be provided to CA6 near Grampians Stream	8, 12	Allow	Accept

Submitter 8 stated that if the easement j1-k1 does not adjoin CA6 near Grampians Stream, and Grampians Stream does not qualify for a marginal strip, then a public access easement should be created at this location to enable access to CA6, enabling non-motorized access without dogs.

Submitter 12 also suggests that public access to CA6 should be specifically provided for in the proposal, enabling a short loop trip or travel northwards along the range.

Rationale for Allow or Disallow

The provision of appropriate public access can be properly considered under the CPLA, as securing public access is an object of tenure review under section 24(c) CPLA, The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while appropriate access to CA6 in this part of the property has been considered, the submitter has

suggested an alternative outcome, with the reason being to enable access to CA6 near Grampians Stream. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
26	It may be appropriate to strategically graze CA4.	9	Allow	Accept

Submitter 9 suggested that it may be appropriate to strategically graze CA4 for the reason of ensuring a balance between preservation and recovery of indigenous flora and control the prevalent weed species, especially Sweet briar. The submitter suggested that covenants should be added to facilitate this grazing until such time as biodiversity has been re-established.

Rationale for Allow or Disallow

The point relates to the appropriate protection of significant inherent values, which is an object of tenure review under section 24(b) CPLA, and the submitter has suggested one mechanism to enable this, being a covenant, which the CPLA also enables. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA. While the issue of whether CA4 should be grazed or not has already been considered, the submitter has suggested an alternative outcome, being to allow grazing in the area covered by CA4 for the reason of the preservation and recovery of indigenous flora and the control of weed species. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
27	The Grampians tenure review lacks vision and strategic direction and should be assessed against the recommendations of the Mackenzie Agreement.	11	Disallow	N/A

Submitter 11 suggested that the proposal failed to adequately protect the landscapes and features of the Mackenzie Basin and should be assessed against the new structure envisaged by the Mackenzie Forum, an agreement developed by 22 separate organisations at the governments instigation.

Rationale for Allow or Disallow

The Commissioner has determined that the Mackenzie Agreement will not be taken into account in tenure review. The point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
28	The proposal fails to protect the Mackenzie Basin landscape, indigenous biodiversity, and The Grampians should remain in Crown ownership.	11	Allow	Accept

Submitter 11 considered that the proposal failed to protect the Mackenzie Basin's landscape and remaining indigenous biodiversity. The submitter considered that the proposal would actually drive land use intensification, noting that the sustainable management covenant permits cultivation and irrigation, and they also considered that the conservation areas CA1, CA2, CA3, and CA4 are isolated and fragmented and would not sustain or enhance ecosystem functions and natural values. They suggested that the land should remain in Crown ownership. The submitter appears to suggest that it should remain as pastoral lease.

Rationale for Allow or Disallow

The point concerns the protection of landscapes and indigenous biodiversity, which can be significant inherent values, the protection of which is relevant under section 24(b) CPLA. The suggested outcome, of retaining the land in Crown ownership, is enabled under section 35 CPLA, or by discontinuing tenure review and retaining the land as pastoral lease, enabled under section 33 CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while the appropriate protection of indigenous biodiversity and tenure has already been considered, the submitter has suggested an alternative outcome, being to retain the land in Crown ownership, for the reason of protecting significant inherent values. The point has therefore been accepted for further consideration.

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
29	Public access should be provided from m1 to the southern boundary of the lease	12	Disallow	N/At

The submitter suggested public access should be enabled along the existing track south from point m1 to the southern boundary of the lease to help facilitate future practical public access along the Kirkliston Range should the opportunity arise in the future to negotiate public access through adjoining properties.

Rationale for Allow or Disallow

The provision of public access to land outside the reviewable land is not a matter for consideration in tenure review. The point has therefore been disallowed.

Rationale for Accept or Not Accept

N/A

Point	Summary of point raised	Submission numbers	Allow or disallow	Accept or not accept
30	The terms of the easement document should be amended to clarify potential reasons for closure.	12	Allow	Accept

The submitter was concerned about a lack of clarity around potential reasons for the Grantee to close an easement, otherwise the public has no way of determining and assessing the reasonableness of a closure decision.

Rationale for Allow or Disallow

The point relates to the provision of appropriate public access, which can be properly considered under the CPLA since securing public access is an object of tenure review under section 24(c) CPLA. The point has therefore been allowed.

Rationale for Accept or Not Accept

The point relates to the objects and matters to be taken into account in the CPLA, and while the terms of the easement have already been considered in detail, the submitter has suggested a change to the easements, being that the easements should indicate the criteria under which the Grantee may close the easement. The reason the submitter has given for this is that it would provide clarity such that people can determine whether closure is appropriate or not. The point has therefore been accepted for further consideration.

Summary

Overview of analysis:

Overall, the submissions generally supported the proposal at least in principle. Changes suggested were generally in favour of greater public access or greater protection of significant inherent values. Public access was the main concern of the submitters, with various suggestions for further public access easements. Some submitters made statements in support of the public motorized access across the Grampian Mountains, with one submitter expressing reservations about having 4WD vehicles on the top of the range. Various adjustments to covenant terms were suggested. One submitter considered the proposal would be detrimental to the indigenous biodiversity of the Mackenzie Basin, and the whole proposal should be reviewed in the light of the outcomes of the Mackenzie Forum.

Appendix III lists the points raised by each submitter.

Generic issues:

Changes sought were generally of a minor nature, with most submitters providing general support for the proposal. Most changes sought related to improved public access and greater protection of values.

Gaps identified in the proposal or tenure review process:

Comments in a few of the submissions suggest that not all submitters fully understood the objectives of the proposed sustainable management covenant, which do not necessarily align with the protection of indigenous biodiversity. In addition, not all submitters seemed aware that the intention in the proposal was that there will be 4WD access across the Grampian Mountains, not just on the proposed easements across the freehold.

Risks identified:

The Mackenzie Basin is an area of particular public interest, and one submitter suggested that the proposal failed to align with the expectations from a recent forum of 22 separate organisations, and required major review.

General trends in the submitters' comments:

Apart from one submission, the general trend in submitters comments was that the adjustments sought were of a minor nature, with overall support for the proposal being expressed by most submitters.

List of submitters:

A list of submitters is included in Appendix II and a summary of the points raised by submitters is included in Appendix III.

I recommend approval of this analysis and recommendations:



Bob Webster – Tenure Review Consultant

Date: 9/6/2015

Peer reviewed by



David Payton – Opus Tenure Review Contract Manager

Date: 9/6/2015

Approved/Declined *noted.*



Commissioner of Crown Lands

Date:

Appendices:

- I Copy of Public Notice
- II List of Submitters
- III Points Raised by Submitters
- IV Copy of Annotated Submissions