



# **Crown Pastoral Land Tenure Review**

**Lease name:  
SILVERBIRCH STATION**

**Lease number: PO 290**

## **Preliminary report on 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 CPLA. If allowed the issue will be subject to further consultation with Department of Conservation, or other relevant party.

**May 04**

## PRELIMINARY ANALYSIS OF SUBMISSIONS

### SILVERBIRCH TENURE REVIEW

---

#### 1. **Details of lease:**

*Lease name:* Silverbirch

*Location:* Within the Timber and Bullock Creeks Catchments on the Old Man range, approximately 8 kilometres south of Roxburgh

*Lessees:* Paul Benson Johnston and Blair Reginald Johnston as tenants in common in equal shares

#### 2. **Public notice of preliminary proposal:**

*Date, publication and location advertised:*

*Saturday 27 September 2003:*

Otago Daily Times	Dunedin
The Press	Christchurch
Southland Times	Invercargill

*Closing date for submissions:*

24 November 2003

#### 3. **Details of submissions:**

A total of 6 submissions were received by the closing date. A further submission was received on 5 December 2003.

#### 4. **Analysis of Submissions:**

##### 4.1 **Introduction:**

*Explanation of Analysis:*

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 summarised each of the points raised along with the recorded number (*shown in Appendix 3*) of the submitter(s) making the point. Discussion of the point and the decision whether or not to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

- (i) To allow/disallow:

Where the point raised in submissions is a matter that can be dealt with under the Crown Pastoral Land Act then it is allowed. If the point raised is not a matter that can be dealt with under the CPL Act then the point is disallowed. Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

**4.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
1	The proposed freehold subject to a protective mechanism is fully supported	1,2	Allow

*Discussion:*

The freehold disposal of pastoral lease land is a matter for the Commissioner to consider pursuant to Section 24(a)(ii) and 24 (c)(ii) CPL Act.. For this reason the point is allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
2	Public access to the covenanted area is not secure	1,3	Allow

*Discussion:*

The securing of public access is a matter for the Commissioner to consider pursuant to Section 24 (c)(i) CPL Act. For this reason the point is allowed.

The submitters have noted that the legal road deviates from the formed track and believe that consequently, public access is not secured.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
3	The covenant does not adequately protect the significant inherent values	4,5,6	Allow

*Discussion:*

The protection of significant inherent values is a matter for the Commissioner to consider pursuant to Section 24(b)(i) . The point is therefore allowed.

The submitters feel that in order to sufficiently protect the significant inherent values within the covenanted area, this area should be made stock proof

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Sub No</i>	<i>Decision</i>
4	The land in the Silverbirch tenure review is highly prospective for mineral development. There is the potential under tenure review for significant loss of economic development opportunity.	7	Allow

*Discussion:*

The potential for mineral development is a matter for the Commissioner to consider pursuant to Section 24(b) CPL Act. This section provides for the freeing of land capable of economic use from the management constraints resulting from its tenure under reviewable instrument.

Additionally, an inherent value is defined in Section 2 CPL Act as a value arising from-

- (a) A cultural, ecological, historical, recreational, or scientific attribute or characteristic of a natural resource in, on, forming part of, or existing by virtue of the conformation of, the land...*

Therefore pursuant to Sections 24(a)(ii) and 24(b), this point is allowed for further consideration.

The submitter feels that provision should be made to allow for mineral exploration activities to be undertaken regardless of the tenure of the land in the future.

**5. Discussion and conclusions:**

Discussion relative to the particular points have been made above, under each point, for simplicity and clarity.

There are three issues which arise through the public process for this review. The first of these is that public access is potentially not secure under the tenure review proposal. The submitters have noted that the legal road deviates from the formed track and does not connect with the proposed easement. Public access is a matter for the Commissioner to consider and while access has been provided, this point should be allowed to clarify and if necessary, secure public access. The second point for further consideration is the proposed covenant. The submitters believe that the covenant does not provide adequate protection for the significant inherent values. Because the protection of such values is a matter for the Commissioner to consider pursuant to the CPL Act, this matter has been included for further consideration.

The third point raised by the Crown Minerals Department of the Ministry of Economic Development is that there should be some allowance for mineral development as the land has the potential to be a significant economic development opportunity. The submitter would like consideration to be given to a provision to allow for mineral exploration activities to be undertaken on the land regardless of tenure.

The points raised by the submitters have been carefully analysed and full consideration given to them.

## PRELIMINARY ANALYSIS OF IWI SUBMISSION

### SILVERBIRCH TENURE REVIEW

---

#### **1. Details of lease:**

*Lease Name :* Silverbirch

*Location :* Within the Timber and Bullock Creeks Catchments on the Old Man range, approximately 8 kilometres south of Roxburgh

*Lessees:* Paul Benson Johnston and Blair Reginald Johnston as tenants in common in equal share

#### **2. Details of submission:**

Land Information New Zealand advised iwi of the Preliminary Proposal for tenure review in accordance with Section 43 Crown Pastoral Land Act. A written response was received from the Office of Te Runanga o Ngai Tahu on 12 November 2003. Two points were raised by iwi.

#### **3. Analysis of submissions:**

##### **3.1 Introduction**

###### *Explanation of Analysis:*

The submission has been reviewed in order to identify the points raised and these have been numbered accordingly.

The following analysis summarises each of the points raised. Discussion of the point and the decision whether or not to accept/not accept or to allow/disallow the point follows.

The following approach has been adopted when making recommendations:

- (i) To allow /disallow:

Where the point raised in submissions is a matter that can be dealt with under the Crown Pastoral Land Act then it is allowed. If the point raised is not a matter that can be dealt with under the CPL Act then the point is disallowed. Further justification for the decision has been made in the discussion paragraph showing the summary for each point.

**3.2 Analysis:**

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
1	Ngai Tahu supports the proposed freehold of Silverbirch Pastoral Lease	Allow

*Discussion:*

The freeholding of land capable of economic use is a matter for the Commissioner to consider pursuant to Sections 24(a)(ii) and 24(c)(ii) Crown Pastoral Land Act. Therefore this point is allowed.

<i>Point</i>	<i>Summary of Point Raised</i>	<i>Decision</i>
2	Ngai Tahu support the protective mechanism proposed	Allow

*Discussion:*

The protection of significant inherent values by protective mechanism is a matter for the Commissioner to consider pursuant to Section 24(b)(i) CPL Act. Therefore this point is allowed.

**4. Discussion and conclusions:**

There have been no issues raised as a result of the iwi submission on the Silverbirch Preliminary Proposal. Ngai Tahu has indicated their support for both the proposed freehold and the proposed covenant to protect the significant inherent values and this support is appreciated.

As a result, the preliminary analysis has concluded that there is no further consideration necessary in relation to this part of the tenure review process.