

Our Ref DOIA 25-112

2 December 2024

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Tēnā koe ██████████

Response to your official information request

Thank you for your official information request received on 8 November 2024 for:

- a) copies of any reports or documentation explaining when, why and how part of the land between Part Section 6 Block XX Shotover Survey District and Part Section 18 Block XX Shotover Survey District was removed as legal road and vested with the Crown; and
- b) copies of any reports or documentation relating to the Crown subdivision that resulted in the removal of the existing paper legal road connecting current record of titles OT60/210, OT60/211 and OT62 180 to Gorge Road, Queenstown.

Your request seems to be based on an opinion by ██████████ that the land between Part Section 6 and Part Section 18, Block XX of Shotover Survey District was legal road. Mr Neal's opinion rests on the observation that:

1. the land in question was shown on SO 1515 and SO 6407 as legal road. Mr Neal claims it to be legal road because it is coloured burnt sienna on both plans; and
2. Section 68 Block XX Shotover Survey District is shown to have legal access to Gorge Road on SO 6794.

While the colouring of land as burnt sienna is a practice that was used to depict legal road it went hand in hand with parcels defined on survey plans. With respect to SO 1515, the main part of the plan is far from conclusive that the portion to the north of Section 6 is coloured burnt sienna. Additionally, it neither forms part of a parcel defined as road on that plan nor any other plan. It is further noted the enlarged diagram quite clearly shows no colouring. Extract inserted below.

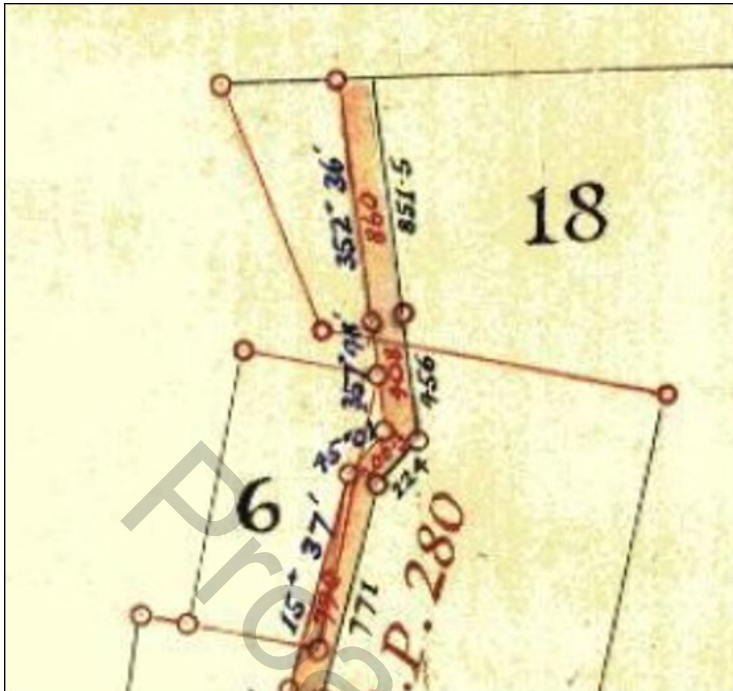


Figure 1: Extract from SO 1515

Similarly, the colouring on SO 6407 is only an abuttal and on its own is considered insufficient to assert the land to be legal road.

It is agreed that SO 6794 depicts unformed legal road, linking Gorge Road to Section 68, Block XX, Shotover Survey District, which is understood to be part of your clients holding. It is also noted this is also shown on other survey plans, on the Landonline Spatial View and the now retired record sheets. This is however providing no support to the assertion the land to the north of Section 6 is also legal road.

With respect to paragraph (a) of your request, we are unable to provide any information why the land to the north of Section 6 was "removed as legal road and vested with the Crown" because there is no evidence to support the land was ever legal road. Therefore, under section 18(e) of the Official Information Act, your request is refused as the information requested does not exist.

With respect to paragraph (b) of your request, it is interpreted that the Crown Subdivision you are referring to is SO 446319, which is also referred to in Mr [REDACTED]'s report. It is a legalisation dataset, which includes the definition of the balance of Crown Land after the setting apart of land for public works. Mr [REDACTED] postures that it may not have taken into account the legal road on SO 6407. I reiterate there is no evidence to suggest that the colouring on SO 6407 makes it legal road. Therefore, under section 18(e) of the Official Information Act, your request is refused as the information requested does not exist.

To help support the position that the land was never legal road, copies of a number of original titles and survey plans are attached.

- i. **RT OT36/97**, being the original record of title for Section 6 shows road to the northwest and southeast, but not to the north. The metes and bounds description specifically refers to the land to the north of the 500-link boundary being Crown Land.
- ii. **RT OT60/211**, being the record of title to Section 38, depicts and describes it as fronting a road to the east, however that road shows no connection to Gorge Road.
- iii. **RT OT62/180**, being the record of title to Section 31, depicts and describes it as fronting a road to the east, however that road shows no connection to Gorge Road.
- iv. **RT OT62/138**, being the original record of title for Section 14, 16 and 18. The title diagram clearly labels the land between Sections 6 and 18 as Crown Land. The metes and bounds description refers to the land to the south of Section 18, on the western side of Gorge Road being Crown Land.
- v. Extract of **Record Sheet E41-8.3**, which depicts the land between Section 6 and Section 18 as part of the Crown Land holding.
- vi. **SO 6503 and SO 6504**, which defines Section 31 and Section 38, and depicts a separate parcel of land along their eastern boundary, coloured burnt sienna. The two means of depiction is consistent with the expectation of what would constitute road and is supported by its depiction in Landonline and Record Sheet E41-8.3.
- vii. **Sheet 3 of SO 24761**, which depicts the land between Sections 6 and 18 as "Crown Land".

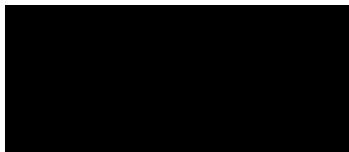
Despite SO 446319 not being responsible for the removal of any road, copies of documentation relating to that survey are attached in the form of a ***Landonline Annotations Report***, the ***Requisition Notice*** to the surveyor, including his response, and the ***Survey Report***.

If you wish to discuss this decision with us, please feel free to contact ministerialsupport@linz.govt.nz.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

As advised in our acknowledgement on 12 November 2024, the response to your request, **with any personal details withheld**, will be published on the Toitū Te Whenua Land Information New Zealand website. This is likely to be published by 31 January 2025.

Nāku noa, nā



Mike Morris

Principal Cadastral Surveyor

active release