

## Laura Bowman

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**From:** Official Information  
**Sent:** Friday, 21 October 2022 9:14 am  
**To:** 7(2)(a)  
**Cc:** Official Information  
**Subject:** Final Response -LGOIMA 281190 - 7(2)(a) - information on the reason and decision to put the road through Shaws Bird Park  
**Importance:** High

Kia Ora,

I refer to your **information request below**, Hamilton City Council is able to provide the following response.

**Your Request 1:**

The reason and decision to put the road through the bird park instead of the other two options. The geoengineering report was not actually started until October, 2020, which showed that the viaduct proposed is to be positioned over unstable land resulting in huge costs.

**Our Response 1:**

Please see this [link](#) to access material relating to the environment court process and decision which has confirmed the route.

**Your Request 2:**

The cost comparisons with the other two alternative sites that were not chosen.

**Our Response 2:**

Please see this [link](#) to access material relating to the environment court process and decision which included route cost analysis on alternative routes proposed by Murray Shaw.

**Your Request 3:**

All documentation showing consultation with the Shaws in 2007 and 2014 relating to their approval of the road to go through the bird park. In 2007 the roads had not been designed yet.

**Our Response 3:**

All consultation documentation for the 2007 and 2014 processes were not on the basis of seeking approval. Please see this [link](#) to access material relating to the environment court process and decision which included the information relating to the public notification process of the Southern Links Notice of Requirement.

As referenced in the Environment Court decision, particularly on P17 and 18, Mr and Mrs Shaw were fully consulted throughout the road designation process. They made a submission and did not oppose the road, nor appeal any aspect of the recommendation or decision, and sought compensation and a potential underpass to connect the property. Mr Shaw acknowledged in his affidavit: Margaret and I ("we") initially raised no opposition to the roading project, provided that the plantings and other improvements on our property were to be taken care of in the roading process and provided we would properly compensated for land lost.

**Your Request 4:**

The original wet ink signature copies of the Shaws 2007 submission which is being disputed.

**Our Response 4:**

Hamilton City Council has moved to a digitised system. Wet ink copies are not kept. Therefore as this information does not exist we are refusing this part of the request per [s17\(e\) of LGOIMA](#).

**Your Request 5:**

Any other documentation whereby the Shaws agreed to the road being put through the bird park.

**Our Response 5:**

We are unable to provide anything further on this topic due to lack of specificity in accordance with the LGOIMA 10(2).

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](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Kind Regards,

**Laura** | Official Information Coordinator

Governance & Assurance Team | People and Organisational Performance

Email: [officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [Hamilton City Council](http://Hamilton City Council)

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**From:** 7(2)(a)  
**Sent:** Wednesday, 7 September 2022 3:31 pm  
**To:** Official Information <[officialinformation@hcc.govt.nz](mailto:officialinformation@hcc.govt.nz)>  
**Subject:** Shaws Bird Park

Could you please provide the following information -

The reason and decision to put the road through the bird park instead of the other two options. The geoenvironmental report was not actually started until October, 2020, which showed that the viaduct proposed is to be positioned over unstable land resulting in huge costs.

Cost comparisons with the other two alternative sites that were not chosen.

All documentation showing consultation with the Shaws in 2007 and 2014 relating to their approval of the road to go through the bird park. In 2007 the roads had not been designed yet.

The original wet ink signature copies of the Shaws 2007 submission which is being disputed.

Any other documentation whereby the Shaws agreed to the road being put through the bird park.

7(2)(a)