

# Restore - Respect - Protect OTITO RESERVE

[www.friendsofmatapouri.co.nz](http://www.friendsofmatapouri.co.nz)

## NEWSLETTER February 09

What a fantastic summer it has been. Matapouri has bustled with summer visitors and activities through perfect weather. The Friends of Matapouri and Te Whanau O Rangiwakaahu Hapu Trust hope that all our members continue to enjoy these balmy days even though for most of us the holiday is over.

On Dec 23 Associate Judge Robinson released his decisions relating to the High Court hearing in December. He determined that the questions to be resolved by the Court are: (a) Is the boundary between Otito Reserve and the adjoining land defined correctly in deposited plan 199214? (b) If the boundary is not correct, where is the location of the correct boundary between the 2 parcels of land?

We were also delighted with his decision to exempt us from having to present costs in advance because the Otito Case is of 'significant public interest' and should be heard by the courts. The final decision released early Feb was that the caveat the Hapu Trust had placed on the land should lapse. DoC still have their caveat in place protecting the land from any dealings while this matter is sorted out.

So we begin the year with confidence and extend our profound thanks to all whose donations and time make it possible to continue this work.

### Otito Reserve: Court Action against the Crown

Our claim is that the Reserve is owned and administered by DoC. The land has been lost because of inaction by DoC's predecessors in the 1970s and incompetence by DoC in the 1990s. DoC has allowed over a hectare of Reserve land to pass into private ownership.

DoC agrees that the boundary between the Reserve and the adjoining private land is incorrectly shown on the 1999 survey (DP199214) and has registered a caveat against the relevant title claiming it is the rightful owner of the land. Yet the Crown Law Office, in its statement of defence against our claim, denies the land belongs to the Crown, denies that the boundary is incorrect, and denies that the plan was wrongly approved and deposited.

New Zealanders are paying hard earned dollars for this costly exercise. Our tax dollars are paying the costs of Crown lawyers to fight us, our donations are supporting the legal battle and ultimately when we get the Reserve land back for all New Zealanders, the Crown will be asked to pay our costs.

We all owe a huge thanks for the excellent legal work of Henderson, Reeves, Connell and Rishworth, lawyers, Whangarei for their total commitment and support. Without the ongoing commitment of ordinary people and our legal team we may lose this precious piece of public land forever - please don't let this happen.

**The Judge has declared this a PUBLIC INTEREST case. Why not show YOUR concerns by contacting the Minister of Conservation, Minister of Lands and your local MPs with details of this situation. Let them know you want this to be resolved. Find contact details on: <http://www.parliament.nz> and click on the link 'MPs and Parties' on the left. Be warned they will probably reply with 'This is before the courts' but if many many people write in they will realise the level of concern from the general public to have this fixed.**

## Events Matapouri

**8 March 2009: The Mamaku Project Otito Fundraising Concert @ Snapper Rock Tutukaka**  
3pm - 6pm Tui Mamaki and her friends play a benefit concert. Tickets \$20 available from Solange 09 4343314

### Easter Saturday - Matapouri Historically

Due to high demand Jennifer Wilson Stewart is repeating the event she held earlier this year at **Matapouri Hall** where she displayed a fascinating collection of old photos, Land and Survey maps, newspaper clippings, family histories, audio tapes etc etc. If you missed it the first time here's your opportunity to see this wonderful event.

### Artists for Otito

FoM and the Hapu owe a huge thankyou to the artists who generously contributed to the Artists for Otito show. Twenty seven artists including Jovian Parry, Charlotte Fisher, Tom Burnett and Tony Ogle participated in the exhibition raising funds for the Otito case.

On Friday January 16 FOM and the Hapu Trust proudly welcomed over 150 guests to the official opening in the Matapouri Hall.

Barrister Stuart Henderson launched the show with a summary of the Otito case. Music was kindly provided by Kawiti Waetford and the Whangarei Classical Guitar Society. The hall was abuzz with discussion and enthusiastic support, with much comment on the high standard of the works.

The exhibition ran from January 14-20 and we raised over \$7,000 toward our legal fees, while subsequent sales continue through the website.

The overwhelming public support throughout the show demonstrated the commitment within our community to getting the Otito land back to its rightful owners - the NZ public.

The one hour microlite flight raffle was won by Mrs Johnson from Wellington. Congratulations.

To view the works still for sale, see our website.



*Barrister, Stuart Henderson opened the exhibition and is seen here with Elizabeth Fuge and Jennifer Wilson Stewart*

Your donation will help restore Otito Reserve boundary to the correct survey, to protect the wahitapu and give all New Zealanders the right to enjoy our Crown reserve. Donations go directly to our legal fund.

Bank account: ASB Whangarei, Friends of Matapouri Inc  
12-3099-0880004-00