

Friends of Matapouri Inc

NEWSLETTER WINTER '09



In March **The Mamaku Project** musicians donated their time entertaining over 200 people who came to hear the wonderful music and support our fight to get Otitō Reserve boundary restored. Stuart Henderson (right) our Barrister of **Henderson & Reeves Connell Rishworth** Whangarei summed up the legal situation. Without the ongoing support and total commitment of our lawyers we may lose the Reserve forever. Thankyou also to **Schnappa Rock** for the use of their venue, **The Mamaku Project** for their wonderful music and all our supporters who donated time and money. We raised over \$5000 to keep the legal fight going. Visit our website for more photos and information.



Members and supporters of FoM and the Hapu at the Whangarei Court hearing.

Another Judge declares: 'Public Interest Case'

On May 12 we went before Justice Allan in the Whangarei Court. The Ringer's had requested a review of the original judgment (in our last newsletter) on security of costs. The first Associate Justice declared the case 'public interest' in his decision released in December. We were frustrated when the Ringers requested a review of this decision - but our confidence was boosted when the Judgment was released last week, again declaring the case to be of public interest. The case can be heard now without the need to find security for costs. A copy of Justice Allan's decision can found on our website. Let's hope we can now move on to the hearing to have this matter decided without further hindrances.

A message from the Chair of FoM

Lets hope the way is clear to proceed to a hearing in the courts to determine the correct boundary of Otitō Reserve. Yet another experienced surveyor has made an affidavit that supports our claim that the Ringer's survey plan, approved by LINZ on Dec 23 1999 is not correct. This is the survey plan that saw approx 1.1 hectares of Reserve land become private land. This area of beach front land contains a significant whaitapu that the Crown agreed to protect when the Reserve was purchased.

There are now at least 3 surveying experts who say there is an 'error' in the Ringer's 1999 survey plan. The Surveyor General continues to deny there is a problem and insists that a Court order will have to be obtained before anything can be rectified.

The Department of Conservation on the other hand recognises there is a problem. They have obtained their own expert advice, lodged a caveat to prevent any further dealings and more recently the Northland Conservator has

been attempting to get the land back by communicating directly with the Ringers. Based on their own expert survey and geotechnical reports and a recent market valuation of the disputed land (\$6M) DoC has been in discussions with the Ringers.

Our frustration in getting the land back to the reserve is that Crown Law represents both LINZ and DoC and the two Departments cannot be seen to have differing views - so DoC is left to try and resolve it and get back Crown land while LINZ forces us to Court when all the evidence of an error is there. We feel there is enough evidence to clearly state that DP199214 is in error and should never have been approved. All that is left is to agree where the correct boundary should be. It is scandalous that our tax dollars are being used to drag this through the Courts.

Any help you can give is much appreciated. Henderson & Reeves continue to fight for us so any donations you can make go directly to help pay for their costs.

Leonie Molloy July 2009

Your donation will help restore Otitō Reserve boundary to the correct survey, to protect the whaitapu 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

Restore • Respect • Protect
OTITO RESERVE
www.friendsofmatapouri.co.nz

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 people write in they will realise the level of concern from the general public to have this fixed.

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