



## Application by trustees for incorporation as a charitable trust board

Section 7(3) Charitable Trusts Act 1957

**1** The name cannot be the same as, or confusingly similar to, the name of any other incorporated trust, society, company or other body corporate, nor can it be contrary to the public interest (for example, be offensive or prohibited by an enactment). Check existing trust, society and company names for free by doing a Register Search online at [www.companies.govt.nz](http://www.companies.govt.nz)

**1. We being all the trustees under "a Trust Document" that creates a trust exclusively or principally for charitable purposes hereby apply to be incorporated as a Board under the Charitable Trusts Act 1957.**

Note | Examples of Trust Documents include a:

- deed of trust;
- will;
- declaration of trust; or
- a similar authorisation.

**2. We, as trustees, are not at present incorporated.**

**3. Proposed name of Board**

Piha Coastcare Trust

**4. Address of registered office**

This address must be a physical (street) address and NOT a PO Box, Private Bag or Document Exchange address.

71 Garden Rd, Piha,  
RD2 New Lynn,  
Auckland 0772

**5. Address for premises (optional)**

Where provided, this address must be a physical (street) address.

**6. Addresses for communication**

Postal address (this can be a PO Box address) to which communications from the Registrar may be sent. The Registrar may also contact the Board by email. The email address you provide here will not be publicly available.

Postal address

71 Garden Rd, Piha,  
RD2 New Lynn,  
Auckland 0772

Email address (optional)



**7. The following documents are attached to the application**

- Copy of the Trust Document (certified by an applicant) as per section 10(2)(a) of the Charitable Trusts Act 1957; and
- Statutory declaration as per section 10(2)(b) of the Charitable Trusts Act 1957.

**8. Date**

31-8-09

**9. My contact details**

Name and postal address

Pat La Roche  
71 Garden Rd  
Piha  
RD2 New Lynn  
Auckland 0772

Email (optio

Telephone

09-8128-202

Proposed name of Board

Piha Coastcare Trust

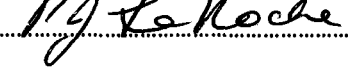
Signatures of the trustees who are applying to be incorporated as a Board

1 Full name Bobbie CARROLL Signature 


Residential address 54 Beach Valley Road,  
PIHA, WAITAKERE 0772

2 Full name Yvonne Thérèse Dufaur Signature 

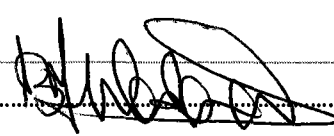
Residential address 72 Piha Road  
Piha  
Waitakere City 0772

3 Full name Patricia Jessie La Roche Signature 

Residential address 71 Clenden Rd,  
Piha, RD2 New Lynn,  
Auckland 0772

4 Full name Jeffrey Bruce McCauley Signature 

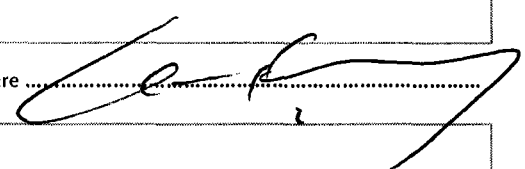
Residential address 75 Seaview Road Piha

5 Full name BEREND FREDERIK WESTER Signature 

Residential address 77 GARDEN RD  
PIHA, RD2 NEWLYNN  
AUCKLAND 0772

6 Full name Nigel Victor MARK-BROWN Signature 

Residential address 2/20 Nottingham St  
Westmere  
AUCKLAND

7 Full name CLARE MARGARET FEENE Signature 

Residential address 1/51A View Road  
Hudson Auckland

8 Full name  Signature .....

Residential address

Proposed name of Board

Piha Coastcare Trust

Statutory declaration

supporting the application for incorporation as a charitable trust board

Section 10(2)(b) Charitable Trusts Act 1957

I, Patricia Jessie La Roche

of, 71 Garden Rd, Piha, Waitakere City

do solemnly and sincerely declare that:

- 1. I am one of the applicants under the application for incorporation submitted with this statutory declaration.
- 2. There are no trusts, other than those set out in the Trust Document, under which the applicants for incorporation hold any property.

AND I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Oaths and Declarations Act 1957.

PJ La Roche  
Signature

Declared at Auckland

this 31 day of August, 2009

before me: [Signature]

Justice of the Peace, Solicitor or other person authorised to take a statutory declaration

Linda Brown B.A., J.P.  
Office Manager

**BUSINESS & REGISTRATION SERVICES**  
BRANCH, AUCKLAND

- 1 SEP 2009

**RECEIVED**

# **Piha Coastcare Trust**

## **1. Name**

The name of the charitable trust shall be Piha Coastcare Trust.

## **2. Principles**

The Piha Coastcare Trust is committed, in attaining its purposes, to:-

1. Following best practice environmental principles in all its activities.
2. Working co-operatively and consultatively with the local community.
3. Working in partnership with local authorities wherever appropriate.
4. Operating in accordance with the Memoranda of Understanding agreed between Piha Coastcare and the relevant local bodies.

## **3. Aims of the Trust**

The Piha Coastcare Trust is a non-profit community group, operating in the Piha coastal environment, the Piha coastal settlement and the adjoining Waitakere Ranges, with the aim of:-

1. Facilitating projects that restore, enhance and protect the natural environment and public space of Piha.
2. Encouraging involvement of members of the Piha community, including owners, residents and visitors in Piha Coastcare projects.
4. Increasing knowledge and understanding of environmental issues.
5. Engaging and working in partnership with the relevant government and local body authorities to further the best environmental outcomes in the Piha coastal environment.
6. Any other activities that will further the aims of the Trust.

## **4. The Board of Trustees**

1. The Piha Coastcare Trust Board shall comprise no less than 5 and no more than 9 trustees.
2. The signatories to this Deed will be the first Board, and the Trustees shall elect from among themselves a chairperson. A secretary and treasurer will also be appointed either from among the Trust members or a non-trust member. The appointment of office-bearers and trustees will be held at the first meeting of the Board following the execution of this Deed and whenever a vacancy occurs. The positions of secretary and treasurer may be combined.
3. Trustees shall be appointed from nominees put forward following consultation with the Piha Coastcare Network and any other relevant groups or persons the Board believes will assist in identifying suitable Trustees.
4. A person will immediately cease to be a Trustee upon resigning in writing, dies, is declared bankrupt or is found to be a mentally disordered person with the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992 or subsequent enactment.
5. The Board will have the power to fill any vacancy that arises or to appoint additional Trustees, subject to clause 4.1.

6. The Board may continue to act notwithstanding any vacancy, but if their number is reduced below the minimum number as stated in this deed, the continuing Trustees may act for the purpose of increasing the number of Trustees to that minimum but for no other purpose.
7. The Board may, by a motion carried by a 75% majority of votes, terminate a person's position as a Trustee and member of the Board if it believes that such action is in the best interests of the trust.
8. The name of the board will be the Piha Coastcare Trust Board.

## **5. Meetings of the Board**

1. The Board shall meet a minimum of twice a year.
2. Meetings may be held in person or by any other means of communicating as decided on by the Board from time to time.
3. All members shall be notified of the meeting a minimum of 10 days prior to the date set for the meeting.
4. Minutes will be kept and will be available to any member of the Trust and will record the names of those present, all decisions made by the Board, and a note of any other matters discussed at the meeting.
4. Decisions of the Board will be decided by consensus where possible, or failing that by majority vote, and the chairperson shall have a casting vote.
5. In the absence of the chairperson, the meeting will elect a person to conduct the meeting.
6. A quorum will be at least 50% of the Trustees.
7. The Board will designate one meeting a year for the purposes of reporting to the Piha Coastcare Network and the Piha community on its operations and for consulting on, promoting and identifying ongoing projects and activities.

## **6. Powers and Responsibilities**

In addition to the powers provided by the general law of New Zealand or contained in the Trustee Act 1956 or its subsequent amendments, the powers which the Board may exercise in order to carry out its charitable purposes are as follows:-

1. To operate in accordance with the aims of the Trust and the Documents of Intent and Memorandums of Understanding with the relevant local bodies.
2. To annually appoint a Piha Coastcare Co-ordinator.
3. To monitor, evaluate and support such Co-ordinator in the execution of the duties as set out in the job description for the position.
4. To ensure that Piha Coastcare's activities comply with the Piha Coastal Management Plan, the Piha Reserves Management Plan, and with all memorandums of understanding with the relevant local bodies and any other relevant official documents.
5. To draw up a plan of work and a budget for each year's activities following consultation with the relevant local body, the financial year to be from July 1 to June 30 of each year.
6. To access funds and resources for Piha Coastcare projects and activities and to ensure that proper records, procedures and accountability measures shall be in place for the financial affairs of the Trust.

7. To promote membership of the Piha Coastcare Network, which shall be the supportive base for the activities of Piha Coastcare, and which shall comprise any persons or groups who are sympathetic to the aims of the Piha Coastcare Trust and who wish to be involved in, or informed of, the activities of the Trust or of relevant educational environmental material issued by the Trust.
8. To actively encourage members of the Piha community to be involved in Piha Coastcare projects and to support landowners in the care of their land in accordance with best environmental practice.
9. To regularly disseminate information through communication networks to the Piha Coastcare Network and any other interested groups or organisation.
10. To provide information and education workshops, in conjunction with other relevant persons or bodies, to the wider Piha community.
11. To undertake membership of other organizations whose aims are sympathetic to the aims of the Trust and where such membership is deemed to be advantageous to achieving Piha Coastcare Trust's aims.
12. To use the funds of the Trust as the Board thinks necessary in the payment of the expenses of the Trust, including the employment or dismissal of professional advisors, agents, officers and staff, according to principles of good employment and the Employment Relations Act 2000 or any subsequent enactment.
13. To purchase, take on, lease, hire or acquire any property or equipment that the Board thinks necessary in order to achieve the aims of the Trust, or to dispose of such property or equipment should it be deemed necessary.
14. To appoint an auditor of the trust's finances.
15. To do all things as may from time to time be necessary or desirable to enable the Board to give effect to and attain the charitable purposes of the Trust.

#### **7. Registered Office**

The registered office of the Trust shall be the address of the chairperson of the Board or such other address as nominated by the Trust Board.

#### **8. Pecuniary Benefit**

1. None of the assets, income, grants or profits in connection with the Trust shall go to, or be distributed to Piha Coastcare Trustees, but members may be reimbursed approved expenses incurred by them in connection with the work of the Trust.
2. Piha Coastcare Trust Board members may be contracted by the Board for services, and in such instances the Trust Board member shall not take part in deliberations or proceedings of the Board relating to such an appointment.

#### **9. Alteration of the Trust Deed**

The Trustees may, by consensus or by a 75% majority vote, make alterations or additions to the terms and provisions of this Trust Deed, provided that no such alteration or addition will –

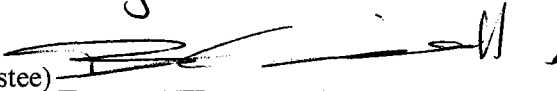
1. detract from the exclusively charitable nature of the Trust or result in distribution of its assets on winding up or dissolution for any purpose that is not exclusively charitable, or

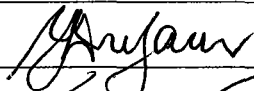
2. be made to the Aims Clause (3), the activities limited to the defined area clause (3), the pecuniary interest clause (8) unless it is first approved in writing by the Department of Inland Revenue.


### 10. Winding Up

On winding up of the Trust, or on its dissolution by the Registrar, all surplus assets, after payment of costs, debts and liabilities, to be distributed to such other charitable organizations within New Zealand, with allied interests, as shall be decided by the Board.

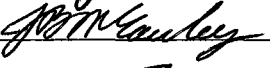
Dated this 27<sup>th</sup> day of August 2009

Bobbie Carroll (Trustee) 

Yvonne Dufaur (Trustee) 

Clare Feeney (Trustee) 

Patricia La Roche (Trustee) 

Jeff McCauley (Trustee) 

Nigel Mark-Brown (Trustee) 

Berend Westera (Trustee) 