



Application by trustees for incorporation as a charitable trust board

Section 7(3) Charitable Trusts Act 1957

i 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

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

THE LITTLE RIVER WAIREWA COMMUNITY TRUST

4. Address of registered office

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

5. Address for premises (optional)

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

~~10 LITTLE RIVER POST OFFICE LITTLE RIVER~~
SAME AS COMMUNICATION ADDRESS

NPC# 08
- 4 MAR 2011

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

10 LITTLE RIVER POST OFFICE LITTLE RIVER

Email address (optional)

Secretary/Treasurer

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

9th February 2011



9. My contact details

Name and postal address

Craig Mason
31 CORSAIR DRIVE
HORNBY
C14H 8042

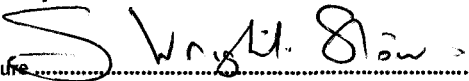
Email

Telephone 03 3434228


Proposed name of Board

THE LITTLE RIVER WAIREWA COMMUNITY TRUST


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

1 Full name STUART WRIGHT - STOW. Signature 

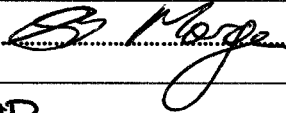
Residential address 255 OKUTI VALLEY RD
LITTLE RIVER 7591.

2 Full name PAMELA JANE BAIRD, Signature 

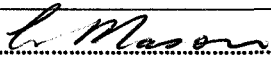
Residential address 398 WESTERN VALLEY ROAD
LITTLE RIVER 7546

3 Full name MARIO DOWNOS Signature 

Residential address 'La Casa Bella' MAIN RD LITTLE RIVER

4 Full name BRYAN STUART MORGAN Signature 

Residential address 28 BREITMEYERS ROAD
LITTLE RIVER

5 Full name CRAIG ROBER MASON Signature 

Residential address 31 COCSAIR DRIVE
HORNSBY
CNEH 8042

6 Full name Signature

Residential address

7 Full name Signature

Residential address

8 Full name Signature

Residential address

Application by trustees for incorporation as a charitable trust board

Form CT1

Proposed name of Board

THE LITTLE RIVER WAIREWA COMMUNITY TRUST

Statutory declaration

supporting the application for incorporation as a charitable trust board

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

I, CRAIG ROBERT MASON

of, 31 CORSAIR DRIVE HORNBY CACH 8042

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.

C. Mason

.....
Signature

Declared at

Christchurch

this

9

day of

February

, 2011

before me:

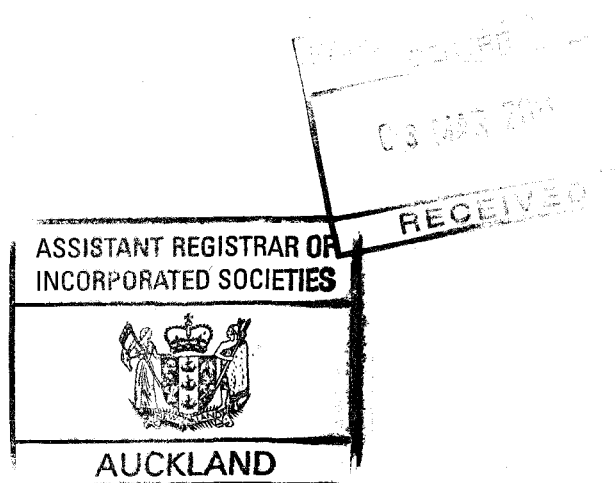
W. L. Barrett J.P.

.....
Justice of the Peace, ~~Solicitor or other person~~

authorised to take a statutory declaration

CHARITABLE TRUST DEED

LITTLE RIVER WAIREWA TRUST



Duncan Cotterill

SOLICITORS

Christchurch • Auckland • Wellington • Nelson
New Zealand

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THIS DEED is made the 5th day of Dec, 2008

PARTIES

Kaite Hansen of Little River, Journalist
David Irving of Little River, Fire Brigade Officer
Miles McIlraith of Little River, Accommodation Provider
Stuart Wright-Stow of Little River, Gallery Owner
Mario Downes of Little River, Engineer
Jim Mullins of Little River, Accommodation Provider
Pam Baird of Little River, Retired
Bryan Morgan of Little River, Photographer
Jane Kerr of Little River, Retired
Craig Robert Mason of Christchurch, Retired

BACKGROUND

- A The parties to this deed wish to establish a charitable trust ("the Trust") for the objects described in clause 3 of this deed.
- B The parties have agreed to enter into this deed specifying the purposes of the Trust and providing for its control and government.

TRUST DEED

Name

- 1.1 The name of the Trust shall be the " LITTLE RIVER WAIREWA TRUST" or such other name as the trustees may from time to time resolve.

Office

- 2.1 The office of the Trust shall be such places in Little River as the Board of Trustees may determine.

Purposes

- 3.1 The purposes of the trust are as follows:
- 3.1.1 To promote the sustainable development of the Lake Wairewa and Southern Bays catchments, plan, fund, develop and establish (and while it remains the responsibility of the Trust, to maintain) facilities which will contribute to the social, cultural, environmental or economic wellbeing of residents or visitors to that area;
 - 3.1.2 To establish, implement and manage a system for the purposes of seeking, raising, accepting, receiving, accumulating, investing and managing funds for the purposes of the Trust;
 - 3.1.3 To seek, accept and receive by public subscription or appeal by raffles and other fundraising activities and by both public and private donations, subsidies, grants, endowments, gifts, legacies, loans and bequests either in money or in kind or partly in money and partly in kind for all or any of the purposes and objects of the Trust and to carry out any specified trust attaching or relating to the same to the intent that donations, grants and the like made to the Trust may be made for the benefit of the general purposes of the Trust will or may be made for some purposes within the general objects of the Trust specified in particular cases by the donor or donors, and lender or lenders;
 - 3.1.4 To implement and carry out a management programme under which the Trustees may:
 - 3.1.4.1 Enhance community involvement in all aspects of the work of the Trust;
 - 3.1.4.2 Consult closely with landowners and entities concerned with land within the Lake Wairewa and Southern Bays catchments

and obtain access and management agreements to any proposal, design, plan or other arrangement connected with the purpose of the Trust;

To gauge community demand and where appropriate develop, or promote, or contribute to, the development of plans, facilities, or improvements to existing facilities with the purpose of achieving sustainable, integrated and visually attractive management, development, conservation and protection of land, water, landscapes, recreation, indigenous and valued introduced wildlife and vegetation, natural features, buildings and other structures within the Lake Wairewa and the Southern Bays catchments.

- 3.1.5 To enter into such business arrangements and agreements as the Trustees in their discretion think fit and apply the income to or for all or any one or more (to the exclusion of the others) of the Trust objects set out in the Deed as the Trustees in their discretion shall determine from time to time;
- 3.1.6 To carry on any other charitable object which may seem to the Trustees capable of being conveniently carried on in connection with the other objects of the Trust or calculated directly or indirectly to advance the objects of the Trust or any of them;
- 3.1.7 To apply for and obtain (if granted) approval of the Trust from the Commissioner of Inland Revenue as a Charitable Society within the meaning of Section 56A of the Income Tax Act 1976;
- 3.1.8 To apply for incorporation of the Trust under Part II of the Charitable Trusts Act 1957 under the name "Little River Wairewa Trust" or such other name as the Trustees by written resolution may determine or which is approved by the Registrar of Incorporated Societies and upon such incorporation the powers and discretions hereby conferred upon the Trustees shall be conferred and the within Trusts shall devolve upon them as trustees;
- 3.1.9 To accept from any Local Authority, the Department of Conservation or any other landowner or entity or organisation controlling land, any

powers, duties or authorisations that may be delegated to the Trustees for the purposes of the Trust;

3.1.10 To be a grantee/covenantee or similar legal beneficiary of various covenants, easements or similar legal instruments or controls designed and implemented directly or indirectly to achieve the overall purposes of the Trust; and

3.1.11 To act proactively in appearing on and lodging submissions in respect of and to be involved in matters relating to Resource Management Act applications that may impact upon the activities of the Trust including matters under the Resource Management Act 1991, Crown Pastoral Land Act 1998 and the Conservation Act 1987 and matters involving any Local Authority and generally be active in the planning and public participation consultation process so as to further achieve the purposes of the Trust.

Structure of the Trust

4.1 The Trust shall be administered by the Board of Trustees ("the Board") who shall be appointed pursuant to the provisions of this Deed.

Members of the Board

5.1 Number of board. The Board shall consist of not less than six nor more than twelve members.

5.2 Membership of board. The signatories to this deed shall be the first Board and subsequently the Board shall be elected in accordance with the provisions below.

5.3 Term of Board. Each member of the Board shall hold office for a term of four years **provided that** this requirement shall not apply to the first Board and so as to achieve rotation of Trustees the following shall apply to the first Board (with

the Board deciding at their first meeting what such rotations shall be, or if they cannot agree it shall be decided by lot):

- 5.3.1 three members of the first Board shall hold office for one year;
- 5.3.2 two members of the first Board shall hold office for two years;
- 5.3.3 two members of the first Board shall hold office for three years; and
- 5.3.4 two members of the first Board shall hold office for four years

or until she or he dies or is declared bankrupt or is found to be a mentally disordered person within the meaning of the Mental Health Act 1969, or indicates in writing that he or she wishes to resign from the Board. Any retiring member shall be eligible for reappointment.

5.4 Appointment of New Trustees. The filling of vacancies on the Board shall be carried out as follows:

5.4.1 In the case of retirement of any of the two board positions in any one year (as referred to in clause 5.3 above) the remaining members of the Board will make an appointment of replacement members; and

5.4.2 The Board may at any time appoint additional further members to the Board, whether to fill any casual vacancy on the Board or whether because the Board perceives the Board needs the specific skills or expertise of any such person, provided that the maximum number of Trustees/Board members referred to in clause 5.1 above shall not be exceeded in number.

5.5 Name of board. The name of the Board shall be the "Little River Wairewa Trust Board".

Proceedings of the Board

6.1 Meetings. The Board shall meet at such times and places as it determines, and shall elect a chairperson from amongst its members at its first meeting and at every subsequent annual general meeting.

6.2 Officer. The Board shall appoint the officers of Secretary and Treasurer. These offices may be combined. The Secretary and Treasurer need not be members of the Board.

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- 6.3 Chairperson. The chairperson shall preside at all meetings of the Board at which she or he is present. In the absence of the chairperson from any meeting the members present shall appoint one of their number to preside at that meeting.
- 6.4 Quorum. At any meeting of the Board a majority of members shall form a quorum, and no business shall be transacted unless a quorum is present.
- 6.5 Voting. All questions before the Board shall be decided by consensus. However, where a consensus decision cannot be reached on a question, it shall, unless otherwise specified in this deed, be put as a motion to be decided by a majority of votes. If the voting is tied, the motion shall be lost.
- 6.6 Minutes. The secretary shall keep minutes of all Board meetings which shall be available for inspection by Board members at reasonable times.

Powers

- 7.1 General and specific powers. In addition to the powers implied by the general law of New Zealand or contained in the Trustee Act 1956, the powers which the Board may exercise in order to carry out its charitable objects are as follows:
- 7.1.1 to use the funds of the Trust as the Board thinks necessary or proper in payment of the costs and expenses of the Trust, including the employment of professional advisers, agents, officers and staff as appears necessary or expedient;
- 7.1.2 to purchase, take on lease or in exchange or hire or otherwise acquire any land or personal property and any rights or privileges which the Board thinks necessary or expedient for the purpose of attaining the objects of the Trust, and to sell, exchange, bail or lease, with or without option of purchase, or in any manner dispose of any such property, rights or privileges as aforesaid;
- 7.1.3 to carry on any business;

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- 7.1.4 to invest surplus funds in any way permitted by law for the investment of trust funds and upon such terms as the Board thinks fit;
- 7.1.5 to borrow or raise money from time to time with or without security and upon such terms as to priority and otherwise as the Board thinks fit;
- 7.1.6 to do all things as may from time to time appear desirable to enable the Board to give effect to and to attain the charitable purposes of the Trust.
- 7.2 Employment. Under rule 7.1(a) the Board may employ as agents, officers and staff persons who are members of the Board.

Income, Benefit or Advantage to be Applied to Charitable Purposes

- 8.1 Application: Any income, benefit or advantage shall be applied to the charitable purposes of the Trust.
- 8.2 Influence: No member or person associated with a member of the Trust shall derive any income, benefit or advantage from the Trust where they can materially influence the payment of the income, benefit or advantage except where that income, benefit or advantage is derived from:
- 8.2.1 professional services to the Trust rendered in the course of business charged at no greater rate than current market rates; or
- 8.2.2 interest on money lent at no greater rate than current market rates.

Accounts

- 9.1 True and fair accounts: The Board shall keep true and fair accounts of all money received and expended.
- 9.2 Audit: The Board shall, as soon as practicable after the end of every financial year of the Board, cause the accounts of the Board for that financial year to be audited by a Chartered Accountant appointed by the Board for that purpose and

the Board shall present the audited accounts to the annual general meeting of the Trust together with an estimate of income and expenditure for the current year.

Power to Delegate

- 10.1 Power to delegate: The Board may from time to time appoint any committee and may delegate in writing any of its powers and duties to any such committee or to any person, and the committee or person as the case may be, may without confirmation by the Board exercise or perform the delegated powers or duties in like manner and with the same effect as the Board could itself have exercised or performed them.
- 10.2 Delegate bound: Any committee or person to whom the Board has delegated powers or duties shall be bound by the charitable terms of the trust.
- 10.3 Delegation Revocable: Every such delegation shall be revocable at will, and no such delegation shall prevent the exercise of any power or the performance of any duty by the Board.
- 10.4 Delegate need not be board member: It shall not be necessary that any person who is appointed to be a member of any such committee, or to whom any such delegation is made, be a member of the Board.

Execution of Documents

- 11.1 All documents to be executed on behalf of the Trust shall first be approved by the Board and shall be executed on behalf of the Board by the signature of two members of the Board.

Membership of the Trust

- 12.1 Any person who or any group or organisation, including any family group, which agrees with the purposes of the Trust may, subject to the Board's approval, become a member of the Trust by application in writing and upon payment of a subscription (if any).

Subscription

- 13.1 The Board may require members of the Trust to pay a subscription of such amount or amounts as may from time to time be fixed by resolution in general meeting.

Resignation of Members of the Trust

- 14.1 Resignation by notice: Any member of the Trust may resign membership at any time by giving to the Secretary notice in writing to that effect and such notice, unless otherwise expressed, shall take effect immediately.
- 14.2 Resignation Deemed. Any member who fails to pay the annual subscription on or before the expiration of twelve months after it has become due shall be deemed to have resigned membership.

Expulsion of Members of the Trust

- 15.1 Notice of Complaint. Any person may make a complaint to the Board that the conduct of a member of the Trust is or has been injurious to the character of the Trust. Every such complaint shall be in writing and addressed to the Secretary.
- 15.2 Meeting. If the Board considers that there is sufficient substance in the complaint, it may invite the member to attend a meeting of the Board and to offer a written or oral explanation of the member's conduct.

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- 15.3 Notice of Meeting. The Board shall give the member at least fourteen (14) days written notice of the meeting. The notice shall:
- 15.3.1 sufficiently inform the member of the complaint so that the member can offer an explanation of the member's conduct; and
 - 15.3.2 inform the member that, if the Board is not satisfied with the member's explanation, the Board may expel the member from the Trust.
- 15.4 Board may Expel: If, in the meeting, the Board decides to expel the member from the Trust, the member shall cease to be a member of the Trust.
- 15.5 Appeal: A member expelled by the Board may within 14 days give written notice of appeal to the Secretary. The Secretary shall then call a special general meeting to take place within 21 days of receipt of the notice of appeal. If that meeting passes a resolution rescinding the expulsion, the member shall be reinstated immediately.

Annual General Meeting

- 16.1 Time and place of meeting: The annual general meeting of the Trust shall be held each year in one of the months of April, May or June at such place, date and time as the Board shall determine.
- 16.2 Business of meeting: The annual general meeting shall carry out the following business:
- 16.2.1 receive the minutes of the previous annual general meeting and of any other special general meeting held since the last annual general meeting;
 - 16.2.2 receive the Trust's statement of accounts for the preceding year and an estimate of income and expenditure for the current year;
 - 16.2.3 receive reports from the Board and its committees;
 - 16.2.4 fix the annual subscription (if any); and

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- 16.2.5 consider and decide any other matter which may properly be brought before the meeting.

Special General Meeting

- 17.1 Secretary may call meeting: A special general meeting of the board shall be called by the Secretary on receipt of a request in writing for such a meeting stating the reason for having the meeting and signed by not less than ten members of the Trust.
- 17.2 Meeting for Appeal against Expulsion. Subject to the provisions of rule 15 a special general meeting of the Board shall be called by the Secretary for the purpose of hearing an appeal from an expelled member.
- 17.3 Notice of Meeting. The prescribed notice calling a special general meeting shall state in general terms the business for which the meeting is called and at that meeting only the business so stated shall be discussed.

Procedure for General Meeting

- 18.1 Definition: In these rules the term "general meeting" includes both an annual general meeting and a special general meeting.
- 18.2 Notice of Meeting: Fourteen days written notice of each general meeting shall be given to all members of the Trust. This notice shall state that the meeting is the annual general meeting or a special general meeting as the case may be and shall specify the place, date and time at which the meeting is to be held.
- 18.3 Quorum: Ten members of the Trust present personally or fifty percent of the members, whichever is the less, shall constitute a quorum for a general meeting. A member that is a group or organisation shall be deemed to be personally present if it is represented at the meeting by its duly appointed nominee.

18.4 Chairperson: The Chairperson of the board or the Chairperson's nominee shall chair each general meeting.

18.5 Voting: All questions at a general meeting shall be decided by consensus. However, if a consensus decision cannot be reached on any question, it shall, subject to rule 19, be put as a motion to be decided by a majority of votes. Each member shall have only one vote. Voting shall be by show of hands. If the voting is tied, the motion shall be lost.

Alteration of Rules

19.1 These rules may be altered, added to, rescinded or otherwise amended by a resolution passed by a two-thirds majority at a general meeting, provided that no such amendment shall:

19.1.1 detract from the exclusively charitable nature of the trust or result in the distribution of its assets on winding up or dissolution for any purpose that is not exclusively charitable; or

19.1.2 be made to rules 8 or 20 unless it is first approved in writing by the Department of Inland Revenue.

Disposition of Surplus Assets

20.1 On the winding up of the Trust or on its dissolution by the Registrar, all surplus assets after the payment of costs, debts and liabilities shall be given to such exclusively charitable organisation within New Zealand as the Board decides or, if the Board is unable to make such decision, shall be disposed of in accordance with the directions of the High Court pursuant to section 27 of the Charitable Trusts Act 1957.

Financial Year

21.1 The Trust shall have a financial year ending on 30 June in each year.

Trustees' Indemnity

22.1 The Trustees shall be absolutely free from responsibility for any losses which may be incurred in the exercise, purported exercise or failure to exercise of any of the powers or discretions vested in the Trustees under this deed or in the management of the Trust and shall be entitled to be fully indemnified out of the assets of the Trust in respect of any losses and of all outlays and expenses incurred by the Trustees in the investment, administration and management thereof.

SIGNATURES

SIGNED BY)
KAITE HANSEN)
as Trustee in the presence of:)

K. Hansen

L. Mason
Witness Signature
Retired
Witness Occupation
Christ Church
Witness Town/City of Residence

SIGNED BY)
DAVID IRVING)
as Trustee in the presence of:)

DI

L. Mason
Witness Signature
Retired
Witness Occupation
Christ Church
Witness Town/City of Residence

SIGNED BY)
MILES MCILRAITH)
as Trustee in the presence of:)

W M McIlraith

L. Mason
Witness Signature
Retired
Witness Occupation
Christ Church
Witness Town/City of Residence

SIGNED BY)
STUART WRIGHT-STOW)
as Trustee in the presence of:)

Stuart Wright-Stow

L. Mason
Witness Signature
Retired
Witness Occupation
Christchurch
Witness Town/City of Residence

SIGNED BY)
MARIO DOWNES)
as Trustee in the presence of:)

Mario Downes

L. Mason
Witness Signature
Retired
Witness Occupation
Christchurch
Witness Town/City of Residence

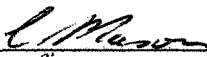
SIGNED BY)
JIM MULLINS)
as Trustee in the presence of:)

Jim Mullins

L. Mason
Witness Signature
Retired
Witness Occupation
Christchurch
Witness Town/City of Residence

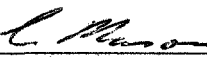
SIGNED BY)
PAM BAIRD)
as Trustee in the presence of:)



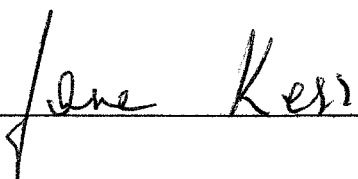

Witness Signature
Retired
Witness Occupation
Christchurch
Witness Town/City of Residence

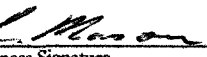
SIGNED BY)
BRYAN MORGAN)
as Trustee in the presence of:)




Witness Signature
Retired
Witness Occupation
Christchurch
Witness Town/City of Residence

SIGNED BY)
JANE KERR)
as Trustee in the presence of:)




Witness Signature
Retired
Witness Occupation
Christchurch
Witness Town/City of Residence

SIGNED BY)
CRAIG MASON)
as Trustee in the presence of:)

C. Mason

W. P. McSherry
Witness Signature

Retired
Witness Occupation

LITTLE RIVER 7591
Witness Town/City of Residence