

Establishment of the Auckland Airport Community Trust

The Trust was formally established in October 2003. This was a direct result of the decision made in the Environment Court on 10 December 2001 that Auckland International Airport Limited would establish a trust fund as a condition of the company being granted approval to build a second runway. The court decision (A143/2001) specified the amount - \$250,000 per annum adjusted by the rate of the consumer price index each year. The charitable purposes embedded in the resulting Trust Deed have their origins in that court decision.

Charitable Purposes

The charitable purposes of the Trust are set out in its Trust Deed and are listed below. The Trust Deed also defines the Area of Benefit for the Trust. The Area of Benefit is defined by the HANA (High Aircraft Noise Area), MANA (Moderate Aircraft Noise Area) and ANNA (Aircraft Noise Notification Area) as those areas appear in the Manukau District Plan. Those areas are the most impacted by current and projected aircraft movements to and from Auckland Airport. In general terms this area covers part of the suburbs of Wiri, Mangere, Papatoetoe, Otara, East Tamaki, Flatbush and Whitford. A full map of the Area of Benefit is included on page 14. It must be noted that although Manukau City Council is now part of the Auckland Council, the existing plans continue to apply to their former districts until a new Auckland Council unitary plan is developed.

5. CHARITABLE PURPOSES

5.1 Purposes: The Trustees shall hold and apply the Trust Fund upon trust for the following charitable purposes within Manukau City for the benefit of those living and working in the Area of Benefit and affected by noise from Aircraft Operations;

(a) for the mitigation of the adverse effects associated with noise from Aircraft Operations which are not provided for under Condition 10 of the Designation (“**the other adverse effects**”);

(b) to ensure positive effects on the external environment to offset the other adverse effects, including but not limited to the provision of opportunities and facilities as contemplated by clause 8.4(b);

(c) in cases of significant financial hardship, to assist property owners in the Area of Benefit to meet their share of any costs of acoustic treatment measures or enhancements where such a contribution by an owner is required by Condition 10 of the Designation.

8. MANAGEMENT OF THE TRUST

8.4 Payment/application of Trust Fund: For the avoidance of doubt:

(a) in determining whether and how to pay or apply the Trust Fund under clause 5.1, the Trustees shall, to the greatest extent possible, give primacy to the purposes listed in clauses 5.1(a) and 5.1(b);

(b) while the Designation provides various physical measures to address adverse effects arising from Aircraft Operations (in the form of the acoustic treatment and related ventilation measures provided in Condition 10), the purposes set out at clauses 5.1(a) and 5.1(b) are intended to ensure that adverse effects of noise from Aircraft Operations on the external environment, which cannot be mitigated by such physical means, can at least be partially offset by providing positive effects in the form of enhanced cultural, recreational and other opportunities and facilities to those living and working in the Area of Benefit, provided that (for the avoidance of doubt) such opportunities and facilities must be provided for or to achieve the charitable purposes set out in clause 5.1. Such opportunities and facilities may be provided outside the Area of Benefit, but should be readily available to residents in those areas affected by noise from Aircraft Operations;

(c) nothing in clause 5.1 shall allow the Trustees to pay or apply income or capital of the Trust Fund for the purposes of opposing or challenging Aircraft Operations in any way or for the funding of acoustic treatment in developments where the developer has the responsibility to provide acoustic treatment under rule 5.21.4 of the Operative Manukau District Plan 2002.

8.5 Means of achieving purposes: The Trustees may, in order to achieve the purposes of the Trust as set out in clause 5.1, in addition to all other powers vested in the Trustees:

(a) provide grants, support and assistance to any person, group, project or programme where it is consistent with the Trust's charitable purposes;

(b) seek out and enter into strategic relationships with other parties in the pursuit of common goals consistent with the purposes of the Trust;

(c) make known, advertise or otherwise promote the activities and purposes of the Trust by such use of any media as the Trustees may decide;

(d) seek, accept and receive subscriptions, donations, subsidies, grants, endorsements, gifts, legacies, loans and bequests in money, in kind or partly in both;

(e) undertake such other activities and enterprises to further the charitable purposes of the Trust as the Trustees may decide.