

Cornwall Park Endowment and Recreation Land Amendment Bill

Private Bill

Explanatory note

General policy statement

The objects of the Bill are to—

- remove an obsolete statutory restriction on changes to the use and character of a portion of the endowment land held by the Cornwall Park Trust Board; and
- update and modernise the powers of the Cornwall Park Trust Board to enable it to best administer the endowment in accordance with its trustee duties.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill commences on the day after the date on which it receives the Royal assent.

Clause 3 identifies the Cornwall Park Endowment and Recreation Land Act 1982 as the principal Act being amended. The principal Act is a private Act.

Clause 4 amends section 3 of the principal Act to remove the requirement for the Cornwall Park Trust Board to preserve, as it was at 1 January 1980, the character and use of the land described in the principal Act as Area 2. The requirement continues to apply to the land described as Area 3.

Greg Fleming

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Preamble

- (1) The Cornwall Park Trust Board (the **Trust Board**) is a charitable trust incorporated under the Charitable Trusts Act 1957 and originally established under a trust deed dated 10 June 1901 (the **trust deed**). The Trust Board holds land gifted to it by Sir John Logan Campbell for the purpose of establishing what is now known as Cornwall Park:
- (2) The Trust Board holds the land comprising Cornwall Park as a place of public recreation and enjoyment for the people of New Zealand by way of affording them recreation, enjoyment, pleasure, and instruction, and other similar benefits and advantages of that nature as the Trustees shall from time to time consider best:
- (3) The Trust Board has since its creation in 1901 developed Cornwall Park as envisaged by Sir John Logan Campbell's original gifting objectives. Cornwall Park operates at no cost to ratepayers or taxpayers:
- (4) The Trust Board holds other lands under the trust deed that are also subject to a deed dated 7 April 1908 called the **Deed of Variation**. The recitals and operative provisions of the Deed of Variation are set out in Schedule 2 of the Corn-

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Preamble

wall Park Endowment and Recreation Land Act 1982 (the **principal Act**). The Deed of Variation provides additional powers to the Trust Board to let or lease those lands, and if required form roads and subdivide, in order to generate revenue to support Cornwall Park. Those lands are known as the **endowment land**:

- (5) The Trust Board principally relies on revenue from the endowment land to fund Cornwall Park:
- (6) Area 1 in the principal Act was originally endowment land under the Deed of Variation but was redesignated as park land in perpetuity by section 3(1) of the principal Act. Area 1 is an area between the main body of the park and Campbell Road, which before the principal Act took effect was being used as part of the park and which the Trust Board wished to subdivide and lease in order to generate revenue:
- (7) Area 2 and Area 3 in the principal Act were originally park land under the trust deed but were redesignated as endowment land by section 3(2) of the principal Act:
- (8) Area 2 comprises the eastern side of the Auckland Showgrounds including the arena and grandstand, and some of the exhibition facilities. The western side of the Auckland Showgrounds, which includes the majority of the exhibition facilities, is not subject to the principal Act:
- (9) Area 3 comprises sports fields and associated facilities:
- (10) The redesignation of those lands implemented an agreement between the Trust Board, the Minister of Works and Development, the Auckland Regional Authority, and the One Tree Hill Borough Council. The Area 1 endowment land was added to the park by redesignating it as park land in perpetuity. In exchange, the Area 2 and Area 3 park land was redesignated as endowment land that could be used to generate revenue. Areas 2 and 3 were approximately equivalent in area to Area 1:
- (11) Section 3(2) of the principal Act placed restrictions on changing the use and character of Area 2 and Area 3 from their use and character as at 1 January 1980 (the **restrictions**):
- (12) At the time of enactment of the principal Act, the Auckland Showgrounds was leased for a fixed term by the Trust Board to the Auckland Agricultural Pastoral and Industrial Shows Board (the **Shows Board**), a statutory corporation under the Auckland Agricultural Pastoral and Industrial Shows Board Act 1972. The enactment of the principal Act enabled the Trust Board to lease the Auckland Showgrounds to the Shows Board under a perpetually renewable lease:
- (13) The Shows Board entered voluntary liquidation on 22 June 2021. The liquidator disclaimed the lease. The land leased to the Shows Board reverted to the Trust Board. Some buildings on the land were received in a state requiring significant future expenditure on refurbishment or replacement:

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- (14) The restrictions on Area 2 in the principal Act need to be removed as they now unnecessarily restrict the Trust Board’s ability to carry out its trustee duty to achieve an optimal and sustainable economic return from the Area 2 endowment land to support Cornwall Park:
- (15) Area 2 will continue to be subject to the controls on use imposed by the Auckland Council Unitary Plan and any subsequent replacements or variations of that Plan:
- (16) Area 1 will remain as park land in perpetuity:
- (17) Since the restrictions on Area 2 are imposed under the principal Act, a private Bill is the only mechanism by which this outcome can be achieved:

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Cornwall Park Endowment and Recreation Land Amendment Act **2026**.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Cornwall Park Endowment and Recreation Land Act 1982.

4 Section 3 amended (Transfer of Board’s powers)

In section 3(2),—

- (a) after “but in exercising those powers”, insert “with respect to Area 3”;
and
- (b) after “preserve the present character of”, delete “Area 2 and”; and
- (c) replace “and to this end each” with “and to this end Area 3”; and
- (d) after “as they applied to”, delete “Area 2 and”.