



New South Wales

Royal Botanic Gardens and Domain Trust Amendment Bill 2024

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Royal Botanic Gardens and Domain Trust Act 1980* (*the Act*) to—

- (a) include all land that the Royal Botanic Gardens and Domain Trust (the *Trust*) oversees at certain sites to ensure ongoing maintenance and improvement of the lands, and
- (b) extend the length of certain leases and licences over Trust land.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 **Amendment of Royal Botanic Gardens and Domain Trust Act 1980 No 19**

Schedule 1[2] extends the length of a lease of any part of Trust lands for a commercial purpose (a *lease*) from 8 years to 50 years. **Schedule 1[3]** makes it clear that a lease or a licence under the Act, Schedule 2 (a *licence*) may not be granted for a term of more than 5 years unless the Minister for Planning and Public Spaces has consented to the lease or licence. **Schedule 1[4]** makes it clear that a lease or licence over a part of Trust land for 10 years or more must not be granted by the Trust unless the granting of the lease or licence has been the subject of an open tender process. **Schedule 1[1] and [5]** make consequential amendments.

Schedule 1[6] makes it clear that certain land situated in the Blue Mountains Botanic Garden Mount Tomah and Australian Botanic Garden Mount Annan is land vested in the Trust.



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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Royal Botanic Gardens and Domain Trust Amendment Bill 2024

No. _____, 2024

A Bill for

An Act to amend the *Royal Botanic Gardens and Domain Trust Act 1980* to provide for certain matters in relation to Trust lands.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

2

This Act is the *Royal Botanic Gardens and Domain Trust Amendment Act 2024*.

3

2 Commencement

4

This Act commences on the date of assent to this Act.

5

Schedule 1	Amendment of Royal Botanic Gardens and Domain Trust Act 1980 No 19	1
		2
[1] Section 20 Grant of leases, licences and easements		3
	Omit “, from time to time and upon such terms and conditions as are approved by the Minister,” from section 20(2).	4
		5
[2] Section 20(3)		6
	Omit “8 years”. Insert instead “50 years”.	7
[3] Section 20(3A)		8
	Insert after section 20(3)—	9
	(3A) Also, a lease under subsection (2)(a) or a licence under subsection (2)(c) may not be granted for a term of more than 5 years unless the Minister has consented to the lease or licence.	10
		11
		12
[4] Section 20AA		13
	Insert after section 20—	14
20AA Open tender process to be used for leases and certain licences		15
	The Trust must not grant a lease, or a licence with a term of 10 years or more, over any part of the Trust lands unless the granting of the lease or licence has been the subject of an open tender process.	16
		17
		18
	Note— See also section 20A(5)–(8) which requires the Trust to give public notice of any proposed lease of Trust lands.	19
		20
[5] Section 20A Power to grant certain longer-term leases		21
	Omit section 20A(1).	22
[6] Schedule 2 Land vested in the Trust		23
	Insert after Part 3—	24
Part 3A Blue Mountains Botanic Garden Mount Tomah		25
	The following lots, situated in the Parish of Irvine and County of Cook and within the City of Blue Mountains—	26
		27
	(a) Lot 2 DP 1064310,	28
	(b) Lot 1 DP 536667,	29
	(c) Lot 35 DP 232476,	30
	(d) Lot 1 DP 603906,	31
	(e) Lot 1 DP 1273528.	32
Part 3B Australian Botanic Garden Mount Annan		33
1	The following lots, situated in the Parish of Narellan and County of Cumberland and within the local government area of Camden—	34
		35
	(a) Lot 1001 DP 734435,	36
	(b) Lot 1002 DP 734436,	37
	(c) Lot 2601 DP 882676,	38

	(d) Lot 51 DP 740394,	1
	(e) Lot 132 DP 825469.	2
2	Lot 1001 in Deposited Plan 734435 situated in the parish of Narellan and County of Cumberland and within the City of Campbelltown.	3 4
3	Lot 1002 in Deposited Plan 734436 situated in the Parish of St Peter and County of Cumberland and within the City of Campbelltown.	5 6