

Passed by both Houses



New South Wales

# Royal Botanic Gardens and Domain Trust Amendment Bill 2024

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney,*

*, 2024*



New South Wales

## **Royal Botanic Gardens and Domain Trust Amendment Bill 2024**

Act No \_\_\_\_\_, 2024

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

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

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

**2 Commencement**

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

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

### [1] Section 20 Grant of leases, licences and easements

Omit “, from time to time and upon such terms and conditions as are approved by the Minister,” from section 20(2).

### [2] Section 20(3)

Omit “8 years”. Insert instead “50 years”.

### [3] Section 20(3A)

Insert after section 20(3)—

- (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.

### [4] Sections 20AA and 20AB

Insert after section 20—

#### 20AA Open tender process to be used for leases and certain licences

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.

**Note—** See also section 20A(5)–(8) which requires the Trust to give public notice of any proposed lease of Trust lands.

#### 20AB Leases and licences with term of 35 years or more

- (1) The Trust must not grant a lease or licence with a term of 35 years or more over Trust lands unless the requirements of this section are met.
- (2) The Trust must prepare a draft written statement (*a draft statement of reasons*) that sets out how the proposed lease or licence is consistent with the objects of the Trust set out in section 7.
- (3) The Trust must—
  - (a) make the draft statement of reasons publicly available for a period of at least 7 days, and
  - (b) ensure the draft statement of reasons is accompanied by an outline of the following—
    - (i) details of the lessee or licensee and the land the subject of the proposed lease or licence,
    - (ii) the period of the proposed lease or licence,
    - (iii) the uses of the land permitted by the proposed lease or licence, and
  - (c) invite the public to provide comments about the proposed lease or licence within 7 days after the draft statement of reasons is made publicly available.
- (4) Without limiting subsection (3)(a), the Trust may make the draft statement of reasons publicly available by publishing the statement on—
  - (a) the Trust’s website, or

- (b) a website used by the Department of Planning, Housing and Infrastructure.
- (5) After considering any comments received under subsection (3)(c), the Trust must finalise the statement of reasons, including by providing in the statement an outline of—
  - (a) the consultation undertaken, and
  - (b) the comments, if any.
- (6) The Trust must give the statement of reasons to the Minister when seeking the Minister's approval under section 20(3A) for the lease or licence to which the statement relates.

**[5] Section 20A Power to grant certain longer-term leases**

Omit section 20A(1).

**[6] Schedule 2 Land vested in the Trust**

Insert after Part 3—

**Part 3A Blue Mountains Botanic Garden Mount Tomah**

The following lots, situated in the Parish of Irvine and County of Cook and within the City of Blue Mountains—

- (a) Lot 2 DP 1064310,
- (b) Lot 1 DP 536667,
- (c) Lot 35 DP 232476,
- (d) Lot 1 DP 603906,
- (e) Lot 1 DP 1273528.

**Part 3B Australian Botanic Garden Mount Annan**

- 1** The following lots, situated in the Parish of Narellan and County of Cumberland and within the local government area of Camden—
  - (a) Lot 1001 DP 734435,
  - (b) Lot 1002 DP 734436,
  - (c) Lot 2601 DP 882676,
  - (d) Lot 51 DP 740394,
  - (e) Lot 132 DP 825469.
- 2** Lot 1001 in Deposited Plan 734435 situated in the parish of Narellan and County of Cumberland and within the City of Campbelltown.
- 3** Lot 1002 in Deposited Plan 734436 situated in the Parish of St Peter and County of Cumberland and within the City of Campbelltown.