



New South Wales

Royal Botanic Gardens and Domain Trust Amendment Act 2024 No 86

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Royal Botanic Gardens and Domain Trust Amendment Act 2024 No 86

Act No 86, 2024

An Act to amend the *Royal Botanic Gardens and Domain Trust Act 1980* to provide for certain matters in relation to Trust lands. [Assented to 2 December 2024]

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.

[Second reading speech made in—

Legislative Assembly on 25 September 2024

Legislative Council on 19 November 2024]