

**ROYAL BOTANIC GARDENS AND DOMAIN TRUST  
(AMENDMENT) BILL 1988**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Royal Botanic Gardens and Domain Trust Act 1980 to allow certain subsurface land of the Trust for some time used for Commonwealth fuel oil installations to be used for an underground car park or for some other purpose approved by the Governor-in-Council on the recommendation of the Trust.

The surface area of the land concerned is to be retained for use as public open space or for other purposes of the Trust.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day to be appointed by proclamation.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments to section 20 of the Principal Act.

**SCHEDULE 1—AMENDMENTS**

**Schedule 1 (1)** repeals section 20 (2) (a) (iv) of the Principal Act. The subparagraph currently enables the Trust to grant a lease of certain land to the Commonwealth for purposes of or connected with fuel oil installations.

**Schedule 1 (2)** inserts a new paragraph into section 20 (2) of the Principal Act so as to allow land identified by the Minister to be leased for redevelopment as an underground car park or for some other purpose approved by the Governor-in-Council on the recommendation of the Trust. The existing provisions which limit the maximum period of a lease are not to apply to the proposed lease.

**Schedule 1 (3)** makes a consequential amendment.

*Royal Botanic Gardens and Domain Trust (Amendment) 1988*

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**Schedule 1 (4)** inserts new subsections (3A) and (3B) into section 20 of the Principal Act. Subsection (3A) allows the Minister to identify the land that may be leased under proposed section 20 (2) (a1) of the Principal Act. The identified area is to correspond generally to the area used by the Commonwealth for fuel oil installations. Subsection (3B) requires the Trust to ensure that, as far as practicable, the surface area of the land concerned is retained for use as public open space or for other purposes of the Trust.

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**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Royal Botanic Gardens and Domain Trust Act 1980 No. 19

SCHEDULE 1—AMENDMENTS

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THE TRUSTEES OF THE UNIVERSITY OF CHICAGO  
(INCORPORATED 1890)

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NEW SOUTH WALES



No. , 1988

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**A BILL FOR**

An Act to amend the Royal Botanic Gardens and Domain Trust Act 1980 with respect to the use of certain subsurface land of the Trust, and for other purposes.

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*Royal Botanic Gardens and Domain Trust (Amendment) 1988***The Legislature of New South Wales enacts:****Short title**

1. This Act may be cited as the Royal Botanic Gardens and Domain Trust (Amendment) Act 1988.

**5 Commencement**

2. This Act commences on a day to be appointed by proclamation.

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

3. The Royal Botanic Gardens and Domain Trust Act 1980 is amended as set out in Schedule 1.

**10 SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**Section 20 (Grant of leases, easements and licences)—**

(1) Section 20 (2) (a) (iv)—  
Omit the subparagraph.

15 (2) Section 20 (2) (a1)—  
After section 20 (2) (a), insert:

(a1) a lease of land described in Part 2 of Schedule 2 (being land identified under subsection (3A)) for the purposes of, or for purposes connected with, any of the following:

- 20 (i) underground car parking;  
(ii) anything else approved by the Governor on the recommendation of the Trust;

(3) Section 20 (3)—  
Omit “, (iii) or (iv)”, insert instead “or (iii)”.

25 (4) Section 20 (3A), (3B)—  
After section 20 (3), insert:

(3A) The Minister may, by order published in the Gazette, identify the land (being land generally corresponding to the area for some time used by the Commonwealth for fuel oil installations) that may be leased under subsection (2) (a1).

30 (3B) The Trust shall ensure that, to the maximum extent possible, the surface area above any land leased under subsection (2) (a1) remains available for use as public open space or for other purposes for which the Trust is empowered to use land in  
35 accordance with this Act.



