

**Submission
No 181**

**INQUIRY INTO DEVELOPMENT OF THE TRANSPORT
ORIENTED DEVELOPMENT PROGRAM**

Name: The Hon Neal Raymond Bignold.

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I welcome and earnestly support the Committee's decision to conduct the Inquiry into the Government's announced Housing Proposal .

The published Terms of Reference are commendably comprehensive as is fitting given the very broad sweep of the Proposal and its legislative character .

However there is an obvious timing problem in so far as the Committee has predicted a future date for its Report to be completed [in September this year] whereas the Government has announced that the the Housing Proposal will come into operation by way of a specific State Environmental Planning Policy [SEPP] in April this year.

The incompatibility of the predicted timing of the two events is obvious with the inevitable consequence that the Committee's commendable endeavours are likely to be compromised [at best] or nullified [at worst]. The question arises as to whether there is some means of avoiding that unfortunate consequence.

One legitimate and simple holding solution is for the the proposed SEPP to be subjected to the requirement applicable to a range of delegated legislation of being tabled in both Houses of Parliament for parliamentary scrutiny including disallowance .

This outcome could be achieved by simple amendment to the Interpretation Act 1987 by including the Sepp within the defined meaning of "statutory rule" in Schedule 4 to that Act . However that holding solution is itself at risk of incompatible timing in as much as the Amendment to the Interpretation Act must be in force by the time the SEPP is made by the Governor. Thus time is of the essence in the present case.