



16 February 2024

Committee on Planning, Transport and City Services
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Sent via email: LACommitteePTCS@parliament.act.gov.a

Dear Planning, Transport and City Services Committee

Inquiry into the Property Developers Bill 2023 - Retirement Living Council Submission

The Retirement Living Council (RLC) welcomes the opportunity to provide feedback to the Property Developers Bill 2023 (the Bill).

The RLC is the national peak body for Australia's retirement living sector, championing policies that deliver age-friendly homes and better services in retirement for the 250,000 older Australians who call one of these communities 'home'.

The RLC sits within the Property Council's national advocacy team and is the most powerful voice of the sector, representing for-profit and not-for-profit owners and operators of retirement villages and seniors' living communities.

Retirement Villages are governed by the *Retirement Villages Act 2012* and provide affordable accommodation and care for Territorians over 55. The number of people aged over 75 in ACT will grow by 20,000 by 2040 to 48,000 and there is an acknowledged supply crisis across the territory.

Regrettably, the 2022 *Retirement Living Census* found that the three-year development supply pipeline of retirement units in the ACT fell by more than half to 234 dwellings compared to the previous forecast of 569 dwellings. It is therefore imperative that village owners are supported to provide more accommodation to the growing cohort of older Territorians.

Unlike other forms of residential development, retirement village developers and operators continue to own and maintain the property post development, providing a lease or license to occupy to residents. We therefore submit that exemptions to the legislation should be made to accurately reflect the sector.

While the RLC is supportive of measures designed to improve building quality and promote transparency within the development sector, we believe such measures are already 'baked into' the retirement village operational model, with high levels of accountability to the residents who occupy the dwellings within a village.

In echoing the recommendations made by the Property Council of Australia's submission, the RLC provides additional comments regarding the following elements:



Rectification Orders

The rectification order regime applies to *'property developers'* as defined in section 49 of the Bill. This definition is broader than the traditional definition and includes:

- a person who contracts or arranges for, or facilitates or otherwise causes (whether directly or indirectly) residential building work to be done
- the owner of the land on which the residential building work is undertaken at the time the building work is done

Recommendation: Given the breadth of definition and the implications it would have on the retirement living sector, the RLC recommends that developers and operators of retirement villages be exempted from the definition of 'property developers' through the drafting of Regulations.

Licencing Regime

The RLC understands the primary intention of introducing developer licences is to increase accountability and responsibility for builders and developers after completion and final handover of buildings. As currently drafted an operator would require a licence to develop for most works conducted to establish and maintain a retirement village.

Given that developers and operators retain ownership and responsibility for the retirement village after completion, the RLC submits that this scheme should not apply to retirement village operations, ownership and development.

Recommendation: That retirement village developers and operators be exempt from the developer licencing regime.

The RLC is happy to support the committee in any capacity to assist you in your understanding of the retirement village model and the number of benefits it brings to older Territorians, government and healthcare providers.



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