



## Inner South Canberra Community Council

### ISCCC SUBMISSION ON REGULATION OF DEVELOPERS

The Inner South Canberra Community Council (ISCCC) is the peak body of residents groups in inner south Canberra and our objects are:

- To protect and enhance the amenity and environmental well-being of Inner South Canberra residents and the broader community.
- To engage, inform, listen to, and represent Inner South Canberra residents, including the vulnerable.
- To actively promote communication and cooperation among residents, local community groups and other stakeholders.
- To contribute to high quality, sustainable planning and design of Inner South Canberra.

The ISCCC supports the submission of the Griffith Narrabundah Community Association (GNCA), an ISCCC member group. As their submission emphasises, why does a purchaser of whitegoods such as refrigerators have considerably more consumer protection, and ease of access to appropriate remedies, than does the purchaser of a dwelling, likely to be their biggest lifetime investment?

We understand that in NSW, developers are subject to statutory warranties, and that should be pursued for the ACT.

The ISCCC also draws from the GNCA's recommendations in proposing that:

- A natural person be identified as the "Developer" in a Development Application.
- The Developer so identified in the DA is responsible for the development and must remediate or make good any defect in the development, and shortfalls in due payments to subcontractors, associated professionals and the like.
- The Developer be given the right to counter sue subcontractors, associated professionals and the like for recovery of remediation costs if he/she believes they bear some or all responsibility for the defect.
- The ACT establish a Project Trust Account system to ensure that subcontractors and suppliers are paid appropriately.
- The ACT establish an Insurance Bond scheme to insure remediation of faulty construction.
- The "Developer" be required to demonstrate that they hold an insurance bond appropriate and suitable to the proposed development before a DA approval can be granted.

To improve transparency, it is also proposed that the public be provided with access to a searchable register of developers/builders/certifiers/consultants and a rating tool or points system of history and performance. Those listed could be removed from the register if they commit several/serious offences. We understand there has been discussion of such an instrument in the ACT for over a decade without anything eventuating. A rating tool covering developers, builders, certifiers and consultants is used in NSW and could provide a model.

The ISCCC is aware that, on 7 March 2023, the government released a tender for options for the establishment of publicly funded certifiers within the ACT Public Service. It will monitor this development with interest. It is aware that home owners have limited recourse when they trust developers and builders, and the certifiers they employ, to behave ethically in certifying construction in accordance with approved DAs.