

Councillor Noon - QoN - The Mansions on Pulteney Planning Consent Information

Tuesday, 28 March 2023
Council

Council Member
Councillor Noon

Public

Contact Officer:
Iliia Houridis - Director City Shaping

QUESTION ON NOTICE

Councillor Noon will ask the following Question on Notice:

'In November 2022 the South Australian District Court found an owner broke the law by erecting new walls inside her 82-square-metre apartment in The Mansions on Pulteney.

The work was all completed without approval from the building's strata corporation, however the owner had received planning consent by the City of Adelaide (CoA) in 2019.

The District Court found the owner based in Melbourne broke the law and the court ruling was to return the apartment to its previous state by 30 April 2023.

An additional Development Application for further Prescribed Works in the same apartment by the owner, was lodged late in 2022 whilst the owner was in the District Court for multiple breaches of the Strata Title Act.

I am seeking information in regards to the status of Planning Consent ID 22028669.

There is also a Housing Improvement Order on the same apartment and the owner is not complying with rectification of this Order and hence the Housing Safety Authority approached CoA Council for assistance.

Could you please provide the status of this?'

REPLY

1. A Development Application (DA/738/2018) was lodged with the City of Adelaide by the owner of unit 24 in The Mansions on Pulteney on 4 September 2018 to *'undertake internal alterations to existing apartment'* which included the installation of internal walls to create five bedrooms.
2. The City of Adelaide was notified by strata corporation (12753) in May 2019 that modifications to unit 24 had been undertaken without Development Approval. This unauthorised work was undertaken during the assessment of DA/738/2018 and the matter was resolved from a Council compliance perspective once the Development Approval was granted on 10 October 2019.
3. The strata corporation initiated District Court (Court) proceedings against the owner of unit 24 to have the works (as built in DA/738/2018) reversed to its original state as strata consent was not granted.
4. Council's building compliance officer inspected the apartment with the Housing Safety Authority (HSA) on 6 April 2022.
5. After the inspection, the HSA issued an Order on the owner of unit 24 confirming it did not comply with the prescribed minimum housing standards which must be met for residential premises to be considered safe and suitable for human habitation under the *Housing Improvement Act 2016 (SA)*. Specifically, unit 24 does not comply with Regulation 16(1)(a)(i) of the *Housing Improvement Regulations 2017 (SA)* as one of the bedrooms has an area less than 7.5m².

6. A revised unit 24 floor plan was lodged by the owner in August 2022 (DA 22028669) to satisfy the HAS standard/order. This Development Application proposes *'internal alterations to the existing dwelling to relocate the kitchen and bedroom'*. This application was granted planning consent on 4 November 2022 however Building Rules Consent (and full Development Approval) have not yet been granted as the application fees have not been paid.
7. The Court issued an Order for the owner of unit 24 to reinstate the dwelling to the original floor plan in November 2022.
8. The strata corporation has recently lodged DA 23005845 to *'remove internal walls and structures to restore unit 24 to its original state (one-bedroom apartment)'* as per the Court order.
9. This application is currently undergoing planning assessment and includes a formal referral to the State Heritage Unit (SHU). The SHU has indicated support for this proposal. It is anticipated this application will be granted Development Approval once formal referral advice from the SHU has been received.
10. The City of Adelaide recently made a submission to PlanSA in support of the following proposed change to the *Planning and Development and Infrastructure (General) Regulations 2017 (SA)* (the Regulations):
'require a person applying for development that involves 'prescribed work' (as defined by the Strata Titles Act 1988 and the Community Titles Act 1996) to provide evidence that the relevant corporation has authorised the works.'
11. Consultation on this proposed change to the Regulations closed on 24 February 2023 and is now being considered by the State Government.

Staff time in receiving and preparing this reply	To prepare this reply in response to the question on notice took approximately 4.5 hours.
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