

Air Apartments residents fighting



Air Apartment residents Debbie Litchfield and Sylvia Holzapfel near their protest signage at the Air Apartments. Picture: Mark Brake

A trailer with protest signage has been parked outside a luxurious Adelaide apartment building over a dispute about the costs to replace flammable cladding.

Air Apartment residents Debbie Litchfield, 66, and Sylvia Holzapfel are “standing behind” business couple Lissi Whyte and Lance Vater as the couple fight the building’s community corporation in the District Court – to obtain access to financial documents related to the work, which they claim they have been denied so far.

“The truck is their way of saying ‘we’re here until everyone is looked after,’” Ms Litchfield said.

Ms Whyte has said owners have been hit with levies ranging from \$90,000 to upwards of \$450,000, depending on the size of their apartments – and told they need to pay the full sum within 12 months.

Ms Litchfield said she was left blindsided by the impost after believing the residency offered the “best lifestyle” for her and her husband to retire.

“It’s really sad for a lot of people. If we sell because we can’t afford the bill, where do we go?” she said.

“We’re trying to stick up for ourselves as elderly people.”



Lissi Whyte in her penthouse apartment at Air Apartments on Greenhill Rd. Picture: Kelly Barnes

The group is fighting the building’s community corporation, made up of fellow apartment owners, in the District Court.

The case was launched by multi-millionaire business couple Lissi Whyte and Lance Vater, whose company Kursace Air bought a penthouse in the Greenhill Rd complex for \$3.9m in 2007.

They are asking the court to rule invalid the community corporation’s decision to enter into a contract with construction company Duratec, worth more than \$17m, to replace aluminium composite cladding on the building.

In court documents, Kursace Air argued such expenditure was not required and had not been properly authorised by apartment owners.



A bitter feud has erupted at the luxury Air Apartments building after a group of owners said they were asked to pay hundreds of thousands of dollars each to replace flammable cladding. Picture: Kelly Barnes

They have also asked the court to order the community corporation to hand over documents including the Duratec contract, receipts for all payments to Duratec and all quotes provided to the corporation before the contract was signed.

A response, lodged by the apartment's corporation, denied the contract process had been mishandled and said it should not be ruled invalid.

It also listed communications from the corporation to owners, and information that had been made available about the works at various times.

Ms Whyte, owner of the Adelaide Scuba diving centre, said she had taken up the fight on behalf of a group of older neighbours, who are worried they will be unable to pay their share of the cost and will lose their "forever homes".

She said owners have been hit with levies ranging from \$90,000 to upwards of \$450,000, depending on the size of their apartment, and told they need to pay the full sum within 12 months.

A \$10m government loan set up to help owners has not been made available.

According to court documents Ms Whyte and others say they have been repeatedly denied copies of the construction contracts.

“People that do want to get their own finance can’t get it because they’re not allowed to have the contract,” she said.

“And then there’s people who can’t borrow from a financial institution because they’re retired and they are living on their superannuation. So they are really worried about what’s going to happen.”

Several owners described the shock of being asked to pay huge amounts that they had not planned for.

“The constant discussion, worry and inability to change the situation are stressing me to the point I just want to shut down or run away,” one wrote.

Another said: “I am an 83-year-old pensioner and do not have the funds to cover what I have been asked to pay ... which is just over \$100,000.”

Other owners also mentioned their concerns regarding the years-long process to replace the cladding.

“I am shocked at having to pay \$225,000 ... without any detailed documentation,” one 77-year-old owner said.

“The unexpected/unforeseen financial burden that is now upon me is causing my stress levels to escalate and I am very concerned the effects of this will further impact my heart.”



The case was launched by multi-millionaire business couple Lance Vater (pictured) and Lissi Whyte, whose company Kursace Air bought a penthouse in the Greenhill Rd complex for \$3.9m in 2007. Picture: Tait Schmaal

On Sunday, a government spokeswoman confirmed the Treasurer had approved a loan under the Aluminium Composite Panel Cladding Loan Scheme to Air Apartments.

“The government understands that Air Apartments has decided to utilise its existing funds prior to accessing the approved loan,” they said.

“Documentation for this loan is expected to be executed shortly. However, timing of requesting the draw down of funds will be at the discretion of Air Apartments, and as soon as practicable.”

In 2017, the state government launched a cladding audit after London’s Grenfell Tower disaster killed 72 residents.

A 2019 report found seven private buildings in Adelaide were deemed to be at “extreme risk” of fire due to their cladding, and another 21 were at high risk. However, most of the buildings were later downgraded into the moderate risk category.

Members of the Air Apartments community corporation declined to comment when contacted by The Advertiser but said it was “defending the litigation brought by Kursace Air Pty Ltd and is confident in its position”.

The case will return to the District Court later this month.