

# Enforceable Undertaking

Section 9.5 of the *Environmental Planning and Assessment Act 1979*

*Crownview Projects Pty Ltd (ACN 645 214 544) and Burwood Council*

## 1. Defined terms

1.1 In this Undertaking, unless otherwise separately defined:

(a) **Council** means the Burwood Council established under the *Local Government Act 1993* (NSW).

(b) **Council's Bank Account** means:

Institution: Commonwealth Bank of Australia

Account Name: Burwood Council Operating Account

BSB: 062-319

Account Number: 1048 8170

Payment Description: Crownview Heritage Plaque Project

(c) **Department** means Department of Planning, Housing, and Infrastructure.

(d) **Department's Bank Account** means:

Institution: Westpac

Account Name: DPIE Operating CC No 2

BSB: 032-001

Account Number: 114 425

(e) **EPA Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

(f) **Department's Delegate** means any delegate appointed by the Department.

(g) **Planning Secretary** has the same meaning as in the EPA Act.

## 2. Persons giving the Undertaking

2.1 This Undertaking is given to the Secretary under section 9.5 of the *Environmental Planning and Assessment Act 1979* (**EPA Act**) by Mr Adam Alexander, Director of Crownview Projects Pty Ltd (ACN 645 214 544) (**Crownview**) at 1/34-36 Princess Highway Kogarah NSW 2217.

## 3. Background

3.1 The Crownview is an incorporated Australian company operating in the remedial engineering, building and construction industry.

3.2 The conduct that this Undertaking relates to is conduct undertaken by the Crownview involving the carrying out of development without consent between approximately 28 August 2023 and 3 October 2023 at Lot 36 of Section G in DP 5639 also known as 1 Lea Street Croydon NSW 2132.

3.3 The conduct constitutes an offence under section 9.50(3A)(a) in respect of section 4.2(1)(b) of the EPA Act in that the Crownview aided, abetted, counselled or procured Super Demolition Pty Ltd to demolish the dwelling

house at 1 Lea Street Croydon, being specified development that an environmental planning instrument provides may not be carried out except with development consent and in doing so Super Demolition Pty Ltd failed to carry out development in accordance with the consent.

- 3.4 On 17 May 2023, Burwood Council granted development consent (DA87.2022) for "Alterations and additions to an existing dwelling, alterations to an existing garage and new swimming pool" subject to conditions.
- 3.5 Condition 1 of the development consent required that the development be carried out in accordance with the approved stamped architectural plans and supporting documents.
- 3.6 Relevantly, for the undertaking, this included:
  - (a) the 'demolition plan' dated 18 April 2023 – DA-B-11.
  - (b) Statement of Heritage Impact dated 17 October 2022.
- 3.7 On 15 August 2023 a Construction Certificate, CC 3223/01 was issued by a private certifier. Amongst other documents, the Construction Certificate included stamped plans and associated documentation.
- 3.8 Relevantly, for the undertaking, this included:
  - (a) Ground Floor Footings Plan and Details, S300, Rev B, 10 July 2023.
  - (b) Ground Floor Suspended Slab Plan and Details, S400, Rev B, 10 July 2023.
  - (c) Ground Floor Suspended Slab Bottom and Top Reinforcement Plans and Details, S401, Rev B, 10 July 2023.
- 3.9 The land is located in the Malvern Hill Heritage Conservation Area: Part 2 of Schedule 5 of the *Burwood Local Environmental Plan 2012*.
- 3.10 On 28 August 2023, the owner of 1 Lea Street Croydon NSW 2132, Geo DPPB Pty Ltd (ACN 609 281 405) engaged the Crownview as the builder to carry out works in accordance with development consent DA87.2022, construction certificate CC 3223/01 and the Heritage Impact Statement dated 17 October 2022. The Crownview's scope of engagement included engaging contractors to carry out the development on the land.
- 3.11 Crownview engaged Super Demolition Pty Ltd as a subcontractor to carry out demolition works. Crownview instructed Super Demolition Pty Ltd to carry out demolition works on the land; some of the works were not in accordance with the development consent.
- 3.12 The works considered by Council to contravene the development consent are:
  - (a) the demolition of the interior walls at the front of the house (bedroom, hallway and bathroom walls); and
  - (b) the demolition of the interior layer of the exterior walls (north, east and west interior layers of the exterior walls at the front of the property), noting that these walls were to be reskinned but were instead demolished entirely.
- 3.13 Council became aware of the Development on 21 September 2023.

- 3.14 On 12 May 2025, the Council commenced a criminal prosecution in the NSW Land and Environment Court's (proceedings no. 2025/181525) against the Crownview for the conduct the subject of this Undertaking as described in clause 3.12. The proceedings have been adjourned pending the entering into of this Undertaking.
- 3.15 In response to Council's investigation, the Crownview:
- (a) acknowledges the carrying out of the development required compliance with the development consent (which the construction certificate forms part) by operation of section 4.2(1)(b) of the EPA Act;
  - (b) acknowledges that the carrying out of the Development contrary to development consent was likely to constitute a breach of section 4.2(1)(b) of the EPA Act;
  - (c) acknowledges section 9.50(3A)(a) of the EPA Act was likely to have been breached by the Crownview by aiding, abetting, counselling, or procuring by the giving of instructions, consent and/or payment to Super Demolition Pty Ltd.
  - (d) notes that following the issuing of a Stop Work Order by the Council, a new development application was lodged and development consent granted.
  - (e) acknowledges the community impacts which arise from breaches of the EPA Act including the harm to the regulatory scheme which establishes an orderly method for the obtaining of planning approvals prior to carrying out development;
  - (f) offer this undertaking in response to the concerns.

#### **4. Commencement of this Undertaking**

4.1 This Undertaking comes into effect when:

- (a) This Undertaking is executed by the Crownview; and
- (b) This Undertaking so executed is accepted by the Planning Secretary or the Department's Delegate (**Commencement Date**).

#### **5. Undertaking**

5.1 The Crownview undertakes for the purposes of section 9.5 of the EPA Act that they will:

- (a) immediately:
  - (i) not carry out, or permit to be carried out, any act which may harm the conservation values of the Malvern Hill Heritage Conservation Area; and
  - (ii) not carry out any development within the meaning of section 1.5 of the EPA Act in the Malvern Hill Heritage Conservation Area without or contrary to development consent.
- (b) will not aid, abet, procure or counsel the carrying out of development in breach of the EPA Act and will comply with section 4.2(1)(b) of the EPA Act when carrying out future development which requires development consent.

- (c) will seek town planning and/or legal advice on whether development consent is required for future development under section 4.2 of the EPA Act before carrying that development out.
- (d) within seven (7) days of the Commencement Date, agree to pay the Council, in Council's Bank Account, \$20,800.00 (inclusive of any GST) as a contribution to its legal costs incurred in association with Land and Environment Court Proceedings.
- (e) within seven (7) days of compliance with clause 5.1(d) will email to the Council's solicitor (Harrison Wood – [harry@hdo.com.au](mailto:harry@hdo.com.au)) enclosing a copy of the bank statement or transaction receipt which confirms the payment.
- (f) within thirty (30) days of the Commencement Date, agree to pay the Department, in the Department's Bank Account, (\$1,000.00) for the legal fees associated with accepting this Undertaking.
- (g) within seven (7) days of compliance with clause 5.1(f), will email to the Director, Compliance and Investigations at the Department ([compliance@planning.nsw.gov.au](mailto:compliance@planning.nsw.gov.au)) enclosing a copy of the bank statement or transaction receipt which confirms the payment.
- (h) within 7 days of the execution of the Undertaking by a delegate of the Planning Secretary of the Department of Planning, Housing and Infrastructure pursuant section 9.5 of the EPA Act, the Council will discontinue the proceedings relating to the persons giving the Undertaking, currently before the Land and Environment Court as proceedings no. 2025/181525.
- (i) within six (6) months from the Commencement Date make a gift in the amount of \$30,000.00 (inclusive of any GST) to the Burwood Council by payment into Council's Bank Account with the payment description "Crownview Heritage Plaque Project". The gift is to be used for Burwood Council's Heritage Plaque Project. The Heritage Plaque Project will develop and rollout informative and interactive QR code plaques to recognise local heritage items, historical sites and memorials within the Burwood Local Government Area, inclusive of items or sites in the Croydon area. The aim of the program is to generate awareness of the rich and diverse historic and social cultural heritage within the local built environment. The project seeks to:
  - (i) Promote and improve access to local heritage.
  - (ii) Maintain and enhance Burwood's sense of identity and place.
  - (iii) Promote the protection of our unique built heritage and enhance local character.
  - (iv) Where relevant, provide opportunities for owners of heritage properties to showcase their property.
- (j) within seven (7) days of compliance with 5.1(i), will email Council's solicitor (Harrison Wood – [harry@hdo.com.au](mailto:harry@hdo.com.au)) enclosing a copy of the bank statement or transaction receipt which confirms the payment.
- (k) within six (6) months of the Commencement Date, will cause each employee to complete three (3) training courses delivered by the NSW Government under the Construct NSW program, with a focus on

improving professional competence and compliance with regulatory obligations.

**6. Extension of period of compliance**

6.1 The Chief Executive Officer/General Manager of the Council may extend the period for compliance in clause 5.1(i) and 5.1(k) upon a request being made in writing by the Crownview.

**7. Acknowledgements**

7.1 The Crownview acknowledges that:

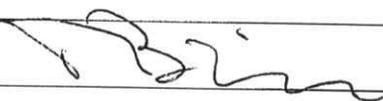
- (a) the Department will make this Undertaking publicly available including by publishing it on the Department's public register of section 9.5 undertakings on its website.
- (b) the Department will, from time to time, make public reference to this Undertaking including in news media statements and in department's publications.
- (c) this Undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

8. Executed as an undertaking

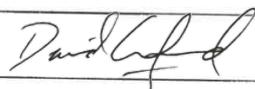
**Crownview Projects Pty Ltd** executed by the relevant director pursuant to section 127 of the *Corporations Act 2001*

Signature: 
Authorised representative of Crownview Projects Pty Ltd (ACN 645 214 544)
Name of Director: Adam Alexander
Date 19/12/2025

**Council**

The Council has negotiated the Undertaking with Crownview in relation to the Council's functions under the EPA Act and recommends that the Secretary accept the Undertaking
Signature: 
Name of authorised representative: Tommaso Briscese
Position: Chief Executive Officer/General Manager
Date 3/12/2025

**Department**

Accepted by the delegate of the Planning Secretary of the Department of Planning, Housing and Infrastructure pursuant section 9.5 of the EPA Act
Signature: 
Name of authorised representative: David Gainsford
Position: Deputy Secretary, Development Assessment and Sustainability
Date 06/02/2026