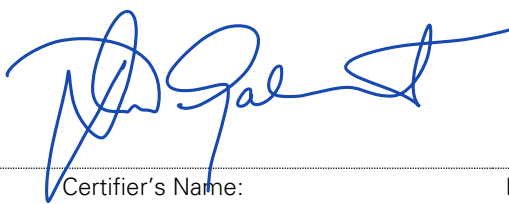


Complying Development Certificate

Pursuant to Part 4 of the Environmental Planning & Assessment Act 1979

Certificate No.	CDC-25003	
Type	Building Work	
Determination	Approved	
Date of Determination	20.03.2025	
Lapse Date	20.03.2030	
+ Subject Land		
Lot + DP	Lot 120	DP 1289995
Address	11 Cuprum Close, Kemps Creek	
Land Use Zone	IN1 – General Industrial C2 – Environmental Conservation	
Local Government Area	Penrith City Council	
+ Applicant		
Name	Damien Borgia	
Company	X-Clusive Group Australia Pty Ltd	
Address	11 Cuprum Close, Kemps Creek NSW 2178	
Contact Details	Phone: 0401 873 865	Email: Damien@x-clusive.com.au
+ Owner		
Name	Goodman Property Services Pty Ltd	
Address	1-11 Hayes Road, Rosebery NSW 2018	
Contact Details	Phone: 0413 345 020	Email: Luke.Ridley@goodman.com
+ Description of Development		
Description	Addition of a new office beneath the existing mezzanine, with minor modifications to the current office and ancillary racking <u>only</u> .	
BCA Classification	Class 5 & 7a	
Applicable BCA Version	BCA 2022	
Cost of Works	\$225,000.00	
Relevant Planning Instrument	SEPP (Exempt & Complying Development Codes) 2008	
Approved Plans	Refer to Schedule 1	
Conditions	Refer to Schedule 2	
Fire Safety Schedule	Refer to Schedule 3	
+ Details of Certifying Authority		
Certifying Authority	BM PLUS G Pty Ltd	
Accreditation Number	RBC00037	
Signature		
Signed on Behalf of BM+G	Certifier's Name:	Dean Goldsmith
	Registration Number:	BDC0141

Liability limited by a scheme approved under Professional Standards Legislation

Statutory Certification

BM+G certify that the development is a complying development and (if carried out as specified in the certificate) will comply with all development standards applicable to the development and with such other requirements prescribed by the Environmental Planning & Assessment Regulation 2021 concerning the issue of this certificate.

+ Schedule 1 – Schedule of Documentation

Approved Plans

+ Architectural Plans prepared by: KW Interiors

+ Drawing Number	+ Rev	+ Date	+ Drawing Number	+ Rev	+ Date
CDC00	B	20.02.2025	CDC02	E	20.02.2025
CDC03	E	20.02.2025	CDC04	E	20.02.2025

Document Relied Upon

In conjunction with the approved plans and specifications the following documentation was relied upon in issuing the Complying Development Certificate:

+ Documentation:

+ Item	+ Documentation	+ Prepared by	+ Date
1.	CDC Application Form	X-Clusive Group Australia Pty Ltd	
2.	Section 10.7 Planning Certificate Ref. 25/00362	Penrith City Council	31 January 2025
3.	Town Planners Report	Andrew Crump Town Planning	14 March 2025
4.	Architectural Design Statement	KW Interiors Pty Ltd	21 February 2025
5.	Structural Design Certificate – Racking	Dexion (Australia) P/L	14 February 2025
6.	Electrical Services Design Certificate	Modcol Pty Ltd	07 January 2025
7.	Electrical Services Plans	Modcol Pty Ltd	06 January 2025
8.	Mechanical Services Design Certificate	Eastwood Air-Conditioning Pty Ltd	18 December 2024
9.	DP Administration Sheet – Lot 120 DP 1289995	BGMG 11 Pty Ltd	-
10.	Section 88B Instrument Report	Penrith City Council	29 July 2025
11.	Fire Safety Review	BM+G	13 March 2025
12.	Bushfire Risk Assessment Report	Blackash Bushfire Consulting	10 January 2023
13.	Mechanical Services Plans	Eastwood Air-Conditioning Pty Ltd	17 December 2024
14.	Fire Engineering Statement of Suitability	Affinity Fire Engineering	12 March 2025
15.	Pre-CDC Inspection Worksheet	BM+G	13 March 2025

Performance Solutions

In conjunction with the approved plans and specifications the following Performance Solutions were relied upon in issuing the Complying Development Certificate:

+ Proposed Performance Solution Reports

+ Item	+ Title of Report	+ Ref.	+ Company	+ Author	+ Date
Fire Safety Requirement					
PS-1.	N/A				
Other BCA Requirement					
PS-2.					

EP&A Regulation 2021 – Fire Safety Systems in Class 2-9 Buildings

Documentation relied upon as required by the section 147 of the Environment Planning & Assessment Regulation 2021:

+ Plans and Specifications Relating to Relevant Fire Safety Systems:

+ Item	+ Documentation	+ Prepared by	+ Date
FS-1.	Drawing Number FF-FS-201	Force Fire & Safety	09 December 2024
FS-2.	Endorsement by Competent Fire Safety Practitioner	Force Fire & Safety	09 December 2024

Pursuant to section 147 of the EP&A Regulation 2021, BM+G (RBC00037) is satisfied that the above plans and specifications correctly identifies both the performance requirements and the deemed-to-satisfy provisions of the Building Code of Australia.

+ Schedule 2 – Conditions of Complying Development Certificate

1. Conditions prescribed by the Environmental Planning & Assessment Regulation 2021

Compliance with BCA and insurance requirements under Home Building Act 1989

- 1) Building work must comply with the following conditions— the work must be carried out in accordance with the requirements of the *Building Code of Australia*, for residential building work that requires a contract of insurance under the *Home Building Act 1989*—a contract of insurance must be in force before the building work authorised to be carried out by the consent commences.
- 2) A temporary structure that is used as an entertainment venue must comply with Part B1 and NSW Part I5 in Volume 1 of the *Building Code of Australia*.
- 3) This section does not limit the other conditions to which a complying development certificate may be subject.
- 4) This section does not apply:
 - a) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or
 - b) to the erection of a temporary building, other than a temporary structure to which condition (2) applies.
- 5) In this section, a reference to the *Building Code of Australia* is a reference to the *Building Code of Australia* as in force on the date on which the application for the relevant complying development certificate is made.

Fire safety systems in class 2–9 buildings

- 6) Building work involving the installation, extension, or modification of a relevant fire safety system in a class 2, 3, 4, 5, 6, 7, 8 or 9 work must not commence unless:

plans have been submitted to the principal certifier that show—

- a) for building work involving the installation of the relevant fire safety system—the layout, extent and location of key components of the relevant fire safety system, or
- b) for building work involving the extension or modification of the relevant fire safety system—the layout, extent, and location of the new or modified components of the relevant fire safety system, and

specifications have been submitted to the principal certifier that—

- a) describe the basis for the design, installation, and construction of the relevant fire safety system, and
- b) identify the provisions of the Building Code of Australia on which the design of the system is based, and

the plans and specifications—

- a) have been certified by a compliance certificate as complying with the relevant provisions of the Building Code of Australia, or
 - b) have been endorsed by an accredited practitioner (fire safety) as complying with the relevant provisions of the Building Code of Australia, and
- 7) Condition (6)(c)(ii) does not apply to the extent of an exemption under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021.
 - 8) In this section— relevant fire safety system means the following—

a hydraulic fire safety system,
a fire detection and alarm system,
a mechanical ducted smoke control system.

Notice to neighbours of commencement of work

- 9) This section applies to a development involving—
 - a) the erection of a new building, or
 - b) an addition to an existing building, or
 - c) the demolition of a building.

- 10) This section applies only if the development will be carried out on a lot that has a boundary within 20 metres of the boundary of another lot on which a dwelling is located.
- 11) The person having the benefit of the certificate must give each neighbour written notice of the person's intention to commence the work authorised by the certificate—
 - a) for development on relevant land—at least 7 days before commencing work, or
 - b) otherwise—at least 2 days before commencing work.
- 12) In this section—
Neighbour and *relevant land* have the same meaning as in section 134.

Erection of Signs

- 13) This section applies to a development involving building work, subdivision work or demolition work.
- 14) A sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—
 - a) showing the name, address and telephone number of the principal certifier for the work, and
 - b) showing the name of the principal contractor, if any, for building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) stating that unauthorised entry to the work site is prohibited.
- 15) The sign must be—
 - a) maintained while the building work, subdivision work or demolition work is being carried out, and
 - b) removed when the work is completed.
- 16) This section does not apply in relation to—
 - a) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or
 - b) Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Notification of Home Building Act 1989 requirements

- 17) This section if—
 - a) the development involves residential building work, and
 - b) the principal certifier is not the council.
- 18) Residential building work must not be carried out unless the principal certifier has given the council written notice of the following—
 - a) for work that requires a principal contractor to be appointed—
 - i) the name and licence number of the principal contractor, and
 - ii) the name of the insurer of the work under the *Home Building Act 1989*, Part 6,
 - b) for work to be carried out by an owner-builder—
 - iii) the name of the owner-builder, and
 - iv) if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*—the number of the owner-builder permit.
- 19) If the information notified under condition (18) is no longer correct, further work must not be carried out unless the principal certifier has given the council written notice of the updated information.
- 20) This section does not apply in relation to Crown building work certified to comply with the *Building Code of Australia* under the Act, Part 6.

Fulfilment of BASIX commitments

- 21) Each commitment listed in a relevant BASIX certificate must be fulfilled—
 - a) BASIX development,
 - b) BASIX optional development, if the application for the complying development certificate was accompanied by a BASIX certificate.

Development involving asbestos material.

- 22) The approved building work or demolition work must comply with the following conditions—
 - a) prescribed asbestos removal work must be undertaken by a person who conducts

a business of asbestos removal work in accordance with the Work Health and Safety Regulation 2017, clause 458 (a licensed person),

- b) the person having the benefit of the complying development certificate must give the principal certifier a copy of a signed contract with a licensed person before development under the complying development certificate commences,
- c) the contract must indicate whether asbestos will be removed, and if so, must specify the landfill site, which may lawfully receive asbestos, to which the asbestos will be delivered,
- d) if the contract indicates that asbestos will be removed to a specified landfill site—the person having the benefit of the complying development certificate must give the principal certifier a copy of a receipt from the operator of the landfill site stating that all the asbestos referred to in the contract has been received by the operator.

23) In this section—

asbestos removal work has the same meaning as in the *Work Health and Safety Regulation 2017*.

friable asbestos has the same meaning as in the *Work Health and Safety Regulation 2017*.

non-friable asbestos has the same meaning as in the *Work Health and Safety Regulation 2017*.

prescribed asbestos removal work means asbestos removal work that involves the removal of—

non-friable asbestos from an area of more than 10 square metres, or friable asbestos.

Note 1: The effect of condition (24) (a) is that the development will be a workplace to which the Work Health and Safety Regulation 2017 applies while asbestos removal work is being undertaken.

Note 2: Information on the removal and disposal of asbestos to landfill sites licensed to accept asbestos is available from the Environment Protection Authority

Shoring and adequacy of adjoining property

24) This section applies to a complying development certificate for development that

involves excavation that extends below the level of the base of the footings of a building, structure or work, including a structure or work in a road or rail corridor, on adjoining land.

- 25) The person having the benefit of the certificate must, at the person's own expense—
 - a) protect and support the building, structure or work from possible damage from the excavation, and
 - b) if necessary, underpin the building, structure or work to prevent damage from the excavation.
- 26) This section does not apply if—
 - a) the person having the benefit of the complying development certificate owns the adjoining land, or
 - b) the owner of the adjoining land has given written consent to the condition not applying.

Traffic generating development

27) If an application for a complying development certificate is required to be accompanied by a certificate of the relevant roads authority under Section 128 of the EP&A Reg. 2021, the following requirements specified in the certificate of the relevant roads authority must be complied with.

Note: Penrith City Section 7.12 Citywide Development Contributions Plan for Non-Residential Development Further contributions do not apply to the proposed fitout as it does not involve the enlargement, expansion or intensification of the current land use (refer to table 1, section 1.1. of the 7.12 Plan).

Development on contaminated land

28) If an application for a complying development certificate is required to be accompanied by a statement referred to in section 129(3), the requirements specified in the statement must be complied with.

Payment of security

29) This section applies to a complying development certificate authorising the carrying out of development if—

- a) the development involves the demolition of a work or building, the erection of a new building or an addition to an existing building, and
 - b) the estimated cost of the development, as specified in the application for the certificate, is \$25,000 or more, and
 - c) the development will be carried out on land adjacent to a public road, and
 - d) at the time the application for the certificate is made, the council for the area in which the development will be carried out has specified, on its website, an amount of security that must be paid in relation to development—
 - i) of the same type or description, or
 - ii) carried out in the same circumstances, or
 - iii) carried out on land of the same size or description.
- 30) The amount of the security bond referred to in condition (29) (d) must be provided to the council before the building work or subdivision work authorised by the certificate commences.
- 31) The applicant may give the security to the council by—
- a) a deposit with the council, or
 - b) a guarantee satisfactory to the council.
- 32) The council may use the security to meet the cost of making good damage caused to council property as a consequence of doing a thing, or not doing a thing, authorised or required by the complying development certificate, including the cost of an inspection to determine if damage has been caused.
- 33) The balance of the security remaining after meeting the costs referred to in condition (33) must be refunded to, or at the direction of, the person who gave the security.

Principal certifier to be satisfied that preconditions met before commencement of work

- 34) This section applies to a complying development certificate that involves building work or subdivision work.
- 35) The principal certifier for the building work or subdivision work, and over which the principal

certifier has control, must be satisfied that any preconditions in relation to the work that are required to be met before the work commences have been met before the work commences.

2. Development Contributions

- 1) This section applies if a council's contributions plan provides for the payment of a monetary section 7.11 contribution or a section 7.12 levy in relation to development for a particular purpose (*a relevant purpose*), whether or not the development is classed as complying development under the contributions plan.
- 2) A complying development certificate that authorises development for a relevant purpose must be issued subject to the following conditions—
 - a) the condition required by the Act, section 4.28(9) requiring payment of a monetary section 7.11 contribution or a section 7.12 levy,
 - b) the contribution or levy must be paid before the work authorised by the certificate commences.
- 3) This section applies despite a provision to the contrary in the council's contributions plan.
- 4) In this section—

section 7.11 contribution means the dedication of land, the payment of a monetary contribution or the provision of a material public benefit, as referred to in the Act, section 7.11.

section 7.12 levy means the payment of a levy, as referred to in the Act, section 7.12.

- 5) Pursuant to section 4.28 of the Environmental Planning & Assessment Act 1979, and Penrith City Development Contributions Plan, the following Section 7.11 Contribution must be paid prior to commencement of works.

Please note that the above calculation is to be verified by Council. Council may determine that a different contribution is payable.

3. SEPP (Exempt & Complying Development Codes) 2008

Schedule 8 – Conditions applying to complying development certificates under the Commercial and Industrial Alterations Code and the

Commercial and Industrial (New Buildings and Additions) Code

Note: *Complying development under the Commercial and Industrial Alterations Code and the Commercial and Industrial (New Buildings and Additions) Code must comply with the requirements of the Act, the Environmental Planning and Assessment Regulation 2021 and the conditions listed in this Schedule.*

Note: *Division 5 of Part 6 of the Environmental Planning and Assessment Regulation 2021 specifies conditions to which certain complying development certificates are subject.*

Note: *In addition to the requirements specified for development under this Policy, adjoining owners' property rights, applicable common law and other legislative requirements for approvals, licences, permits and authorities still apply.*

Note: *If the development is in the proximity of infrastructure (including water, stormwater or sewer mains, electricity power lines and telecommunications facilities), the relevant infrastructure authority should be contacted before commencing the development.*

Note: *Under Section 4.29 of the Environmental Planning and Assessment Act 1979, a complying development certificate lapses 5 years after the date endorsed on the certificate, unless the development has physically commenced on the land during that period.*

Part 1 – Conditions applying before works commence.

1 Protection of adjoining areas

A temporary hoarding or temporary construction site fence must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of the works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note: Clauses 2.67 and 2.68 of this Policy specify which scaffolding, hoardings and temporary construction site fences are exempt development

and state the applicable standards for that development.

2 Toilet facilities

- 1) Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
- 2) Each toilet must:
 - a) be a standard flushing toilet connected to a public sewer, or
 - b) have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - c) be a temporary chemical closet approved under the Local Government Act 1993.

3 Waste management

- 1) A waste management plan for the work must be submitted to the principal certifier at least 2 days before work commences on the site
- 2) The waste management plan must:
 - a) identify all waste (including excavation, demolition, and construction waste materials) that will be generated by the work on the site, and
 - b) identify the quantity of waste material in tonnes and cubic metres to be:
 - (i) reused on-site, and
 - (ii) recycled on-site and off-site, and
 - (iii) disposed of off-site, and
 - c) if waste materials are to be reused or recycled on-site-specify how the waste material will be reused or recycled on-site, and
 - d) if waste materials are to be disposed of or recycled off-site-specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.
- 3) A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed.
- 4) The garbage receptacle must have a tight-fitting lid and be suitable for the reception of food scraps and papers.

4 Adjoining wall dilapidation report

- 1) Before commencing any demolition or excavation works, the person having the benefit of the complying development certificate must obtain a dilapidation report on any part of a building that is within 2m of the works.
- 2) If the person preparing the report is denied access to the building for the purpose of an inspection, the report may be prepared from an external inspection.

5 Run-off and erosion controls

- 1) Run-off and erosion controls must be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on the surrounding land by:
 - a) diverting uncontaminated run-off around cleared or disturbed areas, and
 - b) erecting a silt fence and providing any other necessary sediment control measures that will prevent debris escaping into drainage systems, waterways or adjoining properties, and
 - c) preventing the tracking of sediment by vehicles onto roads, and
 - d) stockpiling top soil, excavated materials, construction and landscaping supplies and debris within the lot.

Part 2 – Conditions applying during the works

Note: The *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Noise Control) Regulation 2008* contain provisions relating to noise.

6 Standard hours for construction

Construction may only be carried out between 7.00 am and 6.00 pm on Monday to Friday, or between 8.00 am and 1.00 pm on Saturdays, and no construction is to be carried out at any time on a Sunday or a public holiday.

7 Works outside standard hours for construction

- 1) Work may be carried out outside the standard hours for construction if the work only generates noise that is:

- a) no louder than 5 dB(A) above the rating background level at any adjoining residence in accordance with the *Interim Construction Noise Guideline* (ISBN 978 1 74232 217 9) published by the Department of Environment and Climate Change NSW in July 2009, and
 - b) no louder than the noise management levels specified in Table 3 of that guideline at other sensitive receivers.
- 2) Work may be carried out outside the standard hours for construction:
 - a) for the delivery of materials-if prior approval has been obtained from the NSW Police Force or any other relevant public authority, or
 - b) in an emergency, to avoid the loss of lives or property or to prevent environmental harm.

8 Compliance with plans

Works must be carried out in accordance with the plans and specifications to which the complying development certificate relates.

9 Demolition

Any demolition must be carried out in accordance with AS 2601-2001, *the demolition of structures*.

10 Maintenance of site

- 1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- 2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- 3) Copies of receipts stating the following must be given to the principal certifying authority:
 - a) the place to which waste materials were transported,
 - b) the name of the contractor transporting the materials,
 - c) the quantity of materials transported off-site and recycled or disposed of.
- 4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the

works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

- 5) During construction –
 - a) all vehicles entering or leaving the site must have their loads covered, and
 - b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- 6) At the completion of the works, the work site must be left clear of waste and debris.

11 Earthworks, retaining walls and structural support

- 1) Any earthworks (including any structural support or other related structure for the purposes of the development):
 - a) must not cause a danger to life or property or damage to any adjoining building or structure on the lot or to any building or structure on any adjoining lot, and
 - b) must not redirect the flow of any surface or ground water or cause sediment to be transported onto an adjoining property, and
 - c) that is fill brought to the site-must contain only virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the *Protection of the Environment Operations Act 1997*, and
 - d) that is excavated soil to be removed from the site-must be disposed of in accordance with any requirements under the *Protection of the Environment Operations (Waste) Regulation 2005*.
- 2) Any excavation must be carried out in accordance with *Excavation Work: Code of Practice (ISBN 978-0-642-785442 [PDF] and ISBN 978-0-642-785459 [DOCX])*, published in July 2012 by Safe Work Australia.

12 Drainage connections

- 1) If the work is the erection of, or an alteration or addition to, a building, the roof stormwater drainage system must be installed and connected to the drainage system before the roof is installed.

- 2) Any approval that is required for connection to the drainage system under the *Local Government Act 1993* must be held before the connection is carried out.

13 Archaeology discovered during excavation

- 1) If any object having interest due to its age or association with the past is uncovered during the course of the work –
 - a) all work must stop immediately in that area, and
 - b) the Office of Environment and Heritage must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further the work can continue.

14 Aboriginal objects discovered during excavation

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area, and
- b) the Office of Environment and Heritage must be advised of the discovery in accordance with section 89A of the *National Parks and Wildlife Act 1974*.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

15 When a survey certificate is required

- 1) If any part of the work is the erection of a new building, or an alteration or addition to an existing building, that is located less than 3m from the lot boundary, a survey certificate must be given to the principal certifying authority:
 - a) before any form work below the ground floor slab is completed, or
 - b) if there is no such form work-before the concrete is poured for the ground floor slab.
- 2) The survey certificate must be prepared by a registered land surveyor and show the location

of the work relative to the boundaries of the site.

Part 3 – Conditions applying before the issue of an occupation certificate

16 Vehicular access

If the work involves the construction of a vehicular access point, the access point must be completed before the occupation certificate for the work on the site is obtained.

17 Utility services

- 1) If the work requires alteration to, or the relocation of, utility services on, or adjacent to, the lot on which the work is carried out, the work is not complete until all such works are carried out.
- 2) If the work will be the subject of a notice of requirements for water supply or sewerage services (or both) by a water utility or an entity authorised by the utility, the work must be satisfactorily completed before the occupation certificate is issued.
- 3) If the work will be the subject of a compliance certificate under section 73 of the *Sydney Water Act 1994*, the work must be satisfactorily completed before the occupation certificate is issued.

18 Mechanical ventilation systems

If the work includes a mechanical ventilation system that is a **"regulated system"** within the meaning of the *Public Health Act 2010*, the system must be notified as required by the Public Health Regulation 2012, before an occupation certificate (whether interim or final) for the work is issued.

19 Food businesses

If the work relates to a **"food business"** within the meaning of the *Food Act 2003*, the food business must be notified as required by that Act, or licensed as required by the *Food Regulation 2010*, before an occupation certificate (whether interim or final) for the work is issued.

20 Premises where skin penetration procedures are carried out

If the work relates to premises at which a **"skin penetration procedure"**, within the meaning of the *Public Health Act 2010*, will be carried out, the premises must be notified as required by Part 4 of the *Public Health Regulation 2012* before an occupation certificate (whether interim or final) for the work is issued.

Part 4 – Operational requirements

21 Hours of operation

- 1) If there are existing conditions on a development consent applying to hours of operation, the development must not be operated outside the hours specified in those conditions.
- 2) If there are no existing conditions on a development consent applying to hours of operation, the development must not be operated outside the following hours—
 - a) if the development involves a new use as specialised retail premises or other commercial premises—7.00 am to 10.00 pm Monday to Saturday and 7.00 am to 8.00 pm on a Sunday or a public holiday,
 - b) if the development involves a new use as something other than a specialised retail premises or other commercial premises and adjoins or is opposite a residential lot within a residential zone or Zone RU5 Village—7.00 am to 7.00 pm Monday to Saturday and no operation on a Sunday or a public holiday,
 - c) in any other case not referred to in paragraph (a) or (b)—7.00 am to 7.00 pm Monday to Saturday and 9.00 am to 6.00 pm on a Sunday or a public holiday.

22 Noise

- 1) The development must comply with the requirements for industrial premises contained in the Noise Policy.
- 2) Noise emitted by the development:
 - a) must not exceed an L A (15 min) of 5dB(A) above background noise when measured at any lot boundary of the property where the development is being carried out, and

- b) must not cause the relevant amenity criteria in Table 2.1 in the Noise Policy to be exceeded.
- 3) In this clause, **"the Noise Policy"** means the document entitled NSW Industrial Noise Policy (ISBN 0 7313 2715 2) published in January 2000 by the Environment Protection Authority.

23 Lighting

- 1) All new external lighting must:
 - a) comply with AS 4282-1997 *Control of the obtrusive effects of outdoor lighting*, and
 - b) be mounted, screened and directed in a way that it does not create a nuisance or light spill on to buildings on adjoining lots or public places.
- 2) Lighting at vehicle access points to the development must be provided in accordance with AS/NZS 1158 Set: 2010 Lighting for roads and public spaces Set.

24 Use of driveway and parking areas

- 1) All driveways and parking areas must be unobstructed at all times.

- 2) Driveways and car spaces (except as otherwise permitted by an existing condition of the most recent development consent (other than a complying development certificate):
 - a) must not be used for the manufacture, storage or display of goods, materials or any other equipment, and
 - b) must be used solely for vehicular access and for the parking of vehicles associated with the use of the premises.

25 Landscaped area (planting and maintenance)

- 1) Any tree or shrub that fails to establish within 2 years of the initial planting date must be replaced with the same species of tree or shrub.
- 2) All landscaped areas on the site must be maintained on an on-going basis.

+ Schedule 3 – Fire Safety Schedule

Part 10 of the Environmental Planning and Assessment Act (Development Certification and Fire Safety) Regulation 2021.

Please note:

- + A fire safety Schedule must deal with the whole of the building not just part of the building
- + Please complete all sections in full using CAPITAL LETTERS

Section 1: Location of building

Address (Street No., Street Name, Suburb and Postcode)

Lot 120 CUPRUM CLOSE, KEMPS CREEK

Lot No. (if known)	CP/DP/SP No. (if known)	Building name (if applicable)
LOT 120	DP 1289995	OWE BLD 4D

Section 2: Reissue of Fire Safety Schedule (Section 80A of the Regulation)

- ☒ Not applicable – Fire Safety Schedule is not being re-issued.
- ☐ Reissued Fire Safety Schedule (please state reason below)

Reason for Reissue of Schedule

- ☐ Original Schedule Lost or Destroyed ☐ Correction of errors or omissions.

Section 3: Reference Details (Section 78 of the Regulation)

Reference Type	Reference Number (if known)
CONSTRUCTION CERTIFICATE	CC-24023

Section 4: Fire Safety Measures for the building – excluding Critical Fire Safety Measures (Section 79 of the Regulation)

+ Item No.	+ Fire safety measure	+ Minimum standard of performance
Current (Existing)		
1.	ALARM SIGNALLING EQUIPMENT	AS 1670.3 – 2018
2.	AUTOMATIC FAIL-SAFE DEVICES	BCA CLAUSE D3D26
3.	AUTOMATIC FIRE SUPPRESSION SYSTEMS	BCA SPEC. 17 AS 2118.1 – 2017 FM GLOBAL DESIGN STANDARD DATASHEET 2-0 & 8-9 FIRE ENGINEERING REPORT NO. 222132_FER_05, PREPARED BY AFFINITY FIRE ENGINEERING DATED 19.04.2024
4.	BUILDING OCCUPANT WARNING SYSTEM ACTIVATED BY THE SPRINKLER SYSTEM	BCA SPEC. 17 CLAUSE S17C8 AND CLAUSE 3.22 OF AS 1670.1 – 2018
5.	EMERGENCY EVACUATION PLAN	AS 3745 - 2010
6.	EXIT SIGNS	BCA CLAUSES E4D5 AS 2293.1 – 2018
7.	FIRE CONTROL CENTRE	BCA 2022 SPEC 19
8.	FIRE HOSE REELS (CLASS 7B PARTS ONLY)	BCA CLAUSE E1D3 AS 2441 – 2005

+ Item No.	+ Fire safety measure	+ Minimum standard of performance
Current (Existing)		
		FIRE ENGINEERING REPORT NO. 222132_FER_05, PREPARED BY AFFINITY FIRE ENGINEERING DATED 19.04.2024
9.	FIRE HYDRANT SYSTEMS	BCA CLAUSE E1D3 AS 2419.1 – 2021 FIRE ENGINEERING REPORT NO. 222132_FER_05, PREPARED BY AFFINITY FIRE ENGINEERING DATED 19.04.2024
10.	FIRE SEALS	BCA CLAUSE C4D15 AS 1530.4 – 2014 & AS 4072.1 – 2018 MANUFACTURER'S SPECIFICATION
11.	PERIMETER VEHICULAR ACCESS	BCA CLAUSE C3D5 FIRE ENGINEERING REPORT NO. 222132_FER_05, PREPARED BY AFFINITY FIRE ENGINEERING DATED 19.04.2024
12.	PORTABLE FIRE EXTINGUISHERS	BCA CLAUSE E1D14 AS 2444 – 2001
13.	WARNING & OPERATIONAL SIGNS	BCA CLAUSE D4D7 & E3D4
Proposed (New or Modified including section 84(6) of the Regulation)		
1.	AUTOMATIC FIRE SUPPRESSION SYSTEMS	BCA SPEC. 17 AS 2118.1 – 2017 FM GLOBAL DESIGN STANDARD DATASHEET 2-0 & 8-9 FIRE ENGINEERING REPORT NO. 222132_FER_05, PREPARED BY AFFINITY FIRE ENGINEERING DATED 19.04.2024
2.	BUILDING OCCUPANT WARNING SYSTEM ACTIVATED BY THE SPRINKLER SYSTEM	BCA SPEC. 17 CLAUSE S17C8 AND CLAUSE 3.22 OF AS 1670.1 – 2018
3.	EMERGENCY EVACUATION PLAN	AS 3745 - 2010
4.	EXIT SIGNS	BCA CLAUSES E4D5 AS 2293.1 – 2018
5.	PORTABLE FIRE EXTINGUISHERS	BCA CLAUSE E1D14 AS 2444 – 2001

Details of Fire Safety Building Code of Australia (BCA) Performance Solutions Report(s)

+ (Ref No./Title of report/Author/Date)	+ BCA Performance Requirement(s)	+ BCA DtS Provision(s) and details of non-compliance
FIRE ENGINEERING REPORT NO. 222132_FER_03, PREPARED BY AFFINITY FIRE ENGINEERING DATED 09.10.2023	C1P9	BCA CLAUSE C3D5 - PERIMETER VEHICULAR ACCESS THE VEHICULAR ACCESS ROADWAY NAVIGATES MORE THAN 18M FROM THE BUILDINGS: <ul style="list-style-type: none"> + UP TO 35M ALONG THE PUBLIC ROAD FROM BUILDING 4C & 4D. + UP TO 27M PAST RECESSED DOCS OF BUILDING 4C & 4D. + UP TO 25M PAST BUILDING 4C NORTHERN CARPARKING. THE VEHICULAR ACCESS ROADWAY

+ (Ref No./Title of report/Author/Date)	+ BCA Performance Requirement(s)	+ BCA DtS Provision(s) and details of non-compliance
	D1P4, E2P2 & C1P7	<p>REDUCES TO LESS THAN 6M WIDTH TO 4.0M AT THE NORTH-EASTERN CORNER PAST THE BUILDING 4C AWNING OVERHANG.</p> <p>BCA CLAUSES C3D14, D2D5, D2D6 & E2D10 - WAREHOUSE TRAVEL DISTANCES & RATIONALISED SMOKE HAZARD MANAGEMENT</p> <p>WAREHOUSE TRAVEL DISTANCES TRAVEL DISTANCES EXCEED THE DTS PRESCRIPTIVE REQUIREMENTS IN THE FOLLOWIGN LOCATIONS:</p> <p><u>WAREHOUSE 4C</u></p> <ul style="list-style-type: none"> + UP TO 80M TO AN EXIT IN LIEU OF 40M ACROSS THE WAREHOUSE 4C FLOORPLATE: AND + UP TO 160M BETWEEN ALTERNATIVE EXITS IN LIEU OF 60M ACROSS THE WAREHOUSE 4D FLOORPLATE. <p><u>MANUAL SMOKE EXHAUST SYSTEM DESIGN</u></p> <p>A SMOKE EXHAUST SYSTEM SHALL BE PROVIDED TO THE WAREHOUSE PARTS OF BUILDIGN 4C IN ACCORDANCE WITH THE DTS PROVISIONS AND AS1668.1:2015 WITH EXCEPTION OF THE FOLLOWING:</p> <ul style="list-style-type: none"> + THE SMOKE EXHAUST CAPACITY IN THE WAREHOUSE AREA OF BUILDING 4C SHALL ACHIEVE ONE VOLUME AIR CHANGE PER HOUR IN LIEU OF BCA SPEC 21 REQUIREMENTS. <ul style="list-style-type: none"> o 12 FANS OPERATING AT 9271 L/S EACH. + THE SMOKE EXHAUST SYSTEM SERVING THE WAREHOUSE WILL NOT AUTOMATICALLY INITIATE ON FIRE DETECTION. THE SYSTEM SHALL INSTEAD BY MANUALLY OPERATED VIA CONTROLS AT THE MAIN-FDCIE. + NO SMOKE DETECTION SHALL BE INSTALLED TO THE BUILDINGS. + THE WAREHOUSE ENCLOSURE SHALL FORM A SMOKE RESERVOIR EXCEEDING 2.000M² WITH NO SMOKE BAFFLE. + GIVEN THE MANUAL OPERATION, THE SMOKE EXHAUST SYSTEM SHALL NOT BE SERVED BY ESSENTIAL POWER (SAFETY SERVICES), AND SUBSEQUENTLY THE MSB AND MECHANICAL BOARDS SHALL NOT BE FIRE SEPERATED FROM THE BUILDING

+ (Ref No./Title of report/Author/Date)	+ BCA Performance Requirement(s)	+ BCA DtS Provision(s) and details of non-compliance
		<p>PER THE BCA CLAUSE C3D14 REQUIREMENTS.</p> <ul style="list-style-type: none"> + NO AUTOMATIC SMOKE EXHAUST SHALL BE PROVIDED TO THE ANCILLARY AREAS SUCH AS THE ADMINISTRATION OFFICES, OR WAREHOUSE AMENITIES.
	E1P3	<p>BCA CLAUSE E1D2 - FIRE HYDRANT SYSTEM DESIGN</p> <p>THE FIRE HYDRANT SYSTEM SHALL BE COMPLIANT TO AS2419.1:2021 WITH THE FOLLOWING EXCEPTIONS PERMITTED; <u>HYDRANTS UNDER AWNINGS</u></p> <ul style="list-style-type: none"> + EXTERNAL HYDRANTS ARE LOCATED BENEATH THE LOADING DOCK DISPATCH AWNINGS (WHICH EACH HAVE A DEPTH OF 20M) AND SHALL BE CLASSIFIED AS EXTERNAL HYDRANTS IN LIEU OF BEING INTERNAL HYDRANTS; HENCE FOR THE PURPOSES OF SYSTEM COVERAGE THEY WILL MAINTAIN 70M COVERAGE.
	E1P1	<p>BCA CLAUSE E1D3 - 50M FIRE HOSE REELS</p> <p>FIRE HOSE REEL COVERAGE THROUGHOUT THE WAREHOUSE AREAS OF BUILDING 4C AND 4D ARE PERMITTED TO INCORPORATE HOSE REELS WITH A HOSE LENGTH OF 50M IN LIEU OF 36M.</p>
	E1P4	<p>BCA CLAUSE E1D4, SPECIFICATION 17 - FIRE SPRINKLER SYSTEM DESIGN</p> <p>THE FIRE SPRINKLER BOOSTER ASSEMBLY IS NOT COMPLIANT WITH AS24189.1:2021 CLAUSE 7.3.1(C)(II) DUE TO IT BEING:</p> <ul style="list-style-type: none"> + NOT WITHIN SIGHT OF THE PRINCIPAL PEDESTRIAN ENTRANCES OF BOTH BUILDING 4C AND 4D; AND + MORE THAN 20M FROM THE MAIN PEDESTRIAN ENTRANCES OF BOTH BUILDING 4C AND 4D.
	E1P4	<p>BCA CLAUSE E1D4, SPECIFICATION 17 - FM GLOBAL DESIGN STANDARD (FIRE SPRINKLER SYSTEM)</p> <p>THE FIRE SPRINKLER SYSTEM FOR THE BUILDINGS SHALL BE DESIGNED TO AS2118:2017 WITH THE FOLLOWING EXCEPTIONS:</p> <ul style="list-style-type: none"> + WAREHOUSE ROOF LEVEL AUTOMATIC FIRE SPRINKLER SYSTEMS OF BOTH BUILDINGS SHALL BE COMPLIANT WITH FM GLOBAL DATASHEET 2-0 & 8-9; <p>WHERE AN FM DATASHEET IS USED, THAT STANDARD WILL BE RELIED UPON FOR</p>

+ (Ref No./Title of report/Author/Date)	+ BCA Performance Requirement(s)	+ BCA DtS Provision(s) and details of non-compliance
		<ul style="list-style-type: none"> + SPRINKLER HEAD TYPE BASED ON THE STORAGE ARRANGEMENT, RACKING EQUIPMENT AND STORAGE COMMODITY; + SPRINKLER HEAD SPACE INCLSUVE OF OBSTRUCTIONS AVOIDANCE; + DESIGN PRESSURE AND FLOW AT EACH SPRINKLER HEAD; AND + DURATION OF WATER SUPPLY AND TANK SIZING.

Section 5: Critical Fire Safety Measures – where applicable to the building (Section 79 of the Regulation)

Note: A critical fire safety measure is one where the performance is verified at intervals of less than 12 months through the submission of a supplementary fire safety statement.

+ Item No.	+ Fire safety measure	+ Minimum standard of performance
Current (Existing)		
1.	NOT APPLICABLE	
Proposed (New or Modified)		
1.	NOT APPLICABLE	

Section 6: Details of approved exemptions from compliance with BCA standards for a relevant fire safety system (Section 74 of the Regulation)

+ Item No.	+ Relevant fire safety measures	+ Description of exemption
1.	NOT APPLICABLE	

Section 7: Name of authority or registered certifier issuing this schedule

Name Organisation (Business name)

DEAN GOLDSMITH

BM PLUS G Pty Ltd

Business Address (Street No., Street Name, Suburb and Postcode)

SUITE 2.01, 22-36 MOUNTAIN ST, ULTIMO NSW 2007

Registration Number (Where Applicable)

RBC00037 (BDC0141)

Date of Issue

20/03/2025

20 March 2025

The General Manager
Penrith City Council
PO Box 60
Penrith NSW 2751

Dear Sir/Madam

Re: Lot 120 Cuprum Close, Kemps Creek (11 Cuprum Cl, Kemps Creek NSW 2178)
Complying Development Certificate

As required by Section 141 of the EP&A Regulation 2021 (the Regulation) notice is hereby given that the following application for Complying Development Certificate has now been approved.

Applicant	Damien Borgia
Subject Address	Lot 120 Cuprum Close, Kemps Creek NSW 2178
Project No.	S250014
Date Received	19 March 2025
Date Determined	20 March 2025

Please find undercover a copy of the Complying Development Certificate No. CDC-25003 for the proposed Addition of a new office beneath the existing mezzanine, with minor modifications to the current office and ancillary racking only.

The approved documentation and other documentation relied upon as indicated on the Complying Development Certificate has been uploaded to the NSW Planning Portal for Councils record.

Pursuant to Schedule 4 Item 9 of the EP&A Regulation 2021, a sum of \$45.00 for the submission of this Part 4 Certificate has been processed on the NSW Planning Portal

In addition to the above, copies of the approved documentation and other documentation relied upon as indicated on the Complying Development Certificate have been submitted for Council's record via the NSW ePlanning Portal.

Please contact the undersigned should you have any further enquiries on 02 9211 7777.

Yours sincerely,



James McNeill
Building Surveyor
BM+G

20 March 2025

X-Clusive Group Australia Pty Ltd
11 Cuprum Close,
Kemps Creek NSW 2178

Dear Damien

**Re: Lot 120, Cuprum Close, Kemps Creek
Complying Development Certificate**

Your recent application for a Complying Development Certificate dated 19 March 2025 has now been approved. We hereby enclose a copy of the Complying Development Certificate No. CDC-25003 for the proposed Addition of a new office beneath the existing mezzanine, with minor modifications to the current office and ancillary racking only. Any associated documentation can be accessed via the NSW ePlanning Portal.

Council has also received a copy of the Complying Development Certificate together with the approved documentation via the NSW ePlanning Portal.

Attached we have provided an inspection and certification schedule relevant to this development. The inspection schedule identifies the necessary Statutory Mandatory Critical Stage Inspections that must be undertaken by our office, together with other inspections required, of the progress building works.

It is the client's responsibility to ensure that our office is contacted with not less than 48 hours' notice for our attendance to each of these inspections.

We thank you for your assistance in this matter and should you have any enquiries please do not hesitate to contact the undersigned on 02 9211 7777.

Yours sincerely,



James McNeill
Building Surveyor
BM+G

+ Inspection and Certification Schedule

Statutory Mandatory Critical Stage Inspections

The following statutory mandatory critical stage inspections must be undertaken during the construction program.

- + After the building works has been completed and prior to any Occupation Certificate being issued in relation to the building.

+ Compliance with the Building Code of Australia

All building works must be carried out strictly in accordance with the Building Code of Australia 2022 (BCA).

Any departure from the Deemed-to-Satisfy (DtS) requirements of the BCA must have the prior approval of BM PLUS G Pty Ltd.