



Our reference: InfoStore
Contact: Natalie White
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31 March 2026

Liam Donsworth
Development Manager
HB+B Property
Level 2, 143 Macquarie Street,
SYDNEY NSW 2000

Sent by email: ldonsowrth@hbbproperty.com.au

Dear Liam,

Letter of Offer acceptance to enter into a Voluntary Planning Agreement for Burrah Park (1953-2109 Elizabeth Drive, Badgerys Creek) – SSD-70316465

I refer to your Letter of Offer dated 19 March 2026 (the Offer) to enter into a Voluntary Planning Agreement (VPA) with Penrith City Council (Council) under section 7.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in connection with the proposed Burrah Park development at 1953-2019 Elizabeth Drive, Badgerys Creek / Lot 1 DP 1306448, being State Significant Development Application SSD-70316465.

Council officers have reviewed the Offer in accordance with Council's adopted *Penrith Developer Infrastructure Agreements Policy* (PDIAP). The Offer proposes the dedication of land, delivery of civil and open space infrastructure works, active transport infrastructure, and the payment of monetary contributions, supported by security mechanisms, to facilitate development consistent with the *Penrith Aerotropolis Development Contributions Plan 2023* (Penrith Aerotropolis CP). The infrastructure identified within the Offer, including works in kind, land dedication, and monetary contributions, is considered to broadly align with the intent and outcomes of the Penrith Aerotropolis CP and the strategic objectives for the Western Sydney Aerotropolis.

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At its meeting on Monday 23 March 2026, Council's *Local Infrastructure Contributions Working Group* (LICWG) resolved to accept the Offer, noting that the final form of the Planning Agreement will be subject to:

- resolution of detailed matters during drafting of the Planning Agreement; and
- confirmation of final contribution values, triggers, works descriptions, and security arrangements.

The Offer is accepted as the basis for the preparation and negotiation of a Planning Agreement for the Burrah Park development, subject to the following matters.

1. Preparation of the Planning Agreement

The preparation of the draft Planning Agreement may now proceed. In doing so, Council notes that:

- Final contribution amounts, credits, and offsets will be determined having regard to the Contributions Plan in force at the time of development consent, with contributions indexed and applied at the relevant trigger points.
- The specifications, standards, and handover requirements for all works in kind and land dedication will be addressed as part of drafting the Planning Agreement.
- Security mechanisms, including bonds and guarantees, must be acceptable to Council and consistent with the PDIAP.
- Council reserves its right to seek amendments, corrections, or clarification to any component of the Offer during the negotiation and drafting of the Planning Agreement to ensure consistency with applicable legislation, policy, and contributions framework.

2. Registration and Security

Council notes and supports the proposed registration of the Planning Agreement on title and the provision of security mechanisms outlined in the Offer, subject to refinement through the final agreement and legal review.

The Planning Agreement will also address staging, trigger points, deferred obligations (if any), sunset dates, and step-in rights to Council's satisfaction. This includes security arrangements to manage any interim shortfall in monetary contributions prior to credits becoming available, consistent with Council's risk management requirements under the PDIAP.

3. Application of section 7.11 and 7.12 contributions

As proposed in the Offer, sections 7.11 and 7.12 of the EP&A Act are to continue to apply to the development.

4. Policy framework

The Planning Agreement will be negotiated and finalised in accordance with PDIAP, including the proponent's responsibility for Council's reasonable legal and administrative costs associated with negotiating, preparing, and executing the agreement. A copy of this policy can be found on Council's website. We refer HB+B and IFM to Part 4.1.2 in respect to proponents' responsibilities for the negotiation and implementation of agreements.

Council has a VPA template, which will be provided to you in word format. It is requested that HB+B, IFM and its legal representatives complete the template using track changes and comments so that Council may easily identify all amendments. It is further requested that the template clause numbering is not renumbered or deleted.

Next steps

Subject to negotiation of an agreed draft Planning Agreement, the VPA will be reported to Council for endorsement to proceed to public exhibition.

Council's project officer for the VPA is Natalie White – Senior Planner. If you have any questions about this matter, please contact Natalie at natalie.white@penrith.city or via (02) 4732 7833.

Yours sincerely



Christine Gough
Head of City Planning

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