

The Independent Pricing & Regulatory Tribunal  
PO Box K35  
Haymarket Post Shop  
SYDNEY NSW 1240

23<sup>rd</sup> March 2020

Dear Sir/Madam,

**Re: Assessment of West Dapto Contributions Plan 2020**

We refer to the above report prepared by IPART released in February and the recommendations contained within.

Malcolm Holdings are a significant landholder within the Iwona Neighbourhood which is within Precinct 5 of the West Dapto release area.

We of course are concerned as to the appropriate implementation and apportionment of the Section 94 contributions proposed to be levied by Council and which will fund vital and necessary infrastructure within the urban release area.

We believe that the well established rules for the apportionment of contributions through the nexus test should continue to be applied and the averaging of contributions proposed by Wollongong Council is not an appropriate methodology for funding infrastructure as this will ignore the nexus provisions of the legislation.

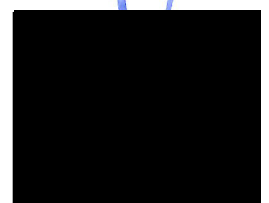
Accordingly, we support the findings of the above IPART report for the following reasons:

1. The separation of Precinct 5 from the other Precincts is in accordance with the established legal precedent of the nexus test.
2. The road linkages from Precinct 5 to the motorway are demonstrably independent of the linkages to be utilised by the other precincts located to in the northern part of the West Dapto Release Area.
3. Precinct 5 is also independent of the other northern precincts in terms drainage and other infrastructure requirements

We would also request that post adoption of the plan, that an independent review of the actual infrastructure proposed under the plan be undertaken as we are of the opinion that Council are proposing infrastructure that is not warranted to enable urban development, for example the grossly over engineered Marshall Mt bypass road.

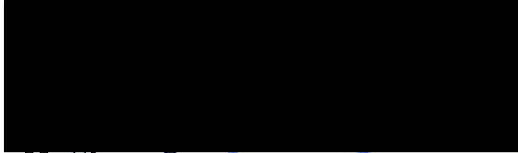
Again, we reiterate our support for the above IPART report and its adoption.

We also thank you for the opportunity to make a submission to the exhibition of the report.



Should you wish to discuss the above further, please do not hesitate to contact the writer.

Yours faithfully  
**Malcolm Holdings Pty Ltd.**



**Matthew Somers**  
**Land Development Manager**

24.03.20.