

# MALLESONS STEPHEN JAQUES

FILE No:
DOC:
MARS/PRISM:

Mr Tim Grimwade  
General Manager  
Adjudication Branch  
Australian Competition &  
Consumer Commission  
470 Northbourne Avenue  
Dickson ACT 2602

**Copy to**  
Mr Scott Gregson  
Australian Competition &  
Consumer Commission  
470 Northbourne Avenue  
Dickson ACT 2602

2 July 2003

Dear Mr Grimwade

## CSR Limited - Exclusive dealing notification

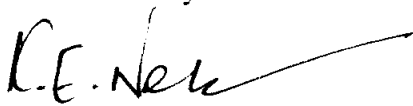
We enclose on behalf of our client, CSR Limited ("CSR"), an Exclusive Dealing Notification in relation to the sale of certain house and land packages in Woodcroft, New South Wales together with a cheque for \$1,000.


As set out in the enclosed notification, prospective purchasers of those house and land packages will deal almost exclusively with Mirvac Homes (NSW) Limited ("Mircvac"). Indeed, the house and land packages will be marketed expressly on the basis that purchasers will acquire their house or townhouse as part of a Mirvac development. However, as CSR currently owns the land on which that development will take place, it is a necessary component of the proposed arrangements that CSR will transfer its title in that land to each purchaser.

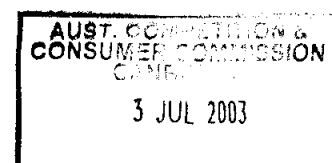
As detailed in the enclosed notification, CSR believes that the proposed arrangements will result in a number of public benefits and will promote competition in relation to the development of high quality residential properties. CSR also believes that the proposed arrangements will not give rise to any public detriment.

We have also provided a copy of this letter and the enclosed notification to Scott Gregson as we have briefly discussed this matter with him on a previous occasion. However, if you have any questions in relation to any of the matters raised in the enclosed notification, please do not hesitate to contact us.

Yours sincerely

pp   
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**FORM G**

**Regulation 9**

Commonwealth of Australia

*Trade Practices Act 1974 - sub-section 93(1)*

**EXCLUSIVE DEALING: NOTIFICATION**

To the Australian Competition & Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or proposed conduct of a kind referred to in sub-section 47(6) or (7) of that Act in which the person giving notice engaged or proposes to engage.

**1. (a) Name of person giving notice:**

CSR Limited (ABN 55 008 631 365).

**(b) Short description of business carried on by that person:**

CSR is one of Australia's leading manufacturing companies with operations throughout Australia, Asia and New Zealand. Through its three principal businesses, CSR is a leading supplier of building products and sugar and has an interest in the Tomago aluminium smelter. CSR also holds a number of properties that are no longer used for manufacturing and intends to redevelop those properties.

**(c) Address in Australia for service of documents on that person:**

C/- Dave Poddar  
Partner  
Mallesons Stephen Jaques  
Level 60, Governor Phillip Tower  
1 Farrer Place  
Sydney NSW 2000

**2. (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:**

CSR proposes to sell various unimproved parcels of land in Woodcroft, New South Wales. That land is currently comprised in folio identifier 1/861365 ("Land").

Mirvac Homes (NSW) Limited ("Mirvac") proposes to subdivide the Land on behalf of CSR, market the sale of individual lots and enter into contracts with purchasers for the construction and sale of residential dwellings on those lots which are unimproved at the time of sale. For those unimproved lots, CSR will also be a party to the contract, but only for the purpose of passing title to the purchasers on completion.

**(b) Description of the conduct or proposed conduct:**

CSR owns the Land. Mirvac will have the exclusive right to market the individual unimproved lots to purchasers as a Mirvac-developed house and land package.

The contracts of sale in relation to the unimproved lots will require purchasers to enter into a contract with Mirvac for the construction of a residential dwelling on that property. CSR will also be a party to the contract for sale for the purpose of passing title to the lot to the purchaser on completion.

The proposed conduct will be of benefit to the public because it will:

- make new land available in metropolitan Sydney for the construction of a high-quality residential development;
- enable purchasers to acquire individual house and land packages knowing that all other dwellings in the residential development will be designed and constructed to a similarly high standard of quality, thereby increasing long-term value for both those, and subsequent, purchasers;
- enable Mirvac to offer potential customers an increased range of services (including a complete house and land package), thereby decreasing transaction costs for purchasers (i.e., from a purchaser's perspective, Mirvac will do everything except transfer title to the subdivided land);
- facilitate the remediation and development of the Land; and
- facilitate the provision of approximately 15 hectares of environmentally sensitive land in metropolitan Sydney as public open space.

The proposed conduct will not lessen competition in the markets for the relevant products and services as:

- the property market in metropolitan Sydney is highly competitive and the Woodcroft development will compete with a vast range of alternative residential developments and dwellings. Accordingly, the proposed conduct will not limit the vast range of choices available to potential purchasers; and
- there is significant and effective competition between a large number of residential property developers in the metropolitan Sydney area.

The proposed conduct will promote competition in relation to the development of high quality residential properties by introducing greater competition and convenience for customers. It will also contribute to the intense price and non-price competition which already characterises that market.

The benefits from the proposed conduct will outweigh any possible detriment considered to arise from the proposed conduct.

**3. (a) Class or classes of persons to which the conduct relates:**

The general public.

**(b) Number of those persons -**

**(i) At present time:** Nil.

**(ii) Estimated within the next year:** The public generally (although CSR estimates that only around 240 parcels of unimproved land in Woodcroft will be marketed and sold in this way during the course of the entire development).

**(c) Where number of persons stated in item 3(b)(i) is less than 50, their names and addresses:**


Not applicable.

**4. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:**

Dave Poddar  
Partner  
Mallesons Stephen Jaques  
Level 60, Governor Phillip Tower  
1 Farrer Place  
Sydney NSW 2000

Dated 2 July 2003

Signed by/on behalf of the person giving this notice



**Dave Poddar**  
**Partner, Mallesons Stephen Jaques**

## DIRECTIONS

- 1 If there is insufficient space on this form for the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the person giving the notice.
- 2 If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
- 3 In item 1(b), describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
- 4 If particulars of a condition or of a reason of the type referred to in sub-section 47(2), (3), (4), (5), (6), (7), (8) or (9) of the *Trade Practices Act* 1974 have been reduced in whole or in part to writing, a copy of the writing is to be furnished with the notice.
- 5 In item 3(a), describe the nature of the business carried on by the persons referred to in that item.
- 6 In item 3(b)(ii), state an estimate of the highest number of persons with whom the person giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.

## NOTICE

If this notification is in respect of conduct of a kind referred to in sub-section 47(6) or (7) or paragraph 47(8)(c) or (9)(d) of the *Trade Practice Act* 1974 (“the Act”), it comes into force at the end of the period prescribed for the purposes of subsection 93(7A) of the Act (“the prescribed period”) unless the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, or this notification is withdrawn.

The prescribed period is 21 days (if this notification is given on or before 30 June 1996) or 14 days (if this notification is given after 30 June 1996), starting on the day when this notification is given.

If the Commission gives a notice under sub-section 93A(2) of the Act within the prescribed period, this notification will not come into force unless the Commission, after completing the procedures in section 93A of the Act, decides not to give a notice under subsection 93(3A) of the Act. The notification comes into force when that decision is made.

If this notification is in respect of conduct of a kind referred to in subsection 47(2), (3), (4) or (5), or paragraph 47(8)(a) or (b) or (9)(a), (b) or (c), of the Act, it comes into force when it is given.