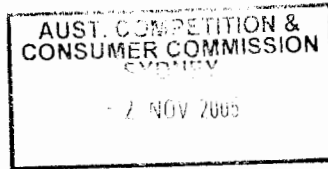


N31483



26 October 2005

Our Ref: LE/02509

Ph: 9841 8619  
Fax: 9841 8688

The Regional Director  
Australian Competition and Consumer Commission  
GPO Box 3645  
SYDNEY NSW 2001

Dear Sir/Madam

**Landcom and CPG Australia Pty Limited: Exclusive Dealing Notification**

Please find enclosed Exclusive Dealing Notification and application fee of \$1000.00.

Please contact Frances Wilmore on 9841 8619 if you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read "F Wilmore".

Frances Wilmore  
Manager Legal

encs

FILE No:
DOC:
MARS/PRISM:

## FORM G

COMMONWEALTH OF AUSTRALIA  
*Trade Practices Act 1974 – Subsection 93(1)***EXCLUSIVE DEALING:  
NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in subsection 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8) (a), (b), or (c) or 9(a), (b), (c) or (d), of that Act in which the person giving notice engages or proposes to engage.

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

Landcom ABN 79 268 260 688

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

Developing residential property in Little Bay, New South Wales ("**Little Bay Development**"). The Little Bay Development involves the development of residential housing estates and the marketing of house and land packages for residential purposes.

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

C/- Landcom  
Level 2  
330 Church Street  
Parramatta NSW 2150

Attention: Frances Wilmore  
Phone: (02) 9841 8600  
Fax: (02) 9841 8688

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

This notice relates to the sale of Land by Landcom in association with house packages, in respect of a parcel of land to be subdivided at Little Bay, New South Wales.

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

Landcom proposes to offer land to the public as part of a house and land package. The customer will acquire land from Landcom on condition that the customer acquires the building services directly from a third party, Clarendon Homes (NSW) Pty Limited, ACN 003 892 706.

The offer will be promoted by Little Bay Developments Pty Limited ACN 101 169 000, a company owned by Clarendon and Landcom.

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

The conduct relates to actual and potential house and land purchasers, purchasing land from Landcom in the Little Bay subdivision.

**(c) Number of those persons:**

(i) At the present time: Nil.

(ii) Estimated within the next year: 30

**(d) Where the number of persons stated in item 2(c)(i) is less than 50, their names and addresses:**

Not applicable.

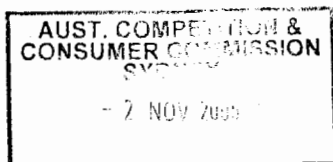
**3. Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:**

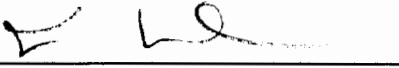
C/- Landcom  
Level 2  
330 Church Street  
Parramatta NSW 2150

Attention: Frances Wilmore  
Phone: (02) 9841 8600  
Fax: (02) 9841 8688

**DATED**

**SIGNED** on behalf of the applicant



  
\_\_\_\_\_  
Frances Wilmore  
Manager Legal

**SUBMISSION BY CLARENDON  
IN SUPPORT OF A NOTIFICATION UNDER SECTION 93(1)  
OF THE TRADE PRACTICES ACT 1974**

**1. Background**

- 1.1 Landcom wishes to sell land on a proposed land subdivision at Little Bay, New South Wales, on which is to be erected houses by a third party, Clarendon Homes (NSW) Pty Limited, ACN 003 892 706.
- 1.2 Purchasers will be required to enter into two separate contracts: a contract for the sale of land with Landcom and a building agreement with Clarendon. The sale of the land under the contract for sale of land will be conditional upon the purchaser entering into a building agreement for the purchase of building services.
- 1.3 The Little Bay subdivision is expected to comprise approximately 52 lots, to be developed over a period of 2 years. It is proposed that this offer be made available to the public from the end of 2005.

**2. Market**

- 2.1 The market in which the proposed conduct relates is the residential real estate market in the Sydney region.

**3. Analysis of the Conduct**

- 3.1 The conduct described in **Form G** is exclusive dealing within sections 47(6) and 47(7) of the *Trade Practices Act 1974* (Cth). Clarendon submits that there is no likely detriment to the public resulting from that conduct.
- 3.2 The proposed conduct does not have the effect of substantially lessening competition in the relevant market in that:
  - (a) the proposed Little Bay subdivision of 52 lots represents a small proportion of residential real estate available for development in the Sydney region;
  - (b) based on information supplied by the Urban Development Institute of Australia, approximately 25,000 lots will be released for residential development in the Sydney region over the next six years. This project represents less than 0.5% of that supply..
- 3.3 The proposed conduct offers significant benefits to purchasers in that:
  - (a) as Clarendon does not need to apply its resources in purchasing 52 lots, it can undertake a far larger project that would otherwise be the case, resulting in superior quality control in overall project imaging and better design co-ordination of individual houses on adjoining lots under a single Master Plan;