

Form G

Commonwealth of Australia
Trade Practices Act 1974 — subsection 93 (1)

NOTIFICATION OF EXCLUSIVE DEALING

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 subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice: N93262
(Refer to direction 2)
- Essential Property Developments Pty Ltd ACN 122 194 709 of Suite 7, 172
Scarborough Beach Road, Mount Hawthorn, Western Australia 6016
- (b) Short description of business carried on by that person:
(Refer to direction 3)
- Property Development: Construction of residential dwellings within a
survey scheme. (Dwellings to be constructed on land tenure in the form of
survey strata lots and common facilities and services to be constructed
within a common property lot.)
- (c) Address in Australia for service of documents on that person:
Suite 7, 172 Scarborough Beach Road, Mount Hawthorn, WA 6016

2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition
of which this notice relates:
- Construction of residential dwellings within a single survey strata scheme
and the sale of the land (survey strata lots) within the strata scheme. (See
Attached Planning Approval sketches.)
- (b) Description of the conduct or proposed conduct:
- Proposed Project: '**Lowanna Villas**' located at 97 Lowanna Way,
Armadale, Western Australia
- 'Lowanna Villas' consists of Twenty Four (24) House and Land Packages
to be constructed on a 'survey strata lot' strata scheme in accordance with a
Planning Approval granted by the City of Armadale on the 7th August 2007.
(See DA drawings attached.)

Description of the conduct or proposed conduct *continued...*

Sales Contract Format:

The House and Land Package will be sold in the following format:

The 'Sales Process' will be in two parts;

1. LAND PURCHASE CONTRACT

The Buyer will be required to execute a Contract for the Purchase of a land parcel in the form of a survey strata lot.

- a. When the new certificates of title are available for the survey strata lots the Buyer will be required to immediately settle the purchase of the land. Settlement will require the full payment of the balance of the Purchase Price for the land (survey strata lot)

2. BUILDING CONTRACT

The Buyer will be required to enter into a Building Contract to build a pre-designed dwelling on the survey strata lot. The Building Contract must be in place before the settlement of the purchase of the survey strata lot.

- a. All building contracts will be with a particular builder. There are various costs savings to the Buyers by having the one builder.
- b. The building contract will consist of two parts;
 - i. The contract to construct the dwelling
 - ii. The contract to construct the Buyer's share of the common property works and any related civil costs (Progress payments will be made directly to the builder.)
- c. The Buyer will negotiate directly with the builder in relation to minor design reconfigurations and finishes.

Negotiation Process:

The Buyer will be required to execute a contract for the purchase of their selected survey strata lot. The Buyer will also be required to give an undertaking that they will enter into a Building Contract with the builder. The Building Contract must be executed before settlement of the survey strata lot land purchase. The land settlement will require the Buyer to pay the balance of the Purchase Price for the survey strata lot. The Building Contract will require progress payments as required by the builder.

Construction Format:

The builder selected for the project is a well established and respected building and development company in Western Australia. An 'In Line' Project Management System will be used to construct all of the dwellings within Lowanna Villas. There are construction cost savings that flow on to

Description of the conduct or proposed conduct *continued...*

Buyers through the use of the builder's construction format. All of the 'Lowanna Villas' dwellings will be under construction virtually at the same time. The construction format will ensure that the overall project will be completed in the shortest possible time frame.

The project management format used by the builder will require that all proposed dwellings in the complex are sold and under building contracts before commencement of construction.

The construction process will also enhance investment security by having the project completed to the highest quality in the shortest time and at the lowest cost to Buyers.

(Refer to direction 4)

3. Persons, or classes of persons, affected or likely to be affected by the notified conduct

- (a) Class or classes of persons to which the conduct relates:
(Refer to direction 5)

Persons or corporations who will buy the survey strata lots as owner occupiers or as investors.

- (b) Number of those persons:

- (i) At present time:

Nil

- (ii) Estimated within the next year:
(Refer to direction 6)

Twenty Four (24)

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

Not Applicable

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

There will be no generic public benefit. There will be benefits to the limited number of buyers (24):

- i) The format will have potential construction cost savings that will flow on to the buyers

- ii) All building will be under construction simultaneously
- iii) No disruption to occupants whilst later construction occurs
- iv) All construction will be completed within the shortest possible time frame
- v) Purchaser security will be enhanced by having the overall project completed to the highest quality (within specifications) in the shortest time and at the lowest cost (within negotiable limits) to buyers.

(b) Facts and evidence relied upon in support of these claims:

The selected builder is nearing completion of a similar development on adjoining land and is now well ahead of the projected construction schedule.

It is considered a standard practice that projects of a similar nature (villa unit complexes) are far better constructed by a preselected building contractor.

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):
(Refer to direction 8)

A limited real estate property market involving one development project consisting of twenty four (24) residential dwellings and related common property. Other suppliers and contractors to the project will not be affected negatively. Suppliers and contractors to the project may very well be affected in a positive manner from a management perspective.

6. Public detriments

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets:
(Refer to direction 9)

There are no determinable detriments to the public.

- (b) Facts and evidence relevant to these detriments:

N/A

7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

CONTACT:

N McNally

Development Manager

Essential Property Developments Pty Ltd

Suite 7, 172 Scarborough Beach Road,

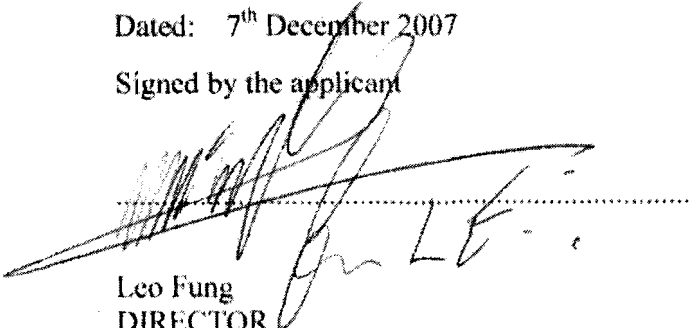
MOUNT HAWTHORN WA 6016

Phone: (08) 9242 3908 Mobile: 0401 864 187

Email: norm@australiandevelopments.com

Dated: 7th December 2007

Signed by the applicant

A large, stylized handwritten signature in black ink, appearing to read 'Leo Fung', is written over a horizontal dotted line. The signature is slanted and extends across the width of the line.

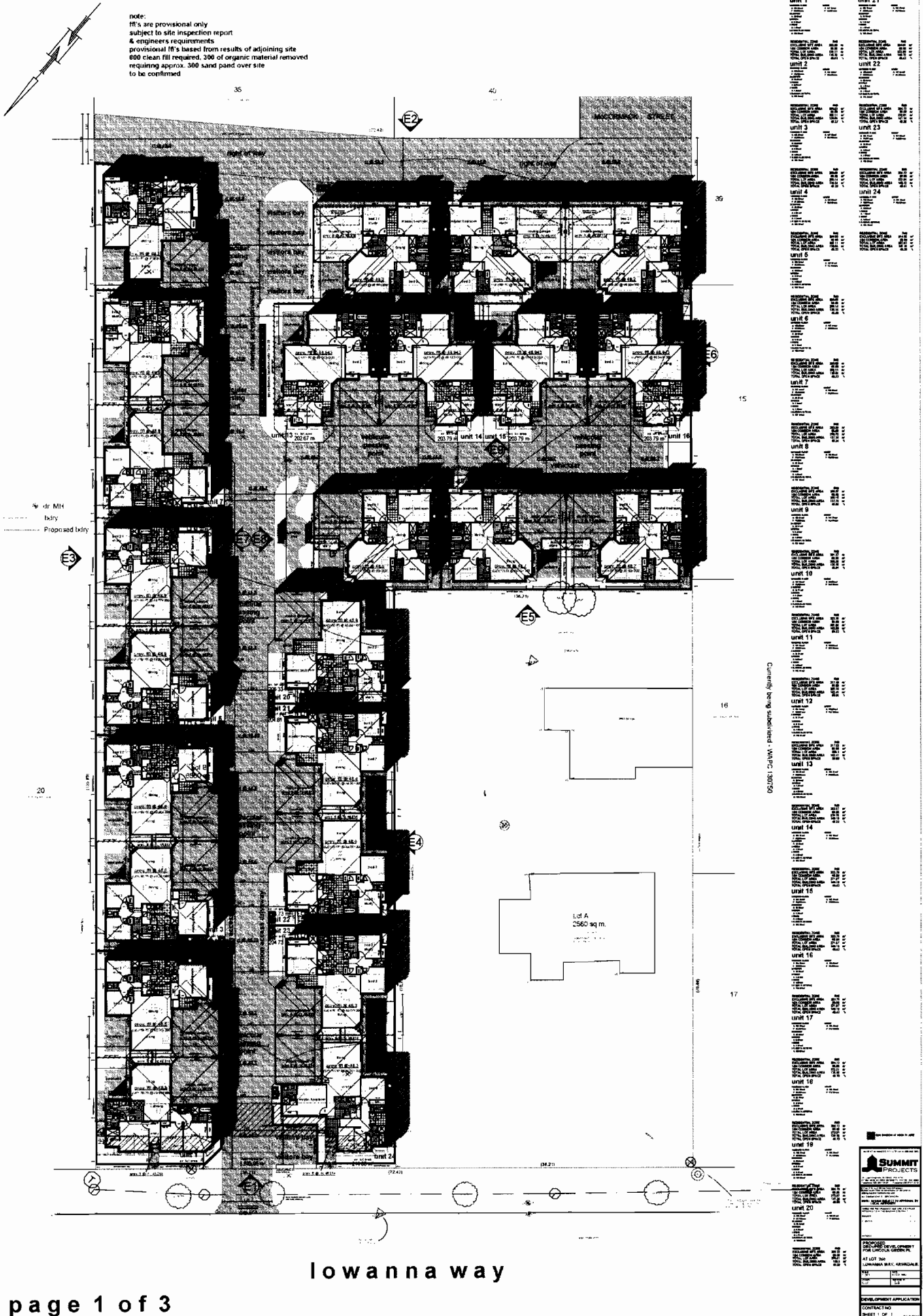
Leo Fung

DIRECTOR

ESSENTIAL PROPERTY DEVELOPMENTS PTY LTD

See Attachments: Three sketch plans for the 'Lowanna Villas' project.

note:
 fill's are provisional only
 subject to site inspection report
 & engineers requirements
 provisional fill's based from results of adjoining site
 600 clean fill required, 300 of organic material removed
 requiring approx. 300 sand paid over site
 to be confirmed



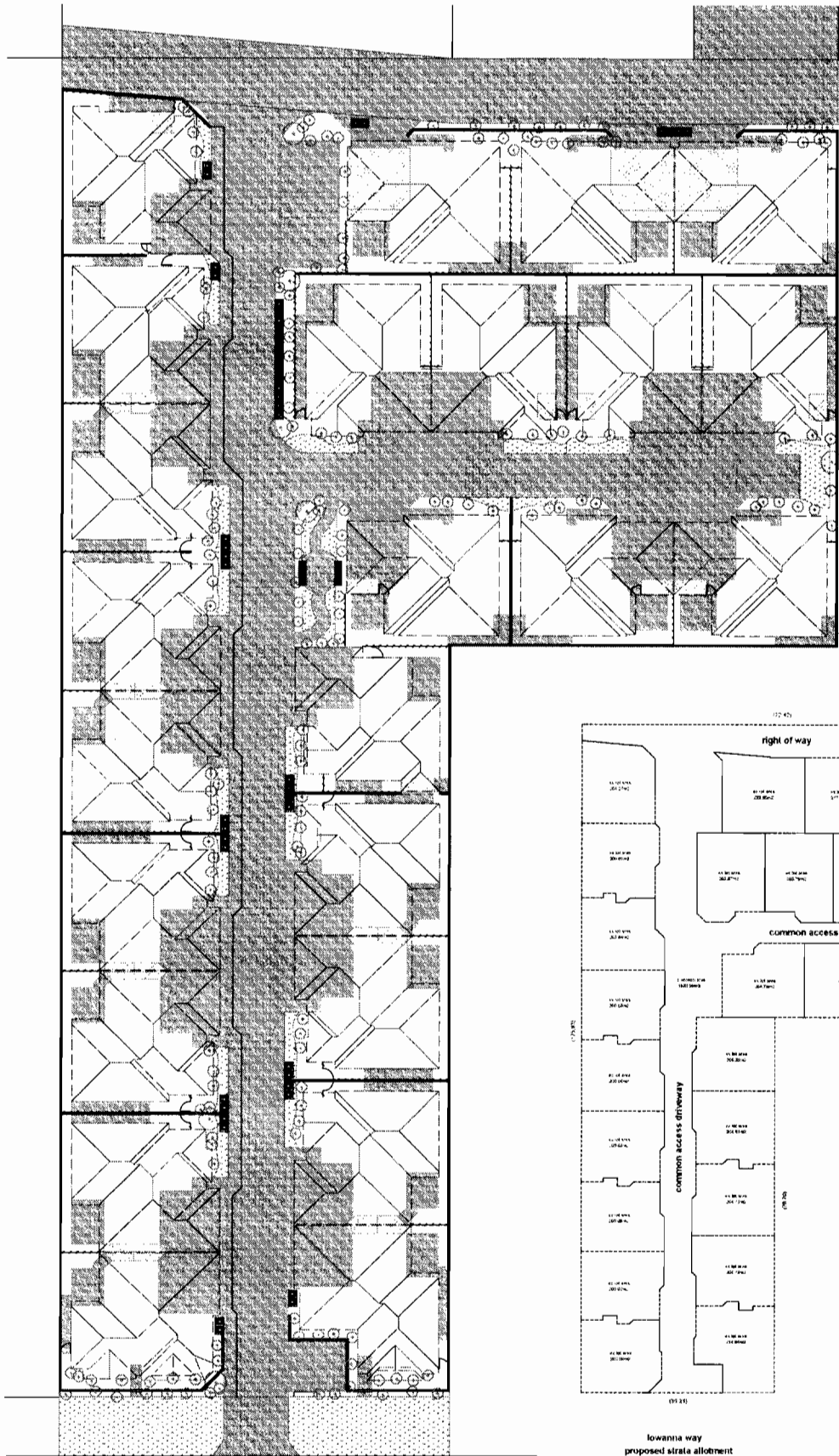
Unit	Area	Notes
unit 1	203.79 m ²	
unit 2	203.79 m ²	
unit 3	203.79 m ²	
unit 4	203.79 m ²	
unit 5	203.79 m ²	
unit 6	203.79 m ²	
unit 7	203.79 m ²	
unit 8	203.79 m ²	
unit 9	203.79 m ²	
unit 10	203.79 m ²	
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unit 92	203.79 m ²	
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unit 99	203.79 m ²	
unit 100	203.79 m ²	

Currently being subdivided - VANPC 138750

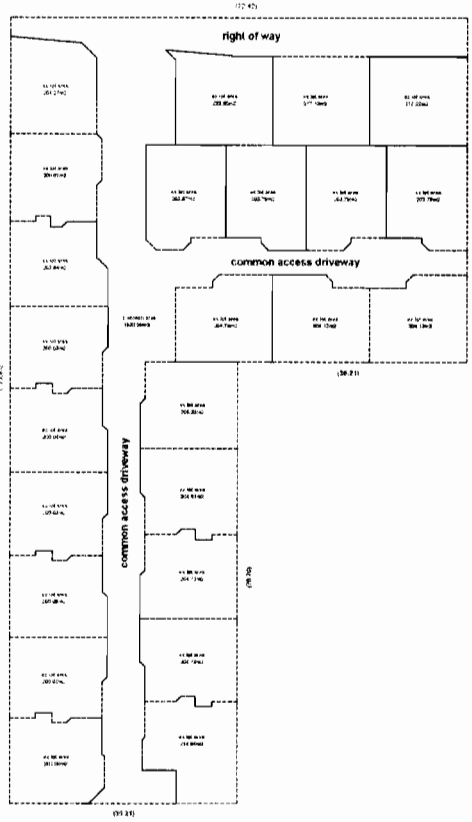
lowanna way

SUMMIT PROJECTS

DEVELOPMENT APPLICATION
 CONTRACT NO. 138750
 SHEET 1 OF 3



- LANDSCAPE LEGEND**
- Small Shrub** (indicated by a small circle with a cross)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'
- Medium Shrub** (indicated by a larger circle with a cross)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'
- Large Shrub** (indicated by a large circle with a cross)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'
- Tree** (indicated by a circle with a cross and a vertical line)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'
- Grass** (indicated by a stippled pattern)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'
- Water** (indicated by a wavy pattern)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'
- Other** (indicated by a solid black fill)
1. 10' x 10' x 10'
 2. 10' x 10' x 10'
 3. 10' x 10' x 10'
 4. 10' x 10' x 10'
 5. 10' x 10' x 10'
 6. 10' x 10' x 10'
 7. 10' x 10' x 10'
 8. 10' x 10' x 10'
 9. 10' x 10' x 10'
 10. 10' x 10' x 10'



lowanna way
proposed strata allotment
not to scale

lowanna way

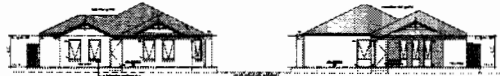
SUMMIT PROJECTS

10000 100th Ave SE, Suite 100
Bellevue, WA 98003
Phone: (206) 453-1000
Fax: (206) 453-1001
www.summitprojects.com

PROJECT: 10000 100th Ave SE
CLIENT: [REDACTED]
DATE: [REDACTED]

AT LOT 700
EDWARDS WAY, BELLEVUE, WA
10000 100th Ave SE
10000 100th Ave SE
10000 100th Ave SE

DEVELOPMENT APPLICATION
CONTRACT NO. [REDACTED]
SHEET 2 OF 3



front boundary elevation 1 - lowanna way - units 1 & 25



rear boundary elevation 2 - right of way - units 9, 10, 11, 12 & 13



side boundary elevation 3 - units 1, 2, 3, 4, 5, 6, 7, 8 & 9



side boundary elevation 4 - units 25, 24, 23, 22, 21



side boundary elevation 5 - units 20, 19 & 18



side boundary elevation 6 - units 18, 17 & 16



common drive elevation 7 - units 1, 2, 3, 4, 5, 6, 7, 8 & 9



common drive elevation 8 - units 19, 14, 20, 21, 22, 23, 24, 25



common drive elevation 9 - units 14, 15, 16, 17



common drive elevation 10 - units 18, 19, 20, 21

SUMMIT PROJECTS
 ARCHITECTURAL FIRM
 1000 S. UNIVERSITY AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1111
 FAX: 303.733.1112
 WWW: WWW.SUMMITPROJECTS.COM

PROPOSED FOR THE CITY OF DENVER
 1500 S. UNIVERSITY AVENUE, SUITE 100
 DENVER, CO 80202

BY: [Signature]
 DATE: 10/15/10

CONTRACT NO. 10-0010-0001
 SHEET 3 OF 3