

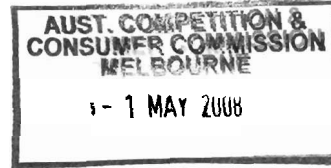
Our reference
SCK/MS/MIRV11194-9044892/1

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1 May 2008



By hand delivery

Mr Scott Gregson
General Manager - Adjudication Branch
Australian Competition and Consumer
Commission
Level 35, The Tower
360 Elizabeth Street
Melbourne Central
MELBOURNE VIC 3000

Contact
Mark Steogen (03) 9672 3473

Partner
Stephen Kroker (03) 9672 3494
Email: stephen.kroker@corrs.com.au

Dear Mr Gregson

FILE No.	
ENTITY	
DMAN	

Mirvac (Docklands) Pty Limited

We act for Mirvac (Docklands) Pty Limited and **attach** on behalf of our client:

- Notification in accordance with section 93(1) of the Trade Practices Act 1974; and
- cheque for \$100 in payment of the applicable statutory lodgement fee.

If you have any queries, please contact Mark Steogen on (03) 9672 3473.

Yours sincerely

Stephen Kroker
Partner

attachments

Form G Notification of exclusive dealing
(regulation 71)

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:
(Refer to direction 2)

Mirvac (Docklands) Pty Limited ABN 30 080 378 641 (**Mirvac Docklands**) N93404

Mirvac Docklands is a subsidiary of the ultimate holding company Mirvac Limited ABN 92 003 280 699.

- (b) Short description of business carried on by that person:
(Refer to direction 3)

Mirvac Docklands is in the business of developing and selling residential dwellings at the development known as Yarra's Edge Docklands Melbourne (**Yarra's Edge**).

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

c/-Corrs Chambers Westgarth
600 Bourke Street
MELBOURNE VIC 3000
Reference: Stephen Kroker

2 Notified arrangement

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

- The supply of medium density residential dwellings by Mirvac Docklands.
- The acquisition of a leasehold interest in a marina berth from VicUrban.

- (b) Description of the conduct or proposed conduct:
(Refer to direction 4)

Mirvac Docklands proposes to:

- supply and offer to supply medium density residential dwellings at Yarra's Edge on the condition that the purchaser will enter into a marina berth lease with VicUrban to acquire a leasehold interest in a marina berth; and/or
- refuse to supply medium density residential dwellings at Yarra's Edge for the reason that the purchaser has not entered into, or agreed to enter into, a marina berth lease with VicUrban to acquire a leasehold interest in a marina berth.

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)
- (i) Potential purchasers of medium density residential dwellings from Mirvac Docklands at Yarra's Edge.
- (b) **Number of those persons:**
- (i) At present time: A maximum of 82 (Mircvac Docklands intends to supply a maximum of 82 medium density residential dwellings at Yarra's Edge).
- (ii) Estimated within the next year:
(Refer to direction 6)
- The estimated maximum number of potential purchasers who will buy the medium density residential dwellings next year will largely be determined by customer demand but cannot exceed 82.
- (c) **Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:**
- Not applicable.

Public benefit claims

- (a) **Arguments in support of notification:**
(Refer to direction 7)
- Mircvac considers that the proposed conduct will enable it to offer a distinctive product to the market, which will in turn:
- provide buyers with additional choice;
 - increase competition in the market; and
 - be convenient for buyers as they will be able to obtain a residential dwelling and marina berth in the one transaction.

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 (for example geographic or legal restrictions):
(Refer to direction 8)

Mirvac Docklands submits that the medium density residential dwellings are supplied in:

- the market for the supply of residential dwellings in the geographical area encompassing the commercial business district and metropolitan areas of Melbourne; or
- the market for the supply of medium density residential dwellings in the geographical area encompassing the commercial business district and metropolitan areas of Melbourne.

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)

Mirvac is not aware of any detriments that are likely to flow from the proposed conduct.

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

Not applicable.

7 Further information

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

Stephen Kroker
Partner
CORRS CHAMBERS WESTGARTH
600 Bourke Street
MELBOURNE VIC 3000

Dated 1 May 2008

Signed by/on behalf of the applicant



(Signature)

Stephen Kroker

(Full Name)

Corrs Chambers Westgarth

(Organisation)

Partner

(Position in Organisation)



DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

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. 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 section 47 of the *Trade Practices Act 1974* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.