



**Australian
Competition &
Consumer
Commission**

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28 March 2011

Faryar Gorjy
Director
Yaran Pty Ltd
19 Lyall St
South Perth WA 6151

Dear Mr Gorjy

Third line forcing notifications lodged by Durango 410 Pty Ltd (N95319), Durango 411 Pty Ltd (N95307) Millbrook 320 Pty Ltd (N95322) and Price Parkway 365 Pty Ltd (N95323)

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) by Durango 410 Pty Ltd on 16 March 2011, Durango 411 Pty Ltd on 3 March 2011 and by Millbrook 320 Pty Ltd and Price Parkway 365 Pty Ltd on 18 March 2011 (the applicants). These notifications have been placed on the ACCC's public register.

The conduct proposed by these notifications is as follows:

- Durango 410 Pty Ltd (Durango 410) proposes to offer lots in Aubin Grove (a suburb of Perth) to the public for sale as part of a house and land package. The purchaser will acquire land by way of a contract for sale from Durango 410 on condition that the purchaser enters into a contract for the supply of building services directly from a builder nominated by Durango 410. Legal immunity conferred by this notification will commence on 30 March 2011.
- Durango 411 Pty Ltd (Durango 411) proposes to offer lots in Aubin Grove to the public for sale as part of a house and land package. The purchaser will acquire the land by way of a contract for sale from Durango 411 on condition that the purchaser enters into a contract for the supply of building services directly from a builder to be nominated by Durango 411. Legal immunity conferred by this notification commenced on 17 March 2011.
- Millbrook 320 Pty Ltd (Millbrook 320) proposes to offer 17 lots in Bertram (a suburb of Perth) as part of a house and land package. The purchaser will acquire land by way of a contract of sale from Millbrook 320 on condition that the purchaser enters into a contract for the supply of building services directly from

a builder nominated by Millbrook 320. Legal immunity conferred by this notification will commence on 1 April 2011.

- Price Parkway 365 Pty Ltd (Price Parkway 365) proposes to offer 16 lots in Bertam to the public for sale as part of a house and land package. The purchaser will acquire land by way of contract for sale from Price Parkway 365 on condition that the purchaser enters into a contract for the supply of building services directly from a builder nominated by Price Parkway 365. Legal immunity conferred by this notification will commence on 1 April 2011.

On the basis of the information that you have provided, it is not intended that further action be taken in these matters at this stage.

This assessment has been made on the basis that the applicants will make prospective purchasers fully aware of the need to enter a contact with a nominated builder for construction of a house on a lot, prior to the prospective purchaser entering a contract for purchase of that lot.

As with any notification, please note that the ACCC may act to remove the immunity afforded by any of these notifications at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Gareth Jamieson on (02) 6243 4980.

Yours sincerely



J Dr Richard Chadwick
General Manager
Adjudication Branch