

ACCC

31 AUG 2012

PERTH

Thursday, 9 August 2012

ACCC  
PO Box 6381  
EAST PERTH WA 6892

Dear Sir / Madam,

**RE: NOTIFICATIONS TO ACCC**

Please be advised that we consent to Mr Ross Mackinnon of the Homebuyers Centre to act on behalf of Satterley Property Group in regard to the matter above.

Yours Sincerely,



Sales Administration Manager  
Satterley Property Group

# 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)

N96127

Satterley Property Group Pty Ltd

14 Walters Drive Osborne Park WA 6017

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

Land Developer who sells land.

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

Care off PO Box 1444, Osborne Park WA 6916

### 2. Notified arrangement

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

House and Land Packages

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

Satterley will sell land to the client on condition that the client enters into a building contract with the Homebuyers Centre. This affects 18 lots in Carmathen Avenue Butler.

(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)

- People intending to purchase homes in Carmathen Avenue Butler
- Other home builders that provide House and Land packages.

- (b) Number of those persons:
- (i) At present time:  
Approximately 18 people and approximately 3 home builders.
- (ii) Estimated within the next year:  
*(Refer to direction 6)*  
Approximately 18 people and approximately 3 home builders.
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:  
Not yet known.

**4. Public benefit claims**

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

By providing a choice of home builders that can build in Carmathen Avenue Butler, the future residents (and a proportion of the persons affected at question 3 above) are reassured:

- That all houses built are by a quality builder.
- That their neighbours are building with the same builder and the builder takes an outcome based approach in designing an attractive streetscape with no elevations looking the same.
- That the builders they can choose from know the planning and building requirements of the local authority and as such are less likely to be held up by approvals.

The general locality is also improved as the buildings have been purpose designed for the Estate and will provide a well-designed and presentable streetscape.

Lastly – Satterley Property Group have other blocks of land on the streets in question where people can purchase and build with other builders.

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

- The stated home builder has been in the industry for 20 years and has amassed a number of major industry awards from building industry bodies such as the Housing Industry Association and the Master Builders Association and as such can be judged to be reputable and quality builder.

- Given there are only a certain number of builders any purchaser of a house and land package can choose from assures that purchaser of the quality of builder that a neighbour will build with.

## 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)

- Residential housing market in Butler and surrounding areas
- House and land packages are generally provided in new residential estates as such there are numerous locations where affected persons can go without having to build with the stated home builder.
- Likewise, other builders are not affected as there other opportunities for their houses to be built in residential estates including house and land packages in the locality of Butler and the particular streets in question and surrounding areas.

## 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 is no perceived detriment as there are other options for the public to purchase a house and land package within the locality of Butler and the particular streets in question and surrounding suburbs.
- Given there is healthy competition in the house and land market and there is land available in the locality, the price of the house and land packages needs to be comparable to similar house and land packages offered by competitors – therefore no impact/ detriment to the public with regard to price.

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

It is accepted the house and land package market in Western Australia is very competitive and therefore the provision of 18 single residential lots to one builder (as proposed) does not present a significant, if any impact to the public or competitors.

Valuation by banks ensures no over pricing.

**7. Further information**

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

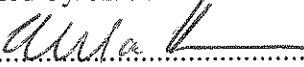
Ross MacKinnon, Project Manager, Homebuyers Centre Pty Ltd

PO Box 1444, Osborne Park WA 6916,

9240 1111

Dated 30/8/12

Signed by/on behalf of the applicant

  
.....  
(Signature)

Ross MacKinnon  
(Full Name)

Homebuyers Centre  
(Organisation)

Manager  
(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 the 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.