



**Australian
Competition &
Consumer
Commission**

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Our Ref: TRACKIT 49702
Contact Officer: Gina D'Ettorre
Contact Number: 03 9290 1483

18 September 2012

Mr Ben Gorjy
Project Manager
Yaran Pty Ltd
19 Lyall St
SOUTH PERTH WA 5151

Dear Mr Gorjy

Third line forcing notifications N96142 lodged by Positano 1 Pty Ltd & N96143 lodged by Southwell 25 Pty Ltd

I refer to the above third line forcing notifications lodged by the Yaran Property Group on behalf of Positano 1 Pty Ltd as trustee for Positano 1 Trust and Southwell 25 Pty Ltd as trustee for Southwell 25 Trust. I note that you confirmed with Gina D'Ettorre of this office on 18 September 2012, that Positano and Southwell are part of the Yaran Property Group of companies.

The lodgement date for the notifications is 13 September 2012, the date that the Australian Competition and Consumer Commission received payment for the notifications.

The notifications have been placed on the ACCC's public register.

Positano 1 Pty Ltd as trustee for the Positano 1 Trust proposes to offer for sale 12 lots located in Yangebup, Western Australia, to purchasers on condition that they enter into a contract for the supply of building services from a builder nominated by Positano 1.

Southwell 25 Pty Ltd as Trustee for the Southwell 25 Trust proposes to offer for sale lots located at 25 Southwell Crescent, Hamilton Hill, Western Australia, to purchasers on condition that they enter into contract for the supply of building services with a builder nominated by Southwell 25.

Legal immunity conferred by the notifications will commence on 27 September 2012.

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

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification 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.

This assessment has been made on the basis that the Yaran Property Group, Positano and Southwell will disclose all relevant terms and conditions to prospective customers.

I would note that while the notifications substantially complied with the requirements of the *Competition and Consumer Act 2010*, these notifications were lodged on an old Form G. New Form G's (which reflect the change in name of the Act – previously the *Trade Practices Act 1974*) are available from the ACCC's website at <http://www.accc.gov.au/content/index.phtml/itemId/776328>.

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 Gina D'Ettorre on 03 9290 1483.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick', with a long horizontal stroke extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch