

FILE No:
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MARS/PRISM:

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www.cedarwoods.com.au  
ABN 47 009 259 081 ACN 009 259 081

27 September 2012

Public Register Officer  
Australian Competition and Consumer Commission  
GPO Box 3131  
Canberra ACT 2601

Dear Sir/Madam,

**GALAWAY HOLDINGS PTY LTD – WILLIAMS LANDING  
EXCLUSIVE DEALING NOTIFICATION**

We enclose the following for your attention:

1. Form G – Exclusive Dealing notification and supporting brief and subdivision staging plan.
2. A cheque for \$100.00 payable to the Australian Competition and Consumer Commission, being the notification fee pertinent to the above.

Please provide confirmation that the notification has been received by your office and provide a receipt for payment in due course.

If you have any queries pertinent to the notification, please contact the undersigned at your earliest convenience on (03) 9869 4812 or via email at [jaryd.collins@cedarwoods.com.au](mailto:jaryd.collins@cedarwoods.com.au).

Yours faithfully,



Jaryd Collins  
Assistant Development Manager  
GALAWAY HOLDINGS PTY LTD



# Form G

Commonwealth of Australia  
*Competition and Consumer Act 2010 — 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)

N96187 Galaway Holdings Pty Ltd (ACN 078 663 993) of Ground Floor, 50 Colin Street, West Perth WA 6872 (**Galaway**)

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

Galaway is the registered proprietor of land in Williams Landing, Victoria where it subdivides land for the provision of a residential housing estate. Galaway also engages in the marketing and sale of residential housing product, including house and land packages

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

Galaway Holdings Pty Ltd  
PO Box 7350, St. Kilda Road  
MELBOURNE VIC 8004

## 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 55 subdivided terrace lots of residential land, including the marketing and selling thereof at Williams Landing, constitutes the goods and services which are the subject of this notice.

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

Galaway proposes to supply a limited number of developed residential lots to purchasers contingent on such purchasers concurrently entering into an industry standard domestic building contract with a registered builder in accordance with the *Domestic Building Contracts Act 1995 (Vic)* and who

is nominated by Galaway, for the supply of construction services relating to a dwelling design approved by Galaway.

The construction contract will be entered into independently of the Contract of Sale executed by Galaway (as Vendor) and the purchaser, for the supply of the lot. Galaway proposes to refuse supply of a residential lot, for which this condition relates, to any purchaser who does not agree to be bound to the above.

*(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)*

Purchasers of the lots affected by this condition as referred above.

- (b) Number of those persons:

- (i) At present time:

0

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

55

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

Not Applicable. Purchasers have not been identified.

#### 4. Public benefit claims

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

Resulting from the application of the above conditions, Galaway will be able to achieve the following to benefit purchasers of the specified lots:

1. Consistency and quality of dwelling design, appearance and streetscape, providing for a desirable localised neighbourhood environment and enables the purchaser greater opportunity to realise a capital gain.
2. Certainty of outcome, both quality and expediency of building construction through the nomination of a reputable builder who has a solid working relationship with Galaway.
3. Galaway will predetermine dwelling design in consultation with the nominated builder to ensure that each dwelling is positioned on each lot to attain cost effective and sustainable uses of the land.
4. Net cost benefit to purchasers, including but not limited to the following
  - 4.1. Detached product will be packaged as a house and land offering, which by its nature, is able to achieve cost benefits through an integrated selling process providing for reduced marketing costs for the Vendor and the nominated builder;
  - 4.2. Attached terrace product will be constructed on smaller lot dimensions producing cost benefits over land value; and
  - 4.3. Construction will be undertaken by the nominated builder on a volume basis producing economies of scale and construction efficiencies which would not be ordinarily available to a purchaser of a standard residential lot arrangement.

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

Addressed above in section 4 (a)

#### 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)

Williams Landing is master-planned property development situated within the municipality of Wyndham Council and has been encompassed with a Priority Development Zone, thus being a site of State strategic importance. The Wyndham municipality is one of the fastest growing regions in Australia and contains numerous new land estates and various opportunities

for purchasers to acquire vacant residential land, or land with a newly constructed dwelling at a range of price points.

**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)*

1. Purchasers of the limited specified lots, in Williams Landing only, will not have a choice of builder or dwelling design on each of these particular lots. The negative effect of this facet is neutralised by the design and net cost benefits which are obtained by the purchaser, as aforementioned above.
2. The proposed conduct will produce a perceived constraint (over specified lots only) on free market competition with regard to rival builders operating in the same market and region of Melbourne. However this will be offset by the continued future supply of residential lots in Williams Landing, approximately 2,500 in total (~940 sold to date), for which competing builders have the opportunity to supply construction services over, in addition to equivalent opportunities available in neighbouring developments.

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

Addressed above in section 6(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:

Mr. Ray Kearns

Development Manager

Galaway Holdings Pty Ltd

P.O. Box 7350, St. Kilda Road

MELBOURNE VIC 8004

Dated... 10 OCTOBER 2012 .....

Signed by/on behalf of the applicant

 .....

(Signature)

**RAY KEARNS**

(Full Name)

**GALAWAY HOLDINGS PTY LTD**

(Organisation)

**DEVELOPMENT MANAGER + POWER OF ATTORNEY**

(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.

Note: Exact distribution of Terrace lots across Medium Density sites still to be finalised. Total maximum of 55 medium density 'Attached Terrace Allotments' in total.



WILLIAMS LANDING

REF: 6208



# STAGING PLAN

BREESE PITT DIXON - CIVIL ENGINEERS LAND SURVEYORS TOWN PLANNERS URBAN DESIGNERS  
 1/19 CATO ST HAWTHORN EAST, VICTORIA, 3123. PH (03) 8823 2300 FAX (03) 8823 2310 www.bpd.com.au  
 PREPARED UNDER A QUALITY SYSTEM CERTIFIED AS COMPLYING WITH ISO 9001 BY AN ACCREDITED CERTIFICATION BODY.

## INDICATIVE DESIGN STATISTICS

LOT AREAS	NO. LOTS	LOTS %	FURTHER DESIGN STATISTICS
300 - 399m <sup>2</sup>	49	8.6%	49 LOTS @ 14 x 28 8.6%
400 - 449m <sup>2</sup>	129	22.7%	62 LOTS @ 16 x 28 10.9%
450 - 499m <sup>2</sup>	189	33.3%	93 LOTS @ 12.5 x 32 16.4%
500 - 549m <sup>2</sup>	179	31.5%	162 LOTS @ 14 x 32 28.5%
550 - 599m <sup>2</sup>	10	1.8%	202 LOTS @ 16 x 32 35.6%
600m <sup>2</sup> +	12	2.1%	
TOTAL *	568	100%	

AVERAGE LOT SIZE (EXCL. MED DENSITY SITES) = 461m<sup>2</sup>  
 \* EXCLUDES SUPERLOTS AS MEDIUM DENSITY SITES  
 INDICATIVE NO. OF MEDIUM DENSITY LOTS = 48  
 TOTAL LOTS (Including medium density sites) = 616

TOTAL SITE AREA: 52.51ha  
 ENCUMBERED LAND: 3.26ha  
 - Wetland reserve: 0.45ha  
 - Arterial road widening: 2.81ha

GROSS DEVELOPABLE AREA: 49.25ha  
 PUBLIC OPENSAPCE: 9.17ha  
 - Central Green Res: 0.17ha  
 - Northern/Kingswell Res: 9.005ha  
 NET DEVELOPABLE AREA: 40.08ha  
 - Road Reserves (internal): 11.81ha  
 - Mixed Use: 0.484ha  
 - Net Residential area: 27.67ha

RESIDENTIAL YIELD: 15.37 Lots / ha  
 - Inclusive of medium density lots

## NOTES

ALL LOTS WILL BE ABLE TO ACCOMMODATE A BUILDING FOOTPRINT OF 10m x 15m.  
 SURROUNDING CADASTRAL TITLE BOUNDARIES ARE DERIVED FROM VICMAP DIGITAL DATA.  
 ANY PROPOSED DEVELOPMENT IS SUBJECT TO APPROVAL BY THE RESPONSIBLE AUTHORITY.  
 PROPOSED LOT BOUNDARIES AND AREAS SHOWN HEREON ARE SUBJECT TO FINAL SITE SURVEY.  
 THIS PLAN IS PRODUCED FOR YIELD AND COSTING ONLY AND MAY CHANGE AS A RESULT OF FURTHER CONSULTATION WITH THE RESPONSIBLE AUTHORITY.

## REVISIONS

NO	DATE	REVISION	BY	CHK
10	18.8.12	REGIONAL RESERVE ADDED TO STAGE K8	SPC	SPC
9	11.8.12	STAGE K5 AND K9 BOUNDARY ALTERED	LW	SPC
8	10.12.10	ST. 3, 4, 5, 6, 7, 8 & 9 BOUNDARIES UPDATED	NO	SPC
7	10.12.10	STAGE 3 BOUNDARY UPDATED	JE	SPC
6	05.11.10	STAGES 1, 1A, 2, 3, 4 AND 5 UPDATED	SPC	AT
5	05.11.10	STAGES 1, 1A, 2 AND 5 UPDATED	SPC	AT
4	19.10.10	STAGE BETWEEN 1, 1A AND 2 UPDATED	SPC	AT
3	15.09.10	UPDATE STAGING	SPC	SPC
2	25.08.10	UPDATE OF LOT MIX	JE	SPC
1	15.12.08	ORIGINAL DRAWING	DV	SPC
VER	DATE	COMMENTS		CKD APP

SCALE 1 : 1500 @ A1