



Your Ref:
Our Ref: GM2102105
Contact: Kanchana Dissanayaka
Email: kanchanad@cwslawyers.com

ACCC
26 AUG 2013
PERTH

23 August 2013

Australian Competition and Consumer
PO Box 6381
East Perth WA 6892

Dear Sir/Madam

EXCLUSIVE DEALING NOTIFICATION

We act on behalf of Lental Pty Ltd ACN 008 988 896.

Please find enclosed Exclusive Dealing Notification a cheque in the sum of \$100.00, being the application fee.

If you have any queries, please do not hesitate to contact our office.

Yours faithfully

A handwritten signature in blue ink, appearing to be 'Kanchana'.

CWS Lawyers
Per

Enc

T: 08 6210 7070 F: 08 9221 2264
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LEVEL 3, 45 ST GEORGES TERRACE PERTH 6000
PO BOX Z5084 PERTH ST GEORGES TERRACE WA 6831
Clark Salmon Pty Ltd ATF The One Stop Settlements Trust ABN 17 950 079 692 ACN 115 875 870

NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, 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.

1. Applicant

(a) Name of person giving notice:

N96930

Lental Pty Ltd ACN 008 988 896

(b) Short description of business carried on by that person:

Residential Land and Development.
House and Land Packages

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

C/o
CWS Lawyers
Level 3
45 St Georges Terrace
PERTH WA 6000

2. Notified arrangement

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

- Sale of vacant subdivided land for residential use within the area of land known as:
 - 1 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 52 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/351;
 - 3 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 53 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/352;

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- 5 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 54 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/353;
- 7 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 55 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/354;
- 9 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 56 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/355;
- 11 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 57 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/356;
- 13 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 58 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/357; and
- 15 Milyarm Rise, Swanbourne, Western Australia being more particularly known as Lot 59 on Deposited Plan 55208 being the whole of the land contained in Certificate of Title Volume 2672/358.

(together known as "the Land").

- Residential building and/or construction services.

(b) Description of the conduct or proposed conduct:

- The Applicant requires all purchasers of Lots within the Land in the Swanbourne Development by Lental Pty Ltd to execute a building contract with Coastview Australia Pty Ltd as trustee for Coastview Building Trust ABN 32 929 814 921 ("the Builder") contemporaneous with execution of the contract for sale of each of the Lots ("the Building Contract").

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:

Purchasers of subdivided vacant residential land

(b) Number of those persons:

(i) At present time:

Nil

(ii) Estimated within the next year:

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It is anticipated that all 8 lots will be sold subject to the Building Contract.

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

Unknown (at this stage)

4. Public benefit claims

- (a) Arguments in support of notification:

See Annexure A

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

See Annexure 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):

In broad terms, the proposed conduct will occur in:

- the market for the supply and acquisition of luxury residential 'house and land' packages in Perth, Western Australia; and
- the market for the supply and acquisition of residential and/or construction services in Perth, Western Australia.

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The relevant markets are highly competitive. There are a large number of suppliers and low barriers to entry.

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:

See Annexure A

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

See Annexure 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:

CWS Lawyers
Level 3
45 St Georges Terrace
PERTH WA 6000

T: (08) 6210 7000

Dated 19 / 8 / 2013

Signed by the Applicants

Elizabeth A. Allen
(Signature)

Elizabeth Ann ALLEN
(Full Name)

EWK LENTAL PTY LTD
(Organisation)

DIRECTOR
(Position in Organisation)

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T Allen
(Signature)

TERENCE ALLEN
(Full Name)

LENTAL PTY LTD
(Organisation)

DIRECTOR
(Position in Organisation)

(Signature)

(Full Name)

(Organisation)

(Position in Organisation)

Annexure "A"

Public benefit Claims

Arguments in support of notification and facts and evidence relied upon in support of these claims:

Swanbourne Development comprises 8 freehold title lots within an area in the range of 200sqm. The residential lots are elevated with 8m frontages and generous 12m maximum building heights. The Lots are situated in prestigious location delivering high amenity and the benefit from economies of scale. Swanbourne intends to provide a style of housing that is low maintenance and equally impressive internally and externally. Each dwelling will feature luxurious fitting throughout, cleverly designed living areas that will direct the buyer's towards the City views. Spacious interiors and the Master suits will open onto private balconies that will provide an impressive vista and choice of alfresco areas. Using unique blend of form, function and style this will exquisite home will afford its occupants an enviable lifestyle being conveniently located to all amities.

The Applicants believe that the benefits and efficiencies likely to result from the proposed conduct include:

- saving buyer's time and cost in searching for an appropriate Builder. Due to the number of lots on which a unit will be built, the Applicant has been able to negotiate better prices for the cost of construction of units. The Builder will benefit because of the economies of scale which will reduce the cost of construction. As a result each buyer will benefit from lower building costs.
- the development will provide significant benefits for buyers, as it will create a cohesive and attractive development where buyers can rely on the aesthetics and design controls within the development. This will lead to affordable quality homes being constructed.
- enabling sole builder to offer high value building products to potential buyer's due to the savings it will make by committing significant resources to the project, thereby reducing its input, material and labour costs, and being able to transfer these benefits to the buyer's.
- allowing buyer's to have the services of a reputable Builder who will have expertise and detailed knowledge in building and design.
- ensuring the quality of construction and thereby improving the quality of the development and dwelling design. Each lot will be developed using an architectural style that is complimentary to the architectural style of each other Lot in the Development.
- providing a convenient and prestigious location and enabling buyer's greater opportunity to seek to improve or increase the return on their investment.

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Public detriments

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 and facts and evidence relevant to these detriments:

It is likely that no detriment will flow to the public associated with the proposed conduct.

The requirement to use a nominated builder is unlikely to adversely affect the price of house and land packages due to the economies of scale.

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