



**Australian
Competition &
Consumer
Commission**

Our Ref: 52759
Contact Officer: John Rouw
Contact Number: 03 9290 1402

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Canberra ACT 2601

14 November 2013

23 Marcus Clarke Street
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Wayne Burns
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Dear Mr Burns

Third line forcing notifications N97084 and N97093 lodged by Tamala Park Regional Council

I refer to the above third line forcing notifications lodged with the Australian Competition and Consumer Commission (the ACCC) on 8 November 2013. The notifications have been placed on the ACCC's public register.

N97084 – Tamala Park Regional Council, which is developing the Catalina residential estate north-west of Perth, will run a public tender for builders to construct houses in the development. It proposes to offer house-and-land packages to buyers on condition that the buyers enter into a building contract with one of the appointed builders.

N97093 – Tamala Park Regional Council proposes to include a condition that the successful builder must participate in the Catalina Waste Management Program - that is, required to contract with Instant Waste Management to use its recycling bins and facility.

The above notifications will apply to up to 88 of 278 proposed lots in Stages 9 to 13 of the development.

Legal protection conferred by the notifications will commence on 22 November 2013.

On the basis of the information that 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 legal protection provided by the 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.

This assessment has been made on the basis that Tamala Park Regional Council, the builders and, separately, Instant Waste Management will disclose all relevant terms and conditions to prospective customers.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss this matter, please contact John Rouw on 03 9290 1402.

Yours sincerely

A handwritten signature in grey ink, appearing to read 'Baethan Mullen', written in a cursive style.

Baethan Mullen
Acting General Manager
Adjudication Branch