

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 *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.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) **Name of person giving notice:**
(Refer to direction 2)

N97745

Wandi Anketell Holdings Pty Ltd (ABN 23 496 113 475)

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

Acquisition, development and sale of land.

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

18 Bowman Street
 South Perth WA 6151 (PO Box 410 South Perth WA 6951)

2. Notified arrangement

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

See Annexure A attached.

- (b) **Description of the conduct or proposed conduct:**
(Refer to direction 4)

See Annexure A attached.**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)

See Annexure A attached

- (b) Number of those persons:
 - (i) Not known
 - (ii) Estimated within the next year:
(Refer to direction 6)

Not known
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable

4. Public benefit claims

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

See Annexure A attached
- (b) **Facts and evidence relied upon in support of these claims:**

See Annexure A attached

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)

See Annexure A attached

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)

See Annexure A attached
- (b) **Facts and evidence relevant to these detriments:**

See Annexure A attached

7. Further information

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

Simon Flesher
Sales Operations Manager
Satterley Property Group Pty Ltd
18 Bowman Street
South Perth WA 6151

Phone: 9368 9055
Mobile: 0477 000 115
Fax: 9368 9002


Dated 26th August 2014

Signed by/on behalf of the applicant
Wandi Anketell Holdings Pty Ltd


.....
(Signature) Director

David Conrad Williams

.....
(Full Name)


.....
(Signature) Director/Secretary

Rossmore James Carmichael

.....
(Full Name)

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 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 *Competition and Consumer Act 2010* 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.

ANNEXURE A

1. Wandi Anketell Holdings Pty Ltd developing a residential estate known as “Honeywood Estate” which is situated in the suburb of Wandi, approximately 27 kilometres south of Perth and which is being developed in Stages.
2. Satterley Property Group Pty Ltd (Satterley) has been appointed by the Land Owner as the project and sales manager of the Estate.
3. Satterley has identified 22 residential lots (House and Land Package Lots) out of 209 residential lots in Stages 7, 8 and 9 of the Estate which it proposes to offer to selected builders (Builders) to market on the basis that the Builders will construct residences for buyers on the House and Land Package Lots.
4. It is proposed that the Builders will be able to market (in conjunction with Satterley) “house and land packages” on the House and Land Package Lots. It will be a condition of the sale of the House and Land Package Lots that buyers enter into a building contract with one of the Builders. Prime facie, this proposal may amount to third line forcing under the provisions of the *Competition and Consumer Act 2010 (Cth)*.
5. The House and Land Package Lots will be provided to the Builders at an affordable price range with the balance of the land being sold at market price. The house and land package market in the Perth metropolitan area is very robust. There are numerous land developers providing a variety of land products, as well as Builders providing dwellings suitable for the first home buyer through to the upper market sector.
6. The House and Land Package lots will be allocated to a variety of builders thereby providing the public with diversity of new home building designs and styles from which to choose.
7. It is considered that the likely benefit to the public from the proposed conduct will outweigh the likely detriment to the public from the proposed conduct in that the conduct will encourage the Builders to build a residence of a high standard and which will meet the Land Owner’s requirements and which are intended to be competitively priced.
8. It is considered that this proposal will not have the effect of substantially lessening competition in the market for residential land and/or building services in Wandi or in the vicinity of the Estate given that there are 187 lots within Stages 7, 8 and 9 which will be sold without restriction, as well as remnant lots in previous stage releases of the development. Buyers who do not wish to be limited in their choice of builder have the opportunity to purchase another lot (without restriction) within the Honeywood Estate or estates in nearby suburbs.
9. Satterley expects that prospective buyers will receive a competitively priced building price for the proposed residences to be constructed on the House and Land Package Lots due to the strong competition in the new home building market. The Builders can also implement economies of scale due to multiple dwellings being constructed in close proximity. This is of particular relevance given that the majority of the House and Land Package lots to be allocated to Builders have frontages of 7.5m with the corner lots having slightly longer frontages of around 11.5m. The proposal provides for the most affordable house options predominately targeted to the first home buyer, which is beneficial to the community.

10. Satterley and the Land Owner will not receive any fee, commission or other financial reward in relation to the building contract to be entered into between the Builders and buyers of the House and Land Package Lots.

LAND USE / STATISTICS				
STAGE 7				
PARCEL TYPE	HAP SYMBOL	NUMBER OF PARCELS	TOTAL DWELLINGS	AREA Ha
Traditional Lots (Total)		36	36	1.9718
single		36	36	1.9718
Collage Lots (Total)	*	31	31	1.2055
single		31	31	1.2055
Public Open Space	P.O.S.	0	0	0.0000
Roads (inc. Infrastructure)		0	0	0.0000
STAGE TOTAL		70	70	3.1773

LAND USE / STATISTICS				
STAGE 8				
PARCEL TYPE	HAP SYMBOL	NUMBER OF PARCELS	TOTAL DWELLINGS	AREA Ha
Traditional Lots (Total)		43	43	1.9900
single		43	43	1.9900
Collage Lots (Total)	*	22	22	0.9964
single		22	22	0.9964
Public Open Space	P.O.S.	1	1	0.1281
Roads (inc. Infrastructure)		0	0	0.0000
STAGE TOTAL		73	73	4.2151

LAND USE / STATISTICS				
STAGE 9				
PARCEL TYPE	HAP SYMBOL	NUMBER OF PARCELS	TOTAL DWELLINGS	AREA Ha
Traditional Lots (Total)		28	28	1.5010
single		28	28	1.5010
Collage Lots (Total)	*	21	21	0.7666
single		21	21	0.7666
Public Open Space	P.O.S.	1	1	0.1197
Roads (inc. Infrastructure)		0	0	0.0000
STAGE TOTAL		68	70	3.4177

LAND USE / STATISTICS				
UNSTAGED 1				
PARCEL TYPE	HAP SYMBOL	NUMBER OF PARCELS	TOTAL DWELLINGS	AREA Ha
Public Open Space	P.O.S.	0	0	0.0000
Road Widening	ROAD WIDENING	1	0	0.0000
STAGE TOTAL		0	0	0.0000



51
P 11008

<p>Ver. Description</p> <p>D Amend lots 1030-1031, 1036-1038, 1047 & 1060-1063</p> <p>E Amend lot boundaries for Lynn Road and Honeywood Ave Intersection</p> <p>F Address Road Widening for Northern Section of Stage 9 (Amended lots 1031-1034)</p> <p>A Initial Issue</p>		<p>Drawn Date Checked</p> <p>DR 22/01/2016 SOW</p> <p>DR 23/01/2016 SOW</p> <p>DR 01/02/2016 SOW</p> <p>DR 02/02/2016 SOW</p>	<p>FILES</p> <p>map0000-Plan328.dwg</p> <p>data0000-328Data.dwg</p>	<p>PRELIM LEGEND</p> <p>See below lot data table for further information</p> <p>Stage Boundary</p> <p>..... Variable Access Restriction</p> <p>⑮ Potential Damage / Lot</p>	<p>CLIENT</p> <p>Satterley.com.au</p>	<p>The contents of this plan are correct and true as of the date stated within. The client shall be responsible and warrant against the state of the land and any other matters of this plan. Liability is limited to the professional services provided.</p>
<p>SCALE 1:100 @ A1 - 1:250 @ A2</p> <p>ALL DISTANCES ARE IN METRES</p> <p>For a true to scale reproduction of this plan, refer to the Planning Drawing set to issue.</p>		<p>PLANNING & DESIGN SOURCE FOR New D Project - 01/01/2016</p> <p>Received from - 01/01/2016</p> <p>File name - 11008_00000_000000.dwg</p> <p>Mapwork/Plans/328/328.dwg</p>	<p>OWNER'S DESIGN SOURCE FOR New Design - 01/01/2016</p> <p>Received from - 01/01/2016</p> <p>Data prepared -</p>	<p>All areas and dimensions depicted on this plan are subject to survey and landscape condition. All copyright information is retained by the design team and the subject of this plan is an unperfected right and is subject to a public deed.</p>	<p>McMULLENOLAN GROUP</p> <p>Surveying Excellence</p>	<p>93834 - 328 - D</p>