

## 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:**

N97183

Taskers Living Pty Ltd ACN 161 395 124 as bare trustee for McCabe Street Investments Pty Ltd, McCabe Street Investments No.2 Pty Ltd and McCabe Street Limited (**Taskers**).

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

Acquisition, development and sale of land.

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

C/- Nexia Perth, Level 3, 88 William Street, 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:**

This notification relates to the following goods or services:

1. the supply of residential land; and
2. the supply of building and construction services.

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

1. Taskers is the owner of land located at 15 McCabe Street, North Fremantle (being the land comprised within Certificates of Title Volume 1245 Folio 221, Volume 1174 Folio 648 and Volume 1786 Folio 345 (**Land**)). Taskers intends to subdivide and develop the Land in stages to create an integrated residential housing development which will include a mixture of built-form strata-titled apartments and a limited number of

survey-strata lots suitable for the construction of town houses (the **Development**).

2. This notification relates to that part of the Development to be located on Lot 800 on the proposed plan of subdivision attached at **Annexure A (Lot 800)**.
3. It is intended that Lot 800 will be further subdivided into 8 survey-strata lots (see attached proposed survey-strata plan at **Annexure B**). These lots will be offered to the market as house and land packages (**House and Land Package Lots**).
4. It will be a condition of the sale of the House and Land Package Lots that the purchasers enter into a building contract with Dempsey Gillespie Construction Pty Ltd ACN 075 139 678 (**Dempsey Gillespie Construction**), being a registered builder as per the *Home Building Contracts Act 1991(WA)*.
5. Taskers proposes that it will not sell the House and Land Package Lots to potential purchasers if the purchasers do not agree to the appointment of Dempsey Gillespie Construction for the purpose of constructing a house on the relevant House and Land Package Lot.

**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:**

Potential and actual purchasers of the House and Land Package Lots.

**(b) Number of those persons:**

**(i) At present time:**

Unknown

**(ii) Estimated within the next year:**

Not known, but a maximum of 8.

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

Unknown.

**4. Public benefit claims**

**(a) Arguments in support of notification:**

*Limited number of House and Land Package Lots*

There are only 8 House and Land Package Lots included in the Development. Western Australia has a robust residential housing market and there is no

perceived public detriment given the small number of lots affected by the proposed conduct.

#### *Community benefits*

There is limited “generic” public benefit to be gained from the conduct. However, there is a benefit to the purchasers of the House and Land Package Lots as well as to buyers of apartments within the built form component of the Development.

The Development, as a whole, is intended to be an integrated gated community with shared facilities. Dempsey Gillespie Constructions will be engaged to construct 4 apartment buildings on the Land (comprising approximately 125 apartments) in addition to being the nominated builder for the purpose of the House and Land Package Lots. Attached at **Annexure C** is an overall site plan for the Development for illustration purposes.

The consistency of the design will provide an aesthetically pleasing multi-residential development and will instil confidence in purchasers investing in the Development as a whole, not just as an individual residence.

There would be inefficiencies to the design approach if multiple builders were to perform the building and construction on the House and Land Package Lots. The design lends itself to a look of consistency and coherence which would be achieved by one builder as opposed to multiple.

Taskers will be better able to ensure the quality of the building workmanship on the House and Land Package Lots through an ongoing relationship with the nominated builder. A consistent high quality of workmanship benefits not only the individual purchasers, but the entire Development.

#### *Cost benefits*

The proposed conducted will have potential construction cost savings that will flow on to the proposed purchasers of the House and Land Package Lots including:

1. savings in both cost in time in having to search for an appropriate builder; and
2. the nominated builder will be able to provide a competitively priced building price for the construction of the residence as it will be able to take advantage of volume discounts on materials and will be able to reduce overall labour costs through the consolidation of work.



*Other benefits*

The House and Land Package Lots are narrow lots with limited access.

A single builder be will in a position to better co-ordinate construction on the lots and to manage access and safety requirements during construction.

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

See 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)**

The sale of real estate zoned "Residential" or capable of being zoned residential in the Perth Metropolitan Area.

**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)**

The conduct contained in this notification is unlikely to cause public detriment and it will not have the effect of reducing competition for relevant markets detailed at 5 above as:

1. the real estate market in metropolitan Perth is highly competitive and there are numerous competing residential developments available throughout Perth;
2. the House and Land Package Lots represent a very small portion of the relevant market; and
3. potential purchasers will be comparing the house and land package of Taskers with other residential house and land packages in Perth, and, as such Taskers will be required to provide a competitive price.

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

See 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:

Ms Robyn Rogers

Senior Associate

Norton Rose Fulbright Australia

Level 39, 108 St Georges Terrace

Perth WA 6000

Telephone: (08) 6212 3437

Email: robyn.rogers@nortonrosefulbright.com

Dated... 20 December 2013 .....

Signed by/on behalf of the applicant

  
.....  
(Signature)

Michael McKee  
.....  
(Full Name)

Norton Rose Fulbright Australia  
.....  
(Organisation)

Partner  
.....  
(Position in Organisation)

## DIRECTIONS

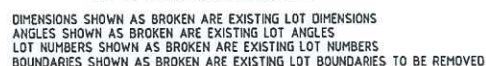
1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

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 *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.



Age Group	Percentage
18-24	10
25-34	15
35-44	15
45-54	15
55-64	15
65-74	15
75+	15



BASED ON "REVISION D" PLANS SENT TO CARLTON SURVEYS BY ZUIDVELD MARCHANT HUR 23/8/2012

DIAL 1100 BEFORE YOU DIG

DRAFTED BY : MSO  
DATE : 23 - 8 - 2012  
CHECKED BY : MC

**Licensed Surveyors**  
SUITE 4, 160 BURSWOOD ROAD,  
BURSWOOD, W.A., 6100.  
TEL 9361 5358 FAX 9361 3457  
E-mail : carlton@carlton-surveys.com.au

CHECK TITLE FOR EASEMENTS, RESTRICTIVE COVENANTS ETC.  
THIS SURVEY DOES NOT GUARANTEE THE CORRECT POSITION OF BOUNDARY  
PEGS OR FENCES.  
ALL FEATURES AND BUILDING POSITIONS ARE APPROXIMATE ONLY, AS THEY HAVE  
BEEN POSITIONED FROM MEASUREMENTS TAKEN FROM EXISTING PEGS, FENCES &  
WALLS.  
A BOUNDARY RE-ESTABLISHMENT SURVEY IS RECOMMENDED PRIOR TO  
UNDERSTANDING ANY SITE WORK. THIS POINT OF NO RETURN SURVEY  
UNDERSTANDING SHOWN ON THIS SURVEY IS CURRENT AT THE DATE SHOWN.  
CARLTON SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES THAT  
HAVE OCCURRED AFTER THIS DATE, TO SITE LEVELS AND FEATURES OR BUILDINGS.  
CADASTRAL BOUNDARY DIMENSIONS SHOWN HAVE BEEN OBTAINED FROM SURVEY





# SURVEY-STRATA PLAN 63334

SHEET 1 OF 3 SHEETS

## PLAN OF

JOB : 11825-G

LOT 800 ON DEPOSITED PLAN 69902

CERTIFICATE OF TITLE

VOLUME: FOLIO:

LOCAL GOVERNMENT

CITY OF FREMANTLE

INDEX PLAN

BG34(2) 07.17

FIELD BOOK NUMBER 118408

SCALE 1 : 800 & 1:300 @ A3

NAME OF SCHEME

SISKAS

ADDRESS OF PARCEL

9 MCCABE STREET  
NORTH FREMANTLE WA 6159

MANAGEMENT STATEMENT YES ☒ NO ☐

LOGGED

CERTIFIED CORRECT

COR FILE

IN ORDER FOR DEALINGS

SUBJECT TO

FEE PAID

ASSESS NO.

FOR REGISTRAR OF TITLES DATE

REGISTERED

APPLICATION

DATE

REGISTRAR OF TITLES

SEAL

WESTERN AUSTRALIAN PLANNING COMMISSION

W.A.P.C. REF: 1205-10

Certificate of Approval of W.A.P.C. under Section 25B(2) of Strata Titles Act 1985

Delegated under S.16 P & D Act 2005

Date



**Landgate**

Western Australian Land Information Authority

SURVEYOR'S CERTIFICATE - Reg 54

MURRAY CARLTON

hereby certify that this plan is accurate and is a correct

representation of the

(a) survey, and/or

(b) calculations from measurements,

undertaken for the purposes of this plan and that it complies

with the relevant written law(s) in relation to which it is lodged.

LICENSED SURVEYOR

DATE

VER

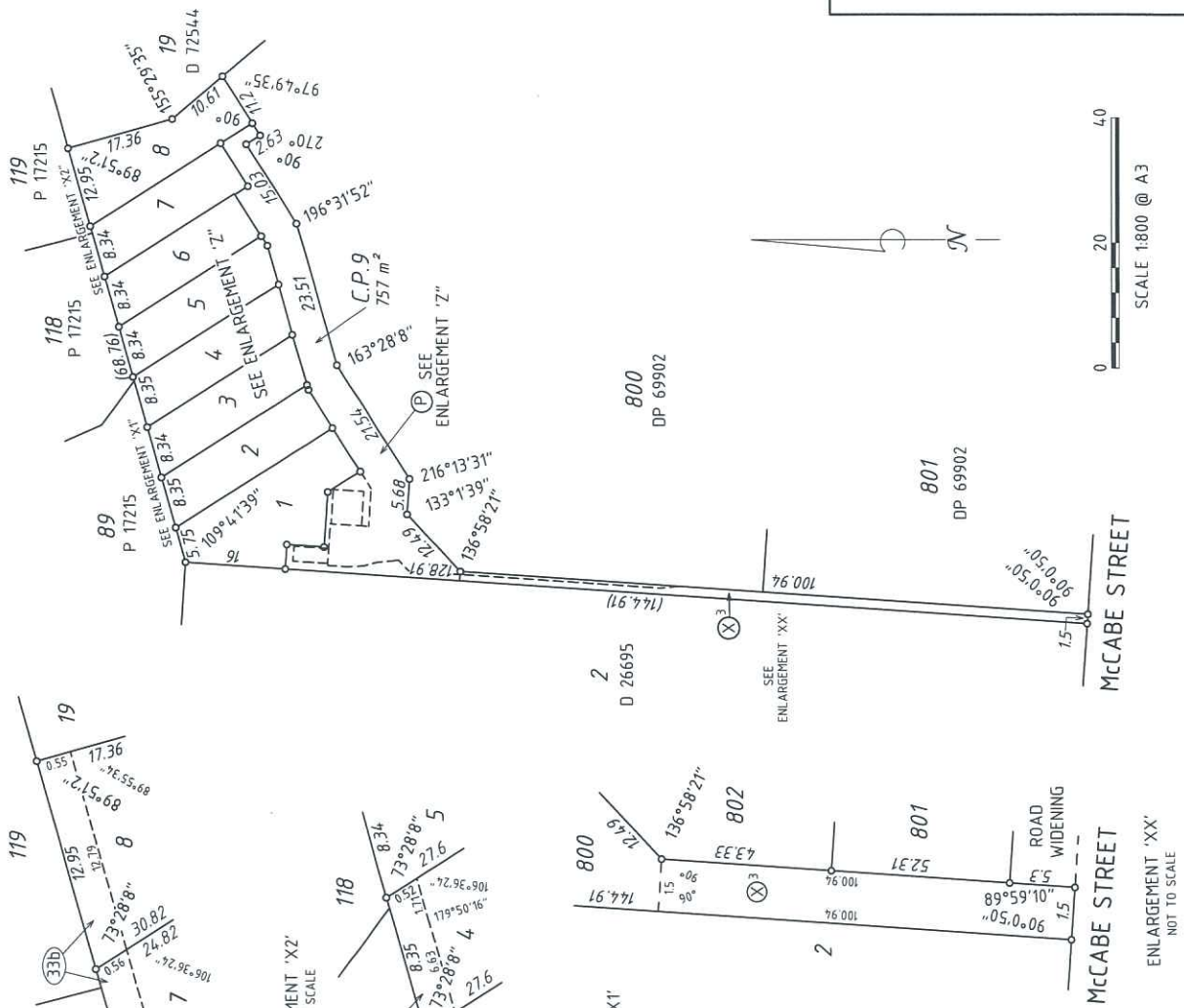
AMENDMENT

AUTHORISED BY

DATE

NOTE: THIS IS A PROPOSED SURVEY-STRATA PLAN ONLY  
LOT AREAS AND DIMENSIONS WILL BE VERIFIED  
WHEN SURVEYED. THIS PLAN IS ALSO SUBJECT  
TO APPROVAL BY WAPC AND COUNCIL  
FOR INTERESTS AND NOTIFICATIONS SEE SHEET 3  
FOR ENLARGEMENT 'Z' SEE SHEET 2

LIMITED IN DEPTH TO 60.96 METRES

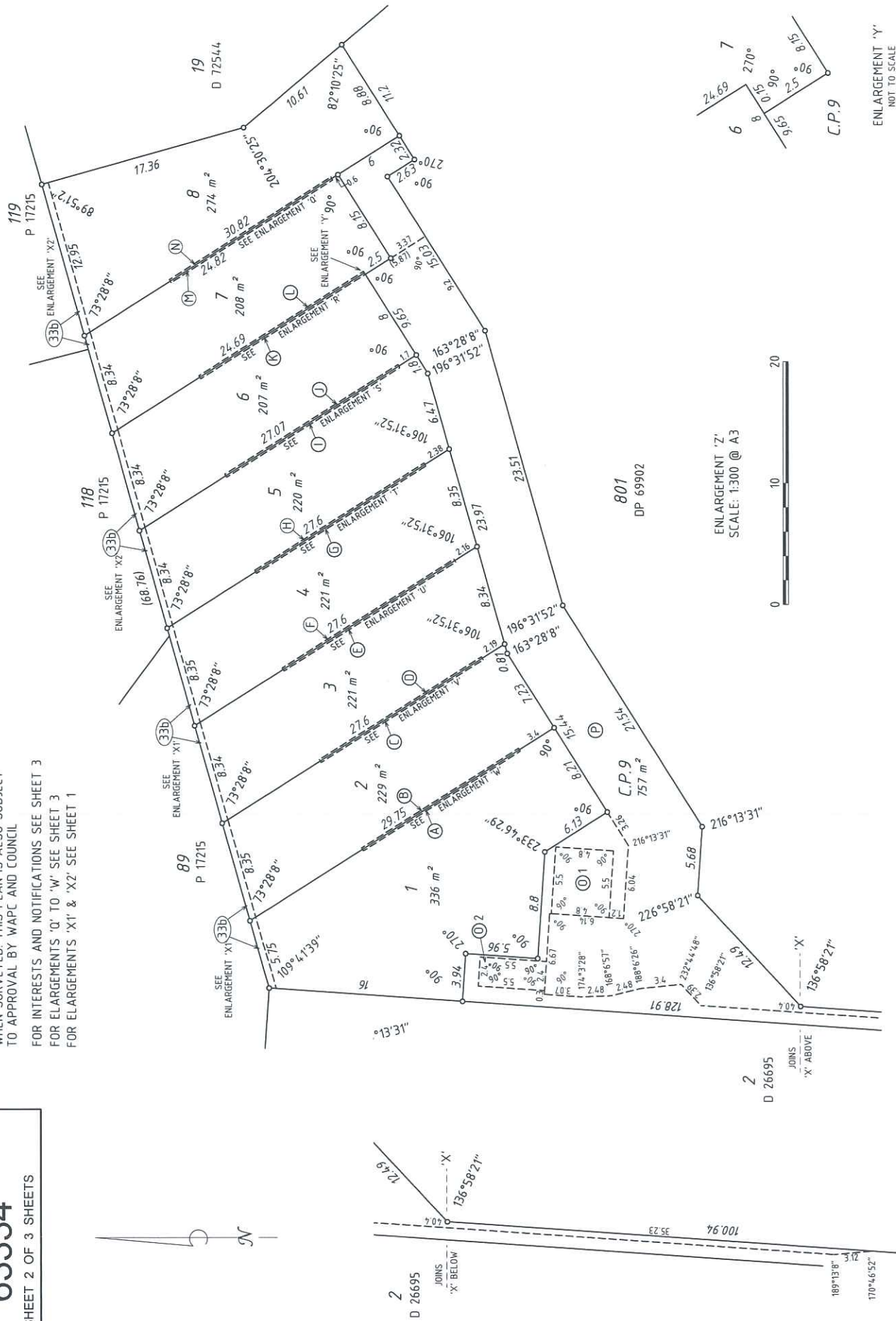




**SURVEY-STRATA**  
**63334**  
SHEET 2 OF 3 SHEETS

NOTE: THIS IS A PROPOSED SURVEY-STRATA PLAN ONLY  
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FOR INTERESTS AND NOTIFICATIONS SEE SHEET 3  
FOR ENLARGEMENTS 'Q' TO 'W' SEE SHEET 3  
FOR ENLARGEMENTS 'X'1' & 'X'2' SEE SHEET 1

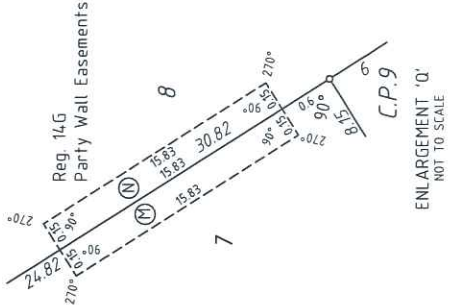
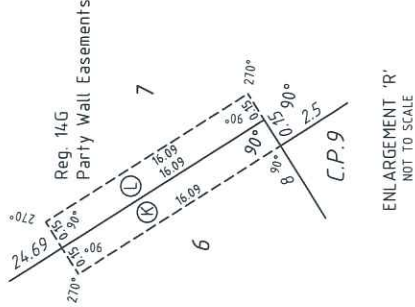
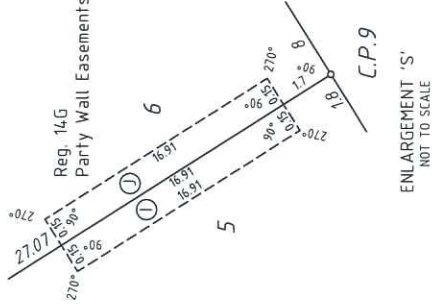
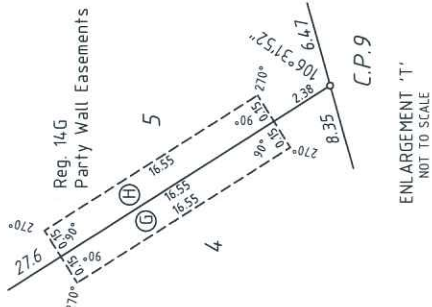
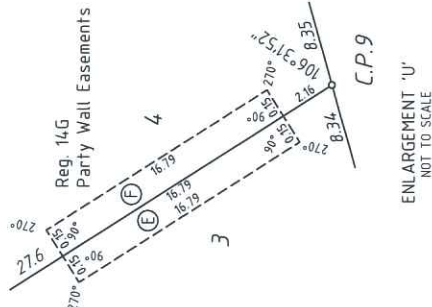
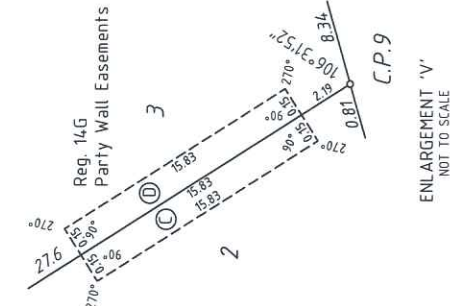
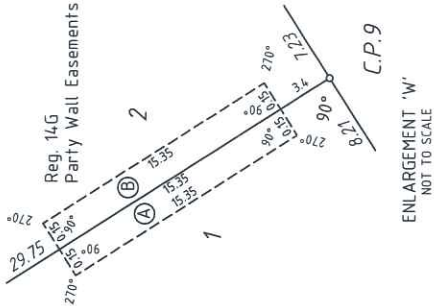


ENLARGEMENT 'Y'  
NOT TO SCALE





INTERESTS AND NOTIFICATIONS					
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO
<div>SURVEY-STRATA</div> <div>63334</div> <div>SHEET 3 OF 3 SHEETS</div>					COMMENTS
<div>33b</div> <div>1</div> <div>2</div> <div>3</div> <div>P</div> <div>X</div>	<div>EASEMENT (SEWERAGE)</div> <div>EASEMENT (MOTOR VEHICLE PARKING)</div> <div>EASEMENT (MOTOR VEHICLE PARKING)</div> <div>RIGHT OF CARRIAGE WAY</div> <div>EASEMENT</div>	<div>SEC. 167 OF THE P &amp; D ACT REG 33(b)</div> <div>SEC. 195 OF THE LA</div> <div>SEC. 195 OF THE LA</div> <div>SEC. 195 OF THE LA</div> <div>SEC. 195 &amp; 196 OF THE LA</div>	<div>DP 69902</div> <div>DP 69902 &amp; DOC</div> <div>DP 69902 &amp; DOC</div> <div>DP 69902 &amp; DOC</div> <div>DP 69902 &amp; DOC</div>	<div>LOTS 1 TO 8 INCLUSIVE</div> <div>C.P.9</div> <div>C.P.9</div> <div>C.P.9</div> <div>LOT 800</div>	<div>WATER CORPORATION</div> <div>CITY OF FREMANTLE</div> <div>CITY OF FREMANTLE</div> <div>CITY OF FREMANTLE</div> <div>CITY OF FREMANTLE &amp; THE PUBLIC AT LARGE</div>
<div>A</div> <div>B</div> <div>C</div> <div>D</div> <div>E</div> <div>F</div> <div>G</div> <div>H</div> <div>I</div> <div>J</div> <div>K</div> <div>L</div> <div>M</div> <div>N</div>	<div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div> <div>EASEMENT (PARTY WALL)</div>	<div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div> <div>REG 14G OF THE S.T.G.R.</div>	<div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div> <div>THIS PLAN</div>	<div>STRATA LOT 1</div> <div>STRATA LOT 2</div> <div>STRATA LOT 2</div> <div>STRATA LOT 3</div> <div>STRATA LOT 3</div> <div>STRATA LOT 4</div> <div>STRATA LOT 4</div> <div>STRATA LOT 5</div> <div>STRATA LOT 5</div> <div>STRATA LOT 6</div> <div>STRATA LOT 6</div> <div>STRATA LOT 7</div> <div>STRATA LOT 7</div> <div>STRATA LOT 8</div>	<div>STRATA LOT 2</div> <div>STRATA LOT 1</div> <div>STRATA LOT 3</div> <div>STRATA LOT 2</div> <div>STRATA LOT 4</div> <div>STRATA LOT 3</div> <div>STRATA LOT 5</div> <div>STRATA LOT 4</div> <div>STRATA LOT 6</div> <div>STRATA LOT 5</div> <div>STRATA LOT 7</div> <div>STRATA LOT 6</div> <div>STRATA LOT 8</div> <div>STRATA LOT 7</div>









PROPOSED MULTI RESIDENTIAL DEVELOPMENT  
LOT 18, 575, 326 McCABE ST, NORTH FREMANTLE

DEVELOPMENT APPLICATION  
OVERALL GROUND FLOOR PLAN

ZUIDVELD MARCHANT HUR  
ARCHITECTURE PLANNING INTERIORS DESIGN

SCALE 1:200  
DATE 11/02/10  
DWG NO. 1666 SK 2.01



