

SPINAWAY PARADE PTY LTD
ACN 123 675 463

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38 KINGS PARK ROAD
WEST PERTH WA
6005
PHONE 9534 3040

POSTAL ADDRESS
PO BOX 5594
FALCON WA
6210
CELL 0468 323 544

Email address: clcaine@iinet.net.au

25 March 2014

The Executive Officer
Australian Competition and Consumer Commission
PO Box 6381
East Perth WA
6892

ACCC

26 MAR 2014

PERTH

Dear Sir/Madam

Re: Notification of Exclusive Dealing

Enclosed please find a completed Form G plus Annexure "A" comprising 6 pages.

Also enclosed please find a cheque in the sum of \$100.00 in payment of the fee.

Please call me if there is a problem.

Yours truly,



Corrin Caine
Director

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)

SPINAWAY PARADE PTY LTD

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

LAND DEVELOPMENT IN MANDURAH
WESTERN AUSTRALIA

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

PO BOX 5594
FALCON
WA
6210

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

N97331



(b) Description of the conduct or proposed conduct:

SEE ANNEXURE "A" ATTACHED

(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)

SEE ANNEXURE "A" ATTACHED

(b) Number of those persons:

(i) At present time:

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

SEE ANNEXURE "A" ATTACHED
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.....
.....



7. Further information

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

CORRIN CAINE
PO BOX 5594
FALCON WA 6210
0468 323 544

Dated... 25 MARCH 2014

Signed by/on behalf of the applicant

(Signature)

CORRIN CAINE

(Full Name)

SPINAWAY PARADE PTY LTD

(Organisation)

DIRECTOR

(Position in Organisation)



NOTIFICATION OF EXCLUSIVE DEALING

FORM G

ANNEXURE "A"

1. The applicant, Spinaway Parade Pty Ltd ACN 123 675 463 (Spinaway), is registered as the proprietor of all that piece of land being Lot 101 on deposited Plan 69460 and being the whole of the land comprised in Certificate of Title Volume 2777 Folio 775 (Lot 101).
2. Lot 101 is one of two lots comprising a development site known as "Central Park Mandurah".
3. The second lot is Lot 509 on deposited Plan 25201 and being the whole of the land comprised in Certificate of Title Volume 2505 Folio 92 (Lot 509).
4. Lot 509 is the property of Walworth Pty Ltd ACN 123 777 239
5. Lot 101 has an area of 11.5 hectares and Lot 509 has an area of 8.5 hectares.
6. Both Lots 101 and 509 are presently undeveloped.
7. Both Lots are in close proximity to the Mandurah Railway Station.
8. On 4 April 2012 the Western Australian Planning Commission (WAPC) approved an Outline Development Plan (ODP) in respect of the development of Central Park Mandurah.
9. The object of the ODP is to provide, inter alia, low cost housing within walking distance of the Mandurah Railway Station.
10. On 21 March 2013 the WAPC approved a plan for the subdivision of part of Lot 101 including 58 single residential lots with an average area of 300 square metres each.
11. Construction of the single residential lots commenced on 24 March 2014 and is expected to be completed by the end of 2014.
12. In order to meet the objectives of the ODP Spinaway has commissioned the design of housing types suitable for construction on the single residential lots.
13. The designs take into account the relationship of the housing types to each other, set backs, energy conservation, environmental factors and the economy of construction.
14. Spinaway has also invited a number of recognized builders to submit expressions of interest for the construction of the housing including costings for the



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construction of each housing type and suggestions as to the manner in which costs can be reduced.

15. Spinaway will scrutinize each expression of interest and select one or more builders for the construction of housing on the single residential lots.
16. Spinaway will then offer the single residential lots of sale to the general public on the condition that purchasers enter into a building contract with one of the selected builders, in other words house and land packages.
17. The advantage of this process to potential purchasers is that:
 - a. House and land packages are popular in the low cost housing market.
 - b. House and land packages save potential purchasers the time, trouble and expense of multiple choices.
 - c. All of the home work in respect of housing design and costing has been done for them.
 - d. They can be assured that the housing constructed on neighbouring lots will not detract from their selection.
 - e. They can be assured that the price they pay for their selection is the best possible price and represents true value for money.
18. It is submitted that Spinaway's proposal for the sale of the single residential lots will **not** have the effect of substantially lessening, or adversely affecting competition for residential lots, building services or low cost housing within the Peel region (Peel), including the City of Mandurah and proximate local authorities, for the following reasons:
 - a. Potential purchasers have a wide range of choice in comparable locations, including, but not limited to LandCorp's Mandurah Junction, which is in direct competition to Central Park Mandurah and in respect of which legal immunity was granted on 14 December 2005.
 - b. There are many single residential lots of the same size, and larger, coming onto the market within Peel at similar prices where developers have not taken the time or trouble to prepare and offer house and land packages.
 - c. There is a steady flow of established low cost housing onto the market within Peel.
 - d. The housing and land packages to be offered by Spinaway will increase competition for low cost housing within Peel.

 6 of 6.