

N31322

## Form G

FILE No:
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Commonwealth of Australia  
*Trade Practices Act 1974 - Sub-section 93(1)*

AUST. COMPETITION & CONSUMER COMMISSION Canberra 21 SEP 2004
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**EXCLUSIVE DEALING:****NOTIFICATION**

To the Australian Competition and Consumer Commission:

Notice is hereby given in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6) or (7), or paragraph 47(8)(a), (b) or (c) or 9(a), (b), (c) or (d) of that Act in which the person giving notice engaged or proposes to engage.

1. (a) **Name of person giving notice:**  
 Belvale Homes Pty Limited ACN 057 547 350 ('Belvale')
- (b) **Short description of business carried on by that person:**  
 Belvale is a subsidiary of CPG Australia Pty Limited ABN 92 002 937 206 and is engaged in the development of land, building of houses and the sale of these house and land packages to the public.
- (c) **Address in Australia for service of documents on that person:**  
 Tanya Gilbert, Belvale Homes Pty Limited, Norwest Quay, Unit 2, First Floor, 21 Solent Circuit, Baulkham Hills, New South Wales, 2153.
2. (a) **Description of the goods or services in relation to the supply or acquisition of which this notice relates:**  
 This notice relates to the sale of house and land packages by Belvale in Ridgemont Manor Estate at Kellyville, New South Wales.
- (b) **Description of the conduct or proposed conduct:**  
 Belvale proposes to offer house and land packages to the public at Ridgemont Manor Estate. When customers purchase a house and land package from Belvale at the Ridgemont Manor Estate they will not be required to pay any interest associated with the finance of their purchase until 31 July 2005 provided that the customer finances that purchase through Carter Mayfair Financial Services Pty Ltd ACN 100 765 464 ('Carter Mayfair').
- (a) **Class or classes of persons to which the conduct relates:**  
 The conduct relates to actual and potential house and land purchasers, purchasing house and land packages from Belvale at the Ridgemont Manor Estate.
- (c) **Number of those persons:**
  - (i) **At the present time:**

Nil

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

25

(c) **Where the number of persons stated in item 2(c)(i) is less than 50, their names and addresses:**

At this stage it is not possible to provide the requested details, as this is a general offer being made to the public.

- **Name and address of person authorised by the person giving this notice to provide additional information in relation to this notice:**

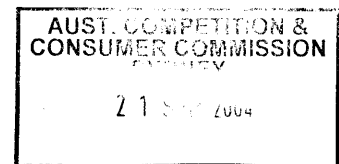
Tanya Gilbert, Bellevalle Homes Pty Limited, Norwest Quay, Unit 2, First Floor, 21 Solent Circuit, Baulkham Hills, New South Wales, 2153.

**DATED** 21/9/04

**SIGNED** on behalf of the applicant



Tanya Gilbert  
Group Legal Supervisor



**SUBMISSION BY BELLEVALE  
IN SUPPORT OF A NOTIFICATION UNDER SECTION 93(1)  
OF THE TRADE PRACTICES ACT 1974**

**1. Background**

- 1.1 Bellevale is the registered proprietor of a number of estates in Western Sydney, the South Coast, the North Coast and the Central Coast. In addition, Bellevale currently offers house and land packages for sale in a number of estates and intends to offer house and land packages in a number of other estates, including the Ridgemont Manor Estate at President Road, Kellyville.
- 1.2 Bellevale wishes to sell house and land packages to the public in the Ridgemont Manor Estate with an offer to purchasers that it will pay all of the interest on the loan amount associated with the purchase of the house and land package until 31 July 2005.
- 1.3 To obtain this offer, customers must obtain their finance for the house and land package from Carter Mayfair.
- 1.4 Purchasers who do not wish to obtain finance from Carter Mayfair may still purchase a house and land package from Bellevale, but will not be entitled to receive the above offer.
- 1.5 The proposed conduct is expected to affect approximately 25 lots.

**2. Market**

The market to which the proposed conduct relates is the residential real estate market in the Western Sydney region.

**3. Analysis of the Conduct**

- 3.1 The conduct described in **Form G** is exclusive dealing within sections 47(6) and 47(7) of the *Trade Practices Act 1974* (Cth). Bellevale submits that there is no likely detriment to the public resulting from that conduct.
- 3.2 The proposed conduct does not have the effect of substantially lessening competition in the relevant market in that:
  - (a) the Ridgemont Manor Estate in Kellyville represents a small proportion of residential real estate available for sale in the Western Sydney region;
  - (b) in addition to the existing housing stock, other developers have estates in the Western Sydney region (for example Stockland (The Outlook at Kellyville), Landcom (Kellyville), Harrington Park (Narellan), Glenmore Park (Penrith) and Boral (Nelson Ridge, Greystanes)). Bellevale's share of new residential land in the Western Sydney region is less than 1%; and
  - (c) the proposed conduct relates to services which are supplied by Carter Mayfair, a company which currently shares a common director and company secretary with Bellevale and, upon registration by the Australian Securities and Investments Commission (ASIC) of the change in majority shareholder (notification of which has already been lodged with ASIC), will also be a related company to Bellevale.

- 3.3 The proposed conduct offers significant benefits to purchasers in that:
- (a) purchasers will not have to pay any interest on the loan amount associated with the purchase of their house and land package until 31 July 2005. Based on the purchase of a \$489,950 to \$565,000 house and land package, the total saving to a purchaser will be approximately \$20,000; and
  - (b) despite not having to pay any interest until 31 July 2005, purchasers may move into their houses upon settlement.

**4. Conclusion**

For the reasons stated above, Bellevalle submits that the proposed conduct provides benefits to the public and will have no anti-competitive effect and therefore no public detriment.