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Form G

Commonwealth of Australia

Trade Practices Act 1974 — 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 *Trade Practices Act 1974*, 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)

N94580

Jarrah Property Pty Ltd (CAN 114 364 966) of Level 4, 66 Kings Park Road, West Perth, WA 6872 (**Jarrah**)

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

Jarrah is the registered proprietor of land in Lalor (Carlingford Estate) comprising proposed plan of subdivision PS 629824U and proposed plan of subdivision PS 633572W, Victoria, where it subdivides land for the provision of a residential housing estate, it also engages in the marketing and sale of residential housing product, including house and land packages.

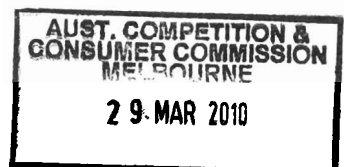
- (c) Address in Australia for service of documents on that person:

Jarrah Property Pty Ltd
P.O.Box 7350, St Kilda Road
MELBOURNE VIC 8004
Ph (03) 9820 1777 Fx (03) 9820 1733

2. Notified arrangement

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

The supply at a future date of 50 subdivided lots of residential land, including the marketing and selling thereof at Carlingford constitutes the goods and services which are the subject of this notice.



(b) Description of the conduct or proposed conduct:

Jarraah proposes to supply a limited number of developed residential lots to purchasers contingent on such purchasers concurrently entering into a industry standard domestic building contract with a registered builder in accordance with the *Domestic Building Contracts Act 1995* (Vic) and who is nominated by Jarraah, for the supply of construction services relating to a dwelling design approved by Jarraah.

This construction contract will be entered into independently of the Contract of Sale executed by Jarraah (as Vendor) and the purchaser, for the supply of the lot. Jarraah proposes to refuse supply of a residential lot, for which this condition relates, to any purchaser who does not agree to be bound to the above.

(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)

Purchasers of the lots affected by this condition as referred above.

(b) Number of those persons:

(i) At present time:

Nil

(ii) Estimated within the next year:

(Refer to direction 6)

50 if all residential lots specified are sold within this period.

(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)

Resulting from the application of the above conditions, Jarrah will be able to achieve the following to benefit purchasers of the specified lots:

1. Consistency and quality of dwelling design, appearance and streetscape, providing for a desirable neighbourhood environment and enables the purchaser greater opportunity to realise a capital gain.
2. Certainty of outcome, both quality and expediency of building construction through the nomination of a reputable builder who has a solid working relationship with Jarrah.
3. Jarrah will pre-determine dwelling design in consultation with the nominated builder to ensure that each dwelling is positioned on each lot to achieve cost effective and sustainable uses of the land.
4. Net cost benefit to purchasers, including but not limited to the following;
 - 4.1. Detached product will be packaged as a house and land offering, which by its nature, is able to achieve cost benefits through an integrated selling process providing for reduced marketing costs to the Vendor and builder;
 - 4.2. Attached terrace product will be constructed on smaller lot dimensions producing cost benefits over land value; and
 - 4.3. Construction will be undertaken by the nominated builder on a volume basis producing economies of scale cost and construction efficiencies which would not ordinarily be available to a purchaser of a standard residential lot arrangement.

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

Addressed above in section 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)

Carlingford is situated within the municipality of City of Whittlesea which is designated as a high urban growth zone, containing numerous new land estates and various opportunities for purchasers to buy vacant residential land, or land with newly constructed dwelling at range of price points.

The purchaser may also select from a range of other lots that are available within the same neighbourhood of the development that have no limitation on the purchaser' choice of builder.

The Carlingford estate includes a display village with 5 builders represented. The purchaser is encouraged to compare and select the packaged product with standard residential lots also on offer.

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)

1. Purchasers of the specified residential lots, in Carlingford only, will not have a choice of builder or dwelling design on each of these particular lots. The negative effect of this facet is neutralised by the design and net cost benefits which are obtained by the purchaser, as referred above.
2. The proposed conduct will produce a perceived constraint (over specified lots only) on free market competition with regard to rival builders operating in the same market and region of Melbourne. However this will be offset by the continued future supply of residential lots in Carlingford, approximately 625 in total, for which competing builders have the opportunity to supply construction services over, in addition to equivalent opportunities available in neighbouring developments.

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

Addressed above in section 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:

Mr Patrick Archer
Victorian Developments Manager
Jarrah Property Pty Ltd
P.O.Box 7350, St Kilda Rd
MELBOURNE VIC 8004
Ph (03 9820 1777 Fx (03) 9820 1733

Dated.....*11/3/10*.....

Signed by/on behalf of the applicant

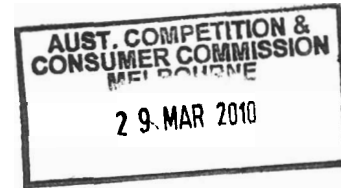

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(Signature)

Patrick Archer
(Full Name)

Jarrah Property Pty Ltd
(Organisation)

Victorian Developments Manager
(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 *Trade Practices Act 1974* 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.