

19 Lyall Street
South Perth WA 6151
T 09 9354 1917
F 08 9354 1674
E yaran@yaran.com.au
www.yaran.com.au



20 October 2010

Australian Competition and
Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

FILE No	
DOC	
MA	

Dear Sir/Madam

NOTIFICATION OF EXCLUSIVE DEALING – FARYAR GORJY; SHAHYAR GORJY & YARAN PTY LTD (A.C.N. 074 686 221) AS TRUSTEE FOR THE CENTRAL TRUST (A.B.N. 28 941 863 674) (“BALOO”)

Baloo is in the business of developing and selling land. Baloo has purchased land at 25 Baloo Crescent, Falcon, Western Australia, and intends to subdivide the land into 2 x green titled lots, and then further subdivide one of these into 16 survey strata Lots + proposed Lot 17 (Common Property) which will be sold for residential usage.

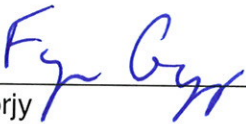
As part of the house and land packages being offered to buyers of the 16 lots, the purchaser will acquire land by way of contract for sale from Baloo on the condition that the purchaser also enters into a contract for the supply of building services directly from a builder, to be nominated by Baloo.

We therefore enclose Form G – Notification of Exclusive Dealing pursuant to the development at 25 Baloo Crescent, Falcon by Baloo (Notice).

We confirm the correct legal entity giving the Notice is Faryar Gorjy; Shahyar Gorjy, and Yaran Pty Ltd (A.C.N. 074 686 221) as trustee for the Central Trust (A.B.N. 28 941 863 674).

If you have any further queries regarding the Notice please do not hesitate to contact our office on 08 9354 1917.

Yours faithfully



Faryar Gorjy
Director



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:

N95103
Faryar Gorjy; Shahyar Gorjy and Yaran Pty Ltd as trustee for the Central Trust (A.B.N. 28 941 863 674) ("Baloo")

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

Baloo is in the business of developing and selling land. Baloo has purchased land at 25 Baloo Crescent, Falcon in Western Australia, which will be subdivided into 2 x green titled lots; one of which will be further subdivided into 16 survey strata Lots + Proposed Common Property (Lot 17).

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

c/-Yaran Pty Ltd
19 Lyall Street
SOUTH PERTH WA 6151

2. Notified arrangement

(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 16 lots in Falcon in association with house and land packages being offered by Baloo.

(b) Description of the conduct or proposed conduct:

Baloo proposes to offer the lots listed above to the public for sale as part of a house and land package. The purchaser will acquire land by way of contract for sale from Baloo on the condition that the purchaser enters into a contract for the supply of building services directly from a builder, to be nominated by Baloo.

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:

The conduct refers to potential and actual house and land purchasers purchasing land from Baloo in Falcon and building services from the Builder.

- (b) Number of those persons:

- (i) At present time:

There are no actual purchasers.

- (ii) Estimated within the next year:

(A) Minimum of 16 actual purchasers.

(B) Baloo is unable to advise on a maximum number of potential purchasers.

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

Baloo is unable to provide this information at this time as potential or actual purchasers have not yet been identified.

4. Public benefit claims

- (a) Arguments in support of notification:

See attached Submissions

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):

The market in which the proposed conduct relates to is the residential real estate market in Falcon, Western Australia.

6. Public detriments

See attached Submissions

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 Michael Brown
c/- Yaran Pty Ltd
19 Lyall Street
SOUTH PERTH WA 6151

Tel: 08 9354 1917

Dated 20/10/10

Signed by/on behalf of the applicant

Fayaz Gorji
(Signature)

Fayaz Gorji
(Full Name)

For: Fayaz Gorji; Shahyar Gorji & Yaran Pty Ltd
(Organisation) atf Central Trust

Director (Yaran & Central Trust)
(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 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.

**SUBMISSIONS IN SUPPORT OF NOTIFICATION UNDER SECTION 93(1)
OF THE TRADE PRACTICES ACT 1974**

1. Background

- 1.1 Faryar Gorjy, Shahyar Gorjy and Yaran Pty Ltd as trustee for the Central Trust ('**Baloo**') have purchased land at 25 Baloo Crescent, Falcon, Western Australia.
- 1.2 Baloo is in the business of developing and selling house and land packages.
- 1.3 The land currently comprises green titled Lot 114, Baloo Crescent, Falcon, Western Australia, which will be subdivided into 2 x green titled Lots. One of these will then be further subdivided into 16 survey strata lots for residential usage, plus proposed Common Property (Lot 17).
- 1.4 Baloo intends to develop and sell the 16 lots to the public as house and land packages.
- 1.5 Under the house and land package, potential purchasers will be required to enter into the following contracts:
 - (1) Contract for the sale of land from Baloo; and
 - (2) Building contract with the Builder for the supply of building services.
 - 1.5.1 The sale of the land by Baloo to the potential purchaser will be conditional upon the purchaser entering into a contract with the Builder for the supply of building services.
- 1.6 The subdivision of the land into 16 survey strata lots will soon be completed. Baloo proposes to make offers to the public as soon as possible.

2. Public Benefit

- 2.1 The conduct described in this Form is exclusive within sections 47(6) and 47(7) of the Trade Practices Act 1974 (Cth). Baloo submits there is no likely detriment to the public resulting from that conduct.
 - 2.1.2 In the alternative, Baloo submits the benefit to the public resulting from the conduct outweighs any detriment to the public.
- 2.2 The proposed conduct does not substantially lessen competition in the relevant market as the area represents a small proportion of residential real estate available for development and sale in the Falcon area of Western Australia.

- 2.3 The tight design of the Lots necessitates that all lots are required to be built by one builder concurrently. Please find attached plans and illustrations for the proposed development in Falcon.
- 2.4 Common areas and common services need to be constructed before the units can be occupied. Please find attached copies of the proposed plans. On site, it would be impractical to engage more than one Builder to effect construction of these plans.
- 2.5 Using one Builder to construct all homes on the lots described will mean purchasers have more certainty about:
 - (a) the quality of construction;
 - (b) the symmetry of the development;
 - (c) development in accordance with the design guidelines and plans; and
 - (d) timing of completion of the development.
- 2.6 As there is a single transfer of the land prior to the commencement of the building services by the Builder, purchasers will only be required to pay stamp duty on the land value, representing a significant saving for the purchasers and making the overall house and land package being offered by Baloo more affordable.
- 2.7 As Baloo does not have to carry the cost of constructing the buildings, Baloo can sell its house and land packages at a price lower than if Baloo had to fund the construction of all of the buildings itself. As a consequence, the house and land packages will be available to purchasers at more affordable prices.
- 2.8 Baloo will obtain tender quotations from pre-qualified builders suitable for the development and the most efficient builder with the best quality will be selected for the development.
- 2.9 The total house and land package prices that are paid by purchasers are based on sworn valuations of the completed houses. The total price paid for the house and land package by purchasers is therefore not impacted by the particular builder selected nor influenced by the cost of construction as set by the builder.

WESTERN



AUSTRALIA

REGISTER NUMBER 114/P7044	
DUPLICATE EDITION 2	DATE DUPLICATE ISSUED 8/1/2009

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

VOLUME **1767** FOLIO **271**

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

R Roberts
REGISTRAR OF TITLES

**LAND DESCRIPTION:**

LOT 114 ON PLAN 7044

**REGISTERED PROPRIETOR:
(FIRST SCHEDULE)**

FARYAR GORJY
IN 49/100 SHARE
SHAHYAR ABDOLLAH GORJY
IN 49/100 SHARE
YARAN PTY LTD
IN 2/100 SHARE
ALL OF 19 BARBICAN STREET, SHELLEY
AS TENANTS IN COMMON

(T J558175) REGISTERED 20 DECEMBER 2005

**LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)**

1. THE LAND THE SUBJECT OF THIS CERTIFICATE OF TITLE EXCLUDES ALL PORTIONS OF THE LOT DESCRIBED ABOVE EXCEPT THAT PORTION SHOWN IN THE SKETCH OF THE SUPERSEDED PAPER VERSION OF THIS TITLE. VOL 1767 FOL 271.
2. J558176 MORTGAGE TO ST. GEORGE BANK LTD REGISTERED 20.12.2005.
3. K816971 MORTGAGE TO FARYAR GORJY, SHAHYAR ABDOLLAH GORJY, BOTH OF 20 TRIBUTE STREET, SHELLEY REGISTERED 5.1.2009.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.
* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.
Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

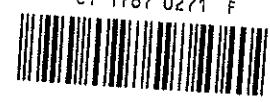
SKETCH OF LAND: 1767-271 (114/P7044).
PREVIOUS TITLE: 1738-893.
PROPERTY STREET ADDRESS: 25 BALOO CR, FALCON.
LOCAL GOVERNMENT AREA: CITY OF MANDURAH.

Superseded - Copy for Sketch Only

Pages (including cover) 1767 271

ORIGINAL - NOT TO BE REMOVED FROM OFFICE OF

IT 37
CT 1767 0271 F



Application D491307
Volume 1738 Folio 893

WESTERN



AUSTRALIA

VOL. 1767
271

CERTIFICATE OF TITLE

UNDER THE "TRANSFER OF LAND ACT, 1893" AS AMENDED

I certify that the person described in the First Schedule hereto is the registered proprietor of the undermentioned estate in the undermentioned land subject to the easements and encumbrances shown in the Second Schedule hereto.

Dated 8th June, 1987

J. Mulesky
REGISTRAR OF TITLES



ESTATE AND LAND REFERRED TO

Estate in fee simple in portion of Murray Location 752 and being part of Lot 114 on Plan 7044 (Sheet 2), delineated on the map in the Third Schedule hereto, limited however to the natural surface and therefrom to a depth of 60.96 metres.

FIRST SCHEDULE (continued overleaf)

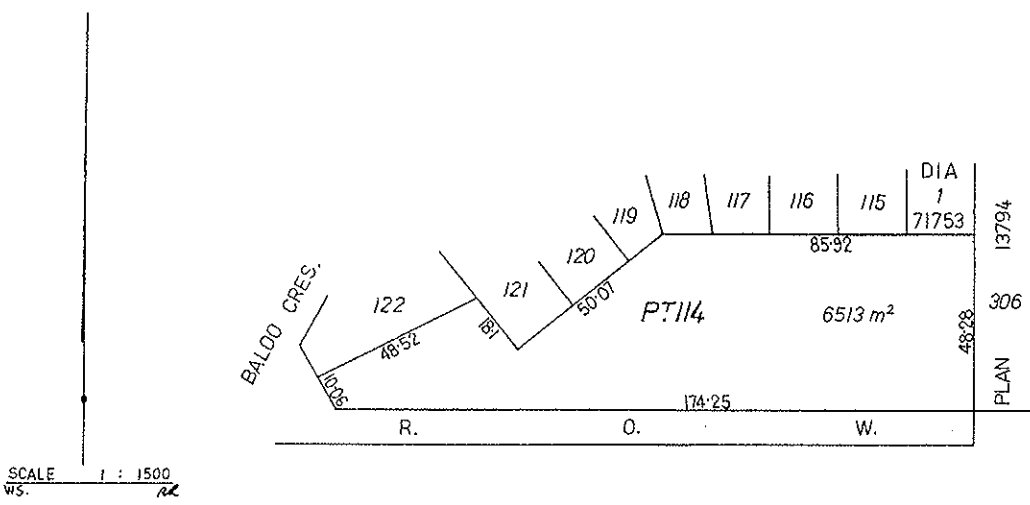
Bernard William Hearne, School Teacher and Juanetta Theresa Fay Hearne, Housewife, both of 9 Clifton Street, Pinjarra, as joint tenants.

SECOND SCHEDULE (continued overleaf)

~~1. MORTGAGE D319383 to The W.A. Teachers' Credit Society Ltd. Registered 3.9.86 at 9.47 a.m.~~
Discharged D600183 10.11.87

J. Mulesky
REGISTRAR OF TITLES

THIRD SCHEDULE



PERSONS ARE CAUTIONED AGAINST ALTERING OR ADDING TO THIS CERTIFICATE OR ANY NOTIFICATION HEREON


NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

72009/12/77-45M-S/2860

LT. 37





Superseded Copy for Sketch Only

NOTE: RULING THROUGH AND SEALING WITH THE OFFICE SEAL INDICATES THAT AN ENTRY NO LONGER HAS EFFECT. ENTRIES NOT RULED THROUGH MAY BE AFFECTED BY SUBSEQUENT ENDORSEMENTS.

NATURE	NUMBER	REGISTERED	TIME	SEAL	INITIALS
	F406493	22.12.93	15.32		rs

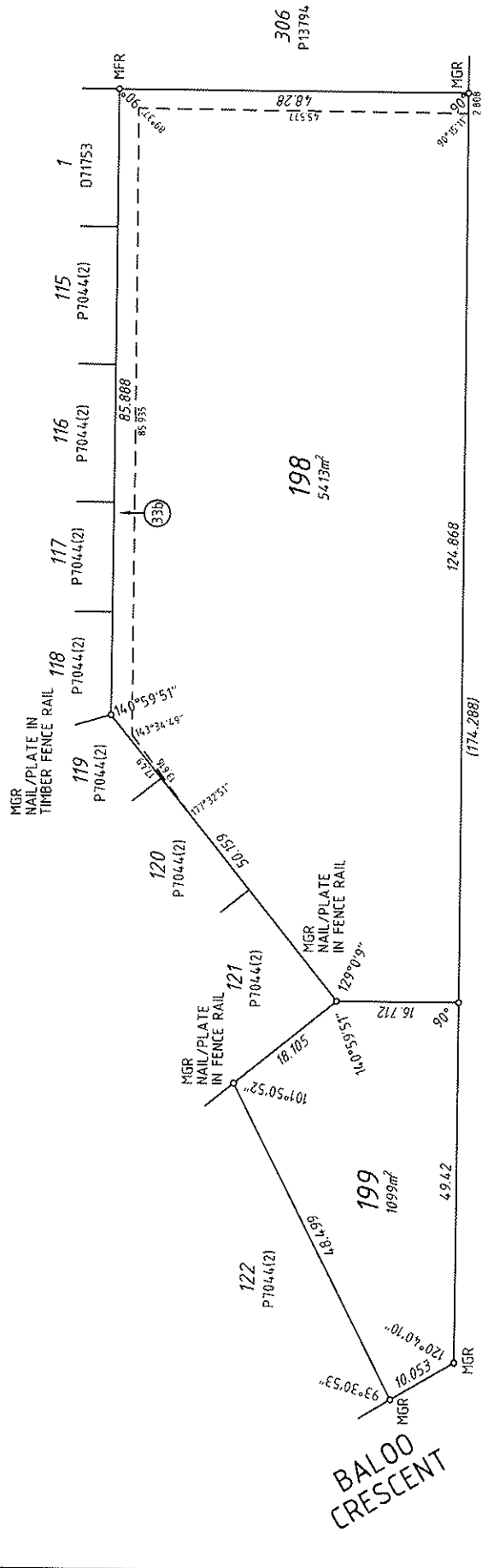
The correct address of the registered proprietors is now 25 Baloo Crescent, Falcon.

*Amend Address.
Now 25 Baloo
Crescent, Falcon.*

INSTRUMENT		REGISTERED		TIME	SEAL	INITIALS	CANCELLATION	NUMBER	REGISTERED OR LODGED	SEAL	INITIALS
NATURE	NUMBER	10.11.87	22.12.93	9.22							
Mortgage	D600184										
		to The Commissioners of the Rural & Industries Bank of Western Australia.									
Mortgage	F406493						Discharged	F335637	14.10.93		
		to Town & Country Bank Ltd.									


CERTIFICATE OF TITLE VOL. 1767 271

VER	AMENDMENT	AUTHORISED BY	DATE



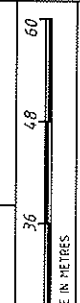
FERGUSON STREET

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENT
(33b)	RESTRICTIVE COVENANT NOTIFICATION EASEMENT (SEWERAGE)	SEC 129BA OF THE TLA 1893 SECTION 165 OF THE P&D ACT SECTION 167 OF THE P&D ACT REG 33(b)	DOC DOC THIS PLAN	LOT 198 LOTS 198 & 199 LOT 198	CITY OF MANDURAH WATER CORPORATION	BUILDING RESTRICTION MOSQUITO BREEDING

TYPE Freehold		TOWNSITE	
PURPOSE Subdivision		DISTRICT MURRAY	
PLAN OF		LOCAL AUTHORITY CITY OF MANDURAH	
LOTS 198 AND 199 AND EASEMENT		LOCALITY FALCON	
SSA No		FILE	
DRAWING NUMBER 8844-0977		WESTERN AUSTRALIAN PLANNING COMMISSION	
 P.O. BOX 81 GOSWELL ROAD		FILE 139644	
SURVEYOR'S CERTIFICATE - Reg 54 I, WJ FRANCE hereby certify that this 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 laws in relation to which it is lodged. Licensed Surveyor		APPROVED BY IN ORDER FOR DEALINGS SUBJECT TO DATE TYPE OF VALIDATION FIELD ADJUST LEGAL COMPROMISE DEPOSIT REVERSE CORRECTIONS /S/	
SURVEYOR'S CERTIFICATE - Reg 54 I, WJ FRANCE hereby certify that this 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 laws in relation to which it is lodged. Licensed Surveyor		APPROVED INSPECTOR OF PLANS & SURVEYS AUTHORIZED LAND OFFICER DATE SHEET 1 OF 1 VERSION 1	
DEPOSITED PLAN 63761		DEPOSITED PLAN 63761	



Landgate
Western Australian Land Information Authority



FIELD BOOK
109585

FORMER TENURE
LOT 114
ON P7044(2)
C/T 1767-271

ON
INDEX 8032 (2) 01.34

SCALE 1:600@A3

APPROVED BY
WESTERN AUSTRALIAN PLANNING COMMISSION
FILE 139644

DELEGATED UNDER S.16 P&D ACT 2005
DATE
TYPE OF VALIDATION
FIELD ADJUST
LEGAL
COMPROMISE
DEPOSIT
REVERSE
CORRECTIONS
/S/

INSPECTOR OF PLANS & SURVEYS
AUTHORISED LAND OFFICER
DATE
SHEET 1 OF 1
VERSION 1

DEPOSITED PLAN
63761

SURVEY-STRATA PLAN
56808
SHEET 1 OF 1 SHEETS

PLAN OF
LOT 198 ON DP63761

CERTIFICATE OF TITLE
VOLUME FOLIO
LOCAL GOVERNMENT
CITY OF MANDURAH
INDEX PLAN
BG32 (2) 01.33

FIELD BOOK

SCALE
AS SHOWN

NAME OF SCHEME
13 FERGUSON STREET
FALCON

ADDRESS OF PARCEL
13 FERGUSON STREET
FALCON W.A. 6210

MANAGEMENT STATEMENT YES NO

LOGGED
DATE
FEE PAID
ASSESS No.

CORRECT
COR. FILE
IN ORDER FOR DEALINGS
SUBJECT TO

FOR REGISTRAR OF TITLES DATE

REGISTERED

DATE REGISTRAR OF TITLES SEAL

WESTERN AUSTRALIAN PLANNING COMMISSION
W.A.P.C. REF. 396-09
Certificate of Approval of W.A.P.C. under Section 25B(2) of
Strata Titles Act 1985

Delegated under S. 16 P.S.D. Act 2005 DATE

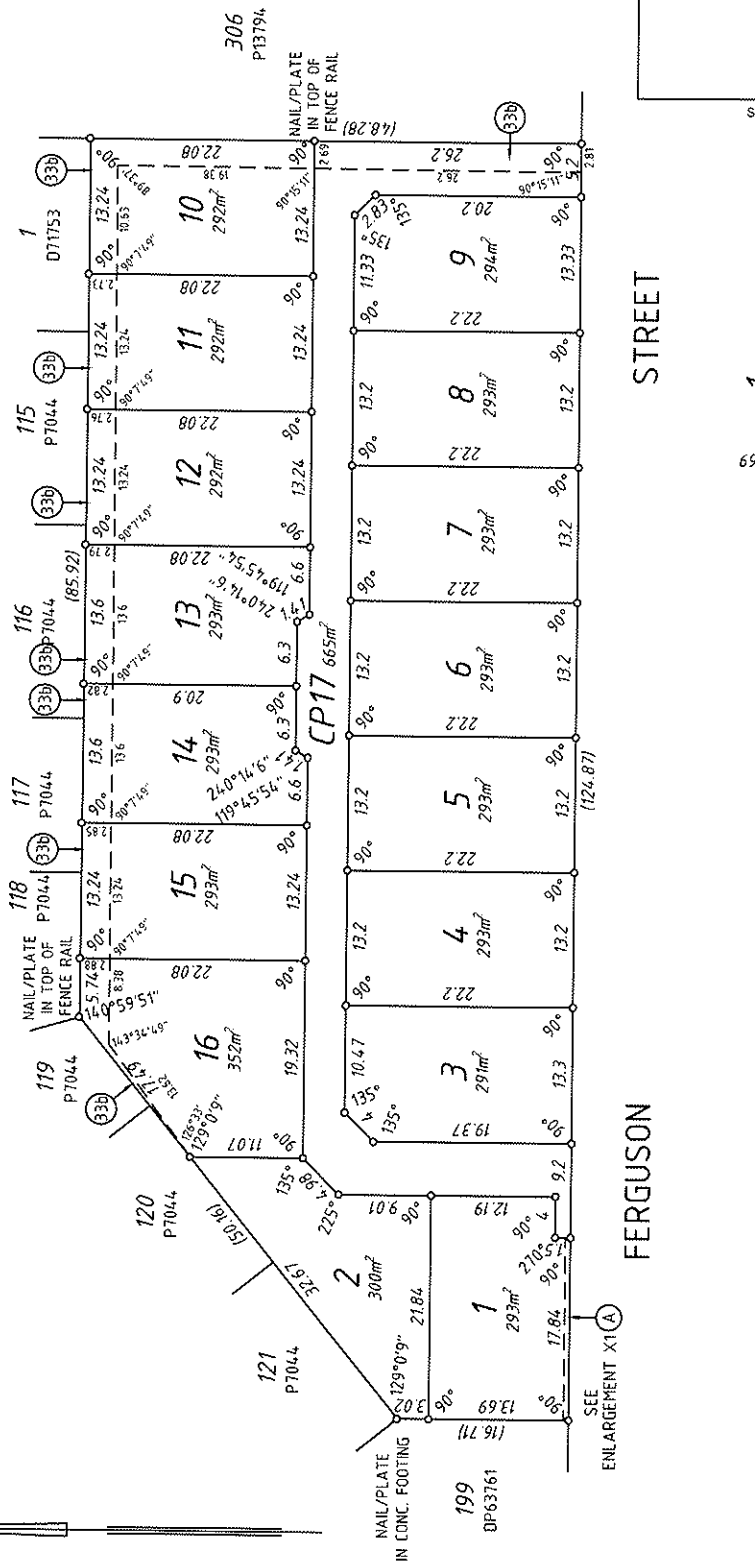
Landgate
Western Australian Land Information Authority

VER	AMENDMENT	AUTHORISED BY	DATE

INTERESTS AND NOTIFICATIONS

SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENT
(33b)	NOTIFICATION EASEMENT (SEWERAGE)	SEC 165 OF THE P&D ACT SEC 167 OF THE P&D ACT REG 33(b)	DOC DP63761	LOTS 198 & 199 LOTS 10-16 AND CP17	WATER CORPORATION	MOSQUITO BREEDING
(A)	EASEMENT (TRANSMISSION OF ELECTRICITY BY UNDERGROUND CABLE)	SEC 136C OF THE TLA	THIS PLAN	LOT 1	LOTS 2-16	

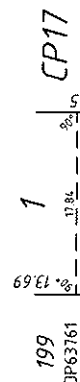
LIMITED IN DEPTH 60.96m



STRATA/SURVEY STRATA PLAN

STREET

FERGUSON



ENLARGEMENT X1
NOT TO SCALE

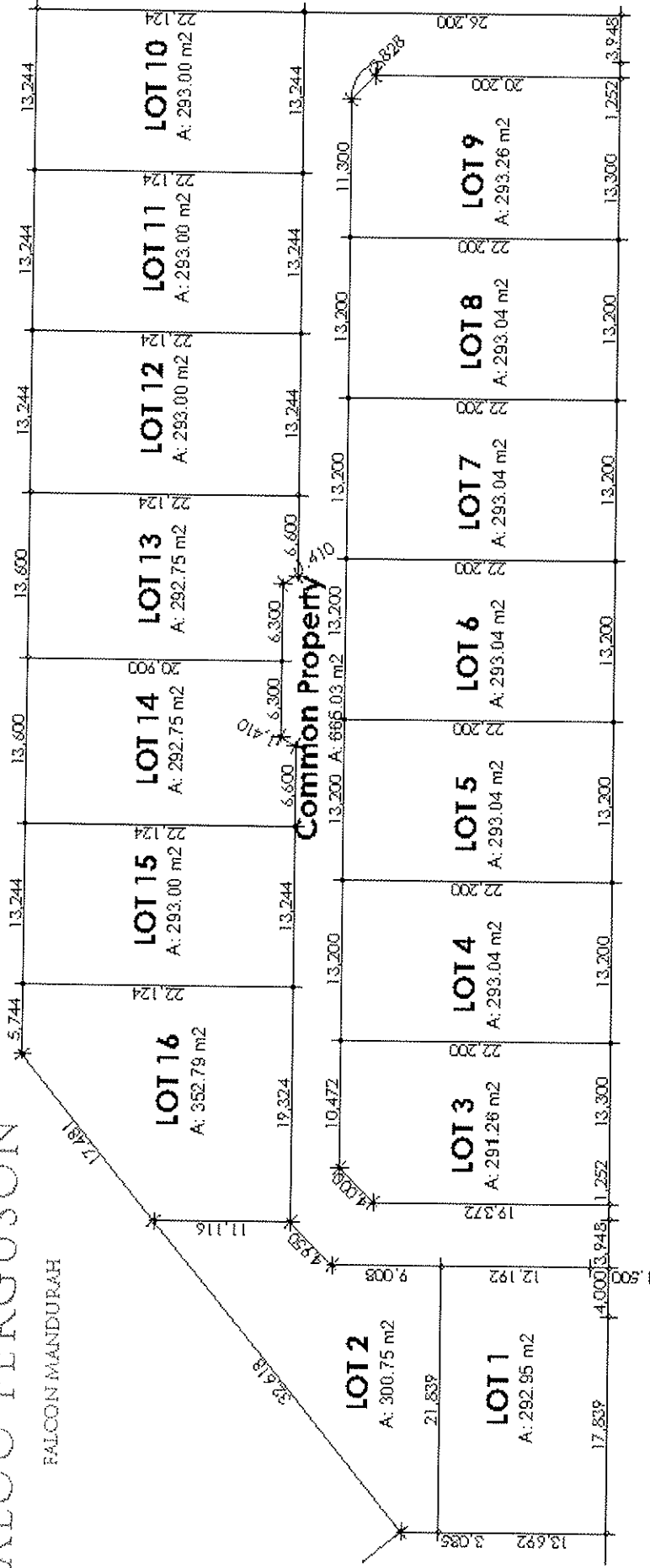


DRAWING NUMBER BMM-09111
SURVEYORS CERTIFICATE - Reg 54
W FRANCE
I hereby certify that this plan is accurate and is a correct representation of the:
(a) "survey" and/or
(b) "calculations from measurements"
(delete if inapplicable)
undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.

LICENSED SURVEYOR DATE

BALOO FERGUSON

FALCON MANDURAH



SUBDIVISION PLAN

1:500



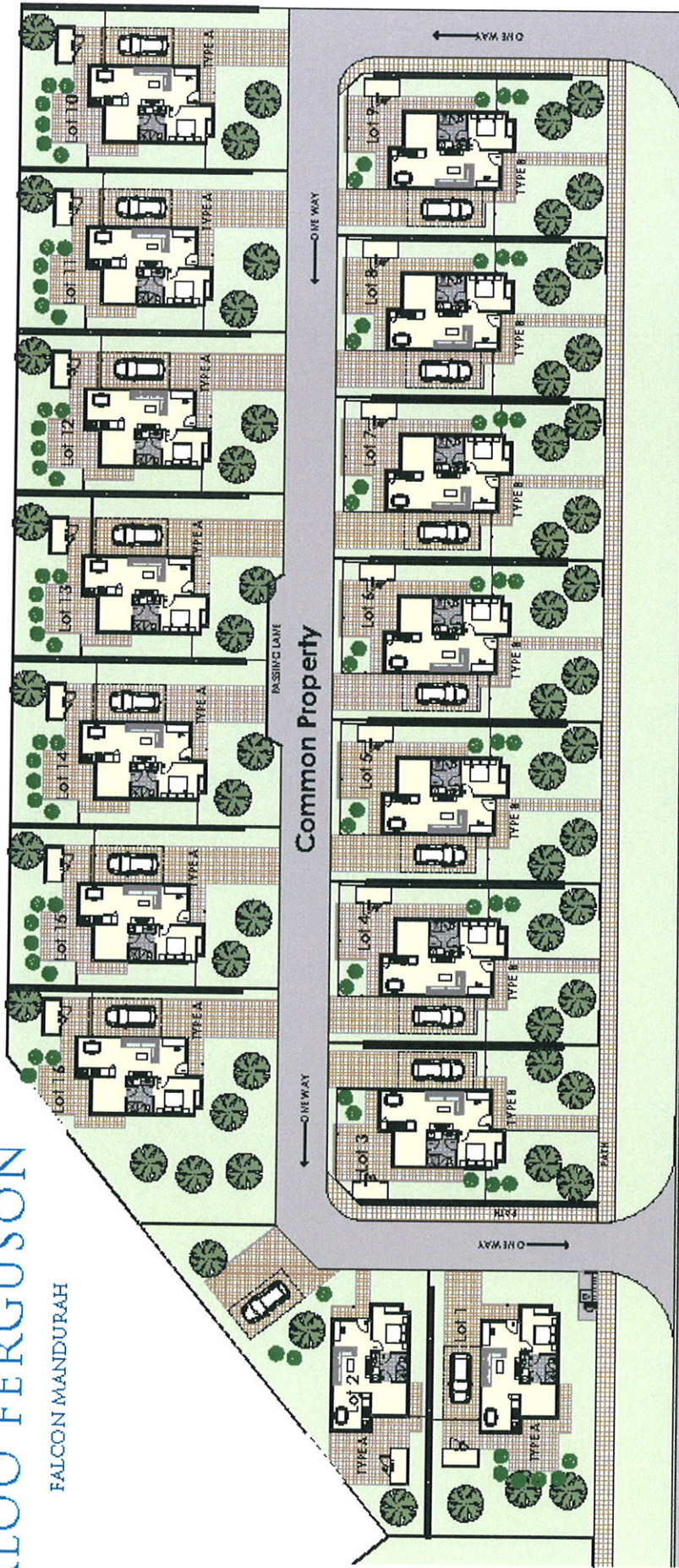
STAGE:	BRICKWORK CONCEPT
CLIENT:	YARAN PTY LTD
PROJECT:	16 LOT DEVELOPMENT LOT 2, FERGUSON STREET FALCON, MANDURAH WA 6210





BALOO FERGUSON

FALCON MANDURAH



FERGUSON STREET

SITE PLAN

1:500

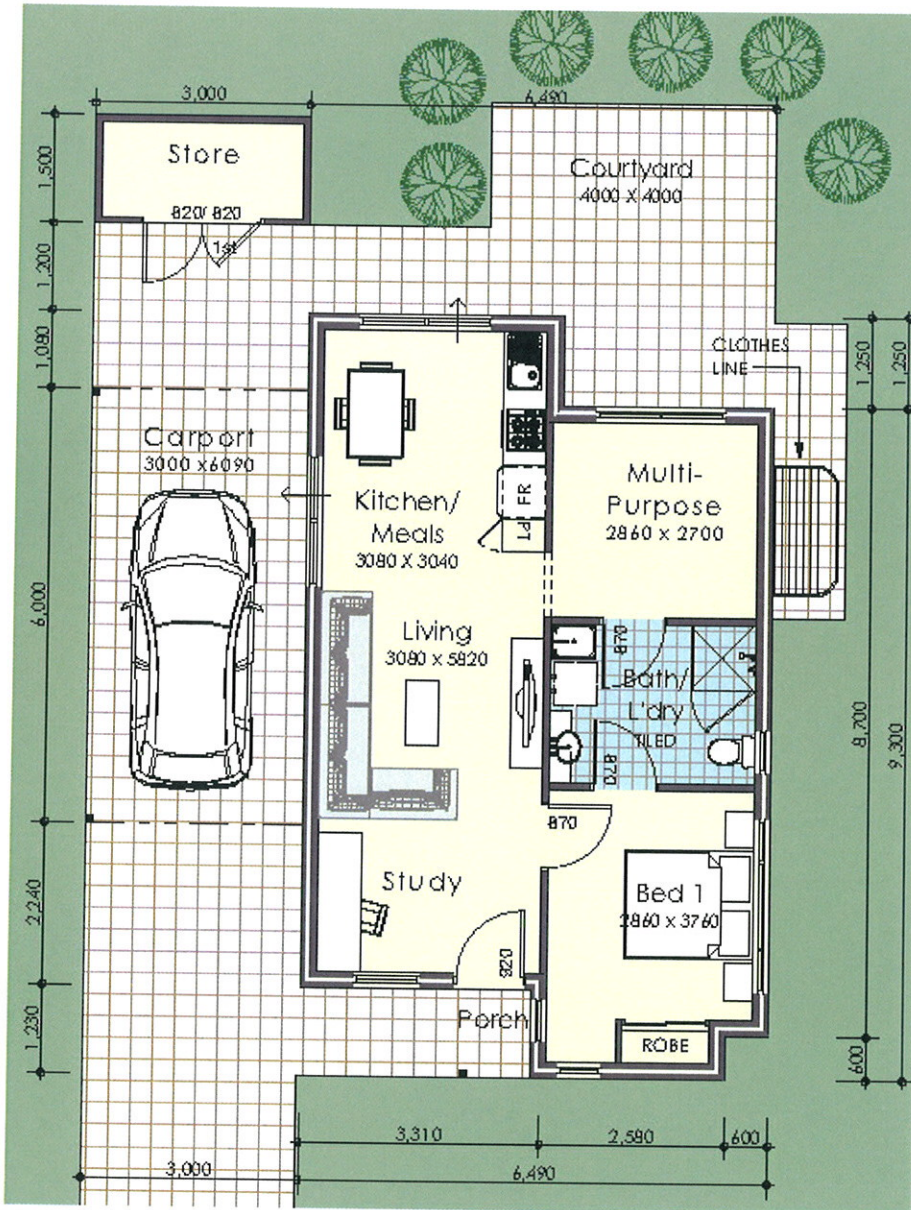


STAGE: BRICKWORK CONCEPT

CLIENT: YARAN PTY LTD

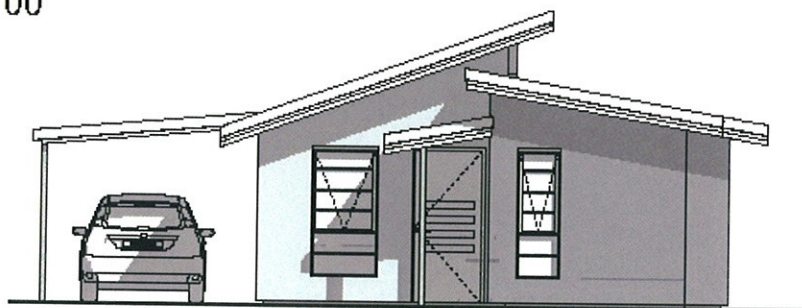
PROJECT: 16 LOT DEVELOPMENT
LOT 2 FERGUSON STREET
FALCON, MANDURAH W.A 6210





FLOOR PLAN

1:100



FRONT ELEVATION

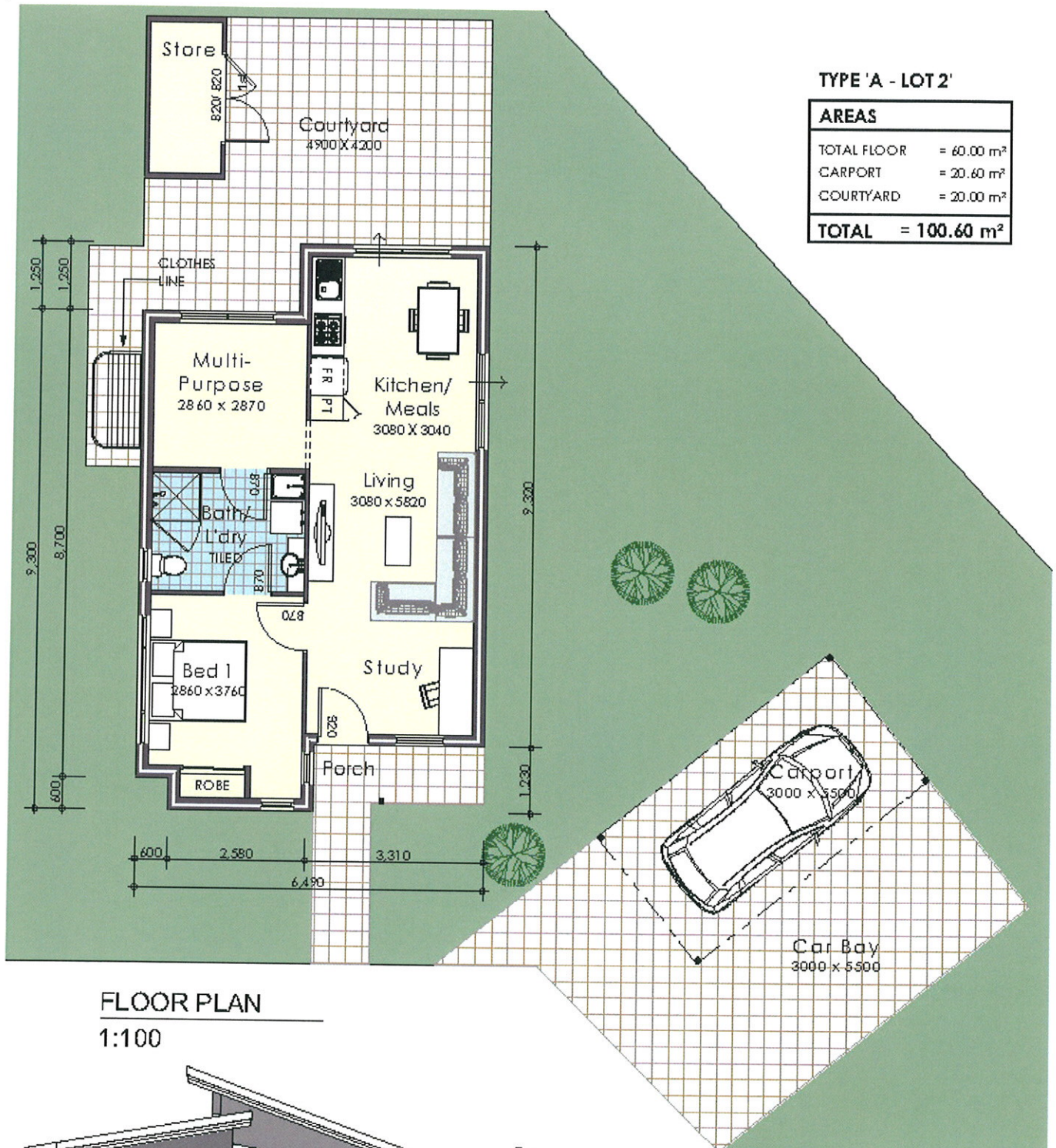
1:100

TYPE 'A'

AREAS	
TOTAL FLOOR	= 60.00 m ²
CARPORT	= 18.00 m ²
COURTYARD	= 20.00 m ²
TOTAL	= 98.00 m²

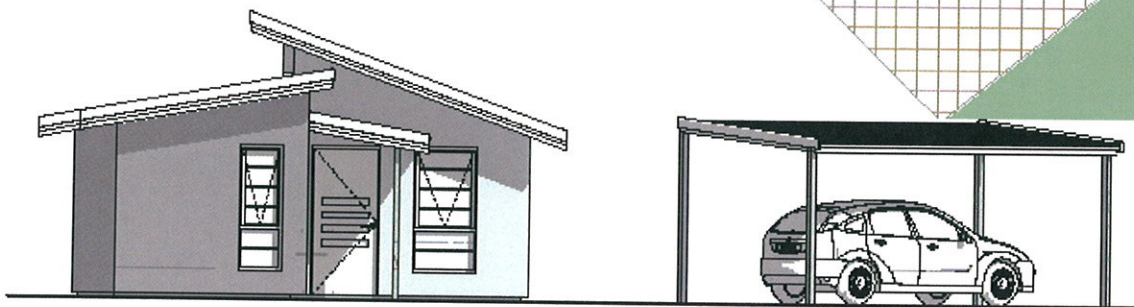
STAGE:	BRICKWORK CONCEPT
CLIENT:	YARAN PTY LTD
PROJECT:	16 LOT DEVELOPMENT LOT 2 FERGUSON STREET FALCON, MANDURAH WA 6210





FLOOR PLAN

1:100



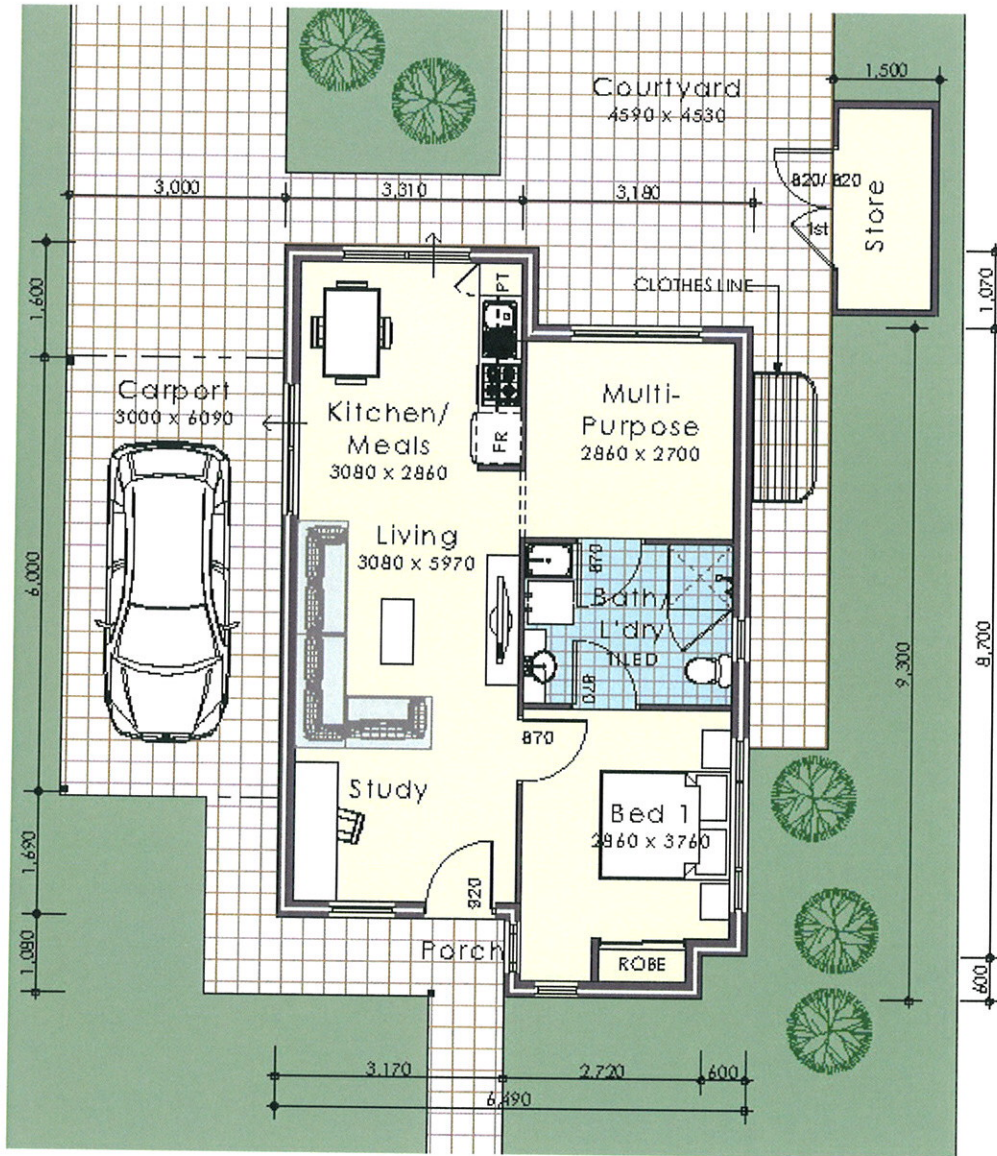
FRONT ELEVATION

1:100



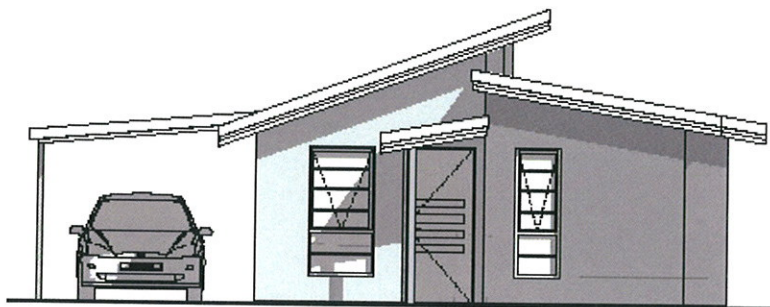
STAGE:	BRICKWORK CONCEPT
CLIENT:	YARAN PTY LTD
PROJECT:	16 LOT DEVELOPMENT LOT 2 FERGUSON STREET FALCON, MANDURAH WA 6210





FLOOR PLAN

1:100



FRONT ELEVATION

1:100

TYPE 'B'

AREAS	
TOTAL FLOOR	= 60.00 m ²
CARPORT	= 18 m ²
COURTYARD	= 20.00 m ²
TOTAL	= 98.00 m²

STAGE:	BRICKWORK CONCEPT
CLIENT:	YARAN PTY LTD
PROJECT:	16 LOT DEVELOPMENT LOT 2 FERGUSON STREET FALCON, MANDURAH WA 6210







