

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)

N98353 Jamnicant Pty. Ltd. (ACN 068 704 647)

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

Jamnicant Pty. Ltd. is a property development company and the owner of the land situate at and known as 155 Ahearn Road PAKENHAM VIC 3810 (“**the Development**”), which is being subdivided and sold for residential housing.

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

444-454 Belgrave Hallam Road
Narre Warren North VIC 3804

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 parcels of land by Jamnicant Pty. Ltd in association with home building packages with JC King Project Management Pty Ltd (ACN 095 695 079) (“**the Builder**”).

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

Jamnicant Pty. Ltd is the owner of the land situate at and known as 155 Ahearn Road, Pakenham , Victoria, more particularly described as Lot 2 on Plan of Subdivision 145843 (Certificate of Title Volume 9563 Folio 183) which is being subdivided into 53 lots and sold for residential housing (“**the Development**”).

Jamnicant Pty. Ltd is offering land at the Development for sale to the public as house and land packages. The purchasers will acquire land from

Jamnicant Pty. Ltd on condition that the purchasers enter into a contract to acquire building services directly from the Builder.
(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)

Potential house and land purchasers purchasing land being sold as part of the Development by Jamnicant Pty. Ltd.

- (b) Number of those persons:

- (i) At present time:

None. The offer has yet to be made to the general public.

- (ii) Estimated within the next year:
(Refer to direction 6)

53, being the anticipated number of lots in the proposed subdivision.

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

Not known.

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

- (i) Purchasers will have the benefit of obtaining a new home in a residential estate for a fixed price.
- (ii) By using the same builder, there will be consistency in the quality standards and design within the development, preserving the resale value of each transaction.
- (iii) New house and land packages will be available to purchasers at more affordable prices due to the following:-
- The cost to the purchaser may be lower than that of other developments as Jamnicant Pty. Ltd will not incur duty and taxes which may be passed on to purchasers when builders purchase land and then subsequently on-sell.
 - Stamp duty will be payable only on the land value as the transfer of title is effected prior to the commencement of the building services;
 - By using the same builder, purchasers will benefit from economies of scale, reducing the cost of construction. Examples

include reduced delivery fees, and discounts on the greater supply of building materials materials.

- Similar benefits from economies of scale will also flow in the use of tradesmen performing electrical, plumbing, carpentry and fit-out services for the development.

(iv) There will be savings in compliance costs as inspections can be carried out in bulk.

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

Not Applicable.

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 residential real estate market in the south-eastern metropolitan area of Melbourne.

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)

- Jamnicant Pty. Ltd submits there would be little to no detriment to the public from the conduct.
- Jamnicant Pty. Ltd does not consider that the proposed conduct would adversely affect prices of other house and land packages in the affected area.

(b) Facts and evidence relevant to these detriments:

- Purchasers are under no obligation to purchase land in the Development.
- The development is one of several residential estates within the area which do not require the purchasers to use the Builder.
- The proposed conduct only affects purchasers who wish to purchase in the Development.
- The proposed conduct would not affect or restrict the choice of consumers as there are many other residential estates in the affected

market offering house and land packages such as Heritage Springs, Cardinia Lakes, Lakeside developments or Metricon homes. There are also more residential estates in the Pakenham area offering a range of low and medium density lots, free standing homes, or semi-detached townhouses for both owner occupier and investors. There are also a large range of building operates in the Pakenham area who construct free standing houses and/or semi-detached townhouses.

- The proposed conduct affects a minor percentage of the affected market.


7. Further information

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

Renee Legg
Aughtersons
PO Box 211, Ringwood VIC 3134
DX 38057 Ringwood

Email: renee.legg@aughtersons.com.au
Ph: 03 9845 8200 Fax: 03 9879 1404

Dated..... 2 July 2015

Signed ~~by~~ on behalf of the applicant 
.....
(Signature)

.....
(Full Name) **SHYRIN VICTORIA AGAHI**
267 Maroondah Highway, Ringwood
An Australian Legal Practitioner
.....
(Organisation) **within the meaning of the Legal**
Profession Uniform Law (Victoria)

.....
(Position in Organisation)

