

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)

N99415 *Arcadia Land Company Pty Ltd*

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

- (c) Address in Australia for service of documents on that person:
Level 13, Freshwater Place
2 Southbank Boulevard
Southbank, VIC 3006

2. Notified arrangement

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

*Sale of medium density vacant subdivided land for residential use -
Construction of attached and semi-attached residential homes*

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

Arcadia Land Company proposes to sell vacant subdivided land in Officer Victoria for residential use on condition that purchasers also enter into building contracts with Sienna Homes P/L for construction of freestanding residential homes on a body corporate site – choosing from single storey and double storey 3 or 4 bedroom homes.
(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 subdivided vacant residential land - builders of residential homes
- (b) Number of those persons:
- (i) At present time:
0
- (ii) Estimated within the next year:
(Refer to direction 6)
17
- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:
N/A

4. Public benefit claims

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

Arcadia Land Company P/L is the developer of a vacant residential land estate known as Sonning on The Rise estate at 285 Princes Highway Officer

The Estate contains land which is being developed for various residential purposes.

Within the Estate, Stage 4B as described on the Masterplan attached is a 0.84 hectare site which has been reserved for medium density residential use, in accordance with the Development Plan issued by Cardinia Shire Council.

Because of this, Arcadia Land Company Pty Ltd has entered into detailed negotiations with a number of residential builders, with a view to nominating one single builder to construct all dwellings on the site, to:

Ensure housing can be constructed in stages by one builder

Avoid issues with construction timeframes which would occur with multiple builders

Enable most efficient and effective construction timeframe for purchasers

Deliver higher quality build outcome through cost savings achievable with a single builder

To ensure consistent quality and maintain consistent high build standards. With increased control over single building contractor

Subsequent to negotiations, Arcadia has appointed Sienna Homes Pty Ltd as its preferred builder for the site.

Sienna have worked in conjunction with Cardinia Shire Council and Arcadia to ensure that the aesthetic and design controls on site will be complied with in all construction.

Sienna will provide purchasers access to their client showroom facility and with a variety of "colour boards" as a means to assist purchasers in their choice of internal finishes and colour schemes. As there is a high standard of inclusions it is not anticipated that purchasers will require variations – however this is possible as an extra to the base contract price. External finishes are controlled by the design outcome for the site and the approved planning permit.

Copy of plan is attached

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

Plans attached showing variations to layout and design

Planning Permit attached showing requirement for detached dwellings and internal road

Masterplan of site showing variety of residential product available on site

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)

Residential Home Buyers

Second and subsequent home buyer market including retirees

Investor purchasers

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)

It is likely that no detriment will flow to the public, as potential purchasers will be seeking medium density dwellings and will recognise the significant

cost savings to be obtained through the use of one single builder throughout the Site.

Also, no material detriment will result from the notification, as the same goods and services (ie house and land packages, separate vacant land and also residential construction products) are available within the Estate itself and at a number of alternative residential developments adjacent to and surrounding the development for which the notification is made. Therefore, we do not believe that the notification will materially affect the available options for purchasers in this area.

The notification will also not materially affect potential builders, as vacant land options exist within the Estate and at nearby developments, with significant levels of stock already available, or about to become available. Therefore, because the public has significant choices in this segment of the market, in this geographic region, the potential detriment is minimised.

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

As identified above the Estate and surrounding adjacent Estates in the Officer area offer vacant land to purchasers with a wide choice of builders. There is also a Display Village located adjacent to the proposed development with a number of the local builders offering homes and house and land packages to potential purchasers.

7. Further information

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

Dimitee Hogg

Arcadia Land Company Pty Ltd

0408 997 554

Level 13, Freshwater Place

2 Southbank Boulevard

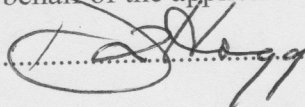
Southbank, VIC 3006

arcadia land company @
gmail.com

Dated..... 20th October 2016

Signed by/on behalf of the applicant

(Signature)



DIMITEE ROSE ADGG
(Full Name)

ARCADIA LAND COMPANY P/L
(Organisation)

DIRECTOR
(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 *Competition and Consumer Act 2010* 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.