

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)

N99996 Avid Residential Group Pty Ltd ACN 098 527 390 'Avid' (previously Investa Residential Group Pty Ltd)

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

(Refer to direction 3)

Avid is the owner of land at Bellbird Park, Queensland which is being subdivided and will be sold for residential housing.

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

Nicole Bannerman, Company Secretary, Suncorp Building, Level 35, 259 George Street, Sydney NSW 2000

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 owned by Avid in association with home building packages in the "Brentwood Forest Estate" at Bellbird Park, Queensland.

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

(Refer to direction 4)

Avid is offering land to the public for sale as house and land packages. The customer will acquire land from Avid on the condition that the customer enters into a contract to acquire building services directly from Creation Homes (QLD) Pty Ltd ABN 73 155 796 384 or such other builder as Avid may nominate from time to time.

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)

The conduct relates to potential house and land purchasers, purchasing land from Avid within it's development in the "Brentwood Forest Estate" at Bellbird Park, Queensland.

(b) Number of those persons:

(i) At present time:

The offer is open to the general public.

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

Not known.

(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 not have to bear the cost of 'double' stamp duty as there is a single transfer of land from the vendor (Avid) to a purchaser avoiding an intermediate transfer to the building company. If an intermediate transfer took place the resulting stamp duty would be passed on to the ultimate purchaser.

(ii) As the transfer of title is effected prior to the commencement of the building services, stamp duty is payable only on the land value.

(iii) As a consequence, new house and land packages will be available to purchasers at more affordable prices.

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

See above.

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 market to which the proposed conduct relates to is the residential real estate market in the outer western area of Brisbane QLD.

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)

The conduct described in this Form is exclusive within section 47(6) and 47(7) of the *Competition and Consumer Act 2010*. Avid submits there is no likely detriment to the public resulting from that conduct.

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

Ipswich Council's approval of the "Brentwood Forest Estate" for Stages 20T, 21T and 24T (21 lots being Lots 1 to 21), and Stage 7 (5 lots being lots 22, 23, 24, 26 and 31) and Stage 27 (7 lots being lots 1174 to 1180), requires that the lots be sold as house/land packages.

The subject "Brentwood Forest Estate" Stages, 20T, 21T and 24T, Stage 7 and Stage 27 at Bellbird Park are a subdivision of land that has created 33 lots to be sold in accordance with item 2(b). Avid is developing other stages in it's "Brentwood Forest Estate" and presently selling land in Stages 26, 27, 28, 30 and 31 comprising more than 60 vacant land lots for sale to the public and Avid intends to develop further stages comprising vacant land lots for sale to the public in it's "Brentwood Forest Estate" in the future. The subject "Brentwood Forest Estate" Stages 20T, 21T and 24T, 7 and 27 Bellbird Park lots represent a small proportion of residential real estate available for development in the Bellbird Park area.

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

Avid has previously obtained registration of third line forcing for Stages 20T, 21T and 24T and 7 mentioned above Notification No N99052 and N98866 which relate to the builder Simmonds Queensland Constructions Pty Ltd but now wishes to nominate a different builder/builders.

7. Further information

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

Nicole Bannerman, Suncorp Building, Level 35, 259 George Street, Sydney 2000. Tel: 8316 7704.

Dated.....16/10/17.....

Signed by/on behalf of the applicant

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(Signature)

Nicole Bannerman, Company Secretary
Avid Residential Group Pty Ltd ACN 098 527 390

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.