

## 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:

N99695

Maas Group Properties No 8 Pty Limited (ACN 614 957 087)

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

The Applicant is a developer of residential properties.

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

C/- Duffy Elliott Lawyers, 148 Brisbane Street, Dubbo, NSW 2830.

### 2. Notified arrangement

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

Sale of house and land packages in Lakeview Estate at Lot 471 Boundary Road, Dubbo NSW, 2830 (the "Development").

This includes:

- (i) the supply of land by the Applicant;
- (ii) the supply of building and related services by a Builder nominated by the Applicant.

(b) Description of the conduct or proposed conduct:

- (i) The Applicant is the registered proprietor of the Development. Lots in the Development will be offered for sale by the Applicant on condition that the purchaser enters into a building contract with a Builder to be nominated by the Applicant.
- (ii) The proposed conduct will only occur once in respect of any sale (or subsequent sale) of a Lot. It will occur at the time of purchase, when the obligation for the purchaser to engage the Nominated Builder is imposed under the terms of the contract of sale for the purchase of the Lot.

**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:

Persons wishing to acquire house and land packages in the Development.

- (b) Number of those persons:

- (i) At present time:

There are four at the present time.

- (ii) Estimated within the next year:

There are 73 lots within the development and the Applicant hopes to enter into 61 Contracts for the sale and purchase of land with various purchasers which are conditional upon the purchasers entering into building contracts with the builder nominated by the Applicant.

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

- (i) Allan Grey and Phyllis Jean Grey, 83R Obley Road, Dubbo 2830  
(ii) Helen Marie Link, 4 South Buninyong Road, Dubbo 2830  
(iii) Graham Ernest Roberts and Christine Fay Roberts, 11 Clearwater Place, Dubbo 2830  
(iv) Joseph Nicholas Brennan, 9 Renshaw Drive, Dubbo 2830

**4. Public benefit claims**

Arguments in support of notification:

Purchasers will benefit from the anticipated benefits and efficiencies that are likely to result from the arrangement including:

- It provides an alternative choice for purchasers looking for a bundled home and land solution. The Applicant believes that the house and land package options would be attractive to purchasers as they would save the purchaser time and cost in searching for an appropriate builder.
- The house and land packages range in size and value and so the purchaser has a selection of packages according to their financial requirements.
- The Applicant would be better able to ensure the quality of the building workmanship on the dwellings throughout the whole of the Development through an ongoing relationship with the Builders. The Applicant proposes to only use Builders that have a proven track record of providing industry leading quality of workmanship. A consistent high quality of workmanship would benefit not only the individual purchasers but the entire Development. The purchasers would have greater security in their investment in purchasing a dwelling in the Development.

- The Builders would be able to take advantage of volume discounts and reduced overall labour costs through the repetition of work on sites in close proximity to each other. Generally, these savings to the Builders are then able to be passed on to the purchasers.
- The Builders would have detailed knowledge of the building guidelines and other requirements such as soil conditions, common area materials and finishes and infrastructure servicing specific to the Development. This would allow the Applicant to ensure that the house and landscaping once constructed are consistent with the development approvals and the provisions of the Community Plan and would not adversely affect other owners in the Development. This may also result in additional efficiencies and a reduction in the possibility of disputes regarding compliance with design guidelines and/or covenants.
- Purchasers would be provided with a dwelling that is consistent with the Development being a uniform and coordinated estate that provides for its residents community property, landscaping, infrastructure and facilities (such as landscaped gardens and lawn areas, pool, pool house, barbecues and communal open space, internal private road network, managed common areas, communal security system, waste collection services).
- The arrangement is designed to give consumers an option that they may find attractive at a competitive price. Purchasers will receive the benefit of obtaining a new quality home in a residential estate for a fixed price.

**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 affected market consists of the purchasers of residential dwellings in the area of Dubbo, New South Wales (the "Affected Market").

**6. Public detriment**

(a) Detriment 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:

- The Applicant considers that there would be little or no public detriment.
- The Applicant does not consider that the proposed conduct would negatively affect prices of house and land packages in the Affected Market.

(b) Facts and evidence relevant to these detriments:

- 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. There are many other

residential estates in the Dubbo area, offering a range of low and medium density lots only, free standing houses or semi-detached townhouses for both owner occupier and investors. There is also a large range of builders operating in the Dubbo area who construct free standing houses and/or semidetached dwellings.

- The 2011 Census reported that there were approximately 15,500 private dwellings in the Affected Market, the proposed dealing represents less than 0.5% of the total housing market within the Affected Market. The Applicant believes the proposed conduct affects an insignificant percentage of the Affected Market.

## **7. Further information**

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

Steven Guy  
General Manager  
Maas Group Properties  
Unit 3,  
148 Brisbane Street  
DUBBO NSW 2830

Tel: 0428 298 916  
Email: [steveguy@maasgroup.com.au](mailto:steveguy@maasgroup.com.au)

Dated: 25 May 2017

(Signature)



(Full Name)

Steven Guy

(Organisation)

Maas Group Properties No 8 Pty Limited

(Position in Organisation) General Manager