



**Australian
Competition &
Consumer
Commission**

Our Ref: C2005/1028
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5 July 2005

Mr Steven Milicevic
RUSSELL KENNEDY SOLICITORS
PO Box 5146AA
MELBOURNE VIC 3001

Dear Mr Milicevic

**Re: Third line forcing notification No. N91829
lodged by Northridge Homes Pty Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 27 June 2005. The notification has been placed on the ACCC's public register.

Northridge Homes Pty Ltd ('the Developer') has described the conduct as follows:

The Developer will offer 13 vacant lots within the residential development known as Mill Park Lakes Estate in South Moran on the condition that buyers enter into a separate contract with a nominated builder, Henley Arch Pty Ltd ('the Builder').

Legal immunity conferred by the notification will come into effect on 12 July 2005. On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

However I note that in paragraph 2(b) of the Exclusive Dealing Notification Form G, potential future conduct is alluded to:

Northridge may offer house and land packages to purchasers under similar arrangements with Henley Arch and other members of the Henley Properties Group in relation to other residential developments, such as the Highlands Estate in Craigieburn, from time to time. The specific nature and price of these house and land packages will vary between locations and developments.

The particulars of this possible conduct have not been set out, therefore I consider that the conduct alluded to in this paragraph has not been validly notified. Accordingly,



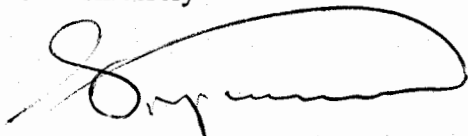
it is my view that immunity arising from this notification extends only to the Developer's arrangements with the Builder in respect of the 13 vacant lots in the Mill Park Lakes Estate development.

Should the Developer offer house and land packages under arrangements with other members of the Henley Properties Group, or in relation to residential developments other than the Mill Park Lakes Estate, it may wish to consider lodging separate notifications in respect of those particular arrangements at that time.

As with any notification, please note that the ACCC may act to remove the immunity afforded by this notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Kate Eckermann on 02 6243 1236.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gregson', with a large, sweeping flourish above the name.

Scott Gregson
A/g General Manager
Adjudication Branch