



**Australian
Competition &
Consumer
Commission**

Our Ref: N31495
Your Ref: 80667299
Contact Officer: Kerry Leigh Taylor
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30 December 2005

Mr Paul Hughes
Freehills
GPO Box 4227
SYDNEY NSW 2001

Dear Mr Hughes,

Third line forcing notification No. N31495 lodged by Investa Developments Pty Ltd

I refer to the above third line forcing notification lodged by Investa Developments Pty Ltd (Investa) with the Australian Competition and Consumer Commission (the ACCC) on 23 December 2005. The notification and the public version of the submission have been placed on the ACCC's public register.

Investa has described the conduct as follows:

“The applicant proposes to offer residential housing for purchase to consumers on condition that the lot owner use a natural gas hot water service as the primary hot water service for the dwelling. The hot water service can be either a continuous flow (instantaneous) or storage water heater. This condition will be in the Investa Developments Pty Limited sale of land contracts.”

I note that the notified conduct is relevant to the Brentwood residential housing development.

Legal immunity conferred by the notification will come into force on 4 January 2006. 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.

While it is not intended that further action be taken in relation to the notification, I would note the importance of ensuring potential purchasers of the housing in question are made aware of the restrictions proposed and the options available to them in respect of their choice of hot water service.



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 Kerry Leigh Taylor on (02) 6243 1175.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield
A/g General Manager
Adjudication Branch