



Australian
Competition &
Consumer
Commission

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: C2011/332
Contact Officer: Ian Lawrence
Contact Number: 02 6243 1058

20 April 2011

Mark McCowan
Partner
Corrs Chambers Westgarth
600 Bourke Street
MELBOURNE VIC 3000

Dear Mr McCowan

**Third line forcing notification N95345 lodged by The Trust Company Limited
as custodian and agent for the Mirvac Wholesale Residential Development
Partnership Trust**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 March 2011. The notification has been placed on the ACCC's public register.

In relation to certain vacant residential lots in a new housing development in Wantirna South, Victoria (Harcrest), The Trust Company Limited proposes to:

- supply, and offer to supply each of lots 9, 10 and 11 in unregistered plan of subdivision PS630773C, on condition that the purchaser will enter into a contract with Metricon Homes Pty Limited ACN 005 108 752, or one of its related bodies corporate (Metricon), for the construction of a house on the lot.
- supply, and offer to supply lot 12 in unregistered plan of subdivision PS630773C, on condition that the purchaser will enter into a contract with PDH Displays Pty Limited ACN 125 143 428, or one of its related bodies corporate (Porter Davis), for the construction of a house on the lot.

Legal immunity conferred by the notification commenced on 12 April 2011.

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.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the 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 assessment has been made on the basis that The Trust Company Limited will disclose all relevant terms and conditions to prospective clients. In particular, potential purchasers of lots at Harcrest should be made fully aware of those lots which are subject to a requirement to enter a contract with a nominated builder for the construction of a house on that lot.

A copy of 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 Mr Ian Lawrence on (02) 6243 1058.

Yours sincerely

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a horizontal line that extends to the right and then curves slightly upwards.

Dr Richard Chadwick
General Manager
Adjudication Branch