



Australian
Competition &
Consumer
Commission

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Contact Officer: Darrell Channing
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2 April 2013

Wai-Hwoon Low
Principal
Russell Kennedy
By email: whlow@rk.com.au

Dear Ms Low

Third line forcing notification N96882 lodged by Melton City Council

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 26 March 2013. The notification has been placed on the ACCC's public register.

Melton City Council proposes to sell land and homes in a development sit know as Atherstone on condition that the purchaser acquires the services of a nominated builder.

Legal protection conferred by the notification will commence on 9 April 2013.

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.

I note that your Form G also purported to lodge a notification in respect of Lend Lease Communities (Atherstone) Pty Ltd. However, based on the description of the conduct in the Form G, I consider that it does not describe conduct being engaged in by Lend Lease that is at risk of breaching section 47 of the *Competition and Consumer Act 2010*. In addition, only a single lodgement fee of \$100 accompanied the notification. As a result, we have only considered the notification lodged by Melton City Council as being validly lodged at this time.

As with any notification, please note that the ACCC may act to remove the legal protection provided 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 Melton City Council and Lend Lease will disclose all relevant terms and conditions to prospective customers.

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 Darrell Channing on (02) 6243 4925.

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick
General Manager
Adjudication Branch