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Our ref: N10000475 & N10000477
Contact officer: Robert Janissen
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18/04/2019

By email

Dear Sir/Madam,

Peet Tonsley Apartments & Urban Renewal Authority Notifications N10000475 & N10000477 - interested party consultation

The Australian Competition and Consumer Commission (**the ACCC**) has received notifications from Peet Tonsley Apartments Pty Ltd (**Peet**) and Urban Renewal Authority (**Renewal SA**). These parties are proposing to engage in exclusive dealing in relation to the provision of recycled water and natural gas to the Tonsley Precinct development in Adelaide.

The ACCC invites you to comment on the arrangement. Further information about exclusive dealing is provided in the ACCC's [Exclusive Dealing Notification Guidelines](#).

Details of the arrangement

On 18 March 2019 Peet and Renewal SA (together, **the Applicants**) each lodged an exclusive dealing notification. Peet and Renewal SA are respectively the developer and landholder of 450 apartment and 400 townhouse allotments at the Tonsley Precinct.

The Applicants have entered an agreement with Enwave Tonsley Pty Ltd (**Enwave**) through which Enwave will develop, operate and maintain a recycled water network and embedded natural gas network to service the entire precinct.

The Applicants are proposing to require each purchaser of an allotment at the Tonsley Precinct to connect to the Enwave recycled water and gas networks, pay a connection fee and purchase natural gas and recycled water from Enwave on terms to be agreed with Enwave.

Exclusive dealing is normally in breach of the *Competition and Consumer Act 2010*, but parties can obtain immunity for certain forms of exclusive dealing by lodging an exclusive dealing notification.

The protection from legal action provided by notifications N10000475 & N10000477 commenced automatically when they were validly lodged with the ACCC on 18 March 2019.

A copy of the application is available on the ACCC's website:
www.accc.gov.au/AuthorisationsRegister

The ACCC can only remove the protection provided by a notification if it is satisfied that the notified conduct:

- has the purpose, effect or likely effect of substantially lessening competition, and
- in all the circumstances, will not result in any likely public benefit(s) which would outweigh any likely public detriment(s).

Request for submission

The ACCC invites you to make a submission on whether exclusive dealing in the manner proposed by Peet and Renewal SA:

- has the purpose, effect or likely effect of substantially lessening competition, and
- will or will not result in likely public benefit(s) which would outweigh any likely public detriment(s).

If you intend to provide a submission in relation to either/both of the Applicants' notifications, please do so by **6 May 2019**. Submissions should be emailed to adjudication@acc.gov.au with the subject 'N10000475 & N10000477 – Peet and Renewal SA Notifications – submission'.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are available [here](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
18 March 2019	Notifications lodged.
18 April 2019	Public consultation process begins.
6 May 2019	Closing date for submissions from interested parties.
May 2019	Applicant responds to issues raised in the public consultation process.
June 2019	ACCC assessment of the notifications.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Robert Janissen on 02 6243 1387 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping flourish at the end.

Darrell Channing
Director
Adjudication Branch

Interested Parties List

Australian Gas Networks
Buildtec group
Compass Springs (Robusto Investments)
Department for Environment and Water
Department of Energy and Mining
ELGas
Enwave Tonsley
Essential Services Commission of South Australia
Fairmont Homes
Lanser Communities Pty Ltd
Marion City Council
Martin Road Development Pty Ltd
Metro Property Development
Origin Energy
Peet Limited
ReWater
Rossdale Homes
SA Water
The Greens (SA)
Urban Development Institute of South Australia
Urban Projects Australia Pty Ltd (trading as Connekt)
Wryxon Pty Ltd