



# Everingham Solomons

SOLICITORS

Incorporating Thomas & Hague  
and Creagh O'Brien & Co

Our Ref: KJS:090226 - NAM  
Your Ref: C2010/488

FILE No:	<b>E-MAILED</b> 1 June 2010
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The General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

**EMAIL: john.rouw@accc.gov.au**

The original of this document will be forwarded by mail.

Dear Sir

**RE: FORM G – EXCLUSIVE DEALING NOTIFICATION RELATING TO  
CONDUCT UNDER SUBSECTION 47(6) AND/OR 47(7) OF THE TRADE  
PRACTICES ACT  
HOUSE AND LAND PACKAGES AT “WINDMILL HILL ESTATE”  
TAMWORTH NSW**

We refer to our letter of 10 May and to the writer’s telephone discussion with Mr John Rouw of 31 May.

We have sought instructions from our client upon the matters you raised and we can now indicate that our client will narrow the scope of the proposed restriction so that it applies only for a limited period after purchase of each block and is confined to construction of a new residence itself rather than subsequent renovations or additions to that residence.

The proposed clause to be inserted into contracts for sale of residential lots would read -

“The Purchaser must prior to settlement of this contract enter into a building contract with MW and LM Single Builders Pty Limited ABN 82 069 745 259 (“the Builder”) engaging the Builder to construct a residential dwelling on the land in accordance with plans and designs approved by the Vendor. If so required by the Vendor, the Purchaser must include in the form of transfer submitted to the Vendor for signature a covenant to the effect that during the period commencing on settlement of this contract and ending 10 years

**Reply to: Tamworth Office**

**TAMWORTH OFFICE**

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thereafter, no building work for the erection of a new residence will be undertaken on the land the subject of this contract other than by or on behalf of the Builder.”

The proposed 10 year duration of the restriction is intended to be broadly consistent with the anticipated time for completion of the overall development.

Please contact us if any further information is required.

Yours faithfully

**EVERINGHAM SOLOMONS**

Per:



Ken Sorrenson  
ACCREDITED SPECIALIST BUSINESS LAW

Email: [ksorrenson@eversol.com.au](mailto:ksorrenson@eversol.com.au)