



Maddocks

Lawyers
Collins Square, Tower Two
Level 25, 727 Collins Street
Melbourne VIC 3008
Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Email Letter

From Andrew Whiteside	Date 13 May 2024	
Direct 03 9258 3353	Email [REDACTED]	
To Naomi Menon	Organisation Australian Competition and Consumer Commission (ACCC)	Email exemptions@acc.gov.au
And to Miriam Kolacz		

Our Ref AYW:9043782.004

Dear Ms Menon

ACCC request for further information - Copping Regional Organics Facility Project

We continue to act for the Copping Refuse Disposal Site Joint Authority trading as Southern Waste Solutions (**SWS**) regarding the proposed Copping Regional Organics Facility Project (**CROF Project**).

We refer to the ACCC's email dated 22 April 2024 and SWS's application for interim and final authorisation dated 4 April 2024 (**Application**).

As set out in paragraph 10.1.2 of the Application, SWS seeks authorisation for 26 years from the execution of the contract with the Contractor for the provision of the services. The length of authorisation sought by SWS aligns with the proposed contract term, which consists of the construction of the CRO Facility (approximately 12 months), and an initial term of 15 years and one option to extend the services (10 years).

The ACCC has requested further information to substantiate SWS's request about why the period of authorisation sought is necessary.

We are instructed that the proposed contract term, and length of authorisation required, was determined by SWS to:

- (a) allow for adequate time for the design, construction and commissioning of the CRO Facility;
- (b) align the operation and maintenance contract with the desired life expectancy of the CRO Facility;
- (c) provide a contract that incentivises the Contractor to maximise the life of the CRO Facility;
- (d) provide an attractive term offer to the market in order to stimulate competitive bids from the market; and

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- (e) create conditions which will provide the greatest public benefit by maximising SWS's return on investment and the opportunity to provide Participating Councils with competitive gate fees.

We are instructed that the above is based on financial modelling conducted in relation to the CROF Project. SWS can provide the ACCC with further information regarding its financial modelling if required.

Please do not hesitate to contact me if you have any queries.

Yours sincerely



Andrew Whiteside
Partner