



25 October 2023

General Manager  
Competition Exemptions  
By email: [exemptions@accc.gov.au](mailto:exemptions@accc.gov.au)

Dear Naomi

**Re: Application for Urgent Interim Authorisation of the Southern Sydney Regional Organisation of Councils (SSROC) Joint Tender for Comingled Recycling Sustainability Services (CRESS)**

---

With respect to the above captioned matter and acting on behalf of SSROC and the following Member Councils:

- Bayside Council (non-participating);
- Burwood Council;
- Canterbury-Bankstown Council;
- Canada Bay Council;
- Georges River Council;
- Inner West Council;
- Randwick Council
- Strathfield Council;
- City of Sydney Council;
- Sutherland Council;
- Waverley Council; and
- Woollahra Council (non-participating).

I request that the ACCC exercise its discretion and provide Urgent Interim Authorisation and ultimately full Authorisation of Joint Tender Waste Management Services pursuant to 88(1), in relation to conduct that may fall under Part IV (specifically sections s45AF, 45 AG, 45 AJ, 45 AK and 46) of the *Competition and Consumer Act 2010*.

The Interim Request is required to allow SSROC to continue dealing with its member councils so as to retain their ongoing support, without which the maximum public benefit may not be achieved. In doing so SSROC will:

- Review and finalise the CRESS Tender Specifications for the invitation of tenders under the *Local Government Act 1993 (NSW)*;
- Advertise the invitation of tenders;
- Receive and analyse the responses from the tenderers; and
- Evaluate the tenders via the SSROC selection committee and make recommendations based on the most suitably qualified tenderer.

SSROC requires Urgent Interim Authorisation because:

- Georges River Council's recycling processing contract ends in February 2024. Under current market complexities, CRESS represents their best option to continue services without disruption and at a reasonable gate rate. GRC is already facing higher gate rates without a contract, which is a public detriment.
- The tender process is lengthy and will take several months or longer, stretching across the January 2024 shut-down period. The Urgent Interim Authorisation will allow SSROC to begin the initial framework and begin working through the large volumes of legislation and related material while waiting for a final determination by the ACCC; and
- Councils' comingled recycling processing contracts are nearing expiration, and a suitable replacement is required. Therefore, time is of the essence and SSROC requires an adequate



amount of time to secure new service provider(s) to reduce the risk of service disruption. The following councils are proposed to join CRESS 1, and therefore Urgent Interim Authorisation will assist SSROC's administrative requirement to suitably and compliantly tender for the services. The contract expiry for CRESS 1 councils is below:

<b>CRESS 1 councils</b>	<b>Initial term expiry</b>
Georges River	Feb 2024
Burwood	Sept 2024
Waverley	Oct 2024
City of Sydney	Mar 2025

- Tenderers' lead times vary. For the sole existing supplier, no lead time is required because their processing capacity is suitably large and operational. For suppliers entering the market, lead times vary between 6-18 months due to the different stages of approval and building of new facilities. This is one reason why SSROC has staged its request for proposals between CRESS 1 and 2: to allow new suppliers to achieve their building and operation stages.

Enclosed you will find:

- Authorisation Request;
- Form B Application Form for Authorisation;
- Supporting Documents, detailed in the letter attached Confidential documents request;
- Grant of Fee Waiver dated 3 October 2023; and
- Remittance for Payment of the Application Fee in the amount of \$2,500.00.

I trust you will find the application to be in order. Should you have any further questions or concerns, please do not hesitate to contact me. I look forward to hearing from you.

Yours faithfully,



Helen Sloan  
Chief Executive Officer  
Southern Sydney Regional Organisation of Councils