



Our ref: N10000486
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15/07/2019

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Ms Jodie Sekac
Solicitor
Sunshine Coast Council

By email: jodie.sekac@sunshinecoast.qld.gov.au

Dear Ms Sekac

N10000486 – Sunshine Coast Regional Council – No further action

I refer to the notification lodged with the Australian Competition and Consumer Commission (the **ACCC**) by the Sunshine Coast Regional Council (**Council**).

Commencement of legal protection

The protection from legal action provided by this notification commenced automatically when it was validly lodged with the ACCC on 13 May 2019.

While the legal protection is in force, you may engage in the conduct as described in the notification without the risk of breaching the exclusive dealing provisions of the *Competition and Consumer Act 2010* (Cth).

ACCC assessment

On the basis of the information that you have provided, the ACCC considers that the notified conduct is not likely to have the purpose, effect or likely effect of substantially lessening competition. In particular:

- the notified conduct only applies to landowners, developers, body corporates and strata titled property owners of private land in the Maroochydore City Centre (approximately 110 land lots over 25 years)
- Envac was selected as the provider of the Public Pneumatic Waste Infrastructure via a public procurement process run in compliance with the *Local Government Act 2009*, and was therefore also selected as the provider of the Private Pneumatic Waste Infrastructure because its components are generally not compatible with alternative providers
- the requirements that potential landowners and developers use Approved Contractors and use parts and services provided by Envac are advised in the relevant sales contracts for purchasers to review

- potential purchasers of land can choose alternative developments within either the Sunshine Coast region or Australia more broadly where the requirements do not apply
- conventional waste system providers have alternative opportunities available within the Sunshine Coast region and more broadly, and
- at this time there are no other feasible providers of an appropriate Automated Waste Collection System (AWCS) for the Maroochydore City Centre, and the notified conduct does not prevent alternative providers from servicing other areas.

As such, the ACCC has decided to take no further action at the current time, which allows the legal protection provided by the notification to continue unless or until the ACCC revokes the notification or you withdraw the notification.

If circumstances change, or the ACCC receives further information, such that it is satisfied that the notified conduct has the purpose, effect or likely effect of substantially lessening competition and that the public benefits from the third line forcing conduct do not outweigh the public detriments, the ACCC may take steps to remove the legal protection by revoking the notification.

The notification and this email will be placed on the ACCC's [exclusive dealing notifications register](#).

Please contact Miriam Kolacz on (03) 9658 6476 or by email to adjudication@acc.gov.au if you have any questions about this matter.

Yours sincerely



Joanne Palisi
General Manager (A/g)
Adjudication