

Application for an Individual Exemption

Ballina Central
44 Bangalow Road, Ballina, NSW, 2478

About Energy Bay;

Energy Bay is a Australian Renewable Energy company founded in 2016 and headquartered in Sydney Australia. Backed by major private financial sponsors, Energy Bay focuses on offering Distributed, behind the meter renewable energy solutions to commercial and industrial property owners, helping drive decarbonisation while delivering cost-effective and reliable energy across large scale assets.

Part 1 General information

1. Legal name.

The Trustee for the Energy Bay Victor Fund

2. Trading name

Energy Bay

3. Australian Business Number (ABN) or Australian Company Number (ACN).

45 148 613 297

4. Registered postal address for correspondence.

Level 16 167 Macquarie Street Sydney, NSW, 2000

5. Nominated contact person, including their position in the organisation and contact details.

Tamara Wharton

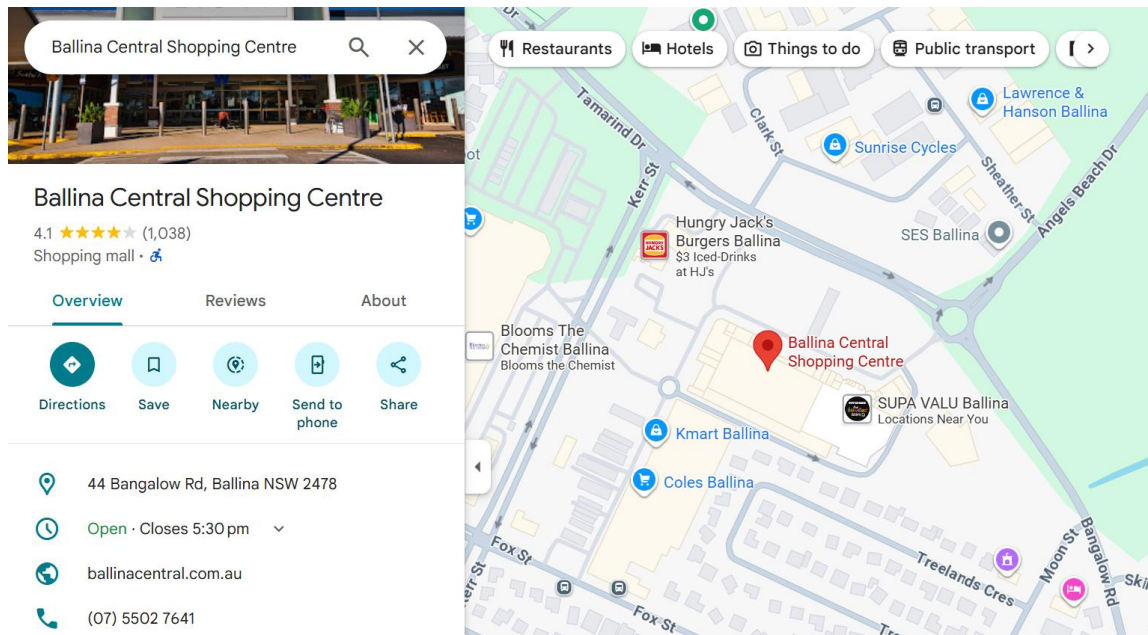
[REDACTED]
National Account Manager
[REDACTED]

6. Why you are seeking an individual exemption, and why you believe that an exemption (rather than a retailer authorisation) is appropriate to your circumstances.

As per discussions with the AER Energy Bay assists REIT clients to achieve their decarbonisation goals by installing and operating Solar and Battery Energy Storage Systems (BESS) within Embedded Networks at commercial properties. Ancillary to this installation and operating of solar and BESS Energy Bay on-sells electricity to customers within the embedded network. For this reason we believe an exemption is the most appropriate path.

7. The address of the site at which you intend to sell energy, including a map of the site and a brief description of this site and its current and future use/s.

44 Bangalow Road, Ballina, NSW, 2478



8. The primary activity of your business (for example, managing a shopping centre).

Energy Bay's primary activity is the installation and operation of Solar and BESS within commercial properties, often within Embedded Networks. Please refer to response to question 6 above.

9. The form of energy for which you are seeking the individual exemption (electricity or gas). For electricity, please state whether the network you propose to sell is directly or indirectly connected to the main grid or is (or will be) an off-grid network.

The form of Energy to be sold is Electricity, the Ballina Central Gate/s will be directly connected to the local distribution network.

10. Are you establishing, or have you established, energy supply in an area where there are no other viable energy supply arrangements available?

No.

11. The date from which you intend to commence selling energy.

6 October 2025, Subject to AER approval

12. Mailing addresses for premises at the site (where applicable). We may use this information to ensure that potential customers are able to participate in our consultation process.

Shop / 44 Bangalow Road, Ballina, NSW, 2478

13. Details of any experience in selling energy, for example:

- (a) **date/s and location/s of previous operations**
- (b) **Form/s of energy sold**
- (c) **Scale of operations (that is the number, size, and type of customers)**
- (d) **An explanation of which activities will be conducted in house and which will be contracted out to third parties.**

Energy Bay manages a number of retail exemptions as part of its business of installing and operating Solar and BESS in Embedded Networks.
Some of these include Stockland Wendouree, Stockland Point Cook, Glendale Shopping Centre.

Billing will be conducted by our appointed billing agent RMS utilities.

- 14. Whether you currently hold, or have previously held or been refused an energy selling exemption or a retail licence (retailer authorisation) in any state or territory. If so, please provide details.**

Energy Bay have never been refused an exemption in any state or territory.

The Trustee for the Energy Bay Victor fund holds current exemptions, some of these are;

Site	AER Reference
Warrawong Plaza	AER24009667
Home HQ Artarmon	REX-000002200
Gladstone Valley Shopping Centre	E-4332
14 Epic Place	REX-000000499
Belconnen Market	E-8067
Fairfield City Central Shopping Centre	AER24010461

Please advise if any further examples are required.

- 15. What arrangements you have made in the event that you can no longer continue supplying energy (e.g., has the retailer that sells to you agreed that they will service the customers).**

In the unlikely event that Energy Bay is unable to continue supplying energy the network is designed in a way that with the assistance of the LNSP could be converted to on-market NEM connected metering points allowing customers instant access to retailers of choice. Other options include the appointment of another ENO by mutual agreement.

Part 2 Particulars relating to the nature and scope of the proposed operations

- 16. Will your customers be your tenants? If so, are they residential or commercial/retail? Are they covered by residential or retail tenancy, or other legislation governing accommodation that is a person's principal place of residence (for example, retirement village legislation, residential parks or manufactured home estates legislation) in your state or territory?**

No, the customers will not be tenants of Energy Bay.

- 20 Small Business Customers
- 2 Large Business Customers
- No Residential customers will be part of this embedded network.

- 17. Are you providing other services (for example, accommodation/leasing of property) to persons on the site who you intend to sell energy to? Or will your only commercial relationship to persons on the site be the sale of energy? If you are providing other services, please specify what these services are, and the contractual or leasing arrangements under which these services are being provided.**

Energy Bay will only be offering Sale of Energy to tenants of the Embedded Network.

No Leasing or Accommodation services form part of Energy Bays proposal and will be managed separately by the Landlord of the Shopping Centre.

18. What is the total number of customers at the site? Please provide a breakdown between residential and business customers (and whether they are small or large as defined for the jurisdiction in which you intend to operate).

- 20 Small Business Customers
- 2 Large Business Customers
- No Residential customers will be part of this embedded network.

19. Will you be onselling energy (that is, selling energy purchased from an authorised retailer) or purchasing it directly from the wholesale market?

Yes, Energy Bay will be onselling Electricity purchased from an authorised energy retailer.

20. What is the estimated aggregate annual amount of energy you are likely to sell (kilowatt hours or megawatt hours for electricity and mega joules or gigajoules for gas) and the average expected consumption of customers for each type of customer you service (that is, residential customers and retail or commercial customers)?

Estimated Total Consumption	Estimated Large Business Consumption	Estimated Small Business Consumption
990mWh	360mWh	630mWh

21. Will your customers be wholly contained within a site owned, controlled or operated by you? (For the purposes of this question, a body corporate may be taken to 'operate' premises it oversees).

Yes.

22. Will each premises/dwelling be separately metered? If the application is for a new development or a redevelopment and customers will not be separately metered, please explain why not.

Yes, all customers will be separately metered.

23. What types of meters will be used? For example, basic/accumulation meters, manually read interval meters or remotely read interval meters? Will these meters allow your customers to change retailers (i.e. not source their energy from you)?

Remotely read interval meters will be used for the site and will allow customer to exercise power of choice.

24. If customer dwellings/premises are separately metered, how often do you propose the meters to be read and by whom?

The read cycle for billing will be monthly and meters will be read by the MP and billed through RMS utilities

25. How will you determine energy charges if customers are not separately metered?

N/A, Customers will be separately metered.

26. In what form and how often will customers be billed? Will you be issuing bills yourself or through a billing agent?

The read cycle for billing will be monthly and customers will be billed an Electricity invoice through our billing agent RMS utilities.

27. What dispute resolution procedures do you intend to put in place to deal with energy related complaints and issues?

Dispute resolution procedures have been established and are consistent with AS ISO 10002-2002 and a copy has been included with this application..

28. What energy rebates or concessions are available for your customers and, if applicable, how can customers claim these?

No Residential Customers will form part of this Embedded Network. Any Small Business Rebates applicable will be applied to customers accounts following the application process (if any)

29. Will you make energy efficiency options available to your customers? Will your network incorporate solar or other generation options for sustainability purposes? If so, will you use gross or net metering?

As noted above Energy Bay installs Solar and Bess at commercial sites for REIT clients which customers have available to them, Net metering will be utilised.

30. Please provide any further information that you consider would assist us to assess your application.

All documents relating to explicit Informed consent were submitted, assessed by the AER and an individual exemption was granted to RAM effective 16th December 2024. Energy Bay are seeking to have an Individual Exemption granted and carry out the Retrofit that has already been assessed and approved. Tenants have been informed of the planned change in entity of the Embedded Network Operator

Part 3 Retrofitting an Embedded Network (converting)

31. Sections 4.4 and 7.2.1 of the guideline set out our approach to assessing individual applications involving brownfield embedded networks. As part of your application to sell energy through a planned brownfield embedded network, you should clearly address the four criteria described in Section 7.2.1 and provide supporting documentation as necessary.

Please see original application and granted Individual exemption to RAM Australia Retail Property No1 Trust.

All documents relating to explicit Informed consent were submitted, assessed by the AER and an individual exemption was granted to RAM effective 16th December 2024. Energy Bay are seeking to have an Individual Exemption granted and carry out the Retrofit that has already been assessed and approved.

Tenants have been informed of the planned change in entity of the Embedded Network Operator

- 32. A) You have advised tenants /customers that you are planning to retrofit the site as an embedded network.**

Tenants were advised via the previous application (please see original campaign documents. We have also recently advised tenants of the change in operator that will be carrying out the retrofit and ongoing operation of the embedded network.

- 33. b) You have informed tenants / customers that the AER consults on individual exemption applications and provided them with information about how to make a submission to the AER's consultation process (this information can be found on the AER website <https://www.aer.gov.au/retail-markets/retail-exemptions/making-a-submission-to-an-individual-retail-exemption-application>).**

Please see original application and campaign documents.

- 34. c) You will advise tenants / customers when the application is published for consultation and when the consultation period ends.**

Yes, if a new consultation is required we will inform tenants of the opportunity to make comment and the period of the public consultation.

- 35. You must include a copy of the advice you gave tenants / customers about the proposed retrofit in your application. This advice must include details about how the conversion will affect the tenants' / customers' ability to access a retailer of choice. We may also require you to provide evidence of tenants' / customers' explicit informed consent to the proposed retrofit.**

All documents were provided and assessed resulting in an individual application being granted effecting 16 December 2024.

Original Individual Exemption

[The Trustee for RAM Australia Retail Property No.1 Trust - Ballina Central retail exemption | Australian Energy Regulator \(AER\)](#)

[AER Notice of Acceptance](#)

Applicants seeking to vary an individual exemption

- 36. We recommend that you contact us before you submit an application for the variation of an individual exemption to help ensure that the information you include in your application is relevant and necessary.
An explanation of why you are seeking a variation to your individual exemption and an explanation of why you believe an exemption—rather than a retailer authorisation—remains appropriate for your changed circumstances**

Energy Bay met with Krystle of the AER Exemptions team on the 15th July 2025 where we discussed the approach of resubmitting an individual exemption application.

While this is a retrofit application the retrofit has already previously been approved (December 2024) this is to change the Entity of the operator that will complete the retrofit and ongoing operation of the embedded network.

- 37. Where relevant, a list of the conditions of exemption that you believe need to be varied.**

None.

- 38. A list of changes to any of the information that you provided us when you applied for your individual exemption. If you have an electronic copy of your original application,**

you may submit this with tracked changes. If your exemption was transitioned, a list of changes to the circumstances on which the exemption was based

This new application would replace the RAM application.

Attachments

1. Cover Letter Ballina Central
2. Notice to tenants of the change in entity and operator of the Embedded network
3. Feedback for any tenants on the the notice to tenants of the change in entity and operator of the embedded network.
4. Email correspondence with the AER ahead of this application