

Our Ref: AER24010461
Contact Officer: Tom Soo
Contact Phone: [REDACTED]

9 September 2025

Mussan Lanarch
Compliance Manager
Energy Intelligence Pty Ltd
Level 2, 789 Toorak Rd
Hawthorn East VIC 3123

By email: [REDACTED]
cc: [REDACTED]

Dear Mussan Lanarch,

Re: Notice of Acceptance of eligibility to register network exemption – Fairfield City Central shopping centre

I refer to the application of Elanor Investors Limited (**Elanor**)¹ and The Trustee for Energy Bay Victor Fund (**Energy Bay**)² (the **Applicants**) for eligibility to register a network exemption under the requirements of clause 4.9 of the Network Service Provider Registration Exemption Guideline (**Network Exemptions Guideline**) to create an embedded network at Fairfield City Central, 54 Smart Street, Fairfield, NSW 2165 (the **Site**).

I am writing to inform you that the application satisfactorily addresses the requirements of clause 4.9. We therefore issue this Notice of Acceptance effective from 9 September 2025 and confirm that the Applicants are now eligible to register the relevant network exemption for publication on the AER's public register of exemptions.

We have assessed this application against the eligibility criteria set out in version 6 of the Network Exemptions Guideline as it was the version in effect at the time the application was submitted to the AER. Please be advised that any retrofit applications submitted to the AER after 1 September 2025 will be assessed against the retrofit eligibility criteria set out in Appendix C of the [Network Exemptions Guideline](#) (version 7).

¹ ABN 33 169 308 187

² ABN 45 148 613 297

Eligibility for exemption in relation to conversions of existing networks

In accordance with condition 4.1.12.1 of the Network Exemptions Guideline, an embedded network must not be created without the written consent of existing energy consumers who will be included within the proposed network.

In addition, clause 4.9.7 stipulates that a network must not be converted until the effective date specified in this notice.

Parties who are issued with a Notice of Acceptance under clause 4.9 are eligible to register and hold network exemptions for the network at that particular site according to the appropriate activity class. Activity classes are detailed under Section 3 of the Network Exemptions Guideline and are subject to the further conditions detailed in Section 4.

Failure to observe the conditions of exemption may render an exemption invalid. Owning, controlling or operating a network without registration with the Australian Energy Market Operator or holding a valid exemption from the AER constitutes a breach of section 11(2) of the National Electricity Law.

Additional conditions applicable to the network exemption class(es) registered

In addition to the conditions usually applicable to the network exemption class(es) held in relation to the embedded network at this site, the Applicants must also comply with the conditions of clause 4.9. These conditions concern:

- retaining consent records for a period of at least 2 years
- facilitating the continuation of a customer's energy contract with their current retailer
- maintaining a customer's direct connection to the registered distributor
- offer matching
- avoidance of duplicated network charges
- liability of the costs of metering/network changes
- the ability of metering arrangements to allow for access to retail competition.

For the full list of conditions refer to the [Network Exemptions Guideline](#).

If you have any further queries, or would like to discuss this further, please contact Tom Soo on

[REDACTED]

Yours sincerely

[REDACTED]

Sarah Pinchuck
A/g Director
Compliance and Enforcement

Sent by email on: 09.09.2025