

Checklist

Individual exemption application

(other than PPA providers)

[Retail Exempt Selling Guideline](#) – July 2022 (Appendix B)

Instructions

1. Submit this completed checklist as part of your application, alongside a cover letter and supporting evidence, as required.
2. Applications should be submitted in DOCX (Microsoft Word) format, where possible.
3. If we identify missing or inconsistent information, we will seek clarification *before* accepting your application. We will only request further information on **one** occasion.
4. We will only accept applications that we deem to have met the minimum information requirements set out in this checklist.
5. Upon acceptance, your application will be published on the AER website for public consultation. The consultation period will run for 20 business days, whereby interested stakeholders can make submissions. Any submissions received will inform our application assessment process.
6. If your application includes confidential information, please submit two versions of the document – one marked **confidential** and one marked **public**:
 - a) any information the applicant deems to be confidential information must be redacted in the public version. The public version will be published on our website for public consultation.
 - b) confidential information will be handled in accordance with our [ACCC/AER Information Policy](#).

Prerequisite requirement

Please tick the boxes in relation to the following statements:

I confirm I have read and understood all the instructions listed above: ☒

I hereby declare that the information provided below is true and correct. I also understand that any wilful dishonesty may render for refusal of this application ☒

General information requirements

Please provide the below information as part of your application. Where a third party is submitting the application on your behalf, please provide a statement or letter verifying that the third party has the authority to act on your behalf.

Requirement		Applicant response
General information requirements		
1	Your legal name. ¹ If you are a body corporate or community corporation, please indicate this.	Leda Holdings Pty Ltd
2	Your trading name, if different to your legal name.	South.Point Shopping Centre
3	Your Australian Business Number (ABN) or Australian Company Number (ACN). Confirm your ABN or ACN matches the legal name you have provided via the ABN Lookup website or ASIC Connect website respectively.	Tuggeranong Town Centre Pty Ltd ACN 117 384 424
4	Your registered postal address. We may verify this information with the Australian Securities and Investments Commission (ASIC) or another relevant agency.	[REDACTED]
5	A nominated contact person, including their position in the organisation and contact details.	[REDACTED]
6	The primary activity of your business (for example, managing a shopping centre or managing residential accommodation).	Managing shopping centres
7	Why you are seeking an individual exemption, and why you consider an individual exemption is appropriate to your circumstances (rather than a retailer authorisation or registrable class exemption). <i>Refer section 3 – Retail Exempt Selling Guideline pg. 10</i>	The Applicant is seeking an individual exemption for the retrofit of an existing network to an Embedded Network. The proposed on-selling activities are incidental to The Applicant's core business of managing the shopping centre
8	The site address where you intend to sell energy Please attach a site map as an appendix to this checklist.	Cnr Anketell and Reed Streets, Tuggeranong ACT, 2900
9	Provide a brief description of this site and its current and future intended use/s.	The Applicant intends to continue operating the site as a shopping centre in the future
10	The <i>form</i> of energy for which you are seeking the individual exemption (electricity or gas, or both). Electricity ☒ Gas ☐ Electricity & Gas ☐	The form of energy is electricity only
11	If you selected electricity (above), state whether the relevant network is directly or indirectly connected to the main grid or is (or will be) an off-grid network.	The shopping centre is connected to the local electricity distribution network via 2 connection points. Being the Northern and Southern feeds
12	Are you establishing, or have you established, energy supply in an area where there are no other viable energy supply arrangements available? Yes ☐ No ☒ If yes, please provide further information.	No

¹ The applicant must be a legal person, for example an individual, company, corporation, or body corporate. A trust is not a legal person and cannot hold an exemption. If you are seeking an exemption for a trust, a trustee must apply.

Requirement		Applicant response
General information requirements		
	If no, please provide examples of how customers will be able to access alternatives, should they choose to utilise their power of choice.	
13	The date from which you intend to start selling energy.	1/02/2027
14	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.	[REDACTED]
15	Details of your (or your agent's) energy selling experience, for example: • date/s and location/s of previous operations • form/s of energy sold • scale of operations (the number, size, and type of customers) • an explanation of which activities will be conducted in-house, and which will be contracted out to third parties.	The Applicant currently has 22 sites on the NEM where electricity is sold via Embedded Network by WINconnect (a subsidiary company of Origin Energy) as the Embedded Network Service Provider. Details provided below: 1. Soda Factory (QLD), Electricity, 55 tenants (23/11/2021) 2. Currumbine (WA), Electricity, 47 tenants (01/02/2022) 3. Kalamunda (WA), Electricity, 42 tenants (01/02/2022) 4. Kwinana (WA), Electricity, 78 tenants (01/02/2022) 5. Stirlings (WA), Electricity, 29 tenants (01/02/2022) 6. Treendale (WA), Electricity, 17 tenants (01/02/2022) 7. Warnbro (WA), Electricity, 51 tenants (01/02/2022) 8. Annandale Central (QLD), Electricity, 21 tenants (01/02/2022) 9. Central Highlands (QLD), Electricity, 30 tenants (01/02/2022) 10. Jimboomba Junction (QLD), Electricity, 18 tenants (01/02/2022) 11. Mudgeeraba & Franklin Square (QLD), Electricity, 29 tenants (01/02/2022) 12. Shell Cove (NSW), Electricity, 18 tenants (01/02/2022) 13. Bentons Square (VIC), Electricity, 40 tenants (01/02/2022) 14. Oxenford (QLD), Electricity, 17 tenants (01/02/2022) 15. The Gateway, Langwarrin (VIC), Electricity, 37 tenants (01/02/2022) 16. Warner Marketplace (QLD), Electricity, 40 tenants (01/02/2022) 17. Moggill Village (QLD), Electricity, 25 tenants (01/02/2022) 18. Cooloola Cove SC (QLD), Electricity, 12 tenants (01/02/2022) 19. Brassall Village (QLD), Electricity, 50 tenants (01/07/2022) 20. Fairview Green (SA), Electricity, 28 tenants (01/07/2022) 21. Goonellabah SC (NSW), Electricity, 9 tenants (07/01/2025) 22. Pakenham Central Marketplace (VIC), 41 tenants (20/01/2025) Please note the dates provided is when Origin started EN operational activities. The proposed activities related to the key functions of the Embedded Network are as follows:

Requirement		Applicant response
General information requirements		
		1. Sales and marketing to small and large customers will be conducted by The Applicant chosen Embedded Network Service Provider Origin; 2. Meter readings, data management and production of customer bills will be managed by The Applicant's Embedded Network Service Provider, Origin. 3. Customer bills will be issued to customers of the Embedded Network in a format compliant with the AER's Core Exemption Conditions; 4. The Applicant's Embedded Network Service Provider, Origin, will manage the debt collection process; 5. The Applicant's Embedded Network Service Provider, Origin, will manage all customer enquiries and has in place a Complaints Handling and Dispute Resolution Policy consistent with the Australian Standard AS/NZS 10002:201 Guidelines for complaint management in organizations.
16	Do you currently hold; or have you previously held; or been refused an energy selling exemption or a retail licence (retailer authorisation) in any state or territory? Yes ☒ No ☐ If yes, please provide details (including any relevant AER reference number/s).	As per the table of sites provided in Question 15, all sites have Registered Retail Exemptions (R1 and R5) and Network Exemptions (NR1 and NR5).
17	Have you have made arrangements in the event that you can no longer continue supplying energy (for example, whether the retailer that sells to you has agreed that they will service the customers)? Yes ☒ No ☐ If yes, please explain the arrangements you have put in place. If no, please provide the reasons why you have not put arrangements in place. <i>If an exempt seller is (or expects to be) disconnected, or there is any likelihood that they will be unable to continue selling energy, they must notify the exempt customers and the AER immediately. As part of this notification, the exempt seller must advise the steps they are taking to arrange an alternative supply.</i>	In the event that the Applicant could no longer supply electricity to the tenants, the Embedded Network will be designed to allow the tenant to enter into an Electricity Sale Agreement with an authorized retailer of their choice.

Particulars relating to the nature and scope of the proposed operations

To determine whether it is appropriate to exempt you from the requirement to hold a retailer authorisation, we need information on the nature and scope of the proposed operations.

Requirement		Applicant response	
Particulars relating to the nature and scope of the proposed operations			
18	What is the total number of customers at the site? Please provide a breakdown between residential, retail, and commercial customers (include whether they are small or large, as defined for the jurisdiction in which you intend to operate).		
		Residential	0
		Commercial/retail (small customers)	161

Requirement		Applicant response	
Particulars relating to the nature and scope of the proposed operations			
	<i>The threshold for large electricity customers in New South Wales, the ACT, Queensland, and Victoria is 100 MWh per annum, 150 MWh per annum in Tasmania and 160MWh per annum in South Australia. For gas, the threshold in all jurisdictions is 1 TJ per annum.</i>	Large customers	5
		Total	166
	Will your customers be your tenants? Yes ☒ No ☐	Yes, the customers will be tenants of the shopping centre; The tenants are retail/commercial businesses; The small retail business tenants and some of the large retail tenants are covered by the relevant state-based Retail Shop Leases Act; There are no residential customers as part of this Embedded Network.	
19	Will you be providing other services, aside from energy to persons on the site (for example, accommodation/leasing of property)? Yes ☒ No ☐ If yes, please specify these services and the contractual or leasing arrangements under which you are providing them.	Yes, The Applicant is providing retail and commercial premises for lease; The leases to retail tenants will be covered by the relevant Retail Shop Leases Act.	
20	Will you be on-selling energy purchased from an authorised retailer or purchasing it directly from the wholesale market?	The Applicant will be on-selling electricity purchased from an authorised electricity retailer.	
21	What is the estimated annual aggregate 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 (residential customers, retail, or commercial customers)?	The estimated annual consumption of the shopping centre: 1,615 MWh (wired in tenants only) The estimated annual consumption of small business load is: 653 MWh; The estimated annual consumption of house services: 400 MWh; The estimated annual consumption of large business load is: 562 MWh; No residential customers will be part of this Embedded Network.	
22	Will your customers be wholly contained within a site owned, controlled, or operated by you? Yes ☒ No ☐ <i>For the purposes of this question, a body corporate may be taken to 'operate' premises it oversees.</i>	Yes	
23	Will each premises/dwelling be separately metered? Yes ☒ No ☐ If no, please explain why not and how you intend to determine energy charges.	Yes, each premise will be separately metered.	
24	Will meters allow your customers to change retailers (i.e. not buy their energy from you) as required by the Network Exemptions Guideline ? Yes ☒ No ☐ Please specify the types of meters to be installed at the site.	Yes, meters installed will meet the minimum services specification as outlined in Chapter 7 of the National Electricity Rules and will be fit for purpose for full retail contestability if the customer wishes to change retailers. Furthermore, Origin have adopted processes to meet the requirements of the new Power of Choice legislation which took effect from 1st December 2017.	
25	In what form, and how often, will you bill your customers? Will you be issuing bills yourself or through a billing agent?	Monthly invoices will be produced and provided to customers by The Applicant's Embedded Network	

Requirement	Applicant response
Particulars relating to the nature and scope of the proposed operations	
Please provide an energy bill sample. <i>Condition 3 of the Retail Exempt Selling Guideline sets out our expectation around billing for <u>residential</u> customers.</i>	Service Provider, Origin. See bill sample branded as Origin attached.
26 What dispute resolution procedures do you intend to put in place to deal with energy-related complaints and issues? Confirm that your dispute resolution policy is consistent the Australian Standard AS10002:2022 Guidelines for complaint management in organizations (or subsequent versions). Please provide a copy of the relevant policy.	The Applicant's Embedded Network Service Provider, Origin, will provide customers with access to a Customer Service Team which will be contactable via phone or email. This will be the first contact point for any energy related complaints or issues. A formal complaint can be lodged to the Embedded Network Service Provider, Origin, who will manage the complaint as per their Complaint and Dispute Resolution Policy and related procedures and will escalate to The Applicant where necessary. Their Complaint and Dispute Resolution Policy is consistent with AS/NZS 10002:2022. If the dispute cannot be resolved with the Embedded Network Service Provider, Origin, or The Applicant, the customer may seek further information and advice from the Energy and Water Ombudsman NSW (EWON) or may lodge a dispute with the NSW Civil and Administrative Tribunal (NCAT).
27 <i>This question only applies where residential customers are included in your application.</i> Are you a member of a recognised energy industry ombudsman scheme in the jurisdiction/s in which you intend to on-sell energy to residential customers? Yes ☐ No ☐ n/a ☒ If no, have you taken steps to become a member? Yes ☐ No ☐ If yes, please provide supporting evidence or explain steps taken to obtain membership. Supporting evidence should include an ombudsman membership application reference number if attainable from the relevant ombudsman. If no, please explain the reasons you have not taken steps to become a member. <i>An exempt seller must, (if permitted by an energy ombudsman scheme) be a member of, or subject to, an energy ombudsman scheme for each jurisdiction where it sells energy to exempt customers and must comply with the requirements of that scheme.</i>	N/A - No residential customers will be part of this Embedded Network.
28 Please provide any further information that would assist us to assess your application.	Supplementary information is contained within the appendices to this application which includes: a. Appendix A - Letter of Intent & offer b. Appendix B - Frequently Asked Questions c. Appendix C - Letter of Consent d. Appendix D - Sale of Energy Terms & Conditions_Site Map_Sample Energy Bill e. Appendix E - Notice of Submission & Public Consultation_Rebranding Renaming External Stakeholder Letter

Requirement	Applicant response
Particulars relating to the nature and scope of the proposed operations	
	f. Appendix F – Consent and Marketing Campaign Report g. Appendix G - Correspondence Log h. Appendix H - Dispute and Resolution Policy i. Appendix I - Copies of All Consent Letters Please note that business sensitive and confidential information is provided in the Appendix's and should not be included in the public consultation.

Requirement	Applicant response
AER consultation process	
29 Have you advised customers of the AER's consultation process, including that the AER will: a. consult on individual exemption applications b. publish your application on its website c. invite public submissions on your application from interested stakeholders, and d. ensure that the public consultation period runs for at least 20 business days? Yes ☒ No ☐ Please provide evidence of your communication with customers regarding the above.	Attachment reference: Appendix E - Notice of Submission & Public Consultation

Converting embedded networks (retrofitting)

If you are planning to sell energy through a converted embedded network, your application needs to also address the following questions. If your application does not involve a retrofit you do not need to complete this section.

Requirement	Applicant response
Converting embedded networks (retrofitting)	
Provision of information – attach evidence that you have supplied prospective customers with easily accessible written information explaining:	
30 you are proposing to retrofit the site as an embedded network, which requires metering changes and both the pros and cons of being an embedded network customer. <i>Examples may include, but are not limited to, customer information leaflets, brochures or copies of presentations.</i>	Attachment reference: Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information; - Appendix A - Letter of Intent & offer - Appendix B - Frequently Asked Questions - Appendix C - Letter of Consent
31 customers retain the right to contract with a retailer of choice even after inclusion in the embedded network (except where this right does not exist due to jurisdictional legislation).	Attachment reference: Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.
32 to exercise their right to a retailer of choice, customers may need to enter into an 'energy only' contract, which is offered at retailers' discretion and may be difficult to obtain. <i>We encourage applicants to provide prospective customers with a copy of our AER factsheet, which explains the above in plain English and will satisfy this requirement.</i>	Attachment reference: Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.

Requirement		Applicant response												
Converting embedded networks (retrofitting)														
33	customers in embedded networks may not receive the same protections as those of an authorised retailer under the National Energy Retail Law.	Attachment reference: Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information												
Provision of information – in addition, you must provide evidence in your application you have provided customers with:														
34	your electricity sales agreement, which details all fees and tariffs. <i>The energy sales agreement must be provided to prospective customers prior to seeking their consent to the retrofit.</i>	Attachment reference: Yes the electricity sales agreement containing all fees and tariffs were provided to tenants. Links to the terms and conditions which details the state specific fees and charges were provided in the Frequently Asked Questions Sheet. Rates and tariffs were provided as an attachment to the Letter of Intent.												
35	contact details of a representative from your company to answer any queries or concerns about the proposed retrofit.	Attachment reference: Yes, the Origin representative's contact details were provided on the Letter of Intent and Letter of Consent. Samples of our Letter of Intent, Letter of Consent, Frequently Asked Questions and Sale of Energy Agreement are included as part of this Application.												
Explicit informed consent ² – to demonstrate that you have obtained customer consent you need to:														
36	provide evidence of their explicit informed consent to the proposed retrofit <i>Please note we cannot access Dropbox and explicit informed consent evidence may need to be submitted separately to AERexemptions@aer.gov.au in PDF format, via multiple emails.</i> <i>If the proposed embedded network has more than 100 prospective customers, please contact us to seek permission to provide a sample of the explicit informed consent evidence. We will assess requests on a case-by-case basis.</i>	<table><tr><td>Number of customers who have provided explicit informed consent</td><td>141</td></tr><tr><td>Number of customers who have refused to provide explicit informed consent</td><td>12</td></tr><tr><td>Number of unresponsive customers</td><td>13</td></tr><tr><td>Vacant premises</td><td>4</td></tr><tr><td>Number of customers who are being wired out of the proposed embedded network</td><td>7</td></tr><tr><td>Total number of premises at the site</td><td>177</td></tr></table>	Number of customers who have provided explicit informed consent	141	Number of customers who have refused to provide explicit informed consent	12	Number of unresponsive customers	13	Vacant premises	4	Number of customers who are being wired out of the proposed embedded network	7	Total number of premises at the site	177
Number of customers who have provided explicit informed consent	141													
Number of customers who have refused to provide explicit informed consent	12													
Number of unresponsive customers	13													
Vacant premises	4													
Number of customers who are being wired out of the proposed embedded network	7													
Total number of premises at the site	177													
37	confirm the explicit informed consent % calculation for total numbers affected by the proposed retrofit. <i>Vacant premises, common areas and 'wired out' customers should be excluded from the percentage calculations.</i> <i>If you can demonstrate at the conclusion of a marketing campaign that an 85% or greater majority of prospective customers have agreed to the retrofit, you may apply to the AER to convert the network. If the AER determines special circumstances apply, we may apply a lower or higher threshold to a specific application.</i>	<table><tr><td>% Of customers who have provided explicitly informed consent to the proposed retrofit</td><td>84.94%</td></tr></table>	% Of customers who have provided explicitly informed consent to the proposed retrofit	84.94%										
% Of customers who have provided explicitly informed consent to the proposed retrofit	84.94%													
38	- confirm that you sought consent separately from customers for the proposed retrofit and the energy sale agreement: - Yes, consent was sought for the proposed retrofit, separately from the energy sales agreement ☒	The consent letter was sought separately from the sale of energy agreement. Our consent letter states clearly that signing the consent letter did not constitute the tenant entering into a sale of energy agreement.												

² The Network Exemptions Guideline provides further detail on explicit informed consent calculation requirements.

Requirement		Applicant response
Converting embedded networks (retrofitting)		
	No, consent was not sought for the proposed retrofit, separately from the energy sales agreement ☐ Provide an explanation of when and how consent documents were provided to prospective customers.	
39	attach a prospective customer consent summary/communications log, including dated records of consultation and meetings with all customers affected by the proposed retrofit, identifying and recording any non-consent and the reasons for non-consenting.	Attachment reference: Please refer to the attached Correspondence log which highlights these details including any non-consent and the reasons for non-consenting
40	provide evidence of your attempts to resolve any customer concerns relating to the proposed retrofit.	Attachment reference: Please refer to the attached Consent and Marketing Campaign Report which details views of all consenting and non-consenting customers along with their reasons for their decisions.
Retail contestability – to demonstrate you have addressed any potential customer detriment resulting from a loss of retail contestability, you must confirm you have:		
41	sought advice from the distributor about whether non-consenting customers can be wired out of the embedded network. Provide evidence of advice sought/received and details of any available 'wiring out' options.	Attachment reference: EVO Energy has confirmed that non-consenting tenants can be wired out. Origin understands EVO embedded network processes and procedures relating to wiring out of customers. In this case part of the electrical design we will be facilitating wiring out of the 7 tenant meters.
42	taken steps to ensure customers who wish to remain with their retailer, but cannot be wired out, will not be financially disadvantaged by the retrofit. Measures to reduce financial detriment are likely to include price matching for affected customers and taking financial responsibility for any double billing of network charges. Provide evidence that supports your confirmation.	Attachment reference: Please refer to the Consent and Marketing Campaign Report. Measures we have offered to non- consenting customers in order to mitigate their detriment due to the embedded network conversion include: a. Business sensitive information provided to the AER in detail, via Appendix F.
Customer dispute resolution services		
43	Provide evidence that you have advised customers of your dispute resolution process and the available options for external dispute resolution, such as ombudsman schemes. For individual exemptions relating to retrofits, we will assess the need for ombudsman scheme membership on a case-by-case basis.	Attachment reference: Yes, the dispute resolution process and options for external dispute resolution procedures have been outlined in our Frequently Asked Questions sheet distributed to affected tenants

Document attachment checklist	Tick as appropriate
Cover letter	☒
Public application version with confidential information redacted, for publication on our website	☒
Statement or letter verifying that a third party has the authority to act on your behalf (if relevant)	☐
Site map	☒
Sample energy bill	☒
Energy sales agreement	☒
Proposed dispute resolution policy	☒
Evidence of efforts to obtain ombudsman scheme membership (if relevant)	☒
Evidence that customers have been advised they retain the right to contract with a retailer of choice	☒
<i>Retrofit applications only</i> Marketing campaign evidence, including and evidence of: • information provision (see 30-34) • explicit informed consent (see 36) • a prospective customer consent summary/communications log (see 39) • engagement with the distributor (see 41) • attempts to resolve prospective customer concerns (see 40) • providing prospective customers their options for dispute resolution (see 43).	☒