

APPLICATION FOR INDIVIDUAL EXEMPTION

BIRKENHEAD POINT BRAND OUTLET

(19 Roseby Street, Drummoyne NSW 2047)

General Information Requirements

1. Legal Name

Mirvac Real Estate Pty Ltd (The Applicant)

2. Trading Name

Birkenhead Point Brand Outlet

3. Australian Company Number (ACN)

003 342 452

4. Registered Postal Address for Correspondence

Level 28
200 George St
Sydney, NSW 2000

5. Nominated Contact Person

Karen Thompson
Centre Manager
M: 0400 246 687
E: karen.thompson@mirvac.com

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

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.

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

Site address: 19 Roseby Street, Drummoyne New South Wales 2047.

The Applicant intends to continue operating the site as an outlet centre in the future.



Birkenhead Point Brand Outlet

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

The Applicant's primary activity is operation and management of shopping centres.

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 is electricity.

The shopping centre is connected to the local electricity distribution network via 5 connection points.

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?

1st December 2018

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.

Attn: Centre Management
 Birkenhead Point Brand Outlet - Mirvac Retail
 Suite 411, 19 Roseby Street, Drummoyne NSW 2047

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

- Date's and location/s of previous operations
- Form/s of energy sold

- **Scale of operations (that is, 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 has multiple sites on the NEM where electricity is sold via Embedded Networks with WINconnect as the Embedded Network Service Provider. Details of these sites are provided in the below table:

Centre Name	Address	AER ref. (EN Live)	Energy	Small Tenants	Large Tenants	Total Tenants
Broadway Shopping Centre	1 Bay Street, Broadway New South Wales 2007	AER-N 0579/13 (2010)	Electricity	157	12	169
Rhodes Waterside	1 Rider Boulevard, Rhodes New South Wales 2138	AER-N 01003/13 (2010)	Electricity	134	0	134
Moonee Ponds Central	72-78 Puckle St, Moonee Ponds, VIC, 3032	AER-N 0063/14 (2008)	Electricity	46	5	51

The proposed activities related to the key functions of the Embedded Network are as follows:

- Sales and marketing to small and large customers will be conducted by The Applicant chosen Embedded Network Service Provider WINconnect;
- Meter readings, data management and production of customer bills will be managed by The Applicant's Embedded Network Service Provider, WINconnect.
- Customer bills will be issued to customers of the Embedded Network in a format compliant with the AER's Core Exemption Conditions;
- The Applicant's Embedded Network Service Provider, WINconnect, will manage the debt collection process;
- The Applicant's Embedded Network Service Provider, WINconnect, will manage all customer enquiries and has in place a Complaints Handling and Dispute Resolution Policy consistent with the Australian Standard AS/NZS 10002:2014 *Guidelines for complaint management in organizations*.

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

As per the table of sites provided in Question 13, the NSW sites have the following registered retail and network exemptions: R1, NR1 and NRO5. The Victorian site has the two registered network exemption NR1 and NRO5 only as a retail exemption is not required in Victoria. These sites were retrofitted prior to 1st January 2015.

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)?

The Embedded Network will be designed in a way that in the event that The Applicant could no longer supply electricity to the tenants, the Embedded Network can easily be dismantled and customers will be supplied power as standard market customers.

The Embedded Network will be also be designed to allow the customer to enter into an Electricity Sale Agreement with an Authorised retailer of their choice.

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?

- 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.

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 the services are, and the contractual or leasing arrangements under which these services are being provided.

- 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.

18. What is the total number of dwellings/premises 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)?

- Total number of tenants: 154
- Number of small business tenants: 153
- Number of large business tenants: 1
- No residential customers will be part of this Embedded Network.

19. Will you be on-selling energy (that is, 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.

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 giga joules 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)?

- The estimated annual consumption of the shopping centre: 9800 MWh;
- The estimated annual consumption of small business load is: 9500 MWh;
- The estimated annual consumption of large business load is: 300 MWh;
- No residential customers will be part of this Embedded Network.

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. For unmetered supply, state how you will determine energy charges?

Yes, each premise will be separately metered.

23. Will meters allow your customers to change retailers (i.e not buy their energy from you) as required by the AER's Network Guideline?

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, WINconnect have adopted processes to meet the requirements of the new Power of Choice legislation which took effect from 1st December 2017.

24. In what form and how often will customers be billed? 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 Service Provider, WINconnect.

25. What dispute resolution procedures do you intend to put in place to deal with energy related complaints and issues? Confirm whether it is consistent with the Australian Standards: AS/NZS 10002:2014 Customer Satisfaction - Guidelines

The Applicant's Embedded Network Service Provider, WINconnect, 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, WINconnect, 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 10002:2014.

If the dispute cannot be resolved with the Embedded Network Service Provider, WINconnect, 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).

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

Supplementary information is contained within the appendices to this application which includes:

Appendix A – Sample Letter of Intent including Pricing Offer

Appendix B – Sample Frequently Asked Question Sheet

Appendix C – Sample Letter of Consent SME and C&I

Appendix D – Sample Sale of Energy Terms and Conditions

Appendix E – Sample Public Consultation Notification Letter

Appendix F – Consent and Marketing Campaign Report

Appendix G – Communication Log with all Tenants

Appendix H - Complaints Handling Procedure

Appendix J – Copies of All Consent Letter

Converting embedded networks (retrofitting)

Provision of Information

You must confirm you have evidence that consumers have been provided with the following information:

27. That you are planning to retrofit the site as an embedded network and this will require metering changes

Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.

28. That consumers retain the right to contract with a retailer of choice even after inclusion of the embedded network (except where this right does not exist due to jurisdictional legislation)

Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.

29. That in order to exercise their right to a retailer of choice, consumers may need to enter into an “energy only” contract which is offered at retailers’ discretion and may be difficult to obtain

Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.

30. That customers in embedded networks may not receive the same protections as those of an authorised retailer under the Retail Law, including access to ombudsman schemes.

Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.

31. Your electricity sales agreement, which details all fees and tariffs

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.

32. The contact details of a representative from your company to answer any queries or concerns about the planned retrofit.

Yes, the WINConnect 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

To demonstrate that you have obtained customer consent you need to address the following:

33. Confirm you have evidence of written consent from all customers affected by the retrofit

We have received 86.36% of written consent from customers affected by the retrofit as of 26/07/2018.

Table 1 – Birkenhead Point Consent Progress

Total number of tenants	154
Number of consented tenants	133
Number of non-consenting tenants	4
Number of tenants who have not responded	17
Percentage of consented tenants	86.36%

34. Confirm that consent was sought separately from customers for the retrofit and the energy sale 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.

35. If customers expressed concerns, provide evidence of your attempts to resolve them.

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 whether you have:

36. Sought advice from the distributor about whether non-consenting customers can be wired out of the embedded network

WINconnect consulted with Ausgrid who is the local distributor for Birkenhead Outlet Centre on whether non-consenting tenants will be wired out of the embedded network. A decision has been made to install a direct connection to the substation for two of the centres' large customers (Sensitive information provided direction the AER). There will be one non-consenting large customer (Sensitive information provided direction the AER) with no supply point modification (as part of the Embedded Network). It was determined that the work required to provide a direct connection to the sub-station for (Sensitive information provided direction the AER) would be cost prohibitive. Winconnect was able to mitigate the tenants concerns (Sensitive information provided direction the AER – with reference to the attached consent campaign summary) and is aiming to receive consent once the Embedded Network and the preferred billing arrangement are established.

37. Taken steps to ensure that 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.

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. Sensitive information provided directly to the AER

Customer Dispute Resolution Services

38. Have you advised customers of your dispute resolution process and options for external dispute resolution, such as ombudsman schemes?

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.

AER Consultation

39. You must confirm you have advised consumers of the AER's consultation process. In particular, you must make consumers aware that the AER consults on individual exemption applications and will publish your application on its website and invite public submissions.

Yes, the AER consultation process has been detailed in the Frequently Asked Question sheet distributed to affected tenants. Notice of the open consultation period will be sent to tenants by letter and email once the AER has advised the date for which submissions are open.

Appendix

Appendix A – Sample Letter of Intent including Pricing Offer

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