

Checklist for individual exemption application (other than PPA providers)

[AER \(Retail\) Exempt Selling Guideline – March 2018](#) (Appendix B)

Instructions:

1. Submit this completed checklist as part of your application (alongside a cover letter and evidence to support Section 3 of the checklist).
 - a. Please submit applications in DOCX (Microsoft Word) format where possible.
2. If we identify that information in the application is missing or needs to be expanded upon, we will ask for further information before accepting your application. However, we will only provide feedback to applicants once for each application.
3. Upon acceptance, your application will be published on the AER website for public consultation. The consultation period will run for 20 business days.
4. If your application includes confidential information, please submit two versions – one marked confidential and one marked public.
 - a. The **public version** of the document should remove the confidential material and replace the relevant sections with the word 'confidential'. Deleted text should be left blank to retain the same formatting and page numbers as the confidential version. This version will be published for consultation.
 - b. Confidential information will be handled in accordance with the [ACCC/AER Information Policy](#).

Prerequisite requirements

Requirement	Applicant's Response
Please confirm that you understand the instructions listed above.	Yes

Section 1: General information requirements

Requirement	AER Guidance	Applicant's Response
1. Legal name of the Applicant.	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.	Lendlease Property Management Pty Ltd
2. Trading name (if different to legal name).		Erina Fair
3. ABN or ACN.	Use the ABN Lookup online search to check that the ABN matches the legal name you have provided. Use the ASIC Connect website to check that the ACN matches the legal name you have provided.	61 002 894 153
4. Registered postal address for correspondence.		Erina Fair Shopping Centre Management office 620 Terrigal Drive, Erina Fair NSW 2250

Requirement	AER Guidance	Applicant's Response
5. Nominated contact person, their position and contact details.		<p>Brett Rowe Operations Manager, Erina Fair T: 02 4365 8216 E: Brett.Rowe@lendlease.com</p>
6. Reasons for seeking an individual exemption (rather than an authorisation).	<p>See: Section 3 of the Retail Exempt Selling Guideline.</p>	<p>The Applicant is seeking an individual exemption for the retrofit of an existing network to an Embedded Network.</p> <p>The proposed on-selling activities are incidental to The Applicant's core business of managing the shopping centre.</p>
7. Site address and description of current and future use/s.	<p>Attach a site map as an appendix to this checklist.</p>	<p>Site Address: Erina Fair 620 Terrigal Drive, Erina Fair NSW 2250</p> <p>Description of Use: The Applicant intends to continue operating the site as a shopping centre in the future</p> <p>Site map submitted with application? Yes</p>

Requirement	AER Guidance	Applicant's Response
8. Primary activity of the Applicant's business.	<p>Examples may include but are not limited to:</p> <ul style="list-style-type: none"> • caravan park operator: provision of accommodation • body corporate: management of common property <p>See Section 2 below.</p>	The Applicant's primary activity is operation and management of shopping centres
9. Form of energy for which the Applicant is seeking an individual exemption.	<p>For electricity, state whether the network through which the Applicant proposes to sell is either directly or indirectly connected to the main grid OR is/will be an off grid network.</p>	<p>The form of energy is electricity. The electricity network is directly connected to the Main Grid.</p> <p>The Shopping Centre has multiple substations supplying 8 Main Switch Boards which will be converted supplying tenancies onsite.</p>
10. Is the Applicant establishing, or have they established, energy supply in an area where there are no other viable energy supply arrangements available?	<p>If not, please provide examples of how customers will be able to access alternatives, should they choose to utilise their power of choice.</p>	No

Requirement	AER Guidance	Applicant's Response
11. Proposed commencement date for the sale of energy.		1 st October 2022
12. Mailing address for site correspondence.		Attn: Centre Management Erina Fair Shopping Centre 620 Terrigal Drive, Erina Fair NSW 2250

Requirement	AER Guidance	Applicant's Response										
<p>13. Details of the Applicant's (or an agent's) energy selling experience (under an exemption and/or authorisation).</p>	<p>Include:</p> <ul style="list-style-type: none"> • Date/s and locations of previous operations • Form/s of energy sold • Scale of operations (that is, the number, size and type of customers) • An explanation of activities to be conducted by the Applicant and what activities will be contracted out to third parties. 	<p>The Applicant has one site on the NEM where electricity is sold via Embedded Networks with WINconnect as the Embedded Network Service Provider. Details of this site are provided in below:</p> <table border="1" data-bbox="978 474 1938 630"> <thead> <tr> <th data-bbox="978 474 1171 565">Shopping Centre</th> <th data-bbox="1171 474 1360 565">State</th> <th data-bbox="1360 474 1549 565">EN Live</th> <th data-bbox="1549 474 1745 565">Energy</th> <th data-bbox="1745 474 1938 565">Total Tenants</th> </tr> </thead> <tbody> <tr> <td data-bbox="978 565 1171 630">Erina Fair</td> <td data-bbox="1171 565 1360 630">NSW</td> <td data-bbox="1360 565 1549 630">01/10/2022</td> <td data-bbox="1549 565 1745 630">Electricity</td> <td data-bbox="1745 565 1938 630">266</td> </tr> </tbody> </table> <p>The proposed activities related to the key functions of the Embedded Network are as follows:</p> <ol style="list-style-type: none"> 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. 	Shopping Centre	State	EN Live	Energy	Total Tenants	Erina Fair	NSW	01/10/2022	Electricity	266
Shopping Centre	State	EN Live	Energy	Total Tenants								
Erina Fair	NSW	01/10/2022	Electricity	266								

Requirement	AER Guidance	Applicant's Response
<p>14. Does the Applicant currently hold, or have they previously held or been subject to, any energy selling exemptions or retail licences (retail authorisation) in any state or territory?</p>	<p>If yes, provide the AER reference numbers, if applicable.</p>	<p>As per the detail of site provided in Question 13, the site has Registered Retail Exemptions (R1 and R5) and Network Exemptions (NR1 and NR5).</p>

Section 2: Particulars relating to the nature and scope of the proposed operations

Requirement	AER Guidance	Applicant's Response
<p>15. Will the Applicant's customers be their tenants? Are tenants at the site residential or business customers?</p>		<p>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.</p>

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<p>16. Is the Applicant providing other services to tenants or residents on the site to whom they intend to sell energy?</p> <p>OR will their only relationship to the persons on the site be the sale of energy?</p>	<p>If other services are provided, specify what they are and the contractual or leasing arrangements under which these services are being provided.</p>	<p>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.</p>				
<p>17. Total number and breakdown of customers at the site</p>		<p>Residential</p>	<p>Small business</p>	<p>Large business</p>	<p>Total</p>	
<p>18. Will the Applicant be on-selling energy purchased from an authorised retailer or purchasing it directly from the wholesale market?</p>		<p>0</p>	<p>252</p>	<p>14</p>	<p>266</p>	<p>The Applicant will be on-selling electricity purchased from an authorised electricity retailer.</p>

Requirement	AER Guidance	Applicant's Response
<p>19. What is the estimated aggregate annual amount of energy the Applicant is likely to sell (KW/h, MW/h and mega joules or gigajoules for gas)?</p> <p>What is the average expected annual consumption of each of the types of customers they service?</p>		<p>The estimated annual consumption of the shopping Centre: 22,095 MWh;</p> <p>The estimated annual consumption of small business load is: 5257MWh;</p> <p>The estimated annual consumption of large business load is: 10,130 MWh;</p> <p>The estimated annual consumption of House Services load is: 6708 MWh;</p> <p>No residential customers will be part of this Embedded Network.</p>
<p>20. Will the Applicant's customers be wholly contained within a site owned, controlled or operated by the applicant?</p>		<p>Yes</p>
<p>21. Will each premise/dwelling be separately metered?</p>	<p>If the application is for a new development or redevelopment and customers will not be separately metered, explain why not.</p> <p>Explain how customers will be charged if consumption cannot be metered</p>	<p>Yes, each premise will be separately metered.</p>

Requirement	AER Guidance	Applicant's Response
<p>22. Please confirm these meters will allow the Applicant's customers to change retailers as required by the AER's Network Guideline.</p>	<p>Specify the types of meters to be installed at the property and confirm that they will allow customers to change retailers.</p>	<p>Yes, meters installed will meet the 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.</p>
<p>23. In what form and how often will customers be billed? Will the Applicant be issuing bills or through a billing agent?</p>	<p>Provide a bill template.</p>	<p>Monthly invoices will be produced and provided to customers by The Applicant's Embedded Network Service Provider, WINconnect.</p>
<p>24. What dispute resolution procedures will the Applicant put in place to deal with energy related complaints and issues? Confirm that the policy is consistent with the Australian Standards AS/NZS 10002:2014 Customer Satisfaction – Guideline.</p>	<p>Provide a copy of the relevant policy. Provide confirmation that the Applicant will join an Ombudsman scheme if required in the applicant's circumstances.</p>	<p>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.</p> <p>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.</p> <p>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).</p>

Requirement	AER Guidance	Applicant's Response
25. Further information (optional)		<ul style="list-style-type: none"> a. Appendix A - Letter of Intent including pricing offer b. Appendix B - Frequently Asked Question Sheet c. Appendix C – Letter of Consent d. Appendix D - Sale of Energy Terms & Conditions e. Appendix E - Notice of Submission & Public Consultation f. Appendix F – Consent & Marketing Campaign Report Summary g. Appendix G – Correspondence Log h. Appendix H – Dispute and Resolution Policy i. Appendix I – Copies of All Consent Letters j. Appendix J – Site Map <p>The appendixes have been sent in emails in zipped folders.</p>

Section 3: Converting Embedded Networks (Retrofitting)

Requirements	AER Guidance	Applicant's Response
Provision of information to customers		
<p>26. The Applicant must inform customers if it seeks to retrofit the site as an embedded network and that this will require metering changes.</p>	<p>Explain and provide evidence of:</p> <ul style="list-style-type: none"> • The information provided to customers (including any advantages and disadvantages associated with the conversion); and • How and in what format the information was relayed to customers. <p>Examples may include, but are not limited to, information leaflets, copies of presentations given to customers.</p>	<p>Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.</p>
<p>27. The Applicant must inform its customers that they retain the right to contract with a retailer of choice at any time, even if they have been included in the embedded network (except in jurisdictions where this right does not exist).</p>	<p>Provide evidence of the information provided to customers and how it was conveyed. The information should clearly highlight any negative consequences associated with joining an embedded network.</p>	<p>Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.</p>

Requirements	AER Guidance	Applicant's Response
<p>28. The Applicant must inform its customers 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.</p>	<p>Provide evidence that this information has been clearly explained to customers. This may include copies of materials given or presented to potential customers.</p>	<p>Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.</p>
<p>29. The Applicant must inform its customers that they may not receive the same protections as those of an authorised retailer under the Retail Law, including (but not limited to) access to Ombudsman schemes.</p>	<p>Provide evidence that this information has been clearly explained to customers. This may include copies of materials given or presented to potential customers.</p>	<p>Yes, all affected tenants have been issued with a Letter of Intent and Frequently Asked Questions sheet which details this information.</p>
<p>30. The Applicant must provide consumers with a copy of its electricity sales agreement, detailing all fees and tariffs.</p>	<p>Provide a copy of the sales agreement sent to customers and confirm that customers received this information prior to providing consent to the retrofit.</p>	<p>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.</p>
<p>31. The Applicant must provide customers with the contact details of the Applicant's representative to answer any queries or concerns about the planned retrofit.</p>	<p>Provide the document that contains this information.</p>	<p>Yes, the WINConnect representative's contact details were provided on the Letter of Intent and Letter of Consent.</p> <p>Samples of our Letter of Intent, Letter of Consent, Frequently Asked Questions and Sale of Energy Agreement are included as part of this Application.</p>

Requirements	AER Guidance	Applicant's Response										
Explicit Informed Consent												
<p>32. The Applicant must confirm that it has evidence of written consent of all customers affected by the retrofit.</p>	<ul style="list-style-type: none"> • Provide evidence of the consent document. • Confirm the percentage of consent given. • If there has been any dissent, explain the concerns raised and how these have been addressed. • Provide an example of a signed consent form. <p>Note: evidentiary documents must be attached as an appendix to the checklist.</p>	<p>Consent Breakdown:</p> <table border="1" data-bbox="978 396 1911 628"> <thead> <tr> <th data-bbox="978 396 1161 570">No. of customers at site</th> <th data-bbox="1161 396 1346 570">No. of customers who provided consent</th> <th data-bbox="1346 396 1530 570">No. of customers that refused consent</th> <th data-bbox="1530 396 1715 570">No. of customers that have not responded</th> <th data-bbox="1715 396 1911 570">% of consenting tenants</th> </tr> </thead> <tbody> <tr> <td data-bbox="978 570 1161 628">266</td> <td data-bbox="1161 570 1346 628">229</td> <td data-bbox="1346 570 1530 628">13</td> <td data-bbox="1530 570 1715 628">24</td> <td data-bbox="1715 570 1911 628">86.09%</td> </tr> </tbody> </table>	No. of customers at site	No. of customers who provided consent	No. of customers that refused consent	No. of customers that have not responded	% of consenting tenants	266	229	13	24	86.09%
No. of customers at site	No. of customers who provided consent	No. of customers that refused consent	No. of customers that have not responded	% of consenting tenants								
266	229	13	24	86.09%								
<p>33. The Applicant must confirm that consent to the retrofit was sought separately from consent to the sale of energy agreement.</p>	<p>Provide an explanation of when and how consent documents were provided to customers.</p>	<p>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.</p>										
<p>34. The Applicant must provide documentation outlining any concerns raised by tenants, and evidence of the Applicant's attempts to address those concerns.</p>		<p>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.</p>										

Requirements	AER Guidance	Applicant's Response
Retail Contestability		
<p>35. The Applicant must confirm that it sought advice from the relevant distributor about whether non-consenting customers can be wired out of the embedded network.</p>	<p>Provide evidence of advice sought/received and details of wiring out options available.</p> <p>If wiring out is not being offered as an option, explain why not.</p>	<p>WINconnect understands Ausgrid's embedded network processes and procedures relating to wiring out of customers. WINconnect has an ongoing dialogue with Ausgrid regarding brownfield embedded network conversions.</p>
<p>36. The Applicant must demonstrate the steps taken to ensure that customers who wish to remain with their current retailer, but cannot be wired out, will not be financially disadvantaged by the retrofit.</p>	<p>Provide evidence of this.</p> <p>Include measures to reduce financial detriment e.g. price matching for affected customers, and taking financial responsibility for any double billing of network charges.</p>	<p>Please refer to the Consent and Marketing Campaign Report. Measures we have offered to non-consenting customers to mitigate their detriment due to the embedded network conversion include:</p> <ul style="list-style-type: none"> a. Price-matching or bettering their genuine electricity offer; b. Attempting to enter into a NUOS agreement with their current retailer to prevent double billing issues; c. Discounting network charges d. Monthly demand resets;

Requirements	AER Guidance	Applicant's Response
Customer Dispute Resolutions Services		
<p>37. The Applicant must advise customers of its dispute resolution process and the options available for external dispute resolution (including access to ombudsman schemes).</p>	<p>Provide the documents and confirm that they were provided to customers.</p> <p>For individual exemptions involving retrofits, we will assess the need for ombudsman scheme access and impose relevant conditions on a case-by-case basis.</p>	<p>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.</p>
AER Consultation		
<p>38. The Applicant must confirm that it has advised consumers of the AER's consultation process, including that:</p> <ul style="list-style-type: none"> • the AER consults on these types of applications • the application will be published on the AER website, and • the AER will accept public submissions • the consultation period will be open for 20 business days. 		<p>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.</p>

Requirements	AER Guidance	Applicant's Response
Additional retrofit mitigation information		
Provide any further information regarding to the steps taken to mitigate the detriment to customers associated with the creation of an embedded network. (optional)		