

Case Number: 199708

October 19, 2022

MACQUARIE DATA CENTRES PTY LTD
c/- CARDNO NSW ACT PTY LTD.

Letter of conditions For adjustment/deviation/extension of a Sydney Water asset

Applicant: MACQUARIE DATA CENTRES PTY LTD
Your reference: 304800382
Property location: 17-23 Talavera Rd, Macquarie Park
Your application date: June 14, 2022

Dear Applicant

Your application to deviate the sewer main at the above location is approved provided you do the following things:

1. You must enter into an agreement with us in the form of the enclosed Deed.
2. You must engage your current or another authorised Water Servicing Coordinator (WSC) to manage the design and construction of the required works to Sydney Water's standards and procedures. Before you engage another WSC you must write and tell us.

You'll find a list of WSC's at [Listed providers](#) on our website. WSC will give you a quote or information about costs for services/ works including our costs.

The WSC generally will be the single point of contact between you and us. They can answer most questions you might have about our process and charges.

3. After you engage a WSC, you, and your accredited Developer Infrastructure Providers (Providers) will need to sign and lodge both copies of the enclosed Deed with your nominated WSC. After we've signed the documents, one copy will be returned to the WSC.

The Deed sets out for this project:

- your responsibilities
- our responsibilities; and
- the Provider's responsibilities.

You must do all the things that we ask you to do in that Deed.

If we don't receive the signed Deed for our signing by **October 19, 2023** you will need to re-apply (and pay another application fee).

Note: The WSC must be fully authorised by us for the whole time of the Deed.

4. If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use our **Permission to Enter** form(s) for this. You can get copies of these forms from your WSC or our website. Your WSC can also negotiate on your behalf.

Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

5. You must not start work on the existing sewer main or the proposed **adjustment/deviation/extension** until we've advised your WSC. This includes the placement of any temporary pipework. Before you can do this pipework, you must engage your WSC to lodge an application that must include appropriate temporary pipework detail as well as the design of the proposed **deviation/adjustment/extension**.

We'll then assess both designs and advise your WSC when they are approved and of any conditions to be met before pipe placement. Two conditions are:

- the lodgement of an unconditional security bond from an acceptable financial institution that will cover our risk for this work
- your acceptance in writing to bonding conditions that we will provide in another agreement.

If any work on our assets is carried out without that advice or final approval, we'll take action to have work on the site stopped. We'll apply the provisions of Section 45 of the Sydney Water Act 1994.

6. Construction of these works will require you to pay project management, survey, design, and construction costs **directly to your Providers**. Additional costs payable to us may include:
- water main shutdown and disinfection
 - connection of new water mains to our system(s)
 - design and construction audit fees
 - contract administration, Operations Area Charge & Customer Redress prior to project finalisation
 - creation or alteration of easements etc
 - water usage charges where water has been supplied for building activity purposes prior to disinfection of a newly constructed water main
 - additional fees for re-issuing a Notice of Requirements, Advice or Letter of Approval, or for updating the requirements where you have provided additional or amended information regarding your development, or for reviewing alternate options
 - if we engaged or will engage specialist consultants to review your proposal, we will pass that direct cost back to you as part of the Contract Administration costs. E.g. costs incurred from our Engineering Panel

Note: Payment for any Goods and Services (including Customer Redress) provided by us will be required prior to the release of the Bank Guarantee or Cash Bond.

Your WSC can tell you about these costs.

7. Because this work involves construction on our "live" sewer main, you must also:
- have your Building Plans approved prior to temporary pipework and excavation
 - submit your temporary pipework design (if required) with your permanent wastewater deviation design for approval
 - accept in writing to bonding conditions that will be provided in the Bond Agreement
 - submit your Bond and signed Bond Agreement
 - submit the Construction Commencement Notice for construction of the temporary pipework
 - have your temporary pipework constructed by a listed provider
 - complete your permanent deviation works.

After we receive a copy of the successful tender for the work, we can calculate the amount of this bond. We'll then send you that other agreement which will tell you this amount. You

must lodge the bond and the completed agreement with us before you start constructing the work.

The bond will be released after you have completed the construction of the works. (This includes lodgement of Work As Constructed plans and production and/or recreation of documentation and reports and completion of all the excavation and landscaping works needed for the total project.)

In addition, the following specific conditions apply:

Approval of your Building Plans

The deviation of our sewer main may impact the existing/proposed building. You are reminded that you must have your building plans approved with reference to the deviated sewer main. Approval is needed because current/future construction/building works may affect our assets.

Your WSC can tell you about the approval process including;

- additional design requirements to protect your proposed/existing building.
- review of your Sewer Design endorsed by us for Construction or Sewer WAC plan. This is needed to check whether the building and engineering plans show accurately where our assets are located in relation to your proposed/existing building. Your Coordinator will then either approve the plans or make requirements to protect those assets before approving the plans
- possible requirements
- Costs
- timeframes.

You can also find information about this process (including technical specifications) on our [Plumbing, building & developing](#) page or contact us on 13 20 92.

Sewer Requirements

The addition building extension to the existing Data Centre, will impact on the existing Sydney Water's assets/mains. The developer proposed to relocate these mains and assets outside of the proposed building extension.

- **The proposed development is within the Macquarie Park SCAMP and is part of the Lane Cove catchment.**
- **There is a high-risk overflow (risk rating 2) downstream of the development. To protect the environment of receiving waterways, EPA puts requirements on spilling volume and frequency from the high-risk overflow. To maintain this requirements, volume and frequency of spill from the overflow should not be increased due to any growth and development activities in the catchment.**
- **Hence, the developer will need to engage a hydraulic consultant to develop a solution to ensure that the current performance of the system is not deteriorate in both dry and wet weather due to the addition of the development. The capacity of this main need to be assessed based on the proposed flow from the development during this assessment.**
- **The proposed sewer deviation design will be included in the wastewater modelling scope.**
- **The discharge from Data Centre should meet the quality requirement of wastewater discharge onto sewer network.**
- **The Developer/WSC is required to request for an Inception meeting to further discuss the above requirements. At the Developer expense.**

END