

31 March 2022

The General Manager
Council of the City of Ryde
The Binary Centre, Building O, Level 1
3 Richardson Place
North Ryde NSW 2113

Dear Mr Dedes,

**17-23 Talavera Road Macquarie Park (Property)
Offer to Relocate Easement in association with SSD 24299707**

As Council is aware, a drainage easement in favour of Council (**Existing Easement**) is registered on the title to the Property, of which the registered proprietor is One Funds Management Limited (**One Funds**).

On or about 30 September 2019, Council, Macquarie Telecom Pty Ltd and One Funds entered into a Deed of Variation (**2019 Agreement**) to allow for a variation of easement to be registered on the title. The 2019 Agreement allows Council to convey stormwater over the Property within a different alignment to that of the Existing Easement (**Varied Easement**).

On 1 July 2020, Macquarie Telecom Pty Ltd assigned its rights under its long-term lease of the Property (**Lease**) to its wholly owned subsidiary, Macquarie Data Centres Pty Ltd (**MDC**). On 8 November 2021, MDC submitted State Significant Development Application No. 24299707 which proposes that a further data centre be constructed on the site, which will involve building over the Existing Easement and Varied Easement. Accordingly on 21 January 2022, MDC wrote to Council proposing that the parties change the location of Council's rights to relocate the easement to another location (**New Easement**).

The diagram below is the same as the diagram which has recently been provided as part of MDC's Response to Submissions and shows the proposed location of the New Easement as a blue hashed line.

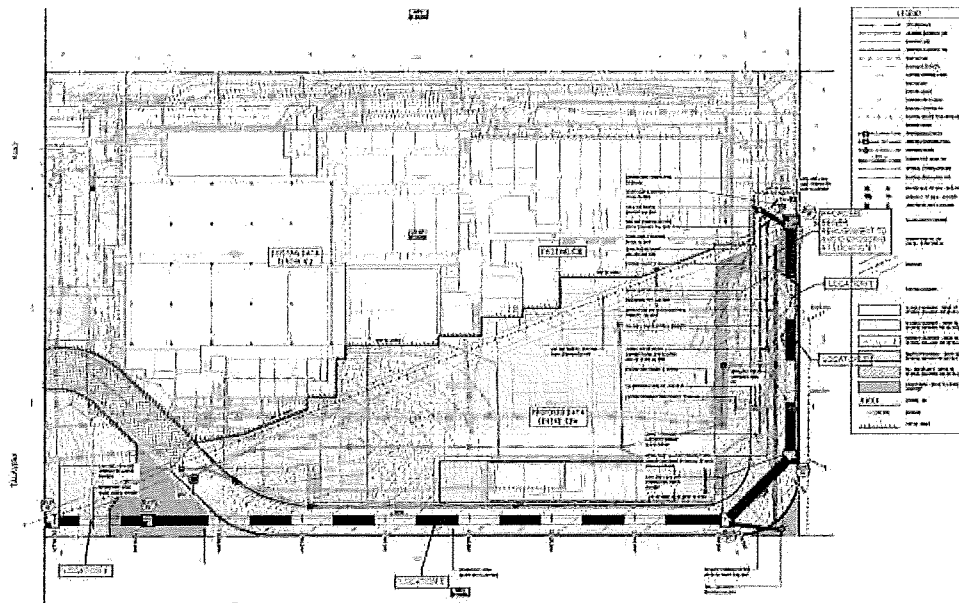


Figure 3: Proposed easement alignment (Source: Northrop, 2022)

This letter confirms an offer from One Funds' to Council to amend the 2019 Agreement so that the location of the Varied Easement is replaced with the location of the New Easement.

In accordance with our arrangement with MDC, any other details, such as but not limited to compensation payable to Council as a result of the increased length of the New Easement, should be negotiated directly between MDC and Council. MDC shall bear all costs in relation to the New Easement. In addition, should a voluntary planning agreement be required, please note that MDC shall be the party to such agreement with Council and shall be solely responsible for all works and any payments to Council.

Save in relation to the abovementioned matter, we reserve all our rights under the Lease (including our prior approval right in relation to any development on the Property).

Signed for

One Funds Management Limited (ACN 117 797 403) as trustee for the KDCR Australia Sub-Trust 1 in accordance with section 127(1) of the Corporations Act 2001 (Cth) by authority of its directors:

sign here ►



Company Secretary/Director

MICHAEL JOHN SUTHERLAND

print name

sign here ►



Director

FRANK JOHN TEARLE

print name

UT 65 Pty Ltd

ABN 43 602 245 483
SE2, 12 Lyonpark Rd
Macquarie Park NSW 2113
5 September 2022

The General Manager
Council of the City of Ryde
The Binary Centre, Building 0, Level 1
3 Richardson Place
North Ryde NSW 2113

RE: Landowner Consent to impact or remove trees adjacent to neighbour's boundary

Dear Council,

We understand that our neighbour, Macquarie Data Centres Pty Ltd (**MDC**) is has lodged a development application for their site at 17-23 Talavera Road pursuant to SSD 24299707.

Attached to this letter is Diagram 1 which is a plan of our site showing the positions of trees on our land that may be impacted by MDC's future development, over which we understand that Council has raised concerns. The potential impacts to our trees are as result of works within MDC's site that is adjacent to, or within the root zones of the marked trees that may extend over our boundary.

We authorize MDC and its contractors to impact or remove the affected trees on our land. We have marked the trees in red on Diagram 1 that we expect will require removal and have authorised MDC to remove all trees on our property shown in the attached Diagram 1 and Diagram 2. The trees shown in Diagram 2 are intended to be removed in the future to accommodate a future road.

We have entered into an arrangement with MDC to address how and when the trees may be removed at MDC's cost.

Signed for and on behalf of the landowner:

Signed by: _____



Name: _____

Shane Teoh.



ASIC

Australian Securities & Investments Commission

Current Company Extract

Name: UT 65 PTY LTD

ACN: 602 245 483

Date/Time: 13 October 2022 AEST 01:18:10 PM

This extract contains information derived from the Australian Securities and Investments Commission's (ASIC) database under section 1274A of the Corporations Act 2001.

Please advise ASIC of any error or omission which you may identify.

EXTRACT

| Organisation Details | Document Number |
|--|-----------------|
| Current Organisation Details | |
| Name: UT 65 PTY LTD | 5E3640659 |
| ACN: 602 245 483 | |
| ABN: 43602245483 | |
| Registered in: Victoria | |
| Registration date: 09/10/2014 | |
| Next review date: 09/10/2023 | |
| Name start date: 09/10/2014 | |
| Status: Registered | |
| Company type: Australian Proprietary Company | |
| Class: Limited By Shares | |
| Subclass: Proprietary Company | |

| Address Details | Document Number |
|---|-----------------|
| Current | |
| Registered address: 320-334 Sussex Street, SYDNEY NSW 2000 | 2EDN58335 |
| Start date: 26/03/2021 | |
| Principal Place Of Business address: 320-334 Sussex Street, SYDNEY NSW 2000 | 2EDN58335 |
| Start date: 09/02/2021 | |

| Contact Address |
|--|
| Section 146A of the Corporations Act 2001 states 'A contact address is the address to which communications and notices are sent from ASIC to the company'. |
| Current |
| Address: GPO BOX 5435, SYDNEY NSW 2001 |
| Start date: 27/07/2022 |

| Officeholders and Other Roles | Document Number |
|---|-----------------|
| Director | |
| Name: SHANE TEOH | 0EEN71812 |
| Address: 320-334 Sussex Street, SYDNEY NSW 2000 | |
| Born: 29/05/1986, PETALING, MALAYSIA | |
| Appointment date: 09/10/2014 | |
| Name: BOB TEOH | 2EMD21886 |
| Address: 320-334 Sussex Street, SYDNEY NSW 2000 | |
| Born: 05/05/1994, SYDNEY, NSW | |
| Appointment date: 10/08/2021 | |
| Secretary | |
| Name: SHANE TEOH | 0EYL36825 |
| Address: 320-334 Sussex Street, SYDNEY NSW 2000 | |
| Born: 29/05/1986, PETALING JAYA, MALAYSIA | |
| Appointment date: 31/10/2019 | |

Share Information**Share Structure**

| Class | Description | Number issued | Total amount paid | Total amount unpaid | Document number |
|-------|-------------|---------------|-------------------|---------------------|-----------------|
| ORD | ORDINARY | 2 | 2.00 | 0.00 | 5E3640659 |

Members

Note: For each class of shares issued by a proprietary company, ASIC records the details of the top twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the top twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

Name: DAVID TEOH
Address: 65 Waterloo Road, NORTH RYDE NSW 2113

| Class | Number held | Beneficially held | Paid | Document number |
|-------|-------------|-------------------|-------|-----------------|
| ORD | 1 | yes | FULLY | 5E3640659 |

Name: VICKY TEOH
Address: 65 Waterloo Road, NORTH RYDE NSW 2113

| Class | Number held | Beneficially held | Paid | Document number |
|-------|-------------|-------------------|-------|-----------------|
| ORD | 1 | yes | FULLY | 5E3640659 |

Documents

Note: Where no Date Processed is shown, the document in question has not been processed. In these instances care should be taken in using information that may be updated by the document when it is processed. Where the Date Processed is shown but there is a zero under No Pages, the document has been processed but a copy is not yet available.

| Date received | Form type | Date processed | Number of pages | Effective date | Document number |
|---------------|---|----------------|-----------------|----------------|-----------------|
| 27/11/2019 | 484E Change To Company Details Appointment Or Cessation Of A Company Officeholder | 27/11/2019 | 2 | 26/11/2019 | 0EYL36825 |
| 19/03/2021 | 484 Change To Company Details 484B Change Of Registered Address | 19/03/2021 | 2 | 09/03/2021 | 2EDN58335 |

| | | | | | |
|------------|--|------------|---|------------|---------------|
| | 484C Change Of Principal Place Of Business (Address) | | | | |
| 27/08/2021 | 484E Change To Company Details Appointment Or Cessation Of A Company Officeholder | 27/08/2021 | 2 | 13/08/2021 | 2EMD2188 6 |

End of Extract of 3 Pages