

## DUTY OF CARE

TELSTRA CORPORATION ACN 051 775 556

### IMPORTANT:

Please read and understand all the information and disclaimers provided below.

Due to the nature of Telstra plant and the age of some cables and records, the accuracy and/or completeness of the information on the attached plan(s) cannot be guaranteed. **Telstra plans are intended to be indicative only.** A plant location service (Telstra accredited) is required as part of the process to identify the exact location of the Telstra asset and ensure that the asset is protected during construction work.

Sketches and Plans provided by Telstra are circuit diagrams only and indicate the presence of telecommunications plant in the general vicinity of the geographical area shown. Exact ground cover and alignments cannot be given with any certainty and may alter over time. Telecommunications plant seldom follows straight lines and careful on site investigation **utilising a Telstra Accredited Locator is essential in the process to uncover and reveal its exact position. The exact position of Telstra assets can only be confirmed by physically exposing it.**

Telstra DBYD plans are not suitable for locating Telstra network within a Telstra exchange site. For advice on locating Telstra network within a Telstra exchange site contact Telstra Plan Services.

### "DUTY OF CARE"

**When working in the vicinity of telecommunications plant you have a "Duty of Care" that must be observed.**

Works or proposed works should be planned to allow for minimal impact and appropriate protection of Telstra plant. Telstra can provide plans and sketches showing the presence of its network to assist at the design stage. Telstra will also work with you to avoid damage to Telstra's plant during construction works.

It is your responsibility to:

1. Request plans of Telstra plant for a particular location at a reasonable time before construction begins. <http://www.1100.com.au>
2. **Engage an Accredited Plant Locator who must have a current Telstra issued accreditation card.** A list of accredited locators is attached to this email. (Allow enough time to arrange for one).
3. After engaging a Telstra Accredited Plant Locator, visually locate Telstra plant by hand digging or using non destructive water jet method (pot holing) where construction activities may be next to, damage or interfere with Telstra plant (see "Essential Precautions and Approach Distances" section for more information); and
4. Contact Telstra's Plan Services (see below for details) if Telstra plant is or near to, wholly, or partly located near planned construction activities and you require further advice about how to protect the plant or you need to relocate the plant to complete your construction activities. ([Telstra.Plans@team.telstra.com](mailto:Telstra.Plans@team.telstra.com))

**Important note:** *The construction of Telstra's network dates back over many years. Some of Telstra's pits and ducts were manufactured from asbestos-containing cement. You must take care in conducting any works in the vicinity of Telstra's pits and ducts. You must refrain from in any way disturbing or damaging Telstra's network infrastructure when conducting your works. We recommend that before you conduct any works in the vicinity of Telstra infrastructure that you ensure your processes and procedures eliminate any possibility of disturbing, damaging or interfering in any way with Telstra's infrastructure. Your processes and procedures should incorporate appropriate measures having regard to the nature of this risk.*

## ASSET RELOCATIONS

You are not permitted to relocate or alter or repair any Telstra assets or network under any circumstances.

For all enquiries relating to the relocation or protection of Telstra assets please phone **1800 810 443** or email [F1102490@team.telstra.com](mailto:F1102490@team.telstra.com)

Only Telstra and its contractors may access and conduct works on Telstra's network (including its plant and assets). This includes performing modification or relocation works. This requirement is to ensure that Telstra can protect the integrity of its network, avoid disruption to services and ensure that the relocation meets Telstra's requirements.

## DAMAGE TO TELSTRA'S NETWORK MUST BE REPORTED TO 132203 IMMEDIATELY.

You will be held responsible for all plant damage that occurs or any impacts to Telstra's network as a result of your construction activities. This includes interfering with plant, conducting unauthorised modification works and interfering with Telstra's assets in a way that prevents Telstra from accessing or using its assets in the future.

Telstra reserves all rights to recover compensation for loss or damage to its cable network or other property including consequential losses.

## EMERGENCY SITUATIONS - RECEIVING TELSTRA PLANS

Telstra's automated mapping system will provide a fast response for emergency situations. (Faster than an operator can provide manually). Automated responses are normally available 24/7.

To receive a fast automated response from Telstra your request must -

- Be a web request lodged at DBYD ([www.1100.com.au](http://www.1100.com.au)). The request will be then forwarded directly to Telstra.
- contain your email address so you can receive the automated email response.
- be for the purposes of 'mechanical excavation' or other ground breaking DBYD activity. (requests with activity types conveyancing, planning & design or other non digging activities may not be responded to until the next business day).
- be for an area less than 350 metres in size to obtain a PDF map (over 350 metres will default to DWF due to size )
- be for an area less than 2500 metres in size to obtain a DWF map

## NATURAL DISASTERS

Natural Disasters include (amongst other things) earthquakes, cyclones, floods and tsunamis.

In the case of such events, urgent requests for plans or information relating to the location of Telstra network can be made directly to Telstra Network Integrity Team Managers as follows:

NSW – John McInerney 0419 485 795

QLD – Glenn Swift 0419 660 147

VIC/TAS - David Povazan 0417 300 947

SA/NT - Mick Weaver 0419 828 703

WA - Angus Beresford-Peirse 0419 123 589

## TELSTRA PLAN SERVICES - for all Telstra Dial Before You Dig related enquiries

email - [Telstra.Plans@team.telstra.com](mailto:Telstra.Plans@team.telstra.com)

phone - **1800 653 935** (general enquiries, business hours only)

for Telstra DBYD plan information - Shalin 07 3455 2997  
Glen 07 3455 1011

for advice on preventing damage - Taylor 07 3455 3208  
Lachlan 07 3455 3132  
Adam 07 3455 2037

Accredited plant locator enquiries - Mike 0477 377 036  
(Including how to become an Accredited Plant Locator to locate Telstra network)

Road closures and easements - Marea 07 3455 0834  
Glen 07 3455 1011

**Please note** - to make an enquiry the plans must be current (within 60 days of issue). If your plans have expired you will need to submit a new request via DBYD.

### CONCERNING TELSTRA PLANS:

Please note the following:

- For Telstra plans contact **Dial Before You Dig** ([www.1100.com.au](http://www.1100.com.au)) at least 2 business days prior to digging. (Note - further lead time may be required for you to arrange for an Accredited Plant Locator from the provided list)
- Fast response can be provided by Telstra if an email address is supplied. (if posted, this may take up to one week or longer to receive plans)
- Telstra plans and information provided are **valid for 60 days** from the date of issue.
- Telstra owns and retains the copyright in all plans and details provided in conjunction with the applicant's request. The applicant is authorised to use the plans and details only for the purpose indicated in the applicant's request. The applicant must not use the plans or details for any other purpose.
- Telstra plans or other details are provided only for the use of the applicant, its servants, agents or Telstra-accredited plant locators. **The applicant may not give the plans or details to any parties other than these, and may not generate profit from commercialising the plans or details.**
- Please contact **Telstra Plan Services** (see above for details) immediately should you locate Telstra assets not indicated on these plans.
- Telstra, its servants or agents shall not be liable for any loss or damage caused or occasioned by the use of plans and or details so supplied to the applicant, its servants and agents, and the applicant agrees to indemnify Telstra against any claim or demand for any such loss or damage.
- Please ensure Telstra plans and information provided remains on-site at all times throughout the inspection, location and construction phase of any works.

## ESSENTIAL PRECAUTIONS AND APPROACH DISTANCES:

**NOTE: If the following clearances cannot be maintained, please contact Telstra Plan Services for advice on how best to resolve this situation. (see above for contact details)**

1. On receipt of plans and sketches and before commencing any excavation work or similar activities near Telstra's plant, **carefully locate this plant first** to avoid damage. **It is your responsibility as part of your "Duty of Care" to engage an Accredited Plant Locator** (the locator must have a current Telstra-issued accreditation card). After engaging a Telstra Accredited Plant Locator, undertake manual exposure such as potholing when intending to excavate or work **closer** to Telstra plant than the following approach distances.

Where Telstra's plant is in an area where road and footpaths are well defined by kerbs or other features a minimum clear distance of 600mm must be maintained from where it is determined plant is located.

In non established or unformed reserves and terrain, this approach distance must be at least 1.5 metres.

In country/rural areas which may have wider variations in reasonably presumed plant presence, the following minimum approach distances apply:

- a) Parallel to major plant: 10 metres (for optic fibre and/or copper cable over 300 pairs)
- b) Parallel to other plant: 5 metres

**NOTE:** Even manual pot-holing needs to be undertaken with extreme care, commonsense and employing techniques least likely to damage cables. For example, orientate shovel blades and trowels parallel to the cable rather than digging across the cable.

If construction work is parallel to Telstra plant, then careful hand digging or using non destructive water jet method (pot-holing) at least every 5m is required to establish the location of all plant before work commences.

2. Maintain the following minimum clearance between construction activity and **actual location** of Telstra Plant.

<b>Jackhammers/Pneumatic Breakers</b>	<i>Not within 1.0m of <b>actual location</b>.</i>
<b>Vibrating Plate or Wacker Packer Compactor</b>	<i>Not within 0.5m of actual location of Telstra ducts. 300mm compact clearance cover before compactor can be used across Telstra ducts.</i>
<b>Boring Equipment (in-line, horizontal and vertical)</b>	<i>Not within 2.0m of <b>actual location</b>. Constructor to hand dig or use non-destructive water jet method (pot-hole) and expose plant.</i>
<b>Heavy Vehicle Traffic (over 3 tonnes)</b>	<i>Not to be driven across Telstra ducts (or plant) with less than 600mm cover. Constructor to check actual depth via hand digging.</i>
<b>Mechanical Excavators, Farm ploughing and Tree Removal</b>	<i>Not within 1.0m of <b>actual location</b>. Constructor to hand dig or use non-destructive water jet method (pot-hole) and expose plant.</i>

All Telstra pits and manholes should be a minimum of 1.2m in from the back of kerb after the completion of your work.

All Telstra conduit should have the following minimum depth of cover after the completion of your work:-

**Footway 450mm**

**Roadway 450mm at drain invert and 600mm at road centre crown**

For clearance distances relating to Telstra pillars, cabinets and RIMs/RCMs please contact Telstra Plan Services (see above for details).

## **FURTHER ASSISTANCE:**

Assistance can be obtained by contacting Telstra Plan Services (see contact details above)

Where on-site location is provided, you are responsible for all hand digging or use non-destructive water jet method (pot-holing) to visually locate and expose Telstra plant. (For advice on damage prevention please contact Telstra Plan Services)

If plant location plans or visual location of Telstra plant by digging reveals that the location of Telstra plant is situated wholly or partly where you plan to work, then Telstra's Network Integrity Group must be contacted to discuss possible engineering solutions.

Please phone **1800 810 443** or email [F1102490@team.telstra.com](mailto:F1102490@team.telstra.com)

## **NOTE:**

If Telstra relocation or protection works are part of the agreed solution, then payment to Telstra for the cost of this work shall be the responsibility of the principal developer, constructor or person for whom the work is performed. The principal developer or constructor will be required to provide Telstra with the details of their proposed work showing how Telstra's plant is to be accommodated and these details must be approved by the Regional Network Integrity Manager prior to the commencement of site works.

Please phone **1800 810 443** or email [F1102490@team.telstra.com](mailto:F1102490@team.telstra.com)

## **RURAL LANDOWNERS**

Where Telstra owned cable crosses agricultural land, Telstra may provide on-site assistance with cable location. The Telstra Plan Services operator will provide assistance in determining eligibility.

Please note:

- The exact location, including depth of cables, must be verified by pot holing, which is not covered by this service.
- This service is only available to assist private rural land owners.
- This service normally covers one hour on-site only. Any time required in addition to Telstra funded time can be purchased directly from the Accredited Plant Locator.

For further information including terms and conditions, please contact Telstra Plan Services.

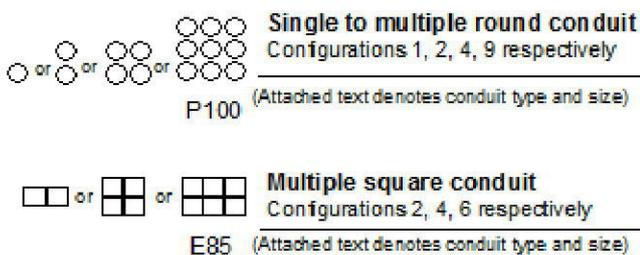
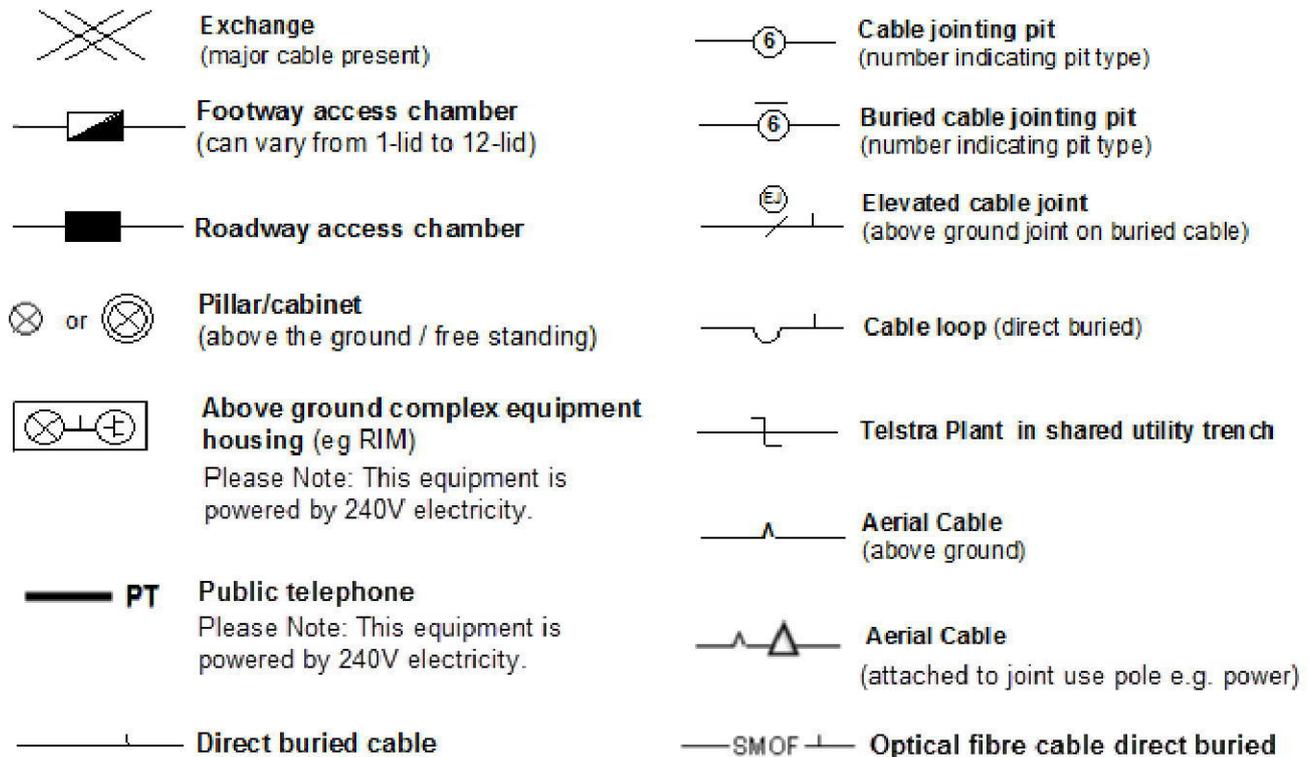
## **PRIVACY NOTE**

Your information has been provided to Telstra by DBYD to enable Telstra to respond to your DBYD request. Telstra keeps your information in accordance with its privacy statement entitled "Protecting Your Privacy" which can be obtained from Telstra either by calling 1800 039 059 or visiting our website at [www.telstra.com.au/privacy](http://www.telstra.com.au/privacy)

## **DATA EXTRACTION FEES**

In some instances a data extraction fee may be applicable for the supply of Telstra information. Typically a data extraction fee may apply to large projects or requests to be supplied in non standard formats. For further details refer to the section at the end of this document.

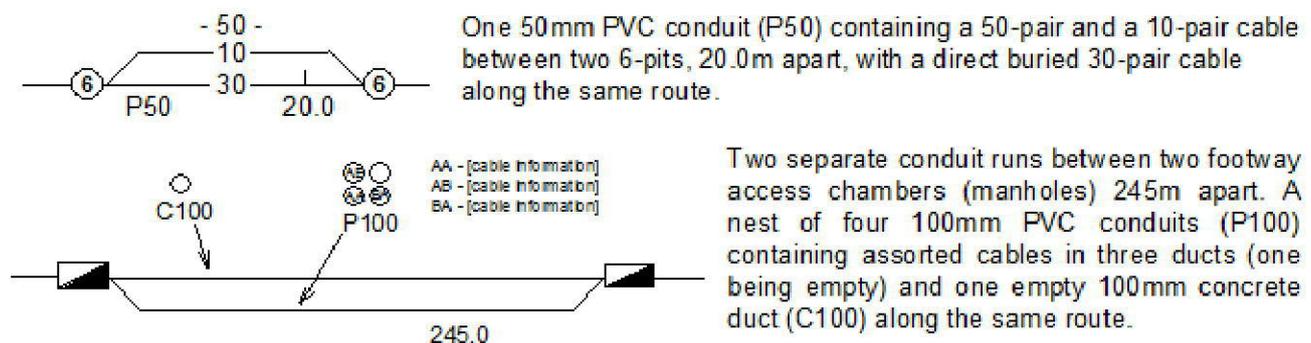
## LEGEND



**Some examples of conduit type and size:**  
A - Asbestos cement, P - PVC / plastic, C - Concrete, GI - Galvanised iron, E - Earthenware.  
Conduit sizes *nominally* range from 20mm to 100mm.

P50	50mm PVC conduit
P100	100mm PVC conduit
A100	100mm asbestos cement conduit
E 85	85mm square earthenware conduit

## Some examples of how to read Telstra plans:



**WARNING:** Telstra's plans show only the presence of cables and plant. They only show their position relative to road boundaries, property fences etc. at the time of installation and Telstra does not warrant or hold out that such plans are accurate thereafter due to changes that may occur over time.  
DO NOT ASSUME DEPTH OR ALIGNMENT of cables or plant as these vary significantly.  
The customer has a DUTY OF CARE when excavating near Telstra cables and plant. Before using machine excavators TELSTRA PLANT MUST FIRST BE PHYSICALLY EXPOSED BY SOFT DIG (potholing) to identify its location.  
Telstra will seek compensation for damages caused to its property and losses caused to Telstra and its customers.

## ELECTRONIC PLANS - PDF AND DWF MAPS

If you have received Telstra maps via email you will have received the maps as either a PDF file (for smaller areas) or DWF file (for larger area requests). If you are unable to launch any one of the softcopy files for viewing and printing, you may need to download and install one or more of the free viewing and printing products such as Adobe Acrobat Reader (for PDF files) or Autodesk Design Review (for DWF files) available from the internet.

### PDF files

PDF is the default softcopy format for all requests for areas up to approx \*350m in length. (\*depends on geographic location of request). The PDF file is formatted to A3 portrait sheet however it can be printed on any size sheet including from A4 to AO, either as the full sheet or selected areas to suit needs and legibility. (to print a selected area zoom up and print 'current view') If there are multiple layers of Telstra network you may receive up to 2 sheets in the single PDF file attachment supplied. There are three types or layers of network normally recorded - local network, mains cables or a combined layer of local and mains (usually displayed in rural or semi rural areas). If mains cable network is present in addition to local cables (i.e. as separate layer in a particular area), the mains will be shown on a separate sheet. The mains cable information should be read in conjunction with the local cable information.

### DWF files

This is the default softcopy format for all requests for areas that are over 350m in length. Maximum length for a DWF automated response is approx 2500m - depending on geographic location of request (manually-processed plans may provide larger coverage). The DWF files differ from PDF in that DWF are vector files made up of layers that can be turned on or off and are not formatted to a specific sheet size. This makes them ideal for larger areas and for transmitting over email etc.

#### ***How to view Telstra DWF files -***

Telstra DWF files come with all layers turned on. You may need to turn individual layers on or off for viewing and printing clarity. Individual layer names are CC (main cable/conduit), DA (distribution or local area network) and sometimes a combined layer - CAC. Layer details can be viewed by either picking off the side menu or by selecting 'window' then 'layers' off the top menu bar. Use 'layers' to turn individual layers off or on. (double click or right click on layer icon.)

#### ***How to print Telstra DWF files -***

DWF files can be printed on any size sheet. They can be printed in their entirety or by selected areas of interest. Some DWF coverage areas are large and are not suited to printing legibly on a single A4 sheet - you may need several prints if you only have an A4 printer. Alternatively, an A3, A1 or larger printer could be used. To print, zoom in or out and then, by changing the 'print range' settings, you can print what is displayed on your screen to suit your paper size. If you only have a small printer, e.g. A4, you may need to zoom until the text is legible on your screen for it to be legible on the print. (which is why you may need several prints). To print what is displayed on your screen the 'view' setting should be changed from 'full page' to 'current view'. The 'current sheet' setting should also be selected. You may need to print layers separately for clarity and legibility. (Details above on how to turn layers on or off)

#### ***How to change the background colour from white to black (when viewing) Telstra DWF files -***

If using Autodesk Design Review the background colour can be changed by selecting 'Tools' then 'options' then 'sheet'. Tick the box 'override published paper colours' and select the colour required using the tab provided.

### Telstra Automated Mapping System (TAMS)

Telstra provides an automated plan response for the majority of DBYD requests received.

Requestors must supply a current email address on their request to DBYD and must also be able to accept a standard format of PDF or DWF. An automated response can be provided much faster than the alternative of a mailed hardcopy, and can avoid unnecessary delays in waiting for plans to arrive. Being softcopy, it can easily be sent directly to a worksite and can be available 7 days a week. The automated system can be configured for individual requestors to receive either PDF/DWF (where small requests are PDF and larger requests are DWF) or, alternatively, all in DWF (both small and large requests). Please contact Plan Services for further details or to have your preferences updated. **Please note that all requests over \*350m (approx.) in size can only be supplied in DWF format** and there are size limits on what can be provided. (\* actual size depends on geographic location of requested area)

## ACCREDITED PLANT LOCATORS (For your area)

**\*It is your responsibility as part of your 'Duty of Care' to engage an Accredited Plant Locator.** All Accredited Plant Locators locating Telstra network must have a current identification card issued by Telstra. A list of Telstra Accredited Locators is provided with the Telstra Dial Before You Dig plans.

Telstra does not permit external parties (non-Telstra) to access or conduct work on our network. Only Telstra staff, Telstra contractors or locators that are correctly accredited are allowed to work on or enter our manholes, pits, ducts, cables etc. This is for safety as well as for legal reasons.

**Please note it is a criminal offence under the *Criminal Code Act 1995 (Cth)* to tamper or interfere with communication facilities owned by a carrier. Heavy penalties may apply for breach of this prohibition, and any damages suffered, or costs incurred by Telstra as a result of any such unauthorised works may be claimed against you.**

For the assistance of customers an accredited Plant Locator can perform any of the following activities if requested to do so by the owner:

- review Telstra's plans to assess the approximate location of Telstra plant;
- advise owners of the approximate location of Telstra plant according to the plans;
- advise owners of the best method for locating Telstra plant;
- advise owners of the hazards of unqualified persons attempting to find the exact location of Telstra plant and working in the vicinity of Telstra plant without first locating its exact position; and
- perform trial hole explorations by hand digging (pot-holing) to expose Telstra plant with a high degree of skill, competence and efficiency and utilising all necessary safety equipment.

The attached list provides the names and contact details for Accredited Plant Locators who service your area and can provide you with assistance in locating Telstra plant on site. These organisations have been able to satisfy Telstra that they have a sound knowledge of telecommunications plant and its sensitivity to disturbance; appropriate equipment for locating telecommunications plant and competent personnel who are able to interpret telecommunications plans and sketches and understand safety issues relevant to working around telecommunications plant.

### Please Note:

- Optic fibre cable locations must be performed by a locator with Telstra optic fibre cable location accreditation. (Not all copper accredited locators have optic fibre accreditation). The locators with additional optic fibre cable location accreditation are indicated by a 'yes' in the column headed 'Fibre' in the lists of locators that are published with the DBYD plans.
- An Accredited Plant Locator is NOT permitted to provide depth of communications plant unless it is physically exposed by hand digging.
- The details of any contract, agreement or retainer for site assistance to locate telecommunications plant shall be for you to decide and agree with the organisation engaged. Telstra is not a party to any contract entered into between you and an Accredited Plant Locator. The Accredited Plant Locators are able to provide guidance concerning the extent of site investigations required.
- Payment for the site assistance will be your responsibility and payment details should be agreed before the engagement is confirmed.
- Telstra does not accept any liability or responsibility for the performance of or advice given by an Accredited Plant Locator. Accreditation is an initiative taken by Telstra towards the establishment and maintenance of competency standards. However, performance and the advice given will always depend on the nature of the individual engagement.
- You have the right to request the organisation you engage to show their Telstra issued ID card.
- Neither the Accredited Plant Locator nor any of its employees are an employee or agent for Telstra. Telstra is not liable for any damage or loss caused by the Accredited Plant Locator or its employees.

Telstra offers free Cable Awareness Presentations & Advanced Cable Reading Presentations, if you believe you or your company would benefit from this offer please contact Network Integrity on 1800 810 443 or [F1102490@team.telstra.com](mailto:F1102490@team.telstra.com)

\*For details on how to become an Accredited Plant Locator to be able to locate Telstra network please contact Telstra Plan Services – Mike (0477 377 036) [mugl@dominoapp.in.telstra.com.au](mailto:mugl@dominoapp.in.telstra.com.au)

## DATA EXTRACTION FEES (when applicable)

### for non-ground breaking activities -

#### **\*Planning and design, conveyancing, tendering, educational or research, other data gathering**

**Note** - The supply of any Telstra data for non ground breaking activities is at Telstra's discretion. Data supply may be refused on commercial, privacy, security or other reasons.

\*Planning and design requests submitted by identified utilities intending works on their own assets **may** be exempt from the \$55 (GST inc) extraction fee for Standard Telstra Responses for non ground breaking activities. This is at Telstra's discretion and conditions may apply. Data extraction fees for all non standard responses however will still apply. Eg for large projects or non standard formats.

The supply of any data for non ground breaking activities is not subject to a 48hr response time; however Telstra will endeavour to respond within 48hrs for all standard responses.

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#### **Standard Telstra response for non ground breaking activities: \$55 (GST inc.)**

Criteria: each request only requires a single delivery from Telstra (as in 1 request 1 Delivery). A single delivery is either –

- **1 x email with 1 x PDF map file** containing one or two A3 map pages (depending on network). *Covers areas up to approx. 500m in size.*

OR

- **1 x email with 1 x DWF map file.** *Covers areas up to approx. 3km in size.*

OR

- **1 x \*posted delivery** (*\*only if email unavailable or at Telstra's discretion*). Posted format is either –
  - Posted softcopy of standard response (on disk)  
or
  - Posted printed hardcopy (maximum of 2 x A3 sheets only).

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#### **Non-Standard Response – for non ground breaking activities (fees apply)**

**Data Use Agreement** (required for DXF format) **\$110** (GST inc)

- Projects -** If a response takes more than 30mins to extract data in any format, an hourly rate will apply (**\$110** per hour GST inc).
- Projects that take 1 day or longer will be quoted individually.
  - All data will be provided in softcopy only - not printed.

**Note** - Multiple part requests through DBYD for one project will be amalgamated and considered a single project for data extraction charging purposes. Posted responses cannot be delivered within 48hrs, allow several days for delivery. Postage is by Australia Post standard delivery. Express delivery at additional cost. All prices and specifications are subject to change.

## DATA EXTRACTION FEES (when applicable)

### for ground breaking activities -

**\*Manual or mechanical excavation, horizontal boring, vertical boring, blasting**

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**For a Standard Telstra Response for ground breaking activities - cost to requestor - \$nil**

#### **Standard Response Criteria -**

Each request only requires a single delivery from Telstra (1 request 1 delivery).

A single delivery is defined as either -

- **1 x Email with 1 x PDF map file** containing one or two A3 map pages  
(depending on network can cover up to approx 350m).

OR

- **1 x Email with 1 x DWF map file.** Covers up to approx 3km.

OR

- **1 x \*Posted delivery** for customers requesting a response for their principal place of residence only, (and only when email delivery is unavailable or at Telstra's discretion).

Either -

- Posted softcopy on disk (standard response only)
- Posted printed hardcopy (A3 sheets only- at Telstra's discretion )

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**For a Non-Standard Telstra Response for ground breaking activities (fees apply)**

**An extraction fee is incurred if the response exceeds a standard response i.e. -**

- Use of data requires a data use agreement (for example DXF format)
- If an individual job or project requires more than a single delivery (as defined above)
- Specific printing and/or posting of requests that are not for the principle place of residence
- Any other response other than a Standard Telstra Response for ground breaking activities

**Data extraction costs for ground breaking activities -**

- Posted softcopy on disk of standard response when not principle place of residence- **\$22 (GST inc.)**
- Posted hardcopy of standard response i.e. when not principle place of residence – max of 2 x A3 sheets (at legible scale) - **\$22 (GST Inc.)** Note - large areas will not be printed and posted.
- Requires Data Use Agreement – i.e. requirement for DXF files - **\$110 (GST inc)**
- Non standard response (i.e. over 30 mins extraction time for softcopy) will be at an hourly rate (**\$110 per hour GST inc**).
- Projects that take 1 day or longer will be quoted individually.

**Note** - Multiple part requests through DBYD for one project will be amalgamated and considered a single project for data extraction charging purposes. Printing/posting fee exemptions may be provided at Telstra's discretion. Postage is by Australia Post standard delivery. All posted plans will normally be extracted within 48 hrs; time in transit through post is additional and may take several days Express delivery at additional cost. All prices and specifications are subject to change. Data extraction fees are based on various criteria including the principal excavation activity selected by the customer on the DBYD website. Telstra reserves the right to vary its fees in circumstances where the principal excavation activity is varied or misrepresented by the customer.