

**ANNEXURE TO BUILDING CONTRACT
196 RAILWAY PARADE QUEENS PARK
SPECIAL CONDITIONS**

Application of these Special Conditions, interpretation

- 1 These Special Conditions apply to the Building Contract and prevail over the terms and conditions of the Building Contract to the extent of any inconsistency.
- 2 In these Special Conditions:
- Building Contract** means the HIA Cost Plus Contract to which these Special Conditions are attached.
- clause** means a clause in this Annexure unless stated otherwise.
- Developer** means St Giorgio Pty Ltd ABN 76 126 046 679 as Trustee of the Nardone Investment Superannuation Fund.
- Effective Date** means 1 May 2021.
- Parties** means the Developer and the Builder.
- 3 Except as defined in clause 2, words and expressions having defined meanings in the Building Contract have the same meaning in these Special Conditions.

Developer as party to the Building Contract

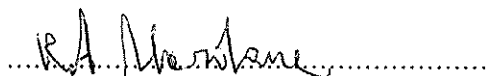
- 4 The Developer is party to the Building Contract as the principal and:
- (a) all references to the "Owner" in the Building Contract are to be construed as references to the Developer; and
- (b) the Developer undertakes all obligations of the "Owner" and is entitled to all the benefits to which the "Owner" is entitled subject to and in the terms of the Building Contract.

State and condition of the Site

- 5 The Parties acknowledge and agree as follows:
- (a) as at the Effective Date the Works have been partially completed on the Site;
- (b) the Builder has taken possession of the Site as at the Effective Date and is responsible to complete the Works pursuant to and in terms of the Building Contract;
- (c) neither Party makes any representation or warranty to the other as to the state and condition of the Works as at the Effective Date; and
- (d) without limitation to paragraphs (b) and (c):
- (1) the Parties accept the state and condition of the Works as at the Effective Date; and
- (2) neither Party has any claim against the other with respect to or arising out of the state and condition of the Works as at the Effective Date including, without limitation, any claim with respect to any patent or latent defect or deficiency or in any other respect whatsoever.



Signed by Developer



Signed by Builder