

## DEED POLL – WARRANTY

This deed poll is made on the 20<sup>th</sup> day of March (Deed Poll) 2020

**By:** Icon Co (NSW) Pty Ltd (ABN 16 604 790 409)  
of Level 4, 41 McLaren Street, North Sydney, NSW 2060  
(Icon)

Kajima Australia Pty Ltd (ACN 604 351 966)  
of Level 2 Suite 3, 110 Cubitt Street, Richmond Vic 3121  
(Kajima)

**In favour of:** The Owners-Strata Plan No 97315  
Suite 207, 50 Holt Street  
Surry Hills NSW 2010  
(Owner's Corporation)

### BACKGROUND

- A Icon was the design and construction contractor of the building at 98 Bennelong Parkway, Sydney Olympic Park known as Opal Tower (**Building**).
- B On 24 December 2018 and subsequently, damage was identified in the Building.
- C Icon has, without admission of liability, agreed to carry out works to the Building as contemplated by the design drawings and plans included in Schedule 1 to this Deed Poll to rectify the damage and alleged deficiencies in the common property in the Building (**Rectification Works**).
- D The Owners Corporation consents to the Rectification Works and Icon will carry out the Rectification Works at its own cost and provide the Owner's Corporation with the warranty on the terms set out in clause 1 of this Deed Poll.
- E Kajima guarantees the obligations of Icon under this Deed Poll.

### OPERATIVE

1. Subject to clause 2, Icon agrees with the Owner's Corporation that there will be no Major Defects in the item of the Building, including the Rectification Works, referred to below for the period referred to below:  
  
Structure: 20 years from the certified date of practical completion of the Building.
2. In the event of a breach by Icon of this Deed Poll, Icon will, upon notification of the breach, perform such additional works as are necessary for the Building to comply with clause 1 of this Deed Poll, which shall be the Owners Corporation's sole and exclusive remedy for breach of this Deed Poll.
3. A 'Major Defect' for the purposes of this Deed Poll has the same meaning as in section 18E(4) of the *Home Building Act 1989 (NSW)*.
4. This Deed Poll is governed by the laws of the State of New South Wales.

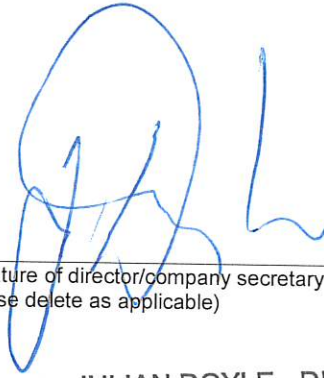
**Executed by Icon Co (NSW) Pty Ltd** (ACN 604 790 409) in accordance with Section 127 of the *Corporations Act 2001* in the presence of:



Signature of director

**Nicholas Brown**

Name of director (print)



Signature of director/company secretary  
(Please delete as applicable)

**JULIAN DOYLE - DIRECTOR**

Name of director/company secretary (print)

**Executed by Kajima Australia Pty Ltd** (ACN 604 351 966) in accordance with Section 127 of the *Corporations Act 2001* in the presence of:



Signature of director

**Motohiro Umehara**

Name of director (print)



Signature of director/company secretary (Please delete as applicable)

**Tatsuru Isano**

Name of director/company secretary (print)