

SUPPLEMENTARY DEED OF AGREEMENT

BARADENE COLLEGE

THIS DEED OF AGREEMENT is made on the 27th day of May
1997 BETWEEN THE BARADENE COLLEGE
TRUST BOARD (hereinafter with his successors referred to as "the Proprietors") of
the first part and HER MAJESTY THE QUEEN acting by and through the Minister
of Education (hereinafter referred to as "The Minister") of the second part

WHERE AS

- A. By Deed of Agreement bearing date the 26th March 1983 as varied by any subsequent supplementary agreements (hereinafter referred to as "the Deed of Agreement") the Minister and the Proprietor pursuant to section 7(2) of the Private Schools Conditional Integration Act 1975 established Baradene College as an integrated school (hereinafter referred to as "the school").
- B. The Proprietor and the Minister wish to vary the Deed of Agreement:
- (1) To take account of the changes introduced to the education system consequent on the passing of the Education Act 1989 and its subsequent amendments,
 - and
 - (2) To replace the First Schedule.
 - (3) To replace the Second Schedule together with a new Plan.
 - (4) To delete the Third Schedule.

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NOW THIS DEED OF AGREEMENT WITNESSETH THAT IT IS HEREBY
COVENANTED AGREED AND DECLARED BY AND BETWEEN THE
PARTIES HERETO AS FOLLOWS:

1. THAT any reference to the Board of Governors shall be deemed to be reference to the Board of Trustees.
2. THAT any reference to the Director General or the Regional Superintendent of Education shall be deemed to be a reference to the Secretary of Education.
3. THAT the Integration Agreement be amended as follows:
 - 3.1 By amending Clause 3(d) by adding after the word "hereto" the second time it occurs, the words "or such other dates as may be agreed from time to time between the Minister and Proprietor".
 - 3.2 By deleting the existing Clause 7 and replacing it with the following:
 7. (a) THE Board of Trustees shall be the Controlling Authority of the School and shall be constituted pursuant to Part IX of the Education Act 1989.
 - (b) THE control and management of the School shall be exercised subject to the provisions of Section 25(6) of the Private Schools Conditional Integration Act 1975".
 - 3.3 "It is agreed by and between the parties hereto the maximum Roll of the School shall be seven hundred and forty (740) pupils made up of a maximum of five hundred and forty five (545) in Form III - VII and a maximum of one hundred and ninety five (195) pupils in Form I-II as at June 1995"
 - 3.4 By deleting subclauses (b) and (c) of Clause 10 and substituting the following therefor
“(b) In accordance with Section 7(6)(h) of the Private Schools Conditional Integration Act 1975, unless the Proprietor and the Secretary of Education otherwise agree, and subject to places being available, the number of pupils whose parents do not have preference of enrolment at the school in accordance with the provisions of Section 29(1) of the Private Schools Conditional Integration Act 1975 shall be limited at all times to 5 per cent of the maximum roll as determined by Clause 8 hereof and the Board of Trustees shall not enrol more than that number PROVIDED THAT to maintain and preserve the Special Character of the School the Controlling Authority in classifying such pupils so enrolled shall endeavour to reasonably distribute them through the range of classes offered by the School”.

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- 3.5. By deleting from Clause 16 the words "as established by Regulations made under the Education Act 1964" and substituting the words "as established pursuant to the Education Act 1989" therefor.
 - 3.6. By adding after the words "Deputy Principal" in the first line of Clause 20 the words "however described".
 - 3.7. By deleting the First Schedule of the Deed of Agreement and substituting therefor a new First Schedule hereto.
 - 3.8. By deleting the Second Schedule and annexed Plan of the Deed of Agreement and substituting therefor the new Second Schedule and new Plan annexed hereto.
 - 3.9. By deleting the Third Schedule of the Deed of Agreement.
4. THAT the covenants conditions and restrictions contained and implied in the Deed of Agreement shall be read and construed subject to the modifications herein contained but in all other respects the Deed of Agreement is confirmed.

IN WITNESS WHEREOF these presents have been executed the day and the year first hereinbefore written.

THE COMMON SEAL OF BARADENE COLLEGE TRUST BOARD

was hereunto affixed in the presence of ;

A. Hanrahan
-----Trustee



[Signature]
-----Trustee

SIGNED by KATHY PHILIPS
Senior Manager , National Operations
Ministry of Education pursuant
to authority delegated by the
Minister of Education acting on
behalf of HER MAJESTY THE QUEEN
in the presence of :

Kathy Phillips

Simon Leslie Hunt (Copper Office)
64 A Ellise St
Mt Victoria
Wellington

FIRST SCHEDULE

Description of total land, buildings and other improvements comprising the Proprietor's land of which the School premises form part.

The Proprietor's Land.

All that land , buildings and other improvements owned by the Baradene College Trust Board situate in Victoria Avenue, Auckland being known as Baradene College, Remuera and being more particularly described as follows and delineated in green on the plan forming part of the Second Schedule hereto.

FIRSTLY all that Freehold parcel of land containing 5.6124 heactares more or less being Lot 14 Deposited Plan 44273 and being part Allotments 86,87,88 and 90 Section 16 Suburbs of Auckland and being all that land in Certificate of Title Volume 1568 Folio 98 (North Auckland Registry)

Subject To

1. Building line restriction contained in K60780 (affects Southern Boundary)
2. 259146.1 Mortgage to Housing Corporation of New Zealand

SECONDLY all that Freehold parcel of land containing 1249 square metres more or less being Lot 2 Deposited Plan 44273 and being part Allotment 88 and 90 Section 16 Suburbs of Auckland and being all that land in Certificate of Title Volume 45A Folio 807 (North Auckland Registry)

There are debts owing by the Proprietor to the Society of the Sacred Heart Trust Board of New Zealand , and the Housing Corporation of New Zealand.

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AL
CH

SECOND SCHEDULE

Description of land, buildings and other improvements comprising the School premises

The School premises:

All that part of the Proprietor's land as described in the First Schedule hereto, delineated in red on the annexed plan of the Proprietor's land, which forms part of this Schedule, TOGETHER WITH all the School buildings and other improvements thereon SAVE AND EXCEPT Blocks A1, A5B, G, H more particularly delineated in blue on the annexed plan. The above represents as follows compared with the old plan and the annexed plan-

- A1 represents M on new plan - Sisters Living Quarters
- A5B represents J on new plan - Convent, Chapel and Hall
- G represents M2 on new plan - Non Integrated Art Centre.
- H represents H on new plan - Glasshouse / Garages
- I has been removed
- J has been removed

FURTHER EXCEPTING those areas of Block A5A and Blocks A5B (Block J) which are more particularly shown as non-integrated on the departmental drawings number EIS 16508, and departmental drawing EIS 16507 RESERVING NEVERTHELESS to those excepted portions full rights of access and of ingress and egress over the access ways shaded yellow on the annexed plan from and to Victoria Avenue, Remuera, Auckland.

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A.H.

NON
INTEGRATING

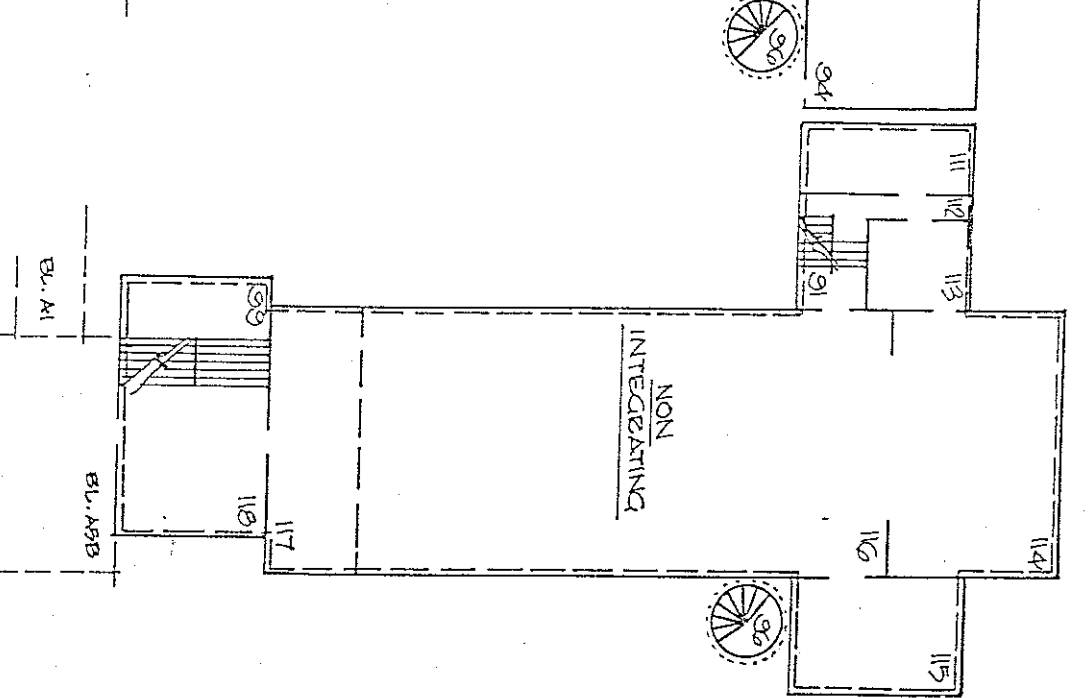
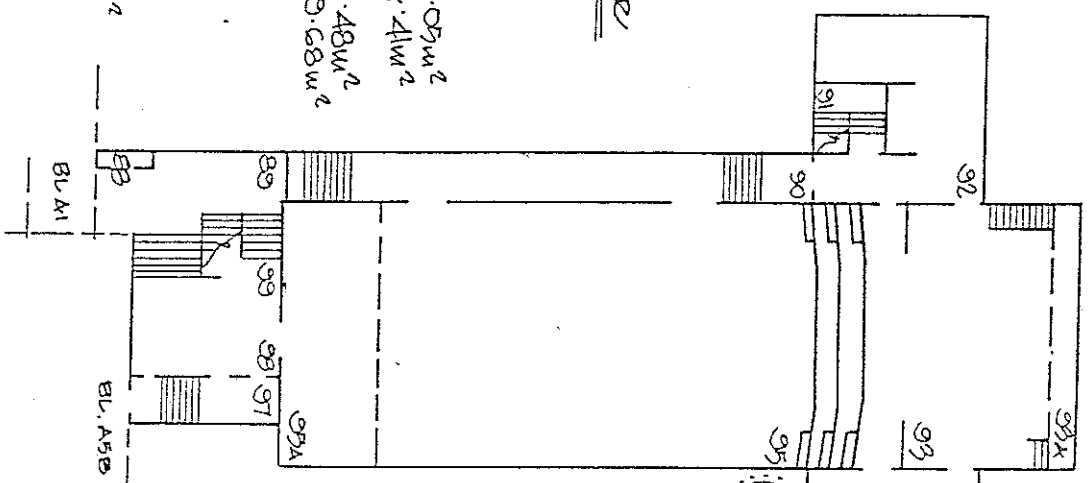
MEZZANINE
ABOVE DRESSING RM.

TOTAL AREA - 53.96w²

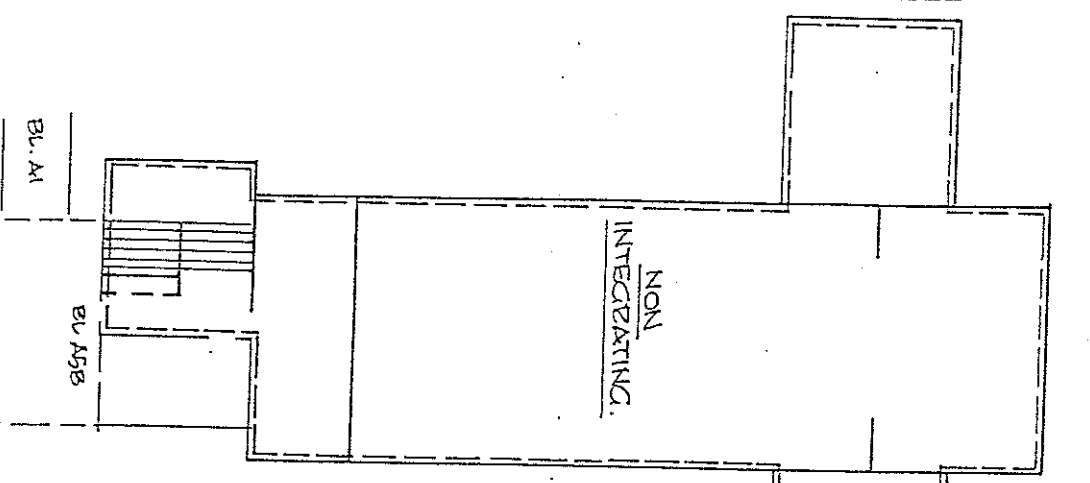
BLOCK A5X - GROUND FLOOR

- 88 CURB'D
- 89 LOBBY
- 90 CORRIDOR
- 91 STAIRS
- 92 DRESSING RM 29.05w²
- 93 STAGE 64.41w²
- 93X CHANGE
- 94 PROPS 29.48w²
- 95 HALL 249.68w²
- 96 FIRE ESCAPE
- 97 MEZZANINE
- 98 FOYER
- 99 STAIRS
- 95A GALLERY

TOTAL AREA - 596.95w²



BLOCK A5X - FIRST FLOOR
TOTAL AREA - 500.28w²



BLOCK A5X - SECOND FLOOR
TOTAL AREA - 479.28w²

DEPARTMENT OF EDUCATION

buildings division: integration of private schools

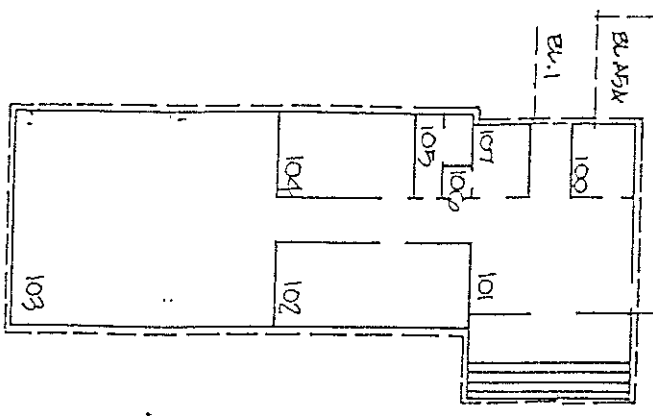
School: BARADENE COLLEGE ZEMBEBA

4770 11.11.83

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Date:	Feb, 83	Sheet	8 of 13
Revision:		Drawn:	

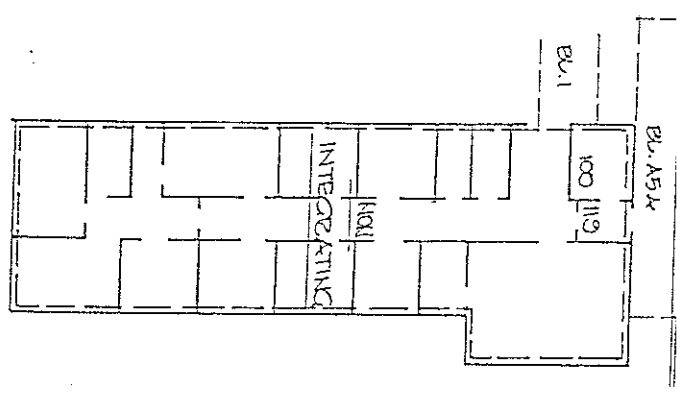
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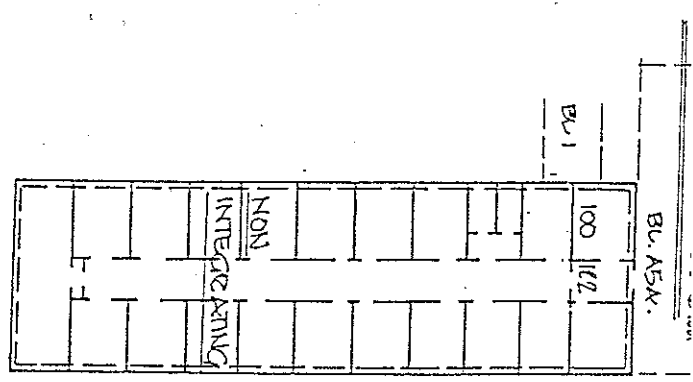


BLOCK A5B - GROUND FLOOR	
NON-INTEGRATING	
100	LIFT
101	MAIN ENTRY
102	RECEPTION 27.03m ²
103	LOUNGE 79.06m ²
104	RECEPTION 19.55m ²
105	TOILET
106	PHONE
107	OFFICE 5.6m ²
TOTAL AREA - 229.56m²	

BLOCK J.



BLOCK A5B - FIRST FLOOR
TOTAL AREA - 212.60m²



BLOCK A5B - SECOND FLOOR
TOTAL AREA - 180.32m²

DEPARTMENT OF EDUCATION

buildings division: integration of private schools

School: ~~BARADENE~~ COLLEGE - PEMBERA.

Drawing No:	E15 165 07	Scale:	1:300
Date:	Feb 83	Sheet	7 of 13
Revision:	Feb '91	Drawn:	