

**SUPPLEMENTARY DEED OF AGREEMENT**

**St. Mary's College, WELLINGTON**

THIS DEED OF AGREEMENT is made on the *21st* day of *August*  
One thousand nine hundred and ninety *five* (1995) BETWEEN THE  
SISTERS OF MERCY (WELLINGTON) TRUST BOARD a body corporate  
registered under the Charitable Trusts Act 1957 (hereinafter  
with his successors referred to as "the Proprietor") 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

**WHEREAS**

**A** By Deed of Agreement bearing date the 1 day of March, One thousand nine hundred and eighty-three (1983) as varied by any subsequent supplementary agreements (hereinafter referred to as "Deed of Agreement"), the Minister and the Proprietor pursuant to section 7 (2) of the Private Schools Conditional Integration Act 1975 established **St. Mary's College, WELLINGTON** 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 and Second Schedules and the Plan annexed to the Second Schedule with new Schedules and a new Plan and to delete the Third Schedule.

*Barb*  
*P. 6/1*  
*ml*

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 a 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 deleting Clause 3(d).

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. 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 five (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."

- 3.4. By deleting from **Clause 15** 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.
- 3.5. By adding after the words "Deputy Principal" in the first line of **Clause 18** the words ", however described,".
- 3.6. By deleting **Clauses 27 and 28** from the Deed of Agreement.
- 3.7. By deleting the words "clause 3(d) and (e), clause 25, clause 28 and clause 29" from **Clause 33** and substituting therefor the words "Clause 3(e), Clause 25 and Clause 29".
- 3.8. By deleting the First and Second Schedules and the Plan annexed to the Second Schedule of the Deed of Agreement and substituting therefor the Schedules and the Plan annexed hereto.
- 3.9. By deleting the Third Schedule to the Deed of Agreement.

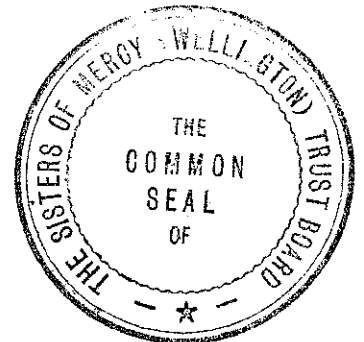
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*P. V.*  
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4. IT is agreed between the parties hereto that the Proprietor is now the registered owner of the Land referred to on the Plan forming part of the Second Schedule hereto and described in that Plan as being Section 1409 on Deposited Plan 3284 (described formerly in Clause 30 of the Deed of Agreement as being Part Lots 5,6 and 8 Deposited Plan 3284). Clause 30 of the Deed of Agreement is consequently deleted from the Deed of Agreement.

5. 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 THE SISTERS  
OF MERCY (WELLINGTON) TRUST  
BOARD was hereunto affixed by  
and in the presence of :-



Ethel M. Bignell Trustee  
Patricia S. Vaughan Trustee

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

*Kathy Phillips*

*Judith Manchester*  
*53 Creswick Terrace*  
*Wellington 5*

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 Sisters of Mercy (Wellington) Trust Board situate in Guilford Terrace, Wellington, being known as St. Mary's College, Wellington, 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 1142 square metres more or less being part of Section 554 of the Town of Wellington and being all the land contained and described in Certificate of Title Volume 448 Folio 15 (Wellington Registry).

SECONDLY, All that freehold parcel of land containing 8 square metres more or less and being part Section 554 of the Town of Wellington and being all the land contained and described in Certificate of Title Volume 448 Folio 199 (Wellington Registry).

THIRDLY, All that freehold parcel of land containing 967 square metres more or less being part of Section 554 of the Town of Wellington and being all the land contained and described in Certificate of Title Volume 448 Folio 95 (Wellington Registry).

FOURTHLY, All that freehold parcel of land containing 876 square metres more or less situate in the City of Wellington being part of Town Section 553 and being Lot 4 on Deposited Plan No. 3284 and being all the land contained and described in Certificate of Title Volume 234 Folio 98 (Wellington Registry).

SUBJECT TO:

1. No. K4348 Conditions of consent by the Mayor, Councillors and Citizens of the City of Wellington to the granting of the right of way over part of the within described land appurtenant to the land in Volume 234 Folio 97 and the balance of the within described land.
2. No 302144.1 Order in Council declaring part of the within land and airspace and subsoil to be a motorway.

FIFTHLY, All that freehold parcel of land containing 5 square metres more or less situate in the City of Wellington being part of Town Section No. 553 and being also parts of Lots 1 and 3 on deposited plan No. 3284 and being all the land contained and described in Certificate of Title Volume 367 Folio 31 (Wellington Registry)

SUBJECT TO:

1. No. 087143.1 Compensation Certificate under the Public Works Amendment Act 1948.
2. No. 302144.1 Order in Council declaring part of the within land, airspace and subsoil to be a motorway.
3. Gazette Notice 7646281.

SIXTHLY, All that freehold parcel of land containing 134 square metres more or less being Lot 6 on Deposited Plan No. 1265 and part of Section 563 City of Wellington and being all the land contained and described in certificate of Title Volume 119 Folio 250 (Wellington Registry)

*Edwards  
1/10/11*

**SUBJECT TO:**

1. Mortgage 487426.1 to Housing Corporation.
2. Mortgage 494092.1 to Housing Corporation.

**SEVENTHLY,** All that freehold parcel of land containing 2862 square metres more or less situate in the City of Wellington being part of Town Section 561 and being also part of the land on Deposited Plan No. A2975 and being all the land contained and described in certificate of Title Volume 406 Folio 164 (Wellington Registry)

**SUBJECT TO:**

1. Mortgage 4940921.1 to Housing Corporation.

**EIGHTHLY,** All that freehold parcel of land containing 1.2053 hectares more or less situate in the City of Wellington being Section 555 and parts of Sections 557, 558 and 559 on the public map of the Town of Wellington and being also Lot 1 on Deposited Plan No. 10013 together with all that freehold parcel of land containing 779 square metres more or less situate in the City of Wellington being Section 1409 Town of Wellington, and being all the land contained and described in Certificate of Title Volume 401 Folio 287 (Wellington Registry)

**SUBJECT TO:**

1. Compensation Certificate 087143 under the Public Works Amendment Act 1948.
2. No. 302144.1 Order in Council declaring part of the within land airspace and subsoil to be a motorway.
3. Mortgage 494092.1 to Housing Corporation.
4. 770176.1 Gazette Notice.
5. 764628.1 Gazette Notice.

Pursuant to Section 107 (9A) of the Public Works Act 1981, Section 1409 Town of Wellington is included in this Certificate of Title.

*Handwritten notes:*  
E. Cant  
P. 10/1  
at

NINTHLY, All that freehold parcel of land containing 525 square metres more or less situate in the City of Wellington being parts Lots 1 and 3 on Deposited Plan 3284 and Section 1408 Town of Wellington

SUBJECT TO:

1. Section 8 Atomic Energy Act 1945  
Section 5 Coal Mining Act 1979  
Section 3 Geothermal Energy Act 1953  
Section 8 Mining Act 1973  
Section 3 Petroleum Act 1937  
(affects Section 1408 Town of Wellington)
2. A right of way over the part Lot 4 DP 3284 (CT 234/98) created by transfer 179529 appurtenant to parts Lots 1 and 3
3. Order in Council No. 1216 containing Building Line Restriction (affects part Lots 1 and 3 DP 3284)
4. No. 302144.1 Order in Council declaring the within land airspace and subsoil to be a motorway.



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 H, I and K more particularly delineated in blue on the said plan together with a reservation in favour of those excepted portions of full rights of access inter se and of ingress and egress between those excepted portions and Guilford Terrace.

# Search Copy

DATE 23 APR 1998

REGISTER Land and Deeds—101.



Register-book,

Vol. 401, folio 287

Reference: Land Transfer (Compulsory Registration of Titles) Act, 1924.  
Deeds Index, Vol. 1 Fols. 555, 557 and 559  
Application No. C.8371  
Certificate of Title Vol. 328 Folio 160



## CERTIFICATE OF TITLE UNDER LAND TRANSFER ACT. LIMITED AS TO

This Certificate, dated the Thirteenth day of December one thousand nine hundred and thirty under the hand and seal of the District Land Registrar of the Land Registration District of WELLINGTON Witnesseth that THE ROMAN CATHOLIC ARCHBISHOP OF THE ARCHDIOCESE OF WELLINGTON

is seized of an estate in fee-simple (subject to such reservations, restrictions, encumbrances, liens, and interests as are notified by memorial under written or endorsed hereon, subject also to any existing right of the Crown to take and lay off roads under the provisions of any Act of the General Assembly of New Zealand) in the land hereinafter described, as the same is delineated by the plan hereon bordered green, be the several admeasurements a little more or less, that is to say: All that parcel of land containing THREE ACRES SIX AND FORTY TWO ONE HUNDREDS PERCHES more or less situate in the City of Wellington being Section 555 and parts of Sections 557, 558 and 559 on the public map of the Town of Wellington and being also Lot 1 on Deposited Plan No. 10013

*Amended Certificate 349559.1*  
*W. J. J. Ave.*

1.2303 ha  
- 133 m<sup>2</sup> (770176.1)  
- 117 m<sup>2</sup> (764628.1)  
1.2053 ha  
779 SEC 1409(849552)  
1.2832 ha

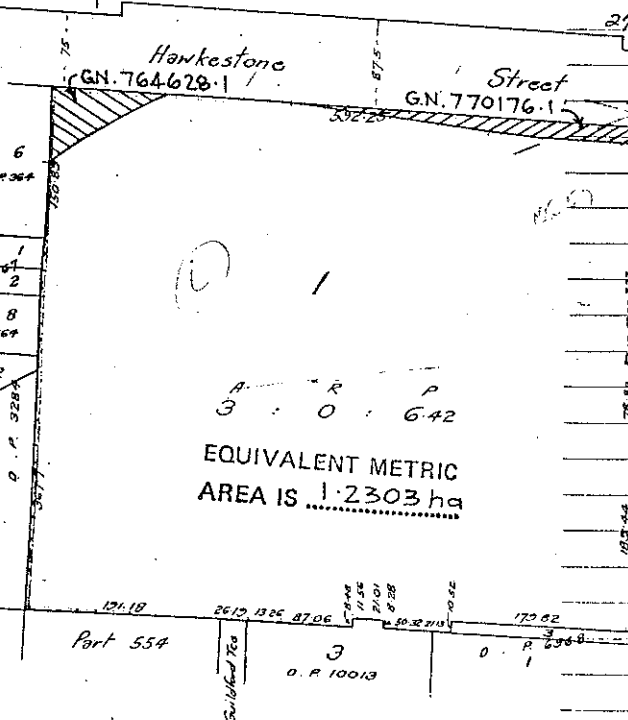


*R. Durke*  
Assistant-District Land Registrar.

Transfer 213004 The Roman Catholic Archbishop of Wellington to Mary Francis Doyle, Mary de Sales Fowler and Mary Rigouri Limino all of Wellington Sisters of Mercy produced 27<sup>th</sup> July 1931 at 11.47 am *W. J. J. Ave.*

Transmission 49949 to the Congregation of Our Lady of Mercy (Wellington) Trust Board. Entered 15/6/1951 at 3 PM *J. J. J. Ave.*

See Diagram over for Section 1409



THIS REPRODUCTION ON A REDUCED SCALE CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL REGISTER FOR THE PURPOSES SECTION 215A LAND TRANSFER ACT 1952.  
*J. J. J. Ave.* A.L.R.

No. A025916 Evidence of Change of Name of The Congregation of Our Lady of Mercy (Wellington) Trust Board to The Sisters of Mercy (Wellington) Trust Board - 7.3.1974 at 12.00noon

*D. J. J. Ave.*  
A.L.R.

Scale 1 Chain to an inch

- W. J. J. -

*W. J. J. Ave.*  
*P. J. J.*

087143. Compensation Certificate under Section 17 of the Public Works Amendment Act 1948.

4012/287

23.12.1975 at 9.35 am

*Quinn*  
A.L.R.

~~No. 302144.1 Order in Council declaring part of the within land, (hatched black) air space and subsoil to be a motorway -~~

26.6.1979 at 9.37 a.m.

Entered in *Book*  
A.L.R.

No. 302144.1 Order in Council declaring part of the within land, airspace and subsoil to be a motorway - 26.6.1978 at 9.37 a.m.

*Quinn*  
A.L.R.

Mortgage 487426.1 to Housing Corporation - 22.6.1982 at 11.55 a.m.

RECORDED

A.L.R.  
RECORDED

Mortgage 494092.1 to Housing Corporation - 3.6.1982 at 10.10 a.m.

# *Quinn* A.L.R.

770176.1 Gazette Notice declaring part (133m<sup>2</sup>) hatched black hereon to be road and to be vested in The Wellington City Council - 3.4.1986 at 2.21 p.m.

*Quinn*  
A.L.R.

# 764628.1 Gazette Notice acquiring part (117m<sup>2</sup>) of the within land for motorway purposes and vesting in the Crown on 5.2.1986 - produced 28.2.1986 at 2.47 p.m.

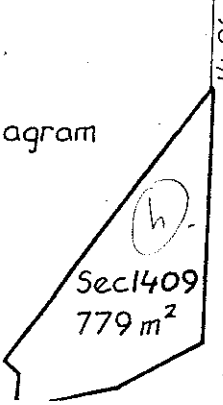
*Quinn*  
A.L.R.

Pursuant to Section 107(9A) Public Works Act 1981 Section 1409 Town of Wellington is included in this Certificate of title - entered 7.5.1987 at 2.48 pm  
See Certificate 849552.1

HAWKESTONE ST

*Quinn*  
A.L.R.

Diagram



S.O. 33536

*up*  
*Blair*  
*P/V*