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**REPORT 4**  
*(1215/53/IM)*

## **GRANTING OF A GROUND LEASE TO THE GREEK ORTHODOX COMMUNITY OF WELLINGTON INCORPORATED AT MAKARA CEMETERY**

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### **1. Purpose of Report**

To recommend the Committee approves granting a ground lease to the Greek Orthodox Community of Wellington Incorporated for the purpose of building a Chapel on part of the land at Makara Cemetery outlined in grey on Appendix 1.

### **2. Executive Summary**

The Greek Orthodox Community of Wellington Incorporated approached the Council for a ground lease of part of the land at Makara Cemetery for the purpose of building a Chapel.

Chapels such as this are common in cemeteries in Greece and are regularly used for special prayers, memorial services and funerals where friends and relatives can remember their loved ones.

Such a Chapel at Makara Cemetery is of cultural significance to the Greek Orthodox Community of Wellington Incorporated as it would provide a connection between the original Greek Orthodox burial grounds and that of the new one, which has recently been established as shown on Appendix 1.

The Land is held by the Council for Cemetery purposes and is subject to the provisions of the Burials and Cremation Act 1964.

### **3. Recommendations**

Officers recommend that the Regulatory Processes Committee:

- 1. Receive the information.*
- 2. Agree, subject to the terms and conditions noted below, the granting of a ground lease to the Greek Orthodox Community of Wellington Incorporated in accordance with the Burials and Cremation Act 1964.*

3. *Note that the terms of the ground lease are as follows:  
Location: Part of the land at Makara Cemetery, Makara (outlined in grey on Appendix 1).  
Term: 35 years (less one day).  
Annual Rent: \$1 (if demanded).*
4. *Note that any approval to grant the ground lease is conditional on:  
(i) appropriate consultation with Iwi and the Seyip Community being completed;  
(ii) there being no sustained objections resulting from the abovementioned consultation; and  
(iii) the legal and advertising costs associated with preparing the ground lease is met by the Greek Orthodox Community of Wellington Incorporated.*
5. *Agree that Council officers will finalise and negotiate the ground lease details.*

#### **4. Background**

The Greek Orthodox Community of Wellington Incorporated (GOCWI) approached the Council for a ground lease of part of the land at Makara Cemetery as outlined in grey on Appendix 1 (Land).

The GOCWI intend on building a Chapel on the Land in partnership with the Australasian Hellenic Education Progressive Association (AHEPA), and the Holy Archdiocese of New Zealand (HANZ).

The AHEPA is the largest Greek heritage organisation worldwide and has established groups in the United States, Canada, Greece, Cyprus, Istanbul, Bulgaria, Australia and New Zealand. The AHEPA was established in 1934 in Werris Creek, NSW. The Wellington branch of the AHEPA was first established in the 1990s. The AHEPA's mission is to promote the ideals of Hellenism, education, philanthropy, civic responsibility, family and individual excellence.

The HANZ covers New Zealand and Islands in the Southern Pacific, which include Fiji, Tonga and Samoa. HANZ was founded in 1970.

Many Greek New Zealanders maintain their Greek identity through the observation of Greek customs and traditions, and their adherence to their Greek Orthodox faith while assimilating into New Zealand society. There are nine Greek Churches in New Zealand.

The proposal for a chapel is consistent with the Burials and Cremation Act 1964 (BCA), the Cemeteries Management Plan 2003 (CMP) and past practices of the Council.

Council gave approval for the Hebrew Community to build a Jewish Prayer House on part of the land at Makara Cemetery that was set apart for burials of the Hebrew Community in 1977.

#### **4.1 The Site**

The Land is held by the Council for Cemetery purposes. The proposed lease area is approximately 57m<sup>2</sup> and is legally described as Part Section 18, Makara District and contained in Computer Freehold Register WN50D/128. The Land is designated as Open Space B in the District Plan.

The GOCWI chose this Land at Makara Cemetery as a Chapel on this Land would bridge the gap between the original site of the Greek Orthodox burial grounds and that of the new one which has recently been established. The Chapel will not only provide a connection between the two sites for the Greek community but will create a comfortable space for the community to remember their loved ones.

The GOCWI plans to build a Greek Byzantine style chapel which will reflect their culture and heritage. The design plans for the Chapel show that it will have a porch, hard landscaping and seating. Refer to Appendix 2 for images of the proposed Chapel.

The positioning of the Chapel was discussed with officers and it was agreed that it would be located toward the front of the section rather than at the rear to maximise burial space. The Chapels' orientation aligns it with the summer solstice, which is acceptable to the GOCWI.

#### **4.2 The Lessee**

The GOCWI and the AHEPA are philanthropic based organisations who strive to support their cultural heritage as well as contribute to the wider communities in which they live. As well as supporting the local Greek schools and churches, the AHEPA have undertaken fundraising events and granted donations to a number of initiatives including Wellington's New Regional Hospital, research for Arthritis, the Wellington Children's Hospital, Wellington Free Ambulance, Mary Potter Hospice and the Foundation of the Blind.

There are approximately 4,500 people of Greek and Cypriot decent in New Zealand. The largest concentration resides in Wellington (an estimated 65%).

### **5. Considerations when assessing a new lease**

#### **5.1 Leases Policy for Community and Recreation Groups**

An application for a lease is made under the Council's Leases Policy for Community and Recreation Groups (Leases Policy) and is subject to assessment under its criteria.

Appendix One of the Leases Policy requires that the assessment of a new lease is considered against the following criteria:

- strategic fit;
- activity sustainability;
- optimal use of resources;
- environmental impact;
- a demonstrated need from the community; and
- the need for a lease.

An assessment of the GOCWI and how it fits within these criteria is outlined in section 6.

This lease is consistent with the provisions of the Social Strategy which aims to build strong, safe and healthy communities by supporting groups which contribute to the resident’s health, safety and community strength.

## **5.2 Legislation**

The Land is held by Council for Cemetery purposes and is managed in accordance with the BCA and the CMP.

The proposed ground lease will be granted to the GOCWI subject to section 12(3) of the BCA. Section 12(3) of the BCA allows members of any religious denomination to build a chapel on cemetery land set apart for their particular religious denomination, for the performance of the rites and ceremonies according to the usages of the denomination, if permitted by the local authority.

The CMP acknowledges the importance of recognising individuals, ethnic, cultural and religious denominations within cemeteries and makes provision for a religious denomination to build, at their own expense, a mortuary, church or chapel for the performance of rites and ceremonies, if permitted by Council.

## **6. Discussion**

### **6.1 Assessment**

The proposed lease for the GOCWI has been assessed against the criteria set out in the Leases Policy. Please see a summary of this assessment below:

<b>Criteria</b>		<b>Assessment</b>
<b>1. Strategic Fit</b>	<b>Social Strategy</b>	The GOCWI’s proposal to build a Chapel on the Land is consistent with the Council’s Social Strategy and the CMP.
<b>2. Activity Sustainability</b>	<b>Membership</b>	The GOCWI was formalised in 1945. There are approximately 4,500 people in New Zealand of Greek and Cypriot decent. An estimated 65 percent live in Wellington.

	<b>Financial Position</b>	The GOCWI is in a good financial position and will build the Chapel in partnership with the largest Greek heritage organisation being the AHEPA and the HANZ.
<b>3. Use of Resources</b>	<b>Land Utilisation</b>	The Chapel will be a place where friends and relatives can pray, reflect and remember their loved ones.
<b>4. Environmental Impact</b>	<b>Location</b>	Building a Chapel on this Land will bridge the gap between the original site of the Greek Orthodox burial grounds and that of the new one which has just been established.
<b>5. Demonstrated Need &amp; Support from the Community</b>	<b>People</b>	There is a large Greek community in Wellington which is supported by other Greek communities and organisations both within New Zealand and overseas.
<b>6. Need for a Lease</b>	<b>Capability</b>	A ground lease is appropriate as the GOCWI will have exclusive use of the Land as outlined in grey on Appendix 1.

## **6.2 Rental**

The Leases Policy sets out a calculation to determine an annual rental for community groups leasing Council owned Land. However, the Leases Policy does not directly address leases of this nature, and permits some discretion in decision-making.

Officers recommend that the rental be waived due to the cultural significance of such a Chapel to the GOCWI and the investment the GOCWI will be making into building and maintaining a Chapel.

## **6.3 Lease Tenure**

The maximum term for granting a lease such as this without triggering the requirement to subdivide the Land is 35 years.

Therefore, officers recommend that a term of 35 years (less one day) is granted to the GOCWI.

## **7. Conclusion**

The construction of a Chapel on part of the land at Makara Cemetery by the Greek Orthodox Community of Wellington Incorporated is permitted under section 12(3) of the Burials and Cremation Act 1964 and is consistent with the Cemeteries Management Plan 2003.

Council officers recommend that the Regulatory Processes Committee approves the granting of a ground lease to the Greek Orthodox Community of Wellington Incorporated of part of the Land at Makara Cemetery.

Contact Officers: *Dejan Kirbis, Property Advisor, Property Management, Hanita Shantilal, Senior Property Advisor, Property Management and Jeff Paris, Cemeteries Manager, Parks & Gardens*

## Supporting Information

### **1) Strategic Fit / Strategic Outcome**

*The Provisions of this lease are consistent with the Council's Social Strategy which aims to build strong, safe and healthy communities by supporting agencies which contribute to the resident's health, safety and community strength.*

*The provision of this lease is also consistent with the Cemeteries Management Plan 2003, which aims to recognise the importance of individuals, ethnic, cultural and religious denominations within cemeteries and makes provision for a religious denomination to build, at their own expense, a mortuary, church or chapel for the performance of rites and ceremonies, if permitted by Council.*

### **2) LTP/Annual Plan reference and long term financial impact**

*There is no financial impact as the lessee will be responsible for all costs associated with building and maintaining the Chapel.*

### **3) Treaty of Waitangi considerations**

*No Treaty implications have been identified.*

### **4) Decision-Making**

*This is not considered a significant decision in terms of the Council's Significance Policy.*

### **5) Consultation with Maori**

*Iwi will be consulted.*

### **6) Legal Implications**

*Council's lawyers have been consulted during the development of this report and legal advice will be sought in the preparation of the lease.*

### **7) Consistency with existing policy**

*The provisions of this lease are consistent with the Leases Policy for Community and Recreation groups and the Cemeteries Management Plan 2003.*





# APPENDIX 1

Proposed site for the Greek Orthodox Community Chapel



## APPENDIX 1

## APPENDIX 2

### Images of the proposed Chapel





## APPENDIX 2



## APPENDIX 2

