

DIPLOMATIC AND CONSULAR PREMISES

20. Diplomatic and Consular Premises

Missions and posts are free to choose accommodation for their chanceries, official residences and staff housing, subject only to currently applicable regulations, and local authority planning procedures where construction is involved. MFAT cannot play any substantive role in locating or securing sites or premises, nor is it able to enter into any reciprocal arrangement for the provision of sites or premises.

The following provisions on procedures for building new premises, purchasing existing properties and renting premises and properties are guidelines for general information only and do not constitute authoritative advice for any specific situation. Missions/posts are strongly advised to engage professional services in purchasing/renting properties/premises.

20.1 Building of Premises

In accordance with Article 41 of the VCDR and Article 55 of the VCCR, all missions and posts are subject to local authority building codes and town planning regulations.

Neither MFAT or any other department or agency of central government has any authority in this field and missions and posts must deal directly, or via their architects/builders, with the relevant local authorities. This is especially so as planning procedures and requirements vary between local authorities.

Information can also be found on the Ministry of Business, Innovation and Employment (MBIE)'s website www.building.govt.nz.

20.2 Purchasing Property

20.2.1 Purchases by the Sending State

Missions and posts wishing to purchase properties should make their own approaches to reputable real estate agents.

Missions and posts wishing to purchase a property for a chancery in a residential area must ensure they meet zoning regulations and obtain written approval from the local city council for use of the property concerned as office premises before purchasing.

It is recommended that missions and posts consult with the Protection Services of the New Zealand Police before purchasing official premises, for advice on security issues regarding the locality and physical attributes of the property (refer to Chapter 22).

20.2.2 Purchases by Individuals

The purchase of properties in New Zealand by officers and their family members is subject to foreign investment regulations. The regulations are set out by the Overseas Investment Office, part of Land Information New Zealand www.linz.govt.nz/overseas-investment. Privileged officers who own their own property are not entitled to a rates refund in relation to that property.

20.2.3 Transfer of Ownership

Missions, posts and individuals should engage the services of a reputable legal firm to ensure the proper transfer of ownership of property is carried out in accordance with New Zealand law.

20.3 Renting Premises

20.3.1 Renting Commercial Property/Chanceries

Missions and posts are free to choose the location for their rented office space. Commercial rental agreements will need to be entered into with the building owner.

Missions and posts seeking to rent space for office use in residential areas are advised to seek written local city council advice on zoning regulations relevant to the property before taking out a lease.

Missions and posts should consult the Protection Services of the New Zealand Police for advice on security issues.

20.3.2 Renting Residential Property

All prospective residential tenants should ensure they complete formal written rental agreements and receive receipts for all bond money paid. The law requires that a landlord who takes a bond must lodge it with Tenancy Services of MBIE within 23 working days of receiving it. Tenants should also make themselves familiar with the obligations of both the tenants and the landlord in New Zealand.

In New Zealand, Tenancy Services of MBIE provides advice and dispute resolution services for tenants and landlords, including mediation and dispute resolution through the Tenancy Tribunal. Tenancy Services also receives residential tenancy bond moneys and refunds them when lawfully due. Where a mission or an individual who is immune from local jurisdiction chooses to seek dispute resolution through the Tribunal, MFAT requires that the relevant mission provide the appropriate waiver of immunity in writing.

Further advice can be obtained from Tenancy Services www.tenancy.govt.nz.

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