

3 August 2022

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Tēnā koe ^{s9(2)(a)}

I refer to your email of 7 July 2022 in which you request the following under the Official Information Act 1982 (OIA):

Can I get under the LGOIMA/OIA from each of you please all internal and external correspondence regarding the proposed Chinese Embassy on Tasman St over the past five years?

The information relevant to your request is attached, this document was produced by Ministry officials in preparation for a call with the Chinese Embassy in October 2017.

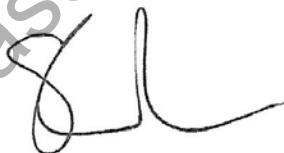
Please note correspondence regarding the building sits with the Wellington City Council.

For more information on this, please refer to the Guidelines for the Diplomatic and Consular Corps on our website here: [Guidelines for the diplomatic and consular corps | New Zealand Ministry of Foreign Affairs and Trade \(mfat.govt.nz\)](#). Chapter 20 references the building of premises, this states that "Neither MFAT nor any other department or agency of central government has any authority in this field and posts must deal directly, or via their architects/builders, with the relevant local authorities."

Please note that we may publish this letter (with your personal details redacted) and enclosed documents on the Ministry's website.

If you have any questions about this decision, you can contact us by email at: DM-ESD@mfat.govt.nz. You have the right to seek an investigation and review by the Ombudsman of this decision by contacting www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa nā



Sarah Corbett
for Secretary of Foreign Affairs and Trade

China – request for an exemption from the Building Consent process

Talking points in response

- Thank you for your patience as we worked through this issue, in the context of staff absences and other delays.
- You asked us whether there would be an avenue for China to receive an exemption from the building consent process for its project to construct a new Chancery building in Wellington.
- I am pleased to be able to draw your attention to the option available to the Embassy to apply for a discretionary exemption under Schedule 1(2) of the Building Act 2004.
- This process allows the relevant territorial authority – in this case, the Wellington City Council – to use its discretion to exempt any proposed building work from the requirement to obtain a building consent if they consider that certain circumstances are met.
- You may like to look into that option.
- The Wellington City Council is the competent authority with which you can discuss any application for an exemption. In making its decision on whether or not to grant an exemption, the Council will take into account what it considers the risk is that your building work will not comply with the Building Code or will endanger people or property.
- I would like to note that there is no other avenue for exemptions. For safety reasons, all buildings in New Zealand must be built within the framework established under the Building Act 2004.
- We note that New Zealand has worked closely with the relevant authorities in Beijing to ensure that our new Chancery building is built according to relevant standards. I understand a number of inspections were requested and accommodated by New Zealand.