

Quick Guide

Designers: Granny flats building consent exemption

A quick guide for designers using the building consent exemption for small standalone dwellings



Ministry of Business, Innovation and Employment (MBIE)
Hīkina Whakatutuki – Lifting to make successful

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The quick guide for designers is produced by the Building System Performance branch. It is intended to provide information to designers who are considering building a new granny flat using the small standalone dwelling building consent exemption.

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1. About this quick guide

This guide is for Licensed Building Practitioner (LBP) designers, Registered Architects, and Chartered Professional Engineers (CPEng) who design granny flats using the building consent exemption.



It explains:

- how the exemption applies to design work
- your legal and professional responsibilities
- design-specific exemption conditions
- certification and documentation requirements.

This guide is not a substitute for the Building Act 2004 (the Building Act) or legal advice. Under the Building Act, you are responsible for ensuring that your plans and advice are good enough so that, if followed correctly, the building work will comply with the Building Code.

2. Understand the granny flats building consent exemption

The granny flats building consent exemption allows certain new, single-storey, standalone dwellings up to 70 square metres to be built without a building consent, provided all exemption conditions are met and the building work fully complies with the New Zealand Building Code.

The exemption is intended to make it easier to build small homes by removing some regulatory oversight, while still maintaining important safeguards. These safeguards include:

- full compliance with the Building Code
- involvement of licensed building professionals
- management of natural hazard risks
- formal notification to councils before and after building work.

For designers, the exemption:

- places greater reliance on design accuracy
- removes council design review
- makes your certification and documentation important evidence of compliance.

The exemption may apply if the proposed granny flat is:

- new and standalone
- single storey
- 70 square metres or less
- designed and built to fully comply with the Building Code
- designed and built by licensed building professionals
- notified by the homeowner to the council before building starts and after completion.



For further information on the conditions of the granny flat building consent exemption see: [Granny flats exemption: Building design conditions checklist](#)



If the design does not meet all exemption conditions, the building work is not exempt.



National Environmental Standards for Detached Minor Residential Units (NES-DMRU)

The building consent exemption for granny flats operates independently from resource consent requirements under the Resource Management Act. While the building consent exemption focuses on Building Code compliance and construction conditions, the NES-DMRU set planning rules that may allow a granny flat to be built without a resource consent if all permitted activity standards are met.

Designers should consider these planning standards alongside the building consent exemption when developing a design, as meeting the building exemption conditions does not automatically confirm that resource consent is not required. Early alignment between building and planning requirements helps reduce the risk of redesign or delays.

3. Understand your responsibilities as a designer

A granny flat built under the building consent exemption is not subject to a building consent or a council design review.

The building consent exemption relies on the quality, accuracy and completeness of the design and the professional judgement of the designer.

As a designer, you are legally responsible for ensuring that, if the building work is carried out in accordance with your plans and specifications, the completed granny flat will:

- comply with the Building Code, and
- meet all applicable conditions of the granny flats building consent exemption.

If any exemption condition is not met, the building work is not exempt, and a building consent is required. Carrying out work without a consent when one is required is an offence under section 40 of the Building Act 2004.

What the law says:

Section 40 Building work not to be carried out without consent

- (1) A person must not carry out any building work except in accordance with a building consent.
- (2) A person commits an offence if the person fails to comply with this section.
- (3) A person who commits an offence under this section is liable on conviction to a fine not exceeding \$200,000 and, in the case of a continuing offence, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence has continued.

Your legal responsibilities

Under the Building Act, designers have specific duties. In the context of the granny flats exemption, these include responsibility for:

- designing building work that complies with the Building Code
- ensuring the design meets all Schedule 1A conditions for a small standalone dwelling
- carrying out restricted design work only within the scope of your licence or registration
- providing accurate and complete Certificates of Work (CoW) for restricted design work.

If the design does not meet the exemption conditions, the building work is not exempt, and a building consent is required. This makes early and careful checking of exemption eligibility an essential part of your role.

What the law says:

Section 14D Responsibilities of designer

- (1) In subsection (2), **designer** means a person who prepares plans and specifications for building work or who gives advice on the compliance of building work with the building code.
- (2) A designer is responsible for ensuring that the plans and specifications or the advice in question are sufficient to result in the building work complying with the building code, if the building work were properly completed in accordance with those plans and specifications or that advice.



4. Design within the exemption conditions

Any gap, assumption or ambiguity in the design documentation increases the risk that the building work may fall outside the exemption.

Design to meet all Schedule 1A conditions

The design must clearly demonstrate that the granny flat meets all exemption conditions, including that it is:

- new, standalone, single-storey and self-contained
- no more than 70 square metres internal floor area, measured between the finished internal faces of the external walls
- located at least two metres from boundaries and other residential buildings
- no more than four metres above floor level, with the finished floor level no more than one metre above ground
- constructed using lightweight timber or steel framing
- clad with materials that comply with the specified weight limits
 - lightweight roof cladding materials maximum weight 20kg per square metre
 - wall cladding materials maximum weight 220kg per square metre
- fitted with compliant water supply, wastewater, stormwater, electrical and (if used) gas systems
- fitted with electric or gas heating only (solid fuel heaters are not permitted)
- designed with showers that do not require waterproof membranes.



All of these conditions must be met. If any single condition is not met, the building work is not exempt, and a building consent is required.



For more information, see:

[Schedule 1A Other building work for which building consent not required](#)

Demonstrate Building Code compliance through design

In addition to meeting Schedule 1A conditions, the design must demonstrate full compliance with the New Zealand Building Code. Designers are responsible for ensuring that:

- the building will be structurally sound
- moisture, fire, durability, ventilation, and safety requirements are met
- building services systems comply with applicable performance requirements.

Design documentation must be included with an application for a project information memorandum (PIM) which clearly shows how compliance is achieved. This must include a description of the proposed building work and preliminary design plans.

Designers should avoid relying on assumptions that would normally be resolved through council review. Under the exemption, design clarity and completeness are essential.

Design building services carefully

Designers must pay particular attention to water supply, wastewater and stormwater design, as these systems are subject to specific conditions under the exemption.

The design must:

- connect to network utility operator systems where available and authorised, or
- use compliant on-site systems where connection is not possible.

Designers must ensure that:

- system capacity and performance requirements are met
- layouts comply with relevant Building Code clauses and referenced documents
- limitations under the exemption (such as fixture unit limits and system configuration requirements) are met.



Where specialist design input is required, designers should coordinate with suitably qualified professionals early.

Manage design assumptions and site constraints

Designers must consider site-specific factors, including:

- natural hazard information provided with the PIM
- infrastructure constraints
- access, levels and ground conditions.

Any assumptions made during design should be clearly identified. If site information received through the PIM affects the feasibility or compliance of the design, the design must be updated accordingly.

Manage design changes carefully

Design changes during construction must be carefully assessed against both the Building Code and the exemption conditions.

If changes affect restricted building work, or may affect Schedule 1A compliance, designers must:

- reassess the design
- update plans as required
- issue an updated Certificate of Work where applicable.

If a proposed change means the granny flat no longer meets the exemption conditions, designers must clearly advise the homeowner and builder that building work must stop until a building consent is obtained.

5. Support the project information memorandum (PIM) process

Designers are central to the (PIM) process.

The council uses a PIM application information to:

- identify site-specific information
- assess natural hazard risks
- provide advice on infrastructure and bylaws
- confirm whether development contributions apply.

As the designer, your responsibilities include:

- preparing preliminary design plans suitable for a PIM application
- ensuring those plans accurately reflect the proposed building work
- reviewing the PIM and any additional information once it is issued
- incorporating site-specific requirements, such as natural hazard information, infrastructure constraints or bylaws, into the final design plans.

The homeowner must apply for and receive a granny flats PIM before building work starts.

The PIM is not an approval. It provides information to help you design and build lawfully.



Receiving a PIM does not confirm that the design is compliant. Responsibility for design compliance remains with you.

What the law says:

Section 32(1)(b)(ii) of the Building Act specifies that an owner may apply for a project information memorandum for a small stand-alone dwelling.

Section 32(2) specifies that no building work can begin on a small stand-alone dwelling before the project information memorandum has been issued.

Section 33(1) specifies that an application for a project information memorandum for a small stand-alone dwelling must be in the appropriate prescribed form and must contain:

- a description of the proposed building work; and
- preliminary design plans for the proposed building work.

Section 34(5) specifies that if a project information memorandum is issued for building work in connection with a non-consented small stand-alone dwelling on a particular site (the final site), no further project information memorandum is required just because the place where the dwelling is constructed is in a different location from the dwelling's final site (for example, a dwelling that is constructed in a factory and then transported to the final site).

6. Manage design changes, final documentation and accountability

The granny flats building consent exemption relies on the designer's professional judgement, documentation and certification.

Designers must actively manage design changes throughout construction and ensure that final documentation accurately reflects what has been built.

Manage design changes and variations

Design changes during construction must be managed carefully. Even minor changes can affect compliance with the Building Code or the Schedule 1A exemption conditions.

If changes affect restricted building work, or may affect compliance with Schedule 1A conditions or the Building Code, designers must:

- reassess the design against the exemption conditions
- update plans and specifications as required
- issue an updated Certificate of Work where applicable.

If a proposed change means the building work no longer meets the exemption conditions, building work must stop until a building consent is obtained. Designers should clearly and promptly communicate this risk to homeowners and builders as soon as it arises.

Provide final design documentation

Designers must provide the homeowner with the final design plans that accurately reflect what was built on site, and a Certificate of Design Work.

Final plans must show the completed building, including any variations made during construction. These documents form part of the permanent property record and may be relied on for future alterations, insurance, lending, sale of the property and LIM information. Accuracy and completeness are essential.

Understand professional accountability

Designers working under the granny flats exemption remain subject to:

- disciplinary processes under the LBP scheme or relevant registration body
- professional liability for non-compliant or defective design
- reputational risk where poor design or documentation leads to enforcement action or project failure.

Given the absence of council design review, designers should apply the same level of professional rigour to exemption projects as they would to consented work, ensuring designs are robust, clearly documented and defensible.

7. Further information and support



More information, forms, checklists and step-by-step guides are available on building.govt.nz/grannyflats

This includes:

- full granny flats exemption policy guidance
- PIM application and other forms
- checklists
- step-by-step guides for each stage of the process
- links to other helpful websites and information.

More information is available through:

- the MBIE Licensed Building Practitioner website - www.lbp.govt.nz
- the MBIE Building Performance website - www.building.govt.nz
- professional bodies and registration boards.





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