

# Homeowners: Granny flats building consent exemption

**A quick guide for homeowners building a small standalone  
dwelling using the building consent exemption**



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

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

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Information, examples, and answers to your questions about the topics covered here can be found on our website: [www.mbie.govt.nz](http://www.mbie.govt.nz) or by calling us free on 0800 24 22 43.

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# 1. About this quick guide

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This guide is for homeowners who are considering building a new, small, standalone dwelling using the granny flats building consent exemption.



It explains:

- what the exemption is and when it can be used
- what you, as the homeowner, are legally responsible for
- the key steps to plan, design, build and complete a granny flat
- common risks and mistakes to avoid.

This guide is not a substitute for the Building Act 2004 or legal advice. You remain legally responsible for ensuring all work complies with the New Zealand Building Code and the conditions of the exemption.

## 2. Understand the granny flats building consent exemption

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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 Building Code.

The exemption is intended to make it easier to build small homes by removing some regulatory barriers, 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.

As a homeowner, you have a choice. You can:

- use the granny flats exemption pathway, or
- apply for a building consent and follow the standard consenting process.

You may be eligible to use the exemption if your 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 to your council before building starts and after completion.

A building consent is (or is likely to be) required where:

- the building is larger than 70 square metres or multi-storey
- the project alters or converts an existing building
- the site is affected by natural hazards that cannot be adequately managed
- you want council inspections and formal approvals throughout construction
- you need flexibility to include features that sit outside the exemption conditions.



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

The building consent exemption for granny flats operates alongside planning rules under the Resource Management Act 1991. In many cases, a granny flat may also be able to be built without a resource consent if it meets the permitted activity standards in the NES-DMRU. These standards set nationwide planning rules, such as where the granny flat can be located on the site and how close it can be to boundaries or the main house.

[National direction | Ministry for the Environment](#)

The building consent exemption and the planning rules operate independently. Meeting one does not automatically mean the other is met, so homeowners should check early whether their project meets both sets of requirements. Before starting work, discuss with your local council what approvals are needed.

## 3. Understand your responsibilities as a homeowner

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Choosing to use the granny flats exemption does not reduce your legal responsibilities. It changes how compliance is achieved and demonstrated.

As the homeowner you are legally responsible for ensuring that:

- all exemption conditions are met
- all building work complies with the Building Code
- licensed building professionals are used where required
- required documentation is collected and submitted on time.

If any exemption condition is not met, the building work is not exempt, and a building consent is required. Carrying out work without a building 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.

Key homeowner responsibilities include:

- engaging appropriately licensed designers, builders and tradespeople
- applying for and receiving a Project Information Memorandum (PIM) before building starts
- ensuring the site is not subject to unmanaged natural hazards
- completing the build within two years of the PIM issue date
- submitting required records to council within 20 working days of completion
- paying any development contributions that apply.

Because councils do not inspect exempt building work, risk management sits primarily with you and your project team. Common risks to consider include:

- starting work before a PIM is issued
- design or product changes that breach exemption conditions
- unlicensed or unauthorised building work
- poor record keeping or missing documentation
- allowing the PIM to lapse before the build is complete.



**Understanding responsibilities early helps you make informed decisions and avoid costly mistakes.**

## 4. Carry out checks and engage licensed building professionals

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Early due diligence sets the foundation for a compliant project. This is where you confirm what is possible on your site and assemble the right professional team.

### **Check planning and site rules early**

The granny flats exemption is a building consent exemption only. You must still comply with:

- the Resource Management Act
- the National Environmental Standard for Detached Minor Residential Units (NES-DMRU)
- local district and regional plan rules
- any relevant bylaws, covenants or consent notices.

### **Check costs, finance and insurance**

Even without a building consent, there will be costs for:

- design and professional services
- PIM fees
- development contributions (if applicable)
- construction, insurance and financing.

Lenders and insurers often require evidence that the building is legal and code compliant. Talk to them early about what documentation they will require.

## Engage licensed building professionals

Work on a granny flat must be carried out or supervised by licensed building professionals.

You will likely need:

- a Licenced Building Practitioner (LBP) designer, Registered Architect or Chartered Professional Engineer (CPEng)
- an LBP builder
- licensed plumbers, drainlayers, gasfitters, and electricians as required.

Choosing experienced, properly licensed professionals is one of the most important decisions you will make. They are central to ensuring compliance and providing the records you will need later.



- [Find an LBP | Licensed Building Practitioners](#)
- [Find an architect](#)
- [Find an engineer | Engineering NZ](#)
- [Plumbers, Gasfitters, and Drainlayers Board](#)
- [Find Electrical Workers | Kete](#)



**Homeowners cannot design or build a granny flat themselves unless they hold the appropriate qualifications.**

# 5. Design a compliant granny flat and obtain a project information memorandum (PIM)

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The design and the PIM process inform each other.

## **Design within the exemption conditions**

Your designer must ensure the granny flat meets all conditions in Schedule 1A of the Building Act 2004, including that it is:

- new, standalone, single-storey and self-contained
- no more than 70 square metres internal floor area
- at least two metres from boundaries and other residential buildings
- no more than four metres high, with a floor level no more than one metre above ground
- built using lightweight timber or steel framing
- fitted with compliant water, drainage, electrical and (if used) gas systems
- fitted only with electric or gas heating (solid fuel heaters are not allowed)
- fitted with showers that do not require waterproof membranes.

## **Apply for a Project Information Memorandum (PIM)**

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

Your PIM application must include:

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

The council uses this information to:

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

The PIM is not an approval or verification step. It provides information to help you design and build lawfully, but responsibility for compliance remains with you.



**Once a PIM is issued, you have two years to complete the build unless an extension is granted.**

## 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. Build your granny flat and manage changes carefully

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Building work can begin once the PIM has been issued, compliant construction plans and specifications are complete and licensed building professionals are engaged.

### **Manage the build process**

You must decide how the build will be managed. Options include managing the project yourself or engaging a project or site manager.

Responsibilities during the build include:

- coordinating trades and deliveries
- ensuring work follows the plans and specifications
- monitoring progress against timeframes
- collecting records and certificates as work is completed.

### **Use quality assurance checks**

Because councils do not inspect exempt work, quality assurance is essential. Homeowners can arrange checks at key stages such as:

- foundations
- framing
- pre-cladding and pre-lining
- drainage
- final completion.

These checks help identify issues early and provide evidence of compliance.

### **Manage changes and variations carefully**

Changes during construction must be handled with care. Even small changes can affect whether the exemption still applies.

You must check with your designer first if you want to change things such as layout, size or height, building materials or claddings and plumbing or drainage systems.

If a change to the build affects any restricted building work, the plans need to be updated and signed by an LBP designer, and the Certificates of Work also need to be updated.

## 7. Complete the build and notify the council

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A granny flat is considered complete when you have received all required documentation from your licensed building professionals.

The required documentation includes:

- Records of Work from all LBPs who carried out or supervised restricted building work
- Records of Work from licensed plumbers and drainlayers
- electrical safety certificates
- gas safety certificates (if applicable)
- final design plans
- Certificates of Work for restricted design work.

### **Submit records to council**

Within 20 working days of completion, you must send the required documentation to the council that issued the PIM.

Licensed Building Practitioners are also required to provide Records of Work to both you and the council that issued the PIM.

The council will record the information on the property file and may take enforcement action if non-compliance is identified.

The council does not assess the paperwork for compliance.

### **Pay development contributions**

If development contributions apply, they must be paid within 20 working days on completion of the building work.

### **Manage timeframes**

If your build is delayed and will not be completed within two years of the PIM issue date, you must apply for an extension from the issuing council before the PIM lapses.

## Understand what the council does and does not do

Councils:

- issue PIMs and additional information
- collect development contributions
- receive and store completion records
- may issue Notices to Fix or take enforcement action.

Councils do not:

- approve or inspect exempt building work
- certify Building Code compliance
- issue Code Compliance Certificates for granny flats built under the exemption.

Understanding this helps set realistic expectations and reinforces why professional oversight and documentation are essential.



**If a PIM lapses, the exemption no longer applies.**

### What the law says:

**Section 42B(6)** specifies that building work in connection with a non-consented small stand-alone dwelling is complete when the owner of the building has received from the relevant designers, builders, plumbers, drainlayers, electricians, and gasfitters—

- the records of work required under section 88 for restricted building work:
- the records of work required under section 27A of the Plumbers, Gasfitters, and Drainlayers Act 2006 for prescribed sanitary plumbing and drainlaying:
- all certificates of compliance and electrical safety certificates required under the Electricity Act 1992 or the Electricity (Safety) Regulations 2010 for electrical work or any corresponding document under subsequent legislation that amends or replaces that Act or those regulations:
- all certificates of compliance and gas safety certificates required under the Gas Act 1992 or the Gas (Safety and Measurement) Regulations 2010 for gasfitting work or any corresponding document under subsequent legislation that amends or replaces that Act or those regulations.



## 8. Further information and support

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A successful exemption project follows a clear sequence:

1. Decide whether the exemption is suitable.
2. Complete early checks and due diligence.
3. Engage licensed professionals.
4. Design within exemption conditions.
5. Apply for and receive a PIM.
6. Build in accordance with plans.
7. Manage changes carefully.
8. Collect documentation.
9. Notify council and complete the project.



Using the homeowner checklists provided alongside this quick guide helps you ensure nothing is missed.

- [Building design conditions checklist: Granny flats exemption \[PDF 350KB\]](#)
- [Homeowner due diligence checklist: Granny flats exemption \[PDF 357KB\]](#)
- [Completion checklist: Granny flats exemption \[PDF 316KB\]](#)

More information, forms, checklists and step-by-step guides are available on [building.govt.nz/grannyflats](https://building.govt.nz/grannyflats)

This includes:

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

If problems arise, support is available through:

- your licensed building professionals
- professional registration boards
- consumer protection and dispute resolution services.



**Te Kāwanatanga o Aotearoa**  
New Zealand Government