

CONSISTENT KEY MESSAGES

Councils: Granny flats building consent exemption

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To provide clear, consistent messages for councils (territorial authorities) to use in public and internal communications about the granny flats building consent exemption under the Building Act 2004.

What is the granny flats 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 work is carried out or supervised by licensed building professionals.
- › All building work under the exemption must comply with the New Zealand Building Code.

Council's role and responsibilities

Councils are responsible for:

- › receiving project information memorandum (PIM) applications (Form 2AA of the Building (Forms) Regulations 2004)
- › checking the preliminary design plans and description of the proposed building work to see if, based on the information supplied, the following characteristics in clause 1 of Schedule 1A (the exemption criteria) appear to be met:
 - the building is standalone (not attached to another building)
 - the building is wholly new (not an addition or alteration)
 - the floor area is 70 square metres or less
 - the building is single storey only
- › attaching an additional information form to accompany the issued PIM (Forms 2AAC and 2AAB of the Building (Forms) Regulations 2004) stating, based solely on the information provided in the application, whether the proposed building work is:
 - likely to satisfy the characteristics in clause 1 of Schedule 1A
 - unlikely to satisfy those characteristics, or
 - unclear whether it satisfies those characteristics
- › providing relevant site information in the PIM, including planning rules, natural hazards, heritage status, infrastructure availability, and applicable bylaws
- › issuing a PIM (Forms 2AAB and 2AAC of the Building (Forms) Regulations 2004) for a granny flat within 10 working days of receiving a complete application
- › issuing development contribution notices if applicable, stating payment is due within 20 working days of completion
- › receiving and storing Records of Work from Licensed Building Practitioner(s)
- › receiving and storing required documentation from homeowners after completion (final plans, Records of Work, Certificates of Work, energy work certificates)
- › including this information in the property file and Land Information Memorandum (LIM)
- › considering and processing requests for PIM extensions if a homeowner believes their build will not be completed within two years of the PIM being issued
- › issuing a Notice to Fix if the building is unsafe or non-compliant.

Councils are not responsible for:

- › approving eligibility for the exemption
- › inspecting, monitoring or approving building work under the granny flats exemption
- › checking compliance of the building work with the Building Code
- › assessing documentation for compliance (records are stored, not reviewed)
- › verifying, inspecting, or guaranteeing compliance with the exemption criteria —responsibility for compliance remains with the homeowner.

Councils hold good faith liability protection for information provided in PIMs and for storing records.

Homeowner responsibilities**Homeowners are responsible for:**

- › applying for a PIM (Form 2AA of the Building (Forms) Regulations 2004)
- › obtaining a PIM (Forms 2AAB and 2AAC of the Building (Forms) Regulations 2004) from the council before starting any building work
- › ensuring all exemption conditions are met and that the building work complies with the Building Code
- › ensuring licensed building professionals are used for all restricted building work
- › submitting all required documentation to council within 20 working days of completion
- › paying any development contributions as notified
- › applying for a building consent if the exemption conditions are not met
- › non-compliance may result in enforcement action, fines or prosecution.

Key conditions of the exemption

- › The dwelling must be:
 - new, standalone and single-storey
 - no more than 70 square metres in floor area (including any internal garage)
 - two metres or more from any other residential building or legal boundary
 - built using lightweight steel or timber framing and lightweight roof cladding
 - wall claddings with a maximum weight of 220 kilograms per square metre
 - connected to network utility operator (NUO) systems where available, or have compliant on-site systems
 - not contain a level-entry shower requiring a waterproof membrane
 - designed and built (or supervised) by licensed building professionals.

- › All plumbing, drainage, electrical and gas work must be carried out by appropriately licensed professionals and certified as required.
- › The build must be completed within two years of the PIM being issued – extensions may be granted by council before the two-year period lapses.

Resource consent and other approvals

- › The building consent exemption operates alongside the resource management system.
- › A resource consent may still be required under the Resource Management Act 1991 and National Environmental Standards for Minor Residential Units, depending on site-specific circumstances.
- › Homeowners need to check planning rules and resource consent requirements separately.
- › Other approvals may be needed for network utility connections, vehicle crossings or land use restrictions.

After completion

- › Homeowners must provide all required documentation to council within 20 working days of completion. Licensed Building Practitioners (LBPs) are required to provide the Record(s) of Work (Form 6A of the Building (Forms) Regulations 2004) to both the council and homeowner.
- › Councils add these records to the property file and LIM; they do not issue a code compliance certificate for exempt granny flats.
- › Councils may take enforcement action if notified of non-compliance or if the building is unsafe or insanitary.
- › Development contributions must be paid by the homeowner within 20 working days of completion if required.
- › Councils are not required to monitor progress or remind homeowners of deadlines – responsibility rests with the homeowner.

Enforcement and non-compliance

- › Councils may issue a Notice to Fix for non-compliance.
- › Building work that does not meet exemption conditions and is carried out without a building consent is an offence under the Building Act and may result in prosecution, fines (up to \$200,000, plus \$10,000 per day for continuing offences) and enforcement action.
- › Homeowners who fail to provide required documentation within 20 working days of completion may be issued an infringement notice (\$500) or fined up to \$1,000.
- › Licensed building professionals who fail to provide required records may face disciplinary action.

Consistent public messages

- › “The granny flats exemption allows certain small, standalone dwellings to be built without a building consent, provided all conditions are met and licensed building professionals are used.”
- › “Council’s role is to provide information, issue PIMs and store records – not to approve, inspect or certify exempt granny flats.”

- › “Homeowners are responsible for compliance with all exemption conditions and the Building Code. If in doubt, engage a licensed building professional.”
- › “If the exemption conditions are not met, a building consent is required. Non-compliance may result in enforcement action against the homeowner and/or the licensed building professional responsible for the work.”
- › “For more information, visit **building.govt.nz**”

Where to find more information

- › **building.govt.nz/grannyflats**
- › **environment.govt.nz/acts-and-regulations/acts/national-direction**
- › **www.lgnz.co.nz/local-government-in-nz/councils-in-aotearoa/council-websites-and-maps**