

## 'Granny Flats' get the go ahead

### As of 15 January 2026, property owners can now construct 'Detached Minor Residential Units' (aka granny flats) without resource or building consent.

#### What is the Granny Flat Exemption?

The Granny Flat Exemption allows for simple standalone dwellings defined as a 'detached minor residential unit', to be constructed without a resource or building consent, subject to certain conditions.

This follows the Coalition Government's [announcement](#) early last year to make amendments to the Building Act. In late May, the Government then [released](#) the National Environmental Standard on Granny Flats for public consultation. These changes have now come into force under the [National Environmental Standard for Detached Minor Residential Units \(NES-DMRU\)](#) for resource consents and the [Building and Construction \(Small Stand-alone Dwellings\) Amendment Act 2025](#) for building consents.

By eliminating the time and cost associated with building and resource consents for these types of developments, the Government's intention is to increase affordability and efficiency of New Zealand's housing stock. Although, given that the NES-DMRU limits granny flats to one per site, and requires it be ancillary to the primary dwelling, it will be interesting to see how enabling the reforms are in practice

#### Resource Consent Changes

The NES-DMRU makes 'granny flats' a permitted activity in residential, rural, mixed-use and Māori purpose zones.

The permitted activity rule states that one granny flat per site is a permitted activity so long as all permitted activity standards and other requirements are met.

The standards that a granny flat must meet in order to be a permitted activity, include:

- the floor area must be equal to or less than 70 square metres;
- the building coverage of the site, must be no more than 50% in a residential zone or comply with the relevant district plan in rural, mixed-use and Māori purpose zones;
- the dwelling must be set back no less than 2 metres from the principal residential unit; and
- the dwelling must be setback no less than 2 metres from the front, side and rear boundaries in a residential zone, and setback no less than 10 metres from the front boundary, and 5 metres from the side and rear boundaries of a rural zone. For Māori purpose zones and mixed-use zones, they must be compliant with the zone setback requirements under the relevant district plan.

It is important to note that there are some instances where the exemption will not apply.

For example, if you are in a Rural Zone, located within an area of Outstanding Natural Landscape, Outstanding Natural Features or Historical Heritage, the 'granny flat' exemption will not apply.

This is because a granny flat must also be compliant with the relevant district plan rules that relate to:

- subdivision of land;
- matters of national importance;
- the use of DMRU other than for residential activities;
- papakainga and;
- earthworks.

Where a district plan has rules that relate to section 6 matters of national importance, those rules will still

## "Granny Flats" get the go ahead (Continued)

apply – granny flats will still be subject to rules that relate to the following:

- natural character of the coastal environment, wetlands, lakes and rivers and their margins
- outstanding natural features and landscapes
- significant indigenous vegetation and significant habitat of indigenous fauna
- public access to coastal marine areas, lakes and rivers
- relationship of Maori and their culture and traditions with their ancestral lands, water, Sites, waahi tapu and other taonga
- the protection of historic heritage
- protection of protected customary rights
- the management of significant risks from natural hazards.

### Building Consent Changes

Further reforms by the Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 allows for the creation of 'small stand-alone dwellings' where no building consent is required. To fit this definition, a dwelling must be:

- stand-alone and single storey;
- a wholly new building (not a part of an existing building);
- equal to or less than 70 square metres in floor area; and

Any granny flat must also comply with the Building Code.

### What will the process look like?

When looking to construct a 'granny flat', landowners should first look over the NES-DMRU, to understand the development rights for Detached Minor Residential Units and consult the relevant district plan to check rule

compliance, including if the district plan provides more lenience. A landowner must also check whether developmental contributions (DC) are payable. This information can be found through your local council.

From there a homeowner should consult with a Licensed Building Professional (LBP) designer. The designer will go through the exemption conditions and prepare a design that reflects this.

A homeowner may then apply for a Project Information Memorandum (PIM). A PIM contains important information about the land, pertaining to resource consenting. A council must issue a PIM within 10 working days. From that point the landowner has 2 years to complete the proposed building. If the 2-year timeframe is exceeded, during the building process, an extension will be required.

From there, the LBP designer will create a final compliant construction plan, based on the PIM, and in accordance with the 'granny flat' exemptions. A landowner will be provided with a Certificate of Work which shows that the construction plans are compliant with the Building Code and that there is restricted building work. Then, an LBP can start construction.

After completing the build, Landowners must provide the following documents to the council within 20 working days to avoid infringement:

- The Certificate of Work;
- The Records of Work
- Final Design Plans;
- Sanitary plumbing records; and
- Drain laying records.

### Want to know more?

If you have any questions about the NES-DMRU or other RM reform changes, please contact our specialist [resource management team](#).