



Ministry for the  
**Environment**  
*Manatū Mo Te Taiao*

# **National Environmental Standards for Detached Minor Residential Units (NES-DMRU) – Frequently Asked Questions**



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

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# Contents

Overview and key requirements	5
How does the NES-DMRU work with the corresponding building consent exemption for granny flats under the Building Act 2004?	5
What does the NES-DMRU do?	5
What does the NES-DMRU apply to?	5
Where does the NES-DMRU apply? Which zones does it apply to?	6
What is the permitted activity rule, and what are the permitted activity standards in the NES-DMRU?	6
Site and eligibility (when the NES-DMRU can be used)	7
Can I build a detached minor residential unit on a vacant site?	7
Can more than one detached minor residential unit be built on a site?	7
Does the principal residential unit need to exist first?	7
District and regional plan rules (what still applies)	8
Councils can apply more lenient rules and standards than the NES-DMRU	8
Do some district and regional plan rules still apply when building a detached minor residential unit? Does this mean I might still need a resource consent?	8
How will natural hazards be managed?	10
Does the NES-DMRU override minimum site sizes requirements in district plans?	10
Do amenity rules and design standards apply to detached minor residential units under the NES-DMRU?	11
Do councils need to update their district plans to give effect to NES-DMRU?	11
Multi-unit sites and specific scenarios	12
How does the NES-DMRU interact with zones that enable more than one principal residential unit?	12
Scenario – If there are six residential units in a residential zone on a cross-lease title with a shared driveway, can I use the NES-DMRU to build a detached minor residential unit?	12
Design and construction: what counts as a detached minor residential unit?	13
Why do minor residential units have to be detached?	13
Can a detached minor residential unit include a garage?	13
How is floor area measured?	13
Does the NES-DMRU require detached minor residential units to be newly constructed?	13

Can existing structures be converted into a detached minor residential unit without resource consent? How will the NES ensure the DMRU is healthy and safe to live in?	14
Use of the detached minor residential unit (residential vs other uses)	15
Can a detached minor residential unit be used for non-residential purposes?	15
Can a detached minor residential unit be used as an Airbnb?	15
Specific topics and concerns	16
Where will people living in a detached minor residential unit park their cars?	16
Does the NES-DMRU regulate other small structures that are not self-contained?	16
What does the NES-DMRU mean for tiny homes?	16
Can my neighbour build a detached minor residential unit in their backyard without my permission?	16
Can detached minor residential units be built beneath or near electricity lines?	16
How infrastructure will be funded	18
Financial contributions and development contributions	18
Other legislative requirements	19
The Building Act 2004	19
How will the NES-DMRU interact with bylaws?	19
How will the NES-DMRU interact with covenants?	19
Further information	20
Where can further context and information be found?	20

# Overview and key requirements

## How does the NES-DMRU work with the corresponding building consent exemption for granny flats under the Building Act 2004?

The NES-DMRU complements corresponding changes to the building consent exemption under the Building Act 2004 to allow small, stand-alone, self-contained dwellings up to 70 square metres to be built without a building consent so long as certain conditions are met. However, these are separate legislative requirements and may be amended in the future.

In some cases, a resource consent and/or building consents may be needed. For example, if a district plan permits a detached minor residential unit (DMRU) up to 80 square metres (and NES requirements are met), no resource consent is required, but a building consent is needed as this exceeds the 70 square metre limit in Schedule 1A of the Building Act 2004. Conversely, a resource consent may be required for earthworks, even if a building consent is not.

Further information on the building consent exemption can be found on the Ministry of Business, Innovation and Employment's website at: <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-work-that-doesnt-need-a-building-consent/granny-flats-exemption-guidance-and-resources>

We recommend checking any proposed building work with your local council to confirm any resource consent and building consent requirements before proceeding with building a DMRU.

## What does the NES-DMRU do?

The NES-DMRU establishes a consistent, nationwide framework that allows homeowners to build detached minor residential units (also known as granny flats) that have an area of up to 70 square metres without needing resource consent, provided they meet certain requirements and permitted activity standards.

## What does the NES-DMRU apply to?

The NES-DMRU applies to detached 'minor residential units' as defined in Standard 14 of the [National Planning Standards](#): *means a self-contained residential unit that is ancillary to the principal residential unit, and is held in common ownership with the principal residential unit on the same site* (see regulation 3(2) of the NES-DMRU).

Regulation 3(1) clarifies that, for the purposes of the NES-DMRU, the minor residential unit must be completely detached from the principal residential unit on the site.

## Where does the NES-DMRU apply? Which zones does it apply to?

The NES-DMRU applies in residential, rural, mixed-use and Māori purpose zones as defined in the National Planning Standards, where the NES-DMRU permitted activity standards and other requirements are met. Where councils have not yet implemented the National Planning Standards, the NES-DMRU applies in equivalent zones in district plans.

## What is the permitted activity rule, and what are the permitted activity standards in the NES-DMRU?

The permitted activity standards in the NES-DMRU are:

### **Permitted activity rule**

- One DMRU per site

### **Permitted activity standards**

#### ***Floor area***

- have a maximum internal floor area of 70 square metres

#### ***Building coverage***

- in residential zones, have a maximum of 50 percent building coverage
- in a rural, mixed use or Māori purpose zones, comply with building coverage requirements in those zones

#### ***Setback from the principal residential unit***

- be set back 2 metres from the principal residential unit

#### ***Setback from boundary***

- in residential zones, have a minimum front, side and rear boundary setback of 2 metres
- in rural zones, have a minimum front boundary setback of 10 metres, and minimum side and rear boundary setbacks of 5 metres
- in mixed use and Māori purpose zones, comply with minimum boundary setback requirements in those zones.

If the DMRU does not meet one or more of the permitted activity standards or permitted activity rule in the NES-DMRU, the NES-DMRU no longer applies, and district plan rules apply instead.

# Site and eligibility (when the NES-DMRU can be used)

## Can I build a detached minor residential unit on a vacant site?

No, the NES-DMRU applies to a detached minor residential unit that are ancillary to a principal residential unit and are held in common ownership with the principal residential unit on the same site. Therefore, the NES-DMRU does not apply to vacant sites, and in that case, the relevant district plan provisions would apply.

## Can more than one detached minor residential unit be built on a site?

The NES-DMRU only enables one detached minor residential unit per site (see regulations 5(1) and 3(2)). This is not in addition to existing district plan rules.

Regulation 9 allows district plan provisions to be more lenient than regulations 5(1) and 6 of the NES-DMRU, provided all other relevant requirements in the NES-DMRU are met. This means more than one DMRU is only permitted if the district plan specifically enables that through a more lenient rule than regulation 5(1) of the NES-DMRU.

## Does the principal residential unit need to exist first?

The intent is that the principal residential unit must exist first and must comply with the relevant district plan standards for a principal unit.

However, a person could apply for a principal residential unit and a detached minor residential unit (DMRU) in the same resource consent application. The full district plan provisions would apply to the principal residential unit, and the NES-DMRU provisions would apply to the DMRU. However, if the principal unit is not built before or at the same time as the DMRU, the DMRU could no longer use the NES-DMRU. It would then be treated as the principal residential unit instead.

There are a variety of matters that would influence this judgement, and each council would need to make that determination on a case-by-case basis.

# District and regional plan rules (what still applies)

## Councils can apply more lenient rules and standards than the NES-DMRU

Regulation 9 allows district plans to retain more lenient rules and standards than those set in the NES-DMRU. Where this occurs, the more lenient district plan rules and standards may be used. For example:

- if a district plan includes a maximum floor area of 80 square metres for a detached minor residential unit, then a person can build a maximum 80 square metre DMRU so long as all other standards and requirements in the NES-DMRU are met
- if a district plan includes a minimum boundary setback of 1 metre from front, side and rear boundaries, then a person can build a DMRU 1 metre from the relevant boundaries so long as all other permitted activity standards and requirements in the NES-DMRU are met.

For avoidance of doubt, the NES-DMRU overrides the equivalent standards in district plans if those district plan standards are more restrictive than the NES-DMRU. For example, the NES-DMRU permitted activity standard of 50 percent maximum building coverage in residential zones overrides any equivalent maximum building coverage standard of less than 50 percent.

If a person chooses to rely on more lenient district plan rules and standards, they may be ineligible for the building consent exemption for small stand-alone dwellings under the Building Act 2004. In these scenarios, normal building code requirements apply, and a building consent will likely be required. This is because the conditions in Schedule 1A of the Building Act 2004 can no longer be met (ie, a maximum 70 square metre floor area and a minimum 2 metre setback from the principal residential unit and any other boundary).

## Do some district and regional plan rules still apply when building a detached minor residential unit? Does this mean I might still need a resource consent?

### District plan rules

Some district plan rules will apply even where a detached minor residential unit (DMRU) is a permitted activity under the NES-DMRU. For district plans, regulation 7 requires that the following rules and standards that would otherwise relate to the principal residential unit, also apply to any proposed DMRU:

- subdivision
- matters of national significance under section 6 of the Resource Management Act 1991 (such as the protection of outstanding natural features, heritage sites and sites of cultural significance)

- the use of the DMRU (other than for residential activities)
- papakāinga
- earthworks
- health and safety matters, including natural hazards, reverse sensitivity effects and site-specific infrastructure requirements.

In relation to health and safety matters, this is intended to include for example, minimum floor level requirements to manage flooding effects, three waters connection requirements, and setbacks from significant infrastructure, including those set out in national standards such as the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001).

In relation to reverse sensitivity, this is intended to include reverse sensitivity effects from:

- regionally and nationally significant infrastructure (eg, setbacks from the distribution network, and to align with other National Environmental Standards)
- noise from airports and ports
- contaminated land as defined in the National Planning Standards
- existing industrial activities, primary production activities and intensive indoor primary production activities as defined in the National Planning Standards (or equivalent where councils have not yet implemented the National Planning Standards).

District plans that include rules on these matters may require a DMRU to comply with permitted activity standards, such as minimum floor levels in flood prone areas or larger setbacks from certain infrastructure, or may require a resource consent.

If the DMRU does not meet these rules in a district plan, a resource consent is only needed for the specific rule(s) that have been breached. The NES-DMRU will still apply to your proposal, as long as you meet all other permitted activity standards, the permitted activity rule, and requirements in the NES-DMRU. If a DMRU does not meet one or more of the permitted activity standards or the permitted activity rule, it cannot be considered under the NES-DMRU and must be considered under the relevant district plan.

The NES-DMRU does not cover every scenario where a DMRU can be built. Therefore, councils will likely need to make some judgement calls in certain scenarios for matters that are not explicitly provided for in this list. Councils are best placed to confirm any relevant requirements that may apply to a DMRU proposal.

## **Regional plan rules**

All regional plan rules will apply to building a detached minor residential unit (DMRU), eg, including the rules for installing a septic tank associated with the DMRU.

If the DMRU breaches a regional rule, a resource consent is only needed for that specific regional rule. The NES-DMRU will still apply to the proposal as long as all other permitted activity standards, the permitted activity rule, and requirements in the NES-DMRU are met. Further information on the policy intent can be found on page 97 of the Report on Recommendations and Decisions:

<https://environment.govt.nz/assets/publications/RMA/nesdmru-npsnh-decisions-report.pdf>.

## **How would someone determine whether they need a resource consent to build a detached minor residential unit?**

We recommend checking any proposed building work with your local council to confirm any resource consent and/or building consent requirements before proceeding with building a detached minor residential unit (DMRU).

We recommend checking a proposal against the NES-DMRU, the relevant district plan provisions and any relevant regional plan provisions to:

- confirm whether a proposed DMRU will meet the permitted activity standards, the permitted activity rule and other requirements in the NES-DMRU
- confirm whether a proposed DMRU will meet more enabling standards in the relevant district plan (if there are more enabling standards)
- identify relevant rules and standards in the district plan that will still apply
- identify relevant regional plan rules.

If there are not more enabling standards in the underlying district plan and a proposed DMRU does not meet the standards in the NES-DMRU, then we recommend contacting your local council about next steps and to confirm whether a resource consent is required.

## **How will natural hazards be managed?**

All natural hazards provisions in plans apply to proposed detached minor residential units (DMRUs). This could include permitted activity standards such as minimum floor level requirements, or may mean a resource consent is required to build a DMRU.

If a DMRU breaches a natural hazard rule, a resource consent is only needed for the specific rule that has been breached. The NES-DMRU will still apply to the proposal as long as all other permitted activity standards, the permitted activity rule, and requirements in the NES-DMRU are met.

Councils are best placed to advise on site-specific requirements for natural hazards, and whether a building consent and/or resource consent is required for a proposed DMRU.

## **Does the NES-DMRU override minimum site sizes requirements in district plans?**

Yes, the NES-DMRU overrides minimum site size requirements in district plans in relation to adding a detached minor residential unit (DMRU) to a site.

Regulation 7(4) states that, unless specified, no other plan provisions in district plans apply when using the NES-DMRU. It also lists specific matters that cannot be managed by district plans when using the NES-DMRU (such as amenity values) for avoidance of doubt.

## **Do amenity rules and design standards apply to detached minor residential units under the NES-DMRU?**

No, district plan rules and standards that relate to amenity values do not apply to detached minor residential units (DMRUs) under the NES-DMRU.

When the NES-DMRU is being used, councils cannot regulate:

- amenity values (such as special character, design guides, the impacts of visual amenity on neighbours, screening for rubbish and recycling storage, wall/roof colour and reflectivity, and external surface finishes or similar)
- minimum requirements for:
  - individual outdoor open space, privacy, or sunlight access
  - facade glazing or total area of glazing
  - parking.

However, this does not prevent someone from choosing to follow these standards (for example, any design guides) in the relevant district plan if they wish.

These effects relating to these matters do not need to be managed as the anticipated scale of effects is different to larger developments, and there is a presumed relationship with a principal residential unit.

## **Do councils need to update their district plans to give effect to NES-DMRU?**

Section 44A of the Resource Management Act 1991 enables plans to be updated without going through a Schedule 1 Plan Change process. If existing plan provisions are conflicting or more restrictive than the NES-DMRU, the provisions will need to be changed or removed without using a Schedule 1 Plan Change process. The threshold for what is 'conflicting' is a matter for councils to determine, given the specific provisions and their use in the district plan. Councils can retain more lenient permitted activity standards and permitted activity rule than those in the NES-DMRU, such as a maximum floor area larger than 70 square metres.

# Multi-unit sites and specific scenarios

## How does the NES-DMRU interact with zones that enable more than one principal residential unit?

Some district plans enable more than one principal residential unit on a site as a permitted activity (eg, where the medium density residential standards (MDRS) apply, up to three residential units are permitted per site). In that case, one DMRU can be built on the site in addition to three principal residential units, if the DMRU meets all relevant requirements in the NES-DMRU. The NES-DMRU only allows one DMRU per site as a permitted activity, not one DMRU per principal residential unit.

While the NES-DMRU allows one DMRU on a site that has more than one principal residential unit, the site layout will determine whether adding a DMRU is feasible in practice. The DMRU will still need to meet all relevant NES-DMRU requirements such as building coverage and boundary setback requirements. Councils are best placed to confirm any resource consent and/or building consent requirements for any proposed development.

## Scenario – If there are six residential units in a residential zone on a cross-lease title with a shared driveway, can I use the NES-DMRU to build a detached minor residential unit?

Yes, however the NES-DMRU enables only one detached minor residential unit (DMRU) per site. The NES-DMRU uses the term 'site' as defined in the National Planning Standards, which includes the whole of the land subject to a cross lease. This means that, under the NES-DMRU, a maximum of one DMRU can be built on the site with the existing six residential units, so long as the DMRU meets all relevant requirements in the NES-DMRU.

More than one DMRU may be allowed only if the district plan has more lenient rules and standards relating to the number of DMRUs allowed per site. If a more lenient rule or standard in a district plan is used, the proposed DMRU will still need to meet all other requirements in the NES-DMRU. If a DMRU does not meet one or more of the permitted activity standards or permitted activity rule in the NES-DMRU, the NES-DMRU no longer applies, and district plan rules apply instead. In this situation we recommend talking to your local council to confirm any relevant requirements that may apply to a DMRU proposal, including whether a resource consent and/or building consent is required.

# Design and construction: what counts as a detached minor residential unit?

## Why do minor residential units have to be detached?

The NES-DMRU provisions enable small, detached, self-contained, single-storey houses for residential use. This is consistent with the corresponding changes to the Building Act 2004. Adding an additional bedroom or an attached minor residential unit to an existing principal residential unit is not covered by the NES-DMRU and is considered differently in most district plans. We recommend checking any proposed work with your local council to confirm any resource consent and/or building consent requirements.

## Can a detached minor residential unit include a garage?

Any garage that is attached to, or internally accessed from, the detached minor residential unit (DMRU) is included in the 70 square metre maximum floor area. If you wish to include a garage that is not attached to the DMRU, then district plan rules apply for the proposed garage.

## How is floor area measured?

The NES-DMRU definition of floor area specifies measurement to the internal face of the external walls. The intent is that this is consistent with the equivalent building consent exemption requirement under the Building Act 2004.

## Does the NES-DMRU require detached minor residential units to be newly constructed?

No, the NES-DMRU does not require a detached minor residential unit (DMRU) to be newly constructed. From a planning perspective, a converted building (for example, a garage converted to a DMRU) can rely on the NES-DMRU, provided all relevant requirements are met.

The NES-DMRU does, however, require that a DMRU be ancillary to an existing principal residential unit. It does not enable a DMRU to be the first dwelling on a site. Where no principal residential unit exists, the NES-DMRU permitted activity pathway does not apply and district plan rules must be used instead. Councils are best placed to advise on site-specific requirements, and whether a building consent and/or resource consent is required for a proposed DMRU.

In contrast, the building consent exemption for small stand-alone dwellings can only be used for new dwellings. Existing or converted buildings are not eligible to use the exemption and must be assessed under the normal building consent provisions.

## **Can existing structures be converted into a detached minor residential unit without resource consent? How will the NES ensure the DMRU is healthy and safe to live in?**

The NES-DMRU and the building consent exemption in the Building Act 2004 do not retrospectively apply to a DMRU built before the NES-DMRU and the building consent exemption were in effect. The NES-DMRU will not legitimise any existing structures that could already have been considered a detached minor residential unit.

A converted building (for example, a garage converted to a DMRU) can rely on the NES-DMRU if that conversion was undertaken after the NES-DMRU came into effect, provided all relevant requirements were met. However, this means the conditions in the building consent exemption in Schedule 1A of the Building Act 2004 no longer apply, and a building consent is likely required.

The Residential Tenancies (Healthy Homes Standards) Regulations 2019 require that all rental properties are healthy homes compliant. Detached minor residential units that meet the NES-DMRU will still need to comply with healthy home standards where relevant.

# **Use of the detached minor residential unit (residential vs other uses)**

## **Can a detached minor residential unit be used for non-residential purposes?**

The NES-DMRU allows a DMRU to be used for residential activities as defined in the National Planning Standards. District plan rules apply in relation to a DMRU if it is intended to be used for a non-residential activities. Therefore, it will depend on the relevant district plan provisions as to the activities that could be undertaken in a DMRU.

## **Can a detached minor residential unit be used as an Airbnb?**

The NES-DMRU allows a DMRU to be used for residential activities as defined in the National Planning Standards. Residential activities can include small-scale temporary residential rental accommodation such as Airbnb and Bookabach where this is secondary to the use of the site for residential purposes.

If you wish to use a DMRU for non-residential purposes, then district plan rules for that proposed non-residential use will apply.

# Specific topics and concerns

## Where will people living in a detached minor residential unit park their cars?

The NES does not require a car park to be provided on-site for the detached minor residential unit (DMRU). Most district plans also do not require car parks so there may be no requirement to provide one for a DMRU. We recommend talking to your council about proposed car parking requirements.

## Does the NES-DMRU regulate other small structures that are not self-contained?

No, the focus of this policy is to enable detached minor residential units (DMRUs) as defined in NES-DMRU. Other accessory buildings are generally permitted in district plans but can be subject to different standards than DMRUs. In addition, Schedule 1 the Building Act 2004 provides for other small standalone structures (such as sleepouts) to be built without obtaining a building consent.

We recommend contacting your local council to confirm any resource consent and/or building consent requirements for any proposed development.

## What does the NES-DMRU mean for tiny homes?

If you are building a new tiny home that fits the definition of a DMRU, then the NES-DMRU allows you to build a DMRU without a resource consent, so long as all relevant requirements in the NES-DMRU are met.

## Can my neighbour build a detached minor residential unit in their backyard without my permission?

Yes. The NES-DMRU makes building a DMRU a permitted activity under the Resource Management Act 1991, meaning a resource consent is not needed if all requirements in the NES-DMRU are met, and neighbours do not need to be notified.

## Can detached minor residential units be built beneath or near electricity lines?

Regulation 7(3) requires that any building beneath or near electricity lines will need to comply with safe distance requirements. These include requirements in district plans relating to

transmission lines and non-line infrastructure assets which prevail over the NES-DMRU, and any relevant reverse sensitivity provisions will still apply. This includes requirements such as:

- minimum setbacks from transmission lines in district plans (such as the National Grid Yard rules), and
- compliance with New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), and
- any relevant provisions in other national environmental standards.

These requirements could include permitted activity standards or require a resource consent.

If a site is crossed by or is near an electricity line, we recommend contacting your local council, Transpower or your local electricity distribution provider to confirm any relevant requirements that apply.

# How infrastructure will be funded

## Financial contributions and development contributions

Councils can charge both financial contributions and development contributions for detached minor residential units (DMRUs).

Councils can charge financial contributions where the District Plan includes a relevant rule.

The Building Act 2004 allows councils to charge development contributions for DMRUs (called small stand-alone dwellings under the Building Act 2004) even when the development contribution for a detached minor residential unit is not authorised by, or is contrary to, the council's relevant development contributions policy.

We recommend confirming any financial and/or development contributions requirements with your local council.

# Other legislative requirements

## **The Building Act 2004**

See response to question “How does the NES-DMRU work with the corresponding building consent exemption for granny flats under the Building Act 2004?”.

## **How will the NES-DMRU interact with bylaws?**

Bylaws prevail over the NES-DMRU if the bylaw is more stringent.

## **How will the NES-DMRU interact with covenants?**

Restrictions placed on a property title under the Property Law Act 2007 in the form of a covenant prevail over the NES-DMRU.

# Further information

## Where can further context and information be found?

Further context and analysis are provided in the summary of submissions and recommendations report on the NES-DMRU. The report can be found here:

<https://environment.govt.nz/publications/nes-dmru-and-nps-nh-report-on-recommendations-and-decisions/>.

Further information about the NES-DMRU is available on the Ministry for the Environment's website: <https://environment.govt.nz/acts-and-regulations/legislation/nes-dmru/>.

Information about the building consent exemption for detached minor residential units (known as small stand-alone dwellings under the Building Act 2004) is available on MBIE's website: <https://www.building.govt.nz/getting-started/building-system-reforms/granny-flats/proposed-building-consent-exemption-conditions-for-small-standalone-dwellings>.

Information about the NES-DMRU is available on the Ministry for the Environment's website: <https://environment.govt.nz/acts-and-regulations/legislation/nes-dmru/> and MBIE's website: <https://www.building.govt.nz/projects-and-consents/planning-a-successful-build/scope-and-design/check-if-you-need-consents/building-work-that-doesnt-need-a-building-consent/granny-flats-exemption-guidance-and-resources>.

Further information on policy intent is available in the recommendations and decisions report: <https://environment.govt.nz/publications/nes-dmru-and-nps-nh-report-on-recommendations-and-decisions/>.