



COVERSHEET

Minister	Hon Chris Penk	Portfolio	Building and Construction
Title of Cabinet paper	Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025	Date to be published	22 October 2025

List of documents that have been proactively released		
Date	Title	Author
September 2025	Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025	Office of the Minister for Building and Construction
18 September 2025	Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025 LEG-25-MIN-0190 Minute	Cabinet Office
April 2025	Regulatory Impact Statement: Incentivising residential solar generation https://www.mbie.govt.nz/dmsdocument/31087-incentivising-residential-solar-generation-regulatory-impact-statement-proactiverelease-pdf	MBIE
September 2025	Updated Regulatory Impact Statement: Incentivising solar generation https://www.mbie.govt.nz/dmsdocument/31081-updated-regulatory-impact-statement-incentivising-solar-generation	MBIE

Information redacted

NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under *Official Information Act 1982*. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

In Confidence

Office of the Minister for Building and Construction

Chair, Cabinet Legislation Committee

Easing setback conditions for exempt buildings and making it easier to install rooftop solar panels

Proposal

1. This paper seeks authorisation to submit the *Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025* to the Executive Council, which will:
 - 1.1 exempt installing rooftop solar panel arrays on buildings from requiring a building consent, and
 - 1.2 update the setback distance conditions required for consent exempt single-storey detached buildings.

Executive summary

2. Overly burdensome red tape and an inefficient consent system have driven up building costs and restricted land use, making affordable construction harder than it needs to be.
3. Updating the setback distance conditions for consent exempt single-storey detached buildings will make it easier for property owners to build on their sections where it is practical to do so, allowing them to better exercise their individual property rights.
4. Exempting the installation of rooftop solar from requiring a building consent will reduce delays and streamline building consent processes. Rooftop solar will play a role in supporting energy security and reducing emissions, while helping to reduce the cost of living by lowering power bills.
5. Together, these proposals will support Government priorities to make it easier and quicker to build affordably in New Zealand.

Policy

Easing setback conditions for consent exempt single-storey detached buildings

6. Single-storey detached buildings must be the same distance as their own height from any boundary or residential building in order to be eligible for building consent exemption under Schedule 1 of the *Building Act 2004* (the Act).
7. On 13 May 2025, the Cabinet Economic Policy Committee (ECO) agreed to policy proposals to ease the setback distance conditions for consent exempt single-storey detached buildings under Schedule 1 of the Act [ECO-25-MIN-0110 refers]. Cabinet agreed to amend clauses 3, 3A, 3B and 43 of Schedule 1 to:

- 7.1 remove the setback distance condition for single-storey detached buildings under 10 square metres in floor area, and
 - 7.2 require a minimum setback distance of one metre from any legal boundary or other building for single-storey detached buildings between 10 and 30 square metres in floor area.
- 8. *The Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025* gives effect to Cabinet's decisions above.
 - 9. This will make it easier for property owners to comply with Schedule 1 exemption conditions, particularly for those living in medium-to-high density urban environments where section sizes tend to be smaller. The changes also ensure setback distance conditions are more aligned with current building practices, and are simpler to enforce.

Making it easier to install rooftop solar panel arrays on buildings

- 10. Whether a building consent is required for the installation of rooftop solar panel arrays is currently left to the discretion of building consent authorities (BCAs). This creates inconsistency between BCAs, uncertainty for building owners and unnecessary barriers to people installing rooftop solar.
- 11. Cabinet also recently agreed to amend Schedule 1 of the Act to exempt rooftop solar installation on existing residential buildings from requiring a building consent, subject to consultation and technical work on any risks involved [ECO-25-MIN-0054 refers].
- 12. Initially, it was proposed the exemption only apply to existing residential buildings.
- 13. However, based on further technical work, officials have identified an opportunity to further reduce costs, simplify requirements, and accelerate rooftop solar uptake by extending the exemption to apply to all buildings. Officials have also identified appropriate mitigations to address the risks from high winds by applying targeted safeguards.
- 14. Extending the exemption to all buildings, to include new and non-residential buildings, clarifies that a building consent is not required to install rooftop solar panel arrays on any building.
- 15. Therefore, I propose to:
 - 15.1 extend the scope of the exemption from existing residential buildings to encompass all buildings, and
 - 15.2 address the risks associated with extending the exemption by requiring a chartered professional engineer to provide or review the design of the structural fixings of solar arrays over 40 square metres, and arrays in wind speed zones greater than 44 metres per second (ie 158 kilometres per hour).
- 16. A chartered professional engineer is more likely to be required to provide or review the design of the structural fixings for rooftop solar installations on larger non-residential buildings. These buildings tend to have higher design wind speeds and will usually have larger rooftop solar arrays over 40 square metres in size.

17. Engaging a chartered professional engineer to undertake this design work is estimated to cost between \$120 and \$1,500. The cost depends on the engineer, the complexity of the building, and whether a standardised design can be used repeatedly for different buildings. Some suppliers and manufacturers of proprietary products already have pre-engineered kit-sets with a unified sign-off from a chartered professional engineer. Involvement of an engineer in the installation of solar panel arrays is not a requirement.
18. I anticipate the proposed settings will enable most residential households to install rooftop solar arrays without a chartered professional engineer providing or reviewing the design of the structural fixings.¹
19. Accordingly, the *Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025* proposes to give effect to Cabinet's decision by amending:
 - 19.1 Part 1 of Schedule 1 to exempt installing rooftop solar arrays of less than 40 square metres from requiring a building consent in wind zones no greater than high or up to 44 metres per second (158 kilometres per hour), and
 - 19.2 Part 3 of Schedule 1 to exempt installing rooftop solar arrays greater than 40 square metres in any wind zone, and solar arrays in areas where the wind speed is greater than 44 metres per second (158 kilometres per hour), from requiring a building consent, subject to a chartered professional engineer providing or reviewing the design.

Timing and 28-day rule

20. I propose that, subject to Executive Council agreement, the *Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025* come into effect on 23 October 2025.

Compliance

21. The regulations comply with:
 - 21.1 the principles of the Treaty of Waitangi
 - 21.2 the rights and freedoms contained in the *New Zealand Bill of Rights Act 1990* and the *Human Rights Act 1993*
 - 21.3 the principles and guidelines set out in the *Privacy Act 2020*
 - 21.4 relevant international standards and obligations
 - 21.5 the Legislation Guidelines (2021 edition), maintained by the Legislation Design and Advisory Committee.

¹ The average size of residential rooftop solar installations in New Zealand is around 6 kilowatts which is generally around 25 to 35 square metres in size. Additionally, around 70 per cent of existing buildings are in wind zones where the wind speed is less than 44 metres per second.

Regulations Review Committee

22. I do not consider there are any grounds for the Regulations Review Committee to draw the regulations or the Order in Council to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

23. The Order in Council was prepared and certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

24. A Regulatory Impact Statement (RIS) was prepared and submitted at the time Cabinet approval was sought to exempt the installation of rooftop solar arrays from requiring a building consent [ECO-25-MIN-0054 refers]. The panel determined the RIS partially met the quality assurance criteria due to a lack of consultation on the policy proposal.
25. An updated RIS has been prepared regarding the policy proposal to extend the rooftop solar exemption to non-residential and new buildings, and is attached to this paper. The panel determined the updated RIS partially meets the quality assurance criteria, due to limited consultation undertaken on the proposal.
26. The Ministry for Regulation determined that the policy proposals to ease Schedule 1 setback distances for single-storey detached buildings are exempt from the requirement to provide a RIS on the grounds that the economic, social and environmental impacts are limited and easy to assess.

Publicity

27. I intend to issue a press release to announce when the Order will come into effect. The Ministry of Business, Innovation and Employment will advise stakeholders of commencement.

Proactive release

28. I intend to proactively release this Cabinet paper and associated Cabinet minute within 30 business days, subject to any redactions consistent with Cabinet Office guidance.

Consultation

29. The policy proposals have been previously consulted on with the following agencies: Department of Internal Affairs, Department of Conservation, Ministry for the Environment, Ministry for Pacific Peoples, Ministry for Regulation, Ministry of Defence, Ministry of Education, Ministry of Housing and Urban Development, Ministry of Justice, Ministry of Social Development, Ministry for Primary Industries, Land Information NZ, Ministry of Health, Department of Corrections, Te Puni Kōkiri, Parliamentary Council Office and the Treasury.
30. The Department of the Prime Minister and Cabinet has been informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 13 May 2025, the Cabinet Economic Policy Committee agreed to policy proposals to ease the setback distance conditions for single-storey detached buildings within Schedule 1 of the *Building Act 2004* [ECO-25-MIN-0110 refers]. Cabinet agreed to:
 - 1.1 remove the setback distance condition for single-storey detached buildings under 10 square metres in floor area, and
 - 1.2 require a minimum setback distance of one metre from any legal boundary or other building for single-storey detached buildings 10-30 square metres in floor area;
- 2 **note** that on 9 April 2025, the Cabinet Economic Policy Committee agreed to amend Schedule 1 of the *Building Act 2004* to exempt rooftop solar installation in existing residential buildings from requiring a building consent subject to consultation and further technical work on any risks involved [ECO-25-MIN-0054 refers];
- 3 **note** that further technical work found an opportunity to extend the scope of the rooftop solar exemption to all buildings by mitigating the risks associated with large solar arrays and solar arrays in high wind speed areas by requiring a chartered professional engineer to provide or review the design of those solar arrays;
- 4 **agree** to extend the scope of the rooftop solar exemption from existing residential buildings to encompass all buildings;
- 5 **agree** to the following settings for installing rooftop solar arrays on all buildings under Schedule 1 of the *Building Act 2004*:
 - 5.1 amend Part 1 of Schedule 1 to exempt installing rooftop solar arrays of less than 40 square metres from requiring a building consent in wind zones no greater than high or up to 44 metres per second, and
 - 5.2 amend Part 3 of Schedule 1 to exempt installing rooftop solar arrays greater than 40 square metres in any wind zone, and solar arrays less than 40 square metres where the wind speed is greater than 44 metres per second, from requiring a building consent subject to a chartered professional engineer providing or reviewing the design;
- 6 **note** the *Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025* will give effect to decisions referenced in recommendations 1–5 above;
- 7 **authorise** the submission to the Executive Council of the *Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025*;
- 8 **note** that the *Building (Exempt Roof-mounted Solar Panel Arrays and Building Work) Order 2025* will come into force on 23 October 2025.

I N C O N F I D E N C E

Authorised for lodgement

Hon Chris Penk
Minister for Building and Construction

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