



Building permit requirements for solar panels

This industry bulletin provides general guidance about building permit requirements under the *Building Act 2011* (the Act) and *Building Regulations 2012* (the Regulations) in relation to the installation of photovoltaic cells (solar panels) in Western Australia.

In general a building permit is required before any building work can commence. The definition of building work in section 3 of the Act includes:

- a. the construction, erection, assembly or placement of a building or an incidental structure; or
- b. the renovation, alteration, extension, improvement or repair of a building or an incidental structure.

'Incidental structure' is defined under the Act as a structure attached to or incidental to a building. Therefore the placement (installation) of solar panels attached to or incidental to a building is considered building work requiring a building permit – unless an exemption applies.

Exemptions – when a building permit is not required

The Regulations provide for the following exemptions:

- **Schedule 4, Clause 1 – areas where building permit not required for certain work**

Column 2 lists areas of the State where a building permit is not required for building work for a Class 10 building or incidental structure which is considered to include solar panels.

In general the areas listed for exemptions are certain regional areas and do not include metropolitan areas.

- **Schedule 4, Clause 2 – kinds of building work for which a building permit is not required**

Item 10 under this schedule provides an exemption for the attachment of photovoltaic panels or solar hot water systems to the roof of a Class 1 or Class 10a building that is not located in wind region C or D defined in AS 1170.2 – Structural design actions – wind actions.

Conversely, a building permit would be required for the installation of solar panels to the roof of a Class 1 or Class 10a building located in a cyclonic area (wind region C or D) and to the roof of a Class 2-9 building in any wind region – unless it is in an area listed in Schedule 4, Clause 1 for which a building permit is not required.

Compliance with applicable building standards

Solar panels must resist the appropriate wind loading, be securely fixed down and comply with applicable building standards to the satisfaction of the building surveyor.

Where a building permit is required, a registered building surveyor will issue a Certificate of Design Compliance (CDC) to certify compliance with applicable building standards.

A certified building permit application (for all classes of buildings) must be accompanied by a CDC. An uncertified application (only for Class 1a and 10 buildings or incidental structures) requires the permit authority to arrange a CDC after the application has been submitted.

For works carried out under a building permit the person named as the builder on the permit must ensure that on completion of the building or incidental structure that it complies with the applicable building standards. Where a building permit is not required under the Regulations, each owner of the building or incidental structure is responsible for ensuring compliance with the applicable building standards (section 37(2) of the Act).

Associated work may require a building permit

If the installation of the solar panels requires alterations or additions to the building, such as additional strengthening to support the extra loads, then that work may require a building permit as those works are in addition to the actual attachment of solar panels to the roof. Such additional works would not therefore qualify for an exemption under Schedule 4, Clause 2, Item 10 described above.

It is the responsibility of the relevant permit authority (generally the local government) to determine whether building work needs a building permit. Under the Act the permit authority has powers to undertake enforcement action where they believe building work has been done without a building permit.

For confirmation as to whether a building permit is required for a specific case, contact the relevant local government permit authority.

Does the installer need to be a registered builder?

A person is not required to be a registered builder for the construction of an incidental structure. Therefore a registered builder may not be required to install solar panels in relation to any classification of building regardless of the cost or whether a building permit is required. However, if the installation includes other associated builder works to the building that requires a building permit (such as structural strengthening to the roof) a registered builder may be required. Refer to the Building Commission publication '[Do I need to be a registered builder?](#)' for more information.

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Disclaimer:

The information contained in this bulletin is provided as general information only and should not be relied upon as legal advice or as an accurate statement of the relevant legislation provisions. If you are uncertain as to your legal obligations you should obtain independent legal advice.

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