



Revision of Categories 1.1.10 & 1.1.11 of the Director's Determination – Categories of Building and Demolition Work

Tasmania

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Master Electricians Australia (MEA) is a peak industry association representing electrical contractors across Australia, majority of which are small and medium sized businesses and has been supporting Australia's electrical businesses since 1937. We are recognised by industry, government and the community as a leading business partner, knowledge source and advocate. You can visit our website at www.masterelectricians.com.au

MEA appreciates the opportunity to respond to CBOS's review of *Categories 1.1.10 & 1.1.11 of the Director's Determination – Categories of Building and Demolition Work*.

MEA considers some regulatory settings under Categories 1.1.10 and 1.1.11 are no longer fit for purpose and do not reflect contemporary solar installation practices, engineering standards, or the realities of a rapidly evolving industry. The continued application of historical limitations relating to system coverage area, clearance requirements, and structural constraints appears disconnected from current installation practice, national standards, and the practical operation of the electrical contracting sector.

MEA has taken the opportunity to seek further changes to the proposed amendments. Where these are not adopted, MEA requests that CBOS provide clear justification for the retention of these restrictions, along with further detail on the evidence base supporting their ongoing necessity in a modern solar installation context.

Category 1.1.10 & 1.1.11 – Limitation for Roof-and-Ground Mounted Solar Array Coverage Area

Background

Regulatory History

MEA has long raised concerns about the 38m² limitation on solar panel installations – i.e. that an installation of panels covering a roof area greater than 38m² triggers a requirement by CBOS for a building surveyor. Although there is no longer a legislative requirement for a building surveyor's assessment for solar panel installations over

38m², it continues to be enforced by CBOS under its authority as Director of Building Control (refer to the Appendix A)

It appears the solar panel limitation supported a broader regulatory approach to solar installations that also contemplated a once intended local installer accreditation scheme (noting it did not go ahead and there is a currently a national scheme) – refer to Appendix B. However, the 38m² threshold remained in place despite the policy context in which it supported having fundamentally changed.

Limitation Figures

MEA further understands that the limitation figure was originally set at 12m² before being increased to 38m² which derived from historical building control thresholds applicable to small structures, rather than from any identified electrical safety concern or evidence relating to solar panel installations. If this is the case, it raises questions as to whether the threshold has ever been appropriately justified in the context of solar installations, which involve the installation of engineered electrical equipment onto existing structures rather than the construction of new buildings. It further raises the question of what evidence or rationale justifies the newly proposed 60m² limitation.

Consumer Benefit and Accountability

MEA understands from member feedback that building surveyors engaged for these matters generally do not undertake site inspections before or after installation, nor do they inspect the building or the completed works.

Further, the terms and conditions of engagement used by building surveyors commonly provide that responsibility and liability for the design and installation of the solar system remain with the installer. As a result, the requirement imposes additional cost and administrative burden on contractors and consumers without any corresponding transfer of liability or clearly identifiable consumer protection outcome.

Comparison with Other Jurisdictions

No other Australian jurisdiction imposes such limitations. And with solar panels becoming more common and more affordable, larger systems are much more commonly sought by consumers and frequently cover an area greater than the both the existing 38m² and proposed 60m²

Red Tape

The ongoing enforcement of this outdated limitation presents unnecessary regulatory and financial burdens on electrical contractors and consumers alike. Given the increasing emphasis on renewable energy adoption and the need to streamline installation processes, it is crucial that the electrical industry is not overburdened by unjustified red tape.

MEA's Position

MEA therefore maintains its longstanding position that all solar panel size installation limitations imposed on qualified electricians should be removed. We do not support only increasing the existing threshold to 60m² as proposed by CBOS, as this merely replaces one unnecessary restriction with another. A solar panel installation limitation for electricians is unique to Tasmania and represents unnecessary red tape in the installation process, particularly where appropriately qualified practitioners are already subject to existing licensing and regulatory requirements.

In the event a limitation remains, MEA seeks further information as to why CBOS considers it necessary to retain a solar panel installation limitation and how the associated regulatory burden is justified.

Category 1.1.11 – Maximum Height of the Support Structure for a Ground Mounted Solar Array

MEA agrees the maximum height permitted for the support structure of a ground-mounted solar array should be increased. However, MEA considers that the proposed increase from 3 metres to 3.5 metres does not go far enough and instead supports increasing the maximum height to 4 metres.

It is not uncommon for consumers to install solar panels at an angle, meaning the upper edge of the panel can often approach, if not exceed, a 3.5 metre height limit. There may also be circumstances where a greater height is required to accommodate specific land uses - for example, farmers may seek to elevate panels to allow horses to continue grazing within the same paddock while reducing the risk of livestock coming into contact with the installation.

Accordingly, MEA supports increasing the maximum height to 4 metres to provide sufficient flexibility for these practical variations in installation design and site-specific circumstances. It should also be recognised that solar panel installations must comply with manufacturer instructions and relevant Australian Standards, which provide safeguards to ensure installations are undertaken safely and appropriately.

Other

1.1.10 – 100 Millimetre Limitation Between Surface of the Roof and Underside of the Solar Panels

MEA is concerned that the current regulatory framework governing solar panel clearances is overly prescriptive and no longer reflects contemporary solar installation practices, engineering requirements, or the evolution of solar technologies. CBOS has not proposed amendments to this limitation, however we seek for it to be reviewed.

The existing 100mm maximum clearance requirement between the roof surface and solar panels can place installers in direct conflict with Australian Standards, manufacturer installation instructions, and engineered design specifications. In many circumstances, strict compliance with the requirement forces contractors to compromise critical installation considerations, including manufacturer-prescribed clamp zones and cooling clearances necessary for system performance and longevity.

Importantly, solar panel mounting systems are supplied with manufacturer instructions that are designed to comply with relevant Australian Standards, including AS/NZS 1170.2 in relation to wind loading. Installers should therefore be afforded the

flexibility to comply with these manufacturer requirements, even when doing so may require exceeding the existing prescribed 100mm limitation.

As solar modules have increased in size and mounting systems have evolved, installers are increasingly required to adopt alternative mounting solutions to achieve compliant and structurally sound installations. A rigid 100mm limit does not adequately accommodate these developments and can undermine the very engineering principles intended to ensure the safety, durability and performance of solar installations. Rather than improving outcomes, the requirement can discourage compliance with manufacturer specifications and recognised industry standards.

MEA seeks the removal of the prescribed threshold. Manufacturer instructions, which are developed in accordance with relevant Australian Standards and product-specific engineering requirements, should be the primary determinant of installation parameters. A fixed threshold risks preventing installers from complying with manufacturer requirements in circumstances where a variation is necessary to ensure the safety, structural integrity and performance of the installation.

Conclusion

MEA considers some current regulatory settings under Categories 1.1.10 and 1.1.11 no longer fit for purpose and do not reflect contemporary solar installation practices, engineering standards, or the realities of a rapidly evolving industry.

The continued application of historical limitations (whether in relation to system coverage area, clearance requirements, or structural constraints) appears to be disconnected from current practical requirements, national practice, and the practical operation of the electrical contracting sector.

Rather than enhancing safety or delivering measurable consumer protection outcomes, these requirements impose unnecessary administrative burden, additional cost, and avoidable complexity on both installers and consumers. They also create situations where compliance with prescriptive regulatory limits may conflict with

Australian Standards, manufacturer installation requirements, and sound engineering design principles, thereby undermining optimal system performance and durability.

MEA reiterates its position that solar installation work undertaken by appropriately licensed electrical workers is already subject to robust regulatory, technical, and safety frameworks.

MEA requests that CBOS provide clear justification in the event of a retention of these restrictions and further detail on the evidence base supporting their ongoing necessity in a modern solar installation context.

MEA looks forward to the outcome of this review and is available for further discussion.

Appendix A – Regulatory Background

- The [Building Amendment \(Installation of Solar Panels\) Regulations 2013](#) were introduced under [s 230](#) of the now repealed [Building Act 2000](#). This amendment specified that solar panel installations under 38m², subject to meeting additional criteria, did not require a building permit. By implication, installations exceeding 38m² were classified as "building work," necessitating compliance with relevant building regulations.
- A 2013 document of changes (Appendix A) issued by the Department of Justice (DoJ) clarified that the 2013 regulation replaced a provision in the now repealed [Building Regulations 2004](#) (specifically [reg 4\(r\)](#)), which had previously set a size limit of 18m² solar panel installations to be exempt building work.
- Under the [Building Act 2016](#) (currently in force) solar installations are still within the scope of [s 4](#) "building work". Unlike the 2004 regulations, there is no specific provision for "exempt work." Instead, the regulations outline categories such as [Low-Risk Building Work \(ss 91-92\)](#) and [Notifiable Building Work \(Part 8\)](#). Under these provisions, the Director of Building Control has discretionary authority to classify work as either low-risk or notifiable. The role of Director of Building Control is currently fulfilled by CBOS.
- The [Building Act 2016](#) rescinds the [Building Amendment \(Installation of Solar Panels\) Regulations 2013](#) under [sch 4, s 333](#).
- The [CBOS Regulatory Guidelines](#), released in 2022, assists installers in determining whether a solar installation is considered low-risk or notifiable work. One key distinction in the guidelines is the 38m² limitation, a threshold that appears to have been unnecessarily carried forward from earlier regulatory frameworks.

Appendix B – Regulatory Background

Department of Justice
BUILDING STANDARDS AND OCCUPATIONAL LICENSING

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REVISED Building Regulation Advisory Note No. 3/2013/A

Installation of Solar Arrays

Advice on new Solar Panel Exemption

New requirements to apply from 6 November 2013

Exemption provisions of the *Tasmanian Building Regulations 2004* relating to the installation of photo voltaic solar panels **have now been changed** to allow for a greater size of an array of panels to be exempted from the requirement for a building permit and to provide for the creation of a scheme for the accreditation of solar installers.

Revised exemption to apply from 6 November:

The exemption in regulation 4(r) of the *Building Regulation 2004* now reads as follows:

"Photo-voltaic solar panels installed on a building roof [are exempt] if –

- (i) the solar panels are installed by a person who holds a valid accreditation, to install solar panels, that is approved by the Director for the purposes of this regulation; and
- (ii) the solar panels are parallel with the surface of the roof and there is not more than 100 millimetres between the top of the roof and the underside of the solar panel; and
- (iii) the solar panels, or any part of the solar panels, do not overhang the roof surface at any point; and
- (iv) the solar panels are not within 200 millimetres of the edge of the plane of the roof; and
- (v) the solar panel array does not result in more than 100 kilograms of dead load being placed on any single point where the solar panel array is attached to the roof; and
- (vi) the solar panel array does not cover more than 38 square metres of –
 - (A) a single roof plane; or
 - (B) multiple roof planes that are supported by a single structure".

Note: The previous exemption for all arrays less than 18m² has been replaced.

Where can I read the Building Regulations?

The title of the amendment is the *Building Amendment (Installation of Solar Panels) Regulations 2013*, statutory rule number 79 of 2013. This amendment has been incorporated into the provisions of the *Building Regulations 2004*. A link to *Building Regulations 2004* (including the revised regulation (r)) can be found on the Law website: www.thelaw.tas.gov.au then use the "advanced search" function using this phrase: "building regulations 2004".

What does the new regulation mean?

- **Size:** The maximum exempt size for an installation of solar panels parallel to the roof has been increased to 38m² (previously the maximum size of an exempt panel installation was 18m²).
- **Accreditation:** There is a future requirement that installers will need to be accredited by the Director of Building Control to undertake this type of installation work. Installers will have to undergo training in building modules that are relevant to the installation of solar panels. However this training requirement will not be commencing on 6 November. It will start in 2014 once the Director has specified suitable training courses and consulted further with installers and training providers.
- **Installation**
 1. The installation of the solar panels must be parallel with the plane of the roof and not raised more than 100mm above the roof surface. This means any panels on a roof which are tilted up at an angle on the frame do not fit within the new exemption;



Panels parallel with plane of roof-
Exempt



Panels tilted at an angle to the roof-
Not exempt



Panels supported on their own Class 10b structure are not exempt.

2. No part of the solar panels can overhang any part of the roof, and the panels must not be closer than 200mm from any roof edge, including the ridge, lower edge, a roof hip and a gable end. The roof edge does not include a roof gutter.



Not exempt!

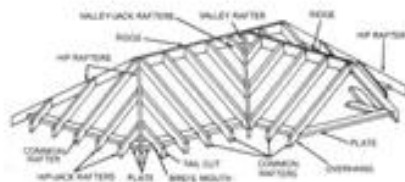
3. There is no point-loading from the array greater than 100 kg permitted on a roof structure.
4. An installation of 38m² can only be installed on any one roof plane of a building. If multiple roof planes are supported by a single structure (trusses, beams), the total area of the array cannot exceed 38m² even if the solar panel installation was split into smaller arrays on different parts of the same roof plane.
5. The use of the term "roof plane" allows more than 38m² on a total building roof provided the roof structures supporting the array are independent.



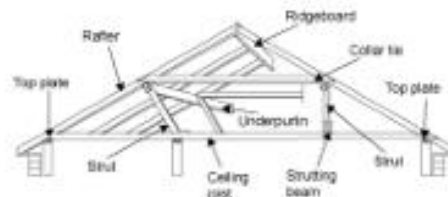
Different roof planes and independent roof structures.



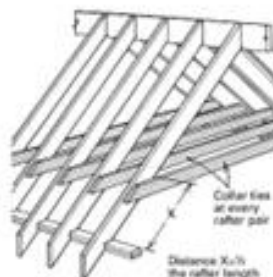
Different planes but not independent roof structures if truss construction



Conventional pitched roof. Different planes and probably independent roof structures. Internal structure not shown.



Conventional pitched roof. Different planes and independent roof structures. Loads on the left transmitted through underpurlin and strut to internal wall. Loads on the right carried by strutting beam.



Different planes. Not independent roof structures.



Different planes. Not independent roof structures.

What if a proposed installation will not fit within the requirements of the new regulation?

For any installation of panels where:

- Arrays of solar panels will be *larger than 38m² on any roof plane or roof structure*; or
- where panels are tilted up and any part of the underside is *more than 100mm* above the roof decking/ surface (for any size installation); or
- The point loading on the structure is likely to be *greater than 100kg*; or
- Panels will be *closer than 200mm* to an edge or will overhang it: -

The exemption does not apply and the owner of that building will have to obtain permission for installation. Compliance can be achieved in one of two ways:

1. If the material costs and installation/ fixing of the components supporting the panels on a roof will be \$5000 or less, then an accredited building surveyor may determine that the installation is a "minor alteration" and advise the council regarding their decision. The building surveyor effectively becomes the permit authority for minor alterations and minor repairs. The building surveyor will need to be satisfied that the existing roof structure is capable of taking the dead loads and wind loads imposed on it by a particular proposed solar array. This will require a level of documentation and sometimes a certificate from a structural engineer or other accredited building practitioner.
2. Alternatively, the owner will have to go through the normal process of obtaining a building permit from their local council as the installation of solar panels is an addition to that building. Larger arrays impose both dead loads (weight) and live loads (lifting or pushing action by wind) on structures. Proper assessment of the building's supporting structure and design of the proposed installation are required before a permit can be granted.

Other related information:

What qualifies as a minor alteration?

To be a minor alteration of a building within the meaning of section 60(2) of the Act, the building work must not exceed \$5000. Above that amount, it cannot be "minor". While the cost of "building work" is determined by what the owner has contracted to pay for the work, for solar array installation it is a class of electrical work that needs a building permit, so the actual cost of the building work component (panel mounting rails or framework and their fixing) is not the full retail price of the solar system that the client pays. If the building work component of the installation is \$5000 or less, it may be deemed to be a minor alteration by a building surveyor. The building surveyor will need to be provided with evidence from the owner of the cost of the building work components, including the relevant labour charge.

This advice is consistent with previous advice that the cost of building work for wind turbines does not include the cost of the generator and blades.

As a building permit is not required, other accredited *building practitioners* (building designer or builder) do not have to be engaged by the owner for the solar installation. If the installation work is carried out or managed by a licensed electrician an accredited builder is not required under the accreditation provisions of the Building Act. Council building permit fees and the government levies do not apply.

What is the role of the Building Surveyor?

The building surveyor effectively becomes the permit authority for minor alterations and minor repairs. The building surveyor will need to be satisfied that the existing roof structure is capable of taking the dead loads and live loads imposed on it by a particular proposed solar array. This will require a level of documentation and sometimes a certificate from a structural engineer or other accredited building practitioner.

If the solar installation cannot be determined as a minor alteration and a building permit is required, then the building surveyor will provide a Certificate of Likely Compliance as a document that is to accompany an application for the building permit.

What is the role of the Electrician?

The standard AS/NZS 5033:2012 *Installation and safety requirements for photovoltaic (PV) arrays*, requires that support structures and module mounting arrangements comply with building codes, regulations and standards. For new buildings, the electrician must be satisfied that the building surveyor was aware that a particular solar array was to be installed on the building. For existing buildings, if the solar array is over 38m², the electrician must be satisfied that a building permit has been issued for the proposed array and mounting arrangement, or have evidence that a building surveyor has determined that the building work is a minor alteration. An electrician will need documentary evidence in all cases. For a new building it will be a building permit indicating the proposed solar array. For an existing building it will be a building permit for the installation of the solar array or if it has been determined to be a minor alteration, a copy of the building surveyor's notification to the relevant council permit authority.

Solar panel installation - licensing and legislative requirements

- As mentioned earlier, the Director of Building Control will be developing an accreditation scheme for solar installers in 2014 and more details will be communicated to industry early next year.
- Electricians licensed in Tasmania who manage or perform electrical work that needs a building permit are specifically exempt from accreditation as a builder under section 23A of the *Building Act 2000*.
- For the owner to obtain Renewable Energy Certificates, installers must be accredited by the Clean Energy Council, a national industry body.
- The installation of a solar system is **not minor electrical works** and therefore under the Occupational Licensing Act it is notifiable work to the electrical safety inspection service.
- Worksafe Tasmania's Electrical Standards Branch is facilitating the testing of all solar installations in Tasmania.