

Submission via: engage.vic.gov.au/visible-solar-energy-systems-within-the-heritage-overlay
Also, via email to: planning.systems@transport.vic.gov.au

29 July 2026

RE: Consultation on solar energy systems in heritage areas

Thank you for inviting the Heritage Council of Victoria to comment on the questions of whether:

- a planning permit to install a solar energy system should be required in areas covered by a local Heritage Overlay
- all Heritage Overlay schedules should have the need for a planning permit to be 'switched off', thereby necessitating councils to *reintroduce*, via a planning scheme amendment, a requirement for a planning permit in an area covered by the Heritage Overlay
- local councils should have the ability to 'switch on' the requirement for a planning permit in an area covered by the Heritage Overlay through a planning scheme amendment.

After reviewing the survey questions on Engage Victoria, we feel that a submission would be the most constructive way we can assist the process. We understand that this proposal is not restricted to solar panels but is looking at solar energy systems more broadly.

Members of the Heritage Council's Local Government Specialist Committee have provided advice that helped inform the content of this submission.

If you require any further information, or would like to discuss the feedback provided, please contact the Heritage Council Secretariat at heritage.council@transport.vic.gov.au or by phone on (03) 8572 7949.

Yours sincerely,



Professor Philip Goad
Chair, Heritage Council of Victoria

1.0 Introduction

The Heritage Council of Victoria (the Heritage Council) is an independent statutory body established under the *Heritage Act 2017* (the Heritage Act). It is the Victorian Government's primary decision-making body for the identification of places and objects of state-level cultural heritage significance. Under section 11 of the Heritage Act, the Heritage Council is charged with a wide range of functions. These include:

- advising the Minister [for Planning] on the status of the state's cultural heritage resources and on any steps necessary to protect and conserve them, under section 11(a)
- advising government departments and agencies, municipal councils and other responsible authorities on matters relating to the protection and conservation of cultural heritage, under section 11(d)
- advising the Minister [for Planning] on proposed amendments to planning schemes which may affect the protection or conservation of cultural heritage, under section 11(n).

First Peoples' cultural heritage is protected under the *Aboriginal Heritage Act 2006* (Vic), through which the Victorian Aboriginal Heritage Council is formed and operates.

The Heritage Council acknowledges the Traditional Owners of the Country that we call Victoria, as the original custodians of Victoria's land and waters, and acknowledge the importance and significance of Aboriginal cultural heritage across the state. We honour Elders past and present whose knowledge and wisdom has ensured the continuation of Aboriginal culture and traditional practices.

2.0 General comments

The Heritage Council supports the Department of Transport and Planning's ('the department') aim to investigate ways to improve the process for home and building owners across Victoria to participate in renewable energy transition.

Points raised in this submission are based on our belief that it is possible to advance both climate action and heritage conservation, as required by the *Planning and Environment Act 1987* (Vic) (the 'Act') and by planning schemes.

We do not believe the current proposal to switch off the need for a planning permit for any solar energy system across all Heritage Overlay schedules will achieve a balanced result. Our concerns include:

- no evidence has been provided to justify that the proposed removal of permit triggers will materially improve uptake of solar energy systems across Victoria
- the proposal is inconsistent with the established heritage principles set out in the department's recently released *Victorian Local Heritage Guidelines* (May 2026), which state that change should be guided by an assessment of heritage significance and context
- the benefits of removing all controls are small in comparison with the potential impact on heritage places and precincts, including the settings of places that have state-level and World Heritage significance
- decisions to 'switch off' must be made as carefully as decisions to 'switch on'.

To assist the consultation and investigation process, we suggest a more nuanced and balanced approach that retains some permit triggers for places in the Heritage Overlay alongside improved guidance, clear exemptions, and opportunities for incentives and education.

3.0 Specific comments

The content on the Engage Victoria website provides no evidence to explain the rationale for this proposal, nor that it will have its intended outcomes – and not cause unintended impacts.

Less than 10% of dwellings in Victoria are protected by a Heritage Overlay, and research has shown that these places are deeply valued by Victorians.¹ With over 2.5 million dwellings in the state², that leaves over 2 million homes that are not covered by the Heritage Overlay and without a heritage restriction to install solar.

The following points provide context for our concerns and our suggestion for an alternative approach.

3.1 The current planning controls allow for solar energy system installation

- The requirement for a permit in publicly visible locations does not prevent the installation of solar panels/systems; it requires that impacts on the heritage place be considered and mitigated as needed before a permit is issued.
- Recent permits granted for solar panels for places on the Heritage Overlay by councils such as Stonnington, Yarra, Melbourne, Greater Geelong and Boroondara demonstrate that achieving conservation and energy efficiency outcomes are compatible. The City of Port Phillip and Boroondara³, for example, estimate that on average approximately 90% of planning permits for solar energy systems are granted.
- Importantly, a planning permit is not required for solar energy systems in non-publicly visible locations. Figure 1 below, which shows a Heritage Overlay area in the City of Port Phillip, demonstrates that non-visible locations, including those highly suitable for solar panels, vastly outnumber publicly visible locations at the front of properties.⁴ This means that many proposals for solar panels in places in the Heritage Overlay can currently avoid the need for planning approval requirements.



Figure 1: Example of non-publicly visible locations for solar installation in a Heritage Overlay area.

¹ Clark, K, Martin, L & Lu, V, [Why Heritage?](#) (2023), p.22, accessed 24 July 2026

² Australian Bureau of Statistics, Snapshot of Victoria (2021). <https://www.abs.gov.au/articles/snapshot-vic-2021>, accessed 24 July 2026.

³ Boroondara City Council (2026, July 6). Boroondara Urban Planning Delegated Committee Meeting – 6 July 2026 [Video, time stamped]. YouTube: <https://www.youtube.com/live/Yt1nJcDJc9A?si=6Y7usP73sEw-twWv&t=13093>, accessed 24 July 2026.

⁴ Example provided by the Heritage Council's alternate Urban or Regional Planning Member. It shows a typical block within the HO444 Middle Park and St Kilda Heritage Overlay precinct in the City of Port Phillip (where the member is also the Principal Heritage Advisor).

3.2 Existing processes are already in place to reduce the regulatory burden on owners

- As well as the exemption for non-publicly visible locations, installation of a solar energy system, including construction of solar panels, for places in the Heritage Overlay qualifies for a Vic Smart process. Eligibility for Vic Smart means an application is on a fast track (exempt from public advertising; decision usually within 10 days) and is a cost-efficient pathway to process these types of applications. The fee is currently \$200 for a Vic Smart application, lower than Council fees. So, the benefit of avoiding lengthy planning permit assessments is already available for owners/installers and for local government planners.

3.3 Heritage control exists for important reasons

- Heritage controls exist to conserve and enhance places of cultural heritage significance. Heritage places have unique attributes; they are not all the same. They can have very different physical and contextual characteristics whether residential, commercial, industrial or with a strong associated landscape setting viewed 'in the round'.
- Existing planning controls provide a framework to achieve both conservation and sustainability outcomes. As stated in the *Victorian Local Heritage Guidelines*,⁵ 'solar energy systems may affect the significance, character and appearance of a heritage place'. The current controls help to ensure that impacts on heritage significance are identified, considered and – where necessary – mitigated before works are undertaken.
- There is a need for evidence-based decision making, supported by meaningful analysis of both the purpose of the Heritage Overlay, the significance of the heritage place or precinct and the impacts of removing permit controls before implementing such a change.

3.4 World and state heritage places may be impacted by this proposal

- Depending on specific circumstances, switching off the schedule would have impacts on the settings of places in the Victorian Heritage Register.
- For example, and at the highest level of significance, switching off all permissions for solar energy systems in the Heritage Overlay in the World Heritage Environs Area associated with the Royal Exhibition and Carlton Gardens is particularly concerning, and could jeopardise the outstanding universal values that are required to be protected by both the *Planning and Environment Act 1987* and the *Heritage Act 2017*.

3.5 Mitigating industry inexperience and other misinformation

- There are regulations and standards for solar installation in Australia and Victoria ([Solar Standards, Regulations, Rules & Guidelines Explained](#)) but not all operators are well trained or providing correct advice in relation to heritage places.
- In a recent Boroondara City Council meeting, multiple residents reported that the hardest part of getting solar panels installed at their home in the Heritage Overlay was the lack of knowledge from installers around finding solutions beyond a typical installation.⁶ Simple measures like locating panels on rear non-original roofs were simply overlooked. Training solar energy system installers and providing statewide guidelines could go a long way to assist with this issue.
- The City of Port Phillip has an in-house Sustainability Team, which provides referral advice for solar energy systems for residents (including those whose properties are not included in the Heritage Overlay). In many cases they have identified non-publicly visible locations that would be suitable (and in some cases superior) locations for solar panels. Another emerging trend they have identified is for installers to recommend a commercial-scale system that is far in excess of the needs of the household, requiring solar panels to cover almost every available roof surface.

⁵ Department of Transport and Planning (2026), [Victorian Local Heritage Guidelines](#), p.35, accessed 24 July 2026.

⁶ Interestingly, community survey results discussed at the same meeting suggested that decisions by Boroondara residents about whether or not to install solar energy systems are driven primarily by cost considerations and visual preferences rather than planning controls or consideration of heritage impacts. Boroondara City Council (2026, July 6). Boroondara Urban Planning Delegated Committee Meeting – 6 July 2026 [Video, time stamped]. YouTube: https://www.youtube.com/live/Yt1nJcDJc9A?si=r_qmIW5OUtErmLTQ&t=4555, accessed 24 July 2026.

- The current system requiring a planning permit in publicly visible locations ensures that poorly located or overly large systems can be managed to mitigate impacts on the heritage significance of places in the Heritage Overlay while providing owners with an efficient and effective solar energy system.

3.7 Future proofing: the need to define ‘solar energy systems’ and consider the impacts of other ESD services

- Any consideration of solar energy systems must take into account the physical form, scale and extent of such systems.
- Current solar energy systems are much more than just roofing panels. They include wide-ranging types, sizes, heights, siting requirements, and associated components (e.g. inverters, switchboards, wiring and battery storage systems). Solar panels do not only have to be positioned on roofs – they can be installed on walls. There will be new systems and connections as technology advances, ahead of any planning scheme review of impacts.
- Solar energy systems are also increasingly connected to other ESD services such as heat pump hot water systems, reverse cycle air conditioner systems and EV chargers.
- All these elements can cause different impacts in different heritage places beyond visual impacts to the roof. Inappropriate siting can have an impact on the heritage values of a place, both visually and in terms of damage to or removal of significant fabric. Depending on site conditions and the quality of installation, solar energy systems can affect a substantial amount of fabric, such as conduits on walls running to invertors, switchboards and one or more batteries. Australia is leading the charge of battery uptake globally,⁷ which is positive, but the visual and physical impact of the systems could adversely affect a heritage place if consideration is not given to installing systems sensitively. Figure 2 below is just one example of the level of impact these systems can have on the fabric of a heritage place.



Photo Credit: Base Power

Figure 2: Example of equipment associated with one type of solar energy system – solar panels plus high-capacity batteries, a popular option for building owners who want to store solar energy in batteries and sell it back to the grid.

(<https://www.msn.com/en-us/money/other/australia-has-solar-on-1-in-3-homes-and-now-owners-are-buying-batteries-to-sell-power/ar-AA27P9Pg>, accessed 23 Jul 2026.)

- In framing future exemptions, a distinction should be made between small-scale solar energy systems which are likely to be of lower impact when compared with large arrays of panels and infrastructure which can purposefully generate energy at potentially a commercial scale.

⁷ ABC News, [Australia ranks third in the world for battery capacity and WA is leading the charge](https://www.abc.net.au/news/2024-07-24/australia-ranks-third-in-the-world-for-battery-capacity-and-wa-is-leading-the-charge/10411114), accessed 24 July 2026.

- Clear definitions will facilitate identifying systems which can be exempt and those with greater potential for heritage impacts and which should require a permit in publicly visible locations by characteristics such as type/form/scale/height/location.
- It also means that technological changes and improvements can be managed and easily taken advantage of. As technology and options improve, so too will more sensitive solutions such solar roof tiles or the efficiency of tiles no matter what surface or orientation they are installed on. Controls help to manage the impact of inevitable change.

3.6 Potential administrative burden as a result of this change

- The observation on Engage Victoria that 'Since the implementation of Amendment VC226, no local council has amended its planning scheme to switch off this requirement' overlooks the significant cost and time for councils (and the department) to make this change. The absence of action – where the reasons have not been quantified and are likely to vary – should not be relied upon to justify a proposal to switch off the current schedule.
- Amendment VC226 introduced the HO schedule control to approximately 25,000 heritage places across Victoria. To 'switch off' these controls would require councils to review each heritage place having regard to different levels of significance, visibility and capacity for change, and then prepare an amendment to implement these changes.
- This represents a significant amount of work for responsible authorities, especially those in rural and regional areas and also for the department to process the amendments, even with the commencement of the new tiered amendment pathways identified in the 2026 reforms to the Act. These outcomes and burdens are contrary to improving efficiencies and simplifying planning processes which underpin Government reforms.
- It is also possible that councils have not turned off the controls since being introduced because current controls adequately balance both the objectives of encouraging the installation of solar energy systems and avoiding harm to identified heritage places.

4.0 Using existing mechanisms to achieve a balanced approach

We agree that there is scope to consider adjusting regulation for lower-impact solar installations.

To avoid the considerable administrative burden for councils and the department to process multiple amendments, and rather than switch off all permissions for solar energy systems in heritage overlays, a statewide approach could include a package such as the following:

- Retaining the permit requirement in clause 43.01-1 with the last words deleted:

A solar energy system attached to a building that primarily services the land on which it is situated if the system is visible from a street (other than a lane) or public park ~~and if the schedule to this overlay specifies the heritage place as one where solar energy system controls apply.~~
- Deleting the column in the schedule to clause 43.01 titled 'Solar energy system controls apply?', and instead:
 - using the current provision in clause 43.01-3 which exempts the need for a planning permit for anything done in accordance with an incorporated plan specified in a schedule to the overlay and
 - developing a standard incorporated plan to specify clear exemptions for solar energy systems, considering:
 - physical factors such as the scale, type and form of the solar energy system and its associated works and infrastructure
 - the level of significance of a heritage place (individual places and precincts) and reasons for the significance; for example, a building of architectural or aesthetic significance may be treated differently from a place that has historical significance alone

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- the typical characteristics of settings – e.g. attached row houses or commercial/industrial buildings with high parapets or mid-century places with flat metal roofs, compared to Federation-era dwellings with intricate tiled roof forms, places with towers, multiple gables, detached bungalows with hipped roofs, as well as for commercial and industrial settings
 - specific design and siting parameters which dispel myths around the siting of solar energy systems to achieve efficient energy systems (e.g. that they must be on a north-facing roof)
 - how visibility from a street (other than a lane) or public park is assessed
 - a framework informed by factors such as height and scale of the solar energy system, its set back from a street and front façade, and whether the works require alterations to, or demolition and/or removal of fabric
 - where installation of a solar energy system (including batteries, wiring and other works) requires a permit if it also includes alterations, demolition and/or removal of heritage fabric are involved, and/or where works involving strengthening are required to support the extra loads and have visible impacts
 - where reversibility can be a relevant consideration.

This work is essential to inform appropriate and properly justified exemptions that advance both heritage conservation and climate action as required by the Act and by planning schemes. This is the case whether an incorporated plan is adopted or a pathway that, for example, applies a set of additional exemptions in clause 43.01 and is accompanied by policy guidance in the Planning Policy Framework.

The Heritage Council would welcome the opportunity to discuss the matters referred to in this submission further with the department.

Heritage Council of Victoria

29 July 2026