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Subject: Group Submission - Neika - Response to Ireneinc Review Report
Attachments: KCC LPS - Group Submission - Neika Residents - Response to Ireneinc Review Report JB030526.pdf

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A cover letter forms part of this attachment.

Thank you,

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Submission to the Tasmanian Planning Commission Draft Kingborough Local Provisions Schedule

Neika Locality (Huon Road / Morphetts Road and Environs) Response to Direction 69 and Ireneinc Review

**Prepared for: Affected landowners of the Neika locality
Prepared by: Justine Brooks – pitt&sherry**



Executive Summary

This submission responds to Direction 69 and the Ireneinc review commissioned by Kingborough Council regarding the proposed application of the Landscape Conservation Zone (the LCZ) to land within the Neika locality under the draft Kingborough Local Provisions Schedule (LPS).

It is made on behalf of affected landowners across the Neika locality (including Huon Road, Morphetts Road, Scotts Road and adjoining roads), where the draft LPS proposes widespread application of the LCZ to land that is already titled, occupied and long established as a rural-living settlement.

The central proposition of this submission is as follows:

Neika is not undeveloped landscape. Neika is an established rural-living locality situated within a vegetated and hazard-constrained landscape.

The planning question is not whether Neika contains native vegetation; it plainly does. The planning question is whether the locality's dominant strategic purpose is landscape conservation, or the ongoing occupation and management of an established rural-living settlement in which landscape and environmental values can be appropriately retained through more targeted planning controls.

For the reasons set out below, this submission submits that the latter is the more correct conclusion.

The proposed application of the LCZ across Neika is not supported because it does not adequately reflect the locality's dominant strategic function, places primary reliance on zoning to achieve landscape outcomes that can be addressed through more targeted mechanisms, and risks introducing a conservation-led planning framework to an already occupied, fragmented and high bushfire-risk settlement where active land management is an established and necessary feature of occupation.

The Neika locality is characterised by established dwellings on existing titles within a pattern of fragmented private ownership, reflecting long-settled rural-living and lifestyle use. Development is typically domestic or rural-living in scale, supported by private accessways and constrained roads within steep topography. The area contains

extensive roadside and on-lot vegetation, overhead power infrastructure and is subject to significant bushfire exposure. As a result, ongoing land management activities, including fuel reduction, vegetation thinning, hazardous tree removal and weed management, form a routine and necessary part of occupation in the locality.

Taken together, these attributes describe the functional profile of an established rural-living locality within a bushfire-prone landscape, rather than land whose dominant strategic purpose is landscape conservation.

The proposed LCZ approach places determinative weight on the presence of vegetation. This is a blunt planning response, as it risks conflating vegetation presence with landscape conservation value and then treating landscape conservation as the primary zoning outcome without clearly identifying what specific landscape attributes require conservation zoning, or why those attributes cannot be more appropriately managed through targeted controls.

Section 8A Guideline No. 1 (*Local Provisions Schedule (LPS): zone and code application*, version 3, May 2025) does not support applying the LCZ to Neika merely on the basis that land contains vegetation, nor using the LCZ as a broad replacement for the former Environmental Living Zone. The Guideline requires that the primary objective in applying a zone is to achieve the zone purpose to the greatest extent possible.

In Neika, the dominant purpose of the locality is not landscape conservation. It is residential occupation in a rural setting. Neika is already settled and occupied. The planning task is therefore to manage that settlement safely and practically, while protecting landscape and environmental values through targeted and proportionate controls.

The Rural Living Zone (the RLZ) is the most appropriate zone because it:

- reflects the established use and function of the locality
- recognises residential occupation in a rural setting
- allows for continued low-intensity rural-living activities
- provides a lawful mechanism to retain minimum lot size controls and prevent inappropriate subdivision
- better aligns with Section 8A Guideline No. 1
- better aligns with the existing settlement pattern on the ground
- allows landscape and environmental matters to be managed through overlays and codes; and
- avoids relying on a conservation-led primary zone as a substitute for more targeted environmental and scenic controls, while supporting active land management in a high bushfire-risk setting.

If the Commission is not minded to apply the RLZ across the relevant parts of Neika, a secondary outcome of the Low Density Residential Zone (LDRZ) is preferred over the LCZ in areas where the primary function is clearly residential and where hazard, access and servicing constraints materially limit the potential for intensification.

The submission respectfully requests that the Commission:

1. remove the proposed Landscape Conservation Zone from the established rural-living parts of Neika;
2. apply the Rural Living Zone to the locality, with appropriate sub-area controls to prevent unintended subdivision outcomes;
3. retain targeted overlays and codes to manage scenic, vegetation, bushfire, landslip and waterway issues where relevant;
4. not adopt the LCZ as a broad-brush replacement for the former Environmental Living Zone; and
5. seek direct input from Tasmania Fire Service before finalising zoning in this locality.

The more balanced and appropriate planning outcome for Neika is the application of the Rural Living Zone, supported by targeted overlays and codes, rather than the Landscape Conservation Zone.

1. Introduction

This submission responds to Direction 69 and the Ireneinc review undertaken for Kingborough Council regarding the proposed application of the Landscape Conservation Zone (the LCZ) to land within the Neika locality under the draft Kingborough Local Provisions Schedule.

It is made on behalf of landowners in the locality where the LCZ is proposed over land long occupied and used for rural-living and lifestyle purposes.

This submission accepts Neika's environmental and scenic values and supports regulation of vegetation, bushfire, waterways and landscape. It challenges the proposition that the correct primary response is broad application of the LCZ.

That proposition is not supported by the statutory framework, the Section 8A Guidelines, the physical reality of the locality, or the practical planning outcomes required in a settled bushfire-prone landscape.

The key issue is whether Neika is best understood as:

1. a landscape whose dominant strategic purpose is conservation; or
2. an established rural-living locality where landscape values exist, but where occupation, access, hazard and practical land management are the dominant planning realities.

This submission submits that the latter is the correct planning conclusion.

2. The Real Planning Question: Does Neika Have Vegetation, or Does it Have Landscape?

A central flaw in the proposed zoning approach is the conflation of three separate concepts: vegetation, landscape and landscape conservation.

The existence of large areas of native vegetation does not, of itself, establish that land should be placed in the Landscape Conservation Zone.

If vegetation alone determined zoning, Section 8A would become a mapping exercise, which is not what the framework intends.

The presence of vegetation may be relevant to scenic value, ecological value, bushfire risk, slope stability, waterway health or local character. But those are distinct planning issues, and they are managed through different planning tools.

The correct question is not simply whether land contains native vegetation; it is what landscape value is said to exist, how that value is experienced, and why it requires the LCZ rather than more targeted planning controls.

That question has not been adequately answered in relation to Neika.

The Ireneinc report acknowledges that "landscape values" is not specifically defined by the planning framework, and that the concept evolved through Council's work from natural values to a broader mix of scenic, visual and contextual qualities. As such, "landscape value" is a planning judgement that must be tested rigorously in each locality.

The relevant question is what landscape is actually being conserved. Is it:

- skyline vegetation?
- roadside visual enclosure?
- scenic backdrop?
- distant views?
- vegetated slopes?
- bushland character?
- rural-residential landscape pattern?
- visual softness of development?

These are materially different attributes, and they do not require a uniform planning response.

If the concern is skyline vegetation, then the Scenic Protection Code is the direct and appropriate tool.

If the concern is biodiversity, the Natural Assets Code and Priority Vegetation overlays are the direct tools.

If the concern is waterway function, the Waterway and Coastal Protection Code is the direct tool.

If the concern is slope instability, the Landslip Hazard Code is the direct tool.

If the concern is bushfire, the Bushfire-Prone Areas Code is the direct tool.

If the concern is all of these things, then the scheme already contains the tools to regulate them.

That is precisely why the LCZ is not the only available control, and in Neika, not the best one.

3. What is “Landscape Conservation” and What is Council Actually Trying to Conserve?

The Landscape Conservation Zone is intended to apply where the protection, conservation and management of identified landscape values is the dominant strategic purpose of the land. This is a high threshold and requires more than the presence of vegetation, visibility from public viewpoints, or a generalised green backdrop.

Vegetation presence alone does not, of itself, justify the application of the LCZ. To support this zone, it must be demonstrated that the primary strategic function of the land is landscape conservation, rather than ongoing occupation and management, and that landscape protection is the dominant planning outcome sought for the area.

On the available evidence, Neika does not meet that threshold. Neika is experienced and functions as a settled rural hillside locality, characterised by established dwellings and associated rural-living infrastructure within a vegetated setting. It is not experienced as land whose primary strategic purpose is the conservation of landscape values in isolation from settlement.

This distinction is important. Planning must respond to the land as it exists and functions, rather than to an abstract or aspirational landscape condition divorced from the established pattern of occupation.

The landscape values most likely identified by Council in the Neika locality are not those of an undisturbed or

pristine natural landscape, but rather aspects of visual character, including vegetated hillsides, skyline vegetation and the perception of low-visibility settlement within a treed backdrop. These are legitimate planning considerations. However, they do not, of themselves, necessitate the application of a conservation-led primary zone.

Visual and environmental landscape outcomes can be effectively managed through more targeted planning mechanisms, including:

- Scenic Protection Code
- vegetation overlays
- ridgeline controls
- site coverage and siting controls
- building envelopes
- setbacks
- vegetation retention requirements; and
- permit triggers for large-scale clearing.

These tools are specifically designed to manage visual and environmental values while recognising and accommodating established settlement. The LCZ, by contrast, is a primary zoning instrument and should not be applied where the core planning issue is visual management or the refinement of development outcomes within an existing rural-living locality, rather than landscape conservation as the dominant strategic purpose.

4. Statutory Framework and Section 8A Guideline Analysis

The statutory framework does not support applying the LCZ to Neika merely because it is vegetated. The task is to apply the most appropriate zone having regard to zone purpose, the land's strategic role, and Section 8A Guideline No. 1—particularly the requirement to achieve the zone purpose to the greatest extent possible.

The relevant question is not whether Neika can physically accommodate the LCZ; it is whether the LCZ best achieves the zone purpose when compared to the RLZ.

The Rural Living Zone is intended for land where:

- residential use occurs in a rural setting
- lot sizes are larger than standard residential areas
- full urban services are limited or absent
- rural-living and lifestyle occupation is the dominant land use; and
- natural and landscape values may still be present and retained.

That is an accurate description of Neika.

The Landscape Conservation Zone is intended for land where:

- the primary strategic objective is conservation of landscape values
- residential occupation is subordinate to conservation and
- the dominant planning purpose is landscape protection.

That is not an accurate description of Neika.

Neika contains landscape values, but those values are not the dominant planning purpose of the land.

Neika is already settled, already occupied and already functioning as a rural-living locality. The dominant planning purpose is therefore management of existing rural-living settlement in a constrained landscape, not conservation of undeveloped landscape.

That is why RLZ better achieves the zone purpose to the greatest extent possible.

4.1 Section 8A: RLZ vs LCZ

Under the Section 8A framework, the RLZ best aligns with the locality's established pattern and function because:

- The RLZ aligns with the established lot pattern and existing rural-living settlement.
- The RLZ aligns with the current land use and the physical form of occupation.
- The RLZ allows landscape values to be managed through targeted overlays and codes.
- The RLZ can retain minimum lot size controls to prevent inappropriate subdivision.
- The RLZ avoids mischaracterising settled and managed land as conservation land.
- By contrast, the LCZ elevates landscape conservation as the dominant purpose, which does not reflect the locality's strategic function.

The LCZ is not inappropriate because Neika lacks landscape value; it is inappropriate because landscape conservation is not the locality's dominant planning purpose.

5. Why Rural Living Zone is the Better Strategic Fit

The Rural Living Zone is the most appropriate planning response because it aligns with how Neika functions: it is an established rural-living area, not a future opportunity area, and the scheme should recognise the existing settlement pattern on the ground.

The Neika locality is characterised by:

- established residential occupation
- large residential lifestyle lots
- fragmented private ownership
- domestic-scale infrastructure
- ongoing private land management
- limited servicing
- constrained access; and
- high landscape and hazard interface.

That is precisely the kind of locality RLZ is intended to manage.

RLZ retains environmental controls by leaving relevant overlays and codes to manage vegetation, scenic values, slope and bushfire hazard.

5.1 Established titles and legacy approvals in bushfire hazard areas

It is acknowledged that it is not ideal for dwellings to be located in areas now mapped as high bushfire hazard, including flame zones. However, much of the existing settlement pattern in Neika predates the current suite of bushfire planning and building controls. Whatever the historical pathway, the present planning task must start from the reality on the ground: there is an established ribbon of rural-living settlement, and there are numerous existing titles, extending through Neika and connecting toward Kingston, owned by people who either already reside in the area or have a genuine intention to build.

In that context, the zoning outcome must be assessed against the objectives of Tasmania's Resource Management and Planning System, including sustaining communities' health and safety, and promoting a pleasant, efficient and safe environment for living. Likewise, Planning Directive No. 5.1 (Bushfire-Prone Areas Code) makes clear that planning controls are to reduce risk to human life and property and the cost to the community caused by bushfires. The practical question for this locality is therefore one of balance: how can genuine landscape values be retained while enabling residents to take reasonable, timely and affordable steps to reduce bushfire hazard and improve access and egress in an emergency.

The distinction between the LCZ and the RLZ is not semantic; it changes the default decision-making lens. The LCZ is purpose-led by the protection, conservation and management of landscape values, so vegetation retention tends to become the starting point and hazard reduction is more often treated as an exception to be justified. In a high-risk bushfire setting, that framing can mean more frequent permit triggers, higher evidentiary requirements (including specialist reports), longer timeframes, and materially higher costs and uncertainty for routine works such as thinning, removal of hazardous trees, fuel reduction and maintaining defensible space. The RLZ, by contrast, better reflects established rural-living use and allows landscape and environmental values to be protected through targeted codes and overlays while supporting timely, affordable hazard reduction consistent with bushfire planning objectives. In this flame-zone corridor, and having regard to the RMPS objectives in Schedule 1 of the *Land Use Planning and Approvals Act 1993* (including the protection of community health and safety and a safe environment for living) and the life-safety purpose of Planning Directive No. 5.1 (Bushfire-Prone Areas Code), the zoning outcome should demonstrate, clearly and on its face, that protection of human life is being given decisive weight, with landscape values managed through targeted and proportionate controls rather than a conservation-led primary zone.

6. Bushfire, Life Safety and the Role of Planning

Bushfire and life safety are central issues for the Commission. In Neika's steep, heavily vegetated and access-constrained setting, vegetation contributes to landscape character, but it also presents an immediate and ongoing risk. For many residents, bushfire is not an abstract strategic consideration; it is a persistent source of anxiety, shaped by limited egress, heavy fuel loads, and the lived knowledge that a fast-moving fire could leave little margin for error.

In that context, residents experience vegetation-related hazards in practical and recurrent ways, including: fuel, falling limbs, fallen trees across roads, blocked driveways, powerline outages, restricted sight lines, evacuation risk, ember load, and defensible space burden.

Residents also report that the ability to leave early is not always available in practice. Smoke can reduce visibility quickly and unpredictably, leading to confusion, traffic congestion and delays on narrow and unfamiliar roads. In this locality, wayfinding and safe navigation can be challenging even in clear conditions; under smoke, stress and time pressure, residents fear that minor delays could escalate into life-threatening entrapment.

This is directly relevant to the strategic zoning task. The Bushfire-Prone Areas Code (Planning Directive No. 5.1) is expressly directed to reducing risk to human life and property by ensuring use and development is appropriately designed, located and serviced in bushfire-prone areas, which necessarily includes realistic access and egress under emergency conditions. In parallel, the statutory fire hazard abatement regime under section 49 of the *Fire Service Act 1979* reinforces that fuel and vegetation management is a core life-safety obligation, not an optional amenity. Residents therefore need a planning framework that allows them to prepare properties to withstand both

direct flame contact and ember attack; in a heavily vegetated setting, embers can be experienced as persistent, wind-driven fallout, and the capacity to reduce fine fuels and maintain defensible space is critical.

Residents have reported occasions where smoke has limited early departure and contributed to traffic congestion and confusion on local roads, said Nick Barta (resident / local brigade member).

The scheme should enable proportionate vegetation management that reduces hazard while retaining genuine landscape values, rather than creating barriers that discourage timely risk reduction.

6.1 Legal duty to reduce hazard vs practical constraints created by the LCZ and Council tree controls

In a locality like Neika, vegetation management is not merely discretionary “landscape” work. Landowners may be legally required to reduce fuel and manage hazardous vegetation. Under section 49(1)–(3) of the Fire Service Act 1979 (Tas), where the Commission or an authorised officer considers vegetation (or similar matter) constitutes a fire danger, a notice may be issued requiring the occupier (or, if unoccupied, the owner) to take specified steps (including trimming, cutting back, burning off or removal). A person who fails to comply within the time specified is guilty of an offence and liable to a fine not exceeding 26 penalty units (currently \$205 per unit for 1 July 2025–30 June 2026).

In that context, the zoning and regulatory pathway matters. A conservation-led zoning signal (LCZ), combined with Council’s vegetation and tree controls, can add time, uncertainty and cost to routine hazard-reduction works. Council’s current process requires a “Request for Assessment to Remove or Modify Trees and Native Vegetation” and may require specialist reports (e.g., arborist or bushfire documentation); separate local-law controls also apply to the removal of trees on private property. The practical effect is that landowners may face a more complex and expensive approval pathway to do the very works that reduce risk to life, property and access.

This tension is not theoretical. Residents report instances where modest, safety-motivated clearing—such as establishing a limited firebreak and improving defensible space immediately around an existing dwelling—has later attracted compliance queries from Council. The point is not that vegetation should be indiscriminately removed; it is that residents should be able to meet fire safety expectations through proportionate, targeted works that retain overall canopy and landscape character. In a bushfire-prone, established settlement, the regulatory system should provide a clear, timely and affordable pathway for hazard reduction that appropriately balances landscape objectives with community safety.

Residents advise that trees in the locality are exceptionally dense and, in many locations, effectively unmanaged. The result is recurrent tree fall and branch drop onto roads and power infrastructure, producing multiple blackouts each year (often during winter storms). Undergrounding power is widely regarded as cost-prohibitive in this terrain, meaning the risk remains coupled to overhead lines and roadside vegetation. Residents also report an inequitable practical reality: comprehensive hazard reduction (removing the worst trees and regrowth) is the only affordable risk-management pathway, whereas “one-tree-at-a-time” specialist removal, especially under a conservation framing, becomes unaffordable for many households.

“Most of our blackouts are during winter, due to falling trees and large tree limbs, but bad fire days are also windy and branches and trees will come down for that too, which is why it often takes so long for people to safely gain access after a fire,” said Nick Barta (resident / local brigade member).

These legal and practical constraints explain why the choice of zone and associated controls is not abstract: it directly shapes whether hazard reduction occurs early and affordably, or is deferred until risk escalates.

6.2 The Perverse Effects of Over-Preservation

Where regulatory settings discourage timely and affordable vegetation management in an occupied bushfire-prone locality, the consequences are predictable: fuel loads increase, access and egress degrade, and risk to life and property rises.

If landowners are discouraged from thinning vegetation, removing poor-quality trees, managing roadside interfaces, reducing ground fuel, clearing hazardous limbs or maintaining defensible space, the outcome is not improved landscape management.

The outcome may be:

- higher fuel loads
- more unmanaged regrowth
- greater weed infestation
- more hazardous roadside vegetation
- increased tree fall
- increased powerline disruption
- delayed evacuation
- reduced emergency access; and
- increased risk to life and property.

That outcome is not landscape conservation; it is the retention of hazard, and it is an outcome the planning system should avoid in a settled, bushfire-prone community.

6.3 Trees, Roads and Powerlines

The locality is already affected by: falling trees across roads (as per Figure 1), tree and limb impacts on power infrastructure, blocked access routes, reduced sight lines; and recurring storm and vegetation-related disruption.

The planning system must recognise that preserving every tree is not the same as preserving the landscape.

Landscape character can be retained without preserving hazardous vegetation in unsafe locations.

That is the distinction this submission asks the Commission to draw.

7. Tasmania Fire Service and the Strategic Planning Gap

A key flaw in the current approach is procedural: Tasmania Fire Service is often left to manage the consequences of zoning after the framework is set, rather than being involved in the strategic zoning decision.

In a locality like Neika, the strategic zoning decision has direct implications for:

- vegetation management
- defensible space
- access and egress
- roadside fuel loads

- hazardous tree management
- emergency access; and
- evacuation constraints.

These are strategic planning matters and should inform the zoning outcome from the outset.

Tasmania Fire Service should be consulted before zoning is finalised in Neika.



Figure 1: Fallen tree across Huon Road in the Neika locality (photo provided by Nick Barta)

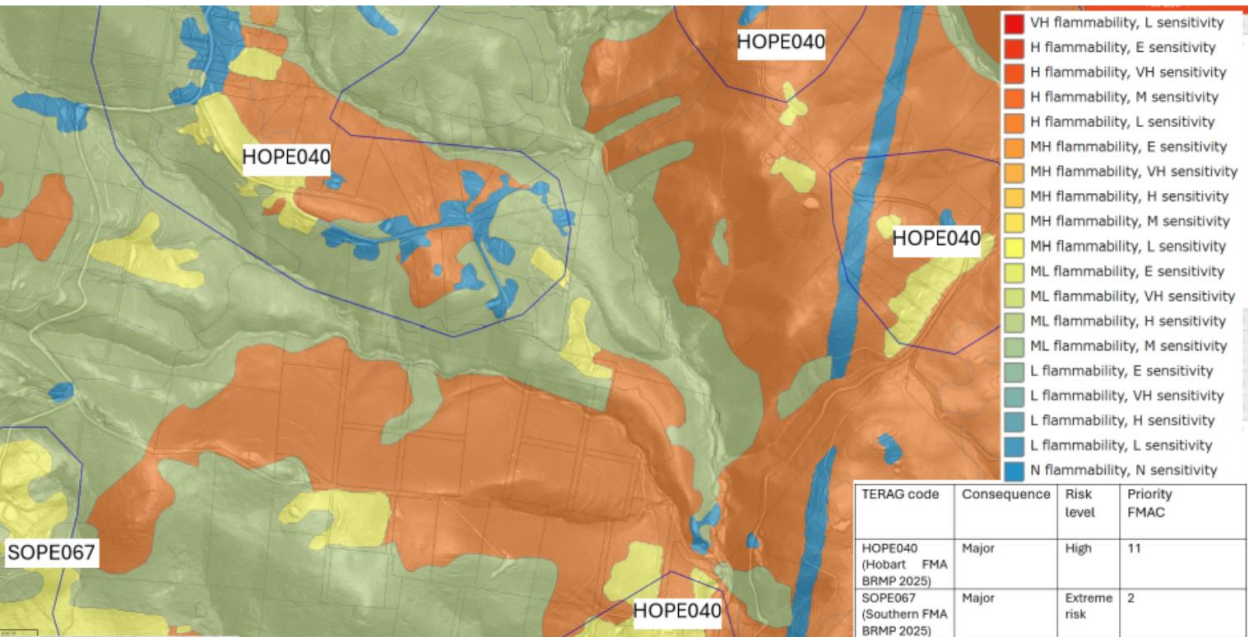


Figure 2: Bushfire hazard management zones / bushfire-prone mapping affecting the Neika locality

8. Interstate Planning Comparisons

Other Australian jurisdictions treat bushfire risk as a strategic land-use planning consideration to be addressed early in zoning and settlement planning, rather than being dealt with solely through post-zoning development controls. In Victoria, state planning policy explicitly prioritises the protection of human life and settlement resilience, embedding bushfire risk into strategic planning frameworks and decision-making. In New South Wales, bushfire planning is integrated with land-use planning through statutory controls addressing access, vegetation management, siting and asset protection at multiple stages of the planning process. In South Australia, bushfire risk is managed through comprehensive hazard overlay systems that operate across zones, without defaulting to conservation-led zoning for established rural settlements.

The consistent lesson from these approaches is that bushfire risk is a front-end strategic planning consideration that should inform zoning and settlement structure, rather than being deferred to implementation mechanisms after zoning has been determined. Neika warrants the same strategic approach.

9. Conclusion

Applying the Landscape Conservation Zone to Neika does not represent the most appropriate or effective planning outcome.

The proposed LCZ approach places primary reliance on zoning to achieve landscape outcomes, without sufficiently recognising the locality's established settlement pattern, its dominant rural-living function, or the practical realities of managing land within a high bushfire-risk environment. In doing so, it overstates what a conservation-led primary zone can reasonably achieve in a locality that is already titled, occupied and actively managed.

Having regard to the statutory framework and Section 8A Guideline No. 1, the issue is not whether Neika contains environmental or landscape values — it plainly does — but whether landscape conservation is the dominant strategic purpose of the land. On the evidence, it is not. Neika functions as an established rural-living locality, where landscape and environmental values can be more appropriately and proportionately managed through targeted overlays and codes.

The Rural Living Zone is therefore the preferred planning response, as it more accurately reflects the locality's strategic role, achieves the zone's purpose to the greatest extent possible, and allows existing settlements to be managed safely and effectively while retaining environmental and landscape protections through the scheme's targeted mechanisms.

For these reasons, the Commission is respectfully requested to:

1. Remove the proposed Landscape Conservation Zone from the established rural-living parts of Neika.
2. Apply the Rural Living Zone with appropriate sub-area controls to avoid unintended subdivision outcomes.
3. Retain targeted overlays and codes where justified to manage scenic, vegetation, bushfire, landslip and waterway matters.
4. Seek direct input from Tasmania Fire Service prior to finalising zoning in this locality.

This approach represents the more balanced, lawful and practical planning outcome, consistent with Section 8A Guideline No. 1 and the realities of an established rural-living community within a constrained landscape.

Participating and Concerned Residents

Attachment 1

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Tree Management Duplication

Attachment 2

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Kingborough Council – Tree / Vegetation Management Duplication Matrix

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
1. Zone Controls	Kingborough Interim Planning Scheme 2015 (e.g. Rural Living, Environmental Living, Landscape Conservation, Environmental Management)	Use and development of land, including vegetation removal associated with use or works	Vegetation removal often triggered by zone purpose, use standards, or associated development	Planning permit, vegetation assessment, reports, conditions	First layer of control. Vegetation already assessed through zoning intent before any overlay/code is applied.
2. Biodiversity Code	E10.0 Biodiversity Code	Native vegetation, threatened vegetation communities, habitat, high conservation value trees	Triggered where mapped biodiversity values apply or vegetation is identified as high value	Ecological assessment, avoidance/minimisation, offsets, permit conditions	Duplicates zone controls by re-assessing biodiversity values already inherent in zones like LCZ/EMZ. Same vegetation assessed twice.
3. Scenic Landscape / Landscape Controls	Scenic Landscape / Landscape Character provisions (via zone and overlay logic)	Visual landscape values, ridgelines, vegetation contributing to	Triggered where vegetation contributes to scenic values	Visual impact assessment, retention requirements, discretionary refusal	Same tree can be protected for “landscape character” after already being assessed for biodiversity and zoning.

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
		landscape character			
4. Bushfire Code	Bushfire-Prone Areas Code / Bushfire Hazard provisions	Vegetation in relation to defendable space, fuel load, hazard management	Triggered where land is bushfire-prone or in hazard overlay	Bushfire Hazard Management Plan (BHMP), defendable space requirements, vegetation clearing directions	Direct conflict with biodiversity/tree retention controls: one provision requires retention, another requires removal for life safety.
5. Council Tree Removal Process	Kingborough Tree / Vegetation Removal Request Form	Any request to remove or modify trees/native vegetation on private land	Triggered before works commence, even to determine whether a permit is needed	Initial Council assessment, arborist advice, referral to DA process	Adds a pre-permit gateway before planning even begins. Effectively another approval layer before statutory assessment.
6. Trees on Private Property By-Law	Trees on Private Property By-Law No. 1 of 2022	Native trees, significant trees, protected trees even where planning permit not required	Triggered where planning scheme does not otherwise capture removal	By-law permit, assessment, replacement planting, offsets	Captures the same vegetation outside the planning scheme, creating a second approval pathway for the same act of removal.

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
7. Biodiversity Offset Policy	Kingborough Biodiversity Offset Policy	Residual biodiversity impacts after approval to remove vegetation	Triggered once approval for removal is granted	On-site offset, off-site offset, financial offset	Even after vegetation is assessed and approved, a further offset obligation applies. This is effectively a third regulatory step after permit and conditions.
8. Kingborough Environmental Fund (KEF)	Council offset implementation mechanism	Financial contributions tied to vegetation loss	Triggered where financial offset imposed	Monetary contribution into Council-managed offset fund	Adds a financial burden after planning approval and offset assessment are already complete.
9. Permit Conditions	Development Permit Conditions	Approved vegetation removal and ongoing management	Triggered once permit issued	Ongoing management, planting, fencing, covenant, maintenance	Creates continuing obligations after permit approval, often duplicating offset and by-law outcomes.
10. Title Restrictions / Covenants	Title covenants / conservation covenants / easements	Protected vegetation or restricted land management on title	Triggered where title burden already exists	Separate legal restriction regardless of planning outcome	Same vegetation may already be protected on title, duplicating scheme and by-law controls.

Control Layer	Instrument	What it Regulates	Trigger for Approval	What Council / Authority Can Require	Duplication / Practical Effect
11. Forest Practices System	Forest Practices Act 1985 / Forest Practices Authority	Native vegetation clearing and forest conversion	Triggered for broader clearing / forest vegetation removal	Forest Practices Plan (FPP), certification, offsets	Separate State approval system for the same vegetation clearing has already been assessed by Council.
12. Threatened Species / EPBC	State / Commonwealth environmental law	Threatened species habitat and listed ecological values	Triggered if listed species/habitat present	Additional surveys, referrals, separate approval pathway	Same tree may be assessed again under state/federal environmental law after local planning.
13. Significant Tree Controls	Significant Tree Policy / Register	Trees with aesthetic, heritage, habitat or landmark value	Triggered if listed or assessed as significant	Retention, specialist arborist evidence, discretionary refusal	Additional site-specific control over and above zoning, code and by-law.