



NSW's “INS” label

**How a misleading classification is driving
broadscale clearing in NSW**

Nature Conservation Council of NSW
July 2026



Contents

Introduction and Key Findings	3
The provisions enabling broadscale clearing in NSW	4
Native habitats misleadingly labelled “invasive” in NSW law	5
How native vegetation can be cleared under “INS” provisions	8
Case Study 1: A clearing hotspot along Mitchell Highway, Central West NSW	10
Case Study 2: NSW DCCEE v Vassallo	12
Habitat for wildlife	14
Case Study 3: Broadscale clearing in Collarenebri NSW	17
Millions of hectares approved for clearing	16
Ending broadscale land clearing	18

Acknowledgement of Country

We acknowledge the Country that nurtures and sustains us, the places where we live, work and play. We recognise the sovereignty of all First Nations people and acknowledge that it has never been ceded. We pay our respect to Elders past and present, and honour their continuing culture and connection to Country.

We acknowledge the dispossession of First Nations peoples and the harm inflicted on people and Country in the years since European colonisation began in 1788.

First Nations’ rights to land, water, and culture must be respected. We believe that the conservation movement is at its strongest when it is guided by First Nations voices, knowledge and wisdom.

Reproduction of this publication for educational or other non-commercial purposes is authorised without prior written permission from the copyright holder provided the source is acknowledged. Reproduction for sale or other commercial purposes is prohibited without prior written consent.

Copyright © 2026 Nature Conservation Council of NSW unless written otherwise.

Contact:

Nature Conservation Council of NSW
Level 3/180 George Street, Sydney
ncc@nature.org.au | (02) 9516 1488

Cover photo:

Mallee ringneck in *Dodonea*. Native plants like *Dodonea sp.* provide food and habitat for wildlife. The inclusion of *Dodonea* on the NSW “INS” list overlooks its ecological value. Photo: Rog Standen

Introduction

Since 1788, more than 60% of NSW's original native vegetation has been cleared, thinned or significantly disturbed — and many native plants have been lost altogether.¹ The clearing of native plants, and the destruction of habitat associated with it, is recognised as one of the greatest threats to biodiversity in NSW.

This report examines the provisions enabling broadscale native vegetation clearing across New South Wales under the Land Management (Native Vegetation) Code 2018 (The Code), made under the *Local Land Services Act 2013*, as well as legacy approvals issued under the *Native Vegetation Act 2003*. It focuses on the “invasive native species” (“INS”) provisions — a legal classification unique to NSW that allows iconic native species such as the coolabah tree, river red gum and wattle communities — to be cleared for agricultural purposes.

The document quantifies, for the first time, the extent of clearing approved under “INS” provisions and examines the vegetation communities affected, revealing that more than 3.2 million hectares of native vegetation is at risk under active clearing pre-approvals. It summarises the latest ecological literature and the origins of the “INS” classification, finding little scientific support for the term or its application to native vegetation.

It also explores a series of field sites across NSW where “INS” habitats have been cleared, documenting the native vegetation and habitat values subject to clearing under The Codes. Clearing sites observable from public roads were identified via satellite imagery and inspected by the Nature Conservation Council of NSW in April 2026.

Key Findings

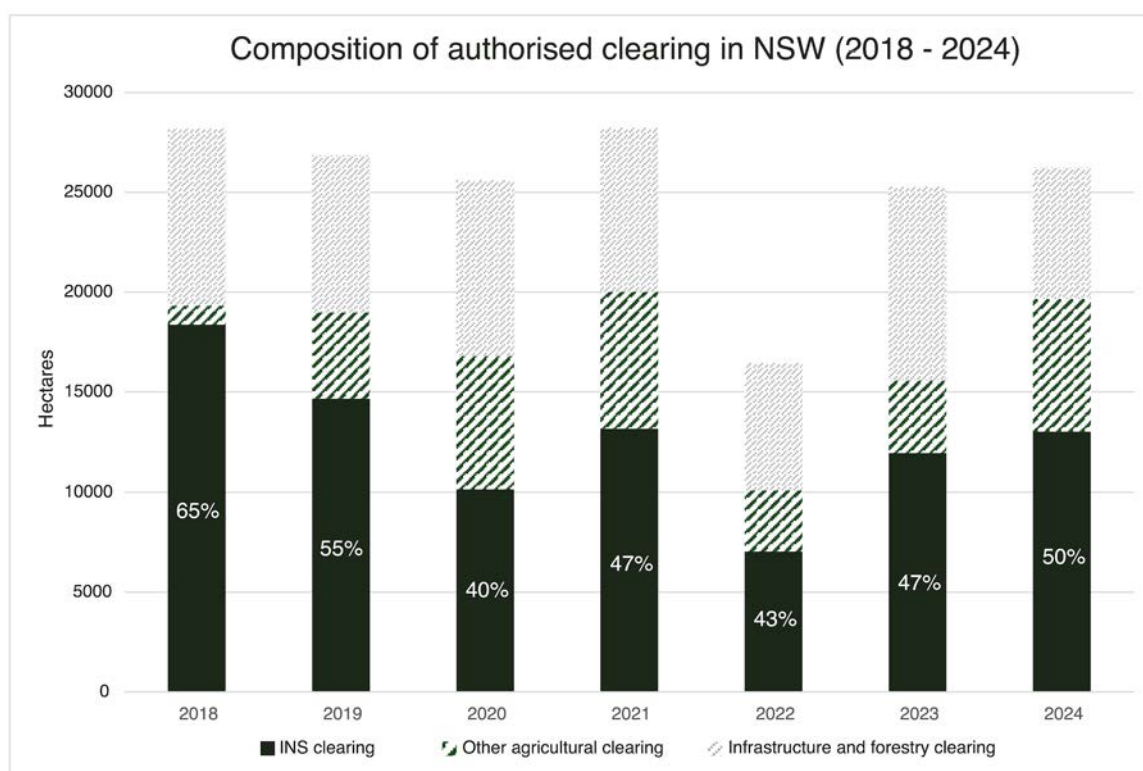
- The term “invasive native species” (“INS”) is a political construct that has no ecological foundation, existing solely as a legal classification unique to NSW legislation.
- The current NSW “INS” framework is resulting in the broadscale clearing of native vegetation, including mature native vegetation and regenerating habitat, and places threatened ecological communities at risk of clearing.
- More than 3.2 million hectares of native vegetation are currently subject to active “INS” clearing approvals issued under the Land Management (Native Vegetation Code) 2018 and legacy approvals granted under the *Native Vegetation Act 2003*, placing these habitats at risk of future clearing.
- The Codes are enabling complete removal of ground cover, shrub layer, understorey and canopy from mature native woodlands and shrublands.

The provisions enabling broadscale clearing in NSW

Between 2018 and 2024 563,707 hectares of native vegetation were cleared across NSW’s agriculture, infrastructure and native forestry sectors, including 208,747 hectares of woody vegetation (native trees and shrubs). Of woody vegetation, 127,563 hectares (61%) were cleared for agriculture, making agriculture the largest driver of native woody vegetation clearing in the state. The authorisation pathway has been identified for 31% of clearing across sectors between 2018 and 2024, with the remainder unknown.

A total of 88,387 hectares of clearing authorised under agricultural approval pathways occurred under “invasive native species” (“INS”) provisions during

this period. This included 49,063 cleared under legacy Property Vegetation Plans (PVPs) issued under the *Native Vegetation Act 2003* (NV Act) and 32,498 hectares under the Land Management (Native Vegetation) Code 2018 (The Code) made under the *Local Land Services Act 2013* (LLS Act).² Together, these “INS” provisions accounted for 73.3% of all authorised agricultural clearing in NSW (or 49.9% of all authorised native vegetation clearing across all sectors).³ Because “INS” provisions apply to woody native species, this clearing is expected to comprise a substantial portion of agricultural tree clearing, although the published data do not separately report woody and non-woody clearing by approval pathway.



Composition of authorised clearing in NSW between 2018 and 2024, showing total “INS” agricultural clearing, other agricultural clearing, and development and forestry clearing. “INS” clearing includes approvals under the The Land Management (Native Vegetation) Code 2018 (made under the Local Land Services Act 2003) and legacy Property Vegetation Plans issued under the Native Vegetation Act 2003. Source: NSW Government (2025) ‘Statewide Landcover and Tree Study (SLATS) Dashboard’. Available at: <https://www.seed.nsw.gov.au/slats-dashboard> (27 July 2026)

Native habitats misleadingly labelled “invasive” in NSW law

If you search for the term “invasive native species” in a library or research database, it will return zero relevant hits. The term is a political label unique to NSW. It was coined in the early 2000s when it was written into provisions made under the now repealed NSW NV Act, and carried over into The Codes.⁴

“INS” are not weeds

Native species growing in areas they have occurred for millenia are not invasive. An invasive species is a plant or animal introduced outside its natural range that causes environmental harm.⁵

However, the vegetation classified as “INS” under NSW law does not fit this definition. Of the 45 native species classified as “INS” under NSW law, 44 occur within their natural range.⁶ These native species often form functioning ecosystems that provide habitat and resources for native wildlife.^{5, 7, 8, 9}

Changes in fire management, livestock grazing, climate, vegetation clearing and other land-use practices have altered ecological processes across large parts of Australia, creating conditions where some native trees and shrubs regenerate densely.¹⁰ In ecological science this process is referred to as woody thickening or woody encroachment. This is a natural and expected ecological response to disturbance and environmental change, similar to natural regeneration following events such as bushfire.

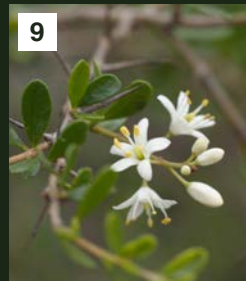
However, increased abundance of native vegetation does not make these species invasive, nor does it remove their ecological value.⁵ The majority of criticism of dense regrowth and woody vegetation has come from the pastoral community and relates to lost opportunities for grazing.^{7, 8, 11} This framing has helped entrench the view in farming communities and agencies that increasing densities of native vegetation represent a degraded landscape, despite scientific evidence providing a broader view about the ecological benefits it can provide.^{7, 8, 9, 12}



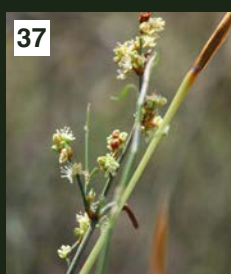
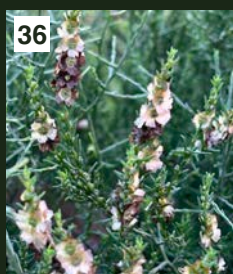
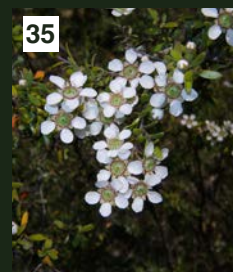
Mulga woodlands are one habitat under threat from NSW’s current “INS” provisions. Photo: Bush Heritage Australia

What plants can be cleared under NSW's "INS" label

Schedule 1 of The Code lists **45 native plant species** that can be cleared under "INS" provisions across Local Land Services regions in NSW. The list includes eucalypts, wattles, casuarinas and other iconic species typical of NSW landscapes.



1. *Acacia aneura* (mulga) Photo: Caro Telfer 2. *Acacia deanei* (Deane's wattle) Photo: Liana 3. *Acacia excelsa* (ironwood) Photo: Spookpadda 4. *Acacia homalophylla* (yarran) Photo: Arthur Chapman 5. *Acacia mearnsii* (black wattle) Photo: Insiderelic 6. *Acacia paradoxa* (kangaroo thorn) Photo: Heidi Clark 7. *Acacia salicina* (native willow) Photo: James K. Douch 8. *Acacia stenophylla* (black wattle) Photo: Lachlan Copeland 9. *Bursaria spinosa* (blackthorn) Photo: Lorraine Phelan 10. *Callitris endlicheri* (black cypress) Photo: Geoff Warn 11. *Callitris glaucophylla* (white cypress) Photo: Martin Stokes 12. *Cassinia arcuata* Photo: Patrick Kavanagh 13. *Cassinia laevis* Photo: Nick Lambert 14. *Cassinia quinquefaria* Photo: Tricia Kaye 15. *Casuarina cristata* (belah) Photo: Tony Bean 16. *Dodonaea viscosa subsp. angustissima* (narrow-leaf hopbush) Photo: Peter Crowcroft 17. *Dodonaea viscosa subsp. mucronata* Photo: Geoff Byrne 18. *Dodonaea viscosa subsp. spatulata* Photo: Geoffrey Cox 19. *Eremophila bigoniiflora* (eurah) Photo: Laufamily 20. *Eremophila bowmanii subsp. bowmanii* (silver turkey bush) Photo: Lorraine Phelan



21. *Eremophila duttonii* (budda) Photo: Arthur Chapman 22. *Eremophila gilessii* (green turkey-bush) Photo: Kym Nicolson 23. *Eremophila longifolia* (emu bush) Photo: Bryce Watts-Parker 24. *Eremophila maculata* (spotted fuchsia) Photo: Travis Cooper 25. *Eremophila mitchellii* (false sandalwood) Photo: Sofea 26. *Eremophila sturtii* (turpentine) Photo: NKGoudie 27. *Eucalyptus camaldulensis* (river red gum) Photo: Dan Stiver 28. *Eucalyptus coolabah* (Coolabah) Photo: Jon Luly 29. *Eucalyptus intertexta* (red box) Photo: Russell Barrett 30. *Eucalyptus largiflorens* (black box) Photo: Dawn Borchardt 31. *Eucalyptus populnea* (poplar box) Photo: Mick Drews 32. *Geijera parviflora* (wilga) Photo: Petra Holland 33. *Kunzea ericoides* (burgan) Photo: Michael Bedingfield 34. *Kunzea parvifolia* (violet kunzea) Photo: Melvin Xu 35. *Leptospermum brevipes* (grey tea-tree) Photo: Lachlan Copeland 36. *Maireana microphylla* (eastern cotton bush) Photo: Aaron Bean 37. *Duma florulenta* Photo: Joe Dillon 38. *Nitraria billardierei* (Dillon bush) Photo: Dawn Borschardt 39. *Olearia elliptica* ssp. (sticky daisy bush) Photo: Mike & Cathy Beamish 40. *Sclerolaena birchii* (galvanised bur) Photo: Rivendel 41. *Sclerolaena muricata* (black roly-poly) Photo: Lucas Christofides 42. *Senna artemisioides* subsp. *X artemisioides* (silver senna) Photo: Arthur Chapman 43. *Senna artemisioides* subsp. *filifolia* (fine-lead desert cassia) Photo: Tyler Wilce 44. *Senna barclayana* (pepperleaf senna) Photo: Greg Tasney 45. *Vachellia farnesiana* Photo: Pete Woodall

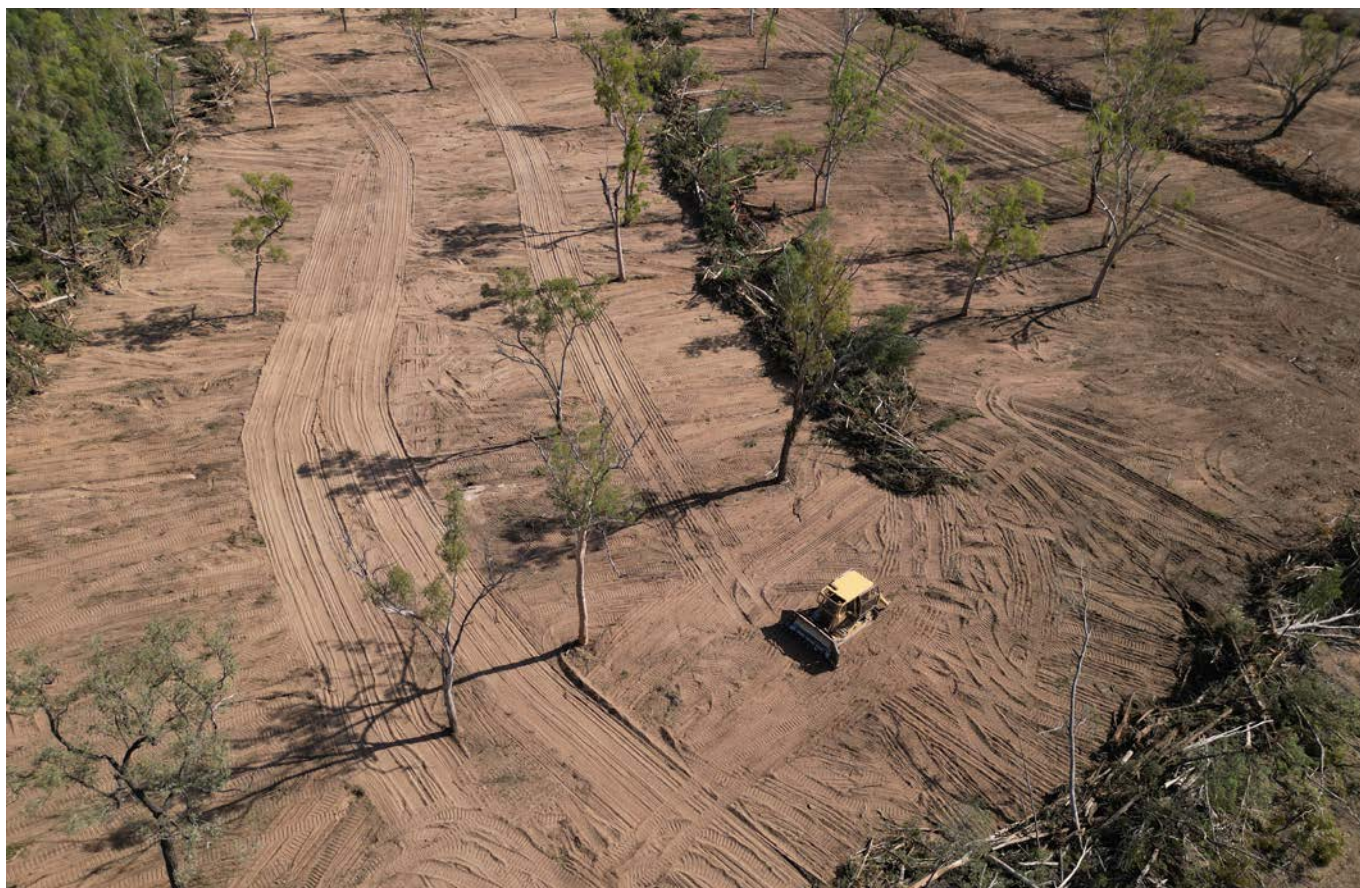
How native vegetation can be cleared under “INS” provisions

Inappropriate and inconsistent laws and guidance across the NSW land management framework create circumstances where entire swathes of native woody plants can be cleared with few meaningful safeguards.

Part 2 Division 2 of The Code permits extensive clearing where listed “INS” species occur, allowing up to 90% of each 1000 hectare area to be cleared while imposing only limited requirements for retaining native vegetation. These requirements are based largely on retaining individual plants above specified size thresholds, limiting the removal of non-target species and maintaining prescribed densities for only 11 of the 45 listed species. In many circumstances, The Code’s requirements do not meaningfully protect native vegetation. For example, thresholds for retaining species based on size do not necessarily reflect the ecological maturity, structure or habitat

value of the target vegetation being cleared. Mature mulga (*Acacia aneura*) plants, for instance, can occur below the diameter thresholds that trigger retention requirements.¹³ As a result, The Code can permit the removal of large areas of native vegetation, including mature habitat-forming plants and the ecological structures they support.

Additionally, there are significant inconsistencies between the written requirements of The Code and their application on the ground that undermine intended safeguards. Clearing methods promoted by Local Land Services (LLS) such as stick raking with a bulldozer, can simultaneously remove ground cover and small shrubs across broad areas, despite The Code requiring that non-target native plants must not exceed 20% of the total clearing.¹¹



One size does not fit all

The focus question of this report is not whether native vegetation should be managed, but whether the “INS” provisions created under the LLS Act are an appropriate vehicle for managing native vegetation while protecting environmental values. Effective land management requires an understanding of local ecological conditions, species composition and conservation values, rather than applying broad assumptions about vegetation density. The current laws do not do this. A one-size-fits-all approach that classifies diverse native vegetation communities as “INS” risks oversimplifying complex ecological processes and overlooking important biodiversity values.¹⁴

Coolabah trees (*Eucalyptus coolabah*)

This is one of Australia’s most widespread and best-known trees, occurring on the floodplains, watercourses and low-lying country across inland NSW. The species illustrates a broader contradiction within the “INS” framework: species that can be cleared under The Code may also form part of Threatened Ecological Communities. For example, Coolabah trees are one of the dominant species found in the Endangered Ecological Community of the Coolibah-Black Box Woodlands, with land clearing identified as one of the key threats.¹⁵ Yet Coolabah is also listed as an “INS” species across the entire Central West, Western and North West LLS regions where this species naturally occurs. Under The Code, this iconic native tree can be cleared as “invasive” without any requirement for ecological assessment. This blanket categorisation is confusing for end-users and creates room for error — placing important habitats at risk of clearing.

Mulga (*Acacia aneura*)

Mulga is an iconic feature of inland Australia and one of the dominant species in semi-arid and arid ecosystems. This hardy native wattle grows as a shrub or small tree, typically reaching 3 to 10 metres in height.¹³ Research shows that mature mulga trees commonly have trunk diameters of just 10–30cm, and trees measuring only 20cm in diameter have been aged at more than 70 years old.¹³ Despite this, The Code only requires mulga trees to be retained where they exceed 30cm in diameter. As a result, many mature trees that have persisted on the landscape for decades can still be cleared under “INS” provisions.



Top
Eucalyptus coolabah
Photo: Ian Mcallan

Bottom
Acacia aneura
Photo: Pete Woodall

CASE STUDY 1

A clearing hotspot along Mitchell Highway, Central West NSW

Satellite imagery indicates that broadscale native vegetation clearing has occurred across a cluster of neighbouring properties along the Mitchell Highway near Coolabah in Central West NSW over the past 18 months (Jan 2025 to June 2026). During this period, at least 5,500 hectares of native vegetation was cleared across several properties all located within a 30km stretch of Mitchell Highway, much of it occurring on land mapped as “invasive native species” under legacy Property Vegetation Plans.

To better understand how “INS” provisions are being applied on the ground, one property within the clearing cluster was examined in detail for this report. Approximately 2,100 hectares of native vegetation were cleared on the property between October 2025 and January 2026. Satellite images available until 1982 indicate the habitat was old growth (defined as no clearing events within the last 40 years). Observations made from public roads were used to verify the extent and nature of clearing visible in satellite imagery.

The cleared vegetation was a semi-arid woodland dominated by poplar box trees and mulga wattle. Clearing removed both canopy trees and native understorey vegetation across large areas of the property.

The property provides habitat for a range of native wildlife. Records from the property and surrounding area include threatened animals such as the pink cockatoo, southern whiteface, south-eastern hooded robin and the eastern kultarr, as well as other inland species, such as the central netted dragon, greater bluebonnet and mallee ringneck.

This case study illustrates a central issue with the NSW “INS” framework. The vegetation cleared was not an introduced weed. It was a native woodland habitat occurring within its natural range and providing habitat for native wildlife. Yet, under NSW law, this vegetation was classified as “INS” and eligible for broadscale clearing.

Note: It is unclear whether state and federal conservation laws were applied before the clearing was undertaken.





Greater blue bonnet. Photo: Lynda Barsby



Southern whiteface. Photo: Mike Letnic



Central netted dragon. Photo: Ptrbyrnes



Satellite imagery revealed more than 5,500 hectares of native vegetation cleared across a cluster of properties in just 18 months.

CASE STUDY 2

NSW DCCEEV v Vassallo – confusion created by misleading “INS” label results in broadscale clearing of hollow-bearing trees

On 27 March 2026, the Vassallos were found guilty of illegally clearing 2,398 hectares of native vegetation at their property near Coolabah in Central West NSW between October 2021 and March 2023.¹⁶ The illegal clearing had persisted for 16 months before investigation was triggered by a report to the NSW Environment Line.

The scale of destruction was significant:

- More than 167,000 mature trees were cleared, and
- Over 119,000 of these were hollow-bearing trees — critical habitat for wildlife.

Ecological evidence identified the area as likely habitat for numerous species that are listed as threatened and at risk of extinction in NSW, including the pink cockatoo, glossy-black cockatoo and brush-tailed phascogale.

Court records state ‘the owner stated the purpose of the clearing was to clear “invasive native species”’ and that the landowners had a certificate to clear under Part 2 Division 2 of The Code. The native trees impacted — including poplar box, coolabah and cypress pine — are listed “invasive native species”. However, the court found that the clearing was committed recklessly, it was unauthorised and caused environmental harm.

This case study highlights the confusion created by applying a blanket label to native species across areas where they naturally occur, increasing the

risk of clearing high conservation value habitat. The landholder had cleared native woodland dominated by species found on the “INS” list — a classification that encompasses most woody native vegetation likely to be encountered across NSW’s western division. Yet, the court ultimately found that environmental harm had been caused to those same “INS”, illustrating the contradiction at the heart of the NSW framework.

Court proceedings also revealed the landowner was unaware of the specific conditions attached to the clearing certificate. This highlights the risks created by a framework that combines complex clearing rules with terminology that implies native vegetation is a problem requiring removal. This is consistent with broader evidence that awareness of the legislation remains low. A survey of 2,400 landholders commissioned by LLS found that only 3 in 10 landholders were aware of The Code, while 28% considered it very difficult to understand.¹⁷



The “INS” misnomer led to the clearing of threatened species habitat. Photo: Mackay Pitham

More than 119,000 hollow-bearing trees were illegally cleared on one NSW property. The native trees cleared included species that appear on the “INS” list, highlighting how the label can cause confusion, undermining perceptions of the conservation value of ecologically important native trees and leading to the loss of critical wildlife habitat.



The cleared hollow-bearing trees likely provided habitat for many native animals, including birds like cockatiels and galahs.
Photo: Lucas Pittman



Galah in hollow. Photo: Euan Moore

Habitat for wildlife

Vegetation communities containing native species listed as “INS”:

- Create important habitat for native plants and animals,
- Provide connectivity for wildlife movement across the landscape,
- May be the only native habitat available for some species, and
- Can represent some of the best opportunities to restore heavily cleared ecosystems.

Across their range, vegetation communities with “INS” species provide habitat for hundreds of native plants and animals, including threatened species. National flora and fauna records indicate that at least 72 plant species and 99 animal species listed as threatened under state and/or federal conservation law have been recorded in “INS” and their associated habitats.¹² This list includes 81 species listed as endangered or critically endangered in NSW, all reliant on “INS” as primary habitat.

It is generally accepted that further research and monitoring is required to determine how to best manage areas of woody regrowth and encroachment to get best management outcomes for biodiversity. In an agricultural context, the biodiversity value



Stripe faced dunnart. Photo: Richard Fuller

of “INS” is often ignored or misrepresented, with the “INS” misnomer an effective way to justify the destruction of habitat that landholders want to clear. Although the proliferation of shrubs and trees may reduce agricultural productivity, such as livestock carrying capacity, the biodiversity effects are far more nuanced and require assessment on a case-by-case basis within the local and regional context. For example, field research has shown that some habitats with dense “INS” can support a greater diversity of native wildlife than more open habitat types.¹⁴ While different habitats will support differing communities of species, these findings demonstrate that dense woody vegetation can provide important biodiversity values and should not be assumed to be of low conservation value simply because it falls within the “INS” framework.⁸

Of note, recent research has indicated that regrown forests and woodland can provide valuable habitat for threatened species much sooner than previously recognised.¹⁸ Ensuring such vegetation is properly managed may therefore be a simple and cost-effective way to improve conservation outcomes. The research showed that the average age at which regrown forests and woodlands provided valuable habitat and food for threatened species is 15 years.¹⁸ Some species, such as the squatter pigeon, benefitted from regrowth as young as three years, while koalas could use nine-year-old regrowth. Other species, such as the greater glider, need much older mature forests — demonstrating the importance of both young and old woodlands and forest.

At least 171 threatened plant and animal species have been recorded in “INS” associated habitats in Western and Central West NSW.¹²



Threatened pink cockatoos feeding on native *Callitris* (cypress pine). The inclusion of *Callitris* on the "INS" list overlooks its ecological value. Photo: Matt Campbell

“When managed properly through bush regeneration principles, naturally regenerating landscapes can become some of our most valuable conservation assets.

These areas reveal where ecosystems retain resilience, where native seedbanks remain intact, and where restoration can be achieved most efficiently.

Rather than recognising these areas as important sources of biodiversity, habitat and connectivity, NSW’s current clearing laws often facilitate their removal.”

— Peter Dixon, President of Australian Association of Bush Regenerators



Millions of hectares approved for clearing

The extent of native vegetation already approved for clearing under NSW's "INS" provisions far exceed the area that has been cleared to date. More than 3.2 million hectares of native vegetation mapped as "INS" remains at risk of clearing under active approvals in NSW.

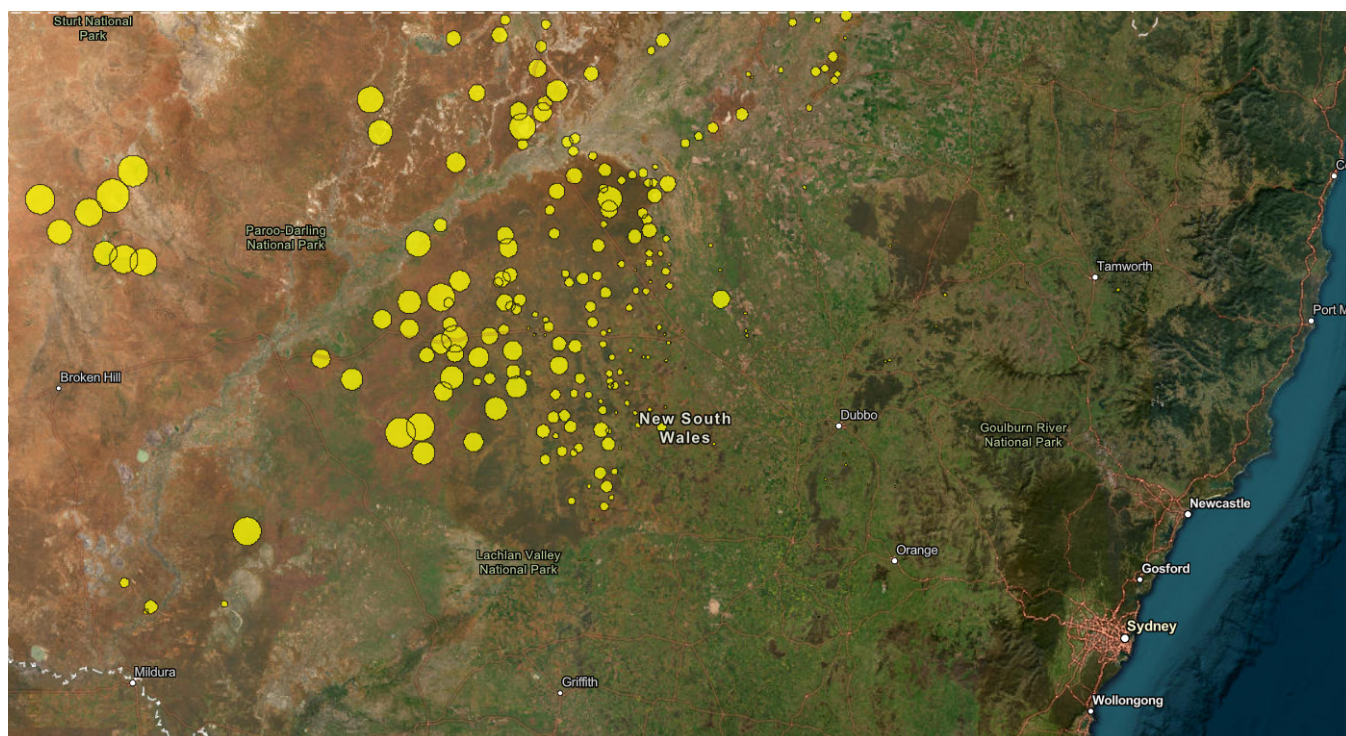
Analysis of public registers indicates that approvals remain active for the clearing of more than 2.3 million hectares of native vegetation under legacy PVPs issued under repealed NV Act.¹⁹ Despite the Act being repealed in 2017, approvals remain valid for up to 15 years from the issue date, with the last PVP issued on 24 August 2017.

A further 922,525 hectares of native vegetation has been approved for clearing under Part 2 Division 2 of the current Codes between 9 March 2018 and 31

May 2026.²⁰ These certificates remain valid for up to 15 years and continue to be issued by LLS. Available clearing data indicates that only around 35,733 hectares of this area had been cleared by 2024, leaving approximately 886,792 (96%) available for future clearing under existing approvals.

Together, these approvals represent one of the largest ongoing threats to native vegetation in NSW. The areas approved for clearing include native woodlands, shrublands and habitat occurring within their natural range, yet classified under NSW law as "INS".

While no systematic review of the vegetation within these areas has been undertaken, as demonstrated through case studies in this report, areas mapped as "INS" include old growth vegetation (more than 40 years old).



Active approvals for "INS" clearing under legacy Property Vegetation Plans (PVPs), current as at 7 July 2026. Locations and size of "INS" clearing area were obtained from the NSW Government public register of PVPs issued under the *Native Vegetation Act 2003*. Approvals were assumed to remain active for 15 years from their issue date, with approvals issued before 7 July 2011 excluded. Buffer size is proportional to the number of hectares of "INS" approved for clearing.

CASE STUDY 3:

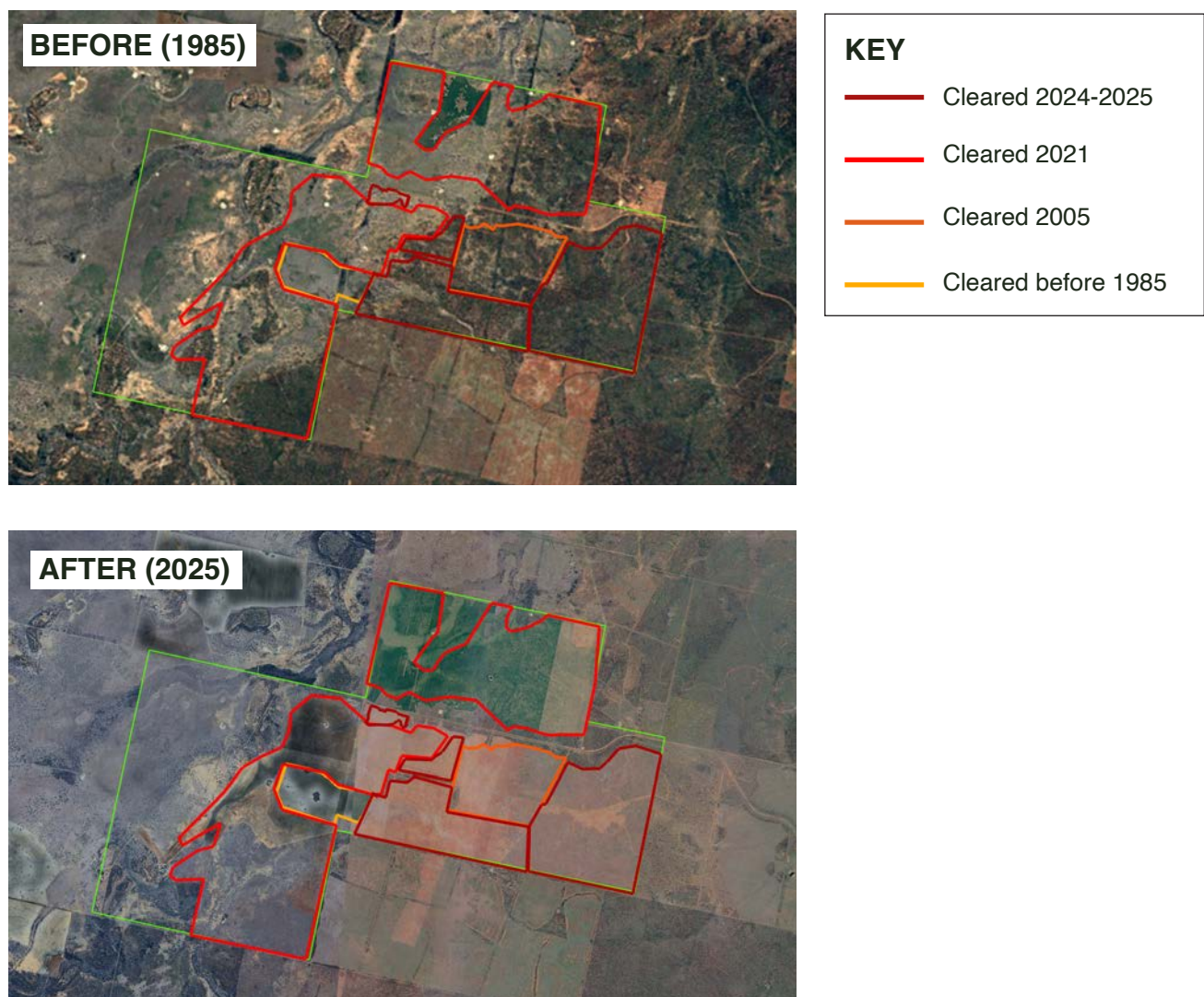
Broadscale clearing in Collarenebri NSW

Satellite imagery indicates that more than 4,000 hectares of native vegetation was cleared on a single property near Collarenebri, NSW between April 2021 and July 2025. The clearing occurred in at least two distinct phases, with an initial clearing event in 2021 followed by a second large-scale clearing event in 2025. Post-clearing activities, including windrowing of felled vegetation, continued into June 2026.

The property is subject to an active PVP granted in 2012. The property is 7,000 hectares in total, of which 6238.68 hectares is mapped as “INS”. Approximately 700 hectares of the property had been historically

cleared and maintained as open land prior to granting of the PVP.

Observations made from public roads were used to verify the extent and nature of clearing visible in satellite imagery. Broadscale clearing was revealed. Earlier clearing areas visible in satellite imagery appear to have been converted to pasture or cultivation, indicating a permanent change in land use following the removal of native vegetation. Native vegetation removed included sections of coolabah-box woodland and open forest associated with floodplain environments.



Ending broadscale land clearing

The current framework governing native vegetation clearing in NSW continues to facilitate the ongoing destruction of critical habitat and loss of biodiversity. The clearing of native vegetation under “INS” provisions is the single greatest contributor to land clearing in NSW, making these provisions a critical focus for any efforts to reduce broadscale land clearing. As demonstrated in this report, the label “INS” is misleading, confusing and inappropriate. In NSW, language plays an important role in dictating how species — native or not native — can be legally treated. This report has shown how language applied within the Land Management (Native Vegetation) Code has been used to undermine protections for native species and enable their broadscale removal.

Native vegetation cover has dramatically changed since European colonisation. Much has been lost, and many remaining ecosystems have been shaped by past disturbances, including regenerating landscapes. Our laws should ask: what do these landscapes need to recover? Instead, the current “INS” framework uses misleading narratives to promote shrubby vegetation as having no ecological or functional values, is inconsistent with best available science, and is contrary to Australia’s Strategy for Nature 2024-2030.

To meet its commitment to stop broadscale land clearing the NSW Government must remove the

“INS” code as an immediate priority. This would also bring the State’s vegetation laws into closer alignment with recent federal reforms that strengthen protections for native vegetation, ensuring a more consistent approach to biodiversity conservation.

It is important to note that removing the “INS” code would help reduce high-risk clearing, but landowners will be able to continue to clear land under other lower-risk codes and allowable activities.

Over the longer term, the *Local Land Services Act 2013* should be fundamentally reformed so that protecting and restoring nature is a central objective and vegetation management laws better align with the principles set in the NSW *Biodiversity Conservation Act 2016* and forthcoming nature strategy.

The “INS” framework is built on misleading language that has enabled widespread clearing of ecologically valuable native vegetation. Reforming the legal framework is not simply about changing the rules for land clearing. It is about changing the way native vegetation is understood and valued. When native species are recognised for their ecological contribution rather than reduced to misleading labels, NSW will be better placed to support meaningful conversations and devise strategies to protect biodiversity and restore nature.



Typical mulga woodlands of western NSW are one of the habitats at risk under NSW’s “INS” provisions.
Photo: Bush Heritage Australia

Notes on the data:

1. Clearing figures and approvals presented in this report are derived from publicly available NSW Government vegetation clearing and approval datasets.
2. The NSW Government SLATS dashboard classifies clearing as either “allocated” (where a clearing event has been matched to an approval pathway) or “unallocated” (where no approval pathway could be identified). Separately, the government reports allocated clearing by authorisation pathway, including “Invasive Native Species” (“INS”) provisions and legacy Property Vegetation Plans (PVPs). As “INS” provisions and PVPs are agricultural land management approval pathways, this report treats clearing attributed to these pathways as allocated (authorised) agricultural clearing.



Mulga woodland in north-west NSW. Photo: Bush Heritage Australia

References

- 1 NSW Scientific Committee 2001, *Clearing of native vegetation – key threatening process listing*, 21 September 2001, <<https://www.environment.nsw.gov.au/topics/animals-and-plants/threatened-species/nsw-threatened-species-scientific-committee/determinations/final-determinations/2000-2003/clearing-of-native-vegetation-key-threatening-process-listing>>.
- 2 NSW Government 2026, Statewide Landcover and Tree Study (SLATS) Dashboard, <<https://www.seed.nsw.gov.au/slats-dashboard>>.
- 3 Macintosh A & Butler, D 2025, *Expert witness report for the Redbank Power Station Proposal*, viewed 24 June 2026, <https://www.ipcn.nsw.gov.au/sites/default/files/2025-08/Candice%20Bartlett%20NSW%20Nature%20Conservation%20Council%20submission%20A3_Redacted.pdf>.
- 4 NSW Parliamentary Research Service 2014, *Native Vegetation clearing in NSW: a regulatory history*, viewed 24 June 2026, <https://www.parliament.nsw.gov.au/researchpapers/Documents/native-vegetation-clearing-in-nsw-a-regulatory-h/Native%20vegetation%20clearing%20in%20NSW%20_%20A%20regulatory%20history.pdf>.
- 5 Convention on Biological Diversity 2024, *What are invasive alien species?*, viewed 24 June 2026, <<https://www.cbd.int/invasive/WhatareIAS>>.
- 6 National Herbarium of NSW n.d., *New South Wales Flora Online*, PlantNet, viewed 9 July 2026 <<https://plantnet.rbgsyd.nsw.gov.au/search/simple.htm>>
- 7 Eldrige, DJ & Soliveres, S 2014, 'Are shrubs really a sign of declining ecosystem function? Disentangling the myths and truths of woody encroachment in Australia', *Australian Journal of Botany*, vol. 62, pp 594-608.
- 8 Ayers, D et al. 2001, *Woody weeds, biodiversity and landscape function in Western New South Wales*, West 2000, <https://www.researchgate.net/publication/258949849_Woody_Weeds_Biodiversity_and_Landscape_Function_in_Western_New_South_Wales>.
- 9 Natural Resource Commission 2010, *Assessment of south-western cypress state forests*, <<https://www.nsw.gov.au/departments-and-agencies/natural-resources-commission/completed-work/south-western-cypress>>.
- 10 Doherty, M 1998, *The conservation value of regrowth native plant communities: a review*, A report prepared for the New South Wales Scientific Committee, CSIRO, <<https://www.environment.nsw.gov.au/sites/default/files/2024-09/the-conservation-value-of-regrowth-native-plant-communities.pdf>>.
- 11 Local Land Services n.d., *Options for managing invasive native scrub*, viewed 25 June 2026, <<https://www.nsw.gov.au/regional-and-primary-industries/native-vegetation-land-management/resources-and-guides/options-for-managing-invasive-native-scrub>>.
- 12 Watson, D 2025, *Expert report for the proposed restart of Redbank Power Station*, <https://www.ipcn.nsw.gov.au/sites/default/files/2025-08/Candice%20Bartlett%20NSW%20Nature%20Conservation%20Council%20submission%20A2_Redacted.pdf>.
- 13 Boland, J & Sinclair, R 2014, 'Developing age-size relationships for long lived tree species', *Journal of Biological Systems*, vol. 22, no. 2, pp. 309-326 <<https://www.worldscientific.com/doi/epdf/10.1142/S0218339014400087>>.
- 14 Doerr, VAJ, Doerr ED, McIntyre, S, Stol, J, Davies, M, Drew, A et al. 2009, *Managing invasive native scrublands for improved biodiversity outcomes in agricultural landscapes – final scientific report*, CSIRO, <https://www.researchgate.net/publication/265928049_Managing_Invasive_Native_Scrublands_for_Improved_Biodiversity_Outcomes_in_Agricultural_Landscapes>.
- 15 NSW Scientific Committee 2011, *Approved conservation advice for Coolibah-Black Box woodlands of the Darling Riverine Plains and the Brigalow Belt South Bioregions ecological community*, view 29 June 2026, <<https://www.environment.gov.au/biodiversity/threatened/communities/pubs/66-conservation-advice.pdf>>.
- 16 NSW Caselaw 2026, *Department of Climate Change, Energy, the Environment and Water v Vassallo NSWLEC 30*, viewed June 2026, <<https://www.caselaw.nsw.gov.au/decision/19d284e451c3d3050ff1b9b6>>.
- 17 Taverner Research 2023, *Landholder Survey 2023*, Report to Local Land Services.
- 18 Thomas, H, Simmonds JS, Ward, M, Eyre, TJ & Maron, M 2025, 'The value of regrowth forests and woodlands for threatened fauna species', *Biological Conservation*, vol. 37, <<https://www.sciencedirect.com/science/article/pii/S0006320725001685?via%3Dihub>>.
- 19 NSW Government 2026, *Public register of PVPs and development consents that approve broadscale clearing and/or specific a data for the definition of regrowth*, viewed 25 June 2026, <<https://www.environment.nsw.gov.au/topics/animals-and-plants/native-vegetation/historic-native-vegetation-legislation/native-vegetation-act-2003-public-registers/approved-clearing-pvps-under-the-repealed-native-vegetation-act-2003>>.
- 20 NSW Government 2026, *Certificates under section 60Y public register*, viewed 25 June 2026, <<https://www.nsw.gov.au/regional-and-primary-industries/native-vegetation-land-management/land-management-public-registers/certificates-under-section-60y>>.