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Accredited Third Party Provider Guide

Native Vegetation Council
Department for Environment and Water

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Acknowledgement of Country

We acknowledge and respect the Traditional Custodians whose ancestral lands we live and work upon and we pay our respects to their Elders past and present.

We acknowledge and respect their deep spiritual connection and the relationship that Aboriginal and Torres Strait Islanders people have to Country.

We also pay our respects to the cultural authority of Aboriginal and Torres Strait Islander people and their nations in South Australia, as well as those across Australia.

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1 Purpose of this guide

This document is an information guide about Third Party Provider accreditation, the role of Third Party Providers and how accredited third-party providers can establish, assign and broker Significant Environmental Benefit (SEB) Credit under the *Native Vegetation Act 1991* ('the Act') and the *Native Vegetation (Credit for Environmental Benefit) Regulations 2015* in South Australia.

2 Introduction

2.1 Role of accredited Third Party Providers

In South Australia, there are instances where people or companies who are approved to undertake native vegetation clearance ('proponents') are required to produce a Significant Environmental Benefit (SEB) (offset). An SEB area is an area of land protected in the long term for biodiversity conservation, where active management results in an environmental gain over and above the damage being done through the clearance activity.

One role of an accredited Third Party Provider is to commit to the responsibility of establishing, delivering and managing SEB areas on behalf of a proponent, when the proponent is unable to do this themselves. A summary of this process is given in Figure 1 and Figure 2 at the end of this guide.

Third Party Providers may be environmental contractors, non-government organisations, environmental businesses, local councils, landscape boards or similar. In accordance with Section 25C of the Act, once accredited, they may establish and manage SEB sites on behalf of another person. To become accredited by the Native Vegetation Council (NVC), they must have:

- skills and experience in managing South Australian native vegetation for biodiversity conservation
- the capacity to enter into and administer relevant contracts and long-term agreements.

Current accredited Third Party Providers and the regions that they service can be found on the [Accredited Third Party Provider List](#) on the Department for Environment and Water (DEW) website.

A Third Party Provider can also manage sites to achieve a greater significant environmental benefit than what is required to offset a particular clearance, or in anticipation of offsetting clearance(s) that may occur in the future. 'SEB credit' may be approved in these cases by the NVC and then the Third Party Provider becomes a 'credit holder'.

2.2 Third Party Provider responsibilities

Third Party Providers:

- will have access to suitable sites or be able to acquire a site
- will be responsible for managing SEB areas (direct offset or credit areas)
- will enter into a Management Agreement with the Minister for Environment and Water to secure the site.

If an SEB area is being established on someone else's land, the Third Party Provider will need to establish a contractual (lease) agreement with the landowner.

The Third Party Provider must implement an NVC approved SEB Management Plan that addresses threats to biodiversity within the SEB area and will result in a significant environmental benefit.

2.3 Period of SEB site management and protection

The Third Party Provider retains all responsibility and liability for managing and protecting an SEB area in accordance with an SEB Management Plan. The plan will cover the first 10 years of management, after which time there is an expectation that the condition of the vegetation is maintained.

SEB areas are protected, in most cases in perpetuity, under a Management Agreement (or a Heritage Agreement in some circumstances).

If the Third Party Provider is not the land owner, an agreement should be made between the parties as to who will maintain the site after the initial 10-year management period.

To understand the full responsibilities and process of delivering an SEB area or credit site, see the resources developed by the NVC on this webpage: <https://www.environment.sa.gov.au/topics/native-vegetation/protecting-native-vegetation/significant-environmental-benefits-offsets>

3 What is accreditation?

For the purposes of Section 25C of the Act, a Third Party Provider must be accredited. Accreditation is a process whereby the skills, experience and capabilities of the Third Party Provider are assessed against criteria set by the NVC. Those providers with the appropriate competencies gain a certificate of accreditation. Accreditation is reviewed every two years by the NVC.

Accreditation provides the NVC and clearance proponents with greater certainty that the management of SEB areas will be delivered by experienced and capable land managers.

To become accredited, fill in an [Application for Accreditation as a Third Party Provider](#) form and submit it to the NVC with the prescribed fee. To be eligible, the applicant must be able to demonstrate good capacity and experience to deliver native vegetation management or biodiversity conservation projects for each region they wish to operate in. The applicant will also need to show that they have the capability to administer agreements and fulfil reporting requirements over the long-term.

The NVC will assess the application and may set conditions on the accreditation.

Once accredited, the provider's details will be placed on the Accredited Third Party Providers List, enabling interested parties to contact them.

The NVC, at any time, can deregister an accredited Third Party Provider if it becomes clear that Third Party obligations are not being met.

4 Procedure to establish an SEB area

If a clearance proponent chooses to have their SEB obligation delivered by a Third Party Provider, the Third Party Provider must submit an [Application to Establish and/or Assign Credit](#).

To offset a known impact, an SEB area must meet criteria as outlined in the SEB Policy, including the following:

- the vegetation to be protected and managed must be either the same vegetation type as that being cleared, or of a higher conservation value ('like for like or better')
- the SEB area must be in the same region¹ as the site of clearance impact

Areas of vegetation currently in moderate condition, that have a high likelihood to improve in condition, will be the most valuable as SEB areas.

The NVC will require that an [NVC Accredited Consultant](#) carries out a vegetation assessment of the proposed SEB area in accordance with the NVC's [vegetation assessment methodology](#) and [SEB Guide](#). An NVC Accredited Consultant is a consultant who has undertaken the necessary training by the Native Vegetation Branch and has been certified by the NVC.

The NVC Accredited Consultant must be engaged *independently* of the Third Party Provider for any vegetation assessment of the proposed SEB area.

An SEB Management Plan (prepared by the NVC Accredited Consultant or Third Party Provider) will be submitted by the Third Party Provider with the application form to the NVC for a decision.

For a summary of the process and the roles and responsibilities of NVC Accredited Consultants and accredited Third Party Providers, see Figures 2 and 3, at the end of this guide.

5 SEB Credit

5.1 What is SEB credit?

SEB credit may be generated by an accredited Third Party Provider (or any landholder) when an area of land is managed to protect and significantly improve native vegetation condition or extent.

The NVC has developed assessment methods that estimate the expected environmental gain for a site that is managed actively for 10 years, followed by 10 years maintenance and protected in perpetuity. The expected environmental gain is given a point score, with each point being a standard unit of "credit".

Actions to achieve credit may include, for example, permanent stock exclusion to protect native vegetation from damage, controlling weeds and pest animals (beyond what is already required by the *Landscape Act 2019*) and adding diversity to degraded sites through revegetation.

To secure credit that is generated by an accredited Third Party Provider, a Management Plan must be approved by the NVC and the provider must enter into a Management Agreement with the Minister for Environment and

¹ Preferably within the same Interim Biogeographic Regionalisation of Australia (IBRA) Association or Sub-Region but in some cases, the same IBRA Region is acceptable.

Water. The Plan outlines what agreed actions will be undertaken in the first 10-year period (and maintenance actions thereafter). The agreement outlines how the area will be protected into the future (usually in perpetuity).

Note that SEB credit is different to the “carbon credits” which may be generated from [carbon farming](#). The site management required for SEB credit may result in carbon sequestration, but you cannot claim both types of credit for the same site. Providers and landholders are encouraged to consider the costs, benefits and risks of both approaches to determine which might be the most favourable.

5.2 Registering a potential SEB credit area

Third Party Providers have two options:

- apply to register a *potential* credit area on the Native Vegetation Credit Register (if there is no immediate demand for credit) or
- apply to ‘establish’ (formalise) a credit area (to enable the use of credit immediately).

There is no fee to register a *potential* site. Fill in an [Application to Register a Potential SEB Credit Area](#) and submit it to the NVC. The application form requires basic site information, photos and an outline of how a significant environmental benefit would be achieved.

There is no obligation to manage a potential credit site beyond that required by duty of care, until you wish to formalise (‘establish’) the credit.

Although not obligatory, a full vegetation assessment can be undertaken for potential sites, in which case the Native Vegetation (SEB) Credit Register will contain more detailed information gained from that assessment, providing a proponent looking for an SEB with more security over the actual amount of credit points available from the area.

Credit is not available for purchase from potential sites, instead the site must be formally ‘established’ as per the following section.

5.3 Establish SEB credit

Prior to applying to establish credit, if the area is not already registered as a potential credit area, check the eligibility with the Native Vegetation Branch. If the proposed area is eligible:

- Engage an NVC Accredited Consultant to undertake a vegetation assessment of your proposed credit area
- Draft an SEB Management Plan for the area (using the NVC template)
- Fill in the [Application to Establish and/or Assign SEB Credit](#) form
- Pay the prescribed fee

If approved by the NVC, the full credit information for each vegetation association within the area will be placed on the Native Vegetation (SEB) Credit Register. Credit may be ‘assigned’ (sold) to interested parties immediately.

Note that the NVC’s SEB Policy does not permit an accredited Third Party Provider to undertake a vegetation assessment of any SEB area (third party offset or credit area) they intend on managing into the future. The vegetation assessment must be undertaken by an NVC Accredited Consultant *independent* of the Third Party Provider.

Conditions of credit approval for large sites may include that vegetation assessments are conducted at Year 5 and 10, to report on changes in condition to the NVC – these assessments must be carried out by an independent NVC Accredited Consultant.

5.4 Native Vegetation (SEB) Credit Register

Details of all SEB credit areas and available credit points are placed on a publicly available list – the [Native Vegetation \(SEB\) Credit Register](#) - which is found on the DEW website.

Those parties interested in buying and/or selling credit can view the register to find records of available credit and assignments of credit along with contact details of credit holders.

5.5 Selling credit on the market

When a person or body wishes to purchase credit, the credit holder must submit (or authorise through a Broker) an *Application to Establish and Assign SEB Credit* to the NVC.

5.6 Pricing credit

The NVC approves the assignment of credit from one party to another but does not set the price for the sale of credit. The price is negotiated by brokers and/or the credit holder ('assignor' of credit) and the buyer ('assignee').

As a minimum, payment for credits should reflect the actual cost of administering and undertaking the management of the SEB credit area. This cost may differ from the other options available to clearance proponents, such as delivering the SEB obligations themselves or paying into the Native Vegetation Fund.

5.7 Demand for SEB credit

The NVC cannot guarantee that credit will be purchased. Sale is dependent on:

- local demand for credit
- whether the price of the credit is attractive to potential buyers
- how closely the specific impacts of clearance(s) resemble the values that are provided by the credit site(s)

Third Party Providers may work proactively with individuals, companies and other agencies that wish to buy credit.

Some useful resources are:

- [NVC Clearance application register and open consultations](#)
- [Nature Maps](#) - clearance layers
- [NVC Annual Report](#) - clearance data
- government and non-government agencies that undertake regular clearance activities.

6 Accredited brokers

Landowners that are not Third Party Providers are also able to become SEB credit holders for SEB sites on their land, but some may not wish to undertake the negotiations and administration involved in establishing and selling the credit. Instead, they may engage an accredited Third Party Provider that is accredited to be a broker.

Accredited Third Party Providers can play a facilitative role (broker) and act on behalf of such landowners. Third Party Providers who wish to broker must be registered with the NVC as a Broker on the Accredited Third Party Provider List (tick 'Broker' on the *Application for Accreditation as a Third Party Provider* form).

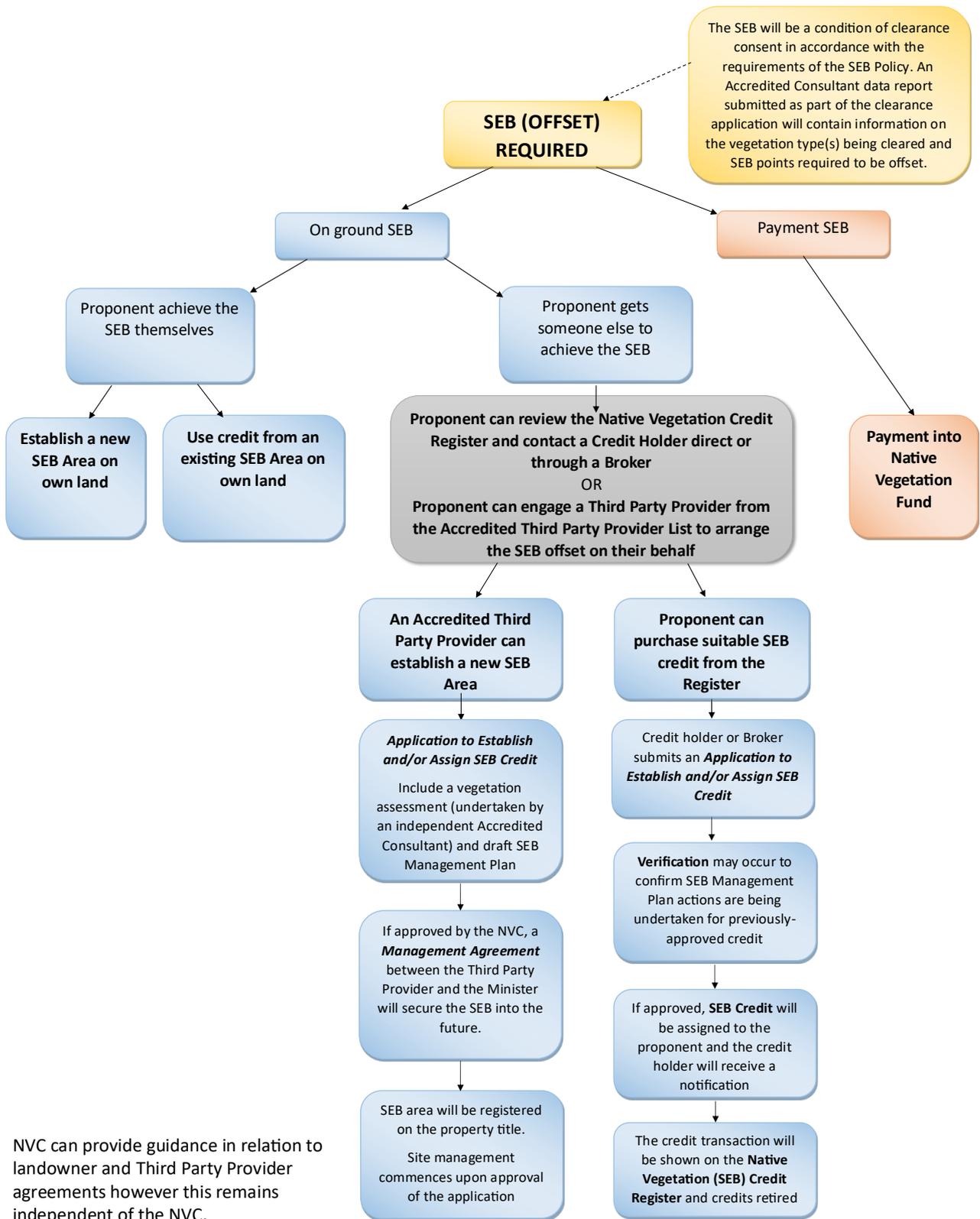
Brokers may (for a fee):

- assist landholders to arrange assessment of the vegetation at a proposed SEB site
- develop SEB Management Plans
- apply to establish and/or assign SEB credit on behalf of a credit holder
- negotiate and develop contractual agreements between parties.

Any agreements and payments between the credit holder and the broker are to be determined by those involved.

7 Financial transactions

The NVC does not approve financial transfers between Third Party Providers and other parties for fees, brokering arrangements or the sales of credit. The NVC may however require proof that suitable contractual arrangements have been entered into, particularly for the establishment of SEB areas.



NVC can provide guidance in relation to landowner and Third Party Provider agreements however this remains independent of the NVC.

Figure 1. SEB (offset) options for clearance proponents

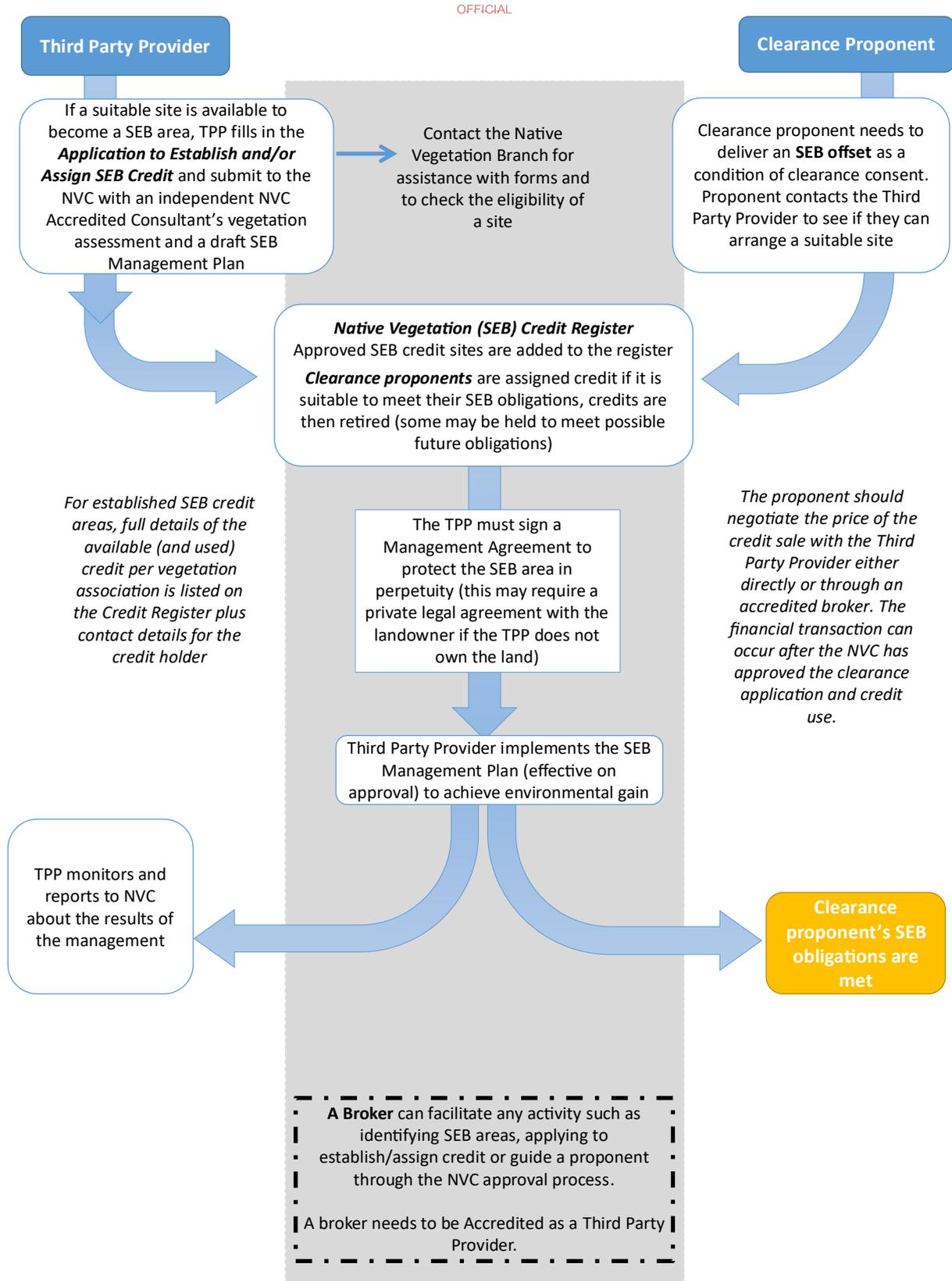


Figure 2. Steps to establishing a Third Party Offset Area

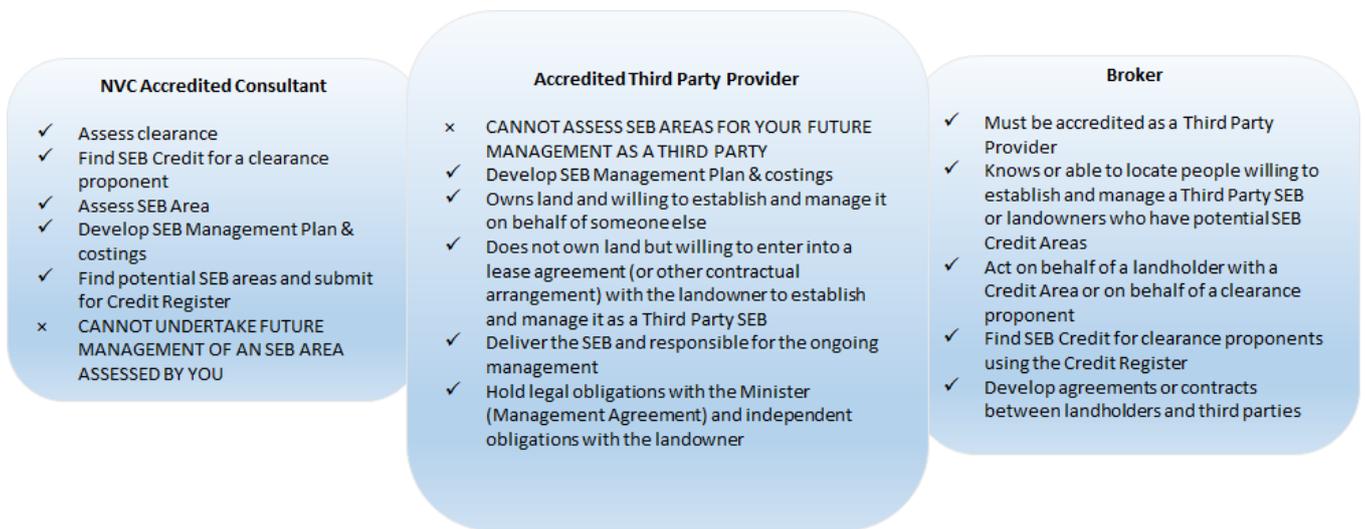


Figure 3. Roles and responsibilities of NVC Accredited Consultants, Third Party Providers and Brokers



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