Policy for a significant environmental benefit

Under the Native Vegetation Act 1991 and the Native Vegetation Regulations 2017

Native Vegetation Council
9 November 2026



Government of South Australia
Department for Environment and Water

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and

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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 Introduction and context

The *Native Vegetation Act 1991* (Act) provides for the management, enhancement and protection of native vegetation in South Australia. Native vegetation must not be cleared unless approval is granted by the Native Vegetation Council (NVC) under the Act or it is permitted under the *Native Vegetation Regulations 2017* (Regulations).

The NVC may give consent to the clearance of native vegetation under the Act if it is satisfied that actions will be taken that will result in significant environmental benefit (SEB). The achievement of a SEB is also a condition of approval for activities under Division 5 of the Regulations.

A SEB is an action that results in a positive impact on the environment that is over and above the negative impact of the clearance. A SEB can be achieved through the establishment (revegetation), management and/or protection of an area of native vegetation.

1.1 Purpose

The purpose of this Policy is to describe matters that the NVC[1] will take into account when considering what constitutes a SEB, and when administering the provisions of the Act relating to credit, assignment of credit and third party establishment of a SEB area. This will provide transparency, clarity and certainty in the assessment and approval of a SEB. The Policy will apply equally to SEBs required under the Act and the Regulations.

The NVC will assess each application on its merits in accordance with the requirements of the Act and the Regulations, and at all times the NVC must make decisions in order to further the Objects of the Act.

1.2 Background

The aim of a SEB is to compensate for the loss of native vegetation from an approved clearance activity. A SEB must result in an overall environmental gain that considers both the loss of vegetation at the clearance site and the gain in vegetation (either condition, protection and/or extent) to be achieved through actions undertaken elsewhere. The gain in vegetation is considered against what would likely have occurred to the vegetation in the absence of the SEB being established and must be additional to any existing requirements or duty of care relating to land management.

SEB provisions under the Act and the Regulations operate in a similar way to provisions for 'offsets' under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act), and other similar legislation operating in other Australian jurisdictions.

The Act [under Section 29(11)] provides 4 ways to achieve a SEB:

1. Establishing and managing native vegetation on land (approved by the NVC)
2. Protecting and managing existing areas of native vegetation on land (approved by the NVC)
3. Entering into a Heritage Agreement which provides for ongoing protection of established native vegetation on land (approved by the NVC and Minister for Climate, Environment and Water (Minister))
4. Payments into the Native Vegetation Fund.

Options 1, 2 and 3 are referred to as an '**On-ground Significant Environmental Benefit (SEB)'.** Option 4 is referred to as a **'Significant Environmental Benefit (SEB) Payment'** or financial SEB.

[1] Reference to NVC includes reference to its delegates.

1.3 On-ground SEB

An on-ground SEB involves the establishment, management or protection of an area of native vegetation for conservation. Such areas of land used to achieve a SEB are referred to as **'SEB Areas'**.

If a proponent chooses to provide an on-ground SEB, it may be delivered through one of the following means:

1. **Provide a new SEB Area:** Proponents may establish a new SEB Area on land they own, or which is under their care and control.
2. **Apply to use SEB Credit:** Proponents may apply to use SEB Credit that they have previously established. SEB Credit may be achieved by establishing a SEB Area that is either greater than required as a condition of a clearance consent, or that is not required in relation to a clearance consent.
3. **Apply to have SEB Credit assigned from another person or body:** Proponents may apply to use SEB Credit that is owned by another person or body.
4. **Engage an Accredited Third Party Provider:** A proponent may engage an Accredited Third Party Provider to achieve the SEB obligations on their behalf.

1.4 SEB payment

For certain clearance applications, a proponent may have the option of achieving a SEB by making a payment into the Native Vegetation Fund.

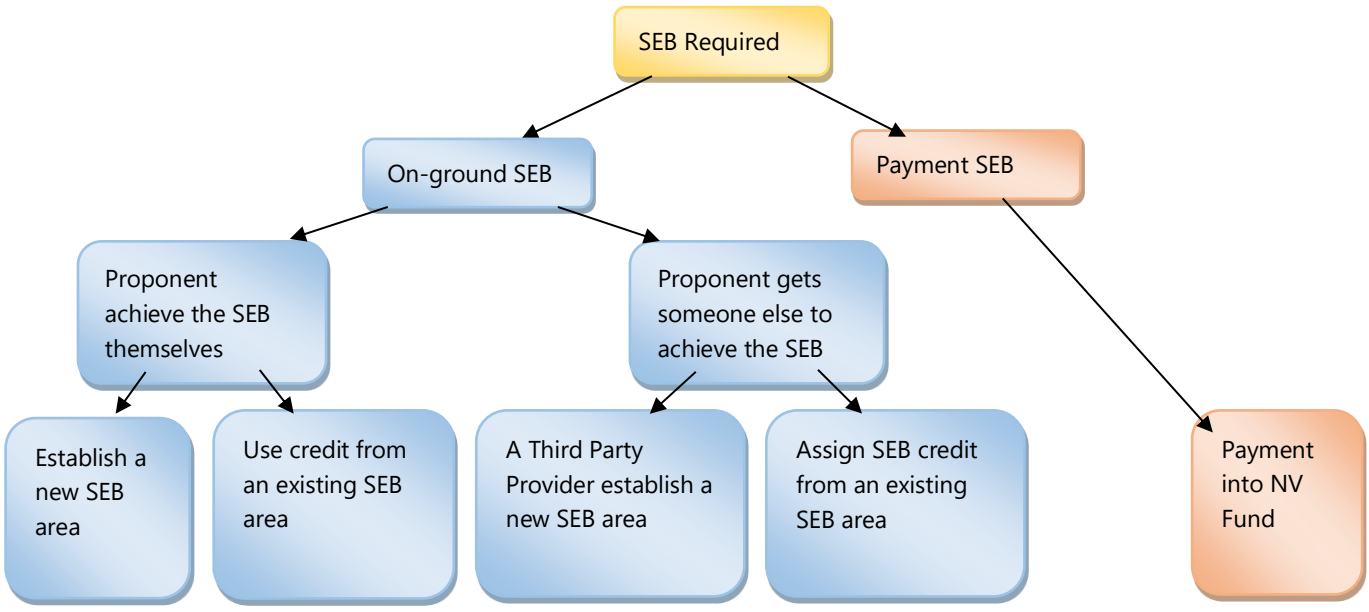


Figure 1 SEB options – on-ground (blue, left) and payment (orange, right)

2 Biodiversity offsetting

The establishment of a SEB under the Act is a form of biodiversity offsetting, in that it allows negative impacts in one place to be offset by undertaking positive actions elsewhere.

Biodiversity offsetting is a means of addressing and minimising the impacts on biodiversity that result from an approved activity. However, biodiversity offsetting will always involve losses and gains to the environment, where the losses are known and will happen immediately, but the gains are predictions that will generally happen sometime in the future. Accordingly, there will always be an inherent risk involved in biodiversity offsetting in which the intended outcome may not be achieved and that the environment may decline as a result. As such, biodiversity offsetting should always be considered the option of last resort.

In order to mitigate against the risks of failure, this SEB Policy is implemented in accordance with the following offsetting principles. These principles have been adopted from Business and Biodiversity Offsets Program Standard (BBOP 2012). BBOP provides best practice standards that underpin biodiversity offset policies and programs in many national and international jurisdictions.

2.1 Biodiversity offsetting principles

2.1.1 Principle 1: Adherence to the mitigation hierarchy

Offsetting should only be considered when a proponent has identified and documented appropriate measures to avoid and minimise negative impacts (either direct or indirect) of proposed activities on biodiversity.

Biodiversity offsets address any residual impacts after the proponent has implemented other appropriate prevention and mitigation measures. In the BBOP, these measures are called the Mitigation Hierarchy, which is applied as follows and in the following order of importance:

- **Avoid** impacts on native vegetation. This must always be the first step and includes careful spatial or temporal placement of a development, to completely avoid impacts to biodiversity
- **Minimise** as far as practicable the duration, intensity and/or extent of impacts on native vegetation (including direct, indirect and cumulative impacts) that cannot be avoided completely
- **Rehabilitate/restore** the degraded ecosystem at the site of clearance if adverse impacts cannot be minimised or avoided completely
- **Offset** to compensate for any residual adverse impacts that cannot be otherwise avoided, minimised and/or rehabilitated or restored, so that there is no net loss of biodiversity. Offsets take the form of positive management interventions such as restoring already degraded habitat or preventing any further degradation. Offsets will only be considered once residual impacts have been minimised.

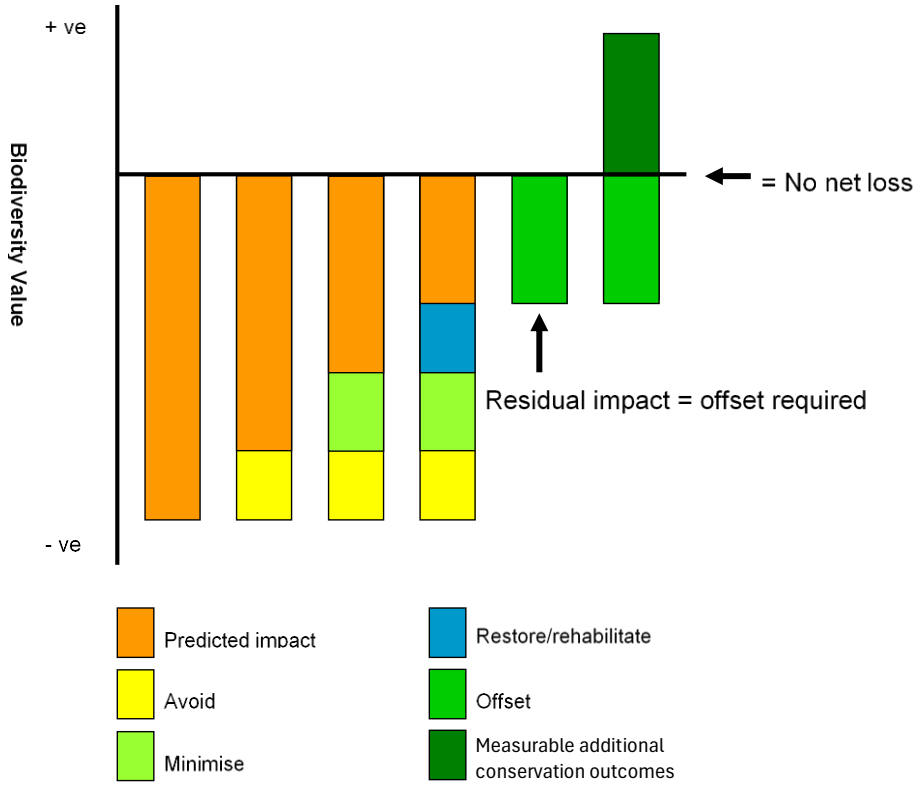


Figure 2 Steps in the Mitigation Hierarchy – avoid, minimise, rehabilitate/restore, offset

2.1.2 Principle 2: Limits to what can be offset

Biodiversity offsets must never be used to circumvent responsibilities to avoid and minimise damage to biodiversity, nor to justify projects that would otherwise not happen.

The nature of biodiversity means that, in some cases, certain impacts may not be satisfactorily compensated for by any action, and thus an offset is not possible.

Additionally, there are some elements of biodiversity for which impacts could theoretically be offset but with a high risk of failure. Under such circumstances, biodiversity offsets are not appropriate.

Offsets must not be used:

- where impacts are likely to result in any elements of biodiversity becoming extinct
- where the success of the offset action is highly uncertain, due to a lack of knowledge
- when there are likely to be long delays between the impact occurring and the offset being implemented
- where resources generated by offsets are likely to substitute for, rather than add to, other resources for conservation
- where the exchanges involved in the project's residual losses and the predicted offset gain are considered socially or culturally unacceptable to stakeholders
- where the ecological components that will be lost are specific to a particular place, and therefore cannot be found elsewhere and adequately protected or re-created.

At all times, when making a decision, the NVC will employ the Precautionary Principle such that where uncertainty exists as to whether the SEB will outweigh the impact of the clearance, approval should not be given.

2.1.3 Principle 3: Net environmental gain

The explicit goal for the design and implementation of the SEB program in South Australia is to achieve an overall environmental gain over and above the scale of the impact. This must involve measurable conservation outcomes resulting from specific actions.

In order to achieve a net gain, a method for calculating the loss at the development site and the potential gain at the proposed SEB Area is used. The offset design and implementation includes provisions for addressing sources of uncertainty and risk of failure in delivering the SEB.

When considering risks associated with offsetting, the risk that a gain may not be achieved requires specific consideration. In order to maximise the biodiversity benefits achieved from offsetting and limit the likelihood of failure, the following matters are considered by the NVC:

1. The management and protection of remnant vegetation in moderate condition will generally provide the greatest gain. These sites generally have the greatest capacity to improve in condition with a reasonable level of intervention, often involving stock removal, and/or weed and pest control (see State 2 in Figure 3). Managing these remnants will help prevent ongoing degradation and decline of vegetation within a region.

2. Improving the condition of degraded native vegetation through active rehabilitation is likely to provide the next greatest level of gain (see State 3 in Figure 3). Active rehabilitation provides significant improvement in vegetation condition if undertaken successfully, however, this requires greater input to achieve the benefit and carries greater risk of failure.

3. The management of areas of native vegetation in very good condition (i.e. approaching pre-European vegetation condition) (see State 1 in Figure 3) may not yield significant improvements in condition or extent of native vegetation. However, the protection and management of these areas is important in order to prevent future impacts. In particular, the establishment of a conservation covenant over the area, such as a Heritage Agreement or Management Agreement (under the Act), will provide important long term security.

   Protection is considered particularly important where there is very little of a particular vegetation type left (i.e. rare or threatened communities) or where there is a high potential that an area of vegetation will be degraded and once degraded is difficult to restore (such as the arid zone where climatic variability, aridity and remoteness make restoration difficult).

   To consider the likelihood of a gain, the NVC will consider the likelihood that an action will impact the condition of the vegetation on the site (this does not include an action that would itself require a SEB) and whether the establishment of a SEB Area is likely to prevent that impact from occurring.

4. Reconstruction of sites with limited native vegetation (see State 4 in Figure 3) has high potential for achieving a gain, but reconstruction of native vegetation can have variable and uncertain outcomes. If reconstruction is considered appropriate, it should maximise the likelihood that a gain will be achieved by addressing specific and well-defined conservation objectives (e.g. enhancing threatened species habitat or increasing the condition and extent of a threatened vegetation community) and should be undertaken by or with the assistance of suitably qualified and experienced operators.

5. Small, narrow and isolated areas of vegetation are not generally considered suitable for SEB Areas because they have small population sizes, lower genetic diversity, and are more vulnerable to edge effects, weed and pest invasion, human disturbances and the impacts from stochastic events such as fires. Therefore, the security and resilience of small SEB Areas is uncertain.

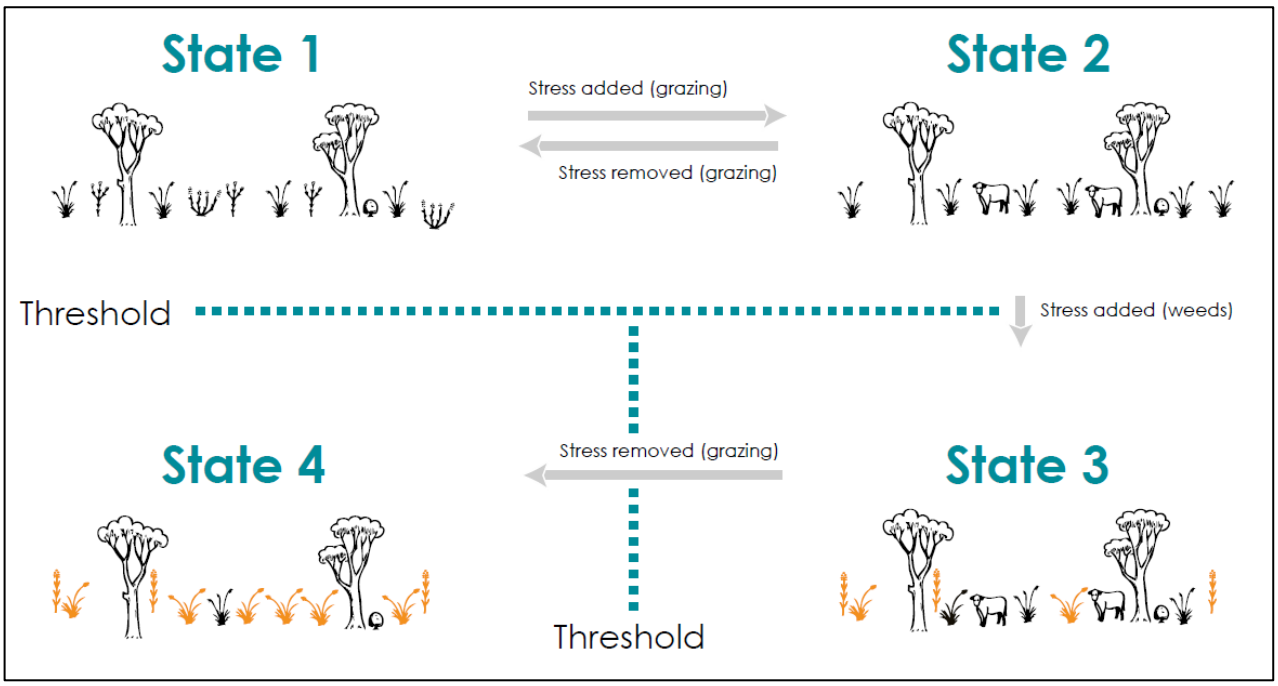


Figure 3 State and transition model

Figure 3 shows examples of different system states due to disturbances such as stock grazing and weed invasion. By themselves, stock impacts may not have changed the system permanently (State 2), so stock removal results in a return of the system to an approximation of its original state (State 1), but if highly competitive weeds are present (State 3), removal of grazing will not return the system to its previous state as the weeds will increase and change the system to yet another state (State 4).

2.1.4 Principle 4: Like-for-like, or better

In order to compensate for the impacts of a project, offsets should be tailored to the attributes of the vegetation or habitat being impacted. This should occur wherever possible to achieve the right type and amount of gain to offset the impact – referred to as 'like-for-like'. To achieve this, offsets should seek to maintain or improve the same habitat type that occurs at the site of impact. This will ensure that vegetation species/communities and critical habitats are not systematically degraded or lost from the landscape. In some instances, it may be possible to depart from this rule, but usually only when a higher value vegetation type (e.g. higher conservation status) or habitat can be provided as an offset, securing a better conservation outcome.

Offsets should also be located in relatively close proximity to the site of impact. This is to ensure that the integrity of the local environment is maintained.

2.1.5 Principle 5: Additional conservation outcomes

It is important that offsets meet the criteria of 'additionality' as they are required to compensate for a certain and known loss of biodiversity at a site, often with a delay occurring before any gain in vegetation condition at an offset site is delivered. Therefore, biodiversity offsets need to be new, or additional, to what is required by duty of care or any other environmental and planning legislation at any level of government.

Offsets should be designed to avoid 'leakage', where activities that harm biodiversity are simply shifted from one area to another.

Offsets must be additional to what has been paid for by other programs or schemes, such as stewardship programs, carbon sequestration projects or other environmental programs where funds are allocated to land owners to manage biodiversity on their properties.

2.1.6 Principle 6: Landscape context

Biodiversity offsetting provides an opportunity to ensure that the environmental gains generated by offsets complement and contribute to biodiversity conservation priorities identified at landscape and regional scales. Aligning offsets with priorities identified in key planning documents helps to ensure that landscape context is taken into account. In particular, where possible:

1. SEB Areas should align with state and regional policies and plans (e.g. regional biodiversity plans, species recovery plans[2], state[3] and regional landscape plans[4]) and preferably contribute to the National Reserve System (i.e. be secured by a Heritage Agreement or alternative protected area)
2. SEB Areas should be of a size, quality and conservation value that enhances the biodiversity of a region (accounting for the loss resulting from the approved clearance activities – refer to Requirement 7 'Establishing a SEB area')
3. SEB Areas should maximise the likelihood that the intended gain will be achieved and sustained by directing efforts to the area of greatest biodiversity benefit and avoiding areas with a high risk of failure
4. SEB Areas should aim to be considerate of and resilient to the impacts of climate change.

2.1.7 Principle 7: Long-term outcomes

Offsets need to secure outcomes for at least as long as the project's impact. The impacts of most projects are permanent and therefore offsets usually need to be secured in perpetuity.

Offset areas should be located in areas that are not likely to be impacted by future development. Any subsequent impact to these sites would require compensation for both the original project as well as the proposed project impacting the offset site.

2.1.8 Principle 8: Transparency

The design and implementation of biodiversity offsets in South Australia, and communication of results to stakeholders and the community, will be undertaken in a transparent and timely manner. Emphasis will be placed on ensuring that the decision-making process (including quantity of offset required and acceptance of suitable sites for offsets) is clear. Governance arrangements will support rigorous and consistent decision-making.

Performance of offsets is critical and will be reviewed as part of monitoring and compliance activities.

2.1.9 Principle 9: Stakeholder participation

Successful offset delivery requires that all parties involved in, or with an interest in biodiversity offsetting, to understand and apply offsetting principles and underpinning procedures consistently and transparently.

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[2] https://www.environment.sa.gov.au/topics/biodiversity/threatened-species-and-ecological-communities/recovery-planning

[3] https://www.landscape.sa.gov.au/about-us/state-landscape-strategy

[4] https://www.landscape.sa.gov.au/about-us/plans-and-reports

2.1.10 Principle 10: Science and traditional knowledge

The design and implementation of biodiversity offsets in South Australia is a documented process informed by sound science and appropriate consideration of traditional knowledge.

Offsets will be determined using the best available scientific data and knowledge. Information sources will include relevant conservation plans (threatened species and community recovery plans), other management plans and literature, expert knowledge and South Australia's biological databases.

3 On-ground SEB areas

3.1 Requirements for establishing on-ground SEB areas

In order to achieve the objectives as set out in the Principles for Biodiversity Offsetting, the establishment of an on-ground SEB Area must occur in accordance with a clear set of criteria.

Accordingly, the establishment of a SEB Area by a proponent, whether associated with a clearance application or Regulation approval, the establishment of SEB Credit, or achievement of a Third Party SEB, must meet the requirements below.

3.1.1 Requirement 1: Like-for-like, or better

The SEB Area must achieve the principle of 'like-for-like', or better.

Like-for-like

This requires that the vegetation to be protected and managed within the SEB Area must be of the same vegetation type (structure and dominant species) as that to be cleared (like-for-like). For example, if an area of degraded Blue Gum (*Eucalyptus leucoxylon*) woodlands is being impacted, then the SEB Area must contain Blue Gum woodlands.

If the vegetation to be impacted:

1. Is part of an ecological community listed under the EPBC Act, or
2. provides habitat for fauna species listed under the *EPBC Act or* listed in Schedule 7 or 8 of the *National Parks and Wildlife Act 1972 (NP&W Act)*, or
3. contains flora species listed under the *EPBC Act* or listed in Schedule 7 or 8 of the NP&W Act

then the SEB Area should be like-for-like and should provide significant long-term benefit for the recovery of the threatened species or community.

Specific requirements are set out in the 'Guide for calculating a Significant Environmental Benefit' (SEB Guide).

Like-for-like or better

A variation to the rule of 'like-for-like' is permitted if the vegetation within the SEB Area is of a higher conservation value than the vegetation/species to be cleared (like-for-like or better). Higher conservation value can be demonstrated if the SEB Area contains a vegetation community listed under the EPBC Act or a community with a higher conservation rating as established by the provisional list of threatened ecosystems in South Australia. For example, the clearance of Blue Gum (*Eucalyptus leucoxyon*) woodland may be offset by the establishment of a SEB Area containing Peppermint Box (*Eucalyptus ordorata*) woodland, which is an EPBC listed vegetation community. However, this is only permitted where the SEB area provides habitat for a similar assemblage of native fauna species and particularly with the agricultural zone of the State, it must be within close proximity to the vegetation being impacted.

3.1.2 Requirement 2: Location of a SEB area

The SEB Area should be located as close as practical to the site of impact. This will ensure that the local impacts are adequately offset. The SEB Area must be located, relative to the site of impact, within the following order of preference:

1. same Interim Biogeographic Regionalisation for Australia (IBRA) Association, or

2. same IBRA Subregion, or
3. only where it has been demonstrated that it is not possible to achieve the SEB within the same IBRA Association or IBRA Subregion, then the same IBRA Region.

3.1.3 Requirement 3: SEB area required

The SEB Area must directly improve the condition, protection and/or extent of native vegetation over an area of land.

The area needed to be established as a SEB Area in order to offset a proposed impact will be determined from an assessment of both the area of clearance and the area to be established as a SEB Area.

Assessing the area to be cleared will determine the biodiversity value that will be lost due to the clearance, while assessing the area to be established as a SEB will determine the biodiversity value likely to be gained from the protection and management of the vegetation.

The biodiversity value gained at the SEB Area must be greater than the biodiversity value lost at the area of clearance. This will determine the area required to be established as a SEB Area to offset the impacts. The method for determining the area required to achieve the gain is set out in – and must be undertaken in accordance with – the SEB Guide.

3.1.4 Requirement 4: Additionality

In order to comply with the additionality principle, areas of land or vegetation that are already protected and managed for conservation purposes will generally not be considered suitable as SEB Areas. These areas include:

1. land already dedicated for conservation, including but not limited to National Parks and Conservation Parks under the NP&W Act or Wilderness Protected Areas under the *Wilderness Protection Act 1992*
2. land that has been purchased with State or Commonwealth Government funds for conservation purposes. Funding sources include, but are not limited to, the National Reserve System. If a portion of the purchase price of a property is funded by one or more of these sources, then an equivalent portion of the property will **not** be available for the establishment of a SEB Area
3. land that is protected as a requirement under the Act (i.e. land protected as a result of civil or criminal enforcement, or areas subject to a condition of consent), or land protected under other legislation, or other schemes or programs (this does not preclude offsets required under the EPBC Act for the same action)
4. land that is protected under any other contractual arrangement that provides for environmental protection equivalent to that provided by a SEB Area
5. land that does not provide substantial additional biodiversity benefits beyond those that would likely have occurred with 'duty of care' land management practices
6. land on which the development itself, for which the SEB is required, is causing significant adverse impacts on the native vegetation and the management of that land is needed in order to mitigate those impacts (for example, if a development will fragment native vegetation and increase the risk of weed invasion due to increased edge effect, managing the remaining vegetation to prevent that weed invasion is a required mitigation measure and **not** a SEB).

A SEB may be achieved through the purchase and/or transfer of land to a government or non-government organisation for long-term protection. However, the NVC would need to be satisfied that there were adequate arrangements in place for the management of that land, including funding, for at least the first 10 years after transfer.

3.1.5 Requirement 5: SEB protection

The SEB Area must be conserved in perpetuity for the growth of native vegetation and must not be used in a way that is inconsistent with that dedication. The formalised protection must be achieved in accordance with the following.

All SEB Areas will be afforded a level of protection under the Act. Section 30 of the Act stipulates that any condition of consent, including the requirement to achieve a SEB, is binding on and enforceable against the applicant, the owner or occupier of the land, or a subsequent owner or occupier of the land on which the consent relates. This section also requires that the conditions of consent must be noted against the relevant instrument of title for the land to which the consent relates.

However, the applicant may voluntarily enter into a new Heritage Agreement, or the NVC may require that a SEB Area is provided with additional protection through the establishment of a Heritage Agreement or Management Agreement under the Act.

1. A Heritage Agreement may be required if, in the opinion of the NVC:

    i. the SEB Area is of particularly high conservation value due to its large size relative to the vegetation remaining within a region, or contains a significant area of a threatened vegetation community or contains significant habitat for threatened species (fauna or flora), or
    ii. the vegetation within the SEB Area is already in very good condition and the establishment of a conservation covenant is required to provide an environmental gain, or
    iii. the long term protection of the vegetation in the SEB Area is uncertain and may be subject to future disturbance or development.

    A Heritage Agreement is an agreement between the Minister and the owner of the land, is binding on any current or future owners or occupiers of the land and may only be varied or terminated with the approval of the Minister and NVC.

2. A Management Agreement will be required if:

    i. the SEB Area is subject to an assignment of Credit under Section 25B of the Act, or
    ii. the SEB Area is established by Accredited Third Party Provider under Section 25C of the Act.

    A Management Agreement is an agreement between the Minister and an assignor of Credit or Accredited Third Party Provider, is binding on any current or future owners or occupiers of the land and may only be varied or terminated with the approval of the Minister and NVC.

3.1.6 Requirement 6: SEB management

1. A SEB Area must be managed in accordance with a NVC approved management plan. The management plan will stipulate the management actions that must be undertaken over the initial 10 years from the establishment of the SEB Area, plus ongoing monitoring and maintenance activities.
2. Environmental threats and degrading processes must be managed within the SEB Area. In particular, a SEB Area must be managed in accordance with the following minimum commitments:

    a. permanent exclusion of domestic stock: stock grazing may be permitted on occasions, but only if grazing is required for the sole purpose of ecological management and undertaken in accordance with an approved management plan
    b. where required, erect and maintain fences and gates in good stock proof condition at all times
    c. prevent the spread of and, as far as possible, eliminate established pest animals and plants
    d. not erect, place nor permit any structure or dwelling to be placed on the SEB Area

e. not permit the removal, introduction or disturbance of any soil, rocks, or other minerals, or the construction of dams other than those already existing on the SEB Area

f. not allow (unless required by law) any deterioration in the natural state or in the flow, supply, quantity or quality of any body of water onto or from the SEB Area

g. not permit the removal of any standing or fallen timber

h. no fertiliser application or artificial feeding

i. no soil disturbance (beyond that which is necessary for agreed management actions)

j. no cropping

k. no dumping of rubbish, unwanted machinery or plant material.

3. If a SEB Area is to be established on land subject to the *Pastoral Land Management and Conservation Act 1989*, approval for a change of land use to conservation with a nil stocking rate applied should be obtained by the Pastoral Board.

4. If the person or body providing the SEB is not the owner of the land on which the SEB Area will be located, then the NVC must be provided with written consent of the owner of the land for the establishment of the SEB.

5. The SEB Area must be established and management initiated at the time of, or prior to, the approved clearance being undertaken.

3.1.7 Requirement 7: Establishing a SEB area

1. The SEB Area must be established over a clearly defined area of land.

2. The SEB Area must be, as a single connected block, of a minimum size and dimension (an SEB may consist of more than one area, but any one area must comply with the following parameters). The SEB must be a minimum of 30 m wide for at least 90% of the length and:
    a. one (1) hectare or greater for an SEB Area containing a listed community under the EPBC Act
    b. three (3) hectares or greater for any other SEB Area.

3. The SEB Area should not be located in an area likely to be subject to future disturbance. This may include but is not limited to areas of land:
    a. subject to an easement
    b. located under powerlines
    c. within a built asset protection zone for bushfire management (e.g. near houses or buildings) or any other area likely to present an unacceptable bushfire risk
    d. required or highly likely to be used for future infrastructure, development or mining related activities
    e. subject to direct or indirect impacts of a development (such as water drawdown or contamination or dust or chemical plumes).

4. If an SEB Area is to involve revegetation, it must be designed to achieve a functional ecosystem with a reasonable level of species and structural diversity and must be appropriate for the site of establishment. The aim may be a representation of the pre-European vegetation community that was likely present prior to clearance, or an alternate state if justification can be provided to demonstrate that the alternate state is preferable for ecological and conservation purposes, and:

a. major revegetation (i.e. involving all strata of vegetation). A proponent should be able to demonstrate a capacity to deliver revegetation projects (undertaken past works or engaging a recognised contractor), and

   i. revegetation should address a specific conservation objective (i.e. be of a vegetation community listed as rare or threatened under the EPBC Act, or provide critical habitat for rare or threatened species), or

   ii. revegetation should buffer or extend existing remnant vegetation, or

   iii. revegetation is in itself of a size that would be considered significant within the landscape that it is located and reinstates a critical landscape function (e.g. increasing connectivity in the landscape)

b. supplementary revegetation (i.e. revegetation of land already containing native vegetation). A reasonable proportion of at least one of the strata of native vegetation should be present.

5. A new SEB Area may only be established by a proponent if all existing commitments in relation to existing SEB Areas are being achieved or are being actively addressed.

6. The NVC may give approval to an SEB that is at variance with the above requirements if in the opinion of the NVC such a decision is warranted based on environmental considerations. This may be based on the particular needs of the species or vegetation community being impacted by the clearance.

3.1.8 Requirement 8: Revegetation or reconstruction

Whilst revegetation or reconstruction of heavily degraded native vegetation may present a higher risk manner of achieving an environmental gain, it is the main way in which the extent of native vegetation can be maintained when offsetting clearance of native vegetation. Maintaining the extent of native vegetation is particularly important in highly cleared regions in order to maintain connectivity and viable populations of native species. Therefore, where clearance of native vegetation:

- requires greater than **250 SEB Points,** and
- receives Unit Biodiversity Score (UBS) of greater than 30, and
- is of remnant vegetation (not regrowth vegetation less than 10 years old), and
- is to occur in an IBRA Association or IBRA Subregion with equal to or less than 30% native vegetation cover, then

the SEB should incorporate an area of revegetation or habitat reconstruction (the rehabilitation of an area of native vegetation containing highly reduced native flora species and structural diversity) of an equivalent area to that being cleared. This will ensure that native vegetation extent is maintained in more highly cleared landscapes.

3.2 Third party providers

3.2.1 Accreditation of third party providers

The Act allows for an SEB to be achieved by someone other than the person who has the NVC approval to undertake the clearance. Such a person or body is referred to an Accredited Third Party Provider. Accreditation must occur in accordance with the *Native Vegetation (Credit for Environmental Benefits) Regulations 2015*.

An Accredited Third Party Provider may have an area(s) available to them that they are willing to establish as an SEB Area, or they may be able to locate and establish SEB Areas in accordance with the needs of the clearance proponent.

A person who wishes to become an Accredited Third Party Provider must:

- submit an application form to the NVC accompanied by the prescribed fee
- provide information required by the NVC.

The applicant may also wish to provide the following information, which will assist a clearance proponent to identify an Accredited Third Party Provider that may be able to meet their needs:

- The landscape region(s) in which the provider may be able to establish an SEB Area(s)
- The location of an area(s) of native vegetation that may be established as an SEB Area
- A general description of the vegetation associations
- Any SEB Credit already held by the provider (see below for further details on SEB Credit).

Once a Third Party Provider is accredited, their details will be placed on a publicly available list of providers. Providers are required to supply the NVC with updated information if any of their details change at any time.

3.2.2 Achievement of SEB by third party provider

In order for a clearance proponent to have their SEB requirement achieved by an Accredited Third Party Provider, they must apply to the NVC for approval. The application must be accompanied by the prescribed fee and by any information required by the NVC.

The NVC will require, as a minimum, the following information:

- A vegetation assessment of the proposed SEB Area undertaken in accordance with a NVC approved methodology (see SEB Guide for further details). The assessment must be undertaken by someone independent of the Accredited Third Party Provider.
- A Management Plan completed in accordance with this Policy.

The NVC will not approve a SEB requirement to be provided by an Accredited Third Party Provider unless the provider:

- establishes a SEB Area in accordance with this Policy
- secures the SEB by entering into a Management Agreement over the SEB Area (Management Agreements are provided for in Section 25D of the Act, and entered into with the Minister with NVC approval).

The Accredited Third Party Provider accepts all responsibility and liability for managing and protecting the SEB Area as required by the Management Plan and Management Agreement.

3.3 SEB area credit

To provide clearance proponents with a greater level of flexibility and certainty to achieve a SEB, the Act allows the creation and use of SEB Credit. This system, amongst other things, enables landholders to establish SEB Credit to use for future requirements.

The NVC is responsible for determining when to register SEB Credit, for determining the value of the credit, and for accounting for the use of the credit. The *Native Vegetation (Credit for Environmental Benefits) Regulations 2015* apply. This Policy sets out matters that the NVC will take into account when determining applications to register SEB Credit under the Act, and applying the value of the credit towards achieving a SEB requirement.

3.3.1 Establishment of credit

A person or body may create SEB Credit through one of the following means:

1. Establishing a SEB Area that is greater than that required by a condition of consent (in relation to either a clearance application under the Act or approval for permitted clearance under a Regulation).
2. Establishing a SEB Area that is not associated with any conditions of consent.

In order to create SEB Credit, the SEB Area must be established in accordance with this Policy, and be managed in accordance with a NVC approved Management Plan.

The NVC will establish and record credit as follows:

- The SEB Credit will be recorded based on the vegetation association to which it relates and the region in which it is located (landscape region and IBRA Association and/or IBRA Subregion).
- The Credit Holder will be taken to be the person or body who establishes the SEB Area (the SEB Provider). The SEB Provider must be the person or body who signs the Management Plan and, when relevant, a Management Agreement under the Act. This will generally be the owner of the land. If it is not the owner of the land, the owner must provide written consent for the establishment of a SEB Area on their land.
- If land containing a SEB Area changes ownership, in the absence of written notification to the contrary, the credit will be taken to be owned by the new owner of the property. If the SEB Area covers more than one property title and ownership is split, credit will be apportioned between the titles according to the percentage of the SEB Area within each title.

3.3.2 Use of credit

In order for a proponent to gain access to SEB Credit to meet the SEB obligations, the NVC must be satisfied that the SEB Area is being managed in accordance with the NVC approved Management Plan.

The NVC will assess the value of the native vegetation at the time of application to use the credit. Generally, the value will be taken to be the value as determined by the vegetation assessment undertaken when the SEB Area was established. However, the NVC may require a new vegetation assessment to be undertaken to determine the value of the credit, if in the opinion of the NVC, the value may have declined (see SEB Guide for further details). If the value has declined or failed to improve to the extent expected and justification cannot be provided for the lack of improvement, the NVC may not recognise the credit.

3.3.3 Assignment of credit

SEB Credit may, with the approval of the NVC, be assigned to a person or body other than the person that established the SEB Area. An Assignment of Credit is different to a Third Party SEB in that the SEB Area has previously been approved by the NVC and established in accordance with that approval. Additionally, an Assignor of Credit is **not** required to be an Accredited Third Party Provider.

An application for assignment of Credit must be made by the Assignor (the Credit Holder) and the Assignor must:

1. submit an application form accompanied by the prescribed fee
2. secure the SEB Area in the manner required by the NVC by either:
    a. entering into a Management Agreement over the SEB Area subject to the assignment of credit (Management Agreements are provided for in Section 25D of the Act, and are entered into with the Minister with NVC approval)

b. entering into a Heritage Agreement over the SEB Area subject to the assignment of credit (Heritage Agreements are provided for in Part 4 Division 1 of the Act, and are entered into with the Minister with NVC approval).

Note: A Management Agreement or Heritage Agreement may have previously been entered into as part of an Accredited Third Party Provider arrangement or for the Assignment of Credit. There is no need for a new Management Agreement or Heritage Agreement each time there is an Assignment of Credit.

If the Assignor of Credit is not the owner of the land, the establishment of a Management Agreement and therefore the Assignment of Credit will only be permitted if the owner of the land has provided written consent.

Assigned SEB Credit cannot be applied to achieve an SEB requirement for a clearance consent unless it is secured by a Management Agreement. Accordingly, a Heritage Agreement will generally only be required by the NVC if the assigned credit is not intended to be used for a clearance consent, e.g. it may be used for the Assignment of Credit for philanthropic reasons.

Once SEB Credit has been assigned, it is taken to be credit of the Assignee. Subject to this Policy, one of the following may be applied:

1. The Assignee may use the credit to fulfil the conditions of consent for a clearance application or Regulation approvals.
2. The Assignee may hold the credit to be used for possible future clearance applications under the Act or Regulation approvals.
3. The Assignee may hold the credit indefinitely without applying it to any clearance consent. This may occur in order to achieve an environmental gain without undertaking any clearance of native vegetation (i.e. a company may wish to improve its environmental credentials or a person may purchase credit for philanthropic purposes).

Any agreements between the Assignor and the Assignee are to be determined by those involved. NVC and DEW accept no liability in relation to such arrangement.

The SEB Provider (the Assignor) retains all responsibility and liability for managing and protecting the SEB Area as required by the Management Plan and Management Agreement.

Assignment of Credit will remain in force for 2 years or for a longer period as the NVC may fix at the time of approving the Assignment of Credit. If the Assignment of Credit lapses, the proponent must re-apply to be able to use the credit. The appropriateness and value of the credit will be re-assessed at the time of re-applying.

Matters the NVC will take into account in assessing an application for the Assignment of Credit include:

- the extent to which the Management Plan and Management Agreement have been implemented
- whether the vegetation has improved in condition, as much as could be reasonably expected in the timeframe since the credit was established
- whether the assignment of Credit from the SEB area meets all the requirements of this Policy.

3.4 Credit and third party provider brokerage

A landholder may wish to become an Accredited Third Party Provider or a Credit Holder but may not want to be directly involved in the transaction, negotiations or other such arrangements. In such a circumstance, the landholder may choose to engage a Credit and Third Party Provider Broker. The Broker can act on behalf of the landholder.

The Broker may help the landholder organise an assessment of the vegetation (undertaken by someone independent of the Broker), establish their credit, develop the Management Plan and Management Agreement and facilitate contact or develop agreements with clearance proponents.

Only a person or body who is registered as an Accredited Third Party Provider may act as a Credit and Third Party Provider Broker. A Broker may, if they so choose, charge a brokerage fee or may take a commission upon the establishment of a Third Party SEB or the assignment of SEB Credit.

3.5 Restrictions for third party SEB and assignment of SEB credit

Under certain circumstances, there will be restrictions to the area of land that can be established as a SEB in relation to assignment of Credit or Third Party SEB. This restriction is intended to prevent a majority of SEB obligations from any one region being invested into a single location. It is designed to build resilience into the SEB system by spreading the risk of achieving SEB obligations and by capturing a greater diversity of landscapes, vegetation communities and species.

A total of 10,000 ha or 10 per cent of any one property, whichever is greater, may be used for Accredited Third Party Provider arrangements and Assignment of Credit (this is as an aggregate of both Third Party Provider and Assignment of Credit arrangements).

The maximum area may be increased above 10 per cent on occasion in certain exceptional circumstances such as:

- The Landscape Board (and where relevant the Pastoral Board) has provided advice regarding the appropriateness of the proposal, which the NVC will take into account, and
    1. there are biodiversity conservation benefits in expanding the area for high value broad-scale biodiversity assets (e.g. vegetation associations/communities), or
    2. there are benefits in expanding the area to a more appropriate management unit defined by natural landscape features and/or existing infrastructure (e.g. roads, fences, water points).

If the property was partly purchased with Commonwealth and/or State government funding (as described in Requirement 4 Additionality), then the area available for the establishment of Third Party SEB and assignment of SEB Credit must not be greater than *either* of the following criteria:

- a total of 10,000 ha or 10 per cent, whichever is greater, of any one property, or
- the proportion of the property equivalent to the proportion that was purchased with non-government funding.

3.6 Termination of SEB Credit areas or reduction in size

There may be occasions when a credit holder wishes to discontinue with the management of a credit area or reduce its size. Please note, this only applies to the portion of a credit area (if any) for which credit hasn't been used or assigned, that is, sites that are not yet considered to be a SEB area.

As far as reasonably practicable, areas of highest ecological and biodiversity value should be retained within the credit area the application is for a reduction in size.

The NVC will adjust the relevant registers (refer to Section 5) to reflect changes in the value of the credit, including cancelling the credit if it is satisfied that there are no continuing obligations for protection and management due to conditions of initial credit approval or past use of credit (including assignments of credit).

4 SEB payment

4.1 Role of the Native Vegetation Fund

The Native Vegetation Fund (the Fund) is administered by the NVC and funds paid *in lieu* of on-ground offsets to achieve a SEB are held in this Fund. The NVC quarantines the funds collected *in lieu* of direct offsets and pays these funds to third parties who can demonstrate the capacity and skills to deliver the required offsets.

If a SEB is required as a result of a clearance application under Section 28 of the Act, before an applicant will be permitted to make a payment into the Fund, they must first provide information to demonstrate that they are unable to achieve a SEB on-ground, through the establishment, regeneration or maintenance of native vegetation.

If the SEB is required as a result of an approved activity undertaken under the Regulations, the applicant has a choice of either providing an on-ground SEB or a Payment SEB. However, the NVC will first request that a reasonable attempt be made to identify an on-ground SEB before a payment will be accepted.

The amount required to be paid into the Fund will be calculated using a NVC approved formula (requirements are set out in the SEB Guide). Money paid into the Fund will be used by the NVC to establish, regenerate, preserve and maintain native vegetation on land in the same region of South Australia as the proposed clearance. However, money paid into the Fund may be used in a different region of the State to the proposed clearance, in order to achieve a SEB, if undertaken in accordance with Section 21(6a) of the Act.

5 Public SEB information

SEB areas are recorded on a publicly available mapping system (NatureMaps), which is administered by DEW. For each site, DEW holds publicly accessible information about details of the parties involved, the Landscape SA region, the vegetation communities affected.

In addition, the Native Vegetation SEB Credit Register (available on the DEW website) lists sites with SEB Credit available (if any), use or assignment of SEB Credit and if the SEB was achieved by an Accredited Third Party Provider.

The Native Vegetation SEB Credit Register also permits people to list areas they may be interested in establishing as a SEB Credit Area. These areas do not need to be associated with an Accredited Third Party Provider, nor is there any application fee. This enables people to signify their interest in being involved with a possible SEB arrangement without the need to commit. The Register allows for transparency and equity. It also connects potential SEB providers with clearance proponents.

5.1 SEB area details

SEB site information is recorded by DEW as in Table 1.

Table 1 SEB public information recorded by DEW

Information	Description
SEB Area ID	Unique identifier for each vegetation association within a SEB Area
Approval date	Date the SEB Area was approved by the NVC
SEB Area provider	Name of the person responsible for establishing the SEB Area
Address	Address of the SEB Area provider
Landscape region	Landscape region in which the SEB Area is located
IBRA subregion	IBRA (Interim Biogeographic Regionalisation for Australia) subregion in which the SEB Area is located
Council	Local council area in which the SEB Area is located
Vegetation associations	Description of the vegetation association as determined by the Bushland Assessment Method or Rangeland Assessment Method
Total area (ha)	Area of the vegetation association contained in the SEB Area
SEB points (total)	Total number of SEB points generated for the vegetation association and SEB area
SEB points available (Credit)	Number of SEB points remaining from a vegetation association after being applied to an approved clearance or assigned to another person
SEB Credit available for assignment	Information about whether the owner of the Credit is willing to assign the credit to another person
Accredited Third Party Provider	Information about whether the SEB provider is also an Accredited Third Party Provider

Information	Description
Broker	Information on whether the SEB provider is represented by a Broker
Management Agreement (MA) no.	Unique identifier for any Management Agreement that is established over a SEB Area in relation with an assignment of Credit or a Third Party SEB
Date MA established	The date on which the Management Agreement was established
MA established in relation to 25B or 25C	Information about whether a Management Agreement was established in relation to 25B – Assignment of Credit, or 25C – Achievement of environmental benefit by Accredited Third Party Provider
Heritage Agreement no.	Unique identifier for a Heritage Agreement that was established over a SEB Area

5.2 Achievement of the SEB

The NVC maintains information and registers to demonstrate how each approved clearance was offset. The information recorded is shown in Table 2.

Table 2 Information recorded by DEW about clearance applications and required SEB

Information	Description
Clearance application no.	Unique identifier for approved clearance applications or regulation approvals
Clearance applicant	Name of the person or body applying to undertake the clearance
Decision date	Date the clearance was approved by the NVC
SEB points required	Number of SEB points required to offset the clearance
SEB Area ID	Unique identifier of the SEB Area which will offset the clearance
SEB points applied	Number of SEB points applied from that particular SEB Area in relation to the clearance application or regulation approval
SEB achieved via a payment	If all or part of the SEB was achieved through a payment into the Native Vegetation Fund, record how many SEB Points were achieved via the payment
Payment amount	Amount that will be paid into the NV Fund for that particular clearance approval
Were any conditions attached to the approval for the third party achievement of the SEB?	The NVC may impose additional conditions on any approval for the third party achievement of a SEB. Record if any conditions were imposed. It will not describe what those conditions are, just that they exist.

6 Monitoring and evaluation

Monitoring and evaluation of the SEB Program is essential to ensure that the NVC is meeting the obligations under the Act and that the condition and extent of native vegetation is South Australia isn't eroded. Monitoring and evaluation will occur at two levels: individual SEB Areas, and the SEB program as a whole.

6.1 SEB areas

Proponents responsible for the management of a SEB Area will be required to provide information to the NVC regarding progress of implementation of SEB Areas. Monitoring will involve the following:

- The proponent must submit annual progress reports for the first 10 years of management of the SEB Area. The progress reports must outline the actions taken for the previous year, the outcomes that were achieved and the proposed works for the following year. Photos taken at specific photo points must be submitted annually with the progress report.
- If a SEB Area has provided more than **150 SEB Points** of gain, there will also generally be a requirement for the proponents to undertake repeat vegetation assessments (undertaken by a NVC approved consultant). These assessments must be undertaken at years 5 and 10 after commencement of the SEB Area management. This will provide quantitative data to indicate if the vegetation is improving in line with expectations.
- A member of the NVC or a person who is an authorised officer under the Act, may enter a property of the landowner for the purpose of assessing and recording any matter relevant to the SEB Area.

6.2 SEB program

The NVC will conduct a review of this Policy and associated SEB Guide and relevant manuals to determine if the program is achieving the objective of an overall environmental benefit. The review will:

- be conducted after 5 years of implementation of a revised Policy
- evaluate whether SEB Areas are achieving their projected improvements in biodiversity value, optimising environmental outcomes and consistent with the latest scientific information
- consider all means of providing a SEB, including both on-ground SEB and those achieved through the Native Vegetation Fund. This is intended to evaluate the relative strengths and weaknesses of the different options available and areas of possible improvements
- evaluate the method for calculating losses and gains to the environment.

7 Glossary

Biodiversity	The variability among living organisms from all sources including, among other things, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are parts; this includes diversity within species (genetic diversity), between species and of ecosystems.
Business and Biodiversity Offsets Program (BBOP) Standard 2012	The BBOP is a collaboration between 75 companies, government agencies, conservation organisations and financial institutions from around the world. Its aim is to develop shared views and best practice on the application of the Mitigation Hierarchy, including biodiversity offsets. It developed *Principles* and *Standard on Biodiversity Offsets*, handbooks on offset design and implementation and a number of resource papers and case studies. https://www.forest-trends.org/bbop/
Duty of care land management	Section 8 of the *Landscape South Australia Act 2019* identifies a general statutory duty for all people to act reasonably in relation to the management of natural resources in the state - regardless of land size or use. This is 'duty of care.'
Heritage Agreement	A Heritage Agreement is established under Part 4 of the *Native Vegetation Act 1991*. It is registered on the Title of the land and is binding on future owners or occupiers of the land.
IBRA Sub-region	Interim Biogeographic Regionalisation for Australia (IBRA) classifies Australia's landscapes into 89 large geographically distinct bioregions based on common climate, geology, landform, native vegetation and species information. www.environment.gov.au/land/nrs/science/ibra
Management Agreement	A Management Agreement is established under Section 25D of the *Native Vegetation Act 1991*. It is noted against the Title of the land to which it relates and is binding on current and future owners of the land.
National Reserve System	Australia's network of protected areas, conserving examples of unique landscapes, plants and animals. www.environment.gov.au/land/nrs/about-nrs
Native vegetation	A plant or plants of a species indigenous to South Australia including a plant or plants growing in or under waters of the sea as defined under the *Native Vegetation Act 1991*.
Native vegetation clearance	An activity that constitutes (or would constitute) clearance of the native vegetation under the *Native Vegetation Act 1991*. Native Vegetation Act 1991 | South Australian Legislation
Native Vegetation Council (NVC)	An independent body established by the *Native Vegetation Act 1991*. The NVC monitors the overall condition of the State's vegetation and makes decisions on a wide range of matters concerning native vegetation in South Australia. www.environment.sa.gov.au/about-us/boards-and-committees/native-vegetation-council
Landscape Region	A landscape region is established under the *Landscape South Australia Act 2019*. https://statewide.landscape.sa.gov.au/
Pastoral Land Management	An Act to make provision for the management and conservation of pastoral land, and for other purposes.

and Conservation Act 1989	https://www.legislation.sa.gov.au/lz?path=/c/a/pastoral%20land%20management%20and%20conservation%20act%201989
Threatened ecosystems	An ecological community is a naturally occurring group of native plants, animals and other organisms that are interacting in a unique habitat. Its structure, composition and distribution are determined by environmental factors such as soil type, position in the landscape, altitude, climate and water availability. For a full list of nationally listed threatened ecological communities see: EPBC Act List of Threatened Ecological Communities.
Threatened species	The *Environment Protection and Biodiversity Conservation Act 1999* protects nationally threatened species and ecological communities from direct and indirect threats. The *South Australian National Parks and Wildlife Act 1972* protects native plants and animals in the State. All listed flora is protected on private and public land. Permits may be granted to take protected plants. Details of threatened species in your area can be found at the threatened species section of the DEW website: https://www.environment.sa.gov.au/topics/biodiversity/threatened-species-and-ecological-communities



Government of South Australia

Department for Environment and Water

Native Vegetation Council