

Greenfleet conservation programmes on Regional Parks

File No.: CP2016/23332

Purpose

1. To seek revocation of a previous resolution of the Parks, Recreation and Sports Committee that endorsed the establishment of a partnership with Greenfleet to accelerate the ecological restoration programme on regional parks and put in place a new resolution that alters one of the conditions. The new condition would enable carbon sequestered through vegetation established through the programme to be noted on the relevant property title by way of an encumbrance.

Executive summary

2. Greenfleet's ecological restoration programmes are funded by companies and individuals making donations to Greenfleet to off-set their carbon emissions through the planting of trees and native forest restoration.
3. Council agreed to establish a partnership with Greenfleet to carry out revegetation programmes on regional parkland subject to a number of conditions being met. One of these conditions was that no property rights are assigned beyond assuring the maintenance of the planting for 50 years.
4. Greenfleet is concerned that one condition prevents it from meeting its commitment to sponsors, in particular in regards to the sequestration of carbon through the establishment of a permanent forest, because no interest in the carbon for areas they have planted is recorded in a notice on the property title.
5. There are significant benefits to council in supporting the partnership with Greenfleet. The programme enables the acceleration of revegetation on regional parks land, a lot of which is not currently resourced, and encourages more people to offset their carbon emissions.
6. The encumbrance would simply record the arrangement with Greenfleet on the title to relevant land.

Recommendation/s

That the Environment and Community Committee:

- a) rescind resolution PAR/2015/79 of the Parks Recreation and Sport Committee related to entering a partnership agreement with Greenfleet.
- b) authorise the General Manager Parks Sport & Recreation to negotiate a partnership with Greenfleet on regional parkland subject to a number of conditions:
 - i. be carried out at no net cost to the council and recognising the assignment of carbon credits on the areas to be re-vegetated.
 - ii. be fully consistent with council priorities and the objectives and policies relating to council conservation programmes, reserve management plans and land management practices, such as eco-sourcing plant material
 - iii. cover all aspects of revegetation requirements (for example fencing and weed control) for areas planted under this agreement
 - iv. be consistent with the particular land management objectives for each locality and meet any planning requirements, at no cost to the council
 - v. the agreement is non-exclusive to other partnerships for re-vegetation
 - vi. seeks to actively engage communities and volunteers
 - vii. enables an encumbrance recording Greenfleet's interest in the carbon sequestered through vegetation established by the programme to be noted on the property title.

Comments

7. Council was approached by Greenfleet in 2015 for access to around 50ha of land to carry out revegetation programmes. Greenfleet is a not-for-profit organisation operating in Australia since 1997 who have extended their activity into New Zealand. It funds, carries out and maintains planting programmes on public and private land in order to restore natural ecosystems and off-set carbon emissions. These works are funded by companies and individuals who make donations to Greenfleet to off-set their carbon emissions through the planting of trees and native forest restoration.
8. The programme would benefit council by encouraging more people to off-set their carbon emissions and accelerate on-going re-vegetation of regional parks. There is over 500 hectares of land identified in the Regional Parks Management Plan for future re-vegetation that is not currently resourced. The current programme for regional parks achieves re-vegetation of approximately eight hectares of land per annum.
9. The Parks Recreation and Sport Committee at its meeting on 18 November 2015 (PAR/2015/79) authorised the Group Manager Regional and Specialist Parks to negotiate a partnership with Greenfleet on regional parkland subject to a number of conditions:
 - Be carried out at no net cost to the council and recognising the assignment of carbon credits on the areas to be re-vegetated.
 - Be fully consistent with council priorities and the objectives and policies relating to council conservation programmes, reserve management plans and land management practices, such as eco-sourcing plant material.
 - Cover all aspects of revegetation requirements (for example fencing and weed control) for areas planted under this agreement.
 - No property rights beyond assuring the maintenance of the planting for 50 years are assigned.
 - Be consistent with the particular land management objectives for each locality and meet any planning requirements, at no cost to the council.
 - The agreement is non-exclusive to other partnerships for re-vegetation.
 - Seeks to actively engage communities and volunteers.
10. There has been considerable dialogue with Greenfleet over the past twelve months about the content of the legal documents required to establish the partnership and get the programme underway on specific sites. Greenfleet and council are currently negotiating a Memorandum of Understanding and a template Site Specific Agreement that will meet this purpose. Greenfleet is concerned to ensure that these documents provide them with the guarantees required to meet its commitment to its sponsors, namely, that their donations will result in the sequestration of carbon through the establishment of a permanent forest (which will be protected for at least 50 but preferably 100 years).
11. As it does in Australia, Greenfleet wishes to register an instrument against the title to the relevant land to give notice to the world of the revegetation arrangement in place with council. Greenfleet want to be protected from a sale of the relevant land to a third party who was unaware of the agreement with council. This is because where there is a bona fide purchaser of the land without notice of the agreement, the purchaser may not be bound by it. Greenfleet are adamant that it needs to protect its commercial position and obligations to its sponsors and is not prepared to assume that risk in a long term contract. From Greenfleet's perspective, this is a condition precedent to the transaction occurring.
12. Legal counsel for Auckland Council on this matter (MinterEllisonRuddWatts) has advised that an encumbrance could be used for this purpose, subject to meeting Land Information

New Zealand requirements. The registration of an encumbrance on titles is something that council does frequently to ensure performance of certain obligations and protect against this same type of issues. However, this mechanism appears to be inconsistent with the condition previously imposed by the committee of not assigning property rights beyond assuring the maintenance of the planting. Legal counsel has noted that such an encumbrance is not a “property right” per se because it does not convey any interest in the land; it is simply recording a notice of the arrangement with Greenfleet on the title to relevant land.

13. There are clear benefits to council from this partnership with Greenfleet proceeding, namely an increase in revegetation programmes, which outweigh any negatives associated with registering the encumbrance.

Consideration

Local board views and implications

14. Local Boards have not been consulted on this programme but would be consulted if any local parkland was considered as part of the programme.

Māori impact statement

15. Iwi have not been consulted on this programmes. Any specific proposal will be subject with the relevant mana whenua for the location.

Implementation

16. As this programme will be fully funded and managed by ‘Greenfleet’ there are no operational or budgetary implications for council apart from the forgoing of carbon credits on the areas covered by the programme. The benefits of advancing the councils conservation programmes will outweigh these costs.

Attachments

There are no attachments for this report.

Signatories

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