

**MINUTES OF A MEETING OF THE
FERNKLOOF NATURE RESERVE (FNR) ADVISORY BOARD (FAB)
HELD AT THE ELECTRICAL BOARDROOM
(TOP END MOLTENO ROAD – BELOW R43)
ONRUS RIVER, HERMANUS
ON FRIDAY, 24 MAY 2019 at 09:00**

**Please refer to the last page for acronyms used in the Minutes*

1. Welcome, Attendance and Apologies

Present: Duncan Heard (DH) [in the Chair], Pat Miller (PM) [Vice Chair], Tarron Dry (TD) [Biodiversity Conservation Manager: Overstrand Municipality], Lee Burman (LB), Linda Griffiths (LG), Anthony van Hoogstraten (AvH), Heloise Fortune (HF) [Secretary: Environmental Management Section], Andrae Marais (AM) [Cape Nature], Bongani Sithole (BS) [Cape Nature], Frank Woodvine (FW) [CPMG]

Apologies: Nicolette Lloyd (NL), Muthama Muasya (MM), Liezl de Villiers (LdV) [Environmental Manager: Overstrand Municipality], Glynis van Rooyen (GvR)

No Apologies: Kari Brice (KB) [Councillor], Grant Gillion (GG) [Law Enforcement: Overstrand Municipality]

Welcome: DH opened the meeting and welcomed all present.

2. Confirmation of Minutes for the Meeting of the FAB held on 22 FEB 2019

HF

2.1 Confirmation of Minutes and Public Availability

The minutes were accepted by the FAB.

The minutes were made available to the public.

2.2 Comments from Council on the FAB Minutes dated 22 FEB 2019.

KB

Stand over for feedback at the next meeting.

3. Matters Arising

3.1 Amendment of Bylaws relating to the FNR and the FAB/Re-declaration of the FNR:

TD/DH

DH requested that TD should set up another meeting with Lionel Wallace to discuss the bylaws.

3.2 Provincial By-Pass Road

TD

PM reported that WCC is finding it difficult to get information from DEA&DP on what instructions were given to SRK. She further noted that FAB should insist on the fact that the FNR boundaries should be respected.

DH requested that Liezl de Villiers should provide feedback to FAB on the status quo from DEA&DP.

FAB requested that Liezl de Villiers should follow up with Kari Brice on her statement that council do not support the By-Pass Road (FAB Minutes dated 22 FEB 2019) and why council's statement has not been made public.

4. Administration

4.1 FNR Protected Areas Management Plan (PAMP)

TD

DH reported that Tamzyn is busy with the final editing of the FNR PAMP.

TD and DH had a meeting on Monday 25/05/2019 about the FNR PAMP maps. TD will finalize the maps in this week.

AvH requested that the Draft FNR PAMP should go to Cape Nature and FAB before it goes out to the public. Andrae Marais supported this request.

DH requested that each FAB member receive a hard copy of the Draft FNR PAMP.

TD noted that he is not sure if FAB and Cape Nature will be able to receive the Draft FNR PAMP before it goes out to the public as they would like to advertise as soon as possible.

4.2 FNR Riparian Zone damage – River Maintenance Management Plan **TD**
 TD reported that the status quo remains. It has been placed on the 2019/2020 budget cycle.

4.3 FNR 2018/19 Budget & Management Reports **TD**

PM suggested that FAB should in a formal request object to the EMS budget as it is inadequate.

TD should forward a copy of the FNR budget to FAB.

FAB will do a recommendation to council once they receive the budget from TD.

AvH noted that BOTSOC does not want a workshop in their lease area. DH requested that TD should take this matter up for discussion at the next BOTSOC meeting before it is discussed at FAB.

4.4 World Heritage Expansion Motivation Compilation/ BOTSOC lease area – Cultural Heritage Site **DH**
 MM will circulate the project to other universities. He will draft the problem statement and share with FAB prior to circulating.

AvH noted that BOTSOC would like their lease area in FNR declared as a heritage site. They spoke to the heritage committee about this. DH requested that the discussion take place between EMS and BOTSOC first before it is discussed at FAB.

5. Standing Items

5.1 Enforcement: **TD**

TD noted that they are waiting on the J534 fine books so that the Field Rangers can also issue Municipal Court fines.

DH requested that GG provide feedback via email to FAB on points raised in the previous minutes.

It was agreed that AM & Bongani will do a presentation to the Field Rangers on the issuing of fines. Law Enforcement should also be invited to the presentation.

5.2 Hoy's Koppie **TD**

PM reported that vagrants are using the boardwalk for sleeping. TD requested the Field Rangers to attend to this matter.

6. Ecological Management Issues

6.1.1 Baboon Virtual Fence / Baboon Electric Fence **TD/KB**

Stand over for feedback at the next meeting.

AvH commented that there was a public meeting on baboons at the Fernkloof Hall on 21/05/2019. He also commented that Cllr Brice announced that there is 2 million available from the municipality for baboon management.

6.1.2 Event Applications **TD**

TD reported that he is working on an events portfolio for FNR events.

TD and PM will do a site visit with regards to the destruction caused by trail runners.

6.2 Research **TD**

6.2.1 Research Applications

TD reported that he received one research application that he must still attend to.

6.3 Klein River Estuary Management **TD**

TD reported that with regards to the Klein River Bird Sanctuary Application; all contents have been submitted to Property Administration for processing. EMS was not in support of this application at the specific site.

TD reported that an application for water bikes on the Klein River was received.

6.4 Reports from Hermanus Botanical Society (BOTSOC) **LG**

LG had circulated the latest report to the FAB.

The lease agreement and Co-Management agreement terms between BOTSOC and OSM are still being discussed by Dianne Marais, May-Ann of BOTSOC, Liezl de Villiers, Stephen Muller and Anja Le Roux of the OSM. Dianne Marais has asked for a 45 years lease for the Hermanus Botanical Society.

6.5 Reports from Cliff Path Management Group (CPMG)**FW**

Frank Woodvine reported that Jim Sweet and Peter Coxall are new members of the CPMG.

The CPMG would like to do burning on the cliff path.

TD noted that if CPMG needs any assistance they are welcome to work through Michael Henn.

7. General**7.1 Dogs in FNR****TD**

BOTSOC submitted a formal request.

DH will give a summary at the next meeting.

DH will do legal research first before an article is placed in the newspaper.

DH will draft the article and EMS must place it in the newspapers.

7.2 Stanford Trunk Road**TD**

PM noted that the worker based at Vogelgat has no toilet facilities. TD will ask the ECO to speak to the contractor.

The Department of Environmental Affairs and Development Planning requested a legal opinion from the Department of the Premier regarding the upgrading of Trunk road 28/2 Hermanus to Stanford. This work is taking place within Fernkloof Nature Reserve.

Below are extracts from the legal opinion:

Could the upgrade of the Road continue whilst the area is withdrawn or part thereof is excluded from the Nature Reserve?

43. NEM:PAA does not provide for the withdrawal of a road from a nature reserve. Although the Municipality cited section 24 of NEM:PAA as the authority for asserting that such road be withdrawn from the Nature Reserve, section 24 of NEM:PAA only provides for the withdrawal of a declaration of a nature reserve which would result in such area which was declared in terms of section 23(1) of the NEM:PAA no longer being declared a nature reserve. This cannot be the intent of the Municipality.

44. Section 50(5) of the NEM:PAA provides that "[n]o development, construction or farming may be permitted in a national park, nature reserve or world heritage site without the prior written approval of the management authority". It is this section which appears to be the stumbling block for the DTPW as the Nature Reserve is a nature reserve for the purposes of NEM:PAA and consequently, consent is required from the management authority to commence construction within the Nature Reserve.

71. Could the upgrade of the Road within the Nature Reserve continue whilst the area is withdrawn or part thereof is excluded?
- 71.1. NEM:PAA does not require the exclusion of the Road for the upgrade and realignment thereof, it merely requires the consent of the Municipality.
- 71.2. NEM:PAA expressly acknowledges that public roads may traverse a nature reserve in that regulation 22 of the Regulations provide that where a public road passes through a nature reserve no permission is required to pass through the nature reserve on such road to a destination outside the nature reserve in question.
- 71.3. The upgrading and realignment of the Road does not appear to have bearing on the withdrawal of the Nature Reserve in terms of the NEM:PAA, nor the abolishing of the Nature Reserve in terms of the NCO.
- 71.4. A public participation process is not required for the amendment of the boundary of the Nature Reserve in terms of the NCO.

7.3 METT (Management Effectiveness Tracking Tool)

DH

A special meeting will be held to do the METT exercise. Stephen Muller and Lionel Wallace should be invited to attend the special meeting.

8. Date of Next Meeting: 23 August 2019.

Acronyms:

AVM – Alien Vegetation Management

BAR – Basic Assessment Report in terms of the national Environmental Management Act Environmental Impact Assessment Regulations (2014 – as amended)

BOTSOC – Hermanus Botanical Society

CPMG – Cliff Path Management Group

DEA&DP – Department of Environmental Affairs & Development Planning

EA – Environmental Authorisation

EIA – Environmental Impact Assessment

ECO – Environmental Control Officer

EMS – OSM Environmental Management Section

FAB – Fernkloof Advisory Board

FNR – Fernkloof Nature Reserve

IMP – Integrated Management Plan

IAV – Invasive Alien Vegetation

MFMA – Municipal Financial Management Act

NEMA – National Environmental Management Act

NEMPAA – National Environmental Management Protected Areas Act

OSM – Overstrand Municipality

PAMP – Protected Area Management Plan

PPP – Public Participation Process

SCM – OSM Supply Chain Management

WCC – Whale Coast Conservation