

**MINUTES OF A MEETING OF THE  
FERNKLOOF NATURE RESERVE (FNR) ADVISORY BOARD (FAB)  
HELD AT ELECTRICAL BOARDROOM, ONRUSRIVIER  
ON FRIDAY, 20 MAY 2016 at 09:00**

**1. Welcome, Attendance and Apologies**

**Present:** Duncan Heard (DH) [in the Chair], David Beattie (DB), Anthony van Hoogstraten (AvH), Neville Green (NG) [Biodiversity Manager – Overstrand Municipality], Linda Griffiths (LG), Cllr Kari Brice (KB), Heloise Fortune (HF) [PA-Onrus Office], Muthama Muasya (MM), Lee Burman (LBn), Edward Fisher (EF) [Law Enforcement – Overstrand Municipality], Andrae Marais (AM) [Cape Nature], Stephen Muller (SM) [Director: Infrastructure&Planning – Overstrand Municipality], Penelope Aplon (PA) [Environmental Officer – Overstrand Municipality]

**Apologies:** Glynis Van Rooyen (GvR), Estelle Spaarwater (ES), Liezl Bezuidenhout(LB) [Senior Manager–Overstrand Municipality].

**Welcome:** The Chairperson welcomed everyone to the meeting and thanked Director Stephen Muller for attending. He noted that there will be two presentations today by Paul du Toit – Absa Cape Epic and Ron Holloway – Walkerbay Radio Flyers Club. The Hermanus Astronomy Centre consent use application will be discussed first. The rest of the agenda will follow.

**Hermanus Astronomy Centre – Consent Use Application**

DH informed the board that he addressed a letter to the Mayor and the Municipal Manager on 11 May 2016 regarding the consent use application of the Hermanus Astronomy Centre. He had a response from the Mayor's office within 7 days that the letter was received. He had no response from the Municipal Managers office yet. He gave some background to the board with regards to his letter. His letter will be attached to the minutes.

SM commented that with regards to the FNR IMP he is also frustrated that it is taking so long. He commented that yes you need a management plan, but you need a management plan for everything. He noted that they do not usually wait for management plans before they proceed; plans are always in the development and in the review. They normally work with what they have. If an application comes in they follow the statutory procedure. At the moment there is a consent use application through planning legislation and that is open for public comment, it is a deviation from the proposed plan and it is going through public participation at the moment. He noted that DH already commented on the application and they expect the FAB to also comment. The comments will go into the legislative process that is being followed. They do not treat any application different to other applications. If an application is received it goes through the process and all comments, inputs and advices received goes to council and they make their decision. They do not have the discretion to discard any application; all applications have to go through the process. He made an example that if someone puts an application in for a casino on the mountain they have to process the application, advertise it, receive the comments and put it forward to council for approval, council is the owner of the property and they will make a decision. He commented that on the astronomy centre council have already sort of committed by approving a lease a while back it depends on what the current application looks like as it is different from the previous application that council approved but all the information in the current process will be put to council again. It won't go to the current council for approval; it will go to the new council. He commented that the current lease was maybe even approved by the previous council. When the final item serves before council whoever is in council on that day will apply their minds saying they will go with the previous council decision or against their decision. He commented that whatever the application is whether an astronomy centre; bypass road, restaurant, disco or hunting lodge they have to process the application they cannot refuse it.

DH commented that the information that they have and that is recorded in the management plan is that the previous council gave in principal approval based on studies and other aspects and inputs. The information they have is not that a lease has been approved. He asked SM that if council after they have looked at everything decided to approve the application and now there is a approved consent use application but the management plan states there is no development on that site the area is being restored, they are concentrating on the site across the road, what will the next step be. SM commented that has to be put forward to council, they have to consult all the documentation and SPLUMA says you have to consider the planning document. They have to show that they have considered all the inputs and planning documents before they apply their minds.

SM commented that with regards to the control of access to rotary drive. He noted that at the moment the procedure they follow is to not restrict access onto the reserve as it is impossible to enforce it. The mountain belongs to the people of the Overstrand and everyone has access. The mountain is seen as the coast everyone has access. DH commented that the plan states that one of the big problems is that people can use a vehicle to go up at night, if the evening hours can be restricted unless it is a group that has a special permit. That would really reduce security risks. The misuse of the area and the high impact, if you look at Google earth you will be able to see all the tracks that are going left, right and centre. That is high impact in a very sensitive area and for the proper management of the reserve we must reduce the impact. The vision is to see that the mountain is managed the same way as the top of Table Mountain. He knows that this is far into the future but the plan puts it down as an intention of where they should be going. SM noted that he shares DH's concern and his vision for the top of the mountain. He doesn't see it as busy as Cape Town though. He was on the top of the mountain last weekend and it was beautiful and there were a lot of people up there but it was very orderly. There is more pressure from a variety of people that want to make use of the mountain and other aspects of the reserve. The constitutional mandate of the Overstrand Municipality is to develop. There is constant pressure to develop more activities for tourists; people are coming here in greater numbers to visit or to live permanently. He agrees that the reserve cannot be management ad hoc but it must also be understood that their responsibility is to create opportunities for people to make business and to go into these areas and take part in activities and to enjoy it. He commented that he thinks they are going to receive more and more pressure so he is also keen to get the management plan established. It should have been approved two years ago and already in its first review.

DH commented that it was a myth that the advisory board does not want to see any development; you can't have more development in a nature reserve if you do not have the staff that can guide it and if you don't have the finances to provide the hard surfaces that people can walk on. Development in a nature reserve must be planned and controlled in harmony with the reserve's objectives and in terms of the National Protected Areas Act and in the case of Fernkloof also the Provincial Nature Conservation Ordinance. That is why for example the top of Table Mountain has recovered so well - because there is good control and monitoring of how the public use it and there are paths and lookout points that blend into the natural environment of the mountain. He commented that they are looking at every application very carefully and are considering all the aspects. He further commented that it appears that in a number of applications the way they are worded they are quite arrogant by stating they want to use this and that spot while having no consideration for why the reserve is there, they just want to exercise their sport and hold their competitions. They must realise that the reserve is limited and can be easily impacted and none of these organisations will say we are willing to contribute to the management of the reserve. All you see in their applications is how big their club is or how big the event is, etc. He thinks there should be a policy on outside applications for ad hoc use of the reserve which can also guide decision making. SM commented that nothing that DH mentioned now is not what they also believe but they are also dealing with other pressures. As people apply they come across strongly on what they want but that does not affect them they just put the facts before council and they must make the decision.

DH commented that something that concerns him is the fact that an application like this takes up a lot of time and the environmental staff of the municipality is already dealing with so much and having so little time to carry out their work. Therefore he thinks that looking at more capacity going forward should be considered. SM commented that the environment in general is not a municipal function. Therefore the environmental section has a focused

business plan which is nature conservation in terms of Overstrand's own reserves and open spaces, comments on development applications and building plans, etc. The authorities that are responsible for the environment are not in our area so the environmental section now has to run around doing the work of the Department of Environmental Affairs for example, coastal, estuaries and baboons. They are spending more time on work that is not their function instead of what is their function, but no one else is doing it so he can understand that they cannot just walk past and do nothing. DH commented that it comes down to a bigger problem which is that Province is not pulling all the right strings when it comes to managing the environment properly. CapeNature is also sitting in the same boat where they have staff leaving and staff sitting with piles of paper on their desks and the same with Department of Environmental Affairs. The only organisations that seem to be flushed with money and capacity is National Parks Board and the Cape Metropole Environmental Section. In the Cape Metro pole they have a Director of Environment which helps to bring in funds. More capacity is needed on a National, Provincial and Local level for environmental management.

DH thanked SM for all his answers as it brings about a better understanding between the advisory board and his Directorship. It is heart-warming to hear that he agrees with most of what FAB is saying. DH asked the rest of the board if they had any questions for SM.

AvH commented that the advertisement on the application did not state that the development was inside the FNR. He also commented that it is customary for the immediate neighbours of an application to receive written notification. One of his functions is to represent the Vogelgat Nature Reserve which has a long boundary with Fernkloof and they did not receive written notice. He feels that FAB should have been notified prior to going to the newspapers and in this instance it was the other way around. SM commented that he is not sure as to what process was followed when the neighbours were informed. He will follow up. He will also follow up with regards to the advertisement that did not state that the development was inside FNR. He noted with regards to FAB being informed beforehand, the moment the application goes into the public domain is when everybody is informed nobody is informed beforehand anymore. He commented that it is a process that can be looked at as he agrees that the board can be notified upfront.

AvH commented that the environmental section has to date not brought the Bypass Road in writing to the advisory board. SM commented that is because it has not been brought to Council yet. They have had no indication from Province to build a bypass road. Province is doing an environmental impact assessment (EIA) and the assessment might say that a road is not needed so there is no decision to be taken by Council yet. When Province comes and say that they want to expropriate, buy or use 1 ha of land then it becomes a municipal issue. At the moment it is not a municipal issue. They are investigating relocating the provincial road, they are still in the very early stages and the EIA is the first step in a long process. Once they have all their ducks in a row they will come to the municipality with a proposal like the Astronomy Club did. They haven't applied for anything yet. AvH commented that he can't understand how the bypass road materialised. SM commented that this is an old project that has been on the cards since the 60's 70's.

LBN noted that she wanted to point out a basic error that has been made and publicised. The road that was on the maps in the 70's was not a municipal or provincial initiative it was one that was foisted on the country by the government as a strategic road going all the way to Agulhas. They were forced to have it through Fernkloof, it was on the Town Planning maps of that time because it was foisted on the public. There was no public participation in those days the government just said we are building this strategic road to Agulhas. It was not a provincial or by pass road and eventually the government abandoned it. So the people who are saying that road is the original proposed by pass road are talking rubbish.

SM commented that he will take LBN's point. There were various proposals to build a bypass. When he started at the Municipality in 2006 the Mayor said they have to do something about the traffic in town. The municipality told Province that their road is causing congestion in the town they must please make a plan with the traffic on their road. Province's response were that they are not interested in fiddling around town they want a proper bypass road to bypass Hermanus. The municipality said they needed something to be done so they are going to build a relief road to get control of the traffic in the CBD and needed a road to unlock the opportunities for the Checkers

and Woolworths developments. The municipality asked Province to relocate the Provincial road onto that road, they said no that is not a solution they want a bypass road. So the municipality decided to build the relief road themselves they did not receive any subsidies for the road. Province gave permission in 2008 to the municipality to go ahead with relief road as they did not want to be a part of it. SM wrote a letter to Province on instruction from the previous mayor to ask Province to start with their study for the bypass road so that they can put the land aside and go ahead with their planning. Hermanus is expanding so if they want to build a road they have to inform the municipality where they want to build it. But in 2008 all the focus was on the 2010 world cup and 98% of the Dept of Transport's funds went into the upgrading of the roads in Cape Town and the airport. In 2011 Province came back after everything settled saying that they want to look at the bypass road. SM noted that he will provide AvH with a copy of the letter he wrote to Province and the letter from Province. AvH thanked SM for answering his questions. SM commented that Province will publish the EIA study and there will be another round of public participation process. Once that is finalized it will go to the minister for his approval. But Province will make the dates available.

DB commented that although every member on the board is a volunteer, they take their role very seriously and they are passionate about Hermanus and the reserve. He mentioned that it is important to know that they are not averse to some form of a bypass road or an astronomy centre it's just that their job is to protect the reserve. He further commented that they would like to be more involved in the decision making process right from the outset as they can contribute hugely to solving any problems that might arise sooner rather than later. SM thanked him for his comment and informed him that FAB's inputs are appreciated and valued, but that is only FAB's input. They receive a lot of inputs and council has to consider everything. DH thanked SM for answering all of the board's questions.

LBN commented that with regards to the Astronomy Centre application, the present application differs substantially from the previous presentation that was made to the board. It is not in the same place it moved 100m up the road into an area that is just as pristine. She further mentioned that they were told that they will no longer have their telescopes up there for security reasons but now it's back to an astronomy centre where previously it would've been an educational centre. They give a bit of more detail of services and it's the provision of services on an ad hoc basis that horrifies her.

**As a result of the event applications presented by Paul du Toit and Ron Holloway and the resultant FAB discussion, sufficient time was not available to deal with all of the agenda points on the Agenda. These points will stand over till the next meeting scheduled for 18 August 2016.**

**2. Confirmation of Minutes for the Meeting of the FAB held on 26 February 2016.**

**H. Fortune**

**2.1 Confirmation of Minutes and Public Availability**

HF confirmed that the minutes were made available to the public.  
The minutes were accepted.

**2.2 Comments from Council on FAB Minutes dated 26 February 2016.**

**K. Brice**

KB noted that there were no comments from Council.

**3. Matters Arising**

**3.1 Amendment of Bylaws and the Re-declaration of the Fernkloof Nature Reserve:**

**N. Green**

NG commented that the Coastal bylaws for the reserve are being drafted by Werksmans as part of the Coastal Overlay Zone. Bylaws for the Protected Area Buffer are being drafted by Werksmans as part of the Protected Area Buffer Overlay Zone.

NG and DH have to set a date to meet to discuss the bylaws relating to FNR and FAB.

### 3.2 Provincial By-Pass Road & Stanford Trunk Road Upgrade By-pass:

N. Green

DH commented that Province is going through the EIA process with regards to the Bypass Road.

NG commented that DEA&DP have accepted the Final Scoping Report submitted by SRK Consulting Services, with a number of comments and conditions. SRK are focussing on the completion of the specialist studies as directed by DEA&DP and compiling the EIA Report as per direction received from DEA&DP.

NG will get a final determination on the Stanford Trunk Road to see if it takes a part of the reserve.

## 4. Administration

### 4.1 FNR Integrated Management Plan (IMP) Progress

N. Green

NG commented that the FNR IMP was edited and returned to the EMS section. EMS in turn ensured that all of the inputs with respect to maps and content were correct in line with the comments in the responses report. Some errors were noted and the document was resubmitted to the Consultant for final adjustments. The final document is awaited by the end of May 2016. DH asked NG to consider changing the wording about the Astronomy Centre to the following.

“ E.1.1 Astronomy Centre

*The development proposal by the Hermanus Astronomy Club includes an observatory equipped with telescopes and a small amphitheatre for the presentation of educational classes and talks on astronomy. An in-principle decision, subject to regulatory processes, was taken by the Overstrand Council on 1 September 2009 to lease a portion of Erf 243 Rotary Drive to the Hermanus Astronomy Club for the construction of the Astronomy Centre. The Council Decision remains in force until reviewed or annulled within a formal process. The In-Principle decision issued by Council for the leasing of a portion of the nature reserve to the Hermanus astronomy centre, however, is subject to the following:*

*i) Alignment with the provisions of NEM:PAA and the FNR IMP.*

*ii) An EIA process in terms of the NEMA EIA Regulations 2010 or as requested by the municipality or CapeNature; and finally*

*iii) A consent use application in terms of the Overstrand Wide Zoning Scheme of 2014.”*

DH commented that the public participation process has not been completed as the responses were not sent to the interested and affected parties yet. NG commented that he did follow up with Urban Dynamics but he is still waiting on their reply. DH commented that he would like to arrange that the board do a power point presentation soon after the election to the new council to ensure that the council takes note of the reserve and its importance.

DH requested that each member have a copy of the management plan by the next meeting and the members should bring their copy with to the meetings.

#### 4.1.1 Hermanus Astronomy Centre

N. Green

##### Date of meeting – 20 May 2016

**FAB Recommendation to Council – 2016 (1):** The Fernkloof Advisory Board does not support the placing of the astronomy centre in the nature reserve as proposed. The reason being it does not align with the present draft integrated management plan for the reserve. The given size of the new proposal is 288 square meters that has been done to avoid a full environmental impact assessment (EIA). Even though it may not technically trigger an EIA in terms of the National Environmental Management Act the potential that the impact will exceed more than 300 square meters during construction and or operation. The EIA must be insisted on by the Municipality should this go any further.

#### **4.2 FNR 2014/15 Budget**

**N. Green**

This point will be discussed at the next meeting. Refer to NG's report.

#### **4.4 World Heritage Expansion**

**D. Heard**

DH commented that he did contact Chris Martens. Chris Martens said that he will contact their Head Office. DH did not get a reply from Chris Martens yet he will follow up. This process is still ongoing.

### **5. Standing Items**

#### **5.1 Enforcement**

**N. Green**

DH commented that Edward Fisher did attend today but because of an emergency he had to leave early. He will be attending Fernkloof meetings in the future. LBN commented that the safe at the visitors centre was stolen. The sliding gate at the entrance was taken off the rails. FAB recommends sliding the gate open and closing it with a chain and lock. NG commented if the gate is left open later, law enforcement or Jack Bold must be asked to lock it.

#### **5.1.1 Scramblers above sport grounds**

LG commented that she did some research by herself and found out that it is the school boys. The noise comes from the High School grounds. A lot of children drive scramblers and motorbikes to school. NG commented that he went to the Sports Grounds and someone has been on the new AstroTurf surface probably with a quad bike. NG commented that he, Dean and Michael can be contacted if such activities occur.

#### **5.2 Hoy's Koppie**

**N. Green**

LG commented that since the bins have been put up, there has been much less litter. She hasn't been up there for a while.

#### **5.3 Ecological Issues**

**N. Green**

##### **5.3.1 Baboon Electric Fencing / Baboon Management Strategy**

NG reported that funding is being gathered to purchase a deterrent system for the Voelklip area. The baboon fence was vandalised which is currently allowing baboons to roam freely in the area. Michael Henn will attend to the maintenance of the fence when he returns from sick leave.

##### **5.3.2 Burning of Coastal Corridors**

**N. Green**

NG reported that this is still in the planning phase. An alien vegetation tender is being prepared at present and the fire management and alien vegetation programme must be planned as a unit. The field verifications are due in the first week of June and the combined programme should become clear at this stage.

##### **5.3.3 Event Applications**

**N. Green**

###### **ABSA CAPE EPIC PRESENTATION**

DH informed Paul du Toit that the role of the FAB is to advise the municipality on the management of the reserve. Paul du Toit the representative for the ABSA Cape Epic will do a presentation on their application. They would like to use portions of the reserve for their event. DH noted that Fernkloof is an important nature reserve in terms of World Heritage status as it protects so many different plant species. Fernkloof has many areas that are highly impacted therefore they look at every event application very carefully. They must also bear in mind the legislation and management plan. Paul du Toit introduced himself to FAB and gave some background of the cycling event. The event will take place next year March 2017. He explained the stages and the trails of the cycling event to FAB. The following are new proposed cuts in the reserve by the ABSA Cape Epic;  
To cut about 1km at Maanskynbaai  
To cut a trail above Hermanus Heights

To cut 500m at the Vogelgat River linking up with the firebreak

DH thanked Paul du Toit for his presentation and informed him that FAB will consider the application and provide him with an answer.

DH suggested that LBN, NG and Paul du Toit do a site visit to look at the Vogelgat River proposal and come back with a recommendation. DH commented that FAB should consider if the extension of the existing road would be of benefit to the reserve. LBN commented that it is not a bad idea as it is a useful hiking trail. AM was concerned that building a new bridge would create problems and also FAB should keep in mind that if 2km is taken into square meters it could end up triggering a basic assessment. Paul du Toit thanked FAB for the opportunity to do his presentation.

#### **WALKERBAY RADIO FLYERS CLUB PRESENTATION**

DH introduced Ron Holloway to the board. Ron Holloway the representative for the Walkerbay Radio Flyers Club will do a presentation. DH informed Ron Holloway that the reserve is municipal property but it falls under the National Environment Protected Areas Act which stipulates that it must have a management plan. The nature reserve does have a draft management plan which already underwent public participation process. We haven't had any comment from the public regarding any changes to the management plan. In the management plan there are identified development nodes, the one is rotary drive lookout point to formalise an area to be used for various aspects. Because of years and years of ad hoc decision making and by having no management plan a lot of impact has happened on top of the mountain. The most sensitive part of the fynbos is called the Overberg Sandstone Fynbos it has been labelled as critically endangered, it covers the whole mountain. Therefore FAB has to look at what the management plan says and to look at the future as there is very little capacity to manage tourism events by the municipality at the moment. That is the situation on the ground, it should not be like that but the funds are insufficient. DH commented that the presentation before him was another application for an event and Fernkloof is receiving more and more event applications and which are potential impacts. The first priority is the protection of the nature reserve and the rotary drive area is highly impacted and FAB wants to reduce the impact.

Ron Holloway gave some background and informed FAB that last year when he submitted the application he was the chairperson of the Walkerbay radio flyers club. They operate out of a farm in Karderwyderskraal. They have about 80 members at the moment. They primarily fly power aircrafts in that area. There is a section of the club that fly's gliders. They operate under the same principles as Para-gliders. A Cape Town club organises an event every year in November at the Towers. He stated that the event attracts about 200 pilots all over the country and that the Hermanus slope is the best slope in the country. The event has been going on for about 10 years. The local pilots don't like to fly from the Towers for a number of reasons. They don't want to crash a glider into the towers and damage expensive Vodacom equipment and also they don't want to fly in an area where they can possibly crash into a member of the public. They have identified an optimal flying spot on the mountain which NG pointed out on the map. They have been flying from that spot for the past 20 years. Opposite the spot is an area where they used to park which has now been closed by boulders. He personally has never seen more than 5 or 6 cars parking there at one time. He stated that their impact is minimal compared to that of the para-gliders. The mountain forms a natural bowl lower down which generates good lift for the kind of gliding that they do and it is out of the way of the public. South Easter blows from September to April that is when they will fly most of the times. He commented that the competition once a year will have to happen from the Towers site, but the other site would be for practise purposes which will have no more than 5 users at a time. LBN asked that if the club has been using the site for 20 years why they all of a sudden want to formalise it. NG commented that Dean Gardiner came along a lot of impact around the towers during competition time and people are moving around in all directions so he was picking up a lot of disturbance along the ridge and that is when he came across the Walkerbay radio flyers club. NG commented that if this is formalised now than a site will be allocated for a specific use. The

Protected Areas Act states that using a model flying aircraft in a nature reserve without permission from the management authority is a restricted activity.

DH commented that the other alternative would be to park at the rotary drive lookout and walk to the flying site. DH referred to the Tower site and noted that in future it should be looked at how to formalise the site. He suggested that if there is a partnership in the future, the Walkerbay radio flyers club can perhaps erect low stone walls to demarcate the site. That would assist in reducing the impact. Ron Holloway commented that they are more than happy to spend a little to help formalise the site that they actually want to use by assisting with demarcating the parking area and demarcating the pathway as well as place a wooden deck where they would fly from. The wooden deck has to be big enough for 5 people to stand on. DH thanked Ron Holloway for his presentation and informed him that the board will discuss and get back to him with an answer.

DH commented that even though the management plan is not completed yet that each member of the board should receive a copy. They need to refer to the management plan in cases like these.

FAB decided that the parking area suggested by the Walkerbay radio flyers club will not be closed off. The flying club can use the parking at the rotary way lookout point and walk to the site. They can use their preferred site informally. The site will be monitored photographically and if the site deteriorates they will have to move towards a consent use application. FAB's preferred site for the flying of model aircrafts is the Tower site.

#### **5.4 Research**

**N. Green**

##### **5.4.1 Research Applications**

This point will be discussed at the next meeting.

#### **5.5 Klein River Estuary Management**

**N. Green**

HF forwarded a copy of the minutes of the last Klein River Estuary Forum meeting to the forum.

#### **5.6 Report from Hermanus Botanical Society (BOTSOC)**

**L. Griffiths**

DH informed LG that she should amend the first paragraph by inserting the word 'oppose'. DH requested that the Botsoc Report should be added to the minutes.

#### **5.7 Reports from Cliff Path Management Group (CPMG)**

**D. Beattie**

DB informed the board that Freddie Naude of HHP approached him as they want to put up surveillance cameras on the cliff path but not in the immediate future. They would like to put a camera up at Tamatiebank. Nothing is formalised yet as it will still take a while. The Hermanus Astronomy Club is still going to continue with the solar system scale model. Most of the model will be in the CBD area. CPMG is developing a website it will link up with the Fernkloof/BOTSOC website.

#### **6. General**

##### **6.1 Summary Fire Report**

**N. Green**

This point will be discussed at the next meeting.

##### **6.2 Maintenance of FNR Trails (Piet van Zyl letter)**

**N. Green**

NG responded to Mr van Zyl's letter and copied DH in on the correspondence.

#### **7. Date of Next Meeting:**

**19 August 2016**

18 November 2016