

**MINUTES OF A SPECIAL MEETING OF THE  
FERNKLOOF NATURE RESERVE (FNR) ADVISORY BOARD (FAB)  
HELD AT ELECTRICAL BOARDROOM, ONRUSRIVIER  
ON TUESDAY, 19 DECEMBER 2017 AT 09:00**

**Welcome, Attendance and Apologies**

**Present:** Duncan Heard (DH) [in the Chair], David Beattie (DB), Lee Burman (LBn), Bongani Sithole (BS) [Cape Nature], Glynis Van Rooyen (GvR), Liezl de Villiers (LdV) [Environmental Manager: Overstrand Municipality], Anthony van Hoogstraten (AvH), Linda Griffiths (LG), Kari Brice (KB) [Councillor Ward 3], Stephen Muller (SM) [Director: Infrastructure & Planning], Marietjie Harmse (MH) [Overstrand Municipality].

**Apologies:** Muthama Muasya (MM), Andrae Marais (AM)

**Welcome:** DH opened the meeting and welcomed all present. He informed all that the main purpose of the special meeting is to deal with the Integrated Management Plan for FNR. There are 5 points on the agenda that will be dealt with.

It was established that a quorum was present ito Section 7.1 of the Bylaw.

**1. Availability of the audio recording of the FAB Meetings**

**D.H**

**Discussion:**

DH: FAB meetings are statutory meetings that are minuted and are placed the OM website for the public to access. Since the last meeting in November AvH wanted to confirm a few items that was discussed, initially he was provided limited access to the audio recording and later it was confirmed that the members of this board, should they require it, would be given access to the recordings. SM stated that the recording is for the secretary, so that she can do the minutes, all of council's meetings are recorded, but recordings are never made available unless someone have a dispute then they can come and listen to the recording. That is standard protocol.

**Decision:**

Recordings will be made available for members of the board that were present at the meeting and until the minutes have been confirmed at the next FAB meeting. Backups of older recordings are kept on Heloise Fortune's computer. Own recordings may be made for personal use, but may not be made available to the public and may not be shared to any outside persons.

**Action:** Minutes to be made available within two weeks of the meeting.

**H.F**

**1.1 FAB Meetings to be open to the public or not.**

**D.H**

**Discussion:**

AvH wanted to know - is the public allowed at the meetings and if so under which conditions are they allowed. SM noted that some items that are discussed are sensitive and discussed frankly, people do not feel free to say what they want when members of the public are present.

**Decision:**

Members of the public may attend the debates on certain agenda items if so desired, but only by invitation or request and with prior arrangement. Public can query the minutes.

**2. Clarity on normative FAB working relationship with Overstrand Municipality**

**D.H**

**Discussion:**

DH - Need to discuss the working relationship, made a number of points on this;

1. FAB is a statutory board guided by the ordinance of Cape Nature and its purpose is to make recommendations on the management and development of the Fernkloof Nature Reserve. FAB brings a combined body of scientific and practical expertise to the table, providing continuity of management through an experiential knowledge base that assists in retaining institutional memory regarding the reserve's management and regarding legal compliance with lawful protected area management norms and standards.
2. Furthermore the advisory board can focus its attention on the reserve and that due focus adds value to the board and for the municipality,
3. Why are there advisory boards for Western Cape Municipal Nature reserves? – In many respects, it serves the same purpose as an institutional planning or advisory committees do for conservation authorities. In most cases, municipalities have few or no environmental staff dedicated to the professional management of their municipal nature reserves. The advisory board (together with its CapeNature representatives) therefore brings in additional expertise to assist with the management of the nature reserve.
4. It must be noted that Cape Nature is part of FAB. They are not just a commenting authority, as was confirmed by the director earlier this month. Cape Nature is the regulatory and oversight authority for municipal nature reserves in the Western Cape. Cape Nature should guide us on the sound management of the protected area. They are the specialist regulatory body, and they have the law on their side.
5. When FAB makes a firm recommendation, it is highlighted in a block in the Minutes of meetings, and the highlighted blocks should then be noted by Council when the Minutes are circulated. If Council differs there should be some allowance (maybe at the next meeting) for us to deliberate on that difference in order to inform each other and thereby to find a measure of consensus. FAB recommendations on Fernkloof management policy, plans and bylaws should be formally presented to Council for ratification. The Fernkloof NR IMP is really a product of 2 of the recommendations of this board and if be supported by public participation and the municipality, it can be passed on to the Minister for approval. Once the IMP has been signed off by the Minister it forms a management framework which is intended to guide FNR management and decision making at all levels of municipal management. It is a statutory document supported by NEMPAA after the Minister signs. The reserve's management must then be guided by that management plan.

Requesting that important recommendations find a way to Council to be ratified.

SM responded: The way the Municipality manage their nature reserves is through the Environmental Management Section. The Municipality is run by the managers. LdV in this case is responsible for the management of the reserve, FAB is actually advising her. If it is something's that I need advice on, I will call her, and almost never will anything go to council (this plan will go to Council). Council has delegated authority down to officials, there are thousands of actions taking place every day on a municipal level and 99% of it is done by managers. The directors are there to give overall direction and guidance, except for budget control and major planning decisions. Just as the Heritage Committee advises the Building Control Officer, who is the manager in such cases. He takes that advice into consideration when he approves a plan. The same with FAB advice basically goes to the reserve manager and Liezl who is the manager. That is where the function is delegated to, Council is not really involved at operational level at all. Managers don't go to Council ever.

**Decision:**

After elaborate discussions agreement could not be reached. Item to stand over.

### **3. Normative public participation procedures regarding the IMP**

**D.H**

#### **Decision:**

DH to obtain legal opinion from Cape Nature on the method how public participation is done on the IMP for a nationally protected area. Agreement could not be reached as to what is a reasonable public participation process is in terms of the IMP. Item to stand over.

### **4. Historical review of the compilation of a draft Fernkloof Nature Reserve IMP.**

**D.H**

DH gave a historical summary of the compilation of the draft Fernkloof IMP.

- 2003 - NEMPAA was promulgated and it required Management Plans for protected areas to be compiled and submitted within 12 months for the necessary National/Provincial approval;
- 2010/2011 FAB recommended compilation of MP to comply with NEMPA;
- Urban Dynamics was appointed in 2011, they then subcontracted Withers Consulting to compile the IMP;
- 2013 Draft IMP was produced, FAB rejected it, Urban Dynamics agreed to rewrite in accordance with the guidelines of FAB;
- The next draft was also rejected by FAB;
- FAB and EMS agreed to work together to update the draft IMP;
- 2014 draft IMP advertised in Aug 2014 for public participation. No substantive objection to it from public or CapeNature. Registered Interested and Affected parties were never given any feedback on their comments. IMP was not forwarded to Council for their endorsement. IMP process stagnated;
- 2017 draft IMP (a significantly altered version of the 2014 draft IMP) was sent out for public participation without consultation with FAB.

### **5. Discussion on the Way Forward with the IMP**

**DH**

#### **Discussion**

DH - All changes to the 2014 IMP must be deliberated with FAB. Go back to the original plan as recommended by the FAB. Municipality to come back to the board with the problems found in the plan and then those specific problems should be discussed so that it is done in an acceptable manner this time around.

#### **Decision**

**LdV**

LdV undertook to compile a comparison between the 2014 and the 2017 versions and to take all public comments into consideration. She will in consultation with Cape Nature and FAB review the existing draft versions on the table and compile a new draft version of the IMP. LdV and DH will deliberate on the specific changes that have been made in the document. Thereafter the draft IMP can be submitted to Council for endorsement before being submitted to the Minister for approval.

### **6. Meeting adjourned.**