

MEMORANDUM OF MEETING

SUBJECT: OM POLICY RELATED TO CREATING AND MAINTAINING FIRE WISE VACANT ERVEN IN URBAN AND SUBURBAN AREAS OF THE OVERSTRAND MUNICIPALITY

PURPOSE: HANGKLIP VILLAGES MEETING WITH EXECUTIVE MAYOR, COUNCILOR(S) AND OTHERS

DATE: 5 DECEMBER 2022 AT 16:00 AT MENUCHA (ERF 434 CRESCENT ROAD, PRINGLE BAY)

1. WELCOME **ELMARIE STRYDOM** (2 mins)

Elmarie welcomed everybody to the meeting and asked for each to introduce him/herself. Attendees were: Mayor Rabie, Councilor Els, Fire Chief: Lester Smith: OM Director: Environment: Liezl de Villiers, OM Legal Council: Andre Olivier, RERA Chair: Kay Leresche , KBR Company and BBRA: Jan Briers and Friends of Rooiels: Ralph Pina, PBRA Rep: Bertie Vorster. RERA and Friends of Rooiels Eldie Brink per overseas skype

2. BACKGROUND **BERTIE VORSTER** (8 mins)

DURING OUR MEETING WITH YOU, COUNCILORS LERM AND ELS, AND THE MUNICIPAL MANAGER, ON 2 NOVEMBER, WHILE WE WERE DISCUSSING THE ISSUE OF THE ROOIELS HERITAGE PROTECTION OVERLAY ZONE (REHPOZ) AND THE ROLE OF THE AESTHETICS AND HERITAGE COMMITTEE, YOU COMMENTED AND INSTRUCTED COUNCILOR ELS TO PLEASE TAKE THE TOPIC OF "PLOT CLEARING" AND MAKE IT AN INITIATIVE AT WARD LEVEL IN WARD 10:

["Theresa moet ward-vergadering reel oor die plot clearing, deur die wykskomitee en dan terug na die Council. Neem die inisiatief. Theresa moet dit vat as 'n inisiatief' .]

WE SAW THAT IN A VERY POSITIVE LIGHT ESPECIALLY GIVEN YOUR RECENT ACKNOWLEDGEMENT THAT THE THREE VILLAGES (AND THEIR RESPECTIVE CONSERVANCIES) INDEED HAVE INDIVIDUAL AND COLLECTIVE REQUIREMENTS WHEN IT COMES TO ASPECTS SUCH AS "BABOON MANAGEMENT" AND NOW ALSO THIS ISSUE OF "PLOT CLEARANCE" AND HOPEFULLY IN THE NEAR FUTURE ALSO ON ASPECTS SUCH AS OVERLAY ZONE(S) TO AMONGST OTHER CONTROL LIGHT POLLUTION.

AS A COLLECTIVE WE ARE SINCERE IN OUR RESPONSIBILITY AS CUSTODIANS OF THE KOGELBERG BIOSPHERE, HENCE OUR CONSERVANCIES WHICH ARE ALL DULY REGISTERED WITH CAPE NATURE. IT GOES WITHOUT SAYING THAT WE ARE ALL VERY WELL AWARE OF THE DANGERS OF FIRES AND WE ACKNOWLEDGE THE NEED FOR AND IMPORTANCE OF FIRE-WISE VILLAGES. IT ALSO, AT LEAST FOR US, GOES WITHOUT SAYING THAT THE PROTECTION OF APPROXIMATELY 1700 PLUS FYNBOS SPECIES OF WHICH CLOSE TO 170 ARE ENDANGERED AND CLOSE TO EXTINCTION, ARE EQUALLY IMPORTANT. WE STRUGGLE TO UNDERSTAND HOW QUITE RIGHTY SO, THE OM IS AWARDED FOR PLANTING 1,000 TREES, BUT IN THE WINK OF AN EYE ALLOWS FOR A 1,000 PLANTS ON A VACANT PLOT TO BE DEFACED OR MAYBE EVEN WIPED OFF THE FACE OF THE EARTH, NOT TO MENTION THE POTENTIAL EFFECT ON OUR EQUALLY IMPORTANT FAUNA.

THE POLICY AS IT NOW READS IS LARGELY ABOUT THESE TWO ASPECTS ... FIRE RISK MANAGEMENT (YOUR PRIMARY EMPHASIS) AND ENVIRONMENT CONSERVATION (OUR PRIMARY EMPHASIS) ... WHICH, IN OUR HUMBLE OPINION, CURRENTLY ARE MUTUALLY EXCLUSIVE PILLARS IN THE POLICY. INSTEAD OF A DOMINANT INDISCRETIONATE EMPHASIS ON ANY ONE OF THE TWO PILLARS, WE ARE OF THE OPINION THAT THEY SHOULD RATHER BE OF MUTUALLY BENEFICIAL NATURE, HENCE OUR PROPOSAL TO CONSIDER ALLOWING US TO PREPARE VILLAGE SPECIFIC (OR FOR THAT MATTER CONSERVANCY SPECIFIC) FIRE MANAGEMENT PLANS.

ALLOW ME TO USE PRINGLE BAY AS AN EXAMPLE ... OF THE CURRENT APPROXIMATELY 1700 ERVEN, 75% ARE DEVELOPED, 3% ARE UNDER DEVELOPMENT THUS LEAVING US WITH 22% VACANT PLOTS (ABOUT 380 ERVEN) ... OF WHICH MANY (AND I DON'T KNOW THE EXACT PERCENTAGE BUT I ESTIMATE IT TO BE CLOSE TO 10% IF NOT MORE) ARE SECOND AND EVEN THIRD ERVEN BELONGING TO A RESIDENT WITH THE SOLE PURPOSE TO MAINTAIN A FYNBOS AREA/GARDEN AROUND THEIR PROPERTIES OR TO SECURE AN OPEN AREA FOR ENDEMIC ANIMAL MOVEMENT AND FORAGING. WE ARE OF THE OPINION THAT THE **UNDERLYING PREMISE OF THE POLICY WHICH STATES:** *"THAT ALL PRIVATELY HOLD LAND MAY IN FUTURE BE DEVELOPED AT ANY POINT AND THEREFORE HAS NO CONSERVATION VALUE AT ALL .."* IS IN FACT FAR REMOVED FROM REALITY. THE QUESTION THUS BEGS: IS THIS HONESTLY SUCH A BIG FIRE THREAT? IS IT NOT HOMES THAT ARE THE REAL SOURCE OF FIRE RISK AND SHOULD WE NOT PERHAPS RATHER FOCUS OUR ENERGY ON THAT ASPECT TO CONTAIN FIRES IN OUR VILLAGES? FIRE SAFE HOMES INSTEAD OF FIRE-SAVE OPEN ERVEN?

MAYOR, WITH THIS VERY LIMITED OPPORTUNITY (ERF-WISE) LEFT IN OUR VILLAGES TO PRESERVE FYNBOS AND ALL THAT GOES WITH IT, WE FURTHER WISH TO EMPHASIZE THAT THE POLICY IS PRACTICALLY EQUALLY APPLICABLE TO AREAS SUCH AS PUBLIC OPEN SPACES AND ROAD RESERVES. AS YOU MAY WELL KNOW, MOST OF THESE PUBLIC OPEN SPACES IN OUR VILLAGES ARE ZONED URBAN NATURE RESERVE AND THE ROAD RESERVES FORMS A NATURAL EXTENSION OF THESE RESERVES. DEFACING THESE AREAS MAYOR, I AM SURE YOU WILL AGREE WITH US, WILL BE DISASTROUS AND WILL CUT DEEP INTO THE ESSENCE OF OUR VILLAGES. WE KINDLY PLEASE REQUEST TO GIVE FAVORABLE CONSIDERATION TO OUR PLEA FOR MORE DISCRETION ON THE ENFORCEMENT AND IMPLEMENTATION OF A FIRE-WISE PLOT CLEARING POLICY AND ALLOW US TO MOTIVATE AND COMPILE OUR CONSERVANCY BASED FIRE MANAGEMENT PLANS IN COLLABORATION WITH SUBJECT MATTER EXPERTS.

WE ASK: HAVE THE COMPILERS OF THE POLICY ASSESSED THE IMPACT OF PLOT CLEARING BY FOR INSTANCE ONLY REMOVING ALIENS AND DEAD WOOD ... WHAT IMPACT WOULD THAT HAVE ON FIRE PREVENTION? MAYBE THEY HAVE, BUT WE ARE APPARENTLY NOT PRIVY TO THAT AND OTHER QUESTIONS WE HAVE ASKED, HENCE, AND WITHOUT GOING INTO THE DETAILS, OUR REQUESTS AS WE HAVE HIGHLIGHTED IN THE PRE-MEETING MEMORANDUM AND WHICH WE WILL HIGHLIGHT AGAIN IN A MOMENT OR TWO.

MAYOR, ALSO IN OUR PRE-MEETING MEMORANDUM TO YOU, WE HAVE PROPOSED A PLAN --- A WAY FORWARD. WE REQUEST YOUR FAVORABLE CONSIDERATION OF THAT PLAN, WE ASK PLEASE FOR YOU TO GIVE IT YOUR BLESSING AND INSTRUCT YOUR SUB-ORDINATES TO TAKE ACTIONS ACCORDINGLY.

FINALLY, FROM MY SIDE, MAYOR, I WANT TO EMPHASIZE OUR INTENTION AND DESIRED OUTCOME OF THIS MEETING ... WE WISH FOR THIS OPPORTUNITY TO BE AN OPEN, FRANK, HONEST AND PEACEFUL, DISCUSSIONS AND I WILL, IN TRUE MAYOR RABIE FASHION, NOT ALLOW ANTAGONISM, ATTACKS ON EACH OTHER OR FINGER POINTING. OUR WISH IS FOR THIS OCCASION TO BE A MILESTONE OCCASION SHOW-PIECING "COLLABORATION" INSTEAD OF LEAVING HERE WITH RESENT, THREATS, UNPLEASANTNESS AND A SENSE OF FAILURE ON ANY ONE SIDE ... THE LATTER WE BELIEVE WILL LEAVE US ALL WITH REMAINING AVENUES NONE OF US SEE AS BEING THE DESIRED ROUTE TO FOLLOW. WE DO NOT WISH TO TRAVEL ALONG THOSE ROUTES DRAINING OUR RESOURCES AND RESULTING IN AN OUTCOME WITH ONE OR THE OTHER PARTY BEING A LOSER ... YOUR LEGAL COUNCIL'S THREATENING AND CONFRONTATIONAL PROPOSED WAY FORWARD OF " ... *YOU CAN APPROACH THE COURT, WE STAND BY OUR LEGAL VIEW* ... " ... IS PAVING THE WAY TO TRAVEL THAT UNWANTED ROUTE EXACTLY THE ROUTE WE DO NOT WISH TO TRAVEL ON ... AND THAT, MADAM MAYOR, IN OUR OPINION THREATENS THE ATMOSPHERE FOR COLLABORATION. ALL OF US HERE TODAY ARE SENSIBLE PEOPLE AND I AM SURE ALL OF US KNOW THAT THOSE REMAINING ROUTES COME WITH HIGH COST TO TRAVEL ON AND I REALLY TRUST THAT WE ALL ARE IN AGREEMENT THAT THE SCARCE RESOURCE CALLED MONEY CAN BE MUCH BETTER UTILIZED IN THIS PARTICULAR CASE TO RATHER STRENGTHEN THE CAPABILITIES OF OUR FIRE BRIGADE THAN TO PAY FOR TRAVELLING ON UNWANTED ROUTES...

IN SUMMARY THEN, MAYOR, WE REQUEST YOU TO PLEASE:

- a) ALLOW US THE OPPORTUNITY TO PREPARE OUR OWN FIRE MANAGEMENT PLANS IN CONJUNCTION WITH YOUR RELEVANT DEPARTMENTS AND SUBJECT MATER EXPERTS.
- b) TO DECLARE A MORATORIUM ON THE NOTICES CURRENTLY SERVED TO PLOT OWNERS INCLUDING POTENTIAL CLEARANCE OF PUBLIC SPACES AND ROAD RESERVES; (HOWEVER STILL REQUIRING FROM THEM TO ERADICATE ALIENS AND REMOVE DEAD WOOD) AND
- c) TO PLEASE INSTRUCT YOUR RELEVANT HEADS OF DEPARTMENT(S) TO DULY ANSWER OUR QUESTIONS SUBMITTED THROUGH MR JAN BRIERS AND F.O.R. AGAINST THE BACKGROUND OF PAJA.

ON THAT NOTE, MAYOR, WE CONCLUDE OUR PLEA AND INVITE YOU TO PLEASE FEEL FREE TO REMARK/COMMENT OR ASK QUESTIONS PRIOR TO FINALLY WRAPPING UP THE MEETING.

3. DISCUSSION **ALL** **(15 mins)**

- a) The meeting acknowledged that we are living in a fire-risk area and noted that it is not possible to prevent fire. The policy is intended to mitigate fire risk. The meeting thanked and commended the Fire Chief on their significant efforts and their skill and expertise in fighting fires – almost always under very difficult circumstances.
- b) The meeting noted that there is one provision which is of special concern to the residents: provision 8.2.2 which requires that plant species must be maintained at a maximum height of half a metre. This concern is exacerbated by the fact that this will not only affect vacant privately-owned erven but that it will also be applied to municipal land (2.4.5) and the road verges (3.9). These areas are essential to maintaining the biodiversity and the ecosystems so essential to the current and

future economy of this area, and to the character of the villages. It was pointed out that the removal of established indigenous vegetation (long-lived, slow and low growing) results in fast growing, short-lived alien invasive plants and a pioneer indigenous plant species and grass and reeds vegetation cover. Such pioneer plant cover in fact, results in a greater fire risk. Furthermore, many of the privately-owned erven were specifically purchased to ensure that the flora, fauna and the ecosystem services are retained for the future. As the villages are part of a Biosphere Reserve and located in an area of high global biodiversity value, the meeting discussed how a balance could be found.

- c) The meeting highlighted the very high fire risk of the invasive alien species in the area and indicated strong support for the provision 8.2.2 that requires landowners to completely eradicate these plants that have been documented as high-fire risk and one of the primary contributory factors in the Knysna and Cape Town fires. The meeting also appreciated the provision of 8.2.14 that requires landowners to ensure that when reducing fire-risk, the actions taken do not result in soil erosion. The meeting noted that the Notices sent out to landowners, especially in those within the KBR, will need to be reworded.
- d) The Mayor indicated that she is in favour of providing for the areas in the transition zone of the KBR to have area specific provisions within the OM policies that recognise and support the environment of our Biosphere reserve.
- e) The Pre -Meeting Memorandum did indicate that the legal and technical detail might prove to be a stumbling block to confirming a course of action and to keep discussions open. The Civic Organisations' representatives deliberately didn't engage in Legal discussions because it is considered an aspect that must be addressed when the detail phase of the Fire Management Plan(s) commences. As per the request in the Pre -Meeting Memorandum and the specific request during the meeting, the legal position is in any event subject to, in Civic Organisations' view, obligatory answers by the parties named in the PAJA letter. The Civic Organisations' understanding is that the Mayor would bring all issues to the attention of the Municipal Manager at their scheduled meeting of 6 December 2020.

4. CONCLUSION

MAYOR RABIE

(5 mins

The Meeting concluded with the following:

- 4.1. That a **BALANCED** view must be adopted in amending the policy. All provisions of the policy **MUST** conform to legal requirements.
- 4.2. Members of the meeting collectively acknowledges the fact that the Kleinmond/Hangklip Villages indeed possess unique qualities and henceforth requires unique provisions in the policy. The principle of separate Fire Management Plans for the villages was accepted as a point of departure in this regard.
- 4.3. An unbiased survey must be conducted amongst residents of the Overberg to assess their opinion about Firewise erven prior to finalising any amendment to the policy. OM to

take action in compiling a scientific unbiased questionnaire and to make sure that interpretation vs intention of the policy is not misunderstood.

- 4.4. A mechanism will be devised by OM to issue a moratorium on the issuance of Notices in its current form. The OM will as a matter of urgency reconsider the wording to rather focus on removal of alien vegetation and dead wood instead of prescribing “maintain 500mm height” for instance. A workgroup from the OM will visit sites to ascertain the risk profile of each and identify what needs to be done to fire-safe the plot without damaging valuable Fynbos flora.