



**MINUTES OF THE FERNWOOD RESIDENTS ASSOCIATION ANNUAL GENERAL MEETING HELD ON MONDAY 27 AUGUST 2001 AT 19.30 AT THE FERNWOOD PARLIAMENTARY SPORTSGROUNDS, RHODES AVENUE, FERNWOOD**

**1. WELCOME AND APOLOGIES**

Mr Tony Bell, the Chairman of the Fernwood residents' Association, welcomed those present, particularly Councillor Ian Iversen and members of the Bishopscourt Residents Association.

He then introduced the Fernwood Residents Association committee members, and noted each member's portfolio. He thanked the committee for their commitment and service to the Fernwood Residents' Association (FRA).

An attendance register was taken, reflecting the names of those residents attending. Several apologies were noted, including Mr John Burdes, a committee member.

**2. ADOPTION OF THE AGENDA**

The proposed agenda, issued to the residents on entrance, was adopted.

**3. ADOPTION OF THE MINUTES OF THE AGM HELD ON 20 AUGUST 2000**

The Chairman gave the residents an overview of the content of the minutes of the Annual General Meeting held on 20 August 2000.

The minutes which had been ratified by the FRA, were taken as read and accepted.

**4. ADOPTION OF THE MINUTES OF THE SGM HELD ON 21 NOVEMBER 2000**

Once again, the Chairman briefed the residents on the content of the minutes of the Special General Meeting held on 21 November 2000. This meeting was called in order to discuss and adopt the Constitution of the Fernwood Residents Association.

The Chairman stated that he had copies of the Constitution should anyone wish to have a copy.

**5. CHAIRMAN'S REPORT**

The Chairman stated that it had been a pleasure for him to take over as Chairman from the previous Chairman of the FRA, Dr David Bass, effectively from the last AGM. He felt that the committee was very strong, and worked in a constructive and engaging manner especially with the City Council.

The Chairman highlighted the following points:

- The committee operated within the confines of the mandate predetermined by the residents
- Membership stood at 268 the last financial year (up to 30 June 2001) out of a possible 640 members and there would be a concerted effort to persuade more residents to take up membership
- He found, however, that when a weighty issue confronted residents, they seemed to consolidate their efforts very effectively-- a case in point being the stance of the residents in Upper Fernwood during the Bisset Street development. The residents were successful in their efforts to enforce parameters to protect their environment in the face of development
- Newsletters were issued twice in the last financial year and the FRA endeavoured to be as informative as possible
- On an operational level, the committee met bi-monthly to discuss the various portfolios, but were always approachable by the residents on those issues effecting the area
- The pressure by developers in their quest for expansion in the area remained-- a matter close the hearts of the majority of the community which felt that its preservation and character should be guarded
- Issues surrounding traffic also remained, and the particular portfolio managers would update the residents on those matters
- The motion to increase the membership subscription fees from R20 to R40 per member, with effect from 1 July 2002, would be put on the table. The committee required a reserve for contingencies and future challenges.

## **6. TREASURER'S REPORT**

Mr Barry Lessing discussed the Treasurer's Report as at 30 June 2000 and 30 June 2001.

Total assets were R 23 785.88 as at 30 June 2001(R18 933.31 as at 30 June 2000). The total income exceeded expenditure by R 4 800, the membership income for the year being R4 920. Donations from members amounted to about R530 and a special donation of R829, 74 was received by the Protea Arboretum Civic Committee. Further, Sentry Security had sponsored the July 2000 newsletter to the tune of R1358, 60.

An increase in membership would certainly improve the FRA's financial position. The Chairman stated that a financially sound position was required in order to be able to engage in an important cause if need be, as occurred during the Bisset Street development when senior counsel was required to uphold the interests of the residents.

After some further discussion, the Treasurer's report for 30 June 2001 was adopted.

Mr Lessing advised that the books of accounts were open for review by the members but that the constitution required that the annual financial statements of the FRA be formally audited. It was decided that the FRA appoints the appropriate person to audit the statements. Mr D Stewart stated that he surmised that there would be a resident chartered accountant, willing to offer the service, possibly on a *pro bono* basis. The Chairman asked

that a person willing and able to be of assistance in this regard contact him. Once the auditor was appointed, the books would be audited in terms of the constitution.

## **7. MEMBERSHIP**

With reference to the above discussions on the membership details, the Chairman further stated that considering the history of Bisset Street and the additional costs of R62 000 require for legal counsel, it would be prudent to build up the assets to some R 70 000. Say membership of 300 could be obtained, there would be an inflow of R 6000, but this would barely be enough to cover costs of the newsletters and other trivial costs.

He then tabled the motion that the membership fees be increased from R20 to R40 per member, effective 1 July 2002. The motion was adopted.

On a proposal by a resident, the Chairman stated that the feasibility of contacting those residents, who were electronically linked, by email, would be investigated. Although this may curb costs, the practicality and the balance between delivery of hard copy and communicating by email must be looked into.

## **8. LAND-USE, SUB-DIVISIONS AND LAND DEVELOPMENT**

The Chairman informed the meeting on the protocol applied in development issues and its permutations. The issues confronting this portfolio were:

- Removal of title deed restrictions
- Development of vacant land, often with application for further sub-division
- Development through removal of existing homes with sub-division
- Densification through combining the above with application for departure from the existing building regulation/minimum setback requirements
- Removal of established tree canopy through the abovementioned activity
- FRA was obliged to act within the mandate provided by the residents as ratified at last year's AGM
- FRA engaged with both the developer and representatives of the City Council to find an outcome that met the mandate and the needs of the affected residents
- As ratified at last years AGM it remains the policy to object to any subdivision applications that would result in plot sizes smaller than 999 square meters
- This policy could not be applied in certain cases as a result of an existing right of subdivision to 496 square meters brought about through the approved General Plan F21 (Fernwood).
- FRA was at odds with the City Council and the Provincial Government in the manner in which they handled some applications and objections; certain decisions in fact seemed quite irregular and their interpretation of legislation and requirements were arguable. FRA would continue to engage Council and seek legal opinion where necessary in order to arrive at a common point of understanding.
- FRA was determined to preserve the character of the area which included a sense of space brought about through having well maintained gardens and mature trees forming a canopy of greenery.
- Residents should be vigilant and report any form of development which seemed out of place and character, to the committee for the appropriate action, if need be

On enquiry from a resident, the Chairman stated that he was in contact with especially the Bishops court Residents Association and others in order to obtain input from them as regards many issues and in particular including those attributable to developmental issues.

## **9. FERNWOOD PARLIAMENTARY SPORTSGROUNDS**

The Chairman called on Mr Jolyon Nuttall, the Vice-Chairman and responsible for this portfolio, to inform the meeting on the status quo.

Mr Nuttall stated that he had been involved with the development saga of the Fernwood Parliamentary Sportsgrounds (FPS) since 1996. He gave the residents an overview of the matter since then, and then updated them with the current status quo, as follows:

- A FRA Task Force Team was in place to monitor the proposed development and to secure the best possible deal for the residents
- A final written contract has still not been signed between the Department of Public Works and the current proposed developer, Fernwood Development (Pty) Ltd, but it had been approved that they would pay R35 million for a 65 year lease. FRA supported leasehold as the Government would then remain the owner and there should be more control over the manner in which the development would proceed. However, it had come to Mr Nuttall attention that the developer had offered R5 million more for freehold, but that this had not been approved
- The development would be residential and it was apparent that no hotel would be built
- It seemed that there was some dragging of feet to finalise the deal and it was surprising that the Department would upgrade some of the buildings on the property in view of its apparent impending formal acceptance of the development proposal. Further, bookings up to March 2001 have been accepted for use of the property
- The Task Team would continue to be vigilant and the following issues remained priorities:
  - that a full environmental impact study be done prior to the development
  - that a traffic impact study be done
  - that the historical buildings on the premises be preserved as much as possible
  - that freehold not be approved

Mr Nuttall stated that the Task Team would continue to fight the good fight, in the best interests of the residents and the area as a whole, regardless of whom the developers may end up to be and what the agreement with the Department would hold.

Mr Nuttall received the support of the residents for his perseverance and labours in this regard.

## **10. BOSHOF GATES**

Mr Chris Wolf was now given the opportunity to brief the meeting on his efforts to have the Boshof Gates restored or at least maintained to the best possible degree in view of the absence of funding, which was estimated to be some R540 000 by the City Council. This cost would include landscaping. Mr Wolf undertook to obtain a breakdown of these costs.

Mr Wolf stated that unfortunately he could report no progress on the restoration. However, he had asked Councilor Iversen to step in. Councilor Iversen now replied by promising to allocate R50 000 from his budget of R200 000 for capital projects, to the Gates' upkeep.

On Mr Wolf's appeal to the residents that they indicated a willingness to donate privately for the restoration, but that quotes from the private sector also are obtained.

Mr Wolf stated that he would also approach specified financial institutions' trust companies that donated monies for such projects, but this could only be done in the New Year when they make these decisions.

On the request of a resident, Mr Wolf stated he would also again ask the Council to put proper barriers up and to see to the official closure of the Gates.

### **11. TRAFFIC PORTFOLIO**

Mr Wolf advised that the suburb was still subject to an increase in the volume of traffic due to the closure of Chapman's Peak, which was expected to be closed until 2003. Further, there seemed to be no abatement to the illegal traffic behaviour of the public in the area, regardless of the restrictive signs and fining by the Traffic Authorities, from time to time.

Mr Wolf also advised that a shortage of funds had once again curtailed proposals to implement such suggested changes as the widening of Newlands Avenue to allow for a right turning lane. This matter carried the approval of the Roads and Traffic Departments along with other improvements, but they had to be reminded of them on an ongoing basis. Mr Wolf advised that any other realistic changes to traffic matters could be submitted to him.

On the request by a resident that the robot timing on Newlands Avenue/Rhodes Avenue be lengthened, Mr Wolf advised the timing was scientifically managed by an outsourced entity, based on traffic volume and flow and unfortunately there was not much that could be done about it.

Mr Wolf also advised that dumping and unsightly road works were reported to the Council.

The Chairman thanked Mr Wolf for the work done on his portfolios.

### **12. AIR TRAFFIC CONTROL**

Prof Myers, responsible for this portfolio, advised the meeting that since the last Annual General Meeting, he has had a number of meetings with the Helicopter Association of South Africa (HASA), and appealed to them to take the residents' complaints seriously. He pointed it out to them that the HASA and Nationally Parks' rules on restrictions on over-flying were being contravened continuously. Inspectors had come to inspect the matter and in association with Civil Aviation there seemed to be renewed efforts to uphold the regulations.

Prof Myers stated that if matters did not improve and if the improvement was not then sustained, he may have to resort to seeking legal advice.

The Chairman also thanked Prof Myers for all his efforts in managing this portfolio.

### **13. SECURITY**

Mr Lessing, addressing the meeting on this issue, advised that he had obtained statistics from Sentry (now ADT) and Chubb Security on crime in the area. The statistics showed that there were in total about 11 break in's in a period of 12 months in the area. He proceeded to advise the residents on the options available, and after some discussion, it was felt that a bicycle patrol was not feasible, but rather that a motor vehicle patrol again be investigated along the same lines as in areas such as Bishopscourt.

Councillor Iversen advised that regulations now permitted a suburb to apply to be an "improvement area" which would encapsulate the collection of fees, as part of rates collection, but for security via a non-profitable close corporation established for the purpose, bringing the whole community into the net. The Councillor added that the scheme would be part of rate collection and the close corporation would pay the security company.

It was noted that previous efforts to obtain a viable response from the residents' at large were fruitless and it would be better if the committee, in liaison with Councillor Iversen and the security companies, come up with the most suitable arrangement for the area. The Chairman felt that it would be best to put the possibilities to the residents and then to survey their preferences. Mr Lessing noted that it was a massive task and that the involvement of the residents was paramount. The Chairman asked that anyone that could be of assistance, contact him.

### **14. RATES ACTION BILL**

The Chairman stated that a FRA representative would attend Councillor Iversen's technical review committee on this Bill, which has not as yet been finalized, once the committee was up and running. The interests of the ratepayers would naturally be upheld.

### **15. NOMINATION OF NEW COMMITTEE**

The Chairman reported that it was with regret that he had to announce the resignation from the committee of the Vice-Chairman, Mr Jolyon Nuttall who served the committee with great dedication for a number of years. He was to remain of the Fernwood Parliamentary Sportsgrounds task force. Also Mrs Nuku van Coller, the secretary, had tendered her resignation and he thanked her for the work done.

The committee members, Mr John Burdes, Mr Chris Wolf, Prof Myers, Mr Oliver Purcell, Mr Barry Lessing had been re-nominated, as well as the Chairman, Mr Tony Bell. They would comprise the new committee with effect from this date, 27 August 2001. The Chairman proceeded to call for nominations for the vacant positions. As no nominations were forthcoming, he asked that persons and in particular persons with accounting or legal skills, who would be interested, to see him after the meeting or contact him as soon as possible. If no further nominations were forthcoming the committee may have to hire the required persons.

### **16. GENERAL**

#### **16.1 Cleanliness of Public Spaces**

The Chairman asked that the residents report any dumping, waste or unsightly

untidiness in the area to the committee, in order that it be investigated and actioned.

#### **16.2 Removal of Mature Trees**

The residents were also requested to report the unauthorized removal of mature trees to the committee, as it was important to at least sustain the canopy of trees and the botanic character of the suburb.

#### **16.3 Noise Disturbance**

The Chairman advised that the committee was well aware of the noise disturbance at times, and should this become problematic to any resident, it should be reported to the committee.

#### **16.4 Informal Dwellings**

Should any resident come across informal dwellings or any squatting, the committee should be notified.

#### **16.5 Operation of Businesses**

Although some businesses may be operated in a residential area in terms of ordinances, the Chairman asked that any business activities be reported to the committee in order to check if it complied in terms of the legislation.

#### **16.6 Friends of the Newlands Forest**

Mr Jeff Goy, a resident attending the meeting, was given the opportunity to advise the meeting on the activities of the "Friends of the Newlands Forest", their main aim being the conservation of the forest, with special focus on the prevention of the stripping of bark. Bark was being used for medicinal purposes and has become quite a commodity to the incessant impairment of the trees in the forest. Mr Goy appealed to the residents to be vigilant, but careful, of these perpetrators and to report this to the police.

Mr Lessing would include an article on this matter in the next newsletter. Residents could also contact Mr Goy if they had any ideas on the conservation of the forest and to report on their observations. His telephone number would be published in the newsletter.

It was noted that Ms Rina Snyders, who had lived in the forest and mountains for a number of years seemed to have disappeared and that her whereabouts were now unknown.

#### **16.7 Web Page for FRA**

The Chairman stated that some time in the future and when the finances allowed for this, a web page may be created for the Fernwood residents, enhancing accessibility.

### **17. CLOSE OF MEETING**

The Chairman thanked the residents for attending the meeting and wished everyone well.

The meeting closed at 21.15.