



MCSA
News

Newsletter of the
Johannesburg Section



Newsletter June 2012

Francois Junod

It was with great sadness that we heard of the passing of Advocate Francois Junod on 22 April this year.

Francois was a climber, co-founder of the Northern Transvaal MCSA Section (now Magaliesberg), conservationist and one of our club's greatest friends among the property owners in the Magaliesberg.

In keeping with the wishes of the family, a simple outdoor funeral was held on his farm, Calabash, on Friday 27 April.

There were two things close to Francois' heart – education and conservation of the mountains. As Francois lived in the Buffelspoort Valley, the family suggested donations, in lieu of flowers, to go to the Tsweleng Early Learning Centre, which educates children of farm and other workers in and around the valley, and to the Johannesburg or Magaliesberg sections of the MCSA to be used specifically for conservation.

Francois – a Mountain of a Man

By Annathea Oppler

(And also read out at the funeral by Annathea)

As I sit and look at him,

Barely still holding on,

The thoughts in my head of him

Spiral around,

But two stand out among the crowd

Firstly, a memory

Of a summery evening

Some years ago.

We sat watching the sunset

And the cicadas sang,

While we sat there and watched,

Watched the ruby-red sun

Set the treetops on fire.

And I remember the look,

The look on his face,

The joy of the world

And the love of this place

Both showed in his eyes

And I remember my thought

"What a mountain of a man!"

And perhaps that led me to my second thought;

My association of these mountains

With this mountainous man.

Whenever I am walking in Magaliesberg kloofs

His name is never far from my mind.

He seemed so eternal, everlasting

Like them.

And now, as I sit here and say my final goodbye,

I can't imagine them without him

They're missing a piece.

So I've decided I won't,

For he's not really left.

He's in the song of the grasses

As the wind whistles through,

The green of the trees

And the sky's azure blue,

In the gold of the grass heads at late afternoon,

The twinkle of stars

And the big silver moon.

So, here's to Francois,

A mountain of a man,

May his spirit live on in this beautiful land.

CLUB NEWS

EXPEDITIONS: Three groups are heading off to far away places. Members of our section: Andrew Porter and group have already left and are surfacing in Greenland; Ulrike Kiefer, Oliver Hoffman, Wiebke Toussaint (prospective member) and group are heading for Kyrgyzstan, some climbing and some hiking. Alard & Shelley Hüfner, Douard le Roux and group are going to

Trango Towers; Neil Grimmer and our Chairman Dobek Pater will join them, but trek to K2 base camp and over the highest mountain pass in the world (Gondogoro La) instead. We wish them all the best. Take care and bring back lots of stories and pictures. And don't forget the pictures of the flowers.

New Members: We welcome the following new members: Craig de Villiers (transferred from Cape Town); Wayne Roberts; Mark van Niekerk and children, Hilton and Rita Goodhead and children Angela, Bronwyn, James and Andrew; Dewald and Ciska Kloppers; Samantha Jordaan and children Thomas, Daniel and Ethan; Claire Nissan, David Lichtenstein; Wayne and Tracey Potgieter; Nicholas Meinel; Daniel Widmonte; Natasha Adams and children Jennifer and Michael; John Ackroyd; Farhad Hassim; Fatima Cachalia; and Marcus and Marileen Botha.

Resignations: Alex Misch; Anna Maria Lombard; Gail Mallinson; Justine Cole (to CT); Bridget O'Meara.

Reminder: Subs for 2012. If you have not sent your subs please do so asap. If you do not wish to remain a member, you are still obliged to pay the subs for 2012. We have to pay CENCOM levies based on the number of members as per 1st January each year, as well as other expenses. If you wish to resign please let us know by the middle of December.

LAND AND ACCESS

1. 1. Tonquani. Fire-break cutting

High winds and a RED fire-alert (i.e. **no fires under any circumstances**) prevented us from burning fire-breaks at Tonquani/Bertram's nek on the weekend of 10 June. As the fire ban is expected to be in place for the rest of the season, the landowners in the area requested that we cut a track of grass at the nek. In a joint Magaliesberg-Johannesburg MCSA meet, held on June 16th, a wide break was cut at the nek. One cannot underestimate the amount of goodwill the club has generated through our willingness to burn fire-breaks this year with the Doornhoek FPA extending their gratitude and thanks to the club.

1. 2. GUARDS AT TONQUANI/CEDARBERG

During the period of the end of last month and during this month of June, the MCSA has posted two security personnel to patrol the Northern end of the MCSA properties of Tonquani & Cedarberg. These guards are employed by Biz 32 Afrika Security and are tasked with patrolling to prevent muggings and attacks on our members. This is their primary role, as they are not expected to identify hikers that trespass across from other landowners' land on to MCSA land but rather target those that are a threat to visitors on MCSA land. Their patrol area has been set as the area from the lower pools at the bottom of Tonquani gorge, along the northern edge of MCSA land and up to the road that enters from Calabash side. They are equipped with cellphones and radios. Every weekend they will be patrolling this land several times a day and should be easily recognisable in their black uniforms. Should you encounter them, you can identify yourself as an MCSA member and enquire if they have seen any signs of intruders.

Their director of operations is Jaco & his number is 072 996 6818.

We would appreciate any observations you have with regards these security guards. Utopia has been very helpful by facilitating their accommodation over weekends and we are very appreciative of this fact.

Grant Rens

STATEMENT ON THE KGASWANE COUNTRY LODGE, MAGALIESBERG PROTECTED ENVIRONMENT April, 2012 Update

On 10th January, 2012 the MPA at last received the judgment from the review hearing which had taken place in the Mafikeng High court on 4th August, 2011. We were disappointed but not surprised, given the Judge's generally unsympathetic attitude towards the MPA's case, that she dismissed our application for review of the North-West province's post-hoc approval for the Kgaswane Country Lodge, a 57-bedroom upmarket hotel which had been illegally constructed inside the Magaliesberg Protected Environment, and of the MEC's subsequent dismissal of the MPA's appeal against this approval. What did surprise us was the Judge's award of costs against the MPA.

The Judge's stated reason for awarding costs against the MPA was that it was unreasonable for it to pursue the application for review after it had previously lost its application for an interdict restraining Kgaswane Country Lodge from continuing with construction activities.

However, she entirely ignored the reason why the interdict application failed, which was that while the MPA had been authoritatively informed by an official in the Department that the development was only about 30% complete (and that the Department had a copy of the plans for the remaining 70%), this was denied at the interdict hearing and instead the Department stated that construction was 98% complete. In the light of this, the Judge at the interdict hearing (not the same Judge as at the review hearing) concluded that nothing would be achieved by issuing an interdict. (Ironically, while the MPA failed in its interdict application, it actually succeeded in its aim of stopping any further development, as presumably detailed in the plans for the remaining 70%).

The arguments that the MPA's Counsel (Paul Kennedy and Peter Lazarus) presented at the hearing on 4th August 2011 were summarised in the report I sent out the following day. These covered both the MPA's original objection to the granting of a NEMA Section 24G (retrospective) approval for Kgaswane Country Lodge built illegally inside the Magaliesberg Protected Environment (MPE), as well as our review of the MEC's dismissal of our objection. In addition to a broad coverage of our case, stressing the importance of the Magaliesberg as a unique environment that the MPA is trying to protect for future generations, and the Magaliesberg Biosphere project that is proceeding very well, but crucially depends on the inviolability of the MPE, they focused on a number of specific legal grounds for the review.

The Judge's unsympathetic attitude to the MPA's case is, however, illustrated by the following points in her judgment:

1. She ignored the fact that the Magaliesberg has had a protected status since 1977 and that, until the granting of environmental authorisation for the Kgaswane Country Lodge, no hotels or country lodges had been approved in the protected area. Instead, the Judge focused only on the fact that the EMF (Environmental Management Framework) for the Magaliesberg Protected Environment, which was developed and furnished to the NW Department of Agriculture, Conservation and Environment in 2007, but was only formally gazetted, without any changes, on 17 March, eight days after the Department had given its Section 24G approval for the Lodge, despite the fact that the EMF specifically identifies a Country Lodge/Hotel as an "incompatible activity" inside the MPE.
2. The Judge dismissed as "mere conjecture and speculation" the MPA's concern that the post-hoc approval of the Kgaswane Country Lodge will set a precedent for other developments to follow this example. She also totally ignored the Magaliesberg Biosphere project, and its critical dependence on the legally protected status of the MPE.
3. As regards the serious and gross errors in the Environmental Impact Analysis (EIA) report on which the Section 24G approval relied, which were pointed out by our Counsel, the Judge focused only on the fact that the MPA Chairman (me) is not an expert in the field, therefore, cannot express an opinion on technical issues in the report. Some of the serious and gross errors referred to include:
 1. a. The EIA report refers extensively to a quarry and a wetland, despite the fact that there is no quarry or wetland on the Lodge site or in its vicinity. The report refers to the improvement of the storm water channel, despite the fact that there is no storm water channel on the site or in its vicinity.
 2. b. The report states that the site is in close proximity to residential areas, whereas in fact it is in an area of the MPE classified by the EMF as "highly sensitive" and is far from any residential area.
 3. The report states that "no wastewater may runoff into any of the surrounding streets" whereas there are no surrounding streets and the R24 (the Olifantsnek road) is some distance away from the development.
 4. d. The report refers to "the area where boreholes are shallow" and "municipal drainage systems" whereas there are neither boreholes nor municipal drainage systems on or in the vicinity of the site.
 5. e. The Judge used a technical legal argument to dismiss an affidavit by Vincent Carruthers (who is an expert) confirming these gross errors in the EIA.
4. In her judgment the Judge only focuses on the request for demolition of the Lodge and ignores the fact that this is only one of the possible actions requested by the MPA, the primary one being the review and setting aside of the decisions of the Chief Director and the MEC in regard to the granting of environmental authorisation for the Lodge.

The MPA immediately instructed Advocate Peter Lazarus to apply for leave to appeal against the judgment. Peter has generously offered to act for the appeal on a *pro bono* basis, which means that the costs will be considerably reduced and we are hoping that there will be less need for us to approach our supporters for additional funding.

For those not familiar with the legal process, the application for leave to appeal is directed at the Judge against whose judgment the MPA is wishing to appeal (Judge Leeuw), but the criterion for deciding whether or not to grant leave is whether any other court (i.e. Judge) could reasonably come to a different conclusion than that of the original judgment. The application was heard in the Mafikeng High Court on 1st March and it was clear from the start that the Judge remained unsympathetic towards the MPA in this matter. As an example of her attitude, the Judge at one point in the hearing asked Peter Lazarus why he kept on referring to the environment in his pleadings and not to the economy and job creation.

The MPA was nevertheless hopeful that, despite the Judge's lack of sympathy towards our case, she would admit to the possibility of another court coming to a different conclusion than she did in the MPA's review application. This was not to be the case, however, and on 30th March we received her judgment dismissing our application for leave to appeal, once again with costs.

Given the importance of this case for the future of the protection of the Magaliesberg, and for the prospects of the forthcoming application to UNESCO for the Greater Magaliesberg Region to be declared a Biosphere, the MPA committee is determined to persist in the action it started in 2008, when it first discovered the illegal hotel development inside the MPE. We have decided to take this matter to the Supreme Court of Appeal in Bloemfontein and have instructed Advocate Lazarus to apply for leave to appeal to this court. **Paul Fatti**

Chairman, Magaliesberg Protection Association

26 April, 2012



MCSA Easter Meet to the Drakensberg

by Andrew Porter

The great thing about a mission into the mountains is that it makes you fitter for the next mission. For some, this was the first hike to prepare for a mini Drakensberg traverse, for another, it was just a way to get fitter for an even bigger mission the following week.

Of course, during the mission, you do actually get to do something worthwhile. Chris may have finally found his long sought after and very elusive cave. About half the party got to climb their first Drakensberg peak. For me, I finally managed to hike the Bell Traverse.

The idea behind the meet originated a while back. I wanted to do something that would be a challenging mission not only for myself, but at the same time coming up with something that would be suitable for beginners, or anyone else attending the meet.

The eventual plan thus became:

- We would hike the Bell Traverse
- By taking 4 days, we would then give ourselves time to climb a few of the peaks along the way
- Each person attending the meet could decide how many and which peaks to climb
- I personally had in mind to climb the whole lot, trying to climb a route on each peak and then descend in such a way that would closest follow the skyline itself. This would most likely involve a fair amount of night time climbing to fit it all in.

This would of course involve a few logistical matters such as how much gear to bring, or leave behind so you can climb with a pack, and to find a way of linking stoves/food to the people who are climbing similar list of peaks.



The first day started out as for any other first day on a Drakensberg hike. We hiked up the BIG hill. It did not help that we took a scenic and very slow detour through the river bed 15 minutes into the hike. Nor did it help that some packs were too heavy, or that fitness was not always as good as thought. A great team effort though ensured that everyone made it to Bell Cave that night, including a sunset summiting of Cathedral Peak. An almost full moon made it possible to descend with a minimal use of torches.



For the second day, the party started splitting up. An early and enthusiastic party set off for The Bell. The usual and expected grassy or slabby rock traverses with no hope of gear slowed us down a bit. Eventually, we made our way into the shady and cold side of the mountain we planned to climb. The cold gave good incentive to move fast, so off I went. Pitch 1 is essentially a solo, although a wobbly and extremely well hidden peg does provide a solitary piece of pro. The single peg at the stance is not great either, so I resorted to the tried and trusted method of

bracing myself against a few grass tufts. Pitch 2 has good gear for the seconders at least, and before too long, we had all reached the sunny summit. The summit book indicates this as being the first ascent of the Bell since 2010.

Two abseils (off shiny bolts) took us down. Kirk and Kelly headed off to climb Cathedral Peak. Greg, Chris and I headed off towards the Horns. By now, Gunther, Oliver and Edward had figured out the apparent lack of gear on pitch one. They backed off, just below the point at which the peg becomes visible.

The Outer Horn is a fairly easy scramble. The exposure though is not trivial, and death is an option on several occasions. Especially on the grassy traverse leading towards the final summit ridge. The final summit ridge is great. On this, I decided to kick off a loose block, and watched with delight as it bounced its way down the hill for about 200m to crash into the side of the Inner Horn.



With time running low, we raced back to the cave, ticking off 2 of the Sisters along the way. The 3rd Sister as approached from the Inner Horn involves a very scary move that would be hard to down climb, so that was left alone as darkness surrounded us.



For day 3, we all hiked across to the Inner Horn. I found an easier way up the 'missing sister' to tag another summit. Light rain and strong winds reminded us that this is after all a mountain. We worked our way up the steep, grassy gully separating the Inner Horn from the Chessmen, and then had a little fun on the first Chessman. This is a pile of loose blocks held together with a prayer and a bit of grass. Trying to do yoga poses on this in the strong wind turned out to be rather silly, so we headed off to find the relatively new standard route established by Gavin Peckham in the 1990's. Our route did not match his description too well, but it seemed to start in the same place, and went at the same grade. We scrambled up easily enough and enjoyed a few photos on the summit. Cold wind chased us down, via a 20m abseil back to the neck with the Chessmen.

A few practical jokes ensured that the meet leader was given a healthy dose of exercise, before setting off on a brisk hike to Twins Cave. Thoughts of climbing the other Chessmen or the Mitre were disregarded thanks to the wind and threatening storms.

The drips near the cave were rather pathetic, so we set off in dribs and drabs to collect water in Lesotho. The same dribs and drabs took the opportunity to wash themselves to a great or mainly a lesser degree. About sunset, Greg, Chris and I joined forces to climb the Twins. The inner most Twin is simple enough. The second Twin is a typical pillar of berg rock – loose and exposed. The third Twin (think hitchhikers trilogy here) is a simple run.

On the final day, we took a leisurely walk down to the cars.

In all, we had a fairly successful time summiting the peaks. From a party of 11, 9 people got up Cathedral Peak, 9 up Inner Horn, and between us we also summited The Bell, Outer Horn, and the 3 Sisters.