



REPORT ON UNAUTHORISED ACTIVITIES/DEVELOPMENTS WHICH MAY HAVE A DETRIMENTAL EFFECT ON THE ENVIRONMENT OR NON-COMPLIANCE WITH NEMA GENERAL

Please tick the appropriate box

Region 1	Region 2	Region 3
West Coast District Municipality & City of Cape Town	Cape Winelands & Overberg District Municipality	Central Karoo & Eden District Municipality

INVESTIGATION DETAILS

Complainant:	Prof HC Eggers		
Full name	Hans Christoph Eggers		
Postal address:	10 Gihon Street, Eden, Stellenbosch		
Telephone:	076-785-3514	Cell:	076-785-3514
E-mail:	heggers@pm.me	Fax:	N/A
	<p>..... Signature of Complainant</p>		<p>8 May 2023..... Date</p>

Name of Property:	Paradyskloof Nature Area including Brandwacht
Farm/Erf name and number:	Farm SBP369 (Paradyskloof) lower slopes, Farm SBP368/2 (Brandwacht), panhandle part of Farm SBP366
Property size:	<p>Farm 369 lower slopes: approx 200 ha Farm 368/2 about 90 hectares Farm 366 panhandle on lower slopes approx 15 ha</p> <p>Other land units owned by Stellenbosch Municipality which are probably also affected but not treated in this complaint form: Papegaaiberg Protected Area (Farm SBP183/RE and others) together approx 138ha Idas Valley Nature Area (Farm SBP165/1 and 8 other land units) together approx 333ha Botmaskop Nature Areas (Farm 3363 plus 4 other land units) together approx 160ha Louwsbos (Farm 502/RE) approx 58ha Raithby (Farm 502/AS) approx 10ha</p> <p>Probably not affected (but must be verified): Jan Marais Nature Reserve (Erf 2149) Mont Rochelle Nature Reserve (Farm SBP23) Wemmershoek Wetland Area (Farm 1024/1) Purgatory Outspan (Farm 1135/1) Jonkershoek Picnic Site (Farm 352/2): about 8ha</p>
Nearest Town/City:	Stellenbosch
Physical address:	Plein Street, Stellenbosch
Town/City:	Stellenbosch

Registered property owner:	Stellenbosch Municipality (WC24)
Contact Person:	Tammy Leibrandt (manager) Gary Boshoff (senior director)
Postal address:	As above
Telephone:	021-808-8180 and 021-808-8140
E-mail:	Tammy.leibrandt@stellenbosch.gov.za and

	gary.boshoff@stellenbosch.gov.za
--	----------------------------------

Details of person/company performing the illegal activity	Section Environmental Management Implementation, Stellenbosch Municipality is responsible, but physical work is probably being carried out by an external contractor		
Name :	The details of the contractors are unknown		
Address & tel. no.:			

Local authority/municipality:	Stellenbosch Municipality		
Contact person:	Tammy Leibrandt (manager) Gary Boshoff (senior director)		
Postal address:			
Telephone:	As above	Cell:	
E-mail:	As above	Fax:	

DETAILS OF DEVELOPMENT/ACTIVITY

1) Please provide a brief description of the development/activity:

Background: Stellenbosch Municipality (SM) is the owner of approximately 2500 hectares of nature areas as listed in part above. The Section Environmental Management Implementation of SM is required to manage these areas in accordance with environmental and other legislation (NEMA, NEMBA, CARA etc) and its own management plans, which include the Paradyskloof Nature Area Environmental Management Plan as approved by Council in 2019.

Location of the activity or activities (many land units): The activity at issue is the recent large-scale grading of dirt roads (jeep tracks) as detailed below. In this complaint form, we deal only with Paradyskloof and Brandwacht, Farms 369, 368/2 and the lower part of Farm 366 which is together called **Paradyskloof Nature Area (PNA)**. Other nature areas and land units owned by SM as listed above are very likely also affected, but no details will be provided here. I have received oral confirmation of grading activity on Papegaaiberg and Botmaskop areas but they cannot be included here for lack of detail.

Locality photo: The Paradyskloof Nature Area (Farms 366, 369 and 368/2) are situated on the western slopes of Stellenbosch Mountain. The attached locality plan is taken from the municipal Alien Invasive Plant Management Plan.

References: There is extensive documentation on the PNA both by SM itself and on the Friends of Stellenbosch Mountain (FSM) website which I manage. Immediately relevant are the **PDF map showing the set of trails** (jeep tracks and footpaths/cyclepaths) which can be downloaded at <https://fsmountain.org/trails.html> as a PDF file under the link provided below. It is too large to be sent by email (36 megabytes) but a compressed and cropped version is attached. The FSM trails webpage also links to an **Excel sheet** named **230425-trail-profiles.xlsx** detailing in Column T, track by track, the damage caused by the grading (see also attached); it is also submitted by email together with this complaint form. The FSM webpage also has a zipfile of 71 MB with about 60 **photographs** referring to a selection of tracks which were documented photographically; see link below. References to the individual track locations (such as V0050) on the PDF file are given in Column B of the spreadsheet to locate each track. References to individual photos can be found in Columns Q and R of the same excel spreadsheet. All entries in the excel sheet under date 230425 (i.e. 25 April 2023) are relevant. For example an entry "230425" and "ao" in Columns Q and R refer to photograph **230425ao-v0043-grader.jpg** which was taken on route V0043 on 25 April and shows some of the widening which this complaint is all about (see below).

The above resources can be found under the following links:

<https://fsmountain.org/trails.html/221122-a4-withlabels.pdf>

https://fsmountain.org/trails.html/230426_photos.zip

The Activity: Jeep track grading and significant widening over many kilometres The activity itself is the widening of previously narrow jeep tracks to a width of at least 4 metres throughout the PNA (and likely all other SM nature areas) by means of a large road grader (see photograph 230425bv-v0026-grader.jpg which is included in the abovementioned zipfile). Some tracks have been widened to 6 metres in places. Many of those widened tracks see little or no use except for emergency purposes such as wildfires. Even on such major routes, a width of 3m would have sufficed to let any fire truck pass. In other words: while the grading itself was in several cases necessary for maintenance, it was applied indiscriminately and with the wrong size of grader and too routes which had no need of grading. It has caused extensive unnecessary damage to natural vegetation as described in 5) below.

The activity was carried out by a grader which is far too large and wide for the narrow 2m tracks; see photograph 230425bv-v0026-grader.jpg in the attachment. It would have been quite possible to avoid all the damage simply by using a smaller grader and by ensuring that the grading blade stayed on the existing track surface.

At no time was any supervision by the responsible municipal Section Environmental Management Implementation seen on site. The contractors operating the grader simply carried on as they saw fit.

2) Is the project a new development or an extension/upgrading of an existing development?

The PNA is a nature area and a pine plantation and has been thus for at least 30 years. Since the wildfire of 2004, large swathes of land have reverted from plantation to fynbos and renosterveld (including the Schuilplaats area which is documented by photos and references as described above). There are no plans for development of the PNA areas.

3) Has this matter been reported to any other authority or institution? If yes, provide details (Attach necessary documentation, including the name of relevant contact person and contact details)

Following discovery of the grading on PNA, an email was sent on the evening of 25 April 2023 to the relevant officials, including Ms Leibrandt and Director Boshoff. Further communication on the details captured by us was sent to the same persons on 29 April 2023. No reply was received, and it appears that grading continued unabated after 25 April.

4) Chronological list of events leading to this report:

The recent track grading follows years of neglect and was without doubt necessary for maintenance purposes. In 2022, I was involved in a separate initiative to map the extensive jeep tracks, cyclepaths and footpaths in the area in cooperation with SM. The said PDF file with track codes (such as V0050) is a work-in-progress interim capture of that network. In part this is based on ground-truthed GIS information captured and provided by me in 2018, in part on a desktop exercise by SM in 2022. It is unclear exactly when the grading started, but likely started in the PNA in about mid-April. Its full extent was discovered by me on 25 April. Very likely, grading in other areas such as Papegaaiberg could have happened earlier. It is unclear whether the grading is continuing at the time this complaint was submitted in early May 2023.

5) Description of environmental damage according to the opinion of the Complainant:

A: Large-scale destruction of indigenous vegetation: As can easily be seen from the tracks PDF file (and quantified if necessary by means of underlying kml files), the length of tracks which have been graded on the PNA comprise easily five to ten kilometres just in the PNA. It is not possible to quantify the length of tracks graded in other nature areas such as Papegaaiberg and Botmaskop, but very likely more kilometres of tracks were graded and widened (and vegetation destroyed) there also. If one therefore assumes, just for example and very conservatively, that 3 kilometres of tracks were widened by just 1 metre, the area of destroyed vegetation is 3000 square metres. If the total length of widened tracks is more than 10 kilometres, that would amount to a hectare of indigenous vegetation destroyed.

B: Rare and endangered plants: significant damage to the rare and vulnerable indigenous plant population. The PNA comprises a collection of plantation, at least two types of renosterveld, several identified Critical Biodiversity Areas, a number of wetlands. I have documented evidence of one such case, where at least half of a population of critically endangered *Xiphosoma lanceolata* has been destroyed by the grader making a huge gash in the area, purportedly to divert water from the track. This population grew adjacent to track FID0087 (not labelled on the PDF file, an extension of V0050).

C Watercourses: Several of the tracks directly traverse watercourses; for example tracks V0026, V0034 and V0028 traverse the Schuilplaats; track V0064 traverses the wetlands where the Paradyskloof river and Blouklip river converge.

D: Future erosion: The grading has resulted in large-scale temporary alleviation of ground erosion. However, due to the incorrect methodology used by the grader (no berms, no proper water drains, contrary to the SM's own approved Environmental Management Plan of the PNA) and the widening to 4 metres, the grading will in future lead to a big increase in erosion potential, especially on the steeper tracks such as V0050 and V0030 and similar ones.

Please note that the following documents must also accompany this application:

- a) A locality map, indicating the site within the context of the surrounding area.
- b) Detailed photographs of the site, clearly indicating the development/activity. (Date & time of photo;s taken)
- c) Photographs of the surrounding area, and the damage caused.

Please mail completed report & supporting documentation to:

The Director: Environmental Governance
Department of Environmental Affairs & Development Planning
Private Bag X9086
CAPE TOWN
8000

or email to:

Law.Enforcement@westerncape.gov.za

or fax to:

021 483 2797

FOR OFFICE USE ONLY File Reference No: Date received: Name of officer: Sub-directorate: Environmental Law Enforcement	