

PETITION FOR CHANGE: COMMUNITY INVOLVEMENT AND JCPZ MANAGEMENT OF THE KLIPRIVIERSBERG NATURE RESERVE

There is a substantial and active community based around the Klipriviersberg Nature Reserve (KNR). These are residents that have willingly and freely given of their time and other resource to make the KNR sustainable and to make it a vibrant and accessible facility for the people of Johannesburg and further afield. The City of Johannesburg has committed resources to the KNR via their management authority, the Conservation Department of Johannesburg City Parks and Zoo (JCPZ). For many years the residents of the area has tried to work together with JCPZ to optimally use the available resources and to ensure that the facility is managed to the highest possible standards. These efforts have not been without success, but it should be abundantly clear to any objective observer that the Johannesburg City Parks and Zoo (JCPZ) Conservation Department has failed in almost every aspect of corporate governance that JCPZ prescribes to and as outlined in its annual report 2015-16, as far as the management and maintenance of and effective community participation in the KNR is concerned.

The head of the JCPZ Conservation Department, Mr Bishop Ngobeli, withdrew from the Klipriviersberg Nature Reserve Forum (KNRF) and stated that he would no longer be involved in the KNRF until such time as senior JCPZ management intervenes. This document is in part an attempt to solicit JCPZ senior management's intervention to resolve outstanding problems as stipulated by Mr Ngobeli.

We are fully aware of the seriousness of the allegations contained in this document and do not take these matters lightly. It is our opinion that matters have deteriorated and will continue to deteriorate unless there is urgent intervention in these matters.

Corporate Governance Statement, JCPZ annual report 2015-16:

"JCPZ has comprehensive governance structures, systems, policies and procedures – underpinned by a sound set of values and ethics to support the Company's operations. These structures enable a clear separation of policy making, regulation and implementation. JCPZ is part of the City's objective to create focused, specialised and non-bureaucratic processes for efficient service delivery. The Board of JCPZ ensures that high standards of Corporate Governance throughout Johannesburg City Parks and Zoo are upheld for the delivery of the Company's strategic objectives, shareholder value and the long-term protection of stakeholder interests. JCPZ is committed to the highest standards of business integrity, ethics and professionalism. Good corporate governance is an integral part of the Company's operations.

Accordingly, the Board and Management of JCPZ are committed to maintaining high standards of corporate governance. It is imperative that the Company's governance processes and practices are reviewed on a regular basis to ensure that same are in line with best practices. The entity works closely with the Shareholder's Group Governance Division to ensure compliance with all material aspects of corporate governance. The Company is therefore committed to fulfilling its mandate in a manner that is in keeping with governance best practices and in particular with regard to accountability, transparency, fairness and integrity as advocated by the King Report on Corporate Governance (King III). The principles as enunciated in King III are entrenched in the internal controls, policies and procedures governing corporate conduct. The Board is satisfied that every effort is made by Management to comply with all material aspects of King III. Ethical Leadership."

Various stakeholder organisations have attempted to raise concerns in this regard, using the procedures and forums provided by JCPZ; this has proven to be ineffectual. The JCPZ responses to concerns have run the gamut of denial, refusal to respond, inaction, subversion of the facts, lies,

punitive measures taken against complainants, threats, unilateral dismissal of complaints and JCPZ withdrawal from agreed upon forums. The lack of accountability and transparency and unethical and unprofessional conduct in these and other matters is astounding and a cause for grave concern.

The organisations and stakeholders impacted by the poor corporate governance of the JCPZ conservation department include, amongst others:

- The Klipriviersberg Nature Reserve Forum (an organisation started by JCPZ intended to give stakeholders an effective say in the affairs of the KNR).
- The Klipriviersberg Nature Reserve Association (a 35 Year old active and dynamic organisation, registered NGO and PBO with the sole mandate of looking after the conservation interest of the KNR).
- The Klipriviersberg Sustainability Association (KlipSA) – (A conservation organisation and NGO mandated to protect the greater Klipriviersberg area).
- The Johannesburg South Garden club. An active community organisation that has transformed the Entrance Precinct of the KNR from a weed infested liability to well-maintained show-piece garden).
- The local Community Policing Forums.

This memorandum is intended as guideline document to assist the City of Johannesburg in evaluating the merit of the concerns of impacted stakeholders and communities. It is our sincere wish that these matters will be given the attention it deserves. We are hoping that our concerns will be taken seriously and that a thorough investigation will be conducted. The scope of this document will be limited to clear-cut examples of poor corporate management, which includes a lack of transparency and accountability, a disregard and selective application of local, provincial and national legislation, policies and procedures, a disregard of stakeholder interest and a lack of community involvement in decision making processes and poor management and maintenance decision making and no apparent regard for environmental best practises. We are furthermore hoping that the outcomes of the proposed investigation will be a comprehensive overhaul of the current management structure and function to fall in line with the stated corporate governance policies of JCPZ and the City of Johannesburg, the City of Johannesburg's environmental policies, the National Environmental Management Act (NEMA) principles and policies, Gauteng Department of Agriculture and Rural Development (GDARD) and South African National Biodiversity Institute (SANBI) recommendations on habitat and biodiversity conservation and accepted South African and international environmental best practises. We, as community leaders and members are willing to work together with authorities to achieve a win-win outcome.

CONSERVATION IMPORTANCE AND MANAGEMENT OF KLIPRIVIERSBERG NATURE RESERVE (KNR).

The KNR is listed by GDARD in the Gauteng C-plan database as a critical Biodiversity Area.

“Critical Biodiversity Areas are areas required to meet biodiversity targets for ecosystems, species and ecological processes, as identified in a systematic biodiversity plan.” – SANBI (2017)

What this means in practise is that areas of Critical Biodiversity must be managed to safeguard its natural state so as to maintain its biodiversity patterns and ecological functionality. In order to achieve this, it is required that environmental best practises are followed.

Where there is any doubt with regards the best course of action or the application of environmental best practises, the precautionary principal in environmental management should be followed. Practically this means that if there is any doubt or dissention with regards a proposed management action, it must be assumed that the action will be detrimental. The burden of proof then rests on the management authority, through the use of scientifically verifiable information, that the proposed actions will not be detrimental. Independent evaluation of the burden of proof is required before implementation of such management actions.

The primary management objectives for the KNR are clearly and concisely outlined in the introduction (Chapter 1) of the Ekotrust/Noel van Rooyen report (Klipriviersberg Nature Reserve Part 2: Ecological Management Plan. These objectives should inform all management decisions.

INTRODUCTION

The primary objective of the Klipriviersberg Nature Reserve (KNR) should be to create and conserve a natural environment that is rich in biodiversity and is managed and maintained according to sound ecological principles. Reserve management should:

- strive to maintain and/or restore the integrity and diversity of the natural habitats and their associated biota;
- enable viable and sustainable wildlife conservation and utilisation based on sound veld management and wildlife management principles; and
- allow human use of the area consistent with the first two goals.

FAILURE IN IMPLEMENTATION OF THE 2014 VAN ROOYEN ECOLOGICAL MANAGEMENT PLAN

To date the recommendations in the 2014 van Rooyen ecological management plan has largely **NOT** been implemented. To some extend the relative inexperience of the on-site management team in the KNR is to blame. It would however seem that the mandate of JCPZ Conservation Department middle and top management of the KNR is not prioritized around core objectives of the van Rooyen report. The team operating in the Reserve consist primarily of EPWP labourers with very limited training, their training mostly limited to brush cutter operation. These workers are also under-equipped and poorly motivated with very low productivity as far as achieving management objectives within the KNR is concerned.

Some of the management actions taken are contrary to the recommendations in this report. Pertinent management actions that were not taken include:

- (i) No rainfall records kept.
- (ii) Extra rain meters not installed.
- (iii) Areas of erosion not mapped.

- (iv) Cultural heritage sites not mapped.
- (v) Lack of infrastructure reports.
- (vi) No checklist of Red and Orange listed plant species.
- (vii) No vegetation monitoring programme.
- (viii) No record of burnt areas (viii) no photographic monitoring of vegetation.
- (ix) No annual biomass assessment (requires a disc pasture meter).
- (x) No fire policy document developed.
- (xi) No list compiled of Red Listed fauna.
- (xii) Grazing capacity estimations not adjusted according to game counts and rainfall data.
- (xiii) Wildlife natality and mortality records not kept
- (xiv) No alien vegetation management plan produced
- (xv) Bush encroachment control applied haphazardly without a detailed management plan.

A substantial portion of the necessary and recommended management is the result of the introduction of game and the habitat degradation directly attributable to overgrazing by the introduced antelope. The introduction of herbivores was done from 2003 to 2007. The population of these herds of antelope were allowed to increase well beyond the capacity for the area to sustain these numbers, which resulted in severe habitat degradation. A substantial portion of the current management actions in the KNR is aimed at addressing the consequence of the over utilization. Community pressure finally resulted in JCPZ relenting and arrange for game capture operations to reduce game population numbers and curtail further overgrazing. The results of the poor management in this period will have to be dealt with in future management actions for decades to come, if the basic premise around the maintenance and restoration of integrity and diversity of natural habitats is followed.

Alien Invasive Species (AIS) control as an example of failed environmental management:

Alien Invasive Species (AIS) control is a critical component on environmental management and biodiversity conservation:

“Invasive alien species are species that have been introduced into an area, and are able to out-compete and displace indigenous or useful alien species. They may be plants, animals or microbes, including diseases, and are widely regarded as among the biggest threats to the productive use of land and water, to the ecological functioning of natural systems, to health and to the economy.”

The JCPZ AIS control has been an unstructured approach to AIS eradication that could exacerbate problems with these species, leading to unnecessary long term monetary and resource cost, and the concomitant loss of biodiversity and ecosystem functionality. A structured AIS control programme is recommended in the 2014 van Rooyen report and became a legal requirement with the gazetting of the Alien and Invasive Species Regulations 2014 as part of the National Environmental Management: Biodiversity Act 10 of 2004. This Act requires that the management authorities of protected areas prepare and submit AIS monitoring, control and eradication plans within one year of the publication of the regulation. The deadline date for this submission was 30 September 2015.

- (2) Management authorities of protected areas and organs of state in all spheres of government must-
- (a) prepare their Invasive Species Monitoring, Control and Eradication Plans contemplated in section 76 of the Act based on priorities identified through the guidelines referred to in sub-regulation (1); and
 - (b) submit those plans to the Minister and to the Institute within one year of the publication of the guidelines contemplated in sub-regulation (1).

The Department of Environmental Affairs (DEA) subsequently published guidelines on AIS control in line with the above mentioned Act and specifies that:

“The Control Plans for every Protected Area and every other relevant land area managed by an Organ of State (including municipalities) have to be compiled and a copy of the plan submitted to SANBI within a year of these Framework Guidelines having been posted on the Department of Environmental Affairs’ website on 30 September 2015.”

The deadline for this submission was 30 September 2016. This deadline has clearly not been met.

In both the van Rooyen (2014) report and the DEA guidelines document clear guidelines are laid out for the preparation and implementation of AOS programmes:

DEA guidelines:

- (4) An invasive species monitoring, control and eradication plan must include -*
- (a) a detailed list and description of any listed invasive species occurring on the relevant land;*
 - (b) a description of the parts of that land that are infested with such listed invasive species;*
 - (c) an assessment of the extent of such infestation;*
 - (d) a status report on the efficacy of previous control and eradication measures*
 - (e) the current measures to monitor, control and eradicate such invasive species; and*
 - (f) measurable indicators of progress and success, and indications of when the Control Plan is to be completed.”*

Van Rooyen recommendations:

Alien flora management:

- List of alien flora.

- Prioritising alien species in terms of threat and control.
- Prioritise areas or plant communities for control of alien invasive plant species.
- Document all actions to eradicate or control invasive species.
- Provide details on methods used for control in each specific area (mechanical, chemical or biological) and type of chemicals used.
- Compile maps and provide photos of where these actions were implemented.
- All monitoring reports on the success or failure of control actions should be documented.
- Work programmes and schedules should be filed.
- Database should be developed on mechanical, chemical, and biological control measures for the different species on the reserve.
- Document all expenses on alien plant control actions.

Currently the JCPZ/EPWP workers are ill-equipped and not trained to do AIS control. The problems are logistical, but highlight the need for effective management interventions to ensure positive outcomes and safe working conditions for EPWP workers.

It is imperative that the management of the KNR draw up and implement a comprehensive alien invasive vegetation management plan (in line with legislation and environmental best practise procedures) and that the plan gets implemented by providing the necessary training and skillsets as well as equipment to safely and effectively gain control over the problem.

Further examples of management, maintenance and public engagement problems:

KIOSK/SHOP:

In December 2016, the facility at the Entrance Precinct that had been used as a meeting hall since 2008 was converted into a kiosk/shop. In principal we do not have issue with the facility being used as a kiosk/shop for use by members of the public and to raise funds. We are however deeply concerned with the process followed in awarding the tender and the lack of consideration and communication in informing key stakeholder organisations about these changes. Stakeholder organisations were never charged for the use of the facility, but many of them contributed significantly in terms of cost benefit both to the City, JCPZ and the KNR. Before the conversion from a hall to a kiosk/shop, the facility was used by various stakeholders as a meeting/presentation venue. Examples of stakeholder use of the facilities include the following:

- The Klipriviersberg Nature Reserve Forum (KNRF) used the facility for monthly meetings. The KNRF is an organisation comprising of various community stakeholders that was formed by JCPZ to represent community interest in the management and maintenance of the KNR.

- The Johannesburg South Garden Club (JSGC) used the facility bi-monthly for meetings and occasionally for events such as garden shows. In return for the use of the facilities, the JSGC assisted with the planning, upgrade and maintenance of the Entrance Precinct gardens.
- The Klipriviersberg Nature Reserve Association (KNRA) used the venue for monthly meetings and occasional fundraising talks/presentations. All funds raised by the KNRA are used for the KNR (committee members are not allowed to gain any direct financial benefit from the KNR, as per the KNRA constitution). Some of the funds raised were used for the upkeep and utilisation of the venue, including the provision of chairs, a projection screen, the painting of the facility and maintenance to the thatch.
- The Klipriviersberg Sustainability Association (KlipSA) used the venue for conservation and sustainability related talks and functions. KlipSA is very active in promoting the conservation, sustainability and tourism related aspects of the Klipriviersberg, with the KNR forming the core of its mandated area of concern.

Several other community organisations, such as churches and school groups also used the facility as a hall/meeting venue.

On a number of occasions in 2016 JCPZ officials mentioned the possibility of establishing a kiosk at the Entrance Precinct. Some detail was provided to, amongst others, the JSGC, who were told by JCPZ officials that the kiosk/shop would be housed at the rangers cottage/new offices. At the February Klipriviersberg Nature Reserve Forum (KNRF) meeting the question was asked who knew about the proposal to host the kiosk/shop in the hall; none of the stakeholder members, other than JCPZ, were aware of the intention of turning the hall into a kiosk. This includes the Chairpersons and representatives of the KNRF, KNRA, KlipSA, community members not affiliated with any particular organisation and CPF representatives. The JSGC members were not present at this meeting, but later also indicated that they were unaware of these developments.

We are concerned about the following:

- Lack of transparency in advertising and awarding of the tender. None of the key and active stakeholders were formally made aware of the process followed before the tender was awarded, nor was the tender proposal circulated to the extensive KNRF database of KNR stakeholders. The very least JCPZ could have done would have been to give written notice to stakeholders that the facility would no longer be available for their use. Numerous opportunities.
- Mr Ngobeli claimed to have informed the KNRF about the kiosk/shop. None of the KNRF members at the February 2017 KNRF meeting could recall any instance where the conversion of the hall to a kiosk/coffee shop was discussed. Perusal of all the 2016 minutes of the KNRF indicated no record of any such discussion ever having been held. On the 18th of January 2017, Louise Gordon sent an email to Frank Diener, Chairman of the KNRF, stating that, with reference to the kiosk/shop: "Bishop (i.e. Mr Ngobeli) has confirmed that he has discussed these intentions at your prior meetings". The overwhelming evidence points to deliberate attempts by JCPZ officials to mislead the KNRF and community members.
- Mr Ngobeli and other JCPZ officials have for many years been using 'gentleman's agreements' in instances where there are mutually beneficial results are possible in discussions between JCPZ and community organisations and member of the public. One such

agreement was reached between Mr Ngobeli and the JSGC. The terms were broadly that JSGC could use the facility, free of charge, for their bi-monthly meetings and occasional events (such as garden exhibitions and show). In return the JSGC would assist with and oversee the planning, layout, planting and maintenance of the Entrance Precinct gardens, both pre-and post the 2016 garden upgrades. It is largely due to the efforts of the JSGC that the entrance Precinct gardens are as magnificent as they are currently. JCPZ reneged on this 'gentleman's agreement' without the courtesy of discussing the matter with the JSGC or notifying them of the intended changes, by converting the hall into a kiosk/coffee shop.

KEEPING OF HORSES IN THE KNR

JCPZ entered into a gentleman's agreement with Greg Martin in the late 1990's with regards the keeping of horses in the KNR. Mr Martin's initial involvement was as part of the River Rangers, an organisation that arranged horseback patrols along rivers throughout Johannesburg, with the aims of identifying management and maintenance problems along these streams. We presume a change in mandate later resulted in the KNR River Rangers forming a new organisation, the KNR Mountain Rangers (KNR MR). Prior to the fencing of the KNR and the introduction of game, the KNR MR was a crucial entity in addressing security issues such as illegal dumping, illegal collection of plants and the illegal use of the KNR by off-road vehicles. After the introduction of game the KNR MR also played a role in game management and other hands-on maintenance and management issues in the KNR. It raised funds through horse outrides, sponsorship and events hosted in the KNR. In the last four to six years, the support function of the KNR rangers has diminished and the horses were only used for occasional horseback outrides. The function of the KNR MR has therefore shifted from an organisation with a key security, management and maintenance function to an entity utilizing the resources of the KNR for personal gain, i.e. generating money from outrides and taking advantage of free grazing and housing of the horses. Stakeholders such as the KNRA were never privy to the details of the gentleman's agreement between JCPZ and the KNR MR, but did initially support the agreement in principal as it provided essential management, maintenance and security benefits.

In 2016 Greg Martin sold the horses in the KNR to Calvern Hugo. It has subsequently come to our attention that the horses have again been sold to a Mr Pillay.

The keeping of horses in the KNR has become a concern for various KNR stakeholder organisations and members of the public. These concerns were articulated in the letters to JCPZ by the Chairman of the KRF, Frank Diener and the then chairman of the KNRA, Eifion West (both dated 19 October 2016) as well as in KNRF meetings and JCPZ/KNRA meetings. The summary of concerns are as follows:

- The initial gentleman's agreement between JCPZ and Greg Martin and/or the KNR MR/KNR River Rangers is null and void, as the horses have changed hands. A formal agreement, even verbal/gentleman's agreements, cannot be transferred or sold to a third party unless it involves the sale of a formal/registered company. To the best of our knowledge the KNR MR has never been a formal entity and if it was a formal entity, it was not part of the sales agreement, which only included the horses. The use of resources of the City of Johannesburg for profit is subject the Municipal Finance Management Act. Any new agreement with

regards the use of municipal facilities is subject to the Act and from our understanding has to go out to tender.

- The use of the KNR for the grazing of horses can be considered a farming activity and is therefore subject to a permit application according to Public Open Space bylaws.
- The vegetation in the KNR has been severely degraded due to prolonged overstocking of game animals. The keeping of horses further depletes the available grazing, leading to long term cumulative impacts and consequently reduces the number of wild herbivores that can be kept in the KNR. This aspect is emphasised in the 2014 van Rooyen Ecological Management Plan, which recommends the removal of the horses.
- The keeping of roaming, unconfined horses in an area frequented by visitors, many of whom have no experience and knowledge of basic safety protocols around horses poses a very real health and safety risk to visitors and is a direct liability to the City. In our estimation, it is only a matter of time before a member of public is seriously injured by one of the horses, either by being bitten, kicked or trampled. Several incidents have been reported where injuries were minor or narrowly avoided.
- Members of the public have expressed concern over the welfare of the KNR horses. The horses are groomed infrequently and seldom receive the necessary veterinary attention, including such aspects as inoculations, trimming of hooves and care and attention to minor wounds. Horses perceived to be poorly groomed or in bad health negatively reflect on JCPZ, the KNR and KNR stakeholders involved in management.

Cause for concern:

- Mr Ngobeli expressed contradictory views on the horses, horse ownership and JCPZ's intention with regards the horses in the KNR in the 8 months since it was first raised as a concern by the KNRA and the KNRF. These contradictory statements are captured in the approved minutes of the various meetings.
 - At the September and October 2016 KRF meetings he stated that the horses changed ownership and that the new owner was Calvern Hugo, who attended the October meeting. Mr. Ngobeli stated that a project proposal was drafted by Mr Hugo and that it was submitted to a special committee set up to deal with such matters. He urged the KNRF to wait for the outcomes of the adjudication of the proposal. The KNRF was asked to send a formal request to JCPZ if they would like to see a copy of the Hugo proposal. The proposal was never seen or received by the KNRF.
 - At the January 2017 KNRF meeting Mr Ngobeli stated that he was never notified that the horses changed ownership and that he still regarded Mr Martin as the owner of the horses and that he would correspond with Mr Martin with regards the removal of the horses. He promised to copy Mr Diener in on the email correspondence; Mr Diener never received said email, although Mr Ngobeli claimed that the email to Mr Martin was sent, as per the minutes of the February 2017 KNRF meeting.
 - At the February 2017 KNRF meeting Mr Ngobeli stated that there were technical problems with terminating the gentleman's agreement with Mr Martin. He requested a resolution from the KNRF that JCPZ should start an eviction process by which all Mr Martins assets be removed from the KNR. The meeting agreed that, as

a third party, it was not part of their mandate to intercede in this matter. Mr Ngobeli then resolved to draft a letter of eviction in this regard, giving Mr Martin 30 days to remove all his assets from the KNR.

- Mr Ngobeli then wrote an email to the KNRF on the 28th of February making several claims and statements, including: (1) He will never write a letter of eviction to the KNR Rangers and (2) the the horses will stay in the KNR until the KNR rangers resigns from the KNR.
- Mr Ngobeli has presented us with a baffling array of contradictory information with regards the horses in the KNR. We have a great deal of difficulty in forming an opinion on Mr Ngobeli's motivation for misleading the forum and his apparent attempts to avoid accountability in this matter. His sole interest seems to be in keeping the horses in the KNR by whatever means necessary. This despite what we believe to be very valid and well-motivated reasons why the horses should be removed, as outlined above.
- The KNR Mountain Rangers has seceded from the River Rangers, formally known as the Johannesburg Voluntary Mounted River Rangers (JVMRR). As far as we can tell the KNR Mountain Rangers is not a legal entity and can therefore not enter into any legal agreements with the City of Johannesburg or its representatives. Any agreement, be that verbal or in writing, with the owner of the horses would be a contract with the owner as legal entity. In this scenario it is not possible to transfer the verbal contract with change of ownership of the horses and a new contract has to be entered into.

Should JCPZ persist in its irrational course of action to keep horses in the KNR, we would like to request that the new contract, be that with Mr Hugo, Mr Pillay or whoever owns the horses, that this contract be negotiated in a transparent way and that all stakeholders be allowed a say in this matter. The KNRF is opposed to JCPZ entering into any new legal agreement that would allow the horses to remain in the KNR; the reasons for this are outlined above and are contained in the formal letter submitted in October 2016 by both the KNRF and the KNRA.

JCPZ ILLEGAL ACTIVITIES:

JCPZ officials have engaged in illegal activities, which had direct and sever negative impacts on the environment and cultural/historical features in the KNR. There has been no accountability, explanations for engaging in these activities. These matters were apparently swept under the carpet as there have been no repercussions or censure of the officials involved.

Illegal dumping - 2013:

Landscaping contractors appointed by JCPZ illegally dumped rubble in the KNR in the area directly adjacent to the Entrance Precinct, with the permission for this given by JCPZ officials. The area contained primary grassland and orange listed plant species. The vegetation disturbance thus caused has since then be used as a justification for development in the adjacent areas as it appears to be secondary/disturbed grassland (an erroneous assumption).

Illegal construction - October 2015:

JCPZ appointed contractors constructed an illegal trail of approximately 1000m from the Entrance Precinct into primary grassland areas. This was part of the Master Plan development document (see fruitless and wasteful expenditure below) that was subsequently rejected by the community. Orange Listed plant species occurred in the area. This development was undertaken without obtaining the necessary authorisation in accordance with the National Environmental Management Act (NEMA) and without any public consultation or participation. This illegal development is the subject of a Section 24G rectification procedure as per NEMA. The community is owed an explanation as to how this illegal development was permitted and why there have been no repercussions for the parties responsible, as it caused irreparable damage to the environment and incurred costs associated with the development, potential penalty fees, consulting cost and possible rehabilitation expenses.

Damage to heritage sites - November 2015:

Illegal repacking of the stone walls of the Iron Age ruins without the necessary professional oversight, consultation with community organisations and without the necessary permits and permissions from the South African Heritage Resources Agency (SAHRA). All heritage sites are subject to provisions in the National Heritage Resources Act.

LACK OF PUBLIC PARTICIPATION, TRANSPARENCY AND COMMUNITY INVOLVEMENT:

The keystone of good corporate governance is transparency, accountability and effective communication and partnership with the community. This has not been the case as far as JCPZ's involvement with the community around the KNR is concerned.

2015 Upgrades to the Entrance Precinct:

There was no public participation in the decision to upgrade the facilities to the Entrance Precinct. Arguably some of these upgrades were critical and necessary upgrades, most notably the toilet facilities that is necessary to accommodate the ever increasing number of visitors to the KNR. When asked about the architectural drawings of some of the upgrades in the first KNR forum meeting, the community was told by JCPZ that the architectural drawings were merely concept plans, which proved to be a lie, as within a month of this meeting construction commenced. Many of the upgrades to the Entrance Precinct could be considered luxury/vanity upgrades and not in keeping with the conservation related theme expected of the entrance to Johannesburg's premier nature reserve.

December 2014 SEF report on economic viability of the KNR.

The KNRA and KlipSA participated in the drafting of the JCPZ commissioned 2014 Strategic Environmental Focus report on the economic viability of the KNR. Numerous attempts to obtain a copy of this report have been unsuccessful despite promises being made by JCPZ officials that the report will be distributed. We were never given the opportunity to review the content and findings of this report. We have to conclude that this report contains information that could be seen as damaging to JCPZ's reputation, contrary to JCPZ's plans and/or that it contains recommendations that will be challenged by the community. It is reminiscent of the 2001 Brown & Bredenkamp report that contained information contrary to the then JCP plans of introducing game and would have

curtailed development plans as proposed in the 2005 Newtown Landscape Architects/Nemai Master Plan document. This report was made available to the community in recent years and well after the 2005 Master Plan report.

JCPZ's unilateral withdrawal from the KNRF

In October 2014, JCPZ held a founding meeting for what is now the KNRF, with the stated intention of forming a representative body for all KNR stakeholders. Without explanation JCPZ withdrew from this Forum without communicating its reasons and ignored all attempts of the community to find answers. In June 2015 a combined KNRA/KlipSA delegation managed to resurrect the KNRF, which have been active and holding monthly meetings for nearly two years. On the 28th of February 2017 Mr Ngobeli announced his and presumably JCPZ's withdrawal from the KNRF. His reasons for withdrawal remain unclear, but from his email it would appear to be due to the KNRF's concerns raised with regards the keeping of horses in the KNR and the problems associated with the kiosk/shop. He stated that he refuses to attend further meetings until such time as senior JCPZ management intervenes.

FRUITLESS AND WASTEFUL EXPENDITURE:

The misuse of public funds is a great concern for the City and City rate-payers. A further cause for concern is that unnecessary and fruitless expenditure on the KNR creates the impression that the Reserve is a drain on City coffers, whilst it is actually an incredibly valuable resource. Wasteful expenditure takes money away from essential purchases required for the management of the KNR.

2014 Construction of the ranger's cottage:

It is unclear what the intention of the construction of this facility was. On-site housing of staff in conservation areas allows for rapid response to on-site emergency situations after hours. There has never been any JCPZ staff on duty or available after hours to deal with matters such as injury to game animals. JCPZ conservation officials repeatedly made it clear over a long period of time that they are unable to enforce bylaws, as that responsibility lies with JMPD and Park Rangers; any JCPZ officials housed in this facility would therefore be unable to respond to security related matters. The "rangers" cottage is currently being used as luxury offices for JCPZ officials.

July 2016 Upgrade of parking facilities.

There is a clear need for the increase of the number of parking bays at the Entrance Precinct. In July 2016 substantial work was done on the upgrade of the existing parking facilities, but it only amounted to an additional six parking bays. Community concerns were expressed at the time, but were never answered.

The shortage of parking facilities remains a big problem.

2016 purchase and installation of a weather station

Climatic and weather information is an important tool in ecological management, especially as it pertains to the management of grazing capacity. The most important weather factor is rainfall, which can be measured with a R100 rain gauge. To the best of our knowledge rainfall data has not

been collected for the KNR even though a rainfall meter has previously been installed at the Entrance Precinct and a second rain gauge has not been installed as recommended by the van Rooyen (2014) report. If rainfall data has been collected, it has not been used to adjust game numbers.

The purchase and installation of a weather station will not provide any additional information that could substantively change and inform management.

2016 Purchase of a drone

The use of a drone in environmental management could potentially be a useful tool, but its application must be in-line with the environmental management requirements of the area. It is a high-cost device, purchased when JCPZ does not have access to key veld management equipment.

2015-16 Insite/Ikamva Master Plan Document

In 2015 JCPZ undertook to resurrect the 2005 Newton Landscape Architects/Nemai consultants Master Plan that was fully and emphatically rejected by the community at the time. The 2015 rehashed Master Plan by Insite/Ikamva was again emphatically rejected in 2015-16 by the community for exactly the same reasons it was opposed in 2005. The cost in consulting fees was unnecessary, as was the waste of community time and resource in opposing the development concept that had already been rejected and clearly contradicts the biodiversity and ecological mandate prescribed by the DEA and GDARD for protected areas listed as Critical Biodiversity areas, as well as the City of Johannesburg and JCPZ's policies on environmental protection.

CONCLUSIONS

The KNRF is an organisation of stakeholders with an interest in the KNR. Any document produced by the organisation and circulated will represent the consensus or majority view expressed. This does not mean that every organisation or individual prescribes to the majority view and that there will not be disagreements with some or all sentiments expressed. This document was drawn up after extensive discussions amongst stakeholders who are actively and consistently participating in both the forum and other KNR related matters.

It is clear that the current management structure and the JCPZ/Community interaction is not working. We need to find a solution where an active and interested community is allowed an effective say in the management of the KNR, where mutual trust is a given and not just an unreachable goal.

The Conservation Department of JCPZ responsible for the management of the Klipriviersberg Nature Reserve is underperforming and as a result is putting the long term conservation of this Critical Biodiversity area at risk. As a conservation department JCPZ has failed in its duties and obligations as management authority of the KNR to ***“safeguard its natural state so as to maintain its biodiversity patterns and ecological functionality”*** This Department, under the leadership of Mr Ngobeli, is and

has been alienating active community organisations through irrational, vindictive and one-sided decision making. It has a clear disregard for key legislation and key environmental parameters in biodiversity and habitat conservation. In our opinion, the competence of the JCPZ management team is at a technician level and lacks the knowledge and experience required to develop management actions at a managerial level for this key conservation area.

Through investigation these matters are all verifiable. We would like to request that the verification of these facts and the investigations be done by an independent body or bodies with the necessary experience in conservation and corporate governance. We have reason to believe that the JCPZ management is incapable of objectively evaluating our concerns, as they have a vested interest in maintaining the status quo and hiding departmental incompetence, poor management, fruitless and wasteful expenditure and irregular and irrational decision making as it will reflect negatively on their performance.

The purpose of this petition is to reach a better outcome for conservation and the local community. We are willing to go a long way to assist JCPZ in achieving its national, provincial and local government mandated obligations, provided that we are allowed to do so in an open, positive and co-operative forum where the greater good is advocated above personal and nefarious narrow organisational needs.