

REPORT OF THE INVESTIGATIVE AND ADVISORY PANEL APPOINTED BY THE SAXONWOLD AND PARKWOOD RESIDENTS ASSOCIATION

INTRODUCTION

1. On 24 July 2022 an email was sent out by “CAP Communications”¹ to certain residents living in Saxonwold and Parkwood. The email, headed “*The Safe Saxonwold Committee and CAP Present*”, included the following announcement²:

“Dear Saxonwold and Upper Parkwood Resident,

We have an exciting vision in mind and would love to present exactly what we need to do to make The Wolds a reality - Saxonwold and Upper Parkwood enclosure.

As you may have heard The Safe Saxonwold Committee is working with CAP to make the Saxonwold and Upper Parkwood community even safer through the establishment of a road closure that covers the greater area.

Why has a road closure been proposed?

Over the past years, CAP has worked and assisted in the planning, legalisation, erection, and operation of numerous road closures.

Road closures within CAP areas have been known to be effective as an overlay security solution – on the provision that the community maintains the CAP initiative and practices defensive behaviour. Road Closures are not a 'silver bullet' since freedom of movement is maintained (remember the roads are public property), but they are an effective additional security measure and increase quality of life and property values, according to stakeholders' comments in other communities.

You're invited to a webinar and we would love for you to attend:

¹ The email was sent from “communications@capcommunity.co.za”, which is the address that CAP uses to email its weekly newsletters to those residents who contribute to the public security service that operates in parts of Saxonwold and Parkwood.

² A copy of the full text of the email, including a map of the proposed closure, is to be found at Appendix A to this report.

Tuesday 2 August 2022

The webinar will provide insight into the proposed enclosure and contextualise why this will make Saxonwold and Upper Parkwood safer.

We will also make time for questions during this time and look forward to having a conversation about the process of the closure.

[Click here to register for the webinar](#)

The below maps are subject to change based on a traffic assessment, input from the City and law enforcement agencies, and affected persons' feedback.

Please note as Cotswold is a main arterial road this cannot be enclosed in the boom, The same would apply for Eastwold and Erlswold.

For more information please email roadclosures@capcommunity.co.za

2. The advertised webinar took place on 2 August 2022. Mrs Tessa Turvey, who is a longstanding member of the Safe Saxonwold committee ("Safe Saxonwold") and a former chairperson of the Saxonwold and Parkwood Residents Association ("SAPRA"), and Mr Mark van Jaarsveld, who is the Chief Executive Officer of Community Active Protection ("CAP"), both spoke in support of the proposed road closure. After that, questions and comments about the proposal were posted in writing by participants in the webinar. Mr van Jaarsveld read out and responded to a selection of the questions and comments that had been posted.
3. The webinar afforded an electronic opportunity to participants in the webinar to vote on the proposal. Shortly after the conclusion of the webinar a further email was circulated by CAP Communications setting out the results of that vote. A screenshot of the content of the email appears below.

“

The Wolds
Webinar
Thank you for joining us!
The webinar is about to begin...

Have a question? Email
thewolds@capcommunity.co.za

Thank you for your time! Please see the poll results from the presentation. If you are still undecided and have a question please get in touch with us!

1. Are you in favour of the proposed enclosure? (Single Choice) *

117/117 (100%) answered

Yes	(103/117) 88%
No	(14/117) 12%

Have a question? Let us know thewolds@capcommunity.co.za

4. A heated debate followed on the Facebook page administered by SAPRA. It emerged, very clearly, that the proposal to enclose portions of Saxonwold and Parkwood had generated a great deal of controversy within the community of residents in the two suburbs.

5. On 4 August 2022, the chairperson of SAPRA, Mr Bill Haslam, posted the following announcement on SAPRA's Facebook page:

"We understand that there is some concern about SAPRA endorsing, or otherwise, the proposed idea by Safe Saxonwold to introduce a gated community for Saxonwold and Upper Parkwood.

SAPRA would like to clarify its position:

- 1. The Safe Saxonwold Initiative is driven by CAP and the CAP committee and is not a SAPRA initiative.*
- 2. The initiative is at the very early stages of development and is currently only a proposal.*
- 3. SAPRA represents all residents of Saxonwold and Parkwood equally.*
- 4. SAPRA does not, at this stage, have a position in support or against, the Safe Saxonwold initiative.*

We trust that this helps clarify our involvement as SAPRA. We are a volunteer organisation aimed at developing solutions that work for all residents, protect property values and keep us safe as a close community. With this in mind, we would really appreciate your involvement in a sub-committee of SAPRA (or even directly on the main committee) to ensure that your, and your street's voice is heard."

6. Meanwhile, the airing of the controversy continued unabated on Facebook. Mr Haslam and his committee took the view that if SAPRA was to give effect to its vision, mission and values then it was necessary for it to investigate and receive advice on the road closure proposal.

7. Subsequently, on 30 August 2022 SAPRA announced the establishment of an advisory Panel³ to investigate the proposed road closures. The Panel is required to deliver a report to SAPRA within 90 days of its establishment.
8. Several significant developments occurred before the establishment of the Panel took place:
 - 8.1. During August 2022, a group of residents within the community who wished to express their opposition to the proposed road closures in a more formal way and to mobilise those members of the community who broadly shared their views on the proposal was established. This initiative was led by Ms Tina Playne, a resident of Saxonwold whose property is situated on one of the streets that “*could not be enclosed in the boom*” as described in the CAP Community email dated 24 July 2022.
 - 8.2. On 17 August 2022, Mrs Turvey distributed a six page document⁴ clarifying the structure of Safe Saxonwold and the role it plays in public space security in parts of Saxonwold and Parkwood.
 - 8.3. On 20 August 2022, Ms Playne, on behalf of a group described as “*Saxonwold/Parkwood Concerned Residents*”, distributed a letter⁵ to residents and business owners in the area regarding the road closures proposal.
 - 8.4. On 30 August 2022, Mrs Turvey addressed a letter to “*Saxonwold and Upper Parkwood Residents*” in the following terms:

³ The full text of SAPRA’s announcement, including the terms of reference of the Panel, is to be found at Appendix B.

⁴ A copy of the document dated 17 August 2022 is to be found as Appendix C.

⁵ A copy of the letter dated 20 August 2022 is to be found as Appendix D.

“Community Engagement

Following the webinar held on 2 August 2022 concerning the possibility of road closures to enhance proactive security measures in the suburb, we have received responses ranging from strong support to angered opposition and threats of legal action.

It was always our intention to engage more extensively with residents and the webinar was the start of a process of community participation and engagement. However, given the deeply polarised responses received, we are withdrawing the original proposal in its current form to give time for engagement with residents across the two suburbs, with a view to forming a revised proposal by the end of October 2022.

We understand that many residents will be disappointed with this decision, but believe it is the best way to try to find a solution that works for the community as a collective.

Please complete this link to ensure we have your correct contact details:

<https://forms.gle/vVcTp7LDCNBf4HzD7>

Where we have the necessary contact details we will make contact with residents street by street to get your input. We look forward to you being part of the solution.

We have successfully managed proactive security planning and implementation to the benefit of all residents in our suburbs for the last 14 years and will endeavour to continue to do so.

Kind regards

Tessa Turvey on behalf of

Safe Saxonwold”.

9. It is against this background that the Panel commenced its work during September 2022.

THE COMPOSITION OF THE PANEL AND THE SCOPE OF ITS INVESTIGATION

10. SAPRA took the position that it should constitute the Panel in such a way as to ensure that SAPRA's core values are reflected by appointing members to the Panel with a variety of viewpoints and expertise. The Panel consists of:

10.1. Mr Ross Hutton, a Saxonwold resident and a practicing senior counsel;

10.2. Mr David Jewell, a Saxonwold resident, a current committee member of Safe Saxonwold and a practicing actuary;

10.3. Ms Carolyn Mitchell, a Parkwood resident and a qualified town planner⁶.

11. We have accepted our appointment to the Panel, and we act *pro bono* to serve the interests of the community.

12. We wish to make it clear at the outset that we make no bones about the fact that each of us has a personal viewpoint and opinion on the socio-political impact of road closures. Our personal views and opinions do not, however, disqualify us from conducting the investigation that SAPRA has entrusted to us and to advise SAPRA dispassionately.

⁶ Ms Mitchell has a very wide range of expertise which goes far beyond her academic qualification as a Town Planner. She can be better described as an Urban and City Specialist. Her relevant expertise and experience include:

- BSc Town & Regional Planning (Hons) Wits
- Prof Memberships : SACTRP, SAPI, SAPOA
- Chair: Oxford Parks Management District
- Director: Rosebank Management District
- Member : The FIRM : Rosebank Chapter
- Director Intaprop Investments
- 30+ years of Planning and Development and Precinct creation experience in Johannesburg
- Worked in both the Public Sector and the Private sector

Ms Mitchell has contributed her expertise and experience to the work of the Panel and she has produced a detailed consideration of security access restrictions in Saxonwold/Parkwood. We believe that the work done by Ms Mitchell in this regard ought to be taken serious account of in any evaluation of the road closure proposal. We shall set out Ms Mitchell's work product later in this report under the heading "DISCUSSION"

13. Our mandate, as set out in the terms of reference, is not to pass judgment on the competing, divergent and hotly contested personal opinions that residents may hold regarding the desirability or otherwise of road closures. That is strictly a matter for the personal conscience of each member of the community. Our task is to investigate what has been proposed, report to SAPRA, and, in so doing, give due and proper consideration to all relevant aspects of the controversy.
14. We have been mandated by SAPRA to investigate and consider all aspects of the road closure proposal, including:
- the historical, current and future security situation within our community;
 - the impact the City of Johannesburg's development plans for the Rosebank node (per the nodal review plan) may have on the security situation within our community as well as on the heritage and character of the area;
 - whether or not the road closure proposal is a proportionate response to the current and forward looking security situation in our community taking into account broader contextual changes;
 - the impact that the road closure proposal may have on our community, including its effect on traffic flows, the values of properties both within the enclosed area and on roads that would be excluded from the proposed enclosed area, the impact on residents and businesses as well as the heritage and character of our community;
 - the impact that road closure schemes have had in other communities, including on property values;
 - alternative methods to improve the existing security systems in our community;

- the cost and sustainability of the road closure proposal;
- the cost and sustainability of any identified alternatives to the road closure proposal;
- the role SAPRA and Safe Saxonwold have played with respect to security in the community and their relationships with private security providers, Community Policing Forums and SAPS;
- the nature and terms of the existing contractual arrangements between Safe Saxonwold, CAP as the service provider appointed by Safe Saxonwold, as well as the contributors to the Public Space programme administered by Safe Saxonwold and CAP; and
- any other matters that, in the Panel’s discretion, may require to be considered in order for us properly to complete our investigation.

15. Inasmuch as our mandate requires us to investigate and report on these matters, we are required to approach these issues with an open and inquiring mind. In this regard we take guidance from what has been expressed by the Supreme Court of Appeal⁷ concerning the fundamental requirements of any investigative process:

“[21] ... I think there is nonetheless at least one feature of an investigation that must always exist – because it is one that is universal and indispensable to an investigation of any kind – which is that the investigation must have been conducted with an open and enquiring mind. An investigation that is not conducted with an open and enquiring mind is no investigation at all. That is the benchmark against which I have assessed the investigation in this case.”

7

Public Protector v Mail & Guardian Ltd 2011 (4) SA 420 (SCA) at para 21 and 22.

[22] I think that it is necessary to say something about what I mean by an open and enquiring mind. That state of mind is one that is open to all possibilities and reflects upon whether the truth has been told. It is not one that is unduly suspicious but it is also not one that is unduly believing. It asks whether the pieces that have been presented fit into place. If at first they do not then it asks questions and seeks out information until they do. It is also not a state of mind that remains static. If the pieces remain out of place after further enquiry then it might progress to being a suspicious mind. And if the pieces still do not fit then it might progress to conviction that there is deceit. How it progresses will vary with the exigencies of the particular case. One question might lead to another, and that question to yet another, and so it might go on. But whatever the state of mind that is finally reached, it must always start out as one that is open and enquiring.”

16. We are constrained by the circumstances and limitations of an investigation of the sort that we have embarked upon. The foremost constraint on us lies in the fact that, unlike the position in an investigation undertaken by a statutory authority (such as the police, the Public Protector, a judicial commission of inquiry and the like) or even an employer investigating the conduct of an employee, we have no powers of compulsion whatsoever. Accordingly, the success of our investigation in endeavouring to get to the bottom of relevant matters is entirely reliant on the goodwill and co-operation of those we wish to pose questions to and obtain information or documents from.
17. We advert to these limitations as they have determined not only the manner in which we have been constrained to conduct our investigation, but also the extent that we have been able to go to in examining the various topics for investigation that are traversed in our terms of reference. The process is, by its very nature, inquisitorial.

THE METHODOLOGY OF THE INVESTIGATION

18. The Panel first met on Sunday, 4 September 2022 in order to discuss a proposed methodology for the conduct of the investigation.

19. Ms Mitchell's considerable expertise, derived both from her academic qualifications as a town planner as well as her extensive practical experience in the field of commercial property development, has armed her with a great deal of knowledge about current trends and solutions in the management of public open spaces. Ms Mitchell shared with the other members of the Panel her knowledge and expertise on these issues, as well as her insights into the possible long term implications on our community of the Rosebank Nodal Review plan that has been adopted by the City Council of Johannesburg.
20. It was agreed that the logical first point of departure in the investigation would be for the Panel to engage with members of the Safe Saxonwold committee. Mr Jewell was mandated to set up a meeting between the Panel and the Safe Saxonwold committee. That meeting was held on Sunday, 11 September 2022 and was attended by Mrs Turvey and Mr Lance Blumeris on behalf of Safe Saxonwold.
21. The meeting was conducted on an informal basis and was aimed at the Panel obtaining clarity on the structure of Safe Saxonwold, the relationship between Safe Saxonwold and CAP as well as a frank exchange of views regarding the impact, both positive and negative, of road closures of the sort envisaged by Safe Saxonwold and CAP. Ms Mitchell detailed the public space security systems that have been adopted in the Rosebank business district and described the potential synergies and advantages that could be achieved by integrating the current Saxonwold and Parkwood security initiatives with the security initiatives in Rosebank and other surrounding areas as an alternative to road closures in Saxonwold and Parkwood.
22. It was agreed that these discussions should be pursued and continued at a further meeting to be set up with CAP, and that the Panel would address formal requests for information and documentation to Safe Saxonwold in due course. Mr Jewell then

arranged a meeting between the Panel and the Chief Executive Officer of CAP, Mr van Jaarsveld, and the Chief Operations Officer of CAP, Mr Sean Jammy, which was subsequently held at the offices of CAP on Wednesday, 28 September 2022. As was the case with the earlier meeting with Safe Saxonwold, the meeting was conducted informally, and a frank discussion concerning CAP's security model, the impact of road closures and alternatives to road closures ensued. Mr van Jaarsveld undertook to make any information and documentation that would be necessary for the Panel to pursue its investigation available to Safe Saxonwold. He stated that CAP would not give such information and documentation directly to the Panel as he regarded it as the property of Safe Saxonwold.

PUBLICLY AVAILABLE INFORMATION RELATING TO ROAD CLOSURES

23. In the course of its investigation, the Panel obtained copies of publicly available studies and reports relating to road closures and their impact and efficacy. We have adverted to these documents in the written questions we subsequently addressed to Safe Saxonwold and CAP and it is appropriate to discuss them at this stage as they provide eloquent context to the controversy that our community is presently grappling with.
24. During 2004, the Human Rights Commission conducted a far ranging investigation into the phenomenon of boom gates and road closures and the manner in which these measures implicated and impacted on a variety of the basic human rights enshrined in the Constitution. We have had regard to the content of the report⁸ of the Human Rights Commission. In its report, the Human Rights Commission made the following findings and recommendations:

⁸ The full report of the Human Rights Commission is to be found as Appendix E.

- “ 1. The Commission does not generally support the use of boom gates and gated communities. The Commission is of the view that based on the information it has, these measures cause social division, dysfunctional cities and lead to the further polarisation of our society. In addition, the proposed benefits they bring by way of enhanced safety and security are in doubt and the subject of considerable debate. It has been demonstrated that such enhanced safety and security is possible through the use of alternate means.*
- 2. The Commission finds that the use of road closures/boom gates has the potential to and does indeed in practice violate a number of rights as indicated in the Report. While such infringement of rights in most instances occurs in violation of the policy of the local authority, there was no indication that the use of road closures/boom gates was widely supported. Evidence remains inconclusive that the use of alternative measures for safety and security reasons has been sufficiently explored.*
- 3. The Commission takes cognisance of the fact that legislation such as the Gauteng Local Rationalisation of Government Affairs Act 10 of 1998 does indeed provide for access restrictions, including road closures. It also notes with concern that notwithstanding the existence of relatively strict conditions normally attached to an approved closure (eg. a commitment to free and unhindered access) there was considerable evidence of non-compliance with such conditions coupled with an inability (due mainly to capacity and practical difficulties) to effectively monitor compliance. The consequence accordingly was that a breach or noncompliance with such conditions (meant to act as safeguards) was not visited with any sanction or adverse consequence.*
- 4. Responding effectively to the phenomena of crime and violence does indeed require closer co-operation between the State and citizens, and therefore the Commission encourages continued community efforts in liaison with the authorities, to make communities safer. More resources for policing, greater police presence and visibility, effective community police forums and effective police response to the needs of the community will all contribute to making a difference.*

5. *The Commission, even though satisfied that a legal basis does exist for security access restrictions, including boom gates and road closures, urges local authorities and communities to consider and exhaust alternate access restrictions, including guards and guard houses, traffic calming measures and closed circuit television.”*

25. We also obtained publicly available copies of academic papers that have been written about road closures. The foremost academic authority in the field in South Africa appears to be Professor Karina Landman, presently of the Department of Town and Regional Planning at the University of Pretoria. We have had regard to two papers published by Professor Landman.

26. The first paper, entitled “*Privatising public space in post-apartheid South African cities through neighbourhood enclosures*”⁹ was published in 2006 when Professor Landman was with the Council for Scientific and Industrial Research. The paper reflects a deep analysis of the socio-political impact of road closures. The conclusion reached by Professor Landman is as follows:

“Gates and fences do matter. They are not mere physical interventions or aesthetic features in the landscape. They represent the control of space by a specific group to the detriment of others. In this sense it may even be more applicable to refer to neighbourhood exclosures than neighbourhood enclosures. They also contribute to the privatisation of public space in South African cities, whether formally (through security villages) or more informally (through the establishment of enclosed neighbourhoods).

This paper set out to investigate three broader issues, as they pertain to neighbourhood enclosures: that the built environment embodies meaning, that meaning is influenced by context (socio-spatial), and that both meaning and context are influenced by time (specific period in history). The investigation of

⁹ A copy of the first paper is to be found at Appendix F.

enclosed neighbourhoods confirmed these points. I indicated that their establishment embodies both a physical and symbolic meaning: physical as manifested through a limitation to the degree of accessibility to all urban residents, a negation of the concept of equity, and a challenge to greater efficiency in municipalities with large numbers of enclosed neighbourhoods such as Johannesburg and Tshwane. The symbolic meaning was more subtle and related to the interpretation of spatial intervention, thus highlighting the relationship between physical and social space. This point was manifested through examples of seclusion, exclusion and conflict, all caused by increased numbers of enclosed neighbourhoods. These three issues also inevitably offer a link between the past and the future, highlighting the possibility of a new apartheid city in South Africa as a result of a significant growth of many types of gated communities across the urban landscape. While the physical manifestation is rather obvious (the multiplication of numbers causing spatial segregation), it is the symbolic implications (exclusion of certain groups) that especially conjures up the past. As such one cannot consider the meaning of gated communities without understanding the socio-spatial context and time in which they are established (viz., post-apartheid South Africa).

But, it is the establishment of enclosed neighbourhoods that begs greater consideration. Although it may be argued that under apartheid separation was enforced, and that living in a gated community occurs by choice, it does not negate the additional fragmenting impacts that these developments can have in already fragmented and segregated environments. Taking a closer look, some antagonists might interpret this statement slightly differently and argue that many residents are forced to live inside enclosed neighbourhoods or suffer the inconvenience created by them. This observation begs the question if indeed the current situation is very different to the apartheid neighbourhoods. In addition, choice is also most often linked to affordability, which may in fact limit the majority of people in South Africa from living in gated communities, even should they prefer this option to prevent crime.

What do these changes mean for future studies on gated communities? The South African studies present a few lessons. Firstly, it shows that the transformation of the built environment cannot be studied in isolation. The mere

fact that physical structure and form embody meaning (both physical and symbolic) emphasise the important relationship between physical and social space. It also underlines the intricate relationship between the meaning of spatial intervention and the specific sociospatial context and time. In this way, while the manifestation of gated communities in different countries may reflect many similarities, their interpretation may vary completely and may also change over time. Secondly, the paper highlighted the concerns regarding enclosed neighbourhoods in South Africa in terms of their impact due to their nature and extent as well as their link to apartheid neighbourhoods of the past. This points out that the impact of different types of gated communities may in fact differ; this point should be considered when discussing the impact of gated communities for cities in the future.

There is no denial that neighbourhood enclosures, or rather exclosures, are contesting public space in South Africa and contributing to the privatisation of public space to a large extent. If one accepts the importance of the public realm in cities, enclosed neighbourhoods pose a significant threat to their continuous existence and more than that, to their celebration for the benefit of all urban residents. As such, it may be argued that enclosed neighbourhoods are creating barricaded shadowlands negating the aims of post-apartheid development policies. To move beyond the barricaded shadowlands and achieve a radical transformation in urban South Africa will depend on an acknowledgement of its link to the past, as well as an alternative way to address crime and the fear of others.”

27. The second paper, entitled “*Is it safer behind the gates? Crime and gated communities in South Africa*”,¹⁰ was authored in 2014 by a multi-disciplinary team consisting of Gregory D. Breetzke of the Department of Geography at the University of Canterbury in New Zealand, Ellen G. Cohn of the Department of Criminal Justice, Florida International University in the United States and Professor Landman of the

¹⁰ A copy of the second paper is to be found at Appendix G.

University of Pretoria. This paper investigated whether or not residing in a gated community actually reduces an individual's risk of criminal victimisation.

28. The following conclusion was reached after conducting an empirical study in Tshwane:

“The two main aims of this research were to investigate the effect that gated communities have on burglary, and to determine which physical characteristics of gated communities are associated with high and low burglary. In accomplishing these goals this research makes several important contributions to the existing literature on gated communities. First, this study demonstrates that gating does not necessarily prevent crimes such as burglary but can in some instances even attract criminal behaviour, both during the day and during the night.

While it may be that this finding is context-specific, the fact that this study is the first of its kind in South Africa, and indeed anywhere, makes it highly significant. Second, the study has demonstrated that certain physical characteristics of gated communities can be effective in deterring (and enabling) criminal activity. Specifically, the size of gated communities and the number of land parcels contained within them are of most importance. More research is needed to determine if these findings are generalizable to other countries. We believe that the results presented here are sufficiently valuable to merit further investigation; and that they provide an important empirical platform for future research investigating the association between crime and gated communities.”

THE PANEL'S WRITTEN REQUEST TO SAFE SAXONWOLD AND CAP

30. On 13 October 2022, the Panel addressed a written request¹¹ for information and production of documents to Safe Saxonwold and CAP. A response was sought by Friday, 21 October 2022.

¹¹ The Panel's request to Safe Saxonwold and CAP is to be found at Appendix H. The annexures to the request consist of Appendices B, F, G and E respectively.

31. Safe Saxonwold requested, and was granted, an extension of time to respond to the Panel's request until Friday, 28 October 2022. A further extension of time until Monday, 31 October 2022 was granted. Safe Saxonwold thereafter delivered its response¹² by the extended deadline.
32. We shall deal later in this report with the details of the response given by Safe Saxonwold to the Panel's request for information and documents. However, at this stage, it is necessary to draw attention to the content of the introduction to Safe Saxonwold's response, which we quote below:

"It must be noted that Safe Saxonwold has withdrawn the draft proposal that started the discussion around road closures until we have engaged more broadly with residents. This will allow us to make a more detailed proposal based on the numbers of support, or not, that residents show for the next layer of the security initiative.

It must also be noted that Safe Saxonwold cannot decide unilaterally to implement road closures and it is 100% reliant on the community to show its support in order to make any application a viable one. The City of Johannesburg has an application process that needs to be followed to ensure an equitable approach for communities.

Following the meeting where Safe Saxonwold and CAP met with the panel, it is of concern to us that the panel is not independent or objective in its approach to this matter, but seems rather to be intent on stating the case against road closures, based on personal pre-determined views. It is our view that the panel members' individual perspectives are irrelevant. What matters is the views of residents. While the Safe Saxonwold Committee is of the view that road closures would be beneficial from a security perspective, the

¹² The response by Safe Saxonwold (together with its supporting documents) is to be found at Appendix I.

merits of road closures need to be considered by individual residents taking into account all factors of importance to them.

In order to understand what residents' views are we need to engage on the subject of road closures - this is the process we initiated. A process which does not engage with the community and takes its views into account in formulating a way forwards cannot be positioned as serving the interests of the community. We therefore believe that the appropriate way forwards is to engage with the community more broadly to solicit views both in favour of and against road closures.

Since the Safe Saxonwold Committee implemented the CAP solution in 2008, our dedicated committee has worked tirelessly over the past 14 years to ensure that the lives of all of our residents have become safer, and that our security solution has continued to evolve and improve. This has resulted in dramatic reduction in crime in our area, when compared with the pre-2008 levels of crime. The committee has committed thousands of hours of our time, to ensuring that our security operation remains adequately funded, and operationally sound, and that it continues to evolve, based on the information and intelligence of the CAP infrastructure.” [Emphasis added]

33. We are disappointed that Safe Saxonwold has sought to cast aspersions on the integrity of the members of the Panel in the passage that we have emphasised above. As we have set out in the introduction to this report, the members of the panel all have their own points of view concerning road closures. We are fully entitled to hold those views, and to express them. What is required of us is to approach our investigation with open and enquiring minds. Moreover, we are certainly by no means unanimous in our personal views and, indeed, the Panel was specifically constituted by SAPRA to reflect a variety of points of view, expertise and experience. This has been done to strengthen the Panel, not to produce a predetermined result.
34. We point out that Mr Jewell is currently a member of the Safe Saxonwold committee. He has openly expressed his support for the concept of road closures, but that does

not mean that his mind is closed to alternative security solutions or that he will ignore any shortcomings or deficiencies that may emerge in regard to the proposal put up by Safe Saxonwold and CAP. Mr Hutton is a senior advocate with more than 34 years of experience in a wide range of legal issues, including commercial, administrative and constitutional matters. He is experienced in conducting and participating in high profile investigations, including investigations into allegations of corrupt practices, and he has acted on numerous occasions as a judge of the High Court as well as being an arbitrator. All of this requires utmost integrity and independence. Mr Hutton is well aware that his personal opinions on the impact of road closures can have no bearing on the investigation that he is engaged in. He is constantly aware of, and guards against, potential conflicts of interest and he is trained, like any lawyer ought to be, to subordinate any personal views he may have in the pursuit of objective truth. Ms Mitchell brings with her a wealth of expertise and practical experience in matters germane to this investigation. Her expertise and experience puts her in an excellent position to be able to interrogate assumptions and preconceived notions that may be at play. She too has a point of view on the efficacy and the impact of road closures – a point of view that is informed not only by a deep understanding of urban environments but also by the insights she has gained into public security initiatives through her participation in a variety of district management forums. The simple fact that Ms Mitchell is able to articulate well thought out alternatives to road closures does not demonstrate the existence of bias on her part.

35. The imputation of bias that has been made by Safe Saxonwold is unfortunate. The aspersions are disruptive and damaging to the work of the Panel. As we shall illustrate below, the accusation of a lack of independence and objectivity on the part of the Panel may have permeated and negatively impacted upon portions of the response that was delivered by Safe Saxonwold.

WHAT EMERGES FROM SAFE SAXONWOLD'S RESPONSE

36. We set out below, in full, the questions that the Panel put to Safe Saxonwold, followed by the verbatim responses to each question. Readers of this report ought to be able objectively to assess the sufficiency or otherwise of the responses of Safe Saxonwold to the questions that were put by the Panel.
37. **Question:** [3.1] The Panel understands that the incidence of crime in the area administered by CAP on behalf of Safe Saxonwold ("the area") is relatively low, particularly in relation to contact crime, compared to many, if not most, other areas in Johannesburg. Is our understanding correct? It would be most helpful if we could be provided with comparative statistics, both in respect of the historical and current incidence of crime in the area and the historical and current incidence of crime in other comparable areas in Johannesburg.

Answer: *According to SAPS statistics, Crime in the Rosebank Precinct has risen by roughly 21.5% in the last year – see attached document specifying Rosebank SAPS. The report breaks down the detail around this criminal activity and the historic numbers year on year. This report includes comparable areas such as Dunkeld, Parktown North, and Forest Town as they are also on the boundary of Rosebank.*

While crime statistics in Rosebank are comparatively lower than in other areas, it is still unacceptably high. The overall national crime statistics are both appalling and very sad. We need to continue to take proactive steps to ensure that crime in our area does not deteriorate to the levels of prevalence evident elsewhere in our country.

38. **Question:** [3.2.] If, notwithstanding the current incidence of crime in the area, Safe Saxonwold is of the view that there is likely to be a trend of increasing crime in the area, the Panel requests to be informed of the basis of that prediction. In particular,

what specific risks are predicted? Has Safe Saxonwold (including CAP on its behalf) conducted an objective assessment of the predicted risks?

Answer: *Per the National crime statistics, crime across the country is rising - refer to SAPS Statistics in attached two documents. Safe Saxonwold in conjunction with CAP have noted various criminal trends, that are evolving as security solutions (proactive and reactive) are strengthened. For example, the increase in kidnappings is a recent trend which was not evident previously. Safe Saxonwold has, in conjunction with CAP, 15 years of responding to criminal activity through developing proactive security solutions that gives us the experience to know that additional layers of security are necessary to keep further evolution of criminal activity under control. Prevailing economic conditions, high unemployment, corruption, lack of confidence in state institutions to execute on their mandates all provide for a climate for increasing crime which is born out in the stats.*

Institute of Security Studies: Please refer to the interview of the Head of Justice and Violence Prevention at the Institute for Security Studies Gareth Newham on the 17 January 2022 where he states that police key performance indicators have declined. (full interview: <https://www.702.co.za/articles/436636/almost-800-top-police-officials-collectively-earn-r1-billion-annually>)

Gareth Newham states “To regain their role in safeguarding South Africa’s democracy, police must respond swiftly and fairly when people need their help. They need to treat all people with dignity, listen to their stories whether they are victims or suspects, be respectful and explain their role as police. Evidence shows that clear, straightforward communication can vastly improve public trust in the police. Such fundamental change won’t be achieved by the SAPS leadership alone. Undoing years of declining public safety – despite a 66% budget increase since 2012 – is a huge undertaking. Committed partnerships with those outside the SAPS will be vital.”

Refer to: <https://issafrica.org/iss-today/new-sa-police-chiefs-main-test-is-winning-public-trust>

Rosebank SAPS:

It must be noted that the Police Commissioner at Rosebank SAPS and the Rosebank SAPS Spokesperson both stated informally, their support of a road closure idea in Saxonwold and Parkwood as it would assist them in curbing the crime and limit the transition points of entry and exit that occurs for criminals.

Efforts by communities with a multilayer proactive security initiative in conjunction with the intelligence arm provided by CAP is essential in ensuring criminals are not only caught, but brought to book wherever possible.

39. **Question:** [3.2] If such an assessment has been conducted and a written report has been prepared, then the Panel requests that it be furnished with a copy.

Answer: *No formal report has been conducted.*

40. **Questions:** [3.3] Does Safe Saxonwold believe that the introduction of road closures will either reduce the current incidence of crime in the area or prevent an increase in the incidence of crime? If so:

[3.3.1] What forms of crime does Safe Saxonwold believe will be either prevented or mitigated by road closures?

Answer: *Based on similar experiences in other communities where area closures, coupled with technology have been deployed, opportunistic crimes would reduce. See 3.17 below*

[3.3.2] In what manner will road closures prevent or mitigate these forms of crime?

Answer: *Limited access points, increased surveillance, greater operational efficiency of security resources, better intelligence, greater resident participation in public spaces - all give rise to a deterrent to criminal elements.*

[3.3.3] What security measures has Safe Saxonwold, working with CAP, already put in place in the area? What effect have these existing security measures had on crime in the area?

Answer: *Our security solution has evolved over the last 15 years and we do believe they have been successful in reducing crime. Resources / capabilities have been added in a phased approach based on our financial position:*

- 1. Initially two dedicated vehicles were deployed with well trained and well paid officers.*
- 2. A command and control centre was established which focused on public space interventions, and enabled resident all-ins of suspicious activity.*
- 3. Oversight of the above activities by a Committee of residents in the area.*
- 4. Introduction of resident and staff education, the building and alterations initiative, and working with the city to report failing infrastructure.*
- 5. Investigations and analysis services provided centrally to Safe Saxonwold were then introduced to ensure that each case that occurred could be thoroughly investigated and that the necessary support could be provided to SAPS investigations.*
- 6. Legal capability was then introduced to provide watching briefs of suspects arrested for violent crimes to assist SAPS Investigating officers and to mitigate procedural irregularities and or corruption.*
- 7. Intervention units have also been added to and utilised in high risk times and locations based on analysis of overall crime patterns.*
- 8. Public space cameras were also installed as well as Licence plate recognition cameras.*
- 9. Addition of the green team to keep public spaces clean and well maintained.*
- 10. Pre-emptive human source intelligence was then developed and has resulted in making significant arrests of criminals en route to commit robberies and post incidents to assist investigations.*

[3.3.4] Is it the view of Safe Saxonwold that the existing security measures that are presently provided in the area do not sufficiently address the current levels of crime experienced in the area?

Answer: *Safe Saxonwold and CAP do believe the existing measures of security provide for an effective existing solution that addresses current levels of crime. That said, crime evolves and we need to evolve our solutions accordingly. The consideration of road closures is therefore intended to pre-empt potential criminal activity by deterring criminals from being active in our area before crime deteriorates. So, we do not intend to wait for crime to deteriorate before taking action - we will continue to act proactively. Having a low crime rate doesn't mean we should dn't look at improving security measures all the time. Each of the violent crimes had the potential to be a murder.*

[3.3.5] What, if any, alternatives to road closures have Safe Saxonwold considered? If any such alternatives have been considered and rejected, the reasons for rejecting them are requested.

Answer: *Since inception of the CAP model in Saxonwold, multiple different layers of security have been considered and over the last 15 years have been implemented gradually one by one as specifically mentioned in 3.3.4. It is important to note that no one solution is 100% effective for all types of crime and therefore a combination of different layers of security is required i.e. cameras, patrols, calming measures, road closures, foot-patrols, etc. The consideration of road closures is merely another layer in proactive security solutions.*

[3.3.6] Is Safe Saxonwold prepared to consider any further alternatives to road closures?

Answer: *We believe we have considered and already implemented the options worth considering as alternatives, but are open to further credible and affordable proposals.*

41. **Question:** [3.4] The road closures proposal published by Safe Saxonwold will exclude certain streets within the existing area from the proposed enclosures. As the Panel understands it, Cotswold Drive, Eastwold Way and Erlswold Way (“the excluded streets”) will remain open and will fall outside of the enclosed areas. Effectively, the existing area will, if the proposal is approved, consist of three enclosed areas, with Waltham Road as the southern boundary, Oxford Road as the eastern boundary, Jan Smuts Avenue as the western boundary and Bolton Road as the northern boundary (“the boundary roads”). Has a detailed map or schematic diagram been prepared that legibly and accurately shows where the proposed booms will be situated and where it is intended that closed gates or other barricading structures will be installed? If so, the panel requests to be provided with a clear copy of that map or schematic diagram.

Answer: *A more detailed map or schematic has not been prepared. The original draft proposal referred to has been withdrawn. A detailed proposal will only be prepared through a process of broader engagement with the community. This process will determine whether there is sufficient support from residents to proceed to preparing a more detailed proposal.*

42. **Questions:** [3.5] What consideration has been given by Safe Saxonwold to the effect that the road closure proposal will have on properties on the excluded streets and the boundary roads, as well as properties on proposed enclosed streets that fall outside the intended booms and closed gates? In particular, has Safe Saxonwold investigated and considered the following possible effects on such properties:

[3.5.1] increased traffic volumes and noise on excluded streets and boundary roads;

[3.5.2] decreased property values of properties on the excluded streets, the boundary roads and the properties falling immediately outside the booms or closed gates;

[3.5.3] the potential heightened risk of crime that may be experienced by the properties excluded from the enclosures?

Answer: *All of the considerations in 3.5.1, 3.5.2 and 3.5.3 would be surfaced through a process of engagement with residents. It is premature to postulate what the impact might be without actually having the details of a proposal, and the entire discussion is moot without the support of 70% of residents in the affected area.*

43. **Question:** [3.6] What proposals, if any, do Safe Saxonwold and CAP have to ensure that the excluded properties will continue to be protected from the risks associated with criminal activity in the area? Who is expected to bear the costs of any such proposals?

Answer: *The solutions deployed to date (see 3.3.3 above) would remain in place for all residents. Assuming a closure went ahead in the future and to the extent that certain roads would be excluded we are committed to working with those residents to put in place appropriate security solutions through a process of engagement. Solutions that could be considered include densification of cameras deployed, providing additional private space cameras at reduced rates and other alternatives such as spotters. We are open to considering how these additional measures could be funded and to what extent they could be provided by Safe Saxonwold. This implies some level of cross subsidy in terms of which some residents are within the enclosure and benefit from it, while others are outside the enclosure but have alternative additional security measures provided by Safe Saxonwold, and these services have different costs associated with them. Cross subsidy is not a new issue for the scheme with the most pertinent example being that not all residents are donors of Safe Saxonwold however all residents in the covered area benefit from the existing proactive solution.*

44. **Questions:** [3.7] Has Safe Saxonwold, including CAP on its behalf, conducted a full Traffic Impact Assessment in relation to the impact that the proposed road closures may have? If so:

[3.7.1] the Panel requests a copy of the Traffic Impact Assessment report;

[3.7.2] what was the cost of the report, and who paid for it?

Answer: *From experience of road enclosures in other areas the Traffic Impact Assessment was identified as a potential showstopper. Safe Saxonwold has conducted a Traffic Impact Assessment in order to clear this potential show stopper to determine whether or not to proceed with a process of engagement with residents. This report was paid for by Safe Saxonwold in contemplation of road enclosures as part of our security solution and is a small expense in the context of the existing solution. The costs in respect of an eventual road closure proposal, should it proceed, will be made available to residents as part of the requisite fund raising drive. Similarly the Traffic Impact Assessment will have to be made available publicly as part of the formal application and approval process so such proceed.*

45. **Questions:** [3.8] Whether or not a Traffic Impact Assessment has been conducted, has Safe Saxonwold specifically considered:

[3.8.1] how the proposed closures will change traffic movement, desire-lines and increase volumes on available roads in the area?

Answer: *If an application for road closure is made to the City, its experts would consider impacts on traffic movements and volumes. If they are not satisfied then any proposal would be altered to meet their requirements.*

[3.8.2] what happens in the event of an emergency or an accident on the major arterials surrounding the area?

Answer: *These types of issues would be explicitly considered by the relevant authorities as part of the application and approval process. Gates are not permanent structures in the sense they can be opened and closed remotely, including in emergencies. Pedestrian access would not be limited.*

46. **Question:** [3.9] The area is well used by non-motorised transportation – including walkers, cyclists, runners and dog walkers. The roads within the area are generally fairly safe to cross. Has Safe Saxonwold considered whether dividing the suburb into smaller components undermines these particular modes of transport and exercise as it created new barriers to movement, be it having to cross more highly trafficked

dividing roads, navigate pedestrian gates and reduced lines of sight for pedestrians by placing gates/fences and booms into the street space?

Answer: *There would be no limit to pedestrian (including runners, walkers and dog walkers) movement should a closure go ahead. Cyclists would be able to traverse the area in the same way that cars will (e.g. booms and gates open at certain times of day and opened by a hand wave at other times). As is the case at present, care would need to be taken by non-motorised transportation in crossing busy streets to avoid a recurrence of the recent fatal accident on Cotswold drive. Consideration could be given to putting in place additional circles, bumps, stop streets etc. to mitigate traffic challenges.*

47. **Question:** [3.10] An important concern in respect of highly trafficked roads is the change in land use over time when busy roads become “unliveable”. Has Safe Saxonwold considered that focussing traffic onto a limited number of streets, thus forcing these streets to become secondary arterials for the area, is inviting land use change and non-residential/ high intensity land uses into the heart of the area?

Answer: *This is not a decision of Safe Saxonwold but rather the City of Johannesburg and its Planning Department. It is also the only reason that the initial proposal, that has been withdrawn, excluded certain streets as these are defined by the City to already be high density streets in terms of traffic and residential development.*

48. **Question:** [3.11] If Safe Saxonwold has considered any of the concerns and issues referred to in paragraphs 3.8 to 3.10 above, then Safe Saxonwold is requested to state what conclusions were reached by it in relation to each such concern and issue.

Answer: *Safe Saxonwold has presented an opportunity for discussion around the possibility of road closures. Every resident has a voice in this process and if it is not supported by 70% of residents, it cannot be approved in accordance with the City’s laws.*

49. **Questions:** [3.12] Does Safe Saxonwold (or CAP) hold the view that the City of Johannesburg's development plans for the Rosebank node, per the nodal review plan, will affect the security situation within the area? If so:

[3.12.1] What affect(s) does Safe Saxonwold (or CAP) believe the nodal review plan will have on the area?

Answer: *The nodal review plan will give rise to property development increasing both residential and office developments. This will increase both pedestrian and vehicle traffic moving into and out of Rosebank and through Saxonwold and Parkwood. In the South African context areas in which there are greater numbers of people have higher levels of crime. SAPS guidelines require a larger police station for more highly populated areas. Given resourcing challenges in the SAPS it is unlikely that SAPS alone will be able to combat the increase in crime in the area. Hence the need for greater private participation in the provision of security solutions.*

[3.12.2] In what manner would road closures serve to mitigate any such effect(s)?

Answer: *Same as 3.3.2.*

50. **Questions:** [3.13] What is the estimated cost of implementing the road closure proposal? The Panel requests that it be furnished with the following information:

[3.13.1] the estimated costs relating to the preparation of the proposal (including all and any fees for traffic assessments, marketing of the proposal, obtaining expert advice relating to the design and mechanics of the enclosure and other associated costs that may be incurred);

Answer: *We do not expect the costs associated with preparation of a proposal to be material.*

[3.13.2] the estimated costs of the supply and installation of all proposed boom gates and related infrastructure;

Answer: *This cannot be established until there is a final resident-approved proposal because final costs are heavily dependent on the specific solution implemented (e.g. number of booms, guard houses, camera solution selected, whether booms are automatically or manually operated etc. etc.)*

[3.13.3] the estimated costs of the supply and installation of all permanently closed gates and other barricading structures;

Answer: *The solution is unlikely to involve permanently closed gates and barricading structures, but rather have gates that are open at certain times of day (e.g. rush hour) and closed for the remainder of the day, however this cannot be established until there is a final resident-approved proposal because final costs are heavily dependent on the specific solution implemented (e.g. number of gates, camera solution selected, whether gates are automatically or manually operated etc. etc.)*

[3.13.4] the identity of the proposed supplier(s) of all the equipment, including boom gates, related infrastructure, gates and other barricading structures;

Answer: *This has not been discussed but it is appropriate that a standard bidding process will be taken into account in appointing providers taking into account the cost, experience and ability to deliver on the project.*

[3.13.5] the estimated ongoing monthly costs associated with the operation and monitoring of the proposed boom gates and related infrastructure;

Answer: *This cannot be established until there is a final resident-approved proposal, and depends on the specifics of the proposal adopted.*

[3.13.6] an estimation of any additional costs, both upfront and ongoing, that may be incurred in relation to the implementation of the proposed road closures.

Answer: *This cannot be established until there is a final resident-approved proposal.*

51. **Questions:** [3.14] Safe Saxonwold (and the services provided by CAP to it) is currently funded by voluntary contributions by a number of, but not all, the residents within the area. In this regard:

[3.14.1] How many households are there within the present area?

Answer: *There are roughly 600 properties in the current Safe Saxonwold area (excluding streets in Upper Parkwood covered by the current solution). A detailed count of households in the area will be conducted through the engagement process.*

[3.14.2] How many households within the present area contribute on a monthly basis to Safe Saxonwold?

Answer: *We estimate that 55% of residents in the area covered by the current Safe Saxonwold solution (excluding the Upper Parkwood section) are regular donors.*

[3.14.3] How many households are there in the proposed expanded area, that is the total area within the boundary roads?

Answer: *There is no proposal to comment on in this regard until a consultative process has been completed with residents in all streets. This information will be confirmed through this process.*

[3.14.4] How many households are there in the excluded streets, the boundary roads and the and the properties falling immediately outside the booms or closed gates?

Answer: *There is no proposal to comment on in this regard until a consultative process has been completed with residents in all streets. This information will be confirmed through this process.*

[3.14.5] Has Safe Saxonwold taken any steps to investigate the likelihood of receiving additional voluntary contributions from households in the additional streets in Upper Parkwood that, should the road closure proposal be approved, will fall within the

expanded area? If so, what proportion of those households is likely to make monthly contributions to Safe Saxonwold?

Answer: *We are at the very early stages of engaging with residents however some residents in Upper Parkwood have made contact with Safe Saxonwold to indicate interest.*

52. **Questions:** [3.15] Has Safe Saxonwold considered the following other factors in deciding to make and promote its road closure proposal to the residents of Saxonwold and Upper Parkwood:

[3.15.1] That the very concept of road closures is a deeply divisive and emotive issue, both within the community of Saxonwold and Parkwood and within our country as a whole, particularly in the light of our experience as a nation divided and separated under apartheid?

Answer: *Saxonwold and Upper Parkwood have a diversity of residents of all races. 70% of this diverse base of residents will need to be supportive of a road closure proposal for it to proceed. Safe Saxonwold has no intention to divide and separate our residents in any way comparable to apartheid. Exclusivity based on race has not been a consideration. Exclusivity based on the area in which we all live, and the levels of affluence in the area, is an obvious consideration as we have means to secure our families and homes. As stated previously the solution under consideration would not create an “exclusive” area not open to the public. Pedestrians and motorists traversing the area generally appreciate the additional presence of security in the area as it makes their passage home/to work a safe one, and we see no reason for this to change should a road closure be implemented.*

[3.15.2] The nature and extent of opposition within our community to the proposed road closures?

Answer: *There has been some opposition to the idea of road closures but there has also been great support for the idea in its initial draft plan.*

[3.15.3] Various studies that have been conducted by highly regarded academics in, inter alia, the fields of town planning and criminal justice, as well as the enquiry undertaken by the Human Rights Commission, regarding the effects and consequences of enclosing communities? For ease of reference, we attach a selection of these published studies, marked “B” and “C”. We also attach the report of the Human Rights Commission into road closures, marked “D”.

Answer: *The reports (Landman4_2006, Breezke_Is_2014 and HRC Boomgate Next Report) have been noted. It is particularly notable that many of the recommendations have not been implemented by law enforcement authorities. Our view is that the report/s, were published at a time in which the political, social and economic context was very different. In the current context we question whether law enforcement authorities at the varying levels (local, provincial and national) have the ability and resources to practically implement the suggested alternatives. Importantly CAP (and Safe Saxonwold) were initiated at about the time that these papers were published, and over the ensuing years has implemented many of the alternatives suggested. This is where the idea of proactive security was born. Over the years, additional security layers have been added. We are acting proactively and are now at a point where the next security layer is being considered, a road enclosure.*

Furthermore it is important to note that since publication of these reports there have been significant advances in technology such as cameras, artificial intelligence and automation which have resulted in fundamental changes to the approach to road closures. Solutions being implemented today are much more sophisticated and far less restrictive than the simplistic and fixed road closures and access controls that were available 15 years ago. Advancements in security technology allow for smarter, more effective and more integrated road closures. We believe strongly in freedom of movement and with the advancements in technology highlighted above, we would be able to achieve a balance in terms of unrestricted access and a high degree of security integrity within and around the

enclosure. The solutions available now do not negatively infringe on individual rights in the way that solutions available when the HRC report was authored, while still providing safety and security.

The matters raised in the reports referenced are considered by authorities such as the City of Johannesburg in setting policy for consideration of road closures. Following publication of the reports quoted the City of Johannesburg (and other approving authorities) understandably pulled back from approving further road closures. In the last few years with advances in technology and other contextual changes, the City has revised its stance and is once again prepared to approve road closures.

53. **Question:** [3.16] If Safe Saxonwold has considered the other factors referred to in the paragraph above and has rejected them, then the Panel requests that Safe Saxonwold sets out its reasons for each rejection. If Safe Saxonwold has indeed taken any of these factors into account, then the Panel requests Safe Saxonwold to state what steps it intends to take to accommodate those factors in pursuing its road closure proposal.

Answer: *As per above the context has changed and technology has advanced significantly.*

54. **Question:** [3.17] Safe Saxonwold and Cap are requested to provide any available information or data on crime statistics in other areas that have introduced enclosures, as well as any available information on the perceptions of residents in such areas in regard to the efficacy of the enclosures.

Answer: *Figures related to two (2) existing enclosures that exist within CAP communities:*

Enclosure 1 (instated in 2018): comparison of crime over the years (same number of year's pre and post enclosure have been used for fair comparative analysis).

Violent crime decrease = 82%

Non-Violent crime decrease = 52%

Enclosure 2 (instated in 2014): comparison of crime over the years (same number of year's pre and post enclosure have been used for fair comparative analysis).

Violent crime decrease = 71%

Non-Violent crime increase = 88%

The second enclosure does not have technology monitoring a significant stretch of the boundary. Again it's not the road closure alone that impacts the reduction or mitigation. So in Saxonwold case, it's the limiting of vehicles access that allows us to get more information on the car, person driving it etc, the monitoring of the pedestrians entering through the closure in a more channelled manner achieves similar results so it's the closure, plus monitoring plus, more efficient use of security resources that work together to lower crime.

**Non-Violent crime numbers are still considered to be low despite the increase. In addition, multiple breach points were detected on the northern side of the enclosure. **

Anecdotally based on conversations with residents in Emmarentia Ridge, where an enclosure has been implemented recently (not sure whether CAP is involved?), there is clear evidence of a reduction in crime, in particular follow-homes, from their data. In addition, residents feel safer following the implementation of an enclosure and this perception is their reality. Similarly in Westcliff, resident's feel safer having recently implemented as enclosure.

55. **Questions:** [3.18] The Panel requests to be furnished with the following documents:

[3.18.1] the Memorandum of Incorporation of Safe Saxonwold;

[3.18.2] the latest annual financial statements and directors' reports for Safe Saxonwold;

[3.18.3] the contract between Safe Saxonwold and CAP for the provision of services to Safe Saxonwold.

Answer: *We do not see the relevance of the documents being requested to the work of the panel. Information from these documents cannot support or detract*

from any road closure application that Safe Saxonwold makes should a base of 70% of residents support it and for it to be financially viable.

Safe Saxonwold has a Memorandum of Incorporation and is incorporated as a Non-profit company with no members. It is also a registered Public Benefit Organisation. Quoting from the MOI: “the object of the company is to assist in measures for the safety and security arrangements...” Safe Saxonwold is in a sound financial position and has a contract in place with CAP. We would be open to considering providing answers to specific questions in respect of these documents where deemed relevant and appropriate to disclose such.

Current risks are simply that individual roads in Saxonwold are making plans for their applications for road closures regardless of what Safe Saxonwold and SAPRA advise or support. The belief that either entity has the power to prevent this is naive as residents speak for themselves. This being the case, if we as Safe Saxonwold don't provide the opportunity for a larger scale road closure initiative for all the security reasons set out above, and structured in such a way where all parties included and outside of the road closure will be taken into account, we risk losing the support for the whole area by the residents we currently have the support of and subsequently will not be able to provide the community-based proactive security initiative we've enjoyed for the last 15 years. If we at the bare minimum put the proposal out there to all residents and everyone can vote for what they wish, it provides for a democratic voting process and one where everyone has their say.

Safe Saxonwold is very clear that we cannot put any application to the City without 70% support from residents, and that until we engage with residents we won't know where they stand. We are also open to exploring solutions that are as inclusive as possible while accepting that the solution may not be the same for everyone. For this reason we intend to continue to engage with the community and develop a solution that is in the best interests of the community.

THE PANEL'S WRITTEN REQUEST TO SAPRA

56. On 17 October 2022, the Panel addressed a written request¹³ for information and production of documents to SAPRA. A response on behalf of SAPRA was sought by Monday, 24 October 2022.

57. SAPRA delivered its response¹⁴ on 24 October 2022.

WHAT EMERGES FROM SAPRA'S RESPONSE

58. We set out below the questions that were put to SAPRA and the answers received.

59. Is SAPRA formally constituted as a non-profit organisation? In this regard, we request production of the following documents:

59.1. SAPRA's constitution; and

59.2. any other foundational documents of SAPRA.

"SAPRA is an informal association and is not registered as a non-profit organisation, a company or trust. The SAPRA constitution is attached. SAPRA's Vision, Mission, Values and Structure document is also attached. There are no other foundational documents of SAPRA."

60. What involvement has SAPRA had in security in the area and what relationships does it have with security providers, Community Policing Forums and SAPS?

"SAPRA's involvement in security is governed by the Mission statement which stipulates that SAPRA is to "Promote or initiate any lawful measures designed to enhance the safety and security of our residents; to facilitate adherence to and

¹³ The request to SAPRA is to be found as Appendix J.

¹⁴ SAPRA's response, together with copies of the documents produced by it, is to be found at Appendix K.

enforcement of appropriate laws, regulations and by-laws in liaison with the City Council, South African Police Services and other law enforcement agencies.”

Furthermore SAPRA should “... facilitate communication between ... other relevant parties or persons and our community” and to “monitor and engage with all service delivery authorities and to facilitate and coordinate the delivery of those services to the community.”

Accordingly, the Chairman of the Rosebank Community Policing Forum is appointed as a member of the SAPRA committee with the responsibility for the communication between SAPRA and the law enforcement agencies (SAPS and Johannesburg Municipal Police Department (“JMPD”)) and the private security companies. This includes the reports on the current statistics on crime in the community and the response taken by those law enforcement agencies and private security companies.

This committee member has a fortnightly meeting at the Rosebank Police Station which includes not only SAPS but also the private security companies. There is a very active WhatsApp group of which he is part and which includes all other members that attend this meeting. The need for the private security companies to put aside their competing commercial interest is continually emphasized and this is usually the case. He has met with the CEOs of these private security companies and they have all committed to open collaboration.

This function is not the sole domain of that committee member and situations do arise where other committee members have had separate discussions with the senior management of SAPS, JMPD and the private security companies.

The committee members who have responsibility for both Zoo Lake and the Fearnhead Park, liaise continually (almost daily) with SAPS, JMPD, Johannesburg City Parks and Zoo Department and the Park Rangers on security issues specifically related to those two parks. This also necessitates that they attend and contribute to the deliberations of the Parkview Community Policing Forum which also is attended by JMPD and the private security companies operating in that area. They are also members of the WhatsApp groups on which those law enforcement agencies are members.

SAPRA is, and is seen to be, totally independent of all private security companies.

SAPRA's policy is to help residents choose between the different private security companies, but not to endorse or promote any particular company. SAPRA is mindful that dominance by any one such company could be to the disadvantage of the residents if such dominance were to be abused in any way by that company. As such SAPRA would work to ensure that there continues to be keen competition between all the private security companies and that no company becomes so dominant so as to be a problem for the community.

The establishment of an investigatory and advisory panel to research the advantages and disadvantages of gated communities by SAPRA with reference to security, is a further example of SAPRA's interest and involvement in the security issues of our community."

61. What active steps has SAPRA taken to advance the interests of the community by improving security in Parkwood and Saxonwold?

"SAPRA's role in improving security in the two suburbs is to:

- provide information to the community on breaches in security and the response through its social media conduits;*
- provide information on initiatives taken by security agencies and monitors the effectiveness of those agencies;*
- request services from those agencies as and when necessary (such as security during public events, locking and unlocking of the gates in Fearnhead Park, crowd control at public events (such as Zoo Lake);*
- help with coordinating resident access to the suburbs during major events that involve closing of streets by printing and distributing identifying residence stickers to be displayed on their vehicle's windscreen;*
- provide opportunities for the community to meet the members of the private security companies during public events organised by SAPRA;*
- provide financial support (when funds are available) to the Community Policing Forum."*

62. How have these initiatives, if any, been funded?

“Any initiative requiring finances are funded from SAPRA’s general funds. Income to these funds is raised through levies on the members, advertisements on the SAPRA website, donations and interest income of the funds invested.”

63. Copies of SAPRA’s annual reports and financial statements for the past three years are requested.

“The Annual Financial Statements are attached as item A3.”

THE PANEL’S WRITTEN REQUEST TO PROF LANDMAN

60. As we have discussed above, Safe Saxonwold was furnished with copies of the report of the Human Rights Commission and the papers published by Professor Landman and her colleagues and was requested to state whether it had taken the concerns raised in these studies into account when making and promoting its road closure proposal to the residents of Saxonwold and Upper Parkwood. We have referred to the response from Safe Saxonwold in this regard.

61. We took the view that it would be helpful to our investigation to afford Professor Landman the opportunity to comment on the response given by Safe Saxonwold. On 10 November 2022¹⁵ the Panel addressed a request to Professor Landman for her assistance in the following regard:

“5. The Panel wishes to invite you to respond to what has been raised by Safe Saxonwold in the paragraphs quoted above¹⁶. In particular, we would like to have your comments on the following:

¹⁵ The request to Professor Landman is to be found at Appendix L.

¹⁶ For ease of reference, Safe Saxonwold’s critique is quoted in full in paragraph 52 above

- 5.1. *Does the present political, social and economic context negate, or derogate substantially from, the views, findings and recommendations that are to be gleaned from your published papers that we referred to?*
- 5.2. *Have “advances in security technology” ameliorated or removed the concerns about gated communities and road closures expressed by you in your papers?*
- 5.3. *Are there any more recent academic studies on gated communities and road closures that the Panel ought to have regard to?”*

62. Professor Landman has declined to respond to the Panel’s request. She indicated, in an emailed reply, that she was uncomfortable with becoming involved in any legal case. We obviously respect Professor Landman’s decision not to enter into the fray. While we have the considerable benefit of Professor Landman’s research and published insights, it is regrettable that we will not have the benefit of her considered response to Safe Saxonwold’s comments in completing our investigation.

THE PANEL’S WRITTEN REQUEST TO MS PLAYNE

63. On 10 November 2022, the Panel addressed a written request¹⁷ for information and production of documents to Ms Playne on behalf of the group of Saxonwold/Parkwood Concerned Residents . A response on behalf of that group was sought by Thursday, 17 October 2022.

64. Ms Playne delivered her response¹⁸ on Sunday, 13 November 2022. Ms Playne explained that the content of the response was not solely her own but incorporated the

¹⁷ The request to Ms Playne is to be found as Appendix M.

¹⁸ Ms Playne’s response is to be found at Appendix N.

comments of a number of objectors. For convenience, however, we shall refer to the answers as having been given by Ms Playne.

WHAT EMERGES FROM MS PLAYNE'S RESPONSE

65. In response to the Panel's questions about the extent of the circulation of the 20 August 2022 letter within the community and the responses received, we were informed that:

- 65.1. 480 letters were delivered to residences and businesses in the area.
- 65.2. A data base of objectors to the road closure proposal has been created.
- 65.3. Objections to the road closure proposal were received from the owners of 155 separate properties in the area¹⁹. This number excludes objections from tenants, staff, spouses and dependants.
- 65.4. 10 businesses objected.
- 65.5. Objections to the road closure proposal were also received from:
 - 65.5.1. the Johannesburg Heritage Foundation;
 - 65.5.2. the Lower Houghton Residents' Association;
 - 65.5.3. the Forest Town Residents' Association;
 - 65.5.4. the Parkview Residents' Association; and
 - 65.5.5. the Rosebank Property Owners' Association.

¹⁹ It was explained that some of the objectors own several properties in the area.

- 65.6. A response from the Melrose Ratepayers' Association is awaited.
- 65.7. The letter was distributed to a mix of properties, including properties that lie within the proposed enclosure as well as properties on the excluded roads being Waltham Road, Eastwold Way, Englewold Drive, Cotswold Drive, Jan Smuts Avenue, Oxford Road and Bolton Road.
- 65.8. The objective was not to obtain statistical data, but rather to gauge whether there was resistance to the proposal, and to gather opinions and residents' views, providing a platform for voicing their objections. Ms Playne commented that the high response rate confirmed strong resistance to the proposal.
- 65.9. Ms Playne expressed the view that professional research will be required to quantify for statistical purposes the numbers of supporters and objectors across the entire affected area.
66. Numerous particularised objections have been received. Ms Playne provided a substantial sample of these written objections²⁰, which she has redacted to protect the privacy and safety of the objectors.
67. The panel had noted in its request that the 20 August letter had proffered the view that any proposal for the possible closure of roads in the Saxonwold/Parkwood area should be led and overseen by SAPRA. Ms Playne was asked to make suggestions as to the way SAPRA should lead and oversee such a process. Her response is quoted below:
- *“The view is that SAPRA should form a sub-committee that oversees Safety and Traffic management holistically. All service providers would need to be*

²⁰ The sample referred to is contained in a bundle of supporting documents which accompanied the reply. The bundle is to be found at Appendix O.

engaged (as provider selection remains the choice of property owners), and SAPRA could perform services including best practice reviews, community alignment, communication and engagement, JRA liaison to address traffic issues and annual monitoring and evaluation of all service providers.

- *The Forest Town Residents' Association appears to be an example of best practice and should be consulted. The Chairman stated that they made a conscious decision to remain "open" (apart from 2 gates) to retain the character of their suburb, although they are a "buffer" to the inner city. They enjoy an 80% community participation rate in the 24/7 security offering and their crime statistics are lower than ours. It appears that a community working in unity makes for a safer one.*
- *By taking a proactive stance, SAPRA could increase its membership, avoid the formation of non-representative interest groups related to these matters, thereby increasing their relevance to residents and businesses.*
- *Safe Saxonwold should be collapsed into this sub-committee, where the requisite processes and governance are enforced (see Para 3.13 below).*
- *This SAPRA committee should also ensure co-operation and alignment with neighbouring Association's Safety and Traffic committees as we are not an island and operate within the broader Parks community. (PS: the proposed name "The Wolds" has irked many people who state that "we live in The Parks". It is referred to as "a pretentious symbol representing elitist road closures".)*

68. The following was stated in regard to the issue of potential traffic flow disruptions that may arise as a result of road closures:

- *"Safe Saxonwold referred to a traffic study at their webinar in August. CAP stated in an email that Safe Saxonwold has a copy. However, upon request for the results / a copy of this study, they denied that it had been undertaken.*
- *A request for the webinar slides, a clear map of the proposed closures and the road traffic study were made to CAP, who referred me to the Safe Saxonwold team. Safe Saxonwold ignored the request, even though Tessa*

Turvey made a public fanfare of wanting to “engage” with me. I declined a late request for a one-on-one meeting with her as she has no legal or other authority in the community.

- *The JRA has been conducting studies on the Saxonwold Drive / Cotswold Drive corner due to the high number of accidents and deaths that occur on that corner to assess what traffic calming method(s) would be most appropriate.*
- *I refer you to Prof Karina Landman at the University of Pretoria, an expert on Urban Spatial Management (karina.landman@up.co.za) who has conducted many studies on the impact of road closures on urban mobility, communities and social justice.*
- *There is generally no reliable evidence to suggest conclusively that the erection of booms and the closure of roads enhance safety and security.*
- *It is absurd to suggest that by closing off over 35 access points, traffic flows will not be altered, and congestion increased along specific routes, resulting in more noise and traffic on these routes. An impartial traffic impact study will need to be commissioned (i.e. not funded by Safe Saxonwold / CAP) to quantify this impact. Regardless, traffic is not the only reason for many objections – objectors also raise issues such as changing the character of the suburb, an infringement on public rights and a perceived “elitism” that is inappropriate in the current RSA context.”*

69. The Panel asked if there was an objective basis for the proposition that there would be a potential devaluation of properties that would be excluded from the proposed enclosed area. Ms Playne responded as follows:

- *“Noise is among the most significant locational factors affecting the value of residential property. (Dr. Michael Sklarz and Dr. Norman Miller)*
- *Many houses on busy streets are estimated to be worth between 10% and 20% less than they would be if they were on quiet streets. Getting potential buyers that would be interested in such properties can be challenging too,*

*and this will further affect what you can get when reselling the property.
(<https://aniyaequity.com/>)*

- *We found that traffic nuisance, in general, has a significantly negative impact on housing values. (July 2015, Journal of Real Estate Practice and Education 18 (1):35-53, DOI: 10.1080/10835547.2015.12091742)*
- *South African law, through the Environment Conservation Act 73 of 1989 (“the Act”) and municipal by-laws protect recipients of intolerable noise pollution – any action by some residents to increase the noise pollution of other residents will be unlawful.”*

70. The Panel asked if it is not likely that any decrease in the value of properties excluded from the enclosed area, as a result of an increase in heavy traffic on these roads, will be offset by the owners of such properties succeeding in having their properties rezoned for business or high density residential use as a result of the roads being considered more suitable for the grant of business rights and/or residential 4 zoning?

Ms Playne responded as follows:

- *“An informed view relating to development opportunities, costs and returns is required to avoid speculation. For a property to offer increased value due to rezoning the high inherent values of existing properties along these routes need to be considered. Equally, the degraded state of (most) properties along Oxford, Bolton and Jan Smuts are an indication that rezoning does not result in a better suburb.*
- *Using our property as an example as zoning stands today:*
 - *Our 4000m² property on Erlswold Way has been valued recently at +R15m by Pam Golding. To develop it we would need to demolish the house and rezone the erf into allowed 1000m² plots. Demolition costs would amount to +R1m. A subdivision into 4 x 1000m² erfs would mean a land cost of R4m per portion. With building costs at +R12k/m² a 500m² house would cost at least R6m, excluding pools, gardens, fencing and security.*

- *As a comparison, one of the high-density clusters on 1000m2 (corner Erlswold Way and Saxonwold Drive) is currently under offer – the asking price is R7.5m. It consists of 4 bedrooms, 3.5 bathrooms, 3 receptions, 3 garages, pool, staff etc. As you can see, the commercials do not work.*
- *To make the proposition viable, significant densities are required by obtaining rights to build 3-6 storeys high. Already there is legal opposition to the Worcester / Oxford development, which is the only way that the financials can work.*
- *All of this assumes that the JHB Heritage Council approves the demolishing of these homes (most are old homes that are protected). Protracted negotiations with the Heritage Council puts developers off. The Heritage Council has voiced its strong opposition to the proposed closures.*
- *Traffic, noise and degradation of these streets due to congestion could result in owners moving out and reducing maintenance. These routes will fall into the same disrepair as seen on Oxford, Bolton and Jan Smuts.*
- *In addition, we cannot ignore the fact that there is currently a surplus of residential stock in Rosebank, as confirmed by developers and investors in our network, and that 20% of Sandton business property is currently vacant (Financial Mail, November 2022).*
- *The global economic environment is entering a long-term recession, and the South African economy is hardly better off. There is no basis to propose that our properties will be “more valuable” with business rights. The business sector is shrinking in the economy and predicted to do so for the next decade given challenges relating to power, credit downgrades, public finances etc. (National Treasury: South Africa’s economy until the end of 2029).*
- *The total number of business liquidations in South Africa increased by 44.8% in August 2022 compared with the same period a year ago. (Stats SA, BusinessTech Sept 2022)*

- *Fast-forward the scenario: the suburbs will be broken into little islands surrounded by high density / high rise buildings and / or derelict houses. Is this what our community envisages as a satisfactory outcome?"*

71. The Panel noted that the letter of 20 August 2022 states that, based on crime statistics, the current security measures are having a positive impact, and that these current security measures “*should clearly be stepped up*”. Ms Playne was asked what suggestions she would make as to the manner in which the current security measures could be “*stepped up*”. She responded as follows:

- *“According to the JRA, compelling evidence of a crime problem is required to approve road closures, which are not the preferred route.*
- *Statistics provided by a resident from our police precincts prove that crime is under control and that current measures are effective (see attachment).*
- *Prof. Landman has researched and found that there is no correlation between road closures and decreased crime.*
- *If there are specific “hot-spot” roads, closure can be considered on an ad hoc basis as part of a balanced and blended Security and Traffic solution.*
- *Most objectors would like to see:*
 - o *More participation from residents and businesses in private security initiatives.*
 - o *More security vehicles, foot and bicycle patrols on the roads.*
 - o *More cameras on street corners.*
 - o *More community street events to “bring people on to the streets” - active streets where people are visible and present.*
 - o *Clean-ups of pavements and a general upgrade of infrastructure to ensure those who pass through know that the suburb is tightly managed. According to CAP, this sends criminals a message that our*

suburbs are cared for, lived-in, and represent vibrant communities (Vs. deserted, isolated and anxious closed suburbs where outsiders feel unwelcome and unwanted).

- *There are various views relating to a more sophisticated approach required for traffic calming measures, including more 4-way stops, one-way directional measures, more speed bumps and other initiatives that could reduce unsafe driving and unnecessary rat-running through the suburbs. Specialists can be appointed to investigate this for the proposed sub-committee set out in Para 3.12 below.*
- *We all knew that Saxonwold / Parkwood are flow-through suburbs when we acquired properties here and cannot wish away the reality of urban mobility with road closures. The action of altering the flow of traffic and creating noise pollution on certain roads can be legally challenged in court as purchasers knew full well what they were buying in to.”*

72. The panel noted, in paragraph 3.12 of its request, that in the 20 August letter, under the heading “RESPONSE REQUIRED”, four areas were raised where it was suggested that action requires to be taken. The Panel asked if any progress been made in regard to the suggestions made and, if so, what has transpired to date. Ms Playne responded as follows:

- *“We have awaited the report by your committee. It is our wish that the proposed SAPRA sub-committee issue is discussed and endorsed at the AGM this month, and that a committee is constituted.*
- *We want Safe Saxonwold to account to SAPRA regarding all concerns raised in Para 3.13 below and move the oversight of these funds to the SAPRA sub-committee that is properly governed.*
- *Further, an investigation into the CAP NPC structure(s) is required to interrogate the consistent narrative that CAP is promoting these closures for altruistic reasons and the “common good”, or that “some need to sacrifice for the good of others”. It is recommended that Innoxico be appointed to*

investigate CAP's structures, shareholding and for-profit entities to assess the flow of funds within their organisation."

73. Finally, in paragraph 3.13 of the request, Ms Playne was asked if there was any other matter that she wished to raise with the Panel that may assist it in its investigation and the preparation of its advisory report to SAPRA. In response, Ms Playne raised the following:

"There are concerns around Safe Saxonwold NPCs governance and compliance processes, specifically relating to:

- *A total absence of reporting or consultation with donors.*
- *A lack of transparency relating to the allocation of funds, operating costs and membership status.*
- *Lack of clarity relating to members / trustees' roles and responsibilities, selection process, tenure and rotation.*
- *No reporting relating to audited financial statements – these are required by law and funders should have open and transparent access to them.*
- *As an approved PBO with Section 18A tax exemption status, you must:*
 - o *Issue donors with 18A Tax Receipts detailing their donation;*
 - o *Use the donations that you have issued tax receipts for solely to carry out your organisation's Public Benefit Activities;*
 - o *Ring-fence your Public Benefit Activities and get them certified by an auditor.*
- *This means that Safe Saxonwold is required to issue all donors with the required Section 18A certificates since inception. I, for one, have not received a single statement of payment, tax certificate or otherwise since we became members at inception. Every month, R1,499.00 is deducted from my bank account for Safe Saxonwold.*

- *If SARS does not accept back-dated tax deductions, Safe Saxonwold will face substantial pay-back claims by residents.*
- *A number of prominent residents and legal practitioners have threatened legal action against Safe Saxonwold committee members, which will result in worsened relations, more division, unnecessary legal costs and a diversion of focus from important Security and Traffic issues that concern us all.*
- *Various residents have threatened to cut their Safe Saxonwold funding and terminate their CAP contracts in favour of other providers operating in the area. This would impact the current CAP scheme and overall community safety.”*

DISCUSSION

74. At the outset of this report, we made it clear that it does not fall within our mandate to pass judgment on the competing, divergent and hotly contested personal opinions that residents may hold regarding the desirability or otherwise of road closures. Rather, the terms of reference given to the Panel require an investigation into and consideration of practical issues that are implicated by the proposal to enclose portions of Saxonwold and Parkwood. We have done our best, with the limited resources and authority at our disposal, to attempt to grapple with and consider the topics covered by the terms of reference. Our attempts to get to grips with them are limited to the information we have been provided with.

75. The proposed enclosure of portions of Saxonwold and Parkwood, should it be approved by the persons who will be affected by it, will axiomatically impact in very important ways on the lives of all of the members of this community, and indeed on the lives of members of neighbouring communities. Ultimately, the decision taken to either approve or reject the proposal is a democratic one. In order for that democratic process

to proceed there needs to be a sufficient flow of relevant and accurate information in regard to all aspects of the proposal.

76. If those who are required, and entitled, to exercise their democratic choices are not provided with all the information that may be required to make such choices in a fully informed manner, then the outcome may be flawed and susceptible to legal challenge. In this context, unrestricted access to all relevant information is the guarantee of a fair process.
77. The road closure proposal, as first put up earlier this year, has been withdrawn by Safe Saxonwold. But it has been made clear that the withdrawal is merely temporary, and the proposal may still be resuscitated in the near future²¹. When we refer to “*the proposal*” it must be taken to include the withdrawn proposal and the intended revival of the proposal.
78. Safe Saxonwold, in its written responses to our requests for information, has declined to answer a number of questions that have been posed by stating that there is no proposal at present and that the questions are accordingly premature.
79. When the proposal was put up during the webinar on 2 August 2022, there was a sense amongst a number of people present that their serious concerns about the proposed closures were being ignored by the organisers of the webinar. These concerns included questions about the cost of the implementation of closures, the impact on traffic in the suburbs and the potential devaluation of properties on the roads that would be excluded. There was also a sense that any criticism of the proposal based on a

²¹ The letter dated 30 August 2022, quoted at paragraph 8.4 above stated that “..., given the deeply polarised responses received, we are withdrawing the original proposal in its current form to give time for engagement with residents across the two suburbs, with a view to forming a revised proposal by the end of October 2022”. We note that the intended date has come and gone without further action being taken by Safe Saxonwold to present a revised proposal

principled belief that road closures are inherently elitist and reactionary was disparaged and dismissed out of hand. The subsequent heated debate on Facebook bears this out.

80. Mr Hutton and Ms Mitchell regard it as fundamental to any proper consideration of the merits or demerits of the road closure proposal that the proposers should be required to provide, at the outset, the following information to affected persons:

80.1. a reasoned case why additional security in parts (but not all) of Saxonwold and Parkwood is necessary;

80.2. a reasoned case why road closures are proposed above any other methods of increased security;

80.3. disclosure of the anticipated costs should the road closure proposal be given effect to;

80.4. disclosure of the report of the traffic impact study that has been undertaken; and

80.5. disclosure of the details of the funding model that will be required to give effect to the proposal.

81. Safe Saxonwold has taken the position in its responses to the Panel that it need not provide a great deal of this information to the Panel and that information of this sort will only be required to be revealed if there is sufficient support for the proposal within the community. Mr Jewell agrees with the other members of the Panel in regard to subparagraphs 80.1 and 80.2 above. His view as to the remainder, particularly in regard to sub-paragraphs 80.3 and 80.5, is that in order to provide cost estimates, it is necessary first to have details of the solution to be implemented which can only be formulated through a process of engagement.

82. Safe Saxonwold has also declined to provide the Panel with its financial statements and a copy of the contract it has with CAP on the ground that these are irrelevant to any consideration of the road closure proposal. We accept that the Panel cannot require production either of Safe Saxonwold's financial statements or the CAP contract as we have no powers of compulsion. But those who financially contribute to Safe Saxonwold ought to be able to obtain those documents if they take the view that the extent of contributions presently received by Safe Saxonwold and the use to which the contributions are put by the employment of CAP to provide the existing services bear on the question of exploring and costing suitable cost effective alternatives to road closures.
83. We wish to make it clear that we do not intend to disparage the tireless work and effort that the members of the committee of Safe Saxonwold have given freely to our community over many years. We accept fully that Safe Saxonwold and CAP have achieved a great deal of success in making the area that falls under the current public space security initiative a better and safer place. Every week CAP sends emailed reports to contributors which record crime statistics in the area. In recent years these reports have revealed precious few incidents of contact crime and a relatively low number of incidents of non-contact crime in the area. It is clear that Saxonwold is presently well protected by the existing system of roving patrol vehicles, trained and armed response officers and high tech surveillance.
84. The affected community is, however, entitled to be provided with sufficient information that may be relevant to the exercise of an informed free choice in regard to a change in the security model. Safe Saxonwold must accept that its proposal to introduce road closures will necessarily be the subject of robust debate and challenge. Members of the Safe Saxonwold committee will no doubt appreciate that the proposal has unleashed principled and rational opposition, and the debate involves fundamental

ideological differences of opinion and belief. Opposition to the proposal is not aimed personally at Safe Saxonwold's committee members but, even when strongly expressed, is a legitimate contestation of ideas. The debate that has arisen is aimed at persuading members of the community to reach an informed choice. The interests of the community will be best served by that debate proceeding on a fully informed basis and in a neighbourly spirit.

85. There are certain specific issues that are covered by the Panel's terms of reference that we believe are central to our investigation as well as to the evaluation going forward by those who will be affected by the proposed road closures. These issues warrant further discussion in this report, which we do below under separate headings.

86. Crime statistics in the area

86.1. In our questions to Safe Saxonwold we posed specific questions²² about the incidence of crime in "*the area*", which we defined as "*the area administered by CAP on behalf of Safe Saxonwold*". It should be a simple task for Safe Saxonwold, assisted by CAP, to provide statistics about crime in the defined area to us. The weekly newsletters to contributors to the public space security initiative administered by Safe Saxonwold report on the various incidents of crime, both contact and non-contact for each week reported on.

86.2. Safe Saxonwold has not provided us with the statistics for the area as defined. Instead, it gave us statistics published by the South African Police Service ("SAPS") for the entire area that falls within the jurisdiction of the Rosebank Police

²² See paragraphs 37 and 38 above for the text of the specific questions posed and the answers given by Safe Saxonwold. The statistics that are referred to by Safe Saxonwold are annexures to the response, which is Appendix I. We draw specific attention to the document titled "Rosebank Stats 2022".

Station (“the Rosebank Precinct”). Safe Saxonwold stated that “*According to SAPS statistics, Crime in the Rosebank Precinct has risen by roughly 21.5% in the last year*”.

86.3. Certainly, a 21.5% increase in crime year on year can be considered to be of significant concern and might well serve to trigger an initiative to increase security in the area reported on. However, a closer look at the statistics published by SAPS tells a far more nuanced story about the incidence in crime in the Rosebank Precinct. The total figure for crime of all types in the Rosebank Precinct in 2022 stands at 894 incidents. That reflects an increase of 21.6% over the 2021 total figure of 735 incidents. However, the total figure for 2020 is reported as 1327 incidents. Thus, crime in the Rosebank Precinct went down by 44.6% between 2020 and 2021. And the total crime figure for 2022 is 32.6% lower than the total figure for 2020.

86.4. The explanation for this rather startling position is to be found in the National Crime Statistics published by SAPS, which were also provided to us by Safe Saxonwold. Safe Saxonwold states that “*Per the National crime statistics, crime across the country is rising - refer to SAPS Statistics in attached two documents.*” In the published national crime statistics report for “*First Quarter of 2022/2023 Financial year (April and June 2022)*” the comparative periods that are reported on are specifically highlighted with reference to the extent of Covid-19 restrictions promulgated under the National Disaster Regulations that were applicable to the periods under consideration. Thus, the comparative periods are bracketed as reflecting a pre-Covid restriction period, a period when the restrictions were at Levels 5, 4 and 3, a period when the restrictions were at Levels 2 and 1, and finally a period when restrictions have been lifted. The picture that emerges is that criminal activity declined when the initial hard lock-down restrictions were

imposed, then rose when lighter restrictions were imposed and returned to the levels experienced in the pre-Covid period once all restrictions were lifted.

86.5. We raise this to demonstrate that the claim that crime has increased by 21.5% in the past year in the Rosebank Precinct must be approached with extreme caution. On our analysis, the present position is rather that the current level of crime in the Rosebank Precinct is demonstrably lower than it was before the imposition of Covid-19 restrictions, which included lockdowns, strict curfews, alcohol bans and highly visible policing which all impacted on the ability of criminals to commit crime. It appears that the present trend is likely to be that crime levels in the Rosebank Precinct will return to pre-Covid levels.

86.6. The real question that needs to be asked is whether or not the levels of crime, both presently and in the immediate pre-Covid period, in the area administered by CAP on behalf of Safe Saxonwold, justify a radical change in the methodology of public space security in the manner proposed by Safe Saxonwold.

87. **Alternatives to road closures**

87.1. Earlier we mentioned that Ms Mitchell has considerable experience with, and knowledge of, the public space security initiatives that have been put in place in various parts of Johannesburg. She has referred the other members of the Panel to the security initiative that has been successfully embarked on in the Rosebank area. She has also spoken to Safe Saxonwold and CAP about Rosebank's experience as a member of the Forum of Integrated Risk Mitigation ("the FIRM"),

which is involved in co-ordinating public space security initiatives in the Rosebank Metropolitan node and in Johannesburg's inner city²³.

- 87.2. The FIRM is a not-for-profit company, which according to its latest annual feedback report to its members was *“established to provide a ‘Collective Brains Trust’ in which private sector stakeholders can partner with law enforcement and harness the collective and partnerships to tackle issues of crime, physical and social disorder, urban and community decay; through which we may create, maintain and support a safe and secure city”*. The FIRM describes its vision as *“To create safe, secure spaces in South Africa. To foster growth, development and prosperity through impactful action and the spirit of ubuntu”*. Its mission is described as *“To be a trusted partner who engages honestly and collaboratively with all stakeholders in order to work towards a safe and secure society”*. Its proclaimed values include trust, ubuntu, innovation, collaboration, action and impact.
- 87.3. We raise the Rosebank experience in operating its public space security initiative in collaboration with the FIRM simply to demonstrate that there are alternative means of improving and increasing security in an area which do not depend on road closures for their efficacy. We do not, in raising this, intend to endorse or promote the FIRM's initiative but simply to present it as a potential alternative which may be worthy of consideration by our community.
- 87.4. Mr Hutton and Ms Mitchell are of the view that the road closure proposal cannot be properly considered and evaluated without giving careful regard to alternative

²³ Ms Mitchell has provided the panel with a copy of the FIRM's annual feedback report. The report is to be found at Appendix P.

measures which will not result in the enclosing of our suburbs. Mr Jewell points out that Safe Saxonwold's position is that over the past fifteen years it has not just considered, but actively implemented a wide range of security measures that have not resulted in the enclosure of the suburb. It remains his view that at some stage it may be necessary to consider an enclosure.

88. Security by design – an analysis

88.1. What we set out below emerges from the analysis that has been done by Ms Mitchell in exploring a number of the issues that are covered by our terms of reference.

88.2. We believe that Ms Mitchell's analysis offers significant and helpful insights into the issues we are grappling with. In order to do justice to her analysis, we think it best to quote it in full, as we do below:

“Security by design: Introduction

Located immediately south of Rosebank, which is arguably the most cosmopolitan city within Johannesburg, are the suburbs of Parkwood and Saxonwold.

The southern hinterland of Rosebank is bounded by the ridge to the south, the M1 & the Jukskei River to the east and Jan Smuts to the Braamfontein Spruit to the west. When viewed with the aforementioned topographical and physical boundaries, this hinterland has limited points of access from the greater Johannesburg region. The area is linked together by an efficient and fine-grained network of east-west and north-south roads which has in the past 125 years served the community and provided the foundation for the development of an integrated collection of suburbs, including Forest Town, Killarney, Parkview, Houghton, Saxonwold, Parkwood, Riviera etc.

This fine grain network of street linkages provide legible conduits of convenience affording the community a high degree of accessibility and support the area's property value, community cohesion, access to SA's finest schools, universities, colleges and all the social amenities offered by the city. Situated in the Parks, the forested streetscape of Saxonwold/Parkwood provides a quality of public street space that is unequalled in the rest of Johannesburg. This is the city living experience and quality which promotes the ongoing investment by families in the area.

Johannesburg : Saxonwold/Parkwood Status Quo

Not unlike broader Johannesburg, the streetscape of Parkwood and Saxonwold is in a trajectory of decline. The Council, as the single largest real estate owner in the area, has failed to provide general maintenance in the public environment and these spaces have declined into unkept and tatty. (Potholes, broken signs, broken dustbins, unpainted speed humps and traffic circles, dead or dying street trees, no manhole covers, open electrical sub-stations, broken stormwater covers, blocked stormwater drains, broken street lights etc).

This neglect has contributed to the negative perception about the safety of our streets – “it's broken / dirty / not working therefore it is unsafe”. International city management experience has shown that addressing the design quality and management of the streetscape has a significant impact on the use and ownership by a community of the streetscape. Increasing the eyes and ears on the street (passive surveillance) and introducing street operational information through design plays a critical part in the layering of security measures and streetscape safety.

It is only in recent years that predominantly residential areas have adopted a security by design management and maintenance approach of the streetscape as means to more effectively secure their communities. This approach is well documented in inner-city mixed-use areas and City or Business Improvement Districts.

Security by Design : Streetscape Focussed Interventions

Why do this? How do we improve the quality of our streets? Is this a priority intervention for the community? And will the city ever look at this? Is this a priority intervention for the city? Is the city going to implement this type of programme in this area?

Streetscape Status Quo	Streetscape Intervention
<p>Pavements <i>Uneven, broken, unusable, no reinstatement after underground cable/pipe repair</i></p>	<p>Pavements: Pedestrian promotion, safety and accessibility <i>Any COJ contractors who work in the area need to provide their contact details & confirm reinstatement programme. All existing security personnel must be trained to ensure that this information is recorded on a SAPRA WhatsApp group.</i></p> <p><i>SAPRA to look into community maintenance and repair programme</i></p>
<p>Municipal Services Safety and Maintenance <i>Blocked storm water drains & kerb inlets, municipal services manhole covers missing or broken, suspended electric cables etc.</i></p>	<p>Safety and Maintenance <i>Report all dangers to JRA, Ward Councillor, etc use social media</i></p>
<p>Signage <i>Missing or broken street name signage, suburb signage, way-finding signage, pedestrian signage, cycle signage speed signage</i></p>	<p>Signage : Well Sign-posted <i>Community through SAPRA to engage COJ, & / replace, reinstate signage.</i></p>
<p>Refuse <i>Public dustbins and street refuse collection. Waste recycling</i></p>	<p><i>SAPRA dustbins, waste recycling</i></p>
<p>Street Lights – working/not; appropriate lux levels</p>	<p>Street Lights : Well-lit streets <i>Every street light has a number – know your street light number and report any faults on the City Power app</i> <i>Street cameras are not effective in street that are not well lit</i></p>
<p>Legibility: Street Information Painting <i>Limited to none.</i></p>	<p>Legibility : Create a high degree of street usage legibility <i>Our streets do not explicitly inform users of how and by whom the space is for or should be used. Our streets</i></p>

	<p><i>need to be signed, designed & painted to show vehicles that these areas are to be shared and used by not only vehicles, but pedestrians, cyclists, baby and dog walkers etc!</i></p> <p><i>Street line painting: pedestrian crossings; cycle paths, stop signs one-way street paint markings, no stopping areas, black & white kerb edge painting at intersections, cat-eyes, repainting of traffic calming, speed humps and traffic circles, cycle path painting</i></p>
<p>Road Surface & Maintenance Street blacktop – pothole repairs needed, no general maintenance, asphalt cracks need sealing in areas, street sweeping and weed removal.</p>	<p>Road Surface & Maintenance SAPRA to engage Pothole Repair, liaise with Rosebank Management District who has embarked on a general road maintenance project</p>
<p>Road geometrics Most basic geometrics and standards – no redesign interventions since traffic calming, original +/-1910 road provision</p>	<p>Road Geometrics Investigate road diets, narrowing of vehicle surfaces in places to ensure safer pedestrian crossing, widening of pedestrian pavements and provision of cycle/pram paths. Reassess streetscape design.</p>
<p>Street Trees Dead/dying trees, tree pruning</p>	<p>Street Trees Tree replacement and / or retention project</p>
<p>Street Cameras Seemingly random,</p>	<p>Street Cameras What reporting does the community receive, quality of camera and AI potential, are these affected by load shedding/backup power?</p>
<p>Additional Street Furniture None at present</p>	<p>Additional Street Furniture Bollards, Pedestrian crossing signage and warning lights Illuminated speed detection system Community information boards</p>

List of quick-wins to refresh and upkeep the streetscape

These quick wins are suggestions, not exhaustive and not capital intensive, But the introduction of these types of projects will see a measurable improvement in perception of an area and promote community based passive surveillance.

Unintended Consequences and Risks associated with Security Access Restrictions/ road closures

- *Risk of creating exclusionary architecture and street narrative when seeking to secure the public street scape by way of closures. It leads to a decrease in street use and decrease in passive surveillance associated with street use.*
- *Road closures will further isolate / segregate / exclude members of the surrounding local community as well as from the broader Johannesburg region.*
- *Gated communities create divisions between people and public places and in this instance bisect an existing community.*

Security by Design : Alternatives to Road Closures as a means to manage security in public places : Urban Planning, Design and Management of security in public places

Aim:

1. *Positively impact the behaviour of users through relevant design and streetscape management;*
2. *Prepare and develop Crime Prevention through Environmental Design strategy;*
3. *Use an evidence based approach to crime prevention;*
4. *Artificial Intelligence based technologies – up-spec and use to identify suspicious activity;*
5. *Open and effective collaboration and knowledge exchange between stakeholders and broader Rosebank security structures;*
6. *Ensure security solution does not simply displace crime to adjacent areas.*

“The multi-stakeholder (also known as multi-agency or partnership) approach aims at bringing various stakeholders together to discuss, make decisions, and implement urban design solutions to mutually perceived crime and safety problems. The involved stakeholders could consist out of city maintenance, city management, local authorities, urban planners, architects, police, security, businesses, residents, etc. A multi-stakeholder approach allows for the confluence of different

points of views, which makes the study and implementation of measures that are considered beneficial for securing the urban environment more holistically by co-producing solutions that apply to multiple contexts, reflects various perspectives, and sustain over short- and long-term.

Good security design is unobtrusive, advances human well-being, and minimises the possibility of unintended outcomes like social exclusion, discrimination, hostile architecture, and data misuse. Good security is designed in a plan or project unobtrusively, invisible (see also rule of thumb 7), and in ways that do not disrupt the overall feeling (e.g. cultural or atmospheric imprint) of a place too much (see also the ideas of the New European Bauhaus). Good security design nudges people toward more favourable behaviour and perceptions without necessarily being aware of it, all done in an ethical responsible way.

Furthermore, good security design aims at creating inclusive places and avoiding social exclusion and gated communities. Specifically, modern debates emphasise the importance of taking a broader and nuanced security approach that is minority- and gender-inclusive. For instance, the Security based Design approach should not rely on defensible design measures, or a fortress mentality, or considered to be exclusionary, hostile, and unpleasant. Hostile design should be avoided and so, there should be no:

- Spikes on benches.*
- Sweeping barbed wire on fences.*
- Gated communities for the rich.*
- Sensors (e.g., CCTV) that endangers privacy rights.*
- Exclusive public areas (e.g. for women or members of the LGBTQ+ communities).*

Cities should be safe, secure, and free of violence, crime, harassment, and fear of crime for all citizens. It is everyone's personal and non-transferable responsibility to improve security and the environment, with the utmost respect for fundamental rights and public freedoms to contribute to citizens' health, liveability, safety, and security.”

Traffic Consequence of closing roads and focussing traffic patterns in the remaining existing road network

Consequence 1: Changing status of roads from Neighbourhood collector to functional arterials

Neighbourhood collector roads such as Cotswold, Eastwold, Wells and Erlswold will become and operate as entry level arterials 24/7 if they are the only options remaining for not only the 750+ Saxonwold/Parkwood properties, but also the through traffic moving east west through the area (deliveries, school busses and lift schemes, residents moving between adjacent suburbs etc).

Consequence 2 : Increased traffic speed, volume and noise on former neighbourhood collector roads

The traffic speed, volume and noise will increase exponentially along these few focussed roads which will extend into the limited access streets where booms and security personal will have shift changes and focussed access (hooting is a real problem at these boomed closures).

Consequence 3 : Major arterial intersection upgrades and Traffic signal re-programming

All the intersections of the selected open roads, particularly where they intersect with the major arterials such as Oxford / Jan Smuts will need to be upgraded to increase capacity and the traffic signals re-programmed. (this is a cost for the applicant). Any change in traffic signal timing will have a knock-on effect the whole way down Oxford / Jan Smuts /11th / Riviera etc.

Consequence 4 : Reduced access amenity, increased travel time

Focussed traffic through limited access points – longer exit / access times, where queuing may exceed the green time of the traffic signal - i.e. waiting time to move through the traffic signal will be extended to 2 or more red / green cycles;

Consequence 5 : Impact on School rush hour

School rush hour congestion increase;

Consequence 6 : Division of suburb & community

Former neighbourhood collectors experience an increase in volume and speed travelled, creating traffic and road barriers to pedestrian / vehicle and cyclists trying to move within the internal network;

Consequence 7: Reduced desirability of the area as a convenient & integrated suburb with a fully integrated road network

Reducing the number of exit points increases the number of cars in a queue at any one time. One only has to think of the inconvenience and frustration brought on by the road closures for the Zoo Lake Jazz Festival or the 94.7 cycle race or any of the road running races that temporarily close roads.”

89. The City of Johannesburg Nodal Review Plan

- 89.1. Our terms of reference include a consideration of the impact the City of Johannesburg's development plans for the Rosebank node may have on the security situation within our community as well as on the heritage and character of the area.

89.2. Safe Saxonwold has expressed its opinion on this issue in the following terms:

“The nodal review plan will give rise to property development increasing both residential and office developments. This will increase both pedestrian and vehicle traffic moving into and out of Rosebank and through Saxonwold and Parkwood. In the South African context areas in which there are greater numbers of people have higher levels of crime. SAPS guidelines require a larger police station for more highly populated areas. Given resourcing challenges in the SAPS it is unlikely that SAPS alone will be able to combat the increase in crime in the area. Hence the need for greater private participation in the provision of security solutions.”

89.3. The Nodal Review Plan is another area where Ms Mitchell is able to proffer an informed view based on her expertise and experience. She has prepared the following explanation of and commentary on :

“City of Johannesburg Nodal Review, 2020 : Brief Synopsis

The City of Johannesburg have adopted a polycentric growth and development nodal structure for the city. (The word “polycentric” is just a description for the original greater Joburg multi centred layout status quo, an agglomeration of mixed-use high-density areas interspersed with predominantly low-density residential suburbs.). The Nodal Review provides for the increase in density and complexity of land use mix around these existing nodes as determined by a 400m walkability hexagon. The modelling done is high-level and quite crude and in some instances does not support logic and reason.

However, what the Nodal Review, 2020 does achieve is a stated vision that the City of Johannesburg needs to provide for population growth and development within the City’s Urban Boundary, promoting housing in close proximity to places of work – no further urban sprawl.

The Nodal Review upgrades the status of Rosebank to a Metropolitan Node and has increased Rosebank’s potential size by over 5-fold (from

approximately 75Ha suburb to over 500Ha Metropolitan Node). Rosebank is to grow from a “village” in Johannesburg into a City.

Although the Nodal Review provides some high-level development guidelines, the actual future built form requires the preparation of a Rosebank Metropolitan Precinct Plan. The Rosebank Metropolitan Node expands to include Dunkeld to the north plus a section of Illovo, much of Melrose to the east, a section of Houghton, a graze of Parkwood and the Jan Smuts corridor of Parktown North and Dunkeld West to the west.

A bird’s eye view of Rosebank Metropolitan Node may seem to suggest that Parkwood and Saxonwold are not directly affected, however, like all systems, a change to one area input will have a ripple effect throughout the area system.

The City of Johannesburg has confirmed that, under their direction, the greater Rosebank area communities have a window of opportunity to further develop this vision and agree collectively in the preparation of a Consolidated Rosebank Metropolitan Precinct Plan. This plan must be developed and uphold the City’s vision documents, Nodal Review, Spatial Development Framework etc and complies with the Spatial Planning Land Use Management Act, 2013 (SPLUMA).

In the writer’s opinion, the development of this Consolidated Rosebank Metropolitan Precinct Plan describing the detailed vision, growth roll and design directives out is an imperative for the respective communities. The City of Johannesburg currently does not have the budget, nor technical capabilities to prepare a document of this nature – probably not for the next 10 years. Without a detailed vision for growth, design of the streetscape, management thereof and the upgrade of basic services, the area runs the risk of further infrastructural collapse, insensitive development, with no provision of social and other amenities required to support a community of the proposed density. A growing city without a carefully considered and designed management and development plan is unlikely/unable to provide for investment certainty nor investment longevity.

Rosebank and its immediate hinterland is uniquely positioned to prepare and develop such a plan - given its demographics and the skills sets that live work and play in the area. The opportunity to reinvent and reinstate the greater Rosebank area as not only a cosmopolitan destination, but as a well-planned and designed city of choice for business, residential, schools, entertainment, parks etc is in our hands – the community needs to drive inclusivity and co-operation and not foster exclusivity and division. To be divided will not deliver the optimum results and benefits to the greater community, it will in fact be to the collective detriment of all.”

90. The issues that arise from the City’s Nodal Review are complex and likely to require a great deal of anxious consideration in the future. What is clear, however, is that this involves developmental considerations that are far-reaching and implicate a multiplicity of aspects of our urban (and suburban) lives. It seems to us that one cannot simply equate future development in Rosebank and its surrounds with increased crime.
91. Safe Saxonwold, in its response to the Panel, has provided data and commentary in regard to other areas that have introduced enclosures, as well as information on the perceptions of residents in such areas in regard to the efficacy of the enclosures²⁴. We believe that this warrants further consideration.

FINDINGS AND RECOMMENDATIONS TO SAPRA

92. The Panel, constrained as it has been by the limitations inherent in the process it has engaged in, is unable to provide SAPRA with definitive findings and recommendations in regard to many of the issues traversed in the terms of reference. With the benefit of hindsight, it is apparent that the terms of reference were somewhat over ambitious, and the Panel could realistically only have succeeded in reaching definitive findings in

²⁴ Refer to paragraph 54 above for the full text of Safe Saxonwold’s response in this regard.

regard to the issues involved if we had been armed with powers of compulsion, including the summoning of witnesses, subpoenaing the production of documents, taking evidence under oath and cross examination of witnesses. Instead, we had to make do with what we had.

93. In the result, we can only report, as we have done above, on what we have extracted from this process. We have, we trust, at the very least been able to cast some light on the competing contentions articulated by the proponents and the opponents of road closures in our community. We believe that the process we have embarked on has necessarily required the opposing camps to give careful and serious consideration to the issues at hand. We hope that this will serve to inform and facilitate the debate going forward.
94. We believe that it is significant that the representative residents' and property owners' associations of the suburbs that surround the area that the road closure proposal affects, have indicated their opposition to the proposal. It is also plain that a considerable number of affected persons have taken the trouble to register and explain their opposition to the proposal. They certainly cannot be dismissed as an insignificant and disgruntled minority. We believe that the criticisms of the proposal expressed in Ms Playne's letter dated 20 August 2022 and the concerns and suggestions raised in Ms Playne's response to the Panel's questions are raised constructively and are worthy of serious consideration.
95. It is also clear that there is considerable support for the proposal amongst the community, as evidenced by the fact that 103 participants out of the 117 who attended the webinar on 2 August 2022 demonstrated their approval. This was also evident in the subsequent debate on the SAPRA Facebook page.

96. SAPRA must decide where it stands in relation to the debate. Its mission statement clearly gives it the right, and we believe the duty, to involve itself centrally in the debate. The fact that SAPRA has not engaged in the provision of public space security services, and that Safe Saxonwold has taken the initiative to do so, certainly does not preclude SAPRA from engaging in the debate and exercising an oversight role over the process that may unfold. This is a matter which requires decisive leadership by SAPRA.
97. We recommend that SAPRA should engage with the residents associations in surrounding neighbourhoods which have indicated their opposition to road closures in order to understand the basis for the stance they have taken. SAPRA might also benefit from engaging with nearby communities that have implemented road closures in order to evaluate the impact that such enclosures may have had on crime, traffic flows and the heritage and character of such areas.
98. It has been suggested that Safe Saxonwold should become a sub-committee of SAPRA. As matters presently stand, there is certainly a perception that Safe Saxonwold and SAPRA serve entirely different interests, and that neither one is answerable to the other. Bringing Safe Saxonwold formally into the SAPRA fold, if this could be achieved, might better serve the interests of the community. This, however, is a complex issue which the Panel finds itself not qualified to advise on.
99. We recommend that SAPRA take careful note of the Security by Design analysis prepared by Ms Mitchell which is quoted in paragraph 88 of this report. If SAPRA is to continue to play a meaningful role as an association representing the interests of all members of our community, it ought to champion and pursue the Streetscape Focussed Interventions enumerated in the analysis.

100. The Panel was appointed by SAPRA, and this report is accordingly addressed to SAPRA. We believe that, although our ability to fully explore and make definitive findings has been circumscribed, the materials we have gathered in the course of our investigation and the views we have expressed in this report may well assist in a better appreciation of the controversy regarding the road closure proposal. We recommend, in the circumstances, that this report and its various appendices should be made available to residents of Saxonwold and Parkwood generally to more fully inform them of the issues that are involved in the proposal and the competing contentions that have emerged.

ROSS HUTTON SC

DAVID JEWELL

CAROLLYN MITCHELL

29 November 2022