



The History of Spatial Planning and Land Use in South Africa

SACN Programme: Land working paper series
Document Type: Discussion Paper
Date: June 2015
Author: Paul Hendler, Insite Settlements Network cc



Joburg Metro Building, 16th floor, 158 Civic Boulevard Street, Braamfontein 2017
Tel: +27 (0)11-407-6471 | Fax: +27 (0)11-403-5230 | email: info@sacities.net | www.sacities.net

Table of Contents

Introduction	2
Pre-1913: Creating the Basis for Segregation	2
Urban land rights	2
Land ownership	3
Environmental impact	4
1913 to 1948: The 'Segregation Period'	4
Urban land rights	4
Land ownership and development	5
Environmental impact	5
1948 to 1976: Apartheid and Tightening of Controls	6
Urban land rights	6
Land ownership and development	7
Environmental impact	8
1976 to 1994: Revolt and Reform	8
Urban land rights	9
Land ownership and development	10
Environmental impact	11
1994 to 2015: The New Dispensation	11
Urban land rights	11
Land ownership and development	12
Environment concerns	13
Possibilities and Limits for Municipal Interventions	14
Conclusion	15
References	18

Introduction

Freund ([n.d.]: 1) defines urban according to the 'size of population, the history of places with more than a certain density of population or a paradigmatic divorce from agricultural activity in the surrounds'. During the 20th century, the urban population's share of the national population grew from less than 20% in 1913 to about 35% in 1951, 43% in 1980 and 57% in 2001. Today, over 60% of the world's population is classified as urban, which is projected to increase to 70% by 2030 (Turok, 2012). Since 1950, the urbanising population appears not only in metropolitan cities but also in secondary cities and smaller towns, where resource challenges arise but where innovative capacity also resides (Swilling, 2010: 8–10).

Urban land is a limited resource that people plan, develop and use to shape local urban economies and societies, under given ecological, economic and political circumstances. Appropriate spatial planning and land usage should enable citizens to access services, facilities, and employment and livelihood opportunities. Statutory spatial plans and land-use policies are ways in which municipalities and other governmental departments can influence the development of urban spaces. These plans and policies are the outcomes of conflicting claims and demands made by different classes and social interest groupings – the impact of these demands reflects the balance of power between the groupings. Agencies representing different class and ethnic interests contested *where* urban land should be developed and *who* (i.e. government, private industry or the people) should pay for these developments.

Developed from a historical analysis of urban land use (Hendler, 2015), based on a periodisation of state policies and capital accumulation in housing by Hendler (1986), this paper explores the history of urban land in South Africa, seeking to understand the current limitations and to conceptualise strategic ideas for transforming urban land usage. After discussing land rights, land ownership and development, and environmental impact in urban areas over five periods (pre-1913 to the present day), the limits and possibilities for municipal interventions are examined, and the key issues and areas for municipal interventions are proposed.

Pre-1913: Creating the Basis for Segregation

From the late 19th century until the Union of South Africa and the Land Act (No. 27 of 1913), the basis for industrialisation was created with the discovery of diamonds and then gold, and the establishment of the mining industry. Pass laws and segregated housing controlled the movement of labour for the agricultural and mining sectors.

Urban land rights

Before the discovery of diamonds and gold, urbanisation had already begun in coastal towns, such as Cape Town, Port Elizabeth and Durban, and inland towns that were centres of agricultural supply and

trading, such as Bloemfontein. Compared to Durban and inland towns, Cape Town had limited, exclusionary segregation (to protect social position).¹ Although dock workers were forcibly moved to compound hostels at the Docks and Ndabeni in 1901, following an outbreak of bubonic plague, domestic servants were allowed to remain living on their employer's premises, and registered voters were exempted from statutory residential segregation.

In contrast, between 1854 and 1902, segregated land usage was progressively established in the Orange Free State, the colonies of Transvaal and Natal and in the Cape countryside. As a result of land conquest and dispossession, including evictions of labour tenants from newly acquired land by whites, migration increased into towns such as Bloemfontein, Harrismith, Fauresmith, Ladybrand and Kroonstad. This prompted regulations to create and maintain three categories of segregated living places: town locations, employer accommodation in 'white' areas and squatting (which was forbidden but happened anyway).

- In Bloemfontein, municipal regulations restricted the 'coloured population' to peripheral locations, (where whites were prohibited from living), removed the right of black people to rent or purchase properties, and required all employees of colour to carry a 'pass' as proof of being a registered work seeker – the municipality could either expel the unemployed or coerce them into three months' labour. Limited local government capacity led to the Free State president intervening to enforce these regulations (Van Aswegen, 1970: 26–27).
- In the Transvaal, local authorities enforced various curfew and pass law regulations and, in the Cape, ran the locations of Ndabeni (Cape Town) and New Brighton (Port Elizabeth) (Davenport, 1971).
- In Kimberley, black diamond mine workers were accommodated in mine compounds: during 1870 up to 20 000 African workers lived in open compounds and later in 30 closed compounds to contain smallpox epidemics and limit diamond thefts (Dedering, 2012). The compounds were based on the model of the barrack, first designed to house Indian labourers on the Natal sugar estates and in Durban in the 1870s (Home, 2000), which in turn was adopted for segregated worker accommodation for the gold mines after 1886.

Land ownership

Whites formed the land-owning, capital-owning and managerial classes. In white areas, emerging entrepreneurs acquired land that was largely developed by private agents, often under contract to public authorities. Architects and land surveyors considerably influenced the development of areas for the rising white middle class and *nouveau riche* (Butt, 1984; Chipkin, 2008). Many small white farmers lost their land and were forced into wage labour on the mines after the defeat of the Boer republics and because of cyclical economic recessions. They lived in deprived conditions but were not subject to controls over their movement. In contrast, blacks were subject to regulations covering influx control,

¹ It was only after 1948 that Cape Town became strictly segregated on a residential basis (Bickford-Smith, 1995: 66).

anti-squatting, township establishment and employer-provided accommodation, although this did not stop squatting and struggles against the brutalising controls implemented in the compounds.

Environmental impact

Being relatively expensive, the deep-level mining industry was always looking to cut costs. As a result, the quality of life in the emerging working class living places was neglected, and toxic waste output and acid mine drainage added pollutants to the local ecosystems.

1913 to 1948: The ‘Segregation Period’

During this period, the state and the agricultural and gold mining industries collaborated closely to segregate the urban living spaces of the white and black working classes (Terreblanche, 2005: 248–249). It was a deepening of the ‘integral partnership between state and private capital, and an equally integral connection between a core set of activities around mining and energy, straddling the public/private divide’ that had existed since the 1870s – the consolidation of the ‘minerals-energy complex’ (Fine, 2008: 1). The 1920s saw the establishment of (in 1923) the Electricity Supply Commission (Eskom), to produce relatively cheap, coal-fired electricity for mineral-based industries, and (in 1928) the Iron and Steel Corporation (IsCOR), an iron and steel smelting facility to produce products for export.

Urban land rights

The 1921 Transvaal Local Government Commission established the Stallard principle that ‘natives’ could only enter urban areas (regarded as ‘white man’s creation’) to serve white needs and had to depart thereafter (Terreblanche, 2005: 255). Many black workers housed themselves (often in informal structures) within segregated ‘locations’ close to where they worked. Key legislation passed included the following.

- The Housing Act (No. 35 of 1920), which institutionalised segregated townships for Africans.
- The 1923 Urban Areas Act (No. 21 of 1923), which withdrew the right of land tenure, and therefore permanent urban residence, from Africans, as a way of justifying their continuing disenfranchisement (Wilkinson, 1998: 217).
- The 1931 Transvaal Ordinance, which enabled municipalities to prepare schemes controlling land use, density, building size and position.
- The 1934 Slums Act that enabled the state ‘to destroy existing areas, and to replan them’ (Mabin and Smit, 1997: 200–202).
- The Native Laws Amendment Act (No. 46 of 1937) that prohibited Africans from acquiring land in urban areas.
- The Native Urban Areas Consolidation Act (No. 25 of 1945) that gave varying degrees of residential tenure security to four different categories of urban residents (the notorious sections 10 1 [a], [b], [c] and [d]), effectively linking the right to the city to employment and accommodation permits.

The tensions, between the need for a stable urban workforce on the one hand and controlling the movement of that workforce on the other, surfaced in the 1946–1948 Fagan Commission, which recommended the relaxing of influx control and improved rights for urban residents (Terreblanche, 2005: 279). However, with the electoral victory of the National Party in 1948, these recommendations to open up the right to the city were ignored, as influx control was strengthened and urban residential rights more rigidly defined.

Land ownership and development

The Housing Act of 1920 established the Central Housing Board to control housing developments by local authorities, provide administration and supervise the lending of government funds for building houses (Calderwood, 1953).² Two initiatives in Cape Town (Citizens Housing League, 1979; Veertig Jaar Diens, 1970; Garden Cities, 1972: 11-12, 17) provided holistic, planned living places (including social housing) for white workers and returning servicemen, suitably serviced with Eskom electricity. Local municipalities played a critical role in providing subsidised rented accommodation, initially for whites, framed by the availability of municipal finance, local policies and the social interests that were dominant in the councils (Parnell, 1987: 135). Most of the capital was allocated for accommodation for people classified as white, coloured (of mixed race) and Indian (Hendler, 1986: 67–68). Subsidised rented municipal housing, which was justified to save poor whites from the sea of black poverty and earn them their rightful place as ‘worthy, industrious and beneficial citizens’ (Parnell, 1987: preface), was implemented unevenly: a spurt occurred from the early 1930s until the start of the Second World War and then again after 1945 (Parnell, 1987: 129–137).

Environmental impact

Environmental protection was hardly a policy concern at all, although more nature conservation areas and game parks were declared to serve as places of recreation for the white population. This stood in stark contrast to the severe environmental degradation and social deprivation that occurred in the ‘homelands’ and the ‘black’ areas of urban centres (Sowman et al., 1995: 3). This neglect had disastrous humanitarian consequences, such as the influenza epidemic in the 1920s that claimed the lives of 500 000 Africans living under appalling conditions (Morris, 1981: 15–16).

² Although segregated ‘location’ land was owned by the local authorities (under the Housing Act), most shelter for black workers was erected by the occupants themselves; employers were responsible for the provision of accommodation, if they employed more than 25 ‘natives’ (Hendler, 1986: 67).

1948 to 1976: Apartheid and Tightening of Controls

Under apartheid, the movement of black labour was tightened, through planning urban space and managing land use in segregated townships, driven initially by a strategy to build the economy only on labour with permanent residential rights (Hindson, 1983, 1985; Posel, 1984, 1985) and then a switch to an entirely migrant labour force (Posel, 1984: 6, 15, 23). Anti-squatting policies prevented autonomous action by communities to secure shelter (Wilkinson, 1981).

Urban land rights

Industrial decentralisation reflected the migrant labour focus, with infrastructure and incentives to locate factories near homeland borders (Todes, 2013: 9) and family housing in new homeland urban areas (Davenport and Hunt, 1975). The instruments used to achieve land allocation and land-use management objectives were: spatial planning, state ownership of land, public financial mechanisms and administrative controls. Spatial planning was conceptualised within the imperative to segregate and racially restructure cities (Mabin and Smit, 1997: 203–204), articulated by bodies such as the Social and Economic Planning Council, set up by Smuts³ in the 1940s and the Natal Town and Regional Planning Commission, established in 1951.

- The 1955 Mentz Committee (of the Department of Native Affairs) planned segregated black townships in the then Pretoria–Witwatersrand–Vereeniging (PWV) region. The committee's brief included the drawing up of spatial guidelines for promoting segregated African townships and removing integrated living spaces (South Africa Union 1955: 4, quoted in Hendler, 1993: 41).
- The Natural Resources Development Council (NRDC), established by Smuts in 1947, was a powerful regional planning body, involved in numerous planning committees 'charged with the racial zoning of areas such as Durban, Pietermaritzburg and the East Rand as well as the new "controlled area" towns like Welkom, Westonaria, and Kinross' (Mabin and Smit, 1997: 205–206).
- The 1975 National Physical Development Plan (NPDP) rationalised segregated townships within a broader framework of regional 'development axes', 'growth poles', 'growth points', and 'deconcentration points' that were intended to counter balance the 'over-concentration' of development in metropolitan areas, and respond to out-migration of rural whites. The NPDP recognised a role for planning professionals in identifying and framing space economies (Fair, 1975), making provision for professional planning in the Guide Plans (for residential, commercial and industrial developments) that followed.⁴

³ Jan Smuts was South Africa's prime minister from 1919 to 1924 and from 1939 to 1948),

⁴ By the 1970s professionals involved in spatial land use management (i.e. planners and land surveyors) could be divided into two groupings: those that worked 'mainly in the private sector or for white local authorities and presided over vigorous activity in the land and property markets' and those that 'worked largely for national (or regional) (provincial or 'bantustan')

Land ownership and development

The boom–bust speculation that characterised the stock exchange between 1945 and 1955 led to speculative property booms in the white areas of the cities, such as Hillbrow (Chipkin, 2008: 104–108). During the late 1950s and early 1960s, housing welfare subsidies for poorer whites did not benefit a significant percentage of the poor white population, who were never granted Council housing and continued to seek shelter in overcrowded slums (Parnell, 1987: 134). However, their situation improved during the boom of the 1960s, as they benefitted from work opportunities and upward mobility, with new suburbs and decentralised commercial centres being built. Homeownership in these areas was stimulated through a first-time homebuyer's subsidy, while the white working class continued to benefit from subsidised rented municipal housing. The CBDs expanded and elevated motorways appeared, a necessary link to 'endless suburbia' (Chipkin, 2008: 129). Small suburban nodes emerged in 1959 and further decentralised shopping malls would change the business pattern of cities across the country (Beavon, 2000: 3). Financial institutions and insurance companies were investing surpluses into shopping malls in new decentralised nodes,⁵ while property developers were diluting the traditional role of architects in planning and initiating developments through amending town planning schemes (Chipkin, 2008: 136).

Although homeownership for Africans living in or near cities had been introduced through a 30-year lease on township stands in the 1950s (Morris, 1981: 49, quoted in Hendler, 1986: 81), in 1968 the government withdrew the leasehold provisions and required occupants to rent their houses. In 1975 the Vorster administration re-introduced the 30-year leasehold but only for homeland citizens, and barely one year after its inception the homeland citizenship proviso had been dropped (SAIRR, 1977: 187, quoted in Hendler, 1986: 87), creating the possibility of greater security of tenure for those Africans with permanent urban residential qualifications. Nevertheless, existing legislation did not allow building societies to provide loans to people wishing to participate in this scheme, and few urban residents were able to take advantage of the change in policy (Hendler, 1986: 87).

Privately owned land could be – and often was – expropriated for segregated township development. The government micro-managed the movement and accommodation of the urban workforce (and redirected development funding) on state-owned land in both white areas and homelands. Once developed, the properties were not sold to the occupants but continued to be held by local or central government. By 1968, five forms of tenancy had been defined in public rented stock: site permits (with building permits), for households to manage the erection of (and then rent) dwelling units; certificates

government or in the private sector in service of these tiers' Mabin and Smit, 1997: 208) – the latter were instrumental in the planning and implementation of various types of urban settlements in the bantustans.

⁵ Personal communication with Professor Francois Viruly, Property Specialist, March 2013.

of occupation (for renting structures erected or acquired by the authorities); residential permits (for renting units originally owned by local authorities); lodger's permits (for individuals and/or households to rent space from households which held the above forms of rental tenure); and hostel permits (for individuals to rent beds in hostels). State housing in homeland urban areas was either occupied or rented under a deed of grant from the traditional authorities (Hendler, 1993: 396–397).

Initially, private developers and planning and design professionals were excluded from the construction of mass housing estates (Hendler, 1993: 218), but building contractors were included. Central government provided the finance, and municipal building departments managed the construction process. Friction arose at times between local government (of Cape Town, Johannesburg and Durban) and central government over how to implement influx control, which was tied to spatial plans and land usages. In the early 1970s, the administration of townships was taken away from local authorities and vested in central government-controlled administration boards with a re-emphasis of the principle of self-financing. In effect, this meant the loss of local authority subsidies and the deterioration in the infrastructure of these townships because of less funding.

Environmental impact

The expanding property market in white areas was environmentally clean, built on infrastructure that included relatively cheap Eskom electricity, as well as sanitary and water reticulation. However, in the 1960s farmers in areas close to gold mines began to notice toxicity from mining.⁶ In urban areas, townships for the African working classes suffered from significant atmospheric pollution because of coal-fired stoves that were used for cooking and heating, as these areas were not provided with electrical power until the beginning of the 1980s. The earliest approaches to environmental planning were typically ad hoc, and most protected areas were found in locations with low economic potential. As a result, the protected areas were not representative of the country's biodiversity.⁷ In 1974, the first analysis of protected areas was published and drew attention to the biased, unrepresentative nature of the protected area system, but did not lead to conservation action to address the gaps (Driver et al., 2003: 5–6).

1976 to 1994: Revolt and Reform

The June 1976 Soweto students' uprising triggered nation-wide rebellions against both the use of Afrikaans as a medium of instruction to black schoolchildren and the apartheid political system. It marked the beginning of the end of stringent apartheid controls over land usage. Faced with intensified resistance from black South Africans and economic problems, government leaders and

⁶ *Noseweek*. 2013. 'Here comes the poison', 1 April, p. 12.

⁷ Biodiversity - the different types of life found on earth - is a measure of the variety of organisms that sustain different ecosystems, which provide natural services, such as forests and wetlands, which are beneficial to society. Trees sequester carbon, thereby mitigating CO₂ emissions and global warming. Wetlands form natural levees that absorb floods from sudden weather events caused by global warming, and, by protecting and rebuilding these, society is better able to adapt to irreversible climate change (Driver et al., 2003: 5–6).

officials and top private sector leadership attempted to reform apartheid society by: introducing a private housing market, reforming the labour market, removing restrictions on the urban residential rights of a minority of residents (including trading restrictions), selectively upgrading township infrastructure and promoting a second wave of industrial decentralisation. From those opposed to apartheid emerged new concepts, plans and organisational structures for the active participation by representative resident associations in planning the development and use of land.

Urban land rights

During the 1970s, recommendations from two commissions, the Wiehahn Commission⁸ and the Riekert Commission⁹ saw some concessions being made to the rights of black South Africans in urban areas. The Wiehahn Commission recommended that the Labour Relations Act be amended to grant black trade unions legal recognition and encourage them to register.¹⁰ Unions used their participation in the system to make further industrial and political demands, including improved facilities and housing for their members, the restructuring of the urban form and participation in planning and management of urban land.¹¹ The Riekert Commission loosened influx control, and gave urban residents with permanent residential rights preferential treatment when seeking employment. However, at the same time, stricter controls were placed on migrant workers without these rights – they were now required to register for employment at assembly centres in their respective homelands. This attempt to exempt a class of ‘urban insiders’ from controls ended with the abolition of pass laws in 1986 and the abolition of key urban land use management controls, i.e. the township regulations.

In support of the state’s policy of geo-political segregation, new, peripheral urban residential areas and industrial parks were developed. The 1982 Regional Industrial Decentralisation Programme incentivised labour-intensive industries in homeland areas and resulted in some 55 industrial development points in places such as Atlantis, Richards Bay, Isithebe, Rosslyn, Newcastle, Ladysmith, Butterworth, Dimbaza and Botshabelo. Between 1982 and 1987, some 147 000 jobs were created (compared to only 200 000 in the previous 21 years). Employment growth in these peripheral areas was much faster than in the cities, as labour-intensive jobs, particularly in the clothing industry, moved out (Todes, 2013: 10–11). This was also in part because companies were able to secure relatively cheap and disorganised (docile) labour at a time of ‘stagflation’ in the global economy.¹² However, the consequence of these developments was increased fragmentation and urban industrial

⁸ On 1 May 1979, the first interim report of the Wiehahn Commission is tabled in Parliament. The Wiehahn Commission was set up by the government after the Durban strikes of 1973 and the Soweto uprisings of 1976 to look at the industrial relations system in South Africa.

⁹ The government appointed the Riekert Commission to consider ways of adapting the influx control laws to meet rapidly changing economic and political challenges.

¹⁰ SA History On Line. Wiehahn Commission Report tabled in Parliament, available on line at www.sahistory.org.za/dated-event/wiehahn-commission-report-tabled-parliament

¹¹ See Hendler (1986: 5–8) for a contextualisation of social reproduction and capital accumulation within social struggles of the 1980s and 1990s over South Africa’s future political and urban forms.

¹² In an investigation of the Botshabelo industrial area, Cobbett (1987) reported extremely low wages, the absence of statutory health and safety rights for workers and the right to organise, and large-scale tax fraud by companies – the significant government subsidies were used to attract foreign companies, mainly Israeli and Taiwanese, to break sanctions.

sprawl, and isolation of people in the city, resulting in a separation of work and living opportunities, which created long travel times and high transport costs for urban residents.

By the mid-1980s, resistance had succeeded in undermining the functioning of the local government councils and of local municipal services. Central government declared a state of emergency, and the army occupied most major townships. In the absence of service provision, community organisations began to assume the functions of local government. Civic associations began to conceptualise (and sometimes implement) institutional structures, such as community development trusts and community land trusts (e.g. in projects facilitated by the urban sector NGO, Planact, in Tamboville, Wattville and Alexander), housing associations and housing cooperatives (such as the Seven Buildings Project in Hillbrow).¹³ What these institutions had in common was that key decisions about acquiring and releasing land and properties were taken collectively, instead of by private rights-bearing households. However, the potential for developing real citizens' participation in planning development and land usage was stillborn, following the agreement at the Congress for a Democratic South Africa (CODESA) and the 1994 general election: the new African National Congress (ANC) government soon took over the function of representative civic structures, and some of the best grassroots leaders were taken up in government structures.

Land ownership and development

Homeownership for 'urban insiders' meant security of tenure for occupants. In 1978, the reintroduced 30-year leasehold was upgraded to 99-year leasehold, and the Financial Institutions Act was amended to allow building societies to give loans directly to African leaseholders. In 1984, amendments to leasehold regulations made perpetual rights on transfer of title available to any African citizen of South Africa or the 'independent' homelands, enabled leasehold rights to be registered in the Deeds Registry office, provided mechanisms for converting leasehold into freehold tenure, and enabled developers to acquire stands in townships (Urban Foundation, 1987, quoted in Hendler, 1993: 393–394). The government also started to sell off some 350 000 units (Hendler, 1986: 95–96; SAIRR, 1984: 270) in a bid to speed up privatisation of housing and in response to the shortage of private and public funds for housing (Hendler, 1993: 78).

From the late 1970s, the state implemented a strategy to win the 'hearts and minds' of township residents by upgrading infrastructure of selected urban townships – Soweto was earmarked 'as a test to develop a formula for use elsewhere' (SAIRR, 1983: 291). Projects for improving street conditions, sewerage systems, storm water drainage, and electricity and water supply systems were undertaken in other Witwatersrand townships (Hendler, 1986: 95). Unlike current public investments in catalytic infrastructure projects, the upgrading of infrastructure was twinned with a security strategy to return stability to the townships and was not directed at making cities more efficient *per se*.

¹³ See Hendler (1993: 378–387) and Hendler and Spiropolous (1991) for a further discussion on the details and contradictions inherent in community participation, residential planning and product delivery.

Environmental impact

The use of cheap coal to generate cheap energy resulted in excessive pollution: 85% of SA's commercial energy derived from coal and each 1980 dollar of GNP required 41 mega joules of energy input, twice as much as the United States and four times as much as Japan. The white population's per capita carbon emissions was nine tons in 1987, compared with five tons for the United States and one ton for the world. Effects of ever-worsening air pollution were felt primarily in segregated townships, where the burning of coal stoves resulted in widespread respiratory diseases (Durning, 1990: 8–13). The dropping of the pass laws had also led to an increase in informal settlements. During the 1980s, development environmentalists were able to put the issue of environmental impact assessments (EIAs) of development projects on the agenda (Sowman et al., 1995). In the mid-1980s, a scoring-based assessment by biodiversity experts of remnant priority sites in the lowlands of the Cape Floristic Region was undertaken, but virtually nothing was done to implement the outcomes. Other studies in the late 1980s and 1990s continued to focus more on data analysis than on identifying priorities or mechanisms for implementation. Indeed, none of these early assessments resulted in conservation actions (Driver et al., 2003: 5–6). Nevertheless, during negotiations for a new political dispensation, significant environmental impact regulations were incorporated into the then emerging spatial planning regime of integrated environmental management (IEM). The IEM approach required EIAs at all stages of the planning of development projects, public participation processes and post-impact assessment monitoring and management, as opposed to what until then had been an expert/elitist approach to planning (Sowman et al., 1995: 50–55).

1994 to 2015: The New Dispensation

Since the demise of apartheid, high unemployment and inequality have persisted. These are symptoms of deeper problems exacerbated by private sector behaviour and government policy choices that reflect the influence of the minerals-energy-complex (Fine, 2008).

Urban land rights

The ANC government removed all apartheid spatial planning and land use management regulations, to enable effective and efficient urban land markets.¹⁴ The aim was to maintain and expand existing property market values and facilitate private development and tenure, including the commercialisation

¹⁴ Terreblanche (2012: 3, 6, 69) argues that the ANC government was in a relatively weak position in 1994, 'as its sovereignty was fairly seriously restricted by the conditionalities that were made applicable when our economy was integrated into the structure of global capitalism'. Terreblanche adds that through leading ANC figures receiving 'ideological training at American universities and international banks', pressure from Western governments and international institutions (such as the IMF and World Bank), as well as secret negotiations (held at the Development Bank of Southern Africa), the ANC was brought over to the view that neo-liberal globalism and market fundamentalism would be economically advantageous for South Africa – the new governing elite also had definite material interests in participating in this process through being empowered to allocate affirmative action and affirmative procurement contracts.

(user-pays principle) and outsourcing of municipal services provision. However, as municipalities come under severe financial pressure, household affordability and employment increasingly determines who lives in the city. For the majority of the population, economic obstacles have hindered their right to the city, prompting public protests over increasing social inequalities and spatial marginalisation, especially since 2004.

Land ownership and development

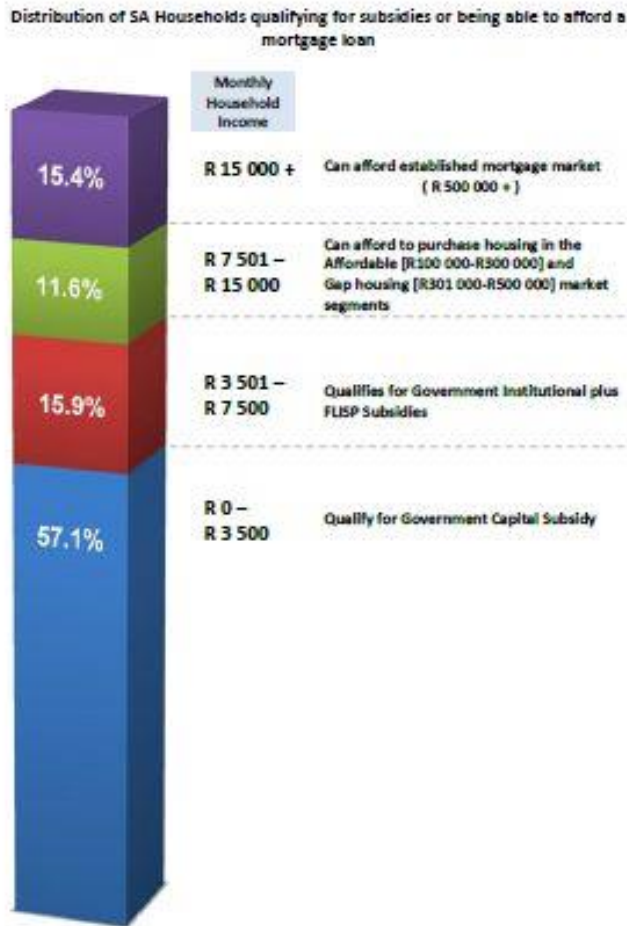
Since 1994, the government has introduced policies aimed at encouraging integration and densification of work, living and recreational spaces, in particular the 1994 Housing White Paper, the 2003 National Spatial Development Perspective (NSDP) and the 2004 Breaking New Ground: A Comprehensive Policy on Sustainable Human Settlement (BNG). The white paper was meant to enable homeowners to buy and improve housing and realise gains on a secondary market. However, most of the one million new housing units delivered by 2004 were built on the cheapest, peripheral land. Instead of centrally located housing and mixed residential/retail/commercial development, municipalities sold significant tracts of non-core, centrally located land for the highest price and invested the proceeds in peripheral RDP housing. To address these challenges, government responded with BNG, statutory municipal integrated development plans (IDPs), spatial development frameworks and public-private partnerships (DHS, n.d.: 2), which were intended to encourage higher densities and greater efficiency.

Despite these measures, only a minority of residents of previously segregated townships – mainly in Gauteng – have joined the ranks of the middle and upper middle classes. Some have bought into the gated community lifestyle of housing developers, while others have moved into established suburbs. Some suburbanisation has occurred in larger townships, such as Soweto. New projects, e.g. Cosmo City in Gauteng and Cornubia in Durban, are attempts to develop sustainable mixed income housing projects. Buildings in the inner cities of Johannesburg and Pretoria have also been upgraded and refurbished for residential accommodation. However, while this has provided rental accommodation on scale, poorer residents unable to afford the rent have been excluded.

The relatively high land prices in urban centres have confined BNG housing projects to peripheral townships. Between 1997 and 2008, South Africa's residential real estate inflation-adjusted price rose by 389%, more than double the rate in Ireland (193%) and the United States (66%) over the same period (Bond, 2010: 18). The focus on compaction has probably contributed to escalating inner city land prices, through creating scarcity. In response, many groups have erected informal structures, adding to the number of informal settlements (NUSP, n.d.). The 'gap' ownership market, where houses cost between R300,000 and R500,000, is similarly constrained, although banks have started to develop financial products. Currently, 15% of households with an income higher than R15,000, can buy into established primary and secondary housing markets. Approximately 57% of households are excluded from fully accessing their right to the city, as they earn less than R3501 per month (taking

social grants into account) and are on long waiting lists for government BNG housing, as Figure 1 shows.

Figure 1: South African households that qualify for housing subsidies or can afford a mortgage loan



Environment concerns

Biodiversity conservation measures have progressively strengthened on the assumption that development and conservation are compatible, providing the correct balance is found. Nevertheless, 57% of South Africa’s river ecosystem types and 65% of wetland ecosystem types are classified as threatened, adding impetus to the drive for systematic conservation (Driver et al., 2003: 5-6). The National Environmental Management Act (NEMA) (No. 107 of 1998) covers pollution control, waste management, environmental authorisations and natural and cultural resources use and conservation. Threatened ecosystems and species are published in the *Government Gazette*, and permits are required for restricted activity involving a threatened species or the prevention of the spread and eradication of invasive alien species. There are also guidelines for offsets when development projects are close to protected biodiverse land (SANBI, 2014: 17–60). The large-scale provision of electricity has also helped to curb the worst atmospheric pollution in previously segregated townships.

However, in urban areas, specifications of bioregional plans are sometimes not incorporated into municipal levels plans, such as IDPs, or into different municipal sectoral strategies. For example, a recent housing project in Polokwane explicitly ignored the required biodiversity specifications and offsets, despite being adjacent to a sensitive biodiverse area.¹⁵ The effects of acid mine drainage pollution in the West Rand continued after 1994, with authorities only taking action in 2013, when rising levels threatened to pollute aquifers under the West Rand and threaten the integrity of Johannesburg's subterranean infrastructure. Most affected by this radioactive pollution are several informal settlement communities in the sprawling shantytowns on the West Rand.¹⁶ Air pollution from oil refineries and burning of biomass has also taken its toll in Durban South (South Durban CEA, 2011), while controversy surrounds the exploration for fracking in the Karoo.¹⁷

Possibilities and Limits for Municipal Interventions

From the history of planning and land use in South Africa, a number of lessons can be drawn about the potential for, and limitations on, municipalities effecting changes.

- **Simply removing segregationist land use regulations does not create integrated and sustainable living, working and recreational areas.** Large parts of the bigger townships like Soweto may have transformed and suburbanised, while some black people have moved into modern white suburbia. However, much more is needed. An important aspect of urban land use is for urban spaces to be identified symbolically, whether as 'world-class cities', 'African cities' or 'working-class cities'.
- **Municipal land use strategies and practices tend to favour private business interests, often at the expense of redistribution.** Privatisation of municipal services, the lax regulation of fossil fuel polluting emissions (e.g. in Durban South) and the World Cup stadiums opened new opportunities for private accumulation by local and global interests. In addition, property rates-based funding incentivises escalating property values (benefitting real estate players, particularly banks), encouraging municipalities to sell their non-core land for the highest price rather than to embrace a role as property developer of prime land for the working poor and unemployed.
- **The municipal funding model inhibits a transition to residential solar energy through feed-in tariffs.** However, Eskom's current crisis might be a 'burning platform'¹⁸ that could prompt a change to renewables. At a March 2015 Urban Conference hosted by the SA Cities Network, the mayor of Tshwane expressed the need for a new municipal funding model that

¹⁵ *Noseweek*. 2015. 'A plague on frogs – and the people of Polokwane – Nature buffs unearth dark secrets of dodgy property deals', 20–23 May.

¹⁶ Segar S. 2013. 'Wonderwoman – Gauteng's last hope', *Noseweek*, 14–16 April 2013; *Noseweek*. 2013. 'Here comes the poison', 10–13 April 2013, p. 12.

¹⁷ Groundwork. 2014. 'Shell: don't frack the Karoo', available on line at <https://milieudefensie.nl/publicaties/rapporten/shell-dont-frack-the-karoo>.

¹⁸ Edgar Schein's 'burning platform' theory is that for people to make a leap from today's platform to the relative unknown, it must be more uncomfortable for them to stay on today's platform than the perceived anxiety created by the change to tomorrow's desired future (Alan, 2010).

would liberate municipalities from rates-based and trading services funding. However, this will require either transfer payments from national government or a sharing of the taxation of companies operating within municipal jurisdictions.

The way in which municipalities spatially plan and implement services and land usage is likely to come under more pressure from spontaneous protests, creating pressure for change. In an increasingly volatile environment, municipalities will have an interest in stability. They might resort to repression (e.g. eviction of informal traders and squatters, cutting off water and electricity supplies to defaulters, etc.), but this will secure stability only in the short term, given the underlying macro-economic drivers of protest activity. In the medium to long term, negotiations with representative and organised community groups could lead to agreements with protesting communities and a greater likelihood of stability.

The recently promulgated Spatial Planning and Land Use Management Act (SPLUMA) (No. 16 of 2013) contains the statutory framework for agreements with communities aimed at enhancing their right to the city. Embedded in this framework are principles of spatial justice and spatial sustainability, which justify strategies for improving the working class's access to cities and quality of life. These above principles, together with the principles of financial sustainability, administrative sustainability, efficiency, transparency and public interest, form an overall guide for municipal governance, spatial plans and land-use management that support the development of working-class urban spaces for living, working and recreation. Within the overall framework of the principles enunciated by SPLUMA, the Constitution and the Municipal Finance Management Act, municipalities need to formulate processes and procedures for acquiring, holding, developing and releasing land.¹⁹

Whether negotiations between municipalities and community representatives take place and develop into a different set of spatial planning and land use practices will depend on the role of progressive senior municipal officials, such as the Stellenbosch Municipal Manager, who facilitated the memorandum of understanding with the Informal Settlements Network (ISN) for upgrading the Langrug informal settlement (outside Franschoek). The Langrug organisers also developed strong relationships with municipal officials responsible for providing and maintaining services to human settlements and with the planning departments of academic institutions, which helped envision – and plan – a different, connected Langrug in the future.²⁰

Conclusion

¹⁹ These strategies and processes were developed by the author and a colleague as part of a professional service for the City of Polokwane during 2012.

²⁰ Hendler P. 2014. 'Using hindsight to organise better – grassroots service solutions, *Cape Times*, 30 January.

Municipalities have the potential to transform urban spaces into compact, densified living, working and recreational spaces through catalytic infrastructure transportation projects. While the municipality may not own vast tracts of land within the city jurisdiction, it has authority over road transportation and can influence where and how more efficient and integrated public transportation systems and infrastructure are planned and implemented. However, this means that municipalities need to embrace a broad development function, which goes beyond catalytic infrastructure projects to include the type of mixed-used developments needed to ensure more citizens can exercise their right to the city.

When negotiating with communities about land usage, municipalities need to be clear about their functions in respect of spatial planning (of land under their jurisdiction) and development (of their own land). As public sector developers, municipalities take on the risks associated with developing land for specific social uses (e.g. mixed industrial/commercial/residential development with a focus on inclusionary, social and welfare housing). Instead of outsourcing the development function to the private sector, municipalities (in their role of public sector developers) would envision, plan and manage the implementation of development projects, on municipal – or municipal-acquired – land for the benefit of low-income communities, the working poor and the unemployed. For example, social and welfare housing, food garden programmes (for food security) on municipal commons, non-motorised transport infrastructure and systems (for walking and cycling), electrified trams and rail (to mitigate the risk of fuel price volatility), enablement and enhancement of informal livelihoods (e.g. of traders, informal producers) and protection and nurturing of informal markets. The land on which these developments would stand should remain the property of the municipality and start forming part of an emerging asset base.²¹ Specific challenges to inclusive development are pressures from the taxi industry and shopping malls, which undermine the integrative and compaction potential of integrated public transport, and the drive for clean cities, which affects the livelihoods of informal traders.

To achieve socially beneficial projects, a public sector developer will probably face opposition from private real estate interests, on the basis that the public authority is unfairly advantaged and the playing field is unbalanced. Indeed, there is likely to be strong ideological and political opposition to municipalities playing the role of public sector developers, or at least attempts to minimise their impact. In the current socio-political environment, local governments and municipalities are subject to the influences of asymmetrical power relations between the established private business sector, the emerging business sector and citizens from poorer and working class communities. Therefore, they will have to trade off land usage for social purposes gains against private and elite gains.

Sufficient consensus will be needed between key role players within the municipalities and the local government representative structures. Such a consensus could be expedited in cases where

²¹ The concept and functions of a public sector developer were developed by the author and colleagues in consulting projects for the Housing Development Agency (HDA) and the City of Polokwane.

municipalities have significant non-core landholdings to leverage development. Municipalities without this leverage will have to seek other forms of leverage, such as development funding. Municipalities receive conditional grants for various aspects of infrastructure, services and residential and/or mixed development, but there are development funding shortfalls. Most municipalities make up these shortfalls on the capital market or through raising debt. However, in line with public banking practices in the other BRICS countries (Brown, 2013) municipalities could explore the feasibility of setting up their own municipal-owned banks: by lending to themselves, the funds would be interest free and so enable greater infrastructure investment, as well as provide low interest – or no interest – funding to the small, medium and micro-enterprise sector. The Gauteng provincial government recently advertised a tender for a feasibility study of a provincial government bank to fund the reindustrialisation of southern and western Gauteng through *inter alia* providing funds to small, medium and micro-enterprises. Municipal banks could also align with the current programme of the ISN to scale up their Community Upgrade Finance Facility through a significant tranche of donor funding and by getting municipalities to augment city-wide funds in return for co-ownership of these funds.²²

Municipalities that can develop sufficient gravity around their role as public sector developers should focus their land-use planning and management practices on building energy efficiency, implementing and enhancing recycling programmes for waste management, planning and implementing sustainable urban transport systems (including pedestrianisation) and managing urban ecosystems, particularly with the aim of conserving water and recycling wastewater (Camaren and Swilling, 2011: 24–31).

²² Hendler P. 2014. 'Using hindsight to organise better – grassroots service solutions, *Cape Times*, 30 January.

References

- Alan C. 2010. Organisational excellence. Blog post. <https://craigalan.wordpress.com/2010/07/12/creative-tension-burning-platform-goals-and-change/>
- Beavon K. 2000. Northern Johannesburg: part of the 'rainbow' or neo-apartheid city in the making? *Mots Pluriels* 13. <http://www.arts.uwa.edu.au/MotsPluriels/MP1300kb.html>
- Bickford-Smith V. 1995. South African urban history, racial segregation and the unique case of Cape Town? *Journal of Southern African Studies* 21(1): 63–78.
- Bond P. 2010. South Africa's bubble meets boiling urban social protest, *Monthly Review* 62(2): 17–28.
- Brown E. 2013. *From Austerity to Prosperity – The Public Bank Solution*. Baton Rouge, Louisiana: Third Millennium Press.
- Butt PE. 1984. The growth and development of the organised building industry in the Western Cape with an investigation into the forces that have shaped it. A dissertation submitted to the University of Natal in fulfilment of the requirements for the degree of Master's of Science (Building Management), MSc in the Faculty of Architecture and Allied Disciplines.
- Calderwood D. 1953. Native housing in South Africa. A dissertation submitted to the University of the Witwatersrand in fulfilment of the requirements for the degree of Doctor of Philosophy.
- Camaren P and Swilling M. 2011. Sustainable, low-carbon cities in the 21st century – making it happen! Paper commissioned by UNEP and presented at the *Summit for the Urban Environmental Accords*, Gwangju, South Korea, 11–13 October 2011.
- Chipkin CM. 2008. *Johannesburg Transition – Architecture and Society from 1950*. Johannesburg: STE Publishers.
- Citizens Housing League. 1979. *1929–1979: 50 Years' Service*. Cape Town: Citizens Housing League.
- Cobbett W. 1987. Industrial decentralisation and exploitation – the case of Botshabelo, *South African Labour Bulletin* 12(3): 95–109. <http://www.worldcat.org/search?q=no:772549159>
- Davenport R. 1971. The beginnings of urban segregation in South Africa. Grahamstown: Rhodes University, Institute of Social and Economic Research.
- Davenport R and Hunt K. 1975. *The Right to the Land – Documents on South African History*. Cape Town: David Philip.
- Dederling T. 2012. Compounds, camps, colonialism, *Journal of Namibian Studies* 12: 29–46.
- DHS (Department of Human Settlements). [n.d.] *Sustainable Human Settlement Planning – A Resource Book on Housing Chapters*. Pretoria: DHS.
- Veertig Jaar Diens: Die Stedelike Behuisingsbond 1929–1969. 1970. Cape Town: G en G Ontwerp.
- Driver A, Cowling R and Maze K. 2003. *Planning for Living Landscapes: Perspectives and Lessons from South Africa*. Washington, DC and Cape Town: Conservation International and Botanical Society of South Africa. www.botanicalsociety.org.za/ccu or www.biodiversityscience.org
- Durning A. 1990. Apartheid's environmental toll. *Worldwatch Institute Paper*.
- Fair D. 1975. The national physical development plan (NPDP): a summary and a review, *South African Geographical Journal* 57(2): 126–134. <http://www.tandfonline.com/loi/rsag20>

- Fine B. 2008. The minerals-energy complex is dead: long live the MEC? Paper presented to *Amandla Colloquium, Continuity and Discontinuity of Capitalism in the Post-Apartheid South Africa*, Cape Town, 4–6 April 2008. <http://eprints.soas.ac.uk/5617/1/MineralEnergyComplex.pdf>
- Freund B. [n.d.] Urban history in South Africa. Paper available online at: http://sun025.sun.ac.za/portal/page/portal/Arts/Departemente1/geskiedenis/docs/freund_B.pdf
- Garden Cities. 1972. 1922–1972: Fifty Years of Housing – The Story of Garden Cities. Pinelands, Cape Town: Garden Cities.
- Hendler P. 1986. Capital accumulation, the state and the housing question: the private allocation of residences in African townships on the Witwatersrand 1980 to 1985. A thesis submitted to the University of the Witwatersrand in fulfilment of the requirements for the degree of Master of Arts in the Faculty of Arts.
- Hendler P. 1993. Privatised housing delivery, housing markets and housing policy: residential land development for Africans in the Pretoria/Witwatersrand/Vereeniging region between 1975 and 1991. A thesis submitted to the University of the Witwatersrand in the fulfilment of requirements for the degree of Doctor of Philosophy in the Faculty of Arts.
- Hendler P. 2015. The right to the city: the planning and ‘unplanning’ of urban space since 1913. In Cousins B and Walker C (eds.) *Land Divided, Land Restored – Land Reform in South Africa for the 21st Century*. Auckland Park: Jacana, pp. 85–103.
- Hendler P and Spiropolous J. 1991. Development institutions in the context of Planact’s physical implementation projects. Johannesburg: Planact [unpublished].
- Hindson D. 1983. The pass system and the formation of an urban African proletariat in South Africa: a critique of the cheap labour power thesis. A dissertation submitted to the University of Sussex in the fulfilment of requirements for the degree of Doctor of Philosophy.
- Hindson D. 1985. The pass system and differentiated labour power. Paper presented at the *Association for Sociology in Southern Africa (ASSA)* conference, University of Cape Town, 1–4 July 1985.
- Home RK. 2000. From barrack compounds to the single family house: planning worker housing in colonial Natal and Northern Rhodesia, *Planning Perspectives* 15(4): 327–347.
- Mabin A and Smit D. 1997. Reconstructing South African cities? The making of urban planning 1900 to 2000, *Planning Perspectives* 12(2): 193–223.
- Morris P. 1981. *A History of Black Housing in South Africa*. Pretoria: South Africa Foundation.
- NUSP (National Upgrading Support Programme). [n.d.] <http://www.upgradingsupport.org/content/page/history>
- Parnell S. 1987. Council housing provision for whites in Johannesburg: 1920–1955. A dissertation submitted to the University of the Witwatersrand in the fulfilment of requirements for the degree of Master of Arts in the Faculty of Arts.
- Posel D. 1984. Providing for the legitimate labour requirements of employers. Paper presented to the *African Studies Seminar*, African Studies Institute, University of the Witwatersrand, Johannesburg.

- Posel D. 1985. Interests, conflict and power: the relationship between the state and business in South Africa during the 1950s. Paper presented to the *Association for Sociology in Southern Africa* (ASSA) conference, University of Cape Town, 1–4 July 1985.
- SAIRR (South African Institute of Race Relations). 1977. *A Survey of Race Relations 1976*. Johannesburg: SAIRR.
- SAIRR. 1983. *A Survey of Race Relations 1983*. Johannesburg: SAIRR.
- SAIRR. 1984. *A Survey of Race Relations 1984*. Johannesburg: SAIRR.
- SANBI (South African National Biodiversity Institute). 2014. Biodiversity mainstreaming toolbox for land-use planning and development in Gauteng. Compiled by ICLEI – Local Governments for Sustainability.
- South Durban CEA (Community Environmental Alliance). 2011. Feeling the heat in Durban. In Bond P (ed.) *Durban's Climate Gamble – Trading Carbon Betting the Earth*. Pretoria: Unisa Press, pp. 117–140.
- Sowman M, Fuggle R and Preston G. 1995. A review of the evolution of environmental evaluation procedures in South Africa, *Environmental Impact Assessment Review* 15(1): 45–67.
- Swilling M (ed.). 2010. *Sustaining Cape Town – Imagining a Livable City*. Stellenbosch: Sun Press-Sustainability Institute.
- Terreblanche S. 2005. *A History of Inequality in South Africa 1652–2002*. Pietermaritzburg: University of KwaZulu-Natal Press.
- Terreblanche S. 2012. *Lost in Transformation – South Africa's Search for a New Future since 1986*. Johannesburg: KMM Review Publishing Company.
- Todes A. 2013. Spatial targeting: lessons from South African experience. Background report for the Cities Support Programme (CSP) workshop on Spatial Targeting, 3–4 October.
- Turok I. 2012 Urbanisation and development in South Africa: economic imperatives, spatial distortions and strategic responses. *IIED Working Paper 8*. International Institute for Environment and Development (IIED).
- Urban Foundation. 1987. Seminar series on legal changes in Black Housing, seminar notes (unpublished).
- Van Aswegen HJ. 1970. The urbanisation of non-whites in the Orange Free State 1854–1902, *SA Historical Journal* 2(1): 19–37.
- Wilkinson P. 1981. A place to live: the resolution of the African housing crisis in Johannesburg 1944 to 1954. Paper presented to the *African Studies Seminar*, African Studies Institute, University of the Witwatersrand, Johannesburg.
- Wilkinson P. 1998. Housing policy in South Africa, *Habitat International* 22(3): 215–229.
<http://www.sciencedirect.com/science/article/pii/S0197397598000010>