City Space Architecture

Legislative Framework Influencing Public Space Development.
The South African Experience of Racial Based Segregation Legislation and its impact on Public Space Development

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Abstract
People-Centred Public Spaces are attentive to the needs of communities, democratic, and responsive to the spatial environment of cities. Public space is a key component for cities in sustaining a viable people-centred public realm. This article provides an insight into the legislative framework that influenced the expression of public space on the spatial footprint of South African cities. Whilst Legislation does provide an enabling framework for spatial development including that of public spaces, in the South African Context there are contrasting examples of spatial development due to the impact of Apartheid-Related legislation. This article delves further into the impact of legislation that enforced physical separation of race groups on the development of people-centred public space as well the transition to developmental Local Government.

Keywords: public space development, legislation, South Africa

Preamble
During the period from 1948 to 1994 the South African Government implemented legislation that enforced a system of racial segregation and discrimination, which ensured white dominance over other race groups. The Population Registration Act of 1950 required all South Africans to be classified into racial categories of white, black, coloured and indian. The classification determined firstly the persons legal status, and secondly their rights to access in terms of employment, education, housing and other services. One of the most significant legislations that entrenched apartheid was The Reservation of Separate Amenities Act of 1953 which established the segregation of public spaces. This act enforced the segregation of public facilities such as parks, beaches, and public transportation, ensuring that non-whites had access to inferior amenities which had profound effects on social, economic, and political life in South Africa.
Public space is an essential aspect of urban life. It provides people with access to open areas for recreation, socialisation, and interaction with others. However, during apartheid, public space was used as a tool for segregation, exclusion, and oppression. Under apartheid, public spaces were strictly segregated along racial lines, with white people having access to the best public spaces while non-whites were relegated to inferior and often overcrowded spaces.
One of the most significant examples of the segregation of public space under apartheid was the creation of "homelands" or "bantustans". These were designated areas of the country where black South Africans were forced to live. Homelands were often located in remote and economically underdeveloped areas and were designed to keep black South Africans away from white-dominated urban areas. As a result, public spaces in cities were reserved for white people, while black South Africans were excluded from them.
The segregation of public space under apartheid had significant social and economic consequences. It created a sense of division and exclusion, which made it difficult for people from different racial groups to interact and develop a sense of community. It also led to economic disparities, as non-white communities were denied access to the resources and opportunities available in white-dominated public spaces.
In recent years, South Africa has made significant strides in transforming public spaces and making them more inclusive and accessible to all. The government has initiated policies and programs aimed at creating a more inclusive and equitable society, including the creation of public spaces that promote social integration and community development. However, the legacy of apartheid continues to impact public spaces in South Africa today. The country remains deeply divided along racial and economic lines, and many public spaces continue to be exclusive and inaccessible to marginalized communities. It is essential to acknowledge and address this legacy to create truly inclusive and equitable public spaces that promote social integration, economic development, and community building. This article delves further into the impact of legislation that enforced physical separation of race groups on the development of people-centred public space as well the transition to developmental Local Government.

Introduction
Government across all spheres are charged with the responsibility of creating an enabling environment through – but not limited to - the allocation of resources for the production of goods and services, providing the legal and social framework within which

the country would be administered, ensuring the safety of citizens by maintaining law and order, promotion of economic growth thereby creating economic security. For the purposes of this paper, we look specifically at the roles of government using regulatory and legislative mechanisms for creating and enabling an environment (or lack thereof) for the development of public space. Figure 1 below identifies the roles and responsibilities of local government in creating an enabling environment for public space development. The key concept of this paper is to provide an understanding of how apartheid policy impacted public space development through the systematic erosion of powers and functions of Local Government.

- Policy development
- Management of spaces
- Bylaw development
- Balance competing interests in Public space
- Protector of public spaces

Regulator

- Funding for Implementation
- Promote Public Private Partnerships
- Funding for Operation and Maintenance

Funder

Implementer

- Design, Develop and implement
- Promote the need for inclusive, safe public spaces
- Synchronization of implementation efforts to achieve SDG's

Facilitator

- Avoid Speculation of Public spaces
- Collaborate with other spheres of government
- Partners with communities
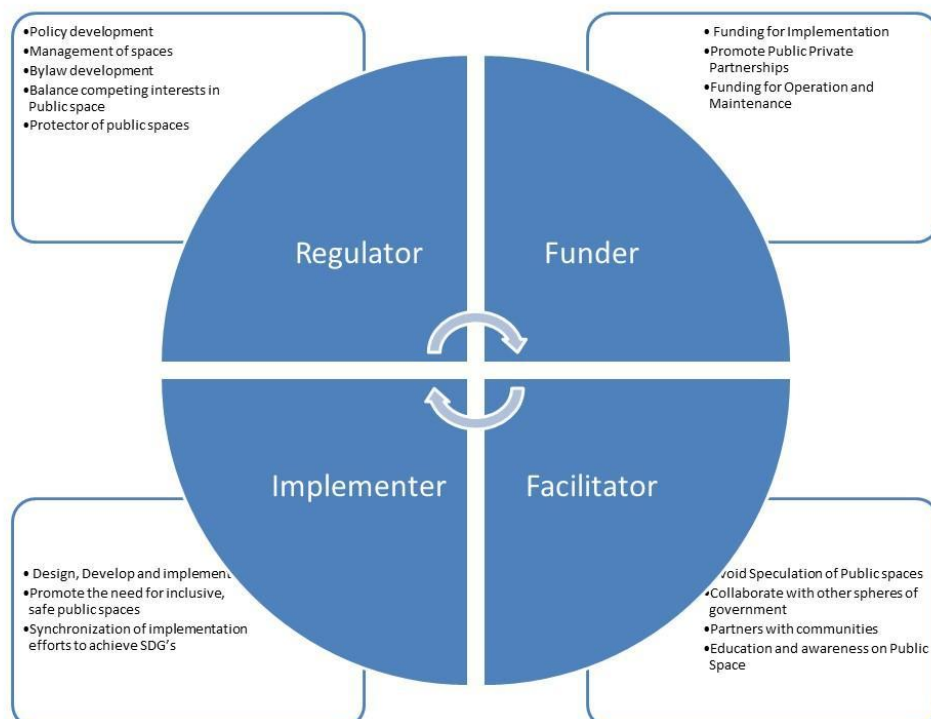- Education and awareness on Public Space

Fig. 1. Role of Government in Public Space Creation. Source: Author.

Before we engaging in the discussion, it is prudent that we contextualise the concept of public space. Relph (1976, p. 4-7) argued that place space occurs at various levels and scales of understanding, this view was further supported by (Smith and Low 2006) to reflect that all public space manifests itself in form ranging from streets, plazas, to the neighbourhood and extending to the city and national governments. Thomas (1991, p. 209-224) further interpreted that public space is only one component of the public realm, this view was supported by LofLand (1998, p.305) and further agreed that public space played a crucial role in sustaining the public realm. There are many ways of defining public space, either using distinguishing elements such as ownership, access, use, and control. Madanipour (1996, pp. 331-355) defined public space as that which is not controlled by individuals, and or organizations and by extension unrestricted to the public. For the purposes of this article, public spaces refer to aspects of ownership,

access. use and control, of which the means of access, use and ownership of the non-white racial groups was strictly controlled by the apartheid government.

Pre 1994 Apartheid Planning Legislation

Pre 1994 the local government system in South Africa was largely based on a colonial and apartheid-based policy, resulting in a local government system that regulated the segregation of urban living spaces along the lines of race and ethnicity (Terreblanche 2002, pp. 441-442). At a spatial level, there were distinctively separated areas for different population and ethnic groups. The Government had adopted the British model of administration followed by different tiers of government from the National state, provincial authorities, and municipalities being the lowest level of government. Based on the powers and functions accorded to municipalities, each municipality enjoyed varying degrees of autonomy, with the white municipalities enjoying the highest levels. Black local authorities (Mather 2002, p. 345) also emerged and were under the "guardianship" of a white local authority, however later on the black local authorities were administered through the National state with the advent of Administration Boards. Full municipal status was granted to Black Local authorities in 1982. For the Indian and Coloured local authorities, Management Committees or Local Affairs Committees were instituted. These committees had limited powers and were largely advisory committees to the white municipality.

Between 1910 and 1983 local authority powers and functions were defined by the provincial ordinances. The provincial ordinance was developed by the provincial councils and defined the scope, nature, and jurisdiction of local government. This resulted in local governments having limited powers to make laws as they were confined to the parameters of the provincial ordinances. The provincial council exercised control over the powers and financial management of local authorities. The local governments were not protected in the 1909 or 1961 constitutions. In 1948 the National Party came to power as the ruling party of the Republic of South Africa and through the implementation of their policies, local authorities were considerably affected and seen as agents of the state. The promulgation of various Acts, which are referred to in the article, meant that policy decisions at a national state level took over control of certain functions of local government. Some of the Acts include The Group Areas Act of 1950 (Act 41 of 1950) which led to the National state determining the segregated spatial residential patterns in local authorities (Parnell 1993, p.473). The Separate Amenities Act of 1953 required local authorities to demarcate facilities based on race and the Bantu Administration Act of 1971 which created the Administration Boards for black local authorities. Local authorities during the apartheid era had limited powers and functions as these were largely dictated by National and provincial government.

The Bantu Self Government Act of 1959 established the administration of areas in the homelands, thereby ending any representation of the black community in the Parliament of South African parliament. However, the Bantu Self Administration Act confirmed the resolutions of the Stallard Commission in 1922 which directed that Africans should be permitted to live in urban areas in order to cater for the requirements of the white population, and they should depart once those needs were met. Whilst there were non-white race groups living in urban areas, enforcement by the state prevented use of

public spaces. Non-white race groups were required to use allocated spaces in spatially defined areas for each of the groups even if it meant travelling to the designated areas for use and enjoyment. This resulted in limited access to public spaces in urban areas for citizens who were non-white.

In 1983 the Constitution provided for the creation of a tricameral parliament with the state president having executive powers and three tiers of government were created based on racial lines excluding the majority black population group. The 1983 Constitution of South Africa did not define the roles, responsibilities and status of local government which then provided for an environment where all decisions related to the local government being managed at a National Level with a few delegated powers to the Provincial Level. In 1985 the Regional Services Council Act provided for the metropolitan service councils that would provide a basket of services such as water, electricity, sanitation, land use management and transport in mainly township areas. It is interesting to note that public space was not considered as part of the basket of services provided.

The Bantu Administration Act also gave birth to Transkei, Venda, Ciskei, and Bophuthatswana, the four designated independent homelands. The construct behind the act was for the black African population would lose South African citizenship and through the homeland structure, they would be able to exercise their limited political rights. Local government administration in the homeland context was very different compared to their white counterparts. Local government in the homeland was more centralized and was established in 1962 by the R293 Proclamation (which created the provision to establish councils in townships). Effectively, Homeland government assumed the development and administration of the R293 towns including that of public spaces . However, the homeland administrators could not exercise full administrative control over the designated areas as this role was carried out by The Department of Development Aid who oversaw the administration and was responsible for the delivery of service in the councils including the provision of public spaces. The Department also controlled the finances and determined the service delivery tariffs for the councils in the homelands. Yet again the black administrative councils had limited powers and jurisdictions of areas allocated to the homelands. These areas fell under the jurisdiction of the tribal authorities and recognised tribal traditions of government, compromising of tribal chiefs or elected council of elders. In most cases, tribal authorities had limited say over development and were largely seen as an extension of the homeland governments.

In the 1960s the central government was forced to devise new ways to manage the influx of rural migrants to the urban areas. Urban Bantu Councils which were constituted by the white local authorities was introduced in 1961 by the Minister of Bantu Administration and Development. The council is comprised of councillors elected by the residents or largely through nomination from the white local authorities. This, however, did not prove satisfactory to the National government in that some liberal-minded white local authorities ignored instructions from their counterparts at the National government when nominating individuals as councillors. The development of the Urban Bantu Councils did not reduce the financial burden of immigrations of rural black to urban areas or control the influx of migrants. In 1971 the central government reviewed its policy with the introduction of the Administration Board, this allowed for the central government to take back full control of the township areas from the white authorities. The national government created 22 administration boards which were

later 1984 renamed to Development Boards. These boards were appointed by the Minister of Bantu Administration and consisted largely of white officials. The board was effectively the local authority which administered the development and provision of services including public spaces for black urban areas, these boards were not well received by the black urban populace as there were seen as organs of the apartheid state. The provision of public spaces under the administration boards were limited in the nature and quality of the spaces provided.

In 1982 with the promulgation of the Black Local Authorities Act, black local authorities were granted full local government status that was comparable to white local authorities. The black local authorities continued to be administered and controlled by Development Boards. Post the abolishment of Development Boards 1986, black local authorities were administered at a provincial level through the Community Services Division. Structurally the black local authorities had limited administrative, organizational, and developmental skills. The councillors that made up the committee had limited experience in the local government realm and many of them had only served on the Urban Bantu Council as indicated early these were purely in an advisory capacity. The black local authorities were further impeded by the lack of a viable revenue base, rental boycotts, and rising political instability, which impacted on the provision of viable public spaces

Local Government for Coloured and Indian Communities

Racial integration of local authorities was in opposition to the National Party's politically-sanctioned racial segregation approach of having separate structures for distinctive racial groups. The Group Area Act of 1950 created the foundation for local authorities' structures which provided for racially divided residential areas and consequently provided for divided local authorities for Coloured and Indian areas. The 1962 the Group Areas Amendment Act promulgated three phases of Coloured and Indian local government. Phase One provided for a consultative forum consisting of nominated members that had advisory powers. Phase Two was a Management Committee that was somewhat nominated and partly elected. The management committee had wider roles and more extensive powers. The last phase would be completely independent authorities or city status. Progression to each of the phases was regulated by the Minister of Community Development and administered through the provincial administration. In Natal (now known as KwaZulu-Natal), only four Indian committees progressed to the independent authorities, whilst there were no Coloured committees that evolved to local authorities. There were two primary explanations behind this was, firstly the Coloured and Indian authorities had limited or no commercial and industrial areas that could generate rateable incomes, and residential areas were characterized by low rateable low-cost housing. Therefore, without a proper and effective revenue base, the Coloured and Indian local authorities had limited opportunities to become self-governing. Secondly, the committee participants dismissed the rule of racially differentiated municipalities and defended their participation at the committees as a means to attainting non-racial representation.

As indicated earlier in this article in The South African Constitution of 1983 established the tricameral system of government which had three defined chambers based on racial segregation policies. The House of Assembly managed the affairs of the white

populations whilst the House of Representatives and House of Delegates represented the needs of the Coloured and Indian populations respectively. The Department of Local Government was established for each of the three houses to manage and control local authorities. White local authorities engaged and consulted with the Indian and Coloured Management Committees however there was no obligation for the white authorities to accept their advice. This led to the Promotion of Local Government Affairs Act of 1984, which provided for better communication between the council and management committee and created greater opportunities for committees to manage their affairs. Decision-making powers were not conferred by the Act, and committee structures had to request authority from provincial administrations. The power that could be requested by the management committees was limited to the allocation of business licenses, housing allocations, eviction of tenants, planning, and approval of housing settlements(including the provision or lack thereof of public spaces), and leasing of property. Whilst the opportunity did exist for requesting these powers were not conferred to the management committees and the powers that were promised came under review. Here again, the responsibility for the provision of public spaces was limited.

Factors leading to Transitional Local Government
Fighting against Black Local Authorities
Shubane, (1991, p.64-65) contended that the opposition of the apartheid regime was largely concentrated in formal urban areas so as to oppose the as a form of opposition to the establishment of black local authorities). The Minister of Development and Planning, Heunis in 1987 conceded that that country was being rendered ungovernable at the local government level and the war against ungovernability has to be fought at the local level. All campaigns against the local government systems were elevated to the central government via Heunis's office. From 1984 township were the centres of "ungovernability" and was characterized by violent protests against the government structures and those who collaborated with these structures. Township residents refused to accept a form of local government that forwarded the apartheid agenda and racial separation. Residents in the townships opposed the people and the very system that was implemented to "represent" them. During this period the emergence of rental boycotts campaigns spread throughout the country. The rental boycotts were against the increased levies from residents in black local authorities. Whilst the rental boycotts were aimed at reducing the levies imposed on residents in black local authorities, as the campaign grew momentum, additional demands were made. To counter the rental boycott campaign the government injected R1.1 billion into the townships to bolster the financial viability of local authorities and also foil attempts to disassemble a level of the apartheid government structure. Following the elections of 1982, the 1988 elections were a failure with the average at the national polls being 25% despite the attempts by the government to detain community leaders and restrict boycott campaigns and provide a "protected" voting environment for those that felt they were being intimated. The failure in implementing the black local authority by the central government was also evident in the demise of the Indian and Coloured management committee. In 1990 the unbanning of political organisations ushered a new political dynamism in the country. Organisations in the black, coloured, and Indian local areas become more assertive and

continuously fuelled demands for dissolving the management committees and the formation of non-racial municipalities.

Role of Civic Society

Swillings (2010, pp. 194-201) argued that the creators of the apartheid system failed to consider the ability of civil society to mobilise, organize, think and associate. Swillings further argued that the means of repressing civil society assisted in consolidating its ability to mobilise. The example Swilling used is that of the migrant labour that commuted between the homelands of Ciskei to East London and how the civil society would use the time and protected space to organize and mobilise civic movements to take apart the apartheid system. Likewise in 1973 when Durban factory workers took to the street (public space) in protest which heralded the birth of trade unions. In 1979 unions had won the right to associate and began to win a firm support base from the factory workers and by 1982 brought an end to the time management practices controlled by white factory floor managers. So, whilst the working-class black population had effectively won industrial citizenship through the organized labour unions this began to stimulate the struggle over the control and nature of physical urban spaces in the cities. The unionised environment meant that the majority-black working population was brought into direct contact with managers and ultimately put the industrialised citizen in a better bargaining position for better working conditions and wages. It should be noted that public spaces also played a crucial role in forcing the transition from the apartheid system to one that was more democratic, a few examples of protests and show of solidarity for a just and democratic South Africa in the public realm were at The Union Buildings in Pretoria which has been the site of several significant protests in South Africa's history, including the Women's March of 1956, where over 20,000 women marched to protest against apartheid laws. The Parliament building in Cape Town has been the site of many protests, including student protests in the last decade against tuition fee increases and service delivery protests by communities. Johannesburg CBD: The central business district of Johannesburg has seen many protests over the years, with some of the most notable being the 1976 Soweto Uprising.

The 1986 Congress of the National Party resolved that was a need to argue urban and industrial citizenship on similar principles. This laid the foundations for the dismantling of the apartheid system at a central government level with the principle of a South Africa that is united and "universal suffrage" pursued. There were last-minute efforts to attempt to continue an apartheid-based system where the central government launched a "Winning Hearts and Minds Strategy" which was aimed at countering the boycott campaigns. The project assumed that the majority black population's primary interest lay in urban services and not in a democracy. The state sadly assumed that the majority of the population would trade urban citizenship for political citizenship. Swillings, (2010, p.194-201) further argued that the disappointment of the "Winning Hearts and Minds Strategy", increased international isolation, declining support for central government, international pressure from governments and social movements, provide President De Klerk an opportunity for a new approach to governing the country. In February 1990 liberations movements were unbanned and there was an acknowledgment that the liberations movement could not be excluded from reconstituting democratic citizenship.

Transitional Local Government

Atkinson, (2003, pp. 1831-1832) contextualised the state of local government at the start of the transitional phase to democracy. Local government was largely characterised by local authorities that were defined racially, limited or no political legitimacy especially for Black, Coloured and Indian committees, unstable, inefficient, financially unsustainable, under-resourced, varying levels of standards and service delivery, lack of co-ordination and co-operation, to name but a few, all due to the separation of local authorities. Atkinson further argued that the role of local government would be to prioritise public participation and entrench democratic principles at the municipal level. As indicated earlier the experiences of the previous black administered local authorities failed due to proper meaningful participation and minimal legitimacy. For local government to meet the needs of the citizens there has to be a process that determines these needs. It is through addressing these needs that we ensure accountability as meaningful public participation shapes the delivery of services and decision-making processes.

The changes that were required at a local government level with specific reference to public administration were discussed in 1987 at the Winelands Conference hosted by the University of Stellenbosch, to create a public administration that was responsible and accountable. Suggestions that emanated from the conference were that the public administration should be people-centred and not technocratic. The 1987 conference set the foundations for the New Public Administration Initiative in 1991. The initiative was to develop a value system for public administration. The meeting held at Mount Grace resolved that the public administration promote the values of Democracy, inclusiveness, participatory local government, equitable and non-racial access to public services, whilst ensuring that these services are provided efficiently, effectively in a productive, accountable, responsible, and responsive manner.

The Interim Measures for Local Government Act 129 of 1991 co-created through a series of engagements with the African National Congress and the National government creating an opportunity for communities to participate and inform on options such as establishing joint service boards and amalgamations of entities. At the 1992 Kempton Park negotiations, the need for a separate body that negotiated on behalf of the local government was proposed. In 1993 the Local Government Negotiating Forum was constituted with all levels of government represented as well as the South African Civic Association. The purpose of the forum (which consisted of 60 members) was to seek agreement between the government departments represented and the civic association on the process and content of restructuring local government within the overall national negotiations process. The overall resolutions, agreements, and findings from the forum discussions were integrated into the Local Government Transition Act 209 of 1993 as well as the Interim Constitution Act 200 of 1993. The framework for local government transition was detailed in Chapter 10 of the Interim Constitution however the provisions of the constitution only came into being, post the first democratic elections in 1995/6 for local government. Chapter 10 of the Interim Constitution in Section 174 and the provisions therein, gave effect to differentiated local government structures for Metropolitan, District and local municipalities with defined powers, roles, and responsibilities. Further provisions accorded by the Interim Constitution included:

· National and provincial spheres of government cannot encroach on the local government realm which would undermine the local spheres fundamental status

- Gave the elected councillors regulatory powers including that of land use as well as public space,
- Allowed for the creation of municipal entities,
- Allowed for power to impose and collect levies and property taxes across the municipal area,
- Defined equitable share allocations from the national and provincial government,
- Defined the electoral arrangements for local government and the term of office (5 years) was defined,
- Section 245 for a 40% proportional party representation of the elected council, whilst the other 60% was for individual ward member election.

On the 4th of February 1997, the final Constitution took effect, however, the provisions of the Transition Act remained until December 2000. Which in effect meant that the sections that defined the status of the Municipalities, the establishment of the municipalities, powers, and functions, composition of the municipal councils, were suspended pending a municipal council being confirmed after the first general elections.

Defining Local Government Constitutionally

The South African Constitution specifically Schedule 4 and Schedules 5 defines the role of local government and mandates them to provide services and as the driver of participatory democracy. The role of local government as intended by the Constitution is further entrenched in the Local Government Structures Act 33 of 2000 as well as the Local Government Systems Act 32 of 2000. Local government has three clearly defined categories Category A being the metropolitan municipalities, Category B defined as local municipalities and Category C being District municipal areas (made up of a combination of local municipalities). Category C municipalities were created to capacitate smaller municipalities and facilitate better development between well-resourced municipalities with smaller under-resourced municipalities. The District Municipality is responsible for integrated planning for the entire district, enhancing the capacity of the local municipalities where capacity is deficient, distributing resources between the local municipalities equitably, and ensuring equitable levels of services across all local municipalities in the district.

Legislative powers for the municipality lay in the hands of the elected municipal council. The Constitution clearly defines that local government is autonomous and other spheres namely national and provincial government should not impede or compromise a municipalities ability and rights to apply its powers and functions. These rights extended to the determination of land use and the provision of public space, so effectively local government had complete responsibility for the provision, protection and regulation of public spaces, which did not exist in the past under the apartheid regulations.

The Constitution defines the objectives of local government as follows:

- Provision of a democratically accountable government for local communities
- Sustainable provision of service to communities in the municipality
- Promotion of social and economic development initiatives
- Promotion of a safe and healthy environment
- Involving communities and organisations in local government matters

The Municipal Systems Act provides the statutory framework for the constitutional ideology of local government. The act provides for Local Government as an organ of

state to exercise its executive and legislative powers within a prescribed area as determined by the Local Municipal Demarcation Act. The Act also defines the duties and rights of all stakeholders in the municipality. The scope of the legal and executive authority is also outlined in the Act. The Act also directs municipalities to provide services in a sustainable, accessible and equitable manner. The Municipal Finance Management Act 56 of 2003 provides more provisions relating to sustainable financial management. The Systems Act also directs the implementation of a customer management system that would interface between the service provided and the payment for these services.

The Systems Act also deals widely with the issue of participation. The Act directs that "*a municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance.*" The Systems Act gives life to the development of the Integrated Development Plan.

Developmental Local Government

Local government is defined by the Constitution as a sphere that is developmental. Municipalities are ultimately responsible for defining their administrative structures, preparing their budgets, developing planning processes, prioritizing the strategic needs of the municipality, and promoting socio-economic development, within the legislative framework provided by the System and Structures Act. The Constitution also requires that the Local Government participate in programs implemented by National and Provincial spheres.

Developmental local government was first outlined in 1998 in the White Paper on Local Government and defined as municipalities working with all stakeholders to improve their quality of life in a sustainable manner that addresses their social, economic, and service delivery needs. Development local government is based on the principle that all citizens of the country have equitable access to housing, health care, secure access to food, adequate portable water, quality basic education and social security. The White paper characterizes developmental Local Government as follows:

- Maximising socio-economic growth. The White Paper purports that municipalities have the greatest influence over local economic development opportunities especially related to tariffs, user fees, the number of people it employs, and the development and usage of land. Therefore, the local government is positioned to influence job creation and investment.
- The Ability to Integrate and Coordinate programs. The local government has the ability to provide directions and leadership that would enhance the prosperity of the municipalities. The White Paper argues that local government sphere that is the closest form of government to the citizens and coordinates efforts amongst various stakeholders in the municipality.
- Empowerment, Redistribution, and Democratic Development. The paper contends that whilst local governments promote community interests in council, the elected councillors should involve all stakeholders and civic organizations in the design and implementation of programs. Municipalities in the execution of their duties need to identify mechanisms that would promote the participation of excluded and marginalized groups.

- · Learning. Global and national changes force local communities to re-envisage how they organize and lead. The local government is required to build political leadership that can facilitate dialogues and networks that work in the interest of the local community to achieve a joint shared vision.

Development Local Government gives direction to each municipality to prepare a strategic developmental oriented tool namely the Integrated Development Plan (IDP). The municipal IDP gives rise to the development concepts enshrined in the constitution. The IDP coordinates the plans of the municipality based on its capacity to deliver, budget availability, and ability to monitor goods and services delivered. The municipal IDP needs to take into consideration developmental programs at a national and provincial level and not sit in isolation from each other.

The IDP can be best described as a restructuring tool for growth and development for local municipalities, because the IDP is central to local government in that it guides all aspects of municipal business and provides all the necessary information about service delivery to the citizens. The IDP process involves all stakeholders and allows for cooperative governance between all spheres of government (as enshrined in the constitution). The process of developing the IDP allows the municipality to assess the current situation in the municipality, define the resources available to the municipality, determine existing skills and capacity, determine social needs of the various communities, and priorities all of the above aspects into a consolidated plan that sets a framework to deliver on the issues identified. These are achieved through the development of an implementation plan that identifies the goals and associated financial and human resources.

For Local government to be developmental it requires a public administration that is ethical, efficient, fair, equitable, and effective in responding to the needs of the citizens. Municipalities need to encourage participation in the policymaking realm to ensure transparency and accountability of the local government. The legislation directs local government to be more in tune with the needs of the citizens. The process of developing the IDP fosters a relationship between the municipality and its stakeholders by ensuring that the municipality engages in a public participation process that is meaningful and allows for all communities to input into the IDP.

The most significant change in legislation regarding public space is the the Spatial Planning and Land Use Management Act (SPLUMA) that governs the planning and management of land use and development. The act is designed to ensure that land is used and developed in a sustainable, efficient, and equitable manner, and that public spaces are protected and accessible to all.

SPLUMA has a significant impact on public space in South Africa. The act recognizes the importance of public space as a fundamental aspect of urban life and requires local authorities to consider public space in their planning and development decisions. It also provides for the protection of public spaces and requires local authorities to ensure that public spaces are accessible, safe, and well-maintained.

One of the key ways in which SPLUMA promotes public space is through the creation of public open spaces. Local authorities are required to identify and designate areas for public open spaces and ensure that they are accessible to all members of the community. This includes the provision of amenities such as playgrounds, parks, and other recreational facilities.

SPLUMA also requires local authorities to involve the community in the planning and development of public spaces. This includes consulting with community members on the design and development of public spaces, as well as ensuring that public spaces are responsive to the needs of the community.

However, the implementation of SPLUMA has not been without challenges. In some areas, local authorities have been slow to identify and designate public open spaces, and there have been instances of public spaces being sold off or privatized. There have also been concerns raised about the safety and accessibility of some public spaces, particularly in low-income areas where there may be a lack of resources for maintenance and security.

Despite these challenges, SPLUMA represents an important step towards creating more inclusive, equitable, and sustainable public spaces in South Africa. By recognizing the importance of public space and providing for its protection and management, the act has the potential to transform urban life and promote social integration, community building, and economic development

Conclusion

Racially based legislation severely impacted the provision of people-centred public spaces by constraining local governments' role in executing its mandates to provide safe places for citizens. All aspects of local government roles and functions as identified in Figure 1 were dictated by National Policy. However, as one transitioned from racially-based regulations to post-apartheid development local government we can see a strong paradigm shift to the allocation of powers and functions to local government to deliver effective and efficient services. The challenge for local government in the current context is to achieve equitable spatial transformation and one of the key components of spatial transformation in public space. The development of a public space strategy that is people-centred can assist in spatially transforming South African cities.

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