

transferring development rights

The transfer of development rights proposes the marketability of rights, independent of the land to which they attach, to the extent and in locations prescribed by the local planning authority. It proposes a new development control technique. The concept is a simple one: basically development rights are detached from one site and transferred to another under planned conditions.

Typically, restrictions placed on the use of land can cause financial hardship, for example, a restriction placed on the owner of an historic property, which prevents him from demolishing the old building and electing a new one could cause hardship. A financial "wipe-out" may be avoided by transferring the unused development rights to an approved transferee site.

Compensation is therefore made available to the owner of the first site from the proceeds of the sale to the second.

Whether the concept is applied to preserve ecologically sensitive areas or to resolve the historic preservation problem, development potential on any particular site will be diminished. Instead of destroying these interests by simple regulation, they are marketed and transferred elsewhere. Proceeds from their sale are then used to compensate the owner of the restricted site for the loss incurred.

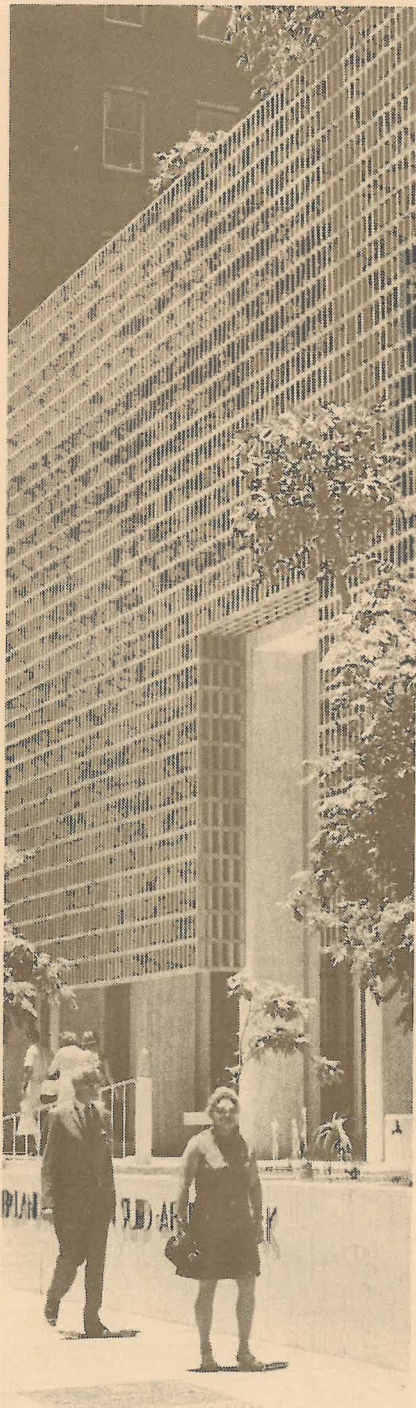
There is no reason to believe that the system could not be put into effect. Already there is considerable support for the idea from conservationists, the Architectural Institute, and the Planning Institute. The South African Property Owners Association in the Cape has given the idea its blessing by urging the City to investigate adoption of the system, and the City itself has indicated considerable interest in the idea by convening preliminary meetings to consider the proposal in all its aspects. A similar pattern is emerging in Natal.

Broadly the concept of the sale of bulk is that an owner of property with building rights in the form of bulk should be enabled to dispose of that bulk to a willing buyer who is an owner of land, and that the bulk so transferred should then be attached to some new locality where it could be utilised.

It is accepted that the regulation or control on the receiving location of new bulk should be maintained, and it is assumed that the authority competent to exercise that control should be the local planning authority.

A number of alternative possibilities could be implemented each having its particular application, benefits and drawbacks:

- A 'bulk bank' administered by the municipal or metropolitan authority could buy and sell bulk in accordance with an ongoing planning process. The difficulties involved in this concept are firstly, the possible high capital outlay which would be required of the local authority and the administrative costs involved, secondly, the probable problem of determining values over time for both purchase



Durban is generally overbulkied in terms of foreseeable.

and sale, and thirdly, the probable objection from the private sector against the extension of bureaucratic control in the market place.

- Private treaty sales as between individuals, but here an obvious problem arises in that the amounts of bulk for sale might not equal the amounts wanted by the purchaser. This would involve effective assembly of 'parcels' of bulk by individual buyers or efficient sale of portions by the sellers.

- Development Rights Transfer Agencies, which would act as clearing houses for transactions between buyers and sellers for a consideration. They would of course perform the valuable service of bringing potential buyers and sellers together and offering selections of alternatives.

- Special Development Rights Bank administered by the National Monuments Commission for the express purpose of writing down historic landmarks land value to take pressure off such properties. This should be funded by the State and should be a national organisation which could buy and sell bulk on an inter-city basis in accordance with local plans.

Would the process be reversible? That is, could a seller of bulk reinstate the former development rights on his property having once transferred them? I would say yes, provided that there was a potential demand, that a purchaser of bulk could be negotiated, and that the local municipality authorised the transfer.

Legal Process: Despite the fact that land value related to its development potential has been established in the marketplace, it seems that in the Cape and Natal where Town Planning Schemes exist not in a proclaimed form but more as schemes in the course of preparation, legal process would be necessary to ratify development rights to actually call them into being, the reason for this being to legally create the commodity which it may be desired to transfer. This is particularly important it seems when endorsing title deeds to record development rights adjustments as a result of future transfers.

South African cities are generally overbulkied in terms of foreseeable needs, while the infrastructure generally is underprovided for current land usage, let alone any available potential. This of course provides two very good reasons for the adoption of the notion of Bulk Transfer over a relatively wide area, firstly, in order to redistribute development rights from areas where they are not in demand to areas where they are, and secondly, to relieve the already overextended CBD infrastructure.

Levies of Bulk Transfer transactions could be imposed by local authorities for the purpose of establishing a fund for capital improvements to

infrastructure, the purchase and maintenance of open space in areas where it is needed, the establishment of schools and similar non-economic facilities normally under-provided in central areas due to limited funds.

The main benefits to be gained from the possibility of transferring bulk in this way under the control indicated would accrue as follows:

- To the City: The Town Planning Scheme, which was set up at a particular point in time, within a certain context, could not possibly have foreseen all exigencies of future urban requirements or trends. By the bulk transfer device, existing bulk could be redistributed to enable the city's planners to create situations of greater or lesser concentration in relation to the demands of appropriate movement arrangements to enable free flow. Generally the flexibility of opportunities presented to the City's planners would be greatly enhanced.

- To the owner of land and buildings: These would be enabled to dispose of rights which were not required in terms of the market. By reduced capital commitment, rentals could be effectively reduced and greater individual erf viability could result. Funds so released could be otherwise invested than in the unproductive process of holding unwanted unusable potential — for instance, the property itself could be improved. Alternatively, the purchaser of bulk, if well located, could take advantage of that location and so provide for a market, which opportunity may not be able to be met fully without the extra bulk.

- To the conservationist: This aspect of desire in the city has become more vocal in the recent past. Bulk transfer would enable the 'land' value of buildings or enclaves of note to be written down by the value of the bulk sold, and by so doing relax the pressure for redevelopment on older buildings, which has been the cause of many a loss to the city in the past.

Extract from a paper read by Anthony Barac, architect and town planner from Cape Town, to the NPIA in June this year.

● The South African Institute of Building have set up a Multi-Disciplinary Committee to study sub-economic housing. Recently

the Provincial Committee appointed Messrs P. Gibson and J.D. Theron as the Institute's representatives to serve on the committee.

● The Institute and the South African Association of Quantity



Examples of African squatter housing in the Durban Metropolitan area.

Surveyors have appointed the CPI to organise a Golden Jubilee Congress which will be held in Cape Town from the 25th to 29th April 1977. The theme for the architects' session will be "Architecture — Framework for the Future".

● The Provincial Committee recommends that members when drawing up their architect/client agreement, insert a clause to the effect that the scale of fees applicable will be that prevailing at the time the work is done. This will take care of any amendment to the scale of fees during the course of a contract.

● The Provincial Committee recently appointed Messrs G.R. Small, P. Holdcroft and N. Robson to form a sub-committee to be styled the Pietermaritzburg Conservation Committee. This sub-committee in turn will form an action committee comprising persons outside the Institute.

● A cocktail party in honour of the past President, Mr. H.H. Hallen at which he will be presented with his past President's medalion, will be held in the Institute's Board Room on Thursday the 16th September 1976 (not the 7th September as originally advised), at 5.15 p.m. All members are invited to attend but because of the limited size of the board room, replies will be treated on a first come, first served basis. Please advise Mrs. Grobler (67345) if you wish to attend.

● It is proposed to conduct a Seminar on the planning of Johannesburg City Centre, and that this event will be jointly sponsored by the Johannesburg City Council and the Transvaal Provincial Institute of Architects. The Planning Sub-Committee has prepared a preliminary programme for the Seminar which it is anticipated will be held towards the end of October 1976.

The programme and further information will be available shortly.

● Results of the Cathedral Complex competition for Pietermaritzburg were as follows:—

1. Heinrich Kammeyer and Norbert Rozendal, Cape Town;
2. Barnett, Broer, Sturrock and Foale, Cape Town;
3. Mallows, Louw, Hoffe and Hamlin, Durban.

At a cocktail party held in Pietermaritzburg on the 20th of August

changes

NEW MEMBERS

K.F. Moull — 801 Natal Bank Building, Gardiner Street, Durban.

J.F. Hart — 405 Musgrave Heights, Musgrave Road, Durban.

W.H. Peters (from AnT to ordinary) — 8 Elphin Court, 24 Poval Road, Durban.

Changes in Class:

A.J.B. Firth — from ordinary to retired

W.B. Reynolds — from ordinary to retired

Changes in Membership:

G.C. Malherbe — from NPI to TPI

C.S.C. Pretorius — from NPI to OFS

D.C. Le Roux — from TPI to NPI — c/o Williams, Hill and Jones, P.O. Box 37115, Overport 4067

Partnerships

Mr. V.N. Cook has entered into a partnership under the style of Cowin de Bruyn, Cook, Glennie and Jury and until further notice his address is, P.O. Box 35, Durban. Tel. 316861.

Mr. A.J. Lubbe has advised that his partnership with Mr. D. Dodds has been dissolved. He will continue to practise under the style of Alwyn J. Lubbe at his present address.

Mr. W.M. Pickering has entered into partnership with Messrs P.A. Dominey and P.E. Wehrley and will practice under the style of ACP Integrated at 10 Ritson Road, Durban. Tel. 211271.

Mr. H.D. Quelch is now practising under the style of H. Darro Quelch at his present address.

Changes in address:

F.B. Ryan to 301 Juniper House, 92 Overport Drive, Durban.

T.A. Cowper to 10 School Lane, Pinetown.

G.G. Macfarlane to 61 Cecil Avenue, Bulawayo, Rhodesia.

Prince, Hackner, Mullins and Skordis to 319 South Ridge Road, Durban. Tel. 353403.

Interplan, 1 Ferndale Ave, off Nimmo Road, Durban. Tel. 391176.

Corrections:

D. Dodds to 12 Maple Road, Durban.

J.G. Collingwood to 96 Bidston Road, Westridge.

Mr. F.B. Powers is practising under the style of Powers, Powers and Partners and not Powers, Powers and Powers as previously advised.

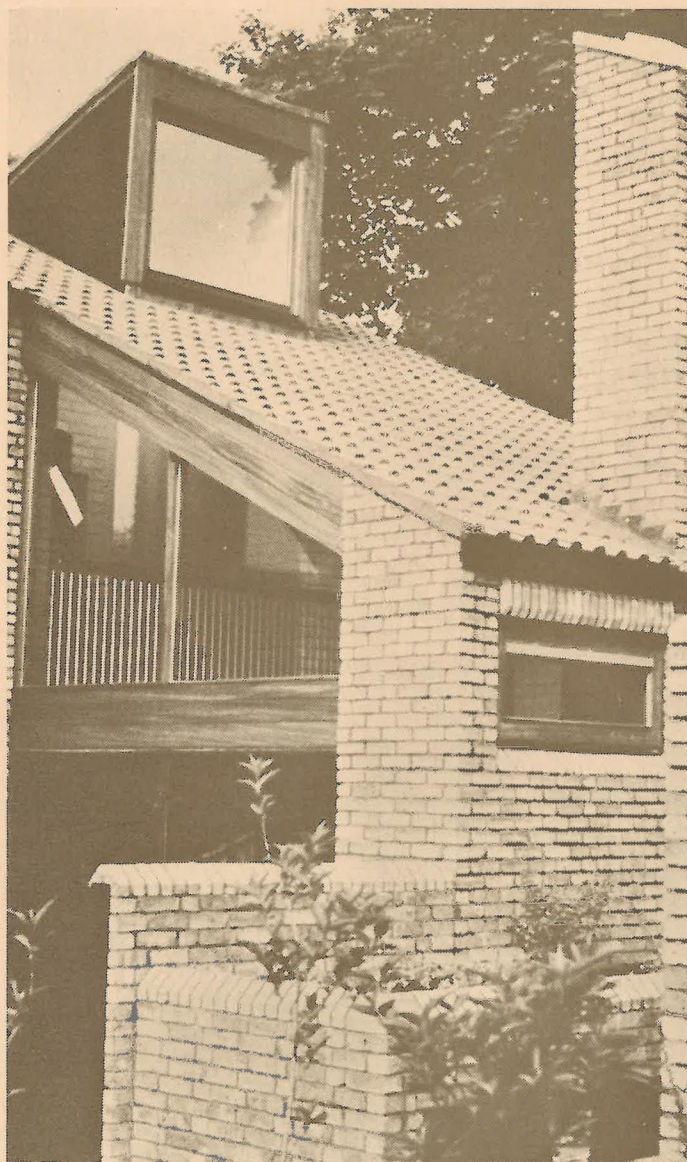
The Ad-Hoc Committee on the Commission of Enquiry into Housing Matters comprised Messrs E. Haarloff, D. Milliken and D.C. Smith and not Mr. P.A. Gibson.

1976 architects who participated had the opportunity of viewing all the entries. The exhibition was open to the public until the 27th of August, 1976.

● Should any member wish to contribute to this Newsletter, please contact:—

Mrs. S. Grobler — Secretary, Tel. 67345

Mr. Danie Theron — Editor, Tel. 332151 in this regard.



Plenty of detail in this fine piece of British design and workmanship. Note the use of specials . . . of which Corobrik's new calcium silicate brick factory will be making 15 designs as stock items.

feed the eye with detail

Underprivileged people cannot be housed in mass in high rise building or in repetitive concrete boxes without serious sociological repercussions, according to Mr. Anthony G. Cadman, the well-known British authority on the built environment who has been conducting seminars for architects and members of the building industry in South Africa this year.

Mr. Cadman's visits to South Africa have been sponsored by the Coro-group brickmaking companies.

Overseas experience, he says, shows that it is impossible to successfully house social or underprivileged people in high rise.

"They will destroy the place. This is a simple statement of fact. The illiterate or semi-illiterate cannot express himself well enough and, indeed, if you cram him together with no defensible space he will simply express himself by smashing it to pieces."

Exteriors, Mr. Cadman says, play a significant role in these reactions.

"You cannot house him in flat off-shutter concrete because it produces a prison-barrack-like affair. As this concrete decays in colour and becomes polluted, so will it be more abused, "vandalised and rejected."

In Britain, today high rise blocks which are only eleven years old are being demolished for this reason.

"We are taking them down with the cracker bomb because they are unlettable . . . unusable even to the under-privileged who look at them and say

'No, I'm not going into that. I'd rather stay in my slum.' And, what's more they do!

"You cannot house people in mass, repetitive egg boxes which have no identity. "It is, quite literally, unacceptable."

Mr. Cadman says that, from overseas experience, there is no evidence that prefabricated and systemised homes can as yet be mass produced without creating wholly unacceptable housing from the sociological and human behaviour point of view.

As a solution, he proposes what has been called "Cadman's Law" in a number of countries, and which turns on the point that housing is more judged by its facade than its interior.

"For one hundred who enter, a hundred thousand may pass by. Therefore, the appearance of the house needs priority attention. It needs guidelines to make it acceptable to all and to be a good expression of the personality and status of the occupiers.

Mr. Cadman offers three simple rules for individual buildings:

- Firstly, at human height and pavement distance of observation a passerby should be fed with small detail, be it stone, carving, small pieces of marble, brick or other material. The human eye should be alerted and interested by detail.

- Secondly, when the building is seen from across the road, people should see a pattern and a texture which again avoids great colourless slabs of dull repetition.

- Thirdly, when the building is seen in the middle distance, it should provide pollution resistant colour.

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