



Extract from the Municipal Planning By-Law, 2015

162 General provisions: Heritage Protection Overlay Zoning

(1) Unless exempted, the following activities affecting a place or an area protected as a Heritage Protection Overlay zone require the approval of the City:

- (a) any alteration, including any action affecting the structure, appearance or physical properties of a heritage place, whether by way of structural or other works, by painting, plastering or other decoration or any other means;
- (b) any development including any physical intervention, excavation, or action other than those caused by natural forces, which may in any way result in a change to the appearance or physical nature of a heritage place, or influence its stability and future well-being, including -
 - (i) construction, alteration, demolition, removal or change of use of a heritage place or a structure at a heritage place;
 - (ii) carrying out any works on or over or under a heritage place;
 - (iii) subdivision or consolidation of land comprising a heritage place, including the structures or airspace of a heritage place;
 - (iv) any change to the natural or existing condition or topography of land; and
 - (v) any permanent removal or destruction of trees, or removal of vegetation or topsoil;
- (c) addition of any new structure;
- (d) partial demolition of a structure;
- (e) alteration to or removal of any historical landscape or any landscape feature, including boundary hedges and mature plantings; or addition or removal of or alteration to hard landscape surfaces, street furniture or signage;
- (f) any below-ground excavation.

(2) The City may exempt a specific activity or schedule of activities in a geographic area which has been protected as a heritage protection overlay zone from the requirements of sub-item (1).

Exemptions from having to obtain approval for activities affecting a place or area protected through the general provisions of the Heritage Protection Overlay Zone

In terms of Item 162 of Chapter 20 of Schedule 3 of the City of Cape Town Municipal Planning B-y Law 2015, the following exemptions (as reflected in the City's Heritage Inventory or Register) from obtaining approval in terms of Item 162, applies to places or areas protected in terms of the general provisions of the Heritage Protection Overlay Zone (HPOZ).

1. Transitional exemption

Until such time as a site, place or area which is protected in terms of the HPOZ has been placed on the Register or on the City's Heritage Inventory and either a Specific exemption or a Nil exemption status is assigned, Exemption 3 below applies; provided that any requirements under the National Heritage Resources Act, 1999 (Act 25 of 1999) and any other applicable law are complied with.

2. Specific exemptions

Exemption		Activities exempted from having to obtain Council's approval
Exemption 3	Exemption 1	<p>The following Landscaping activities are exempt:</p> <ul style="list-style-type: none"> Day to day gardening and garden maintenance that does not involve the removal of mature trees or hedges, or change in topography of the landscape, or the erection, demolition or removal of walls, fences, structures or features. Continuance of planting arid farming activities which does not change the character or topography of a place. This does not include the erection of permanent or temporary structures
	Exemption 2	<p>The following Minor Maintenance activities are exempt:</p> <ul style="list-style-type: none"> Re-painting or re-decorating {including changes in paint colour but not including painting of natural stone, unpainted metal, face-brick, ceramic, or unpainted wood, or similar such unpainted surface}; Replacement of roof covering using identical material, treatment and form; Minor maintenance that does not involve: changes in material form, or type of finish, removal of original joinery, features or fittings, or such which have been part of the structure for over 60 years.
		<p>The following internal alterations activities are exempt: Internal construction, removal, alteration or demolition that is not visible from outside a structure. {This exemption does not include internal construction across window, door or other openings which may be seen from outside the structure, or alterations that compromise the structural integrity of a structure}.</p>
Exemption 4		<p>The following activities are exempt: All activities authorised for a place, site or area in terms of and in accordance with a Heritage Management Plan approved by the City,</p>

Notes:

- Exemption 3 includes Exemption 1 and 2, and Exemption 2 include exemption 1.
- The above exemptions do not apply to any other requirements under Planning law, the National Building Regulations or any other legislation.