



# MAKING IT EASIER TO DEVELOP WITH HERITAGE EXEMPTIONS

**DESIGNATED AREAS WITHIN IDENTIFIED  
DEVELOPMENT FOCUS AREAS ACROSS CAPE TOWN  
EXEMPTED FROM HERITAGE PERMISSIONS.**

Older buildings with no heritage value that are located within the heritage exemption areas can be altered, improved and demolished **without prior approval from Heritage Western Cape**.



CITY OF CAPE TOWN  
ISIXEKO SASEKAPA  
STAD KAAPSTAD



MAKING IT EASY AND COST-EFFECTIVE TO BUILD AND DEVELOP.

Making progress possible. Together.

## 1 PURPOSE OF NHRA EXEMPTIONS

As Cape Town is ageing, many buildings in the city are turning 60 years. Any person who wants to alter or demolish a structure older than 60 years must first apply to Heritage Western Cape (HWC) for a Section 34(1) permit to do so, regardless of whether the property has any heritage value or not. Only once HWC has issued the permit can they submit a development application, or a building plan to the City for consideration.

**THIS PROCESS NO  
LONGER APPLIES TO  
PROPERTIES THAT FALL  
WITHIN THE SEVEN  
HERITAGE EXEMPTION  
AREAS, AS INDICATED  
ON THE MAP.**

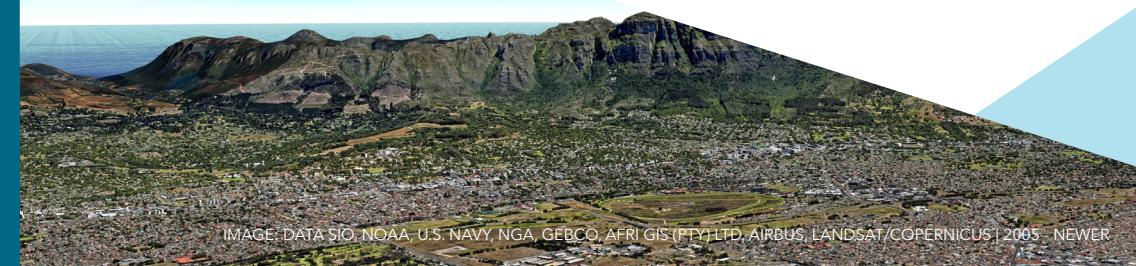


IMAGE: DATA SIO, NOAA, U.S. NAVY, NGA, GEBCO, AFRL/GIS (PTY) LTD, AIRBUS LANDSAT/COPERNICUS 2005 - NEWER

## **2** CAPE TOWN IS THE FIRST

**The City of Cape Town is the first local municipality where exemptions from the requirements of Section 34 and 38 of the national Heritage Resources Act (NHRA, 1999) have been implemented.**

The implementation of the heritage exemptions supports the City's commitment to Ease-Of-Doing-Business in Cape Town, and enables development in prioritised areas, as stipulated in the City's Integrated Development Plan (IDP).

The cutting of red tape associated with development processes assists with economic growth and job creation. This supports our efforts of building a City of Hope.

Meaning, the alteration or demolition of properties falling within heritage exemption areas, do not require prior application to HWC for a Section 34(1) permit, nor notifications of the intention to develop in terms of Section 38.

**These exemptions will reduce the regulatory and administrative burden on developers, property owners, the City, and HWC by eliminating unnecessary heritage application processes in heritage exemption areas.**

**It also significantly reduces the delays in building plan submissions.**

## **3 WHERE ARE THE NHRA EXEMPTION AREAS?**

Thus far, seven areas within development focus areas across Cape Town have been gazetted as NHRA or heritage exemption areas.

From now on, development applications within these heritage exemption areas will be processed through the City's Development Management Application processes - be it building plans or land use applications - without needing HWC approvals.

Importantly: Heritage places that are conservation worthy and fall within the exemption areas are placed on the Heritage Register and are formally protected. These properties will be managed through the Heritage Protection Overlay Zoning.

**These are defined Development Focus Areas (DFAs) within:**

- **Airport Industria**
- **Atlantis**
- **Flamingo**
- **Kuils River**
- **Mitchells Plain Town Centre**
- **Ottery/Lansdowne**
- **Voortrekker Road Corridor**

The Parow Station Precinct has enjoyed NHRA exemption since September 2021 and was the pilot for the implementation of exemptions in terms of Section 34 and Section 38.

### **WHAT IS A DEVELOPMENT FOCUS AREA?**

Development Focus Areas are spatially targeted areas where the City uses planning mechanisms and tools to encourage and incentivise development. And, where development application processes are streamlined to save applicants time and money - thus, the cutting of red tape associated with development processes.

# 4 PROCESS

## TO DEVELOP OR ALTER PROPERTIES THAT FALL WITHIN THE NHRA S34 AND/OR 38 EXEMPTION AREAS

### PROCESS CHECKS IN TERMS OF THE DEVELOPMENT APPLICATION PROCESS

#### SECTION 34 NHRA EXEMPTION CHECK

**My house is older than 60 years.  
I want to make alterations or demolish the building.**

##### STEP 1



##### Determine whether your property falls within a Heritage Exemption Area.

Use your property details such as the erf number and/or address to check if your property is in an area demarcated as a heritage exemption area on the City of Cape Town's Map viewer. Alternatively contact the relevant District Planning office, if you need assistance.

**CityMap Viewer:** <https://citymaps.capetown.gov.za/EGISViewer/>



##### STEP 2



##### Now that you have confirmed that your property falls within the NHRA Exemption Area, check whether the property is formally protected or not. Check on CityMap viewer.

##### STEP 2.1



If the answer is **no**, your property is not formally protected. You can now proceed to submit building plans in accordance with the City's Building Development Management application process. **You do not need to apply to HWC for a permit.**

##### STEP 2.2



If the answer is **yes**, it means your property is on the Heritage Register (S31) and **consent will be required through the City's Heritage branch.**



#### SECTION 38 NHRA EXEMPTION CHECK

I want to undertake a large development. Do I need to undertake a Heritage Impact Assessment in terms of S38 of the NHRA? My development proposal will change the character of a site and includes any of the following triggers:

- (i) exceeds 5 000m<sup>2</sup> in extent, or
- (ii) involves three or more existing erven or subdivisions thereof, or
- (iii) involves three or more erven or divisions thereof which have been consolidated within the past five years, or
- (iv) the re-zoning of a site exceeding 10 000m<sup>2</sup> in extent



##### STEP 1



##### Determine whether the property you want to develop falls within a Heritage Exemption Area.

Use your property details such as the erf number and/or address to check if your property is in an area demarcated as a heritage exemption area on the City of Cape Town's Map viewer. Alternatively contact the relevant District Planning office, if you need assistance.

**CityMap Viewer:** <https://citymaps.capetown.gov.za/EGISViewer/>

##### STEP 2



##### Now that you have confirmed that your property falls within the NHRA Exemption Area, check whether the property or area to be redeveloped includes any formally protected heritage resources.



If the answer is **no**, it means there are no formally protected heritage resources. You can proceed to the LUMS application process. **You do not need to undertake a HWC S38 Heritage Impact Assessment.**



If the answer is **yes**, it means your property does have formally protected heritage resources that appear on the Heritage Register (S31). **You have to proceed to the LUMS/HPOZ application process.**



## REDUCING RED TAPE IN NHRA EXEMPTION AREAS, THE BENEFITS:

- No need to apply for a permit from Heritage Western Cape (one less application)
- No additional fees payable to Heritage Western Cape
- Saving Costs
- Speeds up the application process
- Saving time
- Providing certainty to property owners and developers

Note: Exemptions not applicable to Section 27 heritage resources located within a S34 and/or S38 NHRA Exemption Areas. NHRA processes remain applicable.

## 5 MORE DETAILS

The NHRA Exemption Areas fall within the following District Planning Offices who will be able to assist with your application:

- **Tygerberg District Planning Office:** Airport Industria, Kuils River, Voortrekker Road Corridor, Parow Station Precinct
- **Cape Flats District Planning Office:** Flamingo, Ottery/Lansdowne
- **Blaauwberg District Planning Office:** Atlantis
- **Khayelitsha/Mitchells Plain District Planning Office:** Mitchells Plain Town Centre



<https://bit.ly/3zekPIO>

✉ Email any specific queries to: [lums@capetown.gov.za](mailto:lums@capetown.gov.za)

📱 Phone the Development Management Contact Hub on **021 401 4702**, Monday to Friday, from 08:00 to 16:00, for the contact details of the relevant district planning office.