

## CHAPTER-15

### REGULATIONS FOR CONSERVATION OF HERITAGE BUILDINGS, HERITAGE PRECINCTS AND NATURAL FEATURES

The objective of these regulations shall be the conservation of buildings, artifacts, structures, areas and precincts of historic and/ or aesthetic and / or architectural and / or cultural significance and / or environmental significance (heritage buildings and heritage precincts) and / or natural features of environmental significance and or sites of scenic beauty.

#### GENERAL REGULATIONS:

1. These regulations are formulated without prejudice to
  - i. Ancient Monuments & Sites & Remains Act, 1958
  - ii. The Karnataka Ancient & Historical Monuments & Archeological sites & Remains Act, 1961
  - iii. Any other law for the time being in force in the state.
2. The Government shall constitute a Conservation Committee to advise the HWHAMA in the matters related to Heritage Conservation of ancient monuments and natural areas of environmental importance, and advise in the integrated development of Hampi World Heritage Area.
3. No development, demolition, alteration or repair shall be carried out without prior permission of the authority.
4. Development activities on the rocks, boulders, hillocks and rock outcrop shall not be permitted.
5. No Moving, Destroying, Breaking, Quarrying, Painting and Writing on the boulders shall be permitted.
6. No developments shall be permitted within 45.00 M. of River front zone.

7. No alienation/ conversion of ecologically sensitive areas like river islands, tank bed areas, forest areas and river front areas in the Local Planning Area.

**1. APPLICABILITY:**

This regulation shall apply to all heritage sites including buildings, heritage precincts and natural features declared under the Karnataka Town & Country Planning Act, 1961.

**2. COMPOSITION OF HERITAGE CONSERVATION COMMITTEE:**

For the Local Planning Area, there shall be Heritage Conservation Committee consisting of the following members appointed by the State Government.

1	A Retired Chief Secretary of the Government of Karnataka or Principal Secretary, Urban Development, or Any Officer nominated by the State Government, as the case may be	Chairman
2	Structural Engineer having experience of at least 10 years in the field and membership of the Institute of Engineers.	Member
3	Architect having at least 10 years experience in architecture and five years in heritage conservation architecture and membership of the Council of Architecture. Preferably Conservation Architect	Member
4	Environmentalist with recognized postgraduate degree with environment protection / pollution control as a subject having in depth knowledge and experience of 10 years in the subject matter.	Member
5	Historian/Archeologist possessing a doctorate in History and having knowledge of the region at least for 10 years.	Member
6	Natural historian possessing post graduation in Botany / Zoology / Forestry preferably with Ph.D. degree having 10 years experience in the field.	Member
7	Director of Town Planning or his nominee, Govt. of Karnataka	Member
8	Artist possessing degree in fine arts and at least 10 years experience in the field	Member
9	Representative of ASI, Government of India	Member
10	Commissioner / Director, Archaeology and Museums or his nominee	Member
11	Representative of 2 NGOs in existence for at least 10 years as NGO working in the field of heritage conservation and nominated by Government	2 Members
12	Chief Conservator of Forests, Govt. of Karnataka	Member
13.	Chairman HWHAMA/D.C. Bellary / Koppal, Govt. of Karnataka	Member
14.	Commissioner, HWHAMA	Convener

- a) The Committee shall have the powers to co-opt up to two additional members who may have lesser experience, but who have special knowledge of the subject matter.
- b) The tenure of the Members of category (1) to (6) and (11) shall be for three years provided however that the same person shall be eligible for re-appointment as Member.
- c) The quorum for the meeting of Heritage Conservation Committee shall be 6 members including the Chairman. Any vacancy in the office of members shall not vitiate any decision taken by the majority of the members present.
- d) The terms of reference of the Committee shall be, inter-alia,
  - i. to advice the HWHAMA whether development permission should be granted under this Regulation and the conditions under which permission may be accorded.
  - ii. to prepare a list of buildings, artifacts, structures, areas, precincts of historic, aesthetic, architectural, cultural or environmental significance and a supplementary list of natural features of environmental significance or scenic beauty including sacred groves, hills, hillocks, water bodies (and the areas adjoining the same), open areas, wooded areas, etc., to which this regulation would apply from time to time.
  - iii. to advice whether any relaxation, modification, alteration or variance of any of the Zoning Regulations / Building Byelaws, is called for.
  - iv. to frame regulations for specific precincts and if necessary for natural features to guide the planning/Competent Authority regarding issue of permissions.
  - v. to advice on the extent of Development Rights Certificates to be granted.

- vi. to advice whether Development Rights Certificates may be allowed to be consumed in a heritage precinct.
- vii. to advice in terms of this regulation whether to allow commercial /office / hotel user in the (name the areas) and when to terminate the same.
- viii. to advice the Planning Authority in the operation of this regulation to regulate or eliminate / erection of outside advertisements / bill boards / street furniture's.
- ix. to recommend to the Planning Authority regarding guidelines to be adopted by those private parties or public / Government agencies that sponsor beautification schemes at public intersections and elsewhere.
- x. to provide technical advice, if possible, on guidelines to the owners of heritage buildings / precincts to protect, conserve or restore them. For this purpose the Committee may also try to help the Planning Authority to raise funds through private resources.
- xi. to prepare special designs and guidelines / publications for listed buildings, control of height and essential façade characteristics such as maintenance of special types of balconies and other heritage items of the buildings and to suggest suitable designs adopting appropriate materials for replacements keeping the old form in tact to the extent possible.
- xii. to prepare guidelines relating to design elements and conservation principles to be adhered to and to prepare other guidelines for the purposes of this regulation.
- xiii. to advice the Planning Authority on any other issues as may be required from time to time during course of scrutiny of development

permissions and in overall interest of heritage / environmental conservation.

- xiv. to appear before the government either independently or through or on behalf of Planning Authority (HWHAMA) in cases of listed buildings / heritage buildings and listed precincts / heritage precincts and listed natural features.

### **3. PREPARATION OF LIST OF HERITAGE BUILDINGS, HERITAGE PRECINCTS AND LISTED NATURAL FEATURES:**

The HWHAMA shall prepare the list of buildings, artifacts, structures, areas and precincts of historic, and/or aesthetic, and /or architectural and/ or cultural significance and /or environmental significance, the said list of those natural features of. The HWHAMA shall notify the list so declared, and inviting objections and suggestions from general public granting at least 15 days time. Restrictions on the Heritage buildings/precincts shall be in force with effect from the date of notification by the HWHAMA.

### **4. GRADING OF THE LISTED BUILDINGS / LISTED PRECINCTS:**

Listed Heritage Buildings / Listed Heritage Precincts may be graded into three categories. The definition of these and basic guidelines for development permissions are as follows:

Listing does not prevent change of ownership or usage. However, change of use of such Listed Heritage Building /Listed Precincts is not permitted without the prior approval of the Heritage Conservation Committee. Use should be in harmony with the said listed heritage site.

#### **Grade-I:**

- (A) **Definition:** Heritage Grade-I comprises buildings and precincts of national or historic importance, embodying excellence in architectural style, design, technology and material usage and/or aesthetics: they may

be associated with a great historic event, personality. Movement or institution. They have been and are the prime landmarks of the region. All natural sites shall fall within Grade-I.

(B) **Objective:** Heritage Grade-I richly deserves careful preservation.

(C) **Scope for Changes:** No interventions be permitted either on exterior or interior of the heritage building or natural features unless it is necessary in the interest of strengthening and prolonging the life of the buildings/ or precincts or any part or features thereof. For this purpose, absolutely essential and minimum changes would be allowed and they must be in conformity with the original

(D) **Procedure:** Development permission for the changes would be given on the advice of the Heritage Conservation Committee.

(E) **Vistas / Surrounding Development:** All development in areas surrounding Heritage Grade-I shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-I.

#### **Grade-II:**

**Heritage Grade-II** (A&B) comprises of buildings and precincts of regional or local importance possessing special architectural or aesthetic merit, or cultural or historical significance though of a lower scale than Heritage Grade-I. They are local landmarks. Which contribute to the image and identity of the region. They may be the work of master craftsmen or may be models of proportion and ornamentation or designed to suit a particular climate.

Heritage Grade-II deserves intelligent conservation.

Grade-II (A): Internal changes and adaptive re-use may by and large be allowed but subject to strict scrutiny. Care would be taken to ensure the conservation of all special aspects for which it is included in Heritage Grade- 11.

Grade-II (B): In addition to the above, extension or additional building in the same plot or compound could in certain circumstances, be allowed provided that

the extension / additional building is in harmony with (and does not detract from) the existing heritage building(s) or precincts especially in terms of height and facade.

Development permission for the changes would be given on the advice of the 1 heritage Conservation Committee.

All development in areas surrounding Heritage Grade-II shall be regulated and controlled, ensuring that it does not mar the grandeur of, or view from Heritage Grade-II.

**Grade- III:**

- Heritage Grade-III comprises building and precincts of importance for townscape; that evoke architectural, aesthetic, or sociological interest through not as much as in Heritage Grade-II. These contribute to determine the character of the locality and can be representative of lifestyle of a particular community or region and may also be distinguished by setting, or special character of the facade and uniformity of height, width and scale.
- Heritage Grade-II deserves intelligent conservation (though on a lesser scale than Grade-II and special protection to unique features and attributes).
- Internal changes and adaptive re-use may by and large be allowed. Changes can include extensions and additional buildings in the same plot or compound. However, any changes should be such that they are in harmony with and should be such that they do not detract from the existing heritage building/precinct.
- Development permission for changes would be given on the advice of the Heritage Conservation Committee.

- All development in areas surrounding Heritage Grade-III shall be regulated and controlled, ensuring that it does not mar the grandeur of. Or view from Heritage Grade-III.

**5. RESPONSIBILITY OF THE OWNERS OF HERITAGE BUILDINGS AND BUILDINGS IN HERITAGE PRECINCTS:**

It shall be the duty of the owners of Heritage Buildings and buildings in Heritage Precincts to carry out regular repairs and maintenance of the buildings at their own cost. The Government, the HWHAMA or the local bodies and authorities shall not be responsible for such repair and maintenance except for the building owned by the Government, the HWHAMA or the local bodies.

**6. RESTRICTION ON DEVELOPMENT/ RE-DEVELOPMENT / REPAIRS:**

- A. 1) No development or re-development or engineering operation or additions, alterations, repairs, renovations including the painting of buildings, replacement of special features or plastering or demolition of any part thereof of the said Heritage Buildings or Heritage Precincts or listed natural features shall be allowed except with the prior written permission of the Commissioner, HWHAMA.
- 2) Before granting any such permission, the Commissioner, shall consult the Heritage Conservation Committee to be appointed by Government (hereinafter referred to as the said Heritage Conservation Committee) and shall act on the advice of the Heritage conservation Committee.
- 3) Provided that before granting any permission for demolition or major alterations/additions to Heritage Buildings (or buildings within Heritage Precincts), or construction at any listed natural features, or alteration of boundaries of any listed natural features, objections and suggestions from the public shall be invited by newspaper notifications and duly considered by the Heritage Conservation Committee.

- 4) Provided that only in exceptional cases, for reasons to be recorded in writing, the Commissioner HWHAMA may refer the matter back to the Heritage Conservation Committee for reconsideration. The decision of the Heritage Conservation Committee after such reconsideration shall be final.

#### **B. MAINTAINING SKYLINE AND ARCHITECTURAL HARMONY:**

Buildings within heritage precincts or in the vicinity of heritage buildings/listed natural features shall maintain the skyline and follow the architectural style (without any high-rise or multi-storeyed development) as may be existing in the surrounding area, so as not to diminish or destroy the value and beauty of or the view from the said heritage building/heritage precincts or of the natural features. The development within the precinct/in the vicinity of heritage buildings/natural features shall be in accordance with the guidelines framed by the HWHAMA/Municipality/Panchayat on the advice of the Heritage Conservation Committee.

#### **C. SIGNS AND OUTDOOR DISPLAY STRUCTURES/INCLUDING STREET FURNITURE:**

Commissioner HWHAMA on the advice of the Heritage Conservation Committee shall frame regulations and/or guidelines to regulate signs, outdoor display structures and street furniture. Till such regulations and guidelines are framed, the following guidelines may be followed:

- a) **National Building code** to apply – The display or advertising signs and outdoor display structures on buildings and land shall be in accordance with: Part X – Signs and Outdoor Display Structures, National Building Code of India.
- b) **Additional conditions** – In addition to sub-regulation A, above, the following provisions shall apply to advertising signs in different land use zones:
- c) **Residential Zone:** The following non-flashing neon signs with illumination not exceeding 40-watt light.

- i. One nameplate with an area not exceeding 0.1 SQM. for each dwelling unit;
  - ii. For other uses permissible in the zone, one identification sign or bulletin board with an area not exceeding 10 SQM. Provided the height does not exceed 1.5m.
  - iii. “For sale” or “For rent” signs for real estate, not exceeding 2 SQM. in area provided they are located on the premises offered for sale or rent. Non-flashing business signs placed parallel to the wall and not exceeding 1 m. in height per establishment.
- d) **Commercial Zones:** Flashing or non-flashing business signs parallel to the wall not exceeding 1 m in height provided such signs do not face residential buildings.
- e) **Prohibition of advertising signs and outdoor display structures in certain cases:** Notwithstanding the provisions of sub-regulations of A & B, no advertising sign or outdoor display structures shall be permitted on buildings of architectural, aesthetic, historical or heritage importance as may be decided by the Commissioner, on the advice of the Heritage Conservation Committee or on Government buildings, save that in the case of Government buildings only.

## **7. APPROVAL TO PRESERVE THE BEAUTY OF THE AREA:**

The HWHAMA shall have the power to direct/control/regulate especially in areas designated by them, that the exterior design and height of the buildings to preserve the beauty of the area.

## **8. PENALTIES:**

- a) Violation of the regulations shall be punishable under as unauthorized development.
- b) In case of proven deliberate neglect of and /or damage to Heritage Buildings and Heritage Precincts, or if the building is allowed to be damaged or destroyed due to neglect or any other reason”, in addition to penal action proposed by the HWHAMA, no development permission to

construct any new building shall be granted on the site if a Heritage Building or building in a heritage precinct is damaged or pulled down without appropriate permission from the Commissioner HWHAMA.

- c) For restoration of listed buildings/precincts/natural areas owned by an individual shall be exempted from property tax.

**9. POWER TO ALTER, MODIFY OR RELAX OTHER DEVELOPMENT CONTROL REGULATIONS:**

On the advice of the said Heritage Conservation Committee and for reasons to be recorded in writing, the Commissioner HWHAMA may alter, modify or relax the Development Control Regulations/Buildings Byelaws and of the Master Plan including those concerning Land Use regulations if it is needed for the conservation, preservation or retention of historic and/or aesthetic and/or cultural and /or architectural quality of any listed heritage buildings or natural features provided that no such relaxation shall be allowed in respect of Water Bodies and Open Space Zones.

**10. ROAD WIDENING:**

- i. If road-widening guidelines under the Master Plan are prescribed they shall be such so that they will protect and not detract from the said heritage precincts/said listed natural features.
- ii. If there are any new road widening lines proposed in the sanctioned Master Plan the Commissioner HWHAMA shall consider the heritage provisions and environmental aspects while considering applications for development permissions in these precincts. Necessary steps may be taken to modify such proposals accordingly. Pending this action, the road widening /development of new roads shall not be carried out.
- iii. No widening of the existing roads shall be carried out in a manner which may affect the existing heritage buildings (even if they are not included in a Heritage Precinct) or which may affect listed natural features.

## **11. MASTER PLAN RESERVATIONS:**

If there are any Master Plan reservations shown on heritage buildings, or on listed natural features the same shall not be implemented. If required, the Chairman, HWHAMA, on the advice of the Heritage Conservation Committee, shall move government to get these reservations deleted/modified as need be.

## **12. REPAIR FUND:**

With a view to give monetary help for repairs of Heritage buildings a separate fund may be created, which would be kept at the disposal of Commissioner HWHAMA, who will make disbursement from the funds on the advice of the Heritage Conservation Committee. The fund shall be mainly used to support the cost of expert guidance and fees for architects, engineers and other experts while the actual conservation works must be supported by the owners or from sources other than the Repair Fund.

## **12. REVOCATION OF LISTED HERITAGE BUILDINGS/ PRECINCTS AND NATURAL AREAS:**

- a) The Heritage Conservation Committee may make an assessment for delisting of any listed Heritage Building, Heritage Precinct and Heritage Natural Areas at any given time on representation from owner or general public or on its own.
- b) It may recommend to the Government for delisting of full or part of Heritage Building, Heritage Precinct and Heritage Natural Area.
- c) The Government may approve or reject the proposal submitted by the HWHAMA.