

## The Development of Street Rehabilitation in the Legislation of Turkish Republic

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**Abstract:** The consciousness of preservation becoming widespread all over the world is in direct proportion with the ever-increasing activities of the states and international organizations and parallel to the production of activities and legislation. Although international legislation is becoming a more efficient shaping tool in national legislation of countries, the legislation works intended for covering the need that has emerged due to the fast interest and competition of certain specific countries are also important. These works bring together the problem of whether these legislations are adequate in terms of quality and quantity and are serial for the intervention of the states to certain situations. Street rehabilitation projects and applications have not been conducted in a way that they have to be, but in a way -so to speak- that varied for each institution until the legislation that was enacted ten years later the onset of the project and application works. After the realization of the relevant interventions, the works started to be realized in accordance with the legislation layers, which will be discussed in this study. In this study, the regulations in Republic of Turkey on the street rehabilitation projects and applications, which are the subject of academic awards and whose numbers increase in recent years and which is a holistic preservation approach in case it is handles accurately and consciously, will be investigated; and the point at which these legislations have arrived so far in the field of architectural preservation and application and their adequacy will be examined.

**Key words:** Street rehabilitation • Legislation • Historic preservation • Restoration • Cultural heritage

### INTRODUCTION

The number of the theoretical and practical studies handling the protection and transfer of the tangible/intangible, movable/immovable cultural assets to future generations with the help of data sharing, which has made the world become a giant library, is increasing with each passing day. For this purpose, vocational professionals, whether protective of not and central and local authorities, who are the real practitioners of the preservation, must see the preservation examples in their actual places. All works related with preservation in any corner of the world, whether academic or applicable, support this accumulation of knowledge at a level that has never existed before, can be followed by any people who are interested in the subject or by those who are the professionals in the field, not matter where in the up-to-date world they live and no matter on what cultural assets the subject matter is. This situation has turned the idea of “cultural assets are the property of the whole humanity

not the property of a specific country”, which is the core viewpoint of the establishment of United Nations Education, Science, Culture Organization (UNESCO), which was established after the World War II into reality [1].

On the other hand, it was declared in the “Regulation on Preserving the Historical Cities and Urban Areas” (The Washington Regulation), which was accepted in 1987 by International Council on Monuments and Sites (ICOMOS), that the urban textures that are under threat and that have the characteristics of international historical document must be preserved and sustained by making them function again and the tourism potential must be increased in such areas [2].

The urbanization and industrialization processes threaten historical cities more with each passing day. For this reason, the necessity for works which aim that these areas are transferred to future generations with holistic approaches rather than singular interventions is increasing every day.

## MATERIALS AND METHODS

The movable and immovable cultural and natural assets in Turkey are under the authority and responsibility of the Ministry of Culture and Tourism. In addition, it is not debatable that Republic of Turkey, which is nearly as old as a hundred years, has the responsibility to the historical background and the duty to the future to preserve these values under the umbrella of legal and administrative aspects.

In this study, the specialist thesis prepared in the Ministry of Tourism and Culture, post-graduate thesis and similar academic studies prepared in various academic institutions on the processes of the preference of street rehabilitation, which has only recently been adopted in Turkey as a holistic and historical urban area preservation approach, have been examined.

In addition, the published articles, which have the quality of being the annual compilation of preservation works performed by local administrations in Turkey, have been scanned. Also, the published catalogues on Competition on Encouraging the Project and Practices on Preservation of Historical and Cultural Heritage by Union of Historical Towns Union (UHT).

The ideas that have been obtained at the end of these examinations and scanning were supported with the examination of the documents that include regulations on street rehabilitation at various layers in the legislation of Republic of Turkey; and the additions and amendments in the legislation were assessed in chronological terms.

## RESULTS AND DISCUSSIONS

International works and legislation documents on the preservation of immovable architectural heritage agree on the fact that the concept “*cultural heritage*” does no longer refer only to the idea that the preservation concept is related with preserving the monuments and its surrounding, but is related with all areas that have historical and cultural characteristics in all urban and rural areas [3].

In Turkey Tourism Strategy 2023 Action Plan, under the title of Branding at Urban Scale, the following projections are foreseen on the formation of branded-cities with cultural themes; “conducting the restoration works on the structures that have historical, cultural, archaeological (...) values within the border of a city for the purpose of enriching the urban values” and “Forming commercial units that will facilitate the traceability of the historical and cultural attractions that are restored or whose environments are organized” [4].

Street Rehabilitation has been defined as;

- In the Law “Preserving the Cultural and Natural Assets” with the number 2863 (the Law 2863) as “surveying, restitution, restoration, urban design projects and any types of projects in the field of engineering that are intended to preserve the immovable cultural assets and the other structures in streets together with all the elements that define the texture of the street in urban sites and preservation areas” [5];
- In the “Regulation on Cultural Asset Procurement” with the number 28718 as “the works that are intended for the purpose of preserving and documenting the urban sites and preservation areas determined by the Law 2863, by the principle decisions of High Council of Preservation of Cultural and Natural Assets, Regional Preservation Boards and by development plans with the purpose of preservation for immovable cultural assets together with their specific street textures and urban furniture, facades overlooking the streets, their yard walls, their extensions, fountains and similar architectural elements whether registered or not, making them endure by rehabilitation and making them contribute to the modern life” [6].

As it may be understood from the definitions, in order for street rehabilitation to occur, the area has to be carrying an identity of protected area. In addition to this, it is also observed that the unregistered artefacts are also considered as the cultural assets just because they are located in these protected areas. However, all the built environmental components whether registered or not-as mentioned by Büyükoksal (2012)-must be handled as a whole with historical and cultural characteristics [7]. This supports the idea claiming that the rehabilitation of streets is a holistic approach with the purpose of urban preservation.

The activities that are referred to as street rehabilitation projects by the central and local administrations in recent years in Turkey are extremely efficient preservation approaches in the context of preserving especially the historical urban texture. There are successful projects and applications that are focused on preserving the historical urban areas as well as some projects that are extremely unsuccessful. Because, the viewpoints of the practitioners on the issue is extremely important beyond the active legal regulations on all other aspects of the matter and not merely on street rehabilitation.

**Application History of Street Rehabilitation:** Street rehabilitation is a preservation approach that exceeds the limits of individual possession and also is a whole of authorization and paths in which individuals, legal and/or state institutions cannot be involved in terms of the interventions on street and other urban components. For this reason, street rehabilitation projects and applications in Turkey are mostly conducted by the central administration (Ministry of Culture and Tourism) and local administration units (municipalities).

The first street rehabilitation works started as of early 1990s by Ministry of Culture and Tourism in Beypazarı (Ankara), Birgi (Izmir) and Kapanca Street (Kocaeli) [3]. The Ministry has fulfilled successful applications based on the authority and responsibilities given to it by the law with the numerous preservation staff with an aspect in which the technical aspect is focused on, which is the way it has to be.

In the following process where the quality increase in terms of tourism incomes was experienced by municipalities with the help of these works on historical urban areas, the Ministry of Culture and Tourism struggles to cover the increasing demands for street rehabilitation works within its financial and administrative power. When the Ministry was unable to cover the needs, local administrations started to apply street rehabilitation projects.

It would not be incorrect to consider that the first purpose in these applications is -of course- increasing the prosperity level of the local people and reviving tourism, together with the impression of a successful municipality as an investment on the elections, which is parallel to providing municipal services.

In brief, while “preservation” is a purpose in the street rehabilitation applications of the Ministry of Culture and Tourism, it has become a “tool” for local administrations. In other words, it is clear that there is a deep distinction between the street rehabilitation applications run by local administrations and by the Ministry of Culture and Tourism.

UHT was established on July 22, 2000 as a “Union which foresees the development of the cooperation between historical cities in the field of cultural heritage” and 412 municipalities were the members of it on the date when this study was conducted [8]. This Union has organized a competition that aims to “encourage the public and be the leader for them, creating the consciousness of preservation” [9, 10].

**Legal History of Street Rehabilitation:** In the Additional Item 6, which was added to the Law of Land Planning and Control with the number 6785, which was enacted on January 16, 1957, added to the Law with the date July 11, 1972 with the number 1605 “the law on some amendments on the Law of Constructions with the number 6785”, “the principles on the preservation of historical or architectural structures like inns, public baths, caravanserais, mansions, residences, houses, almshouse, worshipping areas and similar structures together with the fountains, ancient streets and circuses provided that these are related to the aforementioned assets as a whole” were determined [11]. Although this law does not mention street rehabilitation concept in words, the word group “provided that these are related to the aforementioned assets as a whole” constitutes the first notion that enabled the “street that has to be rehabilitated”, which will be examined in the further parts of the study, to be included in the legislation.

The word “street rehabilitation” being included in the legislation as a concept occurred on June 14, 2004 with the law number 5226 [12]; “The law on making some amendments on the Law of Preserving Cultural and Natural Assets”:

- Sub-items (3-a-8) added to Law 2863 (Table 1);
- Item 3-i and temporary 4<sup>th</sup> Item added to Law 4734, Public Procurement Law (Law 4734) (Table 2).

The term “legislation” used here was not narrowed with the preservation regulation. Because there is an administrative and economic text (like in Law 4734) as well as the Law 2863, which is a technical one in the context of architectural preservation.

However, the term “rehabilitation” being mentioned once in the definition of “reconstruction plan for protect” which was added to the Law 2863 with the Law 5226 [5] and the fact that there are no other definitions or expressions in the other parts of the law attracts attention. In other words, the Law 2863 had to wait for another seven years to include at least the definition.

With the Temporary Item 4 added to the Law 4734 with the Law 5226, “The Regulation on Surveying, Restitution, Restoration Projects, Street Rehabilitation, Urban Design Projects and Their Applications and Evaluations, Preservation, Transfer and Excavation Works and Purchase of Goods and Services for the Cultural Assets that are in the Scope of Preservation of Cultural

Table 1: The applications on street rehabilitation in the Law 2863

The Law 2863 became active on 21.07.1983 after it was released in the Official Gazette.

Date	Name of the Regulation	with Which Item	in Which Item of the Law 2863	Coverage	Content
14.07.2004	The Law 5226	1	3-(a)-8	Addition	"Reconstruction plan for protect" are the ones that are prepared with the design of (...) in protected sites (...) prepared with the purpose of preserving and sustaining cultural and natural assets (...) by limiting them for construction, rehabilitation, renewal areas and projects, application stages and programs, open area systems, pedestrian roads and vehicle transportation, principles for the design of the infrastructure, (...). [5]
08.08.2011	The Delegated Legislation 648	41	3-(a)-15	Addition	"Street rehabilitation projects and applications" are any of the projects and their applications intended for surveying, restitution, restoration, urban design project and any types of projects in the field of engineering that are intended to preserve the immovable cultural assets and the other structures in streets together with all the elements that define the texture of the street in urban sites and preservation areas" [5].
		43	18	Addition	The methods and bases on street rehabilitation projects and applications are defined by the legislation by the Ministry [5].

Table 2: The applications of the Law 4734 on street rehabilitation

Law 4734 became active after being released in the Official Gazette on 21.07.1983.

Date	Name of the Legislation	with Which Item	in Which Item of the Law 4734	Coverage	Content
14.07.2004	The Law 5226	21	3-(i)	Addition	(...)purchase of goods and services for the street rehabilitation, urban design projects and purposes for movable and immovable Cultural Assets that are in the scope of the law 2863 (...) [15]
		24	Temporary Item 4-(c)	Addition	The basic principles and methods on Sub-item (i) of Item 3 of this Law are defined in the legislation that will be released by the Ministry of Finance and Public Procurement Agency [15].

and Natural Assets Law" became active when it was released in the Official Gazette with the number 25849 on 18/6/2005 [13]. Although this regulation was prepared by the Ministry of Finance, Public Procurement Agency and Ministry of Culture and Tourism, the application of it was the responsibility of Ministry of Culture and Tourism according to the 45<sup>th</sup> Item of the regulation. This regulation was updated with the amendment released in the Official Gazette with the number 27315 on 10/8/2009 and was terminated with the 43<sup>rd</sup> Item of the Law released in the Official Gazette with the number 28718 on 25.07.2013 "Cultural Assets Procurement Regulation" [14].

In the sub-legislation of "The Regulation on Surveying, Restitution, Restoration Projects, Street Rehabilitation, Urban Design Projects and Their

Applications and Evaluations, Preservation, Transfer and Excavation Works and Purchase of Goods and Services for the Cultural Assets that are in the Scope of Preservation of Cultural and Natural Assets", which was abolished, technical documents like the following items were stated under the conditions and approximate cost calculation methods:

- Technical Specification of Reconstruction Plan for Protect,
- Approximate Cost Calculation Methods of Reconstruction Plan for Protect,
- Technical Specifications on Urban Design Projects and Rehabilitation Projects of the Texture and Streets that need to be Preserved,

- Approximate Cost Calculation Method of Urban Design Projects and Rehabilitation Projects of the Texture and Streets that need to be Preserved,
- Urban Design Projects General Technical Specifications,
- Urban Design Projects Approximate Cost Calculation Method,
- Landscape Design Projects General Technical Specifications,
- Landscape Design Projects Approximate Cost Calculation Method,
- Approximate Cost Calculation Method of the Surveying, Restitution and Restoration Projects in the Single-Structure Scale,
- Technical Specifications of the Surveying, Restitution and restoration Project in the Single-Structure Scale [16].

It is observed that the “Cultural Assets Procurement Legislation”, which abolished these regulations and which is still active, have been updated technical additions. The names of some of these specifications have been changed will be listed in further sections of the study.

Especially specifically in street rehabilitation topic, “The Regulation on Surveying, Restitution, Restoration Projects, Street Rehabilitation, Urban Design Projects and Their Applications and Evaluations, Preservation, Transfer and Excavation Works and Purchase of Goods and Services for the Cultural Assets that are in the Scope of Preservation of Cultural and Natural Assets Law” has another sub-legislation, which says the following items in the scope of “Technical Specifications of the Urban Design and Street Rehabilitation Project with the Textures and Streets that have to be Preserved”:

- Principles (on Rehabilitation Project of the Streets that have to be Rehabilitated and on the Urban Design Project),
- Services (on Rehabilitation Projects of the Streets that have to be Rehabilitated and on the Urban Design Project),
- Survey Project Services (Documentation of Present Situation and Analytical Studies, Surveying, Survey Analysis Report, Problems/Assessment of Present Physical Situation),
- Restitution Project Services (Restitution Project, Restitution Report),
- Restoration Project Services (Restoration Project, Restoration Report),

- Details,
- Urban Design and Infrastructure (Targets and Principles, Urban Design Plan/Project Preparation Process / Written and Drawn Documents),
- Engineering Projects,
- Photo Album,
- Organizing Procurement File Services,
- Delivery of the Work [17].

Although these specifications are not included in the sub-section of the preservation legislation, it is important because it includes the statement “In preparing the Restoration Projects stated in this specifications, the Preservation of Cultural and Natural Assets Law 2863 and the ‘Legislation on Preservations and Repairing of the Monuments and Archaeological Sites’ (The Venice Charter) will be applied” in the 13<sup>th</sup> Item [17].

In the process of street rehabilitation projects, as stated in previous sections, when the primary shareholders are the local administrations and Ministry of Culture and Tourism is considered, it is observed that the specifications are used in the works of the Ministry; however, in local terms, this has not been used by local administrations [3].

Although the names of these specifications changes in the amended items of the legislations that were enacted in various dates, the basic logic has the same purpose.

However, it is also considerable that before the definitions and concepts on rehabilitation were included in the-preservation-Law 2863, it was defined in detail in the layers of the legislation which was prepared as depending on the Law 4734.

The right to order such a legislation to the Law 2863, which in fact has to be the basis of a technical legislation intended for the projects and applications in logical terms, was given with the additional item (to the 48<sup>th</sup> Item), which was added with the 43<sup>rd</sup> Item to the Statutory Decree 648; “Determining the methods and principles on the projects and applications for street rehabilitation with the regulation prepared by the Ministry” [5] in 2011. However, such legislation has not become into power as of the date in which this study was prepared (Table 3).

Again, the “Cultural Assets Procurement Regulation”, which became active after it was released in the Official Gazette with the number 28718 on 25 July 2013, which was prepared as based on the Temporary Item 4 and sub-item (i) of the 3<sup>rd</sup> item of the Law 4734, was intended to regulate the procurement processes as well as defining the street rehabilitation in terms of projects and applications. In the sub-item (e) of the 5<sup>th</sup> Item of the

Table 3: Regulations Table

Date	Governing Legislation	Date of the Regulation Being Effective	Official Gazette No	Name of Regulation
14.07.2004	Temporary Item 4-(c) of the Law 4734 Amended with the Law 5226	18.06.2005	25849	Regulation on the Surveying, Restoration, Restitution Projects, Street Rehabilitation, Landscape Design Projects and the Applications of These and the Assessment, Preservation, Transfer Works and Excavation Works and Purchasing Goods and Service for the Aforementioned Items for the Cultural Assets in the scope of Law for Preservation of Cultural and Natural Assets [13].
		10.08.2009	27315	Legislation on making amendments in the law for the Surveying, Restoration, Restitution Projects, Street Rehabilitation, Landscape Design Projects and the Applications of These and the Assessment, Preservation, Transfer Works and Excavation Works and Purchasing Goods and Service for the Aforementioned Items* [18].
08.08.2011	18 <sup>th</sup> Item of the Law 2863 Amended with Statutory Decree 648	No information was available on any prepared and/or being prepared and/or enacted based on this legislation in April 2016, when this study was conducted.		
14.07.2004	Temporary Item 4-(c) of the Law 4734 amended with the Delegated Law 5226	25.07.2013	28718	Cultural Assets Procurement Regulation** *Although there are no references about the regulation that is based on in the text, it is accepted that it rules with the same regulation item, since it is intended to update directly the Law 25849.

\*\*It has abolished the Law 25849, which was updated with the Law 27315.

regulation, it is stated that the details, methods and techniques must exist in the specifications [6]. Another important detail about this regulation is the 44<sup>th</sup> and 45<sup>th</sup> Items, which are about the operation of the regulation items by the Ministry of Culture and Tourism, which was prepared by the Ministry of Finance, Public Procurement Agency and the Ministry of Culture and Tourism together, which is also the case in the previous regulation, which was abolished by the present one [6].

The “Sub-Legislation on Purchasing Goods and Services and Application Affairs”, which is the appendix of this legislation [19], became active with the approval of the Undersecretary of Ministry of Culture and Tourism based on the aforementioned 45<sup>th</sup> Item of the “Cultural Assets Procurement Regulation” on 02. 08. 2013 with the number 151969 [20]. In this legislation, which was handled in four sections:

- Sub-Legislation of Service Purchase Affairs;
- Sub-Legislation of Purchase of Goods;
- Sub-Legislation of Application Affairs;
- Specifications and Approximate Calculation Methods [20].

In these sub-legislations, the rehabilitation concept is only included in definitions, conceptual sections and the purposes section of the documents. In the last

section, which handles list of conditions and the approximate calculation methods; there are ten specifications:

- Landscape Design Project General Technical Specifications;
- Landscape Design Project Approximate Cost Calculation Method;
- Urban Design Project General Technical Specifications;
- Urban Design Project Approximate Cost Calculation Method;
- Reconstruction Plan for Protect General Technical Specifications;
- Reconstruction Plan for Protect Approximate Cost Calculation Method;
- General Technical Specifications on Rehabilitation of the Streets and Textures that Must be Preserved;
- Approximate Cost Calculation Method of the Rehabilitation of the Streets and Textures that Must be Preserved;
- Surveying, Restitution and Restoration Projects Technical Specifications in Single Structure Scale;
- Surveying, Restitution and Restoration Projects Approximate Cost Calculation Method in Single Structure Scale [20].

When the Item of “General Technical Specifications on Rehabilitation of the Streets and Textures that must be Preserved” is examined, it is observed that this text is the continuation of the specifications, which was abolished by the “Cultural Assets Procurement Regulation”.

Here, the point that has to be considered is, the fact that there has not been a regulation prepared on Street Rehabilitation, which is ordered by the Law 2863; and the technical data, which are considered especially by the Ministry of Culture and Tourism, being mere list of conditions instead of being a regulation; and these being defined by a law that includes the procurement and similar issues like in the Law 4734. The preservation regulation of the Republic of Turkey does not include any technical data on Street Rehabilitation Project and applications except for this sub-legislation.

Although there are no technical data in terms of rehabilitation, the "The Regulation Defining the Working Conditions on Monitoring and Auditing the Construction Plans Intended for Preservation, Street Rehabilitation Projects and Landscape Organization Projects, that have to be Preserved", which was defined by the legislation “that defines the principles and the duties of Directorate General and Preservation Boards, controllers, Plan-Project Examination and Assessment Boards and Plan-Project Assessment Processes in examining the Street Rehabilitation Project and environmental organization projects at any scale, sent, planned or had made by Directorate General of Cultural Assets and Museums, or those that are sent by various institutions” [21]. This legislation has been abolished.

The following are updated by taking the Producer Price Index (PPI) of the year 2005, which was released by Turkish Statistical Institute for defining the monetary limits:

- “The notification on the update of monetary limits for surveying, restitution, restoration, urban design projects and any types of projects in the field of street rehabilitation, urban design projects and their applications, preservation, transfer and excavation works and purchase of goods and services for the aforementioned purposes for cultural assets that are in the scope of the Law 2863” with the number 2006/1 [22].
- “The notification on the update of monetary limits for surveying, restitution, restoration, urban design projects and any types of projects in the field of street rehabilitation, urban design projects and their applications, preservation, transfer and excavation

works and purchase of goods and services for the aforementioned purposes for cultural assets that are in the scope of the Law 2863” with the number 2009/1 [23].

- “The notification on the update of monetary limits for surveying, restitution, restoration, urban design projects and any types of projects in the field of street rehabilitation, urban design projects and their applications, preservation, transfer and excavation works and purchase of goods and services for the aforementioned purposes for cultural assets that are in the scope of the Law 2863” with the number 2012/1 [24].

All of these three notifications do not include any technical rules on projects and/or applications. When the developments realized on rehabilitation are examined, it is observed that state cared for procurement and service purchase rather than street rehabilitation works.

## CONCLUSION AND FUTURE WORK

First of all, it is stated in the Washington Legislation, as well as in many other legislations, that it is only possible to preserve the historical urban textures by using them in an active manner. For this reason, in a world in which the site management concept is becoming more and more important, it is possible to see such unsuccessful examples which are conducted without examining with such strategic plans. Especially the applications and activities intended for cultural tourism being in the foreground are merged with the struggle for appearing in front of the voters with a more prestigious vision in elections, which are repeated once in every five year. There are some examples in which this context is left behind with the understandings of municipalities that aim to show more work in less time and use economic resources in a more active and efficient manner.

The rehabilitation concept being included as a single concept in the Law 2863, which is a living and developing law and which was enacted in 1983 and which was updated with the revisions for the situations and developments, which appeared in time, took ten years, i.e. it was in 2004; and the definitions and legislations being included took twenty-eight years, i.e. it was in 2011. As it may be observed in the works of the Ministry of Culture and Tourism and in the catalogues of the UHT Competition Catalogues, many of the projects were tried to be realized with single-structure scale by local administrations. For this reason, these works are

immature in terms of being holistic works. In other words, in the process that took nearly twenty years until the technical legislation, the street rehabilitation applications, which were performed by Ministry of Culture and Tourism, were realized in the light of the specifications, which already existed in the Ministry; and qualified projects and applications as well as bad preservation applications which were not consistent with the preservation principles emerged, due to the lack of such documents in local administrations. For this reason, this gap brought with it various and different situations in terms of standardization in quality and street rehabilitation projects and applications run by local administrations.

Despite the increasing applications on rehabilitation, the state was late in intervening on the legislation. The interventions were limited with the administrative issues of the procurement dimension and a legislation that would bring a standard approach to the projects and applications in terms of rehabilitation have not been enacted yet.

The word “rehabilitation” was mentioned as one single word in the “Reconstruction Plan for Protect”, which was added to the Law 2863 with the Law 5226 [5] and did not include any other definitions or expressions on rehabilitation; and therefore, there have not been any statements that foresees the production of a legislation layer intended for the technical details of the topic. As mentioned in previous sections of the study, when the street rehabilitation works, which were realized by the Ministry of Culture and Tourism or by local administrations, date as back as early 1990s is considered, it is surprising that the street rehabilitation concept was mentioned once although there were additions to the Law 2863, which was the main text on preservation in Turkish Republic in 2004, although this concept required holistic approach, which has been mentioned in various sections of this study.

One of the most important factors in the activation of the legislation was the Competition on Encouraging the Project and Practices on Preservation of Historical and Cultural Heritage by UHT being carried to an academic level in one sense as of 2001. The street rehabilitation works run by the Ministry of Culture and Tourism being conducted with a list of conditions produced within the body of the institution itself is a positive approach. On the other hand, the thing that counts in works run by local administrations is to produce many works in shorter time and in a diffused and cheaper manner rather than quality production [3].

Although the “The Regulation on Surveying, Restitution, Restoration Projects, Street Rehabilitation, Urban Design Projects and Their Applications and Evaluations, Preservation, Transfer and Excavation Works and Purchase of Goods and Services for the Cultural Assets that are in the Scope of Preservation of Cultural and Natural Assets Law” is based on the Temporary 4<sup>th</sup> Item of the Law 4734, which does not have the quality of being a technical legislation in terms of preservation, it has been observed that the Law 2863 has been considered by the Ministry of Culture and Tourism. On the other hand, it is also observed that the legislation duty which was mentioned by the Delegated law 648, which was added to the Law 2863, has not been realized as of the date on which this study was conducted; and it is also observed that the Street Rehabilitation has been cared for in terms of procurement rather than in terms of technical aspects. In this context, although it is sometimes considered that the technical aspect has been provided with the list of conditions, it is clear that these lists of conditions are merely intended for the liabilities of the contractor candidates. When the fact that a list of conditions and legislation has different levels is considered, the release of legislation intended for regulating the projects and bringing preservation approaches for social and cultural heritage values.

There are various definitions that sometimes differ from each other in several aspects and sometimes coincide with each other on preservation issue in the Law 4734 and in its sub-items and in Principle Decisions of The Supreme Board of Preservation of Cultural and Natural Assets and first of all, the Law 2863. In this context, the definitions of the rehabilitation term must be reviewed even re-handled over all the existing definitions that are widely accepted to ensure that the coverage of the Street Rehabilitation works are examined better.

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