PART II

LAND USE
3. **RESERVATION OF LAND FOR PUBLIC OPEN SPACE, NEW STREET, RAILWAY,GOVERNMENT OR MUNICIPAL PURPOSES, ENVIRONMENTAL CONSERVATION RESERVE AND PUBLIC HOUSING**

28/10/2010  (1)  (a)  The several pieces of land coloured dark green on the map are reserved for public open space purposes, those coloured solid red or red with white dots are reserved for new street purposes, those coloured grey for railway purposes, those bordered red-brown are reserved for Government or Municipal purposes and those coloured dark green with white hatch for Environmental Conservation Reserve.

27/09/1976  (b)  Any portion of a site in the Point Lanes area or in the General Business (Central Area) or a General Residential 5 zone which is 2.0 metres or less from the centre line of a non-vehicular street or is 4.5 metres or less from the centre line of a vehicular street, shall, unless otherwise prescribed elsewhere in this Scheme, be reserved for road purposes, and the City Engineer shall:-

(i)  where there is any irregularity in the street boundaries determine the position of such centre line;

(ii)  determine whether or not a street is a vehicular street, provided that:-

27/09/1976  (aa)  in respect of Smithfield Passage the area to be so reserved shall be between the broken lines shown as building lines on Plan No. 1829.138.

27/09/1976  (bb)  in respect of sites fronting on the eastern side of Salmon Grove only that portion of any such site which is 2.30 metres or less from such centre line shall be so reserved.

(2)  Save with the special consent of the Council, no person shall erect a building or make excavations or execute any other work on land reserved in terms of sub-clause (1) hereof, or spoil or waste or otherwise use such land so as to destroy or impair its use for the purpose for which it is reserved; provided that:-

(i)  such land may continue to be used for an existing use until such time as the Council has in terms of the Ordinance or any other law, required the owner to use or set such land aside for the purpose for which it is reserved or until the land has been transferred to the Council or to the public authority for whose purpose it has been reserved;

(ii)  nothing herein contained shall be construed as prohibiting the fencing of the land in conformity with the Bylaws;

(iii)  the land reserved for open space purposes and lying on the seaward side of the dunes at Isipingo North Township shall not be developed for either industrial or recreational use without the prior written approval of the Minister of
Planning, but shall be left undisturbed for purposes of nature conservation.

21/04/1975 (3) In granting its special consent in terms of sub-clause (2) the Council may impose such conditions as it deems necessary to preserve the amenities of the area, including restrictions relating to the height, coverage, floor space and bulk of buildings.

07/05/1984 (4) If the reservation of any land in terms of sub-clause (1) hereof is rescinded or deemed to be rescinded, the use or uses to which such land may be put shall be for the purposes indicated on the Reservation Map in respect of such land.

28/10/2010
27/02/2013 (5)

<table>
<thead>
<tr>
<th>COLOUR NOTATION</th>
<th>USE FOR WHICH LAND IS RESERVED</th>
<th>ADDITIONAL CONTROLS</th>
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<tbody>
<tr>
<td>Dark green with white hatch</td>
<td>ENVIRONMENTAL CONSERVATION RESERVE</td>
<td>SCHEME INTENTION: Publicly owned land dedicated to the conservation and management of natural areas of land and/or water for the ecosystem goods and services that the areas provide and the biodiversity which they support.</td>
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<td>1. Within an Environmental Conservation Reserve, unless with the prior written authorization from the Deputy Head: Environmental Planning and Climate Protection - 1.1 No earthworks, sand winning, mining, development or the erection of any structure, including but not restricted to buildings, fencing, swimming pools, wastewater and storm water infrastructure (including evapo-transpiration areas for on-site sanitation), roads, tracks, driveways, walking or cycling trails, or dams, shall be permitted; 1.2 No landscaping or planting of any vegetation, unless it is a requirement for the rehabilitation of the environment in terms of a management plan agreed to with the municipality, shall be permitted; 1.3 No harvesting, collecting, cutting, hunting or otherwise damaging of flora or fauna and soil and water resources, shall be permitted; 1.4 No vehicles, motorized or non-motorized, other than on established roads, driveways or tracks, shall be permitted. 1.5 No pets or other domestic animals shall be permitted.</td>
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| Public Housing                 | Orange and Yellow cross hatch | 1. The purpose of this reservation is solely to allow all spheres of Government to deliver housing, within the Municipality's jurisdiction.  
2. The maximum density permitted is 250du/ha.  
3. The Dwelling House/ Dwelling Unit shall not be less than 40m² in extent.  
4. Every Dwelling House/ dwelling Unit shall enjoy the right to contribute to the local economy without impacting on the next. In this regard opportunities for Home Business, Tuck Shop / Spaza Shop, Bed and Breakfast Establishments shall apply. All such ventures may be permitted by consent of the Municipality.  
5. Social facilities shall be provided in accordance with the National Housing Code 2009 together with the Municipality’s own Space Planner.  
6. The development is subject to all remaining legislation.  
7. Special concern must be given to environmental issues of recycling, planting, use of solar panels, orientation of buildings etc.  

**PROCEDURE**  
8. All successful applicants will prepare a layout for the Municipality’s consideration.  
9. The application will be circulated to all service providers within and external to the Municipality for comment.  
10. This will shape a final layout. At this stage the internal task team will recommend to the Joint Advisory Committee a decision regarding the layout.  
11. Building plans may then be submitted for the Municipality’s consideration.  
12. The internal task team will monitor the performance of the reservation and the delivery of housing and may revise this reservation at any point through a statutory process.