**Comment on the advertised Zoning Map for Rooiels 2019**

1. Erf 321 has been incorrectly designated as Public Open Space (Zone 2) instead of Nature Reserve (Zone1). This is correctly reflected in the current 2014 Zoning Map. If this is not an error, kindly furnish the rationale for this and what process was followed. Kindly also quote the relevant sections of the enabling legislation.
2. This new draft zoning map contains a mistake regarding erf 324 Rooiels and deviates from the existing zoning map (2014), which was correct.
	1. **The mistake:** At the bottom corner of erf 324 (next to erf 282), four subdivisions of erf 324 are indicated in yellow as Single Residential. These subdivisions do not in actual fact exist and were never registered. They lapsed in May 1979. Unfortunately the map held by the Surveyor General was never endorsed to this effect.

Please see the following extract from the report by Mr CK Rabie Chief Director of Planning to Minister Lampie Fick in 1997:

“An application by the owner at the time (Mr H Forrer), for a subdivision of Erf 324 into a Remainder and four new residential erven next to the coast was approved in May 1977 (the remainder as Erf 328, and Erven 329,330,331 and 332 below Porter Drive).”

“None of the said erven where however registered within the prescribed period and the subdivisional approval of 1977 lapsed in May 1979. The present zoning of the property is undetermined, with rights to erect only one dwelling unit on Erf 324.

* 1. During 1980 the property was sold to Mr Reinecke. Mr Reinecke later applied for a new subdivision (around 14 erven) - which was granted - and the property was sold to Mr Nel. However, the applicant had failed to remove a relevant title deed condition and the subdivision could not be proceeded with.

This application for removal of title deed restriction was advertised in November 1996 and more than 80 objections were received - including from the Rooiels Ratepayers’ Association and the Save Klein Hangklip Association. The removal of the title deed restriction was approved by the Provincial Minister of Planning. The Save Klein Hangklip Association then brought a Review Application (Case No 1054/98) and the High Court set aside the rezoning, subdivision and removal of restrictive title deed condition. **The High Court in its judgment on 3 November 2000 ordered that erf 324 reverted to “undetermined zoning”.**

* 1. The 2014 Zoning Map correctly reflects this position and the Court order. There exists no basis for the “rezoning” and apparent subdivision of four phantom “erven” on erf 324. It appears to be a result of the confusion generated by the 1977 subdivsional map which was lodged with the Surveyor General but had subsequently lapsed as stated in 1.1.1 above. The changes to the draft zoning map with regard to erf 324 are based on an error of fact and should be corrected forthwith.
	2. Please confirm that this will be corrected. Alternatively, in the unlikely event of Overstrand Municipality not agreeing with the above submission, kindly provide full reasons for the change in the dispensation regarding erf 324. Kindly also quote the relevant sections of the enabling legislation for this change, if they exist.