



Philip & Reni Ellis

10 November 2025

Western Cape Government
Department of Environmental Affairs and Development Planning
Biodiversity and Coastal Management

By e-mail: Mercia.Liddle@westerncape.gov.za

For Attention: Ms Mercia Liddle
Mr leptieshaam Bekko

Dear Sir/Madam

RE: REQUEST FOR COMMENT FROM THE SUB-DIRECTORATE: COASTAL MANAGEMENT ON THE PRE-APPLICATION PUBLIC PARTICIPATION PROCESS FOR HOUSE PHILIP ON A PORTION OF PORTION 257 OF FARM MELKHOUTE FONTEIN NO. 480, STILL BAY, HESSEQUA MUNICIPAL DISTRICT.

1. I am the individual who wishes to erect a dwelling on a portion of portion 257 of the Farm Melkhoute Fontein No. 480, Still Bay, Hessequa Municipal District (the "Property"). I point out that the Property is owned by Ellis Farming Enterprises cc, in which my brother and I are equal members, but the proposed development on the property will be financed solely by me and the proposed dwelling would be used solely by my family. I therefore refer to this development as one done by me (in the first person).
2. I have noted your comprehensive, but may I say "complicated" comment-letter dated 25 July 2025 directed at the EAP and which was received by them on ... For ease of reference, I attach your reply as "A" and shall refer to it as "your letter".
3. I noted the invitation at par. 3 of your letter which states: "The SD: CM reserves the right to revise or withdraw its comments and request further information from you based on any information that may be received." I would have followed the route of asking clarification and detailed reasons for your decision reflected in par. 2.1.8 of your reply, but feel that it would add much more value if I could provide you with some additional information and perhaps just emphasise certain facts which might not have been considered by you.
4. Being a lawyer by profession with some experience in Administrative and Constitutional Law I apologise for raising legal questions and submissions in the second part of my letter, but at the end of the day I believe that whatever the outcome, it has to be just, fair and in line with the rule of law.

5. If you will allow me, I wish to present the additional facts and submissions in two distinct portions of this letter, addressing first what I prefer to call the “soft issues” and then the matters which may resort under “hard issues”.
6. To provide clarity on the geographical references made in this letter I offer the following Google Earth image on which the letters “A”, “B” and “C” are prominently displayed.



The soft issues

7. I believe that no matter of this kind could or should be considered without having regard to the “soft issues”. These are the personal circumstances of the developer as well as his relationship with the land upon which he wishes to do a conservative, responsible and restricted development.
8. I am 65 years of age. My father grew up in the Still Bay area and my grandmother was a teacher at the small farm school that stands on the adjacent farm to the Property.
9. Ever since the 1960’s my parents would camp with us next to the Goukou River at the place where the “Kleinpontjie” [small ferry] was at the time. It was a ferry pulled by hand that transported people and cattle across the river, which is some 500 metres down river from the Property. During or about 1984, the author Wilbur Smith bought the property overlooking our camping site and (quite rightly) complained that, given the price that he paid for his property, he should not be looking down on a camping site.



10. This forced my father who was a teacher and a man of average means to arrange with the farmer on whose property we camped to lease from him a piece of land further up the river (and still on his farm), of which my father later bought a 4ha portion, now described as 132/480 and indicated on the annexure as "A".
11. This fulfilled his dream of creating a piece of paradise where his whole family can get together once a year over Christmas. I attach an aerial photograph of the existing developments on that piece of property to convey the "sense of place" of the property.
12. Over time my brother and I acquired the portion of land indicated on the annexure as "B" to protect the privacy of and access to, portion "A". I have two siblings, a brother and sister. My brother expanded the original house developed on "A" to also accommodate his family and my sister took possession of the original portion built by my father. This extended property leaves no option for me to develop a further property on "A" as the regulations prohibit more than one dwelling on any property, closer than 100m from the high-water mark, as I am sure you are aware.
13. My family consisting of my wife and I, two sons, a granddaughter and a grandson to be born in February 2026, have always lived in caravans on "A", but with age this option has become much less romantic and for the sake of my family I had to look at building a proper dwelling somewhere.
14. As can be seen from the aerial photograph the property on "A" is truly a paradise with huge Milk Wood trees, a sustainable water connection, electricity and a well developed outside living area. The social value of this property lies in the togetherness of family which we experience only once a year.



15. The property indicated as "C" formed part of the larger adjacent farm which belong to the wife of the farmer who sold us both portions "A" and "B". We approached the owners and agreed to purchase the portion indicated as "C", with the sole purpose of securing the relative flat gras portion adjacent to "A" with the sole objective to enable me to set up a dwelling within the immediate proximity of the rest of the family and to enjoy the social and spiritual benefits of being together over Christmas time every year. The development of the property was delayed for several years, because, being a

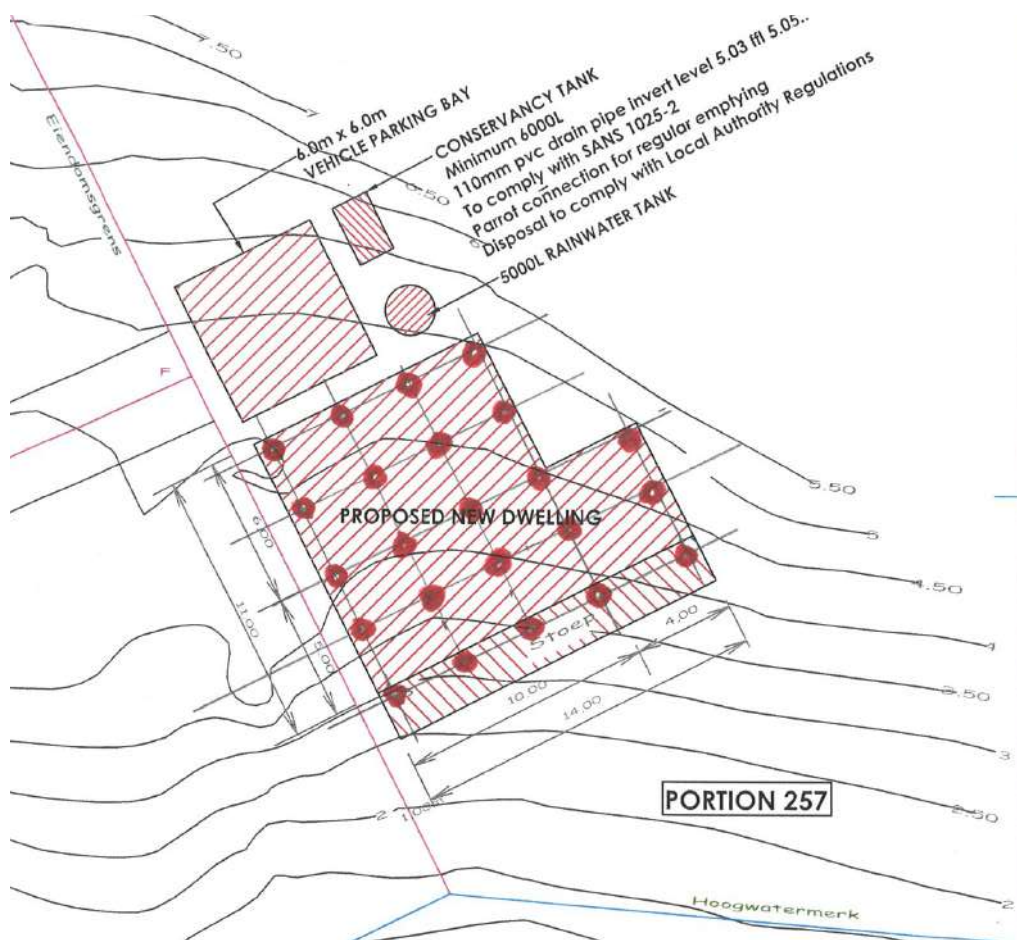


Namibian citizen, I cannot finance a house through either a Namibian or South African Bank and therefore I had to wait until such time as I was in a cash position to build the house.

16. When we set out to build our house we did everything in our power to protect the environment to the fullest extent possible and In my humble view I believe we succeeded to plan a house that would have almost zero impact on the environment and in as far as there is an impact it is not in respect of any sensitive areas and I say so for the following reasons:

16.1 We will be erecting a wooden house on stilts, which is as per the study done by WML Coastal Engineers, is safe and will not be affected by any flood waters.

16.2 Not a single piece of vegetation will be disturbed in the course of erecting the house and it will only involve the planting of 23 wooden piles into the grass area as indicated as follows:



16.3 There is no danger of flooding and the WML study not only took into consideration the current 100 year flood line but also a possible sea level rise of 0.5m. The study determines as follows:

Present flood levels are determined based on historical data observations and deterministic calculations derived from current conditions. On the other hand, future flood levels represent projected levels that align with a climate-change scenario



anticipated to occur within the next 30 to 100 years. The future scenario incorporates the following adjustments:

- *A sea level rise of 0.5 m.*
- *A 15% increase in storm rainfall intensity.*

5.2 Recommendations for new dwelling

This study predicts that the present 50-year flood line level is at 4.05 m MSL, this level does not account for the kinematic energy of the water and therefore further run-up can be expected. The footprint of the proposed new dwelling extends from the 5.25 m MSL contour to the 3 m MSL contour on the river side. The setting out points of the new dwelling is shown on Figure 22 ("HUIS1" to "HUIS5").

The following recommendation are made:

- *The dwelling should be built on piled supports (pillars)*
- *The floor level of the dwelling should be above the 1 in 100-year flood level to limit flood risk;*

Setting out point "HUIS5" is situated on an elevation of 5.25 m MSL, if this level is used as the house floor level, the house will be elevated above the present 1 in 100-year flood level.

To account for the future 1 in 100-year flood event the floor level should be above 5.5 m MSL, which is easily achievable within the current development footprint.

- *Riverbank scour could result in undermining of the foundations of the house, the design of the house should consider potential scour of the riverbank due to flood events, however;*

Model predicted scour velocities for the 1 in 100-year flood event at point "HUIS3" are in the order of 0.7 m/s.

This flow velocity is mild and it is not expected that the riverbank, at the house footprint will be scoured significantly.

- 16.4 The proposed house will fit into its surrounding areas aesthetically and the brief of the architect, who is also the builder of the house (Knysna Timber Homes ; <https://www.knysnatimberhomes.co.za/>) is to build a house along the style of the following pictures, which he has confirmed is possible, albeit on on piled supports (pillars) as proposed by WML and indicated in 16.2 above:





- 16.5 Our neighbour across the river who would be able to see the house exercised his rights in terms of the environmental impact assessment procedures to enquire about the “look and feel” of the house and after explaining our intentions to him have agreed to the building of the house, in writing.
17. We also point out that the Goukou River has been used for recreational water sport for literally a century. My father used to tell us stories of how they would devise homemade water-skis and ski in the launch area inside Still Bay. Today it is part of the attraction of Still Bay and a very popular place to exercise water sport, including upriver.
18. The area in front of our property is especially popular because it is somewhat protected against the elements, the water is relatively deep and the river is wide enough for a power boat to turn. During the period between Christmas and New Year every year, on any given day, 40 different boats would drive past our property and at any given time one can observe some seven or so boats at any one time from our viewpoint.
19. Being active skiers, we have always embraced the fact that the river allows for people to enjoy it and the surrounding environment. Consequently, the entire river, particularly in our immediate vicinity, features numerous jetties linking the shore to the river, rendering the anticipated environmental impact of our development negligible. This supports the notion that a balance between enjoying the environment and protecting it at the same time seems to achieve the golden mean.



20. We also wish to place on record that we have not spared a cent and not taken a single short cut in ensuring that our small development not only complies with the applicable legislation but also has the least possible impact on the environment. To this extent:
- 20.1 We identified the best possible coastal engineers to do the flood line study and gave them a full brief which included their engineers physically doing the evaluation on site including a boat and sophisticated sonar equipment. This was done in collaboration with Land Surveyors that were simultaneously doing the land study. The combination of their respective studies culminated in the flood line study which was made available to you.
- 20.2 We also identified the best environmental consultants in the form of Cape EAPrac, who in turn appointed Confluent Aquatic Consulting and Research who is responsible for the:
- 20.2.1 Terrestrial Biodiversity & Plant Species Assessment;
 - 20.2.2 Aquatic Biodiversity Assessment;
 - 20.2.3 Animal Species Assessment; and
 - 20.2.4 Water Use Authorisation
- 20.3 We were also required to appoint a Town Planner in the form of Danette Jones of The Planning Studio to make application for adopting the building lines.
21. Due to the fact that merely managing all these consultants from the developers point of view is a full time occupation I had to appoint a retired civil engineer in George to manage the project for me.
22. I believe merely the consultants, without taking into account the architect and the actual constructing of the house would cost me approximately R1m.
23. Not for one moment do I suggest that, because I have invested so much into ensuring that I comply with all the requisite environmental and related issues, anybody should now turn a blind eye or do me any favours. What would however be brutally unfair is if anyone would just not apply their minds and merely take the “easy way out” by refusing the Project. This, in light of the fact that I own the land outright and wish to build a modest house with my own money on my own land. In this regard I further point out what I state under “The hard issues”, below.

The hard issues

24. Please allow me to make certain submissions which relate to matters which resort under constitutional and administrative law matters, which of course constitute principles which you are subject to and directly impact on any decisions which you may take in this matter.



25. I apologise upfront if the tone of my submissions may come across as somewhat sharp, aggressive or to the point, but it is unfortunately the only way in which to convey the same. I do so with the utmost respect to your office and the indisputable importance of the work that you do in preserving the environment and ultimately the planet.

26. I in paragraph 2 above I make reference to your *“complicated” comment-letter dated 25 July 2025* and I must, not only do I pity the layman who has to try and understand exactly why you have come to the conclusion in paragraph 2.1.8 of your letter that: *“Based on the abovementioned items, the SD: CM does not support the development of the proposed primary dwelling and associated service infrastructure”*, I myself could unfortunately not follow your line of thinking. To this extent I point out the following, which is the cause of my bamboozlement:

26.1 Other than the National Environmental Management Act 107 of 1998 (“NEMA”) and its surrogate, the National Environmental Management: Integrated Coastal Management Act 24 of 2008 (“ICMA”), both of which are widely available and easily accessible, being acts of Parliament, you seem to rely mainly on the following, for your conclusions:

26.1.1 “Management of public launch sites in the coastal zone (GN No. 497, 27 June 2014) “Public Launch Site Regulations”.

26.1.2 Provincial Coastal Management Programme (“PCMP”);

26.1.3 National Estuarine Management Protocol (“NEMP”);

26.1.4 Estuary Management Programme;

26.1.5 Provincial Coastal Access Strategy and Plan, 2017 (“PCASP”);

26.1.6 Western Cape Biodiversity Spatial Plan 2017;

26.1.7 Western Cape EMFIS Best Practise Activity Guidelines (2019);

26.1.8 DEA&DP Circular 0004/2021.

26.2 In addition to the above you also state that:

26.2.1 “Relevant guidelines, Estuarine Management Plans, Mouth Management Plans need to be considered when any listed activities are triggered in the Estuarine Functional Zone.” I assume that these are in addition to those indicated in 26.1 above.

26.2.2 “The facilitation of public access to the coast is an objective of the NEM: ICMA as well as a Priority in the WC PCMP.” There is no indication in your letter what the acronym WC PCMP represents.

26.3 You then reference different zones and lines which represent, it seems, certain “no go” areas:

26.3.1 coastal protection zone (‘CPZ’);

26.3.2 estuarine functional zone (‘EFZ’); and

26.3.3 coastal management line (‘CML’)



27. I wish to make the following submissions with respect to paragraph 26 above:

27.1 It is virtually impossible for any person with average intellect and education to fully understand, contemplate and process all the different regulatory matter which you are proposing to impose and as reflected by your letter.

27.2 If it is indeed your expectation that the reasonable person should firstly understand what he or she is expected to comply with, then you should certainly take substantially more trouble in explaining all of these regulatory requirements to a member of the public, and secondly explain to that person exactly how it impacts his specific circumstances. It seems, with respect, that what you have recorded in your letter is very much a generic reply to these types of matters, which is an indication that you have clearly not applied your mind to this specific application. The fact that you state in paragraph 2.1.3 of your letter that: *"... the applicant indicated that the location of the proposed cottages is all landward of the coastal protection zone (CPZ)"* gives credence to this submission as my application clearly does not involve any cottages and is a remnant from another letter.

27.3 By means of illustration of my submission that you have clearly risen above the level where you apply rules and regulations that can be contemplated by the general public, I spent considerable time doing a desktop search for the DEA&DP Circular 0004/2021 referred to by you and which is pivotal to the conclusion reached by you. I was not successful and then requested my environmental consultants (EAPrac) to source a copy, which they could achieve after an extended period. It is therefore clear that you apply rules that are not accessible and in the public domain.

27.4 You use acronyms which are only known to you. This is a clear illustration of how far removed your regulatory regime is from the public.

27.5 Legislation must be accessible and understandable by the public as a fundamental principle of the rule of law and democratic governance, ensuring that citizens can know and follow the law, understand its consequences, and have access to justice.¹

27.6 Having now had the opportunity to consider the contents of the DEA&DP Circular 0004/2021, it seems that the coastal management lines that you rely upon to: **"... not support the development of the proposed primary dwelling and associated service infrastructure..."** has not been promulgated by any regulations and is still only advisory and in the process of being developed. Further:

27.6.1 It is stated in 2.7 as follows:

2.7 The recent impacts of dynamic coastal processes, including the impact of sea level rise, coastal erosion, and the occurrence of more frequent and

¹ See the Rule of Law Education Centre : <https://www.ruleoflaw.org.au/principles/law-is-known-and-accessible/>



more extreme storm surges along our provincial coastline, have resulted in an urgent need to, in the interim, provide guidance to land-use decision makers on how to consider coastal risk in land use decisions.

27.6.2 And in 2.8:

2.8 In response to numerous requests from municipal officials and Councillors via the Municipal Coastal Committees, this circular has been developed as a guide for the consideration of the NEM: ICMA and coastal risk in land use decisions.

27.7 The fact is however that in that specific area, which is on the extended banks of the Goukou River, 12 kilometres from the sea:

27.7.1 There has been no impact observed of sea level rise;

27.7.2 There is of course no occurrence of more frequent and more extreme storm surges (because it is not) along our provincial coastline; and

27.7.3 There is therefore not an urgent need to, in the interim, provide guidance to land-use decision makers on how to consider coastal risk in land use decisions **in respect of the area under discussion.**

27.8 It follows that the guidelines, written by you and then used as a prohibition for you to support the relevant development is not even remotely intended for that specific area, which has absolutely nothing in common with the areas that are “... *located within areas that is at risk to dynamic coastal processes.*

28. The reasons that you raise in your letter for coming to the negative conclusion are the following:

28.1 The proposed dwelling is located within the estuarine functional zone (‘EFZ’). DEA&DP Circular 0004/2021 does not support any developments within the EFZ, especially where their location within the EFZ is not a necessity.²

28.2 The Circular (0004/2021) also suggests development parameters to be considered for general estuarine risk areas. This includes maintaining coastal quality; reducing public liability; reducing risk to human life; preventing intensification of development in general risk area but allow exercising of existing rights; prevention of encroachment that will impact on the integrity of the shoreline ecology; and enables safe evacuation in an emergency. The Circular further advises that any new development be set as far back from the EFZ as possible and that existing coastal processes and indigenous vegetation within the EFZ must be maintained.³

² Par. 2.1.4

³ Par. 2.1.5



28.3 The Western Cape EMFIS Best Practise Activity Guidelines (2019) recommends that no development should be approved to take place in the EFZ or highly dynamic littoral active zone. These guidelines further recommends that developments must take into consideration any adopted coastal management lines and applicable controls, and/or risk lines where high risk areas are identified. Avoiding development in at-risk or sensitive areas will help to maintain the ecological integrity of the estuarine environment, prevent disruption of the natural coastal processes, maintain aesthetic quality, and ultimately protect coastal development and people.⁴

28.4 The proposed location for the proposed dwelling is also located seaward of the coastal management line ('CML'). The CML was informed by various layers of information including biodiversity, estuarine functionality, risk flooding, wave run-up modelling, *inter alia*. The principal purpose of the CML is to protect coastal public property, private property, and public safety; to protect the coastal protection zone; and to preserve the aesthetic value of the coastal zone. The use of CMLs is of particular importance in response to the effects of climate change, as it involves both the quantification of risks and pro-active planning for future development. The SD: CM does not support new developments seaward of the CML.⁵

29. Ad paragraphs 28.1 and 28.2 above

29.1 Both these paragraphs relate exclusively to a Circular issued by yourselves (0004/2021) and in which you have determined that you will not support **any developments within the EFZ**. As indicated this circular is one designed by yourself, has no legal standing and was never meant for properties to be developed on a river bank, 12 kilometres away from any dynamic coastal process.

29.2 You further state in your letter that the rationale for this circular (which is of course nothing more than a letter) is for the purpose of:

- 29.2.1 maintaining coastal quality;
- 29.2.2 reducing public liability;
- 29.2.3 reducing risk to human life;
- 29.2.4 preventing intensification of development in general risk area but allow exercising of existing rights;
- 29.2.5 prevention of encroachment that will impact on the integrity of the shoreline ecology; and
- 29.2.6 enables safe evacuation in an emergency.

⁴ Par. 2.1.6

⁵ Par. 2.1.7



29.3 I refer to what I state above as to what the true intention of this circular is, which is clear from the opening paragraphs of the circular under the (appropriate) heading “**Purpose**”.⁶

29.4 The issues that you state in your letter as the *rationale for this circular*⁷ one finds for the first time in **Annexure D : Table 1**, which relates exclusively to “**HIGH RISK COASTAL URBAN AREAS**”.

29.5 As you are aware we are dealing here with a farm in the district of Riversdale which clearly does not resort under a High Risk Coastal Urban Area.

29.6 I place on record that the proposed development does **not impact in any way or manner on any of the issues** that the Circular aims to protect.

29.7 The only basis upon which the Circular could then have any influence on your conclusion in this matter is if you adopt the stance that, because the Circular (which you designed and issued) states that we should not allow a development within the EFZ, we are bound by our own pre-determination as contained in the Circular. I submit that this is illegal and ultra vires your powers and should, with respect be reconsidered by you.

30. Ad paragraph 28.3 above

30.1 This paragraph again refers to Guidelines developed by yourselves.⁸

30.2 The purpose of these Guidelines, according to your letter is to:

- 30.2.1 maintain the ecological integrity of the estuarine environment;
- 30.2.2 prevent disruption of the natural coastal processes;
- 30.2.3 maintain aesthetic quality; and
- 30.2.4 ultimately protect coastal development and people.

30.3 I again place on record that the proposed development does **not impact in any way or manner on any of the issues** that the Guidelines aim to protect.

30.4 I repeat what I state in 29.7 above which are equally relevant in this instance and should be read into this sub-paragraph, *mutatis mutandis*.

31. Ad paragraph 28.4 above

⁶ See page 1 of 19

⁷ DEA & DP 0004/2021

⁸ This Guideline was developed by DEA&DP through the Estuary Management Framework and Implementation Strategy project. <https://sbwqft.org.za/western-cape-estuarine-management-framework-and-implementation-strategy/>



31.1 This might be an appropriate time to point out that we are not dealing with the sea. The development is adjacent to a river. The relevance of this is that policies developed for protection of the seashore and those for the banks of a river must surely consider the peculiar differences between these diversely different environments.

31.2 This clearly speaks to the requirement that lines drawn with the purpose of protecting certain environmentally and ecologically sensitive areas cannot place an absolute prohibition on any impact within all areas generally and each one should be considered on its own exclusive merits.

31.3 This paragraph deals with the Coastal Management Line (“CML”).

31.4 The principal purpose of the CML, according to your letter is:

31.4.1 to protect coastal public property, private property, and public safety;

31.4.2 to protect the coastal protection zone; and

31.4.3 to preserve the aesthetic value of the coastal zone.

31.5 The Garden Route District Coastal Management Programme (2023/2024 review) (“CMP”) indicates the use of Coastal Management Lines in the following terms:

“The coastal management lines are an effective means to demarcate areas where authorities can prohibit or restrict the building, alteration or extension of structures that are either wholly or partly seaward of the CML. The main uses of coastal management lines are to (WCG: DEA&DP, 2018):

- Protect coastal public property, private property and public safety;
- Determine features that should be protected under the coastal protection zone;
- Preserve the aesthetic values of the coastal zone;
- To contribute towards a proposed management scheme for the Garden Route district;
- To ensure connectivity along the coastline;
- To protect the aesthetic value;
- As a natural means of erosion protection;
- To serve as social buffers required along the coast, for example, allowance for public beach access through and along the coastal frontage, areas which have cultural significance and that will need to be preserved from development, or heritage resources and historically sensitive locations that require specific management;
- To allow for economic requirements for the coast, for example, allowance for new beach facilities that will need to be placed closer than normal development to serve the public. Economic demands often require a trade-off against environmental aspects at a particular site.”



31.6 I am not suggesting that the principle purpose indicated is any different from what you state in your letter as it is clear that you refer in your letter to those issues which may be relevant to a river bank as opposed to a seashore, but upon a reading of the complete list it becomes clear that the CML is in essence designed to protect the seashore, as opposed to the protection of a riverbank within an estuary.⁹

31.7 I also point out that the CMP clearly indicates that CMLs' demarcate areas where authorities **can** prohibit or restrict the building, alteration or extension of structures. It does not constitute an absolute prohibition, in light whereof the proposed development **must be considered on its own merits**.

31.8 The considerations are those indicated by you in your letter and as with each of the other factors raised by you as reasons for your negative conclusion, I again state that the proposed development does **not impact in any way or manner on any of the issues** that the CMP aim to protect.

Constitutional matters

32. Please allow me, in the context of this matter to refer to a key constitutional matter which I humbly ask that you shall take cognisance of when reconsidering your negative conclusion.¹⁰

33. Section 24 of the Constitution states that:

No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property. Property may be expropriated only in terms of law of general application— (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

34. The Constitutional Court interpreted the word “deprivation” as follows:

In a certain sense any interference with the use, enjoyment or exploitation of private property involves some deprivation in respect of the person having title or right to or in the property concerned. If s 25 is applied to this wide genus of interference, ‘deprivation’ would encompass all species thereof and ‘expropriation’ would apply only to a narrower species of interference.¹¹

⁹ I believe it is not the intention of the relevant legislation that an estuary falls with the definition of a “coastal zone” but shall not address that issue herein. See the definition in par. 1.3, p.18 - Garden Route District Coastal Management Programme 2023/2024 Review

¹⁰ I do not discuss this matter in any depth as it is not the place to do so, but reserve all my rights to do so in the appropriate forum.

¹¹ First National Bank of SA Limited t/a Wesbank v Commissioner, South African Revenue Service 2002 4 SA 768 (CC) at para 57:



35. What I am asking you to give serious consideration to in reconsidering your negative conclusion is merely the fact that I am the owner of the property on which I wish to erect a modest house which is specifically designed to aesthetically fit into the environment and has minimal impact on it.

The same Constitution quoted above, in section 24, addresses the environment along the following terms:

Everyone has the right—

- (a) to an environment that is not harmful to their health or wellbeing; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development

36. This is also exactly what I wish and stand for and my request to develop the relevant dwelling is in pursuit of exactly those goals and at the same time wishing to promote “*justifiable economic and social development*” that would enable me and my family, for generations to come to be able to live on and protect the land which we own.
37. I point out that the land owned by our family trust on which the existing developments have been done, as depicted by the photograph at 14 above and again depicted as “A” below is, as stated, pristine.



38. This photograph clearly shows the portions adjacent to the river of portions A, B and C and I make three submissions in this regard:

38.1 If our intention was to make money out of these properties we could have made application for subdivision of the land and sold off multiple pieces of extremely valuable land. This is however not our intention. We wish to preserve this property for generations to come.

38.2 I have been hard pressed to indicate the area shown as C, as an alternative site for erecting the proposed dwelling. This is of course not viable because A, which is tightly against C is already a developed node, with water, electricity, a jetty and access to the river. In any event is that where the family gathers. The alternate site would in addition require the destruction of reeds and the established riverbank to create access to the river. It is also not possible to push the dwelling back because we are already right up against the steep inclination.

38.3 Not a single protected tree has been removed in the developed node. As is clear from the photograph, the milkwood trees are thriving since the area is watered regularly. Similarly, not a single tree or plant will be removed or damaged because of the proposed dwelling that has been designed around the existing vegetation.

39. In closing, I wish to point out that it would probably not be possible for you to properly apply your mind to this issue unless you do a site visit to the relevant property. As you may conclude from these representations I feel very strongly about this development and would do what is necessary to get a fair and reasonable decision from you on the matter. If, in achieving this you may require visiting the property then I urge you to do so. I offer to make such arrangements as may be required to facilitate this, subject to such rules and procedures that you may have under the circumstances. I also attach hereto several additional photographs of the area in an attempt to convey the topography of the area and to indicate the large number of jetties and other houses on the river banks.

40. I am also making myself available to come and discuss these issues with you at your offices. I live in Windhoek Namibia but am willing to travel at any time and upon reasonable notice should you wish to discuss this matter with me personally.

41. I pray that you shall consider these submissions with the positive intention that I present them and that you shall please advise my environmental consultants, EAPrac, of the outcome thereof.

Yours faithfully

Philip Ellis





