



KENTON
on Sea

Ratepayers Association
www.kentonratepayers.co.za

BY EMAIL:

TO: THE HONOURABLE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

Nkosasana Dlamini Zuma
Nkosasanadz@cogta.gov.za

PREMIER EASTERN CAPE PROVINCE

Oscar Mabuyane
Oscar.mabuyane@ecotp.gov.za

PRESIDENT CYRIL RAMAPHOSA

presidentrsa@presidency.gov.za

MUNICIPAL MANAGER NDLAMBE MUNICIPALITY

Rolly Dumezweni
rdumezweni@ndlambe.gov.za

EXECUTIVE MAYOR NDLAMBE MUNICIPALITY

Khululwa Ncamiso
mayor@ndlambe.gov.za

DATE: 16 December 2020

Dear Honourable Minister, President, Premier, Municipal Manager and Mayor

CLOSURE OF BEACHES IN EASTERN CAPE

1. Kenton-on-Sea Ratepayers Association ("KOSRA") is a community organisation representing the interests of Ratepayers in Kenton-on-Sea and its environs.

Executive Committee

Kevin van Huyssteen (Chair) Doug Walters (Treasurer) Pollos Purdon (Town Planning) Mark Moses (Security)
Adrian Purdon (Water, Infrastructure & Maintenance) Mark Moses (Security) Mariana Ferreira (Merryhill) Stuart
Clarkson (Estuary Care) Jock Harmer (Membership) Dorothy Cohead (Estuary Care)

2. KOSRA wishes to record its objection to, and strong displeasure with the imposition of the regulations under Government Notice Number 43997 of 15 December 2020 in terms of which, *inter alia*, beaches in the Eastern Cape have been completely closed from 16 December 2020 to 3 January 2021 for the following reasons:
 - 2.1. The prohibition is irrational in itself;
 - 2.2. The prohibition is discriminatory and irrational in comparison to the more limited prohibition imposed, for example in KwaZulu Natal;
 - 2.3. Many ratepayers within Kenton-on-Sea operate businesses all of which will be adversely and unnecessarily affected by the prohibition;
 - 2.4. It is highly doubtful that the prohibition will contribute in any meaningful way to the containment of the spread of Covid-19;
 - 2.5. The beaches in the Sarah Baartman District Municipality area, of which Kenton-on-Sea is a part, are typically relatively sparsely utilised and social distancing of at least 1.5 meters is almost invariably practiced due to the vastness of the beaches themselves;
 - 2.6. The prohibition incorrectly and irrationally assumes that the attendances at the beaches on 16, 25, 26, 31 December 2020 and 1, 2 and 3 January 2021 are likely to be the same as on all other days when it is a well-known fact that this is not the case;
 - 2.7. The prohibitions in the case of KwaZulu Natal recognise the differences in attendances on the above specified days but does not do so in the case of the Eastern Cape;
 - 2.8. There is no rational connection between the restriction and the object or purpose thereof;
 - 2.9. Less restrictive means are available to achieve the intended result. For example this could be by restricting the prohibition to the specified high-attendance days and / or by limiting the number of people for a given area on the beach so as to ensure that adequate social distancing is maintained;

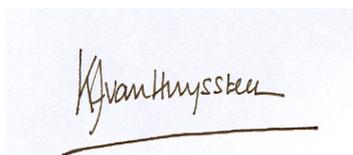
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- 2.10. It is illogical to permit people to, for example, travel in a taxi, go shopping, attend gatherings and engage in a host of other activities whilst imposing a blanket ban on the use of the beaches;
- 2.11. The prohibition, if any, or restriction, if any that might apply to any beach cannot be greater than the lowest common denominator of human-social interaction from a distancing perspective, which is probably travel by taxi. If there is a generalised acceptance of the right to travel by taxi, there must be, inevitably, an unqualified acceptance of the right to use a beach;
- 2.12. Any concern about swimming, in the sea and whether this can contribute to the spread of Covid-19 is without any sensible foundation.
3. In the circumstances, KOSRA joins the many other bodies in an appeal to the application of common-sense by either lifting the prohibition in respect of beaches in the Eastern Cape or, at the very least, imposing restrictions which are no more onerous than those imposed in the case of KwaZulu Natal.
4. A favourable and suitable response to this letter is required by close of business on Thursday 17 December 2020 undertaking to implement and pass appropriate amendments to the regulations by no later than 5pm on Monday 21 December 2020 that dispense with the blanket ban on the beaches in the Eastern Cape and address the shortcomings expressed in paragraph 2, failing which the rights of Kosra are reserved to institute or intervene in proceedings to interdict and review and set aside the manifestly unconstitutional regulations which form the subject of this letter.

Yours faithfully

KEVIN VAN HUYSSTEEN



CHAIRMAN
chair@kentonratepayers.co.za
082 490 2478

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