

Mr. Le Roux J's comments on this reason was as follows : "I pause to say at this stage that there are pronouncements which indicate that the public interest consists mainly of the convenience of the purchasing public and it seems to me that by elevating the question of other outlets as being sufficient to the level which it has been accorded here by the first respondent might constitute a misdirection. It presupposes that the adjudicator has made up his mind without the question of convenience, because he considers that there is no need for a additional outlet, it becomes virtually a fait accompli that any application should be refused on the basis that there is no further need for a liquor store in that area.....it certainly seems to run counter to the trend of decisions that an application of this nature is not to be judged on the basis that we have sufficient outlets in the area and therefor whoever applies after that has no chance of obtaining a liquor license. That was the exact problem that faced the court in the well known case of Pretoria Town Council versus The A1 Electrical Ice cream Factory (Pty) Ltd, 1993 Volume 3 SA (8) where it was held that this was an extraneous consideration which vitiated the decision."

In the Supreme Court case, Hardy's Cellars C C vs Chairman of the Liquor Board & another, case number 8643/94 - Cape Provincial Division the Court addressed the free market principles as follows :

"Gesonde mededinging is die lewensbloed van ekonomiese vooruitgang en het gewoonlik tot gevolg dat daar mededingende pryse en 'n beter prys aan die gemeenskap verskaf word. Dit is in die openbare belang dat daar gesonde mededinging bestaan aangesien die gemeenskap slegs daardeur bevoordeel kan word. Hiermee wil ek nie voorgee dat oorvoorsiening nie 'n faktor is wat by 'n aansoek van hierdie aard in ag geneem moet word nie, maar prysoorloë is gewoonlik in die guns van die gemeenskap en wat my betref moet daar buitengewone opstande van die hede bestaan alvorens gesonde mededinging nie in die openbare belang sal wees nie. Daar bestaan geen ekonomiese redes waarom bestaande drankwinkels teen mededingers beskerm moet word en sodanige beskerming kan selde in die openbare belang wees..... "

In another court case is was stated that, ".....even assuming that there are too many liquor outlets in the area, the laws of supply and demand forecast that the store most likely close would be the one which serves the least purpose or is least efficiently run....."

In the Supreme Court case Riach v Liquor Licensing Board Rhodesia 1969 (1) SA 342 AT 344 the learned judge remarked, "the control over the sale of liquor under the Act was introduced for the protection of the public and not for the financial benefit of persons fortunate enough to have been granted the privilege of selling intoxicating liquornever the intention to.....make the sale of liquor a closed field and by doing so confer protection from competition on a privileged class of trader....."

THE APPLICANT

The applicant is the company RESTAURANT INCUBATOR (PTY) LTD with registration number 2017/488584/07 and its sole director who's particulars appears on annexure H of this application.

The applicant director is a South African citizen with permanent residence in the Republic.

The applicant director has not been disqualified in terms of Section 36 of the Liquor Act.

CONCLUSION

It is respectfully submitted that the applicant director is a fit and proper person to hold a restaurant liquor license and that there is no reason whatsoever why a liquor license should not be entrusted to him at the proposed premises. The applicant director has not been disqualified in terms of Section 36 of the Liquor Act.

The applicant director is without any doubt a responsible person who is au fait with the terms and conditions of the Liquor Act concerning the handling and sales of liquor upon the proposed premises.

PUBLIC INTEREST

In the ruling *ex parte* President of the conference of the Methodist Church 1993 (2)(SA)679 the court reconsidered previous rulings regarding public interest and on Cit 10E-G of the report concluded as follows "..... the phrase public interest does not permit of a clear comprehensive definition."

AS WAS OBSERVED BY HERSTEIN J IN ARGUS PRINTING AND PUBLISHING CO. LTD VERSUS DARBY ARTWARE (PTY) LTD. AND OTHERS, 1952 (2) SA 1(C), ONE MUST ADOPT, IN GIVING EFFECT TO THE PHRASE, A BROAD COMMONSENSE VIEW OF THE POSITION AS A WHOLE (AND IT MUST BE CONSIDERED WHETHER) THE PUBLIC WOULD BE BETTER SERVED IF THE APPLICATION WERE TO BE ALLOWED TO PROCEED WITH IT'S SCHEME THAN BY A CONTINUATION OF THE EXISTING STATE OF AFFAIRS."

In this case as well as *Kemp versus Republican Press (Pty) Ltd.* 1994 (4) SA 261 (OKD) the following aspects were also considered, namely whether a need exists, if it would be convenient to the public, whether the safety and welfare of the broader public would not be endangered, that it would not cause a degeneration of health and hygiene, that the present order and morals would not be negatively influenced and that it would not disturb the peace and tranquility people are enjoying in the surrounding area.

The first important aspect is whether a need exists for such a facility and if it may be regarded as essential and beneficial to the targeted market. When the positive and negative aspects resulting from this application are compared and taken into consideration the controlling authority may well find that the envisaged liquor outlet could be regarded as essential.

In addition, the facility may be regarded as essential as there is no other on-consumption liquor license with the same trading nature in the area. Although numerous other facilities are found in the same target area none of the other restaurants has the same trading nature as the proposed restaurant. Secondly the applicant wishes to stress that the proposed premises will provide a convenient service to the client profile, namely the residents, employees and visitors mainly from the target area.

Concerning the safety and welfare of surrounding residents, employees and patrons, no negative aspects are foreseen as very strict measures will be introduced regarding the selling of liquor.

Visitors and employees, as well as residents of the target market are assured that they will be able to continue their daily activities in peace and tranquility and that the proposed premises will not cause a degeneration of health and hygiene or have a negative effect on the present order and morals should the license be granted by the honorable Board.

In addition to the court ruling per paragraph 17 regarding the different factors to be taken into consideration concerning public interest the controlling authority is respectfully referred to sections 8 and 26 of the constitution, act 200 of 1993, wherein the aspects of equality before the law and the free engagement in economic activities are addressed. It is a fact that the small businessman's contribution is essential for the recovery of the existing weak economical situation in South Africa. Everything possible is being done by the Government and other institutions to stimulate this segment of the market which will naturally lead to new employment opportunities as well as funds for the state as a result of additional tax, both personal and VAT, thus enriching with the local community as well as the entire country.

As a result of the suitability of the proposed premises to provide a comprehensive service to the business surrounding the proposed premises, visitors and residents in the target area the proposed facility may be regarded as being in the public interest.

The applicant's knowledge of life, responsibility, good behavior, friendly disposition and good public relations, as well as the business acumen built up through the years, is regarded as being in public interest and he should conduct a honest but profitable business on the proposed premises.

SUITABILITY OF PREMISES IN TERMS OF THE LIQUOR ACT.

In order to recommend the granting of the authority applied for, the honourable Board must be satisfied as to the following which the applicant submits, appears from the representations.

1. That the applicant has the right to occupy the premises in order to conduct the business of a restaurant liquor license.
2. That the proposed premises will provide accommodation for the purpose for which the authority is applied for.
3. That the sale and consumption of liquor at the proposed premises will not detrimentally effect the right of a place of worship, school or residents residing in close proximity.

4. The applicant submits that it would be in the interest of the public if the relevant authority is granted by the honourable Board for the following reasons:

4.1 A bona-fide restaurant is to be conducted.

4.2 The premises will afford suitable accommodation for conducting a restaurant liquor license.

4.3 The applicant director is a person capable of exercising control required for the granting of a restaurant liquor license.

4.4 The granting of the authority applied for is reasonably required to satisfy prospective patrons to the restaurant and will enable the applicant director to provide his patrons with a proper and convenient service.

It is respectfully submitted that the applicant has made out a prima facie case indicating that there is a definite need for the authority applied for.

Healthy competition is regarded as the cornerstone on which the current liquor law is based and the controlling authority is assured that a harmful monopolistic condition will not arise or be aggravated in the liquor trade or branch thereof should the required license be granted.

SUPPLICATION :

As the positive aspects, as spelt out, far outnumber any negative aspects and that the proposed premises be regarded as extremely suitable for purposes of a restaurant the proven capabilities of the applicant to be the holder of a liquor license and the fact that it will without any doubt be in public interest to open such a facility, it is the applicant's humble plea that the honorable Board may find the granting of a license at this facility as essential.

In terms of Section 24 of the constitution, Act 200 of 1993, it is hereby humbly requested that this application will enjoy the honorable Board's benignant consideration.

SUPREME COURT JUDGMENTS

Our courts have decided in several cases that an applicant has a real right to take part in the economic activity anywhere in the country unless there are sound reasons to the contrary.

The following pass judgments substantiates these rights of an individual :

ESTATE AGENTS BOARD v LEK, 1979 (3) SA 1048 (AD) OP 1064D – E :

"It is, of course, clear that ordinarily a person is free to carry on the trade, calling or profession of his choice. That is a right which the Law recognises and protects from unlawful interference from others....."

It can be regarded as a real right in the sense that it is an absolute right, one available and enforceable against everybody."

TABAKAIN v DISTRICT COMMISSIONER SALISBURY 1974 (2) SA 604 (R,S) OP 606 E - G

"The complexities of modern society have enormously multiplied the controls to which people are subjected in the exercise of their general rights, and there is increasingly a inseneous tendency to regard permits of all kinds as a form of a privilege. I would resist the notion of regarding a permit as a sort of a delectable crumb that might or might not be dropped from the bureaucratic dinner table. To withhold such a permit is to affect the citizen adversely in his rights by denying him the opportunity of exercising his trade in a manner that is normal for anyone of good character."

TAYOB v ERMELO LOCAL ROAD TRANSPORTATION BOARD AND ANOTHER, 1951 (4) SA 440 OP 449 A - C.

"The chairman went on the suggest that the granting of an exemption was not a right but merely a privilege. It almost amounts to saying that granting of an exemption is in the gift of the Commission or a local Board. This is a wrong approach to adopt by a statutory Board, which is empowered by Parliament to grant permission to carry on a trade. It is not an exceptional privilege or a monopoly which depends on the issuing of the permission. Even the humblest citizen has the right to approach such a Board and he is entitled to get that permission he requires, unless there are sound reasons to the contrary."

This right of the applicant was confirmed in the temporary Constitution of the Republic of South Africa and this has now been reconfirmed in the permanent Constitution which was signed by the honorable President of the Republic of South Africa on 18 December 1996. (Act 108 of 1996)

THE LICENSE HOLDER

**Certificate issued by the Commissioner of Companies & Intellectual
Property Commission on Thursday, November 2, 2017 at 8:35**



Companies and Intellectual
Property Commission
a member of the dti group

COR14.3: Registration Certificate

Registration Number: 2017 / 488584 / 07
Enterprise Name: RESTAURANT INCUBATOR

ENTERPRISE INFORMATION

Registration Number: 2017 / 488584 / 07
Enterprise Name: RESTAURANT INCUBATOR
Registration Date: 01/11/2017
Business Start Date: 01/11/2017
Enterprise Type: Private Company
Enterprise Status: In Business
Financial Year End: February

Addresses	<u>POSTAL ADDRESS</u>	<u>ADDRESS OF REGISTERED OFFICE</u>
	14 THIRD AVENUE MELVILLE MELVILLE GAUTENG 2092	14 THIRD AVENUE MELVILLE MELVILLE GAUTENG 2092

ACTIVE MEMBERS / DIRECTORS

Surname and First Names	Type	ID Number / Date of Birth	Appointment Date	Addresses
VAN DER MERWE, WILLEM JOHANN	Director	7003105264086	01/11/2017	Postal: 14 THIRD AVENUE, MELVILLE, MELVILLE, GAUTENG, 2092 Residential: 14 THIRD AVENUE, MELVILLE, MELVILLE, GAUTENG, 2092



SHARE CERTIFICATE

This certificate is issued in terms of the Companies Act, 2008, and Companies Regulations, 2011

RESTAURANT INCUBATOR (PTY) LTD

Registered in: The Republic of South Africa
Registration authority: Companies and Intellectual Property Commission (CIPC)
Registration date: 01/11/2017
Registration number: 2017 / 488584 / 07

Certificate Number: 001

This certificate serves to confirm that

VAN DER MERWE, WILLEM JOHANN

Name of Shareholder

7003105264086

ID Number

is the holder of

1000

Number of Shares

1-1000

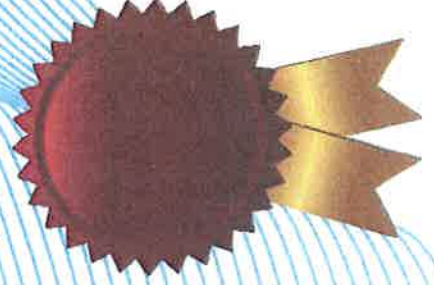
Distinctive Numbers

in the above-named company, subject to the provisions of the Memorandum of Incorporation. The certificate is hereby issued by a duly authorized representative of the Company, who has been mandated by the Board of Directors to act in such capacity.

DIRECTOR: VAN DER MERWE, WILLEM JOHANN

ID NUMBER: 7003105264086

DATE: 01/11/2017



RESOLUTION

Resolution of a meeting of the director of the company **RESTAURANT INCUBATOR (PTY) LTD** with registration number **2017/488584/07** held at
Johann van der Merwe his *22nd* day of *April 2018*

Present: **WILLEM JOHANN VAN DER MERWE**

RESOLVED:

1. That the company apply in terms of Section 23 of the Liquor Act, Act 2 of 2003 for a restaurant liquor license with regard to **BA-PITA : MELVILLE**.
2. That **OTTO KARL WOLF** be authorized and instructed to do such application, appear before the Liquor Board or appoint a representative on behalf of the applicant and sign any documentation on behalf of **BA-PITA : MELVILLE** pertaining to such application in terms of Section 23 of the Liquor Act.
3. That **OTTO KARL WOLF** be authorized to sign all documents and to do all such things as may be necessary to effect the application in terms of Section 23 of the Liquor Act.
4. That **WILLEM JOHANN VAN DER MERWE** be authorized to sign all documentation for and on behalf of the applicant company in respect of the application in terms of Section 23 of the Liquor Act.



WILLEM JOHANN VAN DER MERWE

SMOKING AFFIDAVIT

**WILLEM JOHANN VAN DER MERWE
DECLARES UNDER OATH**

1.

I am the applicant director in the application in terms of Section 23 of the Liquor Act for a restaurant liquor license at **BA-PITA** situated at Unit 2, number 1 – 7th Street, Melville.

2.

I have decided to declare the entire inside area of the premises as non smoking areas in terms of the Tobacco Products Control Act.

~~I have decided to declare the area coloured with red on the attached plan as a smoking area in terms of the Tobacco Products Control Act.~~

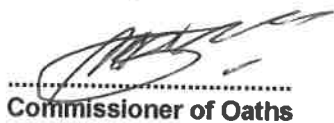
3.

I know and understand the contents of this declaration.
I have no objection in taking the prescribed Oath.
I consider the prescribed Oath as binding to my conscience.



WILLEM JOHANN VAN DER MERWE

I certify that the deponent has acknowledged that he knows and understands the contents of this declaration. This declaration was sworn before me this 02nd day of April 2018 and the deponents signature was placed thereon in my presence.



Commissioner of Oaths

04632699
Commissioner of Oaths

Full Name : MARIUS BRUWER
Address : 186 MAIN ROAD, NEWLANDS.
Designation: WARRANT OFFICER
Office held appointment is Ex Officio.
REPUBLIC OF SOUTH AFRICA

Full names : _____

Address : _____

Designation : _____

Office held if appointment is Ex Officio : REPUBLIC OF SOUTH AFRICA.

SOUTH AFRICAN POLICE SERVICE
PROSPECTIVE CRIME GAUTENG
2018 -04- 22
SPECIFIC CRIME GAUTENG PHO
SOUTH AFRICAN POLICE SERVICE

LAWFUL OCCUPATION

Pacific Blaze Investments 120cc

Suite 101 Intaba Protea Road Claremont 7708 PO Box 23055 Claremont 7735
Tel: 084 466 7000 Email: anthonyclandon@gmail.com

**The Chairperson
Gauteng Liquor Board**

Sir/Madam

LETTER OF INTENT

APPLICATION FOR A RESTAURANT LIQUOR LICENSE AT BA-PITA RESTAURANT – MELVILLE – SITUATED AT UNIT 2, NUMBER 1 – 7TH STREET, MELVILLE

This letter serves to confirm that RESTAURANT INCUBATOR (PTY) LTD with registration number 2017/488584/07 will have the right to occupy the above mentioned premises for the purpose of conducting a restaurant liquor license.

There is no objection that the company RESTAURANT INCUBATOR (PTY) LTD lodges an application in terms of Section 23 of the Liquor Act for a restaurant liquor license at the above mentioned premises.

Yours Faithfully.



Anthony Landon

Anthony Landon David Pett Mark Hamilton
Reg. No. 2007/045844/23

MENU

Ba-Pita

Menu

Available from 10am till 10pm

Brunch

Tomato Shakshuka Two free range eggs poached in a coriander, cumin, roasted bell peppers & tomato sauce with fresh baked Lebanese thyme infused flat bread. Chilli optional.	R70
Add lamb mince balls	R30
Beef Mince Shakshuka Two eggs, cumin & fresh coriander infused ground beef, roasted pepper & red onion with fresh pita bread	R80
Green Shakshuka Two eggs, fresh mint and dill infused spinach sauce with feta cheese and fresh herbed flat bread	R70
Breakfast Pita Free range eggs (scrambled or fried), roasted tomato, crispy panchetta and grilled halloumi in pita bread	R60
Add avocado	R25
Egg Pide (pronounced peeh-day) Turkish flatbread baked in the wood-burning earth oven with Turkish kashar cheese, two eggs, fresh spinach and tomato	R60
Vegan Breakfast Cumin infused chickpeas, grilled aubergine, mushrooms, roasted tomato, garlic sauce	R70

Sides

Pita Bread (1 per portion) Fresh baked daily at on site in our wood-burning oven	R8
Pita Crisps Cumin & coriander olive oil brushed pita chips	R20
Hummus Made on site with chickpeas, garlic, olive oil, paprika	R30
Beetroot Hummus Roasted beetroot purée, chickpeas, garlic, olive oil	R30
Butternut Hummus Woodburn oven roasted butternut, chickpeas, roasted garlic, thyme, olive oil	R30
Baba Ghanoush Roasted aubergine dip blended with roasted garlic, spices	R40
Tahini Sesame seeds, garlic, olive oil	R30
Green Olives Large green olives marinated in olive oil, lemon zest and garlic	R40
Yogurt Dip Fresh mint, yogurt, garlic	R20
Muhammara Dip Walnuts, red pepper, pomegranate molasses, cumin, garlic, chilli	R40
Falafel (4 per portion) Deep-fried chickpea & fava bean balls made with onion, cumin, coriander, parsley	R40
Falafel Hot Sauce Tomato, garlic, chilli, lemon juice, fresh parsley	R30
Halloumi Grilled halloumi with roasted red pepper sauce	R40
Lamb Kofta (2 per portion) Lamb mince with mint, parsley, onion, paprika, spices served on a stick	R40

Ba-Pita Flavour Feast (serves 2 to 4)

R260

Combination of all the side dishes served on a large platter

Salads

Jerusalem Salad Tomato, Turkish cucumber, avocado, fresh lemon, olive oil dressing	R70
Pomegranate Salad Tomato, mint, red onion, pomegranate seeds, feta cheese, za'atar spice, olive oil & fresh oregano dressing	R80
Chickpea Salad Red onion, tomato, parsley, mint, red pepper, chickpeas, sumac, olive oil & lemon dressing	R70
Fava Bean Salad Feta cheese, tomato, capers, fava beans, fresh parsley, lemon juice dressing	R80
Quinoa Fattoush Salad Toasted pita crisps, quinoa, sumac, Turkish cucumber, olive oil, roasted pistachio nuts, Feta cheese, red wine vinegar dressing	R80
Tabouleh Salad Bulgar wheat, fresh parsley, cucumber, fresh coriander, lemon & olive oil dressing	R80
Grilled Aubergine Salad Fresh mint, grilled aubergine, sumac, toasted pine nuts, yogurt dressing	R70

Shawarma

Served in pita (white / wholewheat) or laffa bread,
served with falafel hot sauce on the side

Beef Steak Grass-fed sirloin steak cubes, tomato, caramelized red onion, hummus, garlic sauce	R80
Desert Lamb Slow-roasted lamb shoulder, tomato, hummus, pistachio nuts, garlic sauce	R90
Falafel Falafel balls, pickles, tomato, lettuce, hummus	R70
Chicken Free range chicken breast, tahini, feta, garlic sauce, sumac, cucumber	R70
Pitriot Crumbed mushroom, roasted red pepper, hummus, garlic sauce, tomato	R60
Cauliflower & butternut R60 Paprika roasted cauliflower, roasted butternut, tomato, tahini dressing	

Roasted Broccoli & Feta
Broccoli, walnuts, garlic dressing, feta cheese, tomato, garlic sauce **R70**

Pide

Turkish flatbread pronounced "peeh-day",
baked in the wood-burning earth oven

Cheese & Tomato
Turkish kashar cheese, feta, tomato, peppers, spinach **R60**

Desert Lamb
Slow-roasted lamb shoulder, pistachio nuts, red onion, roasted butternut **R80**

Chicken
Free range chicken breast, feta, garlic, roasted red pepper, sumac **R70**

Ground Beef
Grass-fed ground beef, cumin, coriander, peppers, chilli (optional) **R70**

Desserts

Fresh prepared on site

Baklava
With vanilla bean ice cream and raw honey **R50**

Cheesecake
Baked Cheesecake with seasonal fruit compote **R60**

Kanafeh
Cheese pastry in sugar syrup with roasted pistachio **R55**

Glossary


Shakshuka - Eggs slow poached in a spicy tomato and bell pepper sauce

Pitriot - Mushroom

Sumac – Middle Eastern berries, dried and crushed

Za'atar – Mixture of thyme, oreganum, sumac, sesame, salt

CORRECT ZONING



Joburg
a world class African city

FACSIMILE

Ref No

To:	NHLANHLA NDEBELE		
Company:	SEEFF PROPERTIES - RANDBURG INTERNATIONAL REAL ESTATE (PTY) LTD		
Fax Number:	086 522 3935		
From:	Rinah Qomondii		
Date:	2016/11/03		
Subject:	Zoning information		
11/03/2016	Zoning Information		28 Amount
11/03/2016	Zoning Information		28 Amount
Number of Pages:	3 (inclusive)		

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use, or taking any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you receive this in error, please contact the sender.

Comments:
Thank you

TOTAL: R56.00

The Surveyor General plans and diagrams are now available free from the internet at <http://csg.dla.gov.za>.

Locality maps, street addresses and stand numbers can be obtained free from the City of Johannesburg website at <http://eservices.joburg.org.za/joburg/eservices>. Click on IMS online maps.

Corporate Geo-Informatics 8th Floor, A-Block, Metro Centre 158 Civic Boulevard, Braamfontein

**ZONING INFORMATION
CERTIFICATE PAD
FOR APPLICATION SUBMISSIONS**



a world class African city









Date: 11/03/2016

Requested by:	Rinah Qomondii
Town Planning Scheme:	Johannesburg
Name of Applicant:	SEEFF PROPERTIES - RANDBURG INTERNATIONAL REAL ESTATE (PTY) LTD
Erf/Holding Name/Farm Portion:	24
Township/Holding Name/Farm Name:	Melville
Street Name and No:	First Avenue and Seventh Avenue street
ZONING INFORMATION	
Use Zone:	Business 1
Height Zone:	0(3 storeys)
Floor Area Ratio:	As per attached table G
Coverage:	As per attached table K
Density:	300m2
Building Line:	3m along street boundaries
Parking:	As per scheme
AMENDMENT SCHEME APPLICABLE:	N/A
Served By:	Rinah Qomondii

Terms and Conditions:
 The Town Planning Scheme is open for inspection on the 8th Floor 158 loveday Street Braamfontein between 8:00 and 15:30 weekdays. The applicant must verify the information contained herein by inspection of the scheme. Whilst the utmost is done to ensure accuracy the City of Johannesburg does not accept responsibility for any incorrect information given on this form. The applicant's attention is drawn to the general provisions of the Town Planning Scheme. It should be noted that the provisions of the Town Planning Scheme do not override any restrictive conditions that may be contained in the Title Deeds. PLEASE NOTE: No Information will be given telephonically due to the technical and interpretive complications.

Corporate Geo-Informatics 8th Floor, A-Block, Metro Centre 158 Civic Boulevard, Braamfontein

**HEIGHT ZONES
TABLE H**

HEIGHT ZONE	NOTATION ON MAP (B SERIES)	NUMBER OF STOREYS
0	Area not bordered	Three storeys
1		Not prescribed but subject to clause 45(2)
2		Not prescribed but subject to clause 45(2)
3		Not prescribed but subject to clause 45(2)
4		Not prescribed but subject to clause 45(2)
5		Four storeys.
6		(a) Two storeys on sites of less than 1000m ² . (b) Three storeys on sites of 1000m ² and over.
7		(a) Two storeys on sites of less than 1000m ² . (b) Three storeys on sites of 1000m ² and over.
8		Two storeys.

A.S. No. 4458

A.S. No. 4458

A.S. No. 4458

A.S. No. 4458

NOTE: Table I and Table J - Deleted. (A.S. No. 4397)

**COVERAGE
TABLE K**

Height zone	Dwelling units, outbuildings	Residential buildings, outbuildings	Shops, business buildings	Other buildings
0	40% for three storeys; 50% for one or two storeys; 60% in respect of a single storey dwelling house upon a site having an area of not more than 500m ² .	50% for one or two storeys, 40% for three storeys.	70%	70%
6	30% Dwelling houses: 50% single storey, 40% two storeys, 30% three storeys.	30%	75%	70%
7	20% Dwelling houses: 50% single storey, 30% two storeys, 30% three storeys.	20%	60%	60%
8	Residential 1: 40% Residential 2: 20% Residential 3: 30% Residential 4: 40% Residential 5: 80%	40% Residential 5: 80%	60% Residential 5: 80%	60% Residential 5: 80%

A.S. No 4459

**FLOOR AREA RATIOS
TABLE G**

1 Height zones	2 Shops, buildings for business purposes	3 Dwelling units, residential buildings	4 Institutions	5 Buildings for industrial purposes	6 Buildings for other uses not mentioned in columns 2, 3, 4 and 5
0	2,1	1,2	2,1	2,1	2,1
3	4,0	2,5	2,5	4,0	4,0
5	2,8	2,4	2,4	3,4	2,8
6	2,25	0,9	2,1	2,1	2,1
7	1,8	0,6	1,8	1,8	1,8
8	1,2 Residential 5: 1,6	Residential 2: 0,2 Residential 3: 0,4 Residential 5: 1,6 Other zonings: 0,8	1,2 Residential 5: 1,6	1,2 Residential 5: 1,6	1,2 Residential 5: 1,6

A.S. No. 4458

A.S. No. 4459

A.S. No. 4458

For the Floor Area Ratios for Height Zones 1, 2 and 4, see Annexure 17: Section 3.

Client Details: Client Name: SEEFF PROPERTIES - RANDBURG INTERNATIONAL REAL ESTATE (PTY) LTD
Transaction Details: Status: Fax sent Date: 2016/11/03 Time: 10:23 Units: 1 Service Type: Zoning Information Amendment Schemes: 0 Amount: R28.00

**CERTIFIED COPY OF IDENTITY
DOCUMENT**

I.D. No. 700310 5264 086



S.A. CITIZEN

SURNAME
VAN DER MERWE

FORENAMES
WILLEM JOHANN

COUNTRY OF BIRTH
SOUTH AFRICA

DATE OF BIRTH
1970-03-10

DATE ISSUED
2013-08-15

ISSUED BY AUTHORITY OF
THE DIRECTOR-GENERAL
HOME AFFAIRS



NOTICE OF PERSONAL PARTICULARS

1. Any changes to the personal particulars in your ID Book must be communicated to all relevant parties.

NOTICE OF CHANGE OF ADDRESS

1. Keep the **NOTICE OF CHANGE OF ADDRESS** form in this pocket to report a change of address or a change in particular of your present address e.g. name of street and/or street number etc.
2. Hand in at of post to the nearest regional/district office of the **DEPARTMENT OF HOME AFFAIRS**

**Certified as a true copy
of the original**

OTTO KARL WOLF
COMMISSIONER OF OATHS
JOHANNESBURG BUSINESS ADDRESS:
P.O. BOX 25, GREYMONT, 15,
REF. 5/1/2 DATED 23/03/2005.

TAX CLEARANCE

CONDONATION FOR TAX CLEARANCE CERTIFICATE

On lodgment, this application was not accompanied by a Tax Clearance Certificate by SARS due to the circumstances explained below and the applicant applies for condonation for this omission in terms of Section 140 of the Liquor Act.

The applicant applied for a Tax Clearance Certificate middle April 2018. The Receiver of Revenue indicated that there are a number of outstanding returns in respect of PAYE and VAT payable by the applicant. All Income Tax returns will be in place soon.

The Receiver of Revenue scrutinized its records for the past two years and the applicant must now reconcile his/her/their own records for the past two years with that of the Receiver and submit proof of submission of returns and payment of amounts due before a Tax Clearance Certificate will be issued.

The applicant learned from SARS, that it should take approximately 8 weeks to issue a Tax Clearance Certificate.

Because costs has already been incurred to submit the application it will be a fruitless expenditure to re-submit the application as result of a the omission of a Tax Clearance Certificate.

Once the relevant Tax Clearance Certificate from SARS is obtained same will be delivered to the Board without any further delay.

It is respectfully submitted that the application substantially complies with the Act and that this explanation also substitutes a substantial compliance in respect of the requirement for a Tax Clearance Certificate.

The applicant does not expect the Board to consider this application without the said Tax Clearance Certificate being in place, but merely requests the Board to condone the fact that it was not attached to this application when the application was lodged.

The required certificate will be submitted within the very near future and before the application needs to be considered by the Local Committee or the Board for consideration.

It will not be cost effective to re-submit this application.

Accordingly it is in the interest of justice, but also the requirements of the National Liquor Act, 59 of 2003, in respect of Provincial legislation and procedures that the same should be cost effective and it is prayed that this application for condonation is granted.

The applicant respectfully requests the Board to grant it/him/her at least 6 weeks more to sort out his tax matters with the Receiver of Revenue.

The applicant respectfully refers to the High Court ruling, case number 58036/2008 which was delivered on 25 February 2009 between ZA-POR INVESTMENTS C.C. and The Gauteng Provincial Liquor Board.

POLICE CLEARANCE

RE : CONDONATION FOR LATE SUBMISSION OF POLICE CLEARANCE CERTIFICATE

On lodgment, this application was not accompanied by a police clearance certificate due to the circumstances explained below and the applicant applies for condonation for this omission in terms of Section 140 of the Liquor Act.

The applicant applied for a police clearance certificate on 26 April 2018 but the police department dealing with police clearance certificates has a huge amount of police clearances to process and applications for liquor license has to fall in the queue.

Because costs has already been incurred to submit the application it will be a fruitless expenditure to re-submit the application as result of a the omission of a police clearance certificate.

Once the relevant police clearance certificate is obtained same will be delivered to the Board without any further delay.

It is respectfully submitted that the application substantially complies with the Act and that this explanation also substitutes a substantial compliance in respect of the requirement for a police clearance certificate.

The Applicant does not expect the Board to consider this application without the said police clearance certificate being in place, but merely requests the Board to condone the fact that it was not attached to this application when the application was lodged.

Obviously the Honorable Board cannot grant a liquor license in vacuo.

The required certificate will be submitted within the very near future and before the application needs to be considered by the Local Committee or the Board for consideration.

It will not be cost effective to re-submit this application.

Accordingly it is in the interest of justice, but also the requirements of the National Liquor Act, 59 of 2003, in respect of Provincial legislation and procedures that the same should be cost effective and it is prayed that this application for condonation is granted.

The applicants respectfully requests the Board to grant at least 6 weeks more to sort out his police clearance certificate.

AFFILIATION

NTHA



Certificate

Membership No. 019291

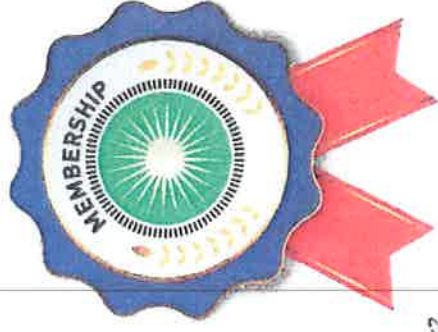
NATIONAL
TOURISM &
HOSPITALITY
ASSOCIATION

02 MAY 2018

This certifies that

BA - PITA - MELVILLE

is a member of this association
in good standing until
02 MAY 2019



Id No/Reg No. 2017/18855/07

Address: 11171. NUMBER 117A STREET, MELVILLE

TOURISTS

J. Mboera

President

500 METERS AFFIDAVIT

**WILLEM JOHANN VAN DER MERWE
DECLARES UNDER OATH**

1.

I am the applicant director in the application in terms of Section 23 of the Liquor Act for a restaurant liquor license at BA-PITA situated at Unit 2, number 1 – 7th Street, Melville.

Names and nature of educational institutions within a radius of 1 kilometer from the premises :
Melville Junction School (The Foundation School); Melpark Primary School; Sparrow School, Langahead School, University of Johannesburg; Milpark Business School; Deutsche Schule; Mc Auley House Convent; St. Katherine School, Montessori Pre-School.

Names and distances to similar licensed premises within a radius of 1 kilometer from the premises
To the best of the applicant knowledge, the following similar licensed premises are within a radius of 1 kilometre from the premises: Pablo Go Eggs Bar, Bambanani; Sakua Sushi; Six Restaurant; Loft; Lucky Mexico; Transkei; Xai Xai Lounge; De La Creme; Ratz; Blue, Sahib Indian Restaurant; Yasuqui Cuisine; Melville Cafe; Nuno's Restaurant; Liquid Blue; Melons Restaurant; The Antz; Café Picobella; Catz Pyjamas; Chinese Lantern; Big Time Taverna Sama Restaurant; Lingo Restaurant; Chaplins Restaurant; Soi Restaurant; Mugg and Bean; Local Grill; Buzz 9; Fontana Roastery; Quench Restaurant.

Place of worship within a radius of 1 kilometer from the premises.
The Auckland Park Baptist Church, Rivonia SDA Church, Melville Methodist Church; Kruis Gemeente Church, The Potters House, Nederduitse Hervormde Kerk; Heritage Baptist Church, Nederduitse Hervormde Kerk van Suid Afrika, Catholic Church, Christ Embassy, NG Kerk; Die Kapel; Rosebank SDA, 1 st Avenue; Melville Gemeente; Melville Junction Church; Masjid Mosque; Richmond Road; Auckland Park Baptist Church. St. Pete's Anglican Church.

I declare or truly affirm that the information furnished in this application is true.


.....
WILLEM JOHANN VAN DER MERWE

Sophiatou I certify that this declaration has been signed and sworn to or affirmed before me at *2200* this *22nd* day of *April 2018* by the applicant who acknowledged that-

- (I) he knows and understands the contents of this declaration;
- (II) he has no objection to taking the prescribed oath or affirmation;
and
- (III) he considers the prescribed oath or affirmation to be binding on his conscience and that he uttered the following words:

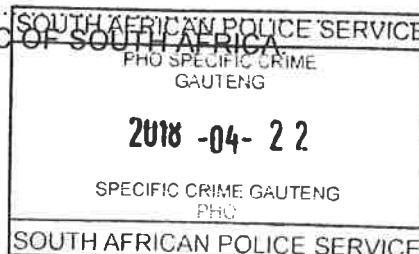
"I swear that the contents of this declaration are true, so help me God" or "I truly affirm that the contents of this declaration are true".


.....
Commissioner of Oaths

...../4052699
Commissioner of Oaths

Full Name : MARIUS BRUWER
Address : 186 MAIN ROAD, NEWLANDS.
Designation: WARRANT OFFICER
Office held appointment is Ex-Officio :
REPUBLIC OF SOUTH AFRICA

Full names
Business address
Rank.....
Office held if appointment is ex officio : REPUBLIC OF SOUTH AFRICA



ANNEXURE "H"

WILLEM JOHANN VAN DER MERWE DECLARES UNDER OATH :
REPLY TO QUESTIONS 3(a) AND 3(b)

The applicant is the company RESTAURANT INCUBATOR (PTY) LTD with its sole director :

Name : **WILLEM JOHANN VAN DER MERWE**
Age : **48 years old**
Identity number : **700310 5264 086**
Residential address : _____
Business address : **UNIT 2, NUMBER 1 - 7TH STREET, MELVILLE**
Postal address : **PO BOX 1048, ROOSEVELTPARK, 2129.**
Interests : **100% INTEREST BY VIRTUE OF DIRECTORSHIP**
Other interests : **NO OTHER INTERESTS IN THE LIQUOR TRADE IN THE REPUBLIC**

I know and understand the contents of this declaration.
I have no objection in taking the prescribed Oath.
I consider the prescribed Oath as binding to my conscience.



WILLEM JOHANN VAN DER MERWE

I certify that the deponent has acknowledged that he knows and understands the contents of this declaration. This declaration was sworn before me this 22nd day of April 2018 and the deponents signature was placed thereon in my presence.



54532699
Commissioner of Oaths

Commissioner of Oaths

Full Name : MARIUS BRUWER
Address : 186 MAIN ROAD, NEWLANDS.
Designation: WARRANT OFFICER
Office held appointment is Ex Officio :
REPUBLIC OF SOUTH AFRICA

Full names : _____
Address : _____
Designation : _____
Office held if appointment is Ex Officio : **REPUBLIC**

SOUTH AFRICAN POLICE SERVICE PHO SPECIFIC CRIME GAUTENG 2018 -04- 22 SPECIFIC CRIME GAUTENG PHC SOUTH AFRICAN POLICE SERVICE
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Business Day LEGALS

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 EMAIL: NAIDOOVAS@TISOBBLACKSTAR.CO.ZA

SALE IN EXECUTION

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF LOWER TUGELA HELD AT KWADUKUZA Case No. 142 / 2018 In the matter between: OCEAN ECHO PROPERTIES 149 CC and AVUEO (PTY) LIMITED 1st Execution Debtor and KENNETH LESLIE KARSTEN 2nd Execution Debtor

Kindly take notice that a sale in execution of the under mentioned goods will be held at the Sheriff's Sales Room at Jay Krishna Centre, 134/6 Mahatma Gandhi Street, Stanger, KwaDukuza on 17th day of May 2018 at 10:00 AM, consisting of:

- 1 x Denon Amplifier + 1 x Denon AV Receiver + 1 x Denon LP Player + 1 x Onkyo AV Receiver + 1 x Paradigm Sub + 3 x Monitor Audio Speakers + 1 x In-Wall amplifier (New) + x BOW 686 S2 Speaker System + 1 x BOW CCM382 In-Ceiling Speaker (New) + x S220-2-Way Speaker Switch + 1 x Headphones + 3 x Headphone Stands etc.; 1 x FlatScreen Monitor + FlatScreen Keyboard + Mouse; 1 x Epson Projector + 2 x Keyboard + Mouse; 1 x FlatScreen Projector; 1 x Boston Acoustics Speaker + 5 x Q Acoustics Speakers + 1 x Denon Speakers + 2 x BQW BQW BQW Speakers + 1 x BQW BQW BQW Speakers + 1 x Denon Speakers + 2 x Onkyo Speakers + 1 x SV Sound Sub; 6 x Tables + 20 x Brown Arm Chairs + 1 x Bar Coffee Table; 1 x Steel Work Counter + 1 x Steel Work Table with Fridge; 8 x Assorted Office Chairs; 1 x JK Optima Projector + 1 x JK Screen + 2 x Speakers + 2 x Stage Lights; 1 x Asus Laptop + 1 x Gigabyte PC Tower + 1 x LG FlatScreen Monitor + 2 x Keyboards + 3 x Mouses + 2 x Voodacom Routers with Portable Modems + 1 x Canon C1325 School, University of Sparrow School, Langahaed Primary School; Melville Junction School (The Foundation School); Melpark the premises in paragraph 4; a radius of 1 kilometer from educational institutions within a radius of 1 kilometer from appropriate.

LIQUOR ACT

LIQUOR ACT, 2003
 NOTICE OF APPLICATION IN TERMS OF SECTION 24 OF THE LIQUOR ACT TO RESTAURANT LIQUOR APPLY FOR LICENSE

Notice is hereby given that it is the intention of the person whose details are set out below to lodge an application for a restaurant liquor license or any other liquor license that the Board in its discretion may deem appropriate to the secretary of the local committee of Gauteng Liquor Affairs, Johannesburg, 124 Main Street, Johannesburg on Friday, 4 May 2018.

1. Full names the applicant TIMOTHY ADRIAN THEAL STEWART
2. Intended trading name LA PETIT MAISON
3. Identity number or Registration number of the applicant I.D. 900427 5052
4. Full address and location of the premises UNIT 4, NUMBER 1 - 7TH STREET, MELVILLE, JOHANNESBURG.
5. Type of license applied for RESTAURANT LIQUOR LICENSE or any other liquor license that the Board in its discretion may deem appropriate.
6. Names and nature of educational institutions within a radius of 1 kilometer from the premises in paragraph 4; the following similar licensed premises are within a radius of 1 kilometre from the premises: Pablo Egg Bar, Barnabain; Sakus Sushi; Six Restaurant; Loft; Lucky Mexican; Transket; Xai Xai Lounge; De La Creme; Ratz; Blue, Hells Kitchen; The Lonely Hearts Club; The Mess Hall; La Santa, Sahib Indian Restaurant; Yasqui Cuisine; Melville Cafe; Nuno's Restaurant; Liquid Blue; The Lion Street Cafes

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1. Full names the applicant JOHANNESBURG STREET, MELVILLE, JOHANNESBURG.
2. Intended trading name RESTAURANT LIQUOR LICENSE or any other liquor license that the Board in its discretion may deem appropriate.
3. Identity number or Registration number of the applicant I.D. 900427 5052
4. Full address and location of the premises Unit 2, Number 1 - 7th Street, Melville, Johannesburg on Friday, 4 May 2018.
5. Type of license applied for RESTAURANT LIQUOR LICENSE or any other liquor license that the Board in its discretion may deem appropriate.
6. Names and nature of educational institutions within a radius of 1 kilometer from the premises in paragraph 4; the following similar licensed premises are within a radius of 1 kilometre from the premises: Pablo Egg Bar, Barnabain; Sakus Sushi; Six Restaurant; Loft; Lucky Mexican; Transket; Xai Xai Lounge; De La Creme; Ratz; Blue, Hells Kitchen; The Lonely Hearts Club; The Mess Hall; La Santa, Sahib Indian Restaurant; Yasqui Cuisine; Melville Cafe; Nuno's Restaurant; Liquid Blue; The Lion Street Cafes

TOWN PLANNING

CITY OF TSHWANE METROPOLITAN MUNICIPALITY NOTICE OF AN APPLICATION FOR THE REMOVAL / AMENDMENT / SUSPENSION OF A RESTRICTIVE CONDITIONS IN THE TITLE DEED IN TERMS OF SECTION 16(2) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016

1. A HOLFE, being the applicant of Erf 475, Kinler Park Ext 1, Registration Division J.R., Province Gauteng hereby give notice in terms of section 16(1)(f) of the City of Tshwane Land Use Management By-Law, 2016 that I have applied to the City of Tshwane Metropolitan Municipality for the removal of certain conditions contained in the Title Deed in terms of section 16(2) of the City of Tshwane Land Use Management By-Law, 2016 of the above-mentioned property, situated at 33 Jeanette Street, Kinler Park, Johannesburg.

The application is for the removal of the following conditions 2A(i) and 2A(k) in the deed T077708/07. The intention of the applicant is to approve building plans at Tshwane Council. Any objection(s) and/or comment(s) including the grounds for such objection(s) and/or comment(s) shall be lodged with, or made in writing to: the Strategic Executive Director: City Planning and Development, P O Box 3242, Pretoria, 0001 or to LG004, Ngoy street, Pretoria from 25 April 2018 (the first date of publication of the notice) set out in section 16(1)(f) of the By-law referred to above, until 23 May 2018. Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out in the advertisement in the Provincial Gazette / The Business Day and Beeld newspapers. Address of Municipal Offices: LG004, Isivuno House, 143 Isivuno House, 143 Lillian Ngoyi street, Pretoria from 25 April 2018 (the first date of publication of the notice) set out in section 16(1)(f) of the By-law referred to above, until 23 May 2018. Full particulars and plans (if any) may be inspected during normal office hours at the Municipal offices as set out in the advertisement in the Provincial Gazette / The Business Day and Beeld newspapers.

TSC

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- * MAGIC WALLET FOR MONEY R190
- * BRIGHT STONE TO BRING MONEY IN YOUR HOUSE R220
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CALL ME (BABA) CHAPOLA ON **083 329 7507**

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DR. JACOBS

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- * INCREASE YOUR SALARY
- * GET MONEY IN YOUR HOUSE OR IN YOUR ACCOUNT
- * BIND YOUR STUFFS
- * CUSTOMER ATTRATIONS, COME AND VISIT DR. JACOBS IN PRETORIA WITH ALL YOUR PROBLEMS, PLEASE CALL DR. JACOBS AND YOU WILL NOT REGRET, YOU DESERVE TO BE HAPPY IN LIFE.

073 5280 716

DR. JACOBS

2081 Herbalist

100% DR SHOZI

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- * MONEY IN YOUR ACCOUNT IN 30 MINS
- * LOTTO / CASSINO
- * CHIWETA TO BRING MONEY IN YOUR HOUSE
- * BRING BACK LOST LOVER
- * DELETE LOANS IN 30 MINS AND MANY MORE

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11190 Liquor Act

GAUTENG LIQUOR ACT, 2003 (ACT NO. 2 OF 2003)

NOTICE OF APPLICATION IN TERMS OF SECTION 24 OF THE LIQUOR ACT TO APPLY FOR RESTAURANT LIQUOR LICENSE

Notice is hereby given that it is the intention of the person whose details are set out below to lodge an application for a restaurant liquor license to the Secretary of the Local Committee of Johannesburg, on date 2018-04-17

1. Full Names of the Applicant: Tee Jay And Bee CC
2. Intended Trading name: Chicago's Piano Bar
3. ID Number of Registration Number of the Applicant: 1992/019564/23
4. Full Address and Location of the Premises: Waterford Centre, Corner Witkoppen and Douglas Road / Nerine Road, Fourways, Johannesburg

5. Type of license for: Tavern Liquor License

6. Names and nature of educational institutions within a radius of 1 kilometer from the premises in par(4): not known

7. Names and distances to similar licensed premises within a radius of 1 kilometer from the premises in par(4): Hooters, Humble Harry, Rim & Rubber, Wine Dine & Dance are based at the shopping centre opposite Waterford centre while Cifios Melpark Primary School; Sparrow School, Langahead School University of

11190 Liquor Act

LIQUOR ACT, 2003

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1. Full names the applicant: TIMOTHY ADRIAN THEAL STEWART

2. Intended trading name LA PETIT MAISON

3. Identity number or Registration number of the applicant I.D. 900427 5052 085

4. Full address and location of the premises UNIT 4, NUMBER 1 - 7TH STREET, MELVILLE, JOHANNESBURG.

5. Type of license applied for RESTAURANT LIQUOR LICENSE or any other liquor license that the Board in its discretion may deem appropriate.

6. Names and nature of educational institutions with a radius of 1 kilometer from the premises in paragraph 4: Melville Junction School (The Foundation School); Melpark Primary School; Sparrow School, Langahead School, University of Johannesburg.

Personal Loans

072 475 8709

ST BANK

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2270 Personal Loans

1. Full name of applicant: Jan Daniel Coosen Botha

2. Intended trading name: Falcon Distillers

3. Identity Number or Registration number of the applicant: 4710265117065

4. Full address and location of the premises: Plot 124, Honingslip Road, Honingslip, Oaktree, Krugersdorp 1739, P.O.Box 588, Rant-an-Dal, 1751

5. Type of license applied for: Micro Distilling License to the secretary of the local committee of Mogale City, Krugersdorp

2270 Personal Loans

1. Full name of the applicant: RESTAURANT INCUBATOR (PTY) LTD

2. Intended trading name: BA - PITA

3. Identity number or Registration number of the Applicant: 2017/486884/07

4. Full address and location of the premises Unit 2, Number 1 - 7th STREET, MELVILLE, JOHANNESBURG.

5. Type of license applied for: RESTAURANT LIQUOR LICENSE or any other liquor license that the Board in its discretion may deem appropriate.

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ALL THE DOCTORS ASK FOR A LOT OF MONEY BUT BABA AKULUWANI DOES NOT CHARGE YOU SO MUCH. YOU CAN GIVE HIM ANY GIFT YOU WANT. PROBLEMS HAVE BEEN SOLVED. I USED MY R22 MILLION TO PAY ALL MY DEBTS. I

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ALL THE DOCTORS ASK FOR A LOT OF MONEY BUT BABA AKULUWANI DOES NOT CHARGE YOU SO MUCH. YOU CAN GIVE HIM ANY GIFT YOU WANT. PROBLEMS HAVE BEEN SOLVED. I USED MY R22 MILLION TO PAY ALL MY DEBTS. I

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