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**EXTRACT FROM THE MINUTES OF A MEETING OF THE DIRECTORS OF NCW
RESTAURANTS AND RESIDENCES (PTY) LTD, HELD AT JOHANNESBURG**

RESOLVED:

1. That the company will urgently apply to the High Court of South Africa for the following relief against the Gauteng Liquor Board as Respondent:
 - 1.1 That the non-compliance with the rules of the Honourable Court in respect of dies, form and service be condoned in terms of Rule 6(12) and that this matter be heard as an urgent application;
 - 1.2 An order directing the First Respondent within 30 (thirty) days to finalise the consideration of the pending application brought by the Applicant for a Restaurant liquor licence for its business to be known as NCW Restaurant, brought on 4 November 2016 in terms of section 23 of the Gauteng Provincial Liquor Act, 2 of 2003, reference number GLB7000008218, and in writing to inform the Applicant of its decision, stating full reasons should the application be declined;
 - 1.3 An order authorising the Applicant, NCW Restaurants and Residences (PTY) Ltd, to trade in liquor in its business to be known as NCW Restaurant, situated at Erf 879, 46 Main Road, bounded by 10th and 11th Avenue, Melville, Region B, Johannesburg as if the Restaurant Liquor Licence it applied for under reference number GLB7000008218 has been granted and issued until such



time as the consideration of the said application has been finalised and, if approved, the licence has been issued;

10.4 Costs of this application be paid by the First Respondent and any further Respondents opposing the relief sought;

1.5 Further and/or alternative relief.

2. That Marius Blom Incorporated be appointed as attorneys of record;

3. That NC Willemse, JGA Steenkamp and or Marius Blom be authorised to depose to the necessary affidavits for the above purposes.

Thus done and signed at JOHANNESBURG on this the 6th day of July 2017.


DIRECTOR



GAUTENG PROVINCE
ECONOMIC DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

GLB7000008218

LIQUOR
LICENSING OFFICE
GAUTENG

"B"
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PROOF OF RECEIPT OF DOCUMENTS SUBMITTED WITH LODGEMENT
NAME OF PREMISES: NCW RESTAURANT
APPLICANT: NCW RESTAURANTS AND RESIDENCES (PTY) LTD
CONSULTANT: EXCLUSIVE LIQUORS STEENKAMP
IN TERMS OF SECTION: 23

DOCUMENTS SUBMITTED:

| TYPE OF SECTION (1 Original set & 1 Copy set) | 23 | 39 | 40 | 43 | 104 | 89 |
|--|----------------------------|-----------|-------------|-------------|-----------|-----|
| APPLICATION FORM and COMMISSIONED – | Y/N | Y/N | Y/N | Y/N | Y/N | Y/N |
| LODGEMENT FEES receipt | S23(1)(g) | S39 | S40(3)(a) | S43 | S104(2) | |
| REPRESENTATION / MOTIVATION in writing | S23(1)(i) | S39 | Regulations | Regulations | S104(2) | |
| DESCRIPTION of premises in writing | S23(1)(j) | S39 | | S43 | S104(3) | S89 |
| SMOKE Affidavit & marked on plan | S23(1)(k) | | | S43 | | |
| 00 meter Affidavit | S23(4) & (5) | | | S41(5) | S41(5) | |
| SAPS clearance certificate – original | S30(3) | | | | | |
| SARS clearance certificate – original | S23(1)(l) | S39(4)(b) | 40(3)(a) | | S104(3) | |
| ASSOCIATION membership certificate or other proof | S23(1)(m) | S39(4)(b) | | | S104(3) | |
| PLO – Proof of lawful occupation – Can't grant IN VACUO | To verify | | | | S104(3) | |
| ID – Certified copy of applicant's ID - To verify no. & names | To verify | Board | To verify | | To verify | |
| WORKING & RESIDENTIAL PERMIT if non SA citizen | S37(1)(k) N/A | S39(4)(b) | S40(2) | | To verify | |
| COI – Cert. Of Incorporation – if Applicable | S23(1)(n) S37 | S37 | | | S104(3) | |
| RESOLUTION – If more than one member – if applicable | S37 | S37 | | | S37 | |
| LAA – Local Auth. Approval - Tavern, pub, pool club, liquor store, night club Sec 23 (1) (d) & Sec 23 (4) | S23 (1)(d) & (4) N/A | | | | S37 | |
| PLAN – with demarcations & showing smoke area if applicable Sec 23 (1) (b) | S23(1)(b) | | | S43 | | S89 |
| PHOTO'S – In colour, showing internal & external features Sec 23 (1) (c) | S23(1)(c) | | | S43 | | S89 |
| MENU – if on-consumption - food | Verify type of business | | | | | |
| 2 x NEWSPAPER adverts – Original pages of current dates | S23(1)(e) & 24 | | | | | |
| GOVERNMENT GAZETTE notice – Original page | S23(1)(e) & 24 | | | | | |
| ZONING DOCUMENTS – where applicable | S41(5) | | | | | |
| 2016 RENEWAL NOTICE COPY & receipt or payment proof – If not renewed, license has lapsed & transaction can't be done | | To verify | To verify | To verify | To verify | |
| AMENDED FOUNDING STATEMENT WITH NEW PARTICULARS | | Board | | | | |

RML/MyDoc/Forms/ApplSec23 to 104 Checklist of rec/070803

This document is to acknowledge receipt of the marked documents submitted with lodgement. The correctness of the documents have not yet been analyzed.

Signed: _____

GAUTENG DEPARTMENT OF
ECONOMIC DEVELOPMENT
JOHANNESBURG REGIONAL OFFICE

04 NOV 2013

Liquor Licensing – Johannesburg Regional Office
124 Main Street Streets, 2nd Floor Johannesburg * Private Bag X091 – Marshalltown 2107
Telephone +27 (11) 085 2265 * Facsimile +27 (11) 000-0000 * www.ecodev.gpg.gov.za

GAUTENG LIQUOR BOARD



EXPLANATION RE THE PROVISIONS OF THE GAUTENG LIQUOR ACT
IN RESPECT OF APPLICATIONS FOR NEW LIQUOR LICENCES
AND ITS TIMEFRAMES

I,

MARIUS BLOM

An attorney of the High Court Of South Africa, specializing in liquor related legal work since 1979 and more particularly the law pertaining to the Gauteng Liquor Act, 2 of 2003, since its coming into operation in 2004, inclusive of the process of applying for a new licence, submit the opinion contained below.

1.

The purpose of this submission is briefly to explain to the Honourable Court and any other interested party, the process and time limits applicable in applying for a liquor licence in the province of Gauteng.

2.

- 2.1 The applicable legislation is Act 2 of 2003 which came into operation on the 1st of November 2004 and under and in respect of which I have been dealing with applications before the Gauteng Provincial Liquor Board, constituted and instituted in Sections 2 and 3 of that Act, ever since.
- 2.2 All new applications must be lodged on the 1st Friday of a month and in order to be able timeously to advertise the lodgement, in the prescribed manner, one has to deliver to the government printer prescribed advertisements at least 14 (FOURTEEN) days before the time.

3.

An application consists of at least:

- 3.1 A properly completed prescribed form 1;
- 3.2 A description of the premises or colour photographs;
- 3.3 Written representations;
- 3.4 A plan;
- 3.5 A tax clearance on the Applicant;

- 3.6 A so-called police clearance on the Applicant or if it is not a natural person, its constituting members or shareholders, etc. To obtain such a police clearance takes between four and eight weeks.
- 3.7 In the case of applications for a Liquor Store Licence, a Pub Licence, a Tavern Licence, a Night Club Licence and a Pool Parlour Licence, one must also include in the application a letter from the relevant local authority, on its letterhead, confirming that the premises may be used for the relevant purpose.
- 3.8 In addition to advertising in the government gazette but not more than 7 days before lodgement (usually the Wednesday before the first Friday of the month on which you will lodge) you must also advertise in two newspapers circulating in the area where the "proposed premises" is and proof of the advertisement must be attached to the application.

4.

The application must be lodged at the regional office of the Respondent being referred to as the local committee offices of which there are six in the province of Gauteng, being:

- 4.1 Tshwane (which is the Pretoria Metropolitan Area);
- 4.2 Johannesburg (which is the Johannesburg Metropolitan Area);
- 4.3 West Rand (which is the West Rand Metropolitan Area);
- 4.4 Ekurhuleni (which is the Ekurhuleni or East Rand Metropolitan Area);
- 4.5 Sedibeng (which was known as the Vanderbijl Park, Vereeniging area); and
- 4.6 The Kungwini Local Committee (which includes the Nokeng and Kungwini Municipalities, previously Cullinan and Bronkhorstspuit areas) which has been amalgamated with the Tshwane Local Committee.

The application must be lodged with the Local Committee in whose area of jurisdiction the "proposed premises" is situated.

5.

The application must be lodged on the first Friday of a month and payment of an application fee must be made and proof thereof must be contained in the application at lodgment.

6.

Each local committee has administrative staff and has a committee referred to as the "local committee" consisting of appointed members who must evaluate the application, the prescribed report of an inspector, all objections and replies thereto as lodged and who must then make a recommendation to the Gauteng Provincial Liquor Board.

According to the Act all of this must be done within 21 (TWENTY ONE) days from lodgment of an application for a new licence.

7.

The Act also provides that anybody who wants to object against an application can do so within 21 (TWENTY ONE) days from the date of lodgement of an application and an inspector of the Gauteng Provincial Liquor Board also must file a report in respect of the application within 21 (TWENTY ONE) days from lodgement.

8.

The provisions of the Act as briefly quoted in paragraph six, is somewhat impossible as the local committee can only consider the application once the period for objections have expired and a report has been filed and I accordingly believe that it should be read as providing that the local committee must consider and recommend in respect of an application within 21 (TWENTY ONE) days after the expiry of the 21 (TWENTY ONE) days for objections and/or the report, or, to put it differently, within 42 (FORTY TWO) days from the date of lodgement of the application.

9.

If objections are filed of record against an application, the process at the local committee level can take longer if the local committee decides to have an open hearing to afford the interested parties the opportunity of making oral submissions to the local committee. This may add another two weeks to a month to the process.

10.

In all I believe that the process at the local committee with or without objections, should not take longer than two months.

11.

The local committee must send its recommendation through to the Gauteng Liquor Board and the board must then consider the same and decide the same. This merely means that the papers must be received, prepared to be tabled before the Gauteng Liquor Board and the Gauteng Liquor Board must decide. This certainly cannot take more than a month.

12.

If there are objections or if the Gauteng Liquor Board *meru moto* wants to raise any issues in respect of an application, it may consider it necessary to convene a meeting at which all the parties can make oral submissions. This may add another month to the process.

13.

I believe that applications with no objections can be processed within three months, four months at most, and that applications with objections can be processed within four months, five months at most, the two timeframes being the reasonable timeframes for the process in my experience.

14.

In my experience these timeframes are very seldomly met and as somebody regularly working with the Liquor Board and its administration, I have identified at least two reasons for this:

- 14.1 Inefficiency on the part of staff and/or inefficient administrative systems which results in applications either not receiving attention or getting lost;
- 14.2 The Gauteng Liquor Board itself not sitting frequently enough to cope with the volume of applications in the province and often imposing requirements which are not prescribed by the Act or entertaining and considering matters, such as appointments of responsible persons in terms of section 40 which, according to the dicta of the High Court, are not applications that need to be considered. See the unreported decision of the Pretoria division of the High Court in *Her Majesty's CC v Gauteng Liquor Board*, copy available on request.

15.

I believe, however, that a lack of capacity, properly and expeditiously to deal with applications, should not prejudice the citizen who is entitled to apply for and obtain the licence expeditiously. See section 33 of The Constitution of The Republic of South Africa, Act 108 of 1996 as well as the unreported decision of the High Court, Gauteng Division, Pretoria, in *Rio Grande and Others v The Minister of Trade and Industry and the National Liquor Authority*, copy available on request.

16.

In the past senior role-players in the "department" and of the "Board" has in fact confirmed the timeframe I have submitted above inter alia in press statements.

Given under my hand at Pretoria.



MARIUS BLOM

MARIUS BLOM INCORPORATED

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Tel : (012) 0040-244

Fax2email : 086-549-0425

Email : marius@mariusblom.co.za * info@mariusblom.co.za

Hannes

From: Ingrid and Alf Koch [aikoch@mweb.co.za]
Sent: Wednesday, November 23, 2016 4:53 PM
To: hannes.s@webafrica.org.za
Cc: mra-liquor@ilovemelville.co.za
Subject: Objection to liquor licence for the NCW restaurant
Attachments: Scan0007.pdf

"D"
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Good day

Attached objection from Melville Residents Association in respect of the new NCW liquor licence
Please confirm receipt

Regards
Alf Koch





**OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR
NCW RESTAURANTS AND RESIDENCES (PTY) LTD IN RESPECT OF
PREMISES SITUATED AT 46 MAIN ROAD MELVILLE (BOUNDED BY
10th AND 11th AVENUE MELVILLE, ERF NUMBER 879**

Application Reference number: GLB 7000008218

LODGED BY: -

Full name of objector: MELVILLE RESIDENTS ASSOCIATION

Full address of objector: 126a 4th AVENUE, MELVILLE 2092

Contact telephone number of objector: 0833757742

Email address of objector: mra-liquor@ilovemelville.co.za

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: J G A Steenkamp
Exclusive Liquor Consultants and Architectural Designers cc
(Member of the Liquor Licencing Consortium of South Africa)
Applicant's Representative
PO Box 23170
Helderkruijn
1733

Email hannes.s@webafrica.org.za

Receipt of Objection Acknowledged:

Signed:

Date:

The applicant:

(1) NCW RESTAURANTS AND RESIDENCES (PTY) LTD, REGISTRATION NUMBER 2015/111467/07 POSTAL ADDRESS C/O EXCLUSIVE LIQUOR CONSULTANTS, P O BOX 23170 HELDERKRUIN 1733 (2) NICHOLAAS CASPARUS WILLEMSE, ID NUMBER 881220 5233 083, Director, Postal address: P O Box 1010 Fonteinriet Boksburg, Gauteng 1460, Residential: 92 Peeksa Street Stellenbosch, Western Cape 7600. 100% of the shareholders interest in NCW RESTAURANTS AND RESIDENCES (PTY) LTD has applied for a restaurant liquor licence in respect of NCW RESTAURANTS AND RESIDENCES (PTY) LTD at 46 Main Road (Bounded by 10th avenue and 11th avenue Melville Johannesburg Erf number 879), under application reference number GLB7000008218.

The Melville Residents Association ("MRA") has had sight of the application papers made available by the Johannesburg Regional Office of the Gauteng Liquor Board as filed by the applicant for the above premises in terms of section 23(1) the Gauteng Liquor Act 2 of 2003. Certain aspects relating to this application are of particular concern to the MRA and have led to it filing this objection.

BACKGROUND

- i. From 1978 to 1994 there was a 150% increase in the per capita consumption of alcoholic beverages in South Africa, which now has one of the highest levels of alcohol consumption per drinker anywhere in the world.
- ii. The manufacture, marketing and sale of liquor has recently received much attention from local, provincial and national government structures, as well as from communities and stakeholders in the liquor industry.
- iii. The Gauteng MEC for Economic Development Lebogang Maile recently stated that, *"the board must endeavor to limit the negative impact of liquor outlets in residential areas"*
- iv. The Minister of Trade and Industry stressed the concerns regarding alcohol usage in South Africa during his media briefing at the release of the National Liquor Amendment Bill.

"According to Minister Davies, South Africa currently has the highest level of alcohol consumption in the world at 10-12% as compared to the world average of 6%."

"We are also the highest with regards to the Foetal Alcohol Syndrome in the world, and 41% of the injuries are from incidences related to alcohol consumption," adds Davies.

"He also said that the state spends about R3.7 billion per annum on problems related to alcohol abuse."

[<http://www.gov.za/speeches/minister-rob-davies-releases-national-liquor-amendment-bill-public-comment-3-oct-2016-0000>]

- v. SANCA came out in support of the proposal to raise the legal drinking age to 21, stating the following:

"SANCA supports any initiative to reduce harms and delay the onset of any substance use due to the impact these chemicals such as alcohol has on the developing brain and other risk factors related to adolescents and young people.

"SANCA warns that alcohol is the drug of choice among youth. Many young people are experiencing the consequences of drinking too much, at too early an age. As a result, underage drinking is becoming a leading public health problem in this country.

"Substance abuse is a national concern as indicated by the United Nations World Drug Report in 2014. 7, 06% of the South African population is abusing narcotics and it's estimated that 1 out of 14 people are regular users of a substance translating to 3, 74 million people.

"...The age group between 13 and 20 years are at high risk of substance use and abuse as reported in the latest SACENDU statistics (February 2016). The 2nd South African National Risk Behaviour Survey (2008 published 2010) reported that one out of two high school learners (49,6%) have drank alcohol and had their first drink before the age of 13 years of age. It further identified that mainly male grade 11 learners are involved in more excessive alcohol use with the highest number in Western Cape (71%) and in Gauteng (65,1%) over the national average of 49,6 %. It was concerning that 28,5% of these learners are involved in binge drinking and drink more than one day a week. These learners (12,7%) reported that they drank alcohol on the school premises.

"Research also shows that many adolescents start to drink at very young ages and that the younger children and adolescents are when they start to drink, the more likely they will be to engage in behaviours that harm themselves and others. For example, frequent dinge drinkers are more likely to engage in risky behaviours,

including using other drugs such as marijuana and cocaine, having sex with multiple partners, and earning lower grades in school.

"Today, the average age where young people start drinking for a girl is 13 and for a boy is 11. Underage drinking is a widespread problem with often serious consequences. Young people who drink are more likely to be the victims of violent crime, to be involved in alcohol-related traffic accidents, and to have depression and anxiety. Other risky behaviours are also linked to early drinking. Young people who start using alcohol before age 21 are more likely to:

- Be involved in violent behaviours
- Attempt suicide
- Engage in unprotected sex or have multiple sex partners
- Develop alcohol problems in later life

[<http://www.sancanational.info>]

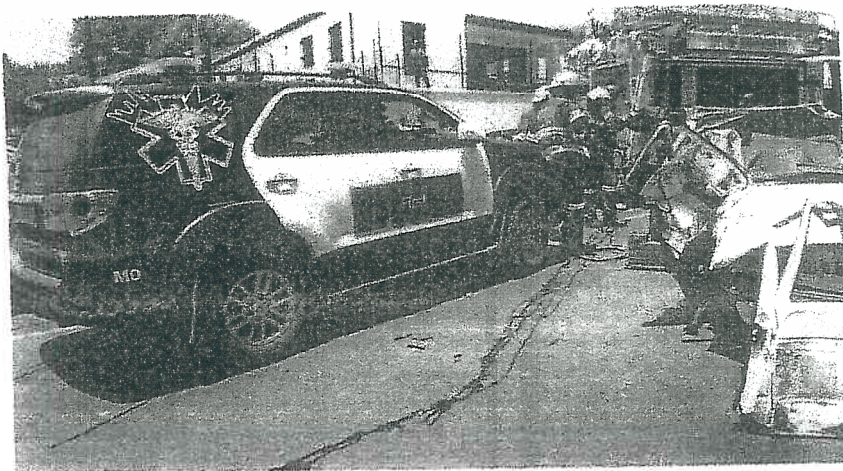
- vi. The **Control of Marketing of Alcoholic Beverages Bill** was approved by cabinet on 18 September 2013. The motivation for the bill, according to the Inter-Ministerial Committee on Combating Alcohol and Substance is because *"alcohol is reported to rank third on the list of risk factors leading to death and disability while other statistics point to a strong link between alcohol consumption and violent deaths, including those resulting from domestic conflict and suicide. In addition, significant numbers of people arrested for robbery, assault, rape and weapons-related offences are under the influence of alcohol"*.
- vii. It is against the above background that applications for liquor licences are to be considered.

Liquor trading and consumption in Melville have had a considerable impact on our suburb. While Melville has two strip business / commercial areas on 7th Street leading into 4th Avenue and Main Road, Melville, it is a primarily residential area. The business / commercial strips were created to allow for the establishment of retail outlets and facilities to serve the Melville residential area. As a consequence of this residentially-based layout, the business / commercial strips are very narrow, typically consisting of a depth of only one erf from Main Road, 7th Street and all the avenues from 1st to 5th Street. There is a concern that the type of activity which is likely to take place in and around the applicant's premises should it obtain a liquor licence, will raise noise levels with a potentially negative impact on the quality of life enjoyed by residents who live within earshot of the premises.

1. In this matter, the application for the licence for NCW relates to 46 Main Road allegedly bounded by 10th Avenue and 11th Avenue which does not fall in the part of Melville that is earmarked in the existing RSDF, for business purposes. This section of Main road has been historically, and remains, a residential node, with

limited allowances for certain home enterprises and home offices, which may act as a buffer between the non-residential (UJ sports fields) and the residential area. This part of the residential node is particularly quiet and peaceful due to the non-existence of potentially disruptive businesses such as restaurants and events venues (we pause to mention that there are already advertisements published, in respect of which the premises is available for end of year functions).

2. These types of venues attract crime – the 7th Street business / commercial strip historically experienced many incidents of lawlessness and serious crime, including drug peddling, muggings, fights, intimidation and harassment of residents, and at least two violent deaths at premises trading in liquor over the past 2 years. In respect of Main Road, the most recent episode of a serious crime was on the weekend of the 12 November 2016 where persons were drinking and allegedly fighting in Main Road using crowbars. Another concern is that there is an illegal commune operating from the corner of 9th Avenue and Main Road, and despite complaints lodged by the residents of that area with the relevant authority this has not been addressed to date. These activities do affect the residents and may well affect the patrons of NCW, e.g. begging outside the restaurant and even opportunistic crime. Littering is also a problem.
3. There is also concern that Main Road Melville is one of the primary roads dealing heavy traffic at times from North to South and vice versa. The traffic control regarding speeding and other road offences is not monitored regularly. Refer below a photo of a serious accident in Main Road this past weekend and in front of NCW premises.



4. There is already an oversaturation of restaurants; cocktail bars; etc. in Melville - all serving liquor with meals and in some instances separately at the bar, both during the week and over weekends. At last count there are approximately 30 liquor outlets in Melville. We now have an application for a restaurant at 46 Main Road

Melville and the major concern is the infringement into a primary residential area up 11th Avenue. The concern here is that if this application is successful it will open the door to further such type of applications which will result in further penetration of the residential area. This is likely to result in property values dropping and changing the make-up of residents and restaurants and like businesses in the area between 11th Avenue and 5th Avenue.

5. Parking is already a major problem in Melville especially in the business / commercial nodes, e.g. 7th Street and while we accept that the NCW has provided what appears to be sufficient parking for the patrons of the NCW, it seems to be mainly on the adjacent Erf 878, which does not belong to the applicant. There is no guarantees given in this regard and this fact is not mentioned in the application. Neither can it be guaranteed that patrons will not park in either 10th and 11th Avenues. Cars parked in the street will attract car guards, vagrants, beggars and criminals, including car thieves and drug peddlers. This will raise the incidence of quarrels and fights, rubbish and broken glass, public urination and defecation, and intimidation of residents and patrons alike. This prediction is by no means far-fetched, as this is precisely what has occurred in the business area of 7th street and 4th avenue. The peace, quiet and relative security which most property owners and residents enjoy in the area will be severely compromised.

It is furthermore important to note that this adjacent property, Erf 878, situated at the corner of 10th avenue and Main Road, although on paper owned by a different entity, is, (just as the property which is the subject of the present application) essentially run and controlled by the same persons. Such adjacent property is presently being unlawfully utilized for a large scale catering operation, in open contravention of the present zoning restrictions. The wall between the properties has been removed, and they appear to be run as one property, even though the properties have never been consolidated.

6. The building plans for both the mentioned properties are as yet not approved – this despite the fact that both properties were extensively altered and renovated some time ago. The applicants simply chose to go ahead with major alterations without the necessary approvals. This is further evidence of the applicants' cavalier attitude toward the law, and suggests that the applicant may be inclined to ignore any and all legal requirements wherever possible and wherever convenient, into the future.
7. The MRA also finds it unacceptable that increased traffic will be experienced in the two avenues leading to the NCW and the effect it has on the private residences and residents, especially young families. There will also be traffic until the late hours and to and fro from Main Road or subsidiary roads that lead to the NCW. This and the opening and closing of the security gates for patrons and deliveries in the early mornings and late evenings (to the illegal operations on Erf 878) has already and will have an effect on the residents in terms of noise and additional traffic. No amount of noise controlling barriers or noise insulation will prevent the creation of the above nuisances and disturbances, and the peace and

convenience of residents will be destroyed. Has there been a traffic study to determine the effect heavy traffic will have on the condition of the roads in 10th and 11th Avenues?

8. Of further grave concern is the fact that the property is directly adjacent to the Melville Koppies Nature Reserve, which is a world renowned nature conservation and archaeological site, and is a sanctuary for a wide variety of rare and protected flora and fauna. The incidence of car guards, vagrants and beggars at the perimeter of the Melville Koppies is likely to lead to rubbish being dumped there, people breaching the fence to sleep on the koppies, and the koppies being used for toilet facilities. The fragile ecology of the koppies stands to be destroyed. In addition, the restaurant would necessarily be required to lay poisons for the rats and other vermin that would otherwise infest the premises. The presence of poisoned rodents would gravely endanger the owls, genets and mongoose that inhabit the koppies.
9. The MRA recently conducted a suburb-wide survey regarding, inter alia, the issue of liquor trading premises in Melville and more particularly at the 27 Boxes Centre close by. It was clearly evident among the survey that there is a significant concern among residents regarding the number of liquor trading premises in the area.
10. Regulation 3(2) d) of the Gauteng Liquor Act provides, inter alia, that:

"(2) An application for a licence as contemplated in section 19 of the Act must be
d) accompanied by a comprehensive written motivation in support of the
application which must include public interest requirements—
(i) the need for a liquor outlet in the area,
(ii) the impact of a liquor outlet in the area
(vi) the proximity of other liquor outlets, educational institutions, places of
worship and public transport facilities"

The MRA does not believe that the present application adequately addresses the above requirements. Argument will be advanced at the hearing on this point.

11. The MRA is of the view that no live music, nor background music, should be directed from the applicant's proposed premises into the area surrounding them. All forms of loud music provided for the purpose of entertainment including dancing, must be strictly prohibited in a residential area of this nature. No reference was made to music at the premises and this should have been addressed.
12. In terms of a Liquor Licence, restaurants may serve liquor with meals between 10 0am and 2 am. The MRA notes that the applicant has indicated its intended hours of operation as 7 am to 2 am 7 days a week with no indication of the hours that

liquor will be served. This also requires the honourable board's consideration in reviewing this application.

13. As far as the provisions of section 30 (3) of the Gauteng Liquor Act, 2003 are concerned, as has been pointed out in the application, there are places of worship, educational institutions, similar licensed premises and public transport facilities within 500m of the applicant's premises. The MRA believes that such details as provided in the application are incomplete and inaccurate. Argument on this aspect will be made at the hearing.
14. Another cause for concern is the fact that section 104 of the Gauteng Liquor Act, 2003 permits a liquor licence, once granted, to be transferrable to another licensee without any notice to the community. This is unacceptable to the MRA as no opportunity is provided to the community to object to the proposed transferee or to the transfer in those instances in which there have been problems caused by the activities of the business which have impacted negatively on the surrounding neighbourhood. Unless it is included as a condition to the grant of the liquor licence (in the unlikely event of one being granted in this instance) that the liquor licence is not transferable to another person and that any change in the current shareholding of the applicant will result in the immediate rescission of the licence, no protection will be afforded to the community to prevent a transfer of ownership and control without its knowledge and the community will have no opportunity to object and raise its concerns.
15. The Regulations furthermore stipulate that the Board must grant a liquor licence subject to specific and general conditions, and that *"The Board may add such other conditions as it may deem appropriate in the public interest"* – Regulation 13.
16. The MRA wishes to make the following averments in response to certain statements made in the applicant's written representations:
 - 15.1. The applicant states that there is *"more than enough demand"* for a facility such as this. There is in fact already more than enough supply of these types of establishments in the area, as is evident from the application papers. Further argument on this point will be advanced at the hearing.
17. The MRA is of the respectful view that the applicant has neither proven the need, nor the desirability or appropriateness of establishing yet another liquor serving establishment in Melville.
18. At this stage there is a request to rezone the property from a "Residential 1" to a "Special". The MRA and great number of residents have objected to this rezoning and therefore, at this stage no application for a liquor licence can be considered until the rezoning application and objections have been resolved.

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19. Please also note that the NCW is already operating as a restaurant, it has a stock of alcoholic beverages but it is not clear that the NCW is already serving alcohol, which would be in breach of the Liquor Act and needs clarification.
 20. The MRA works proactively for a safe, peaceful suburb, and is gravely concerned about this trend, especially its negative impact on the rights of individual residents and the far reaching reputational and security compromises it has caused our community.

In conclusion, the MRA is of the respectful view that the establishment of a restaurant in this part of the residential node was an ill-conceived and ill advised idea, and that the application for a restaurant liquor licence should, in light of the above, as well as any further grounds or information which may become available, (and which the MRA reserves the right to raise at the hearing) be refused.

Signed: _____

Date: 23/11/2016

Full names of Objector: Melville Residents Association
Address of Objector: 126a 4th Avenue MELVILLE 2092

Contact telephone number of Objector: 0833757742
Email address of Objector: mra-liquor@ilovemelville.co.za

34
OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR NCW
RESTAURANTS AND RESIDENCES (PTY)LTD IN RESPECT OF PREMISES SITUATED
AT 46 MAIN ROAD MELVILLE (BOUNDED BY 10th AND 11th AVENUE MELVILLE,
ERF 879

Application reference number GLB7000008218.

[Document subtitle]

LODGED BY: -

Full name of objector: Gavin Peter Essex La Trobe

Full address of objector: 12, 8th Avenue Melville

Contact telephone number of objector: 082 558 4562

Email address of objector: gavin@latrobe.co.za

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: J G A Steenkamp
Exclusive Liquor Consultants and Architectural Designers cc
(Member of the Liquor Licencing Consortium of SouthAfrica)
Applicant's Representative
PO Box 23170
Helderkruijn
1733

Email: hannes.s@webakrica.org.za

Receipt of Objection Acknowledged:

Signed:

Date:

I have had sight of the above application and of The Melville Residents Association's objection. I support the objection in my personal capacity and wish to add the following:

BACKGROUND

When the above property was purchased and extensive renovations were taking place in 2015, the Melville Residents' Association made enquiries with the above named director Nicolaas Casparus Willemse, as to the intended use for the



property. Willemse provided the assurance that despite the building foreman on site advising that renovations were in respect of an intended restaurant, that the premises was in fact not intended for use as a restaurant. This was confirmed in writing.

MISLEADING INFORMATION SUPPLIED BY THE APPLICANT

The fact that the applicant's name is NCW Restaurant and Residences (PTY)LTD, seemingly in existence at the time of the above representations, and the fact that there is the present application, evinces a deliberate attempt by Willemse at making material misrepresentations intended to mislead the community as to his business plans.

In addition, and during or about August 2016, residents (including representatives of the MRA) met with the Willemse family, who own and control the entities which own the above property as well as erf 878, adjacent thereto. Residents were advised that the Willemses' plan was to open a small boutique restaurant seating approximately 30 patrons, opening on only 2 nights per week.

The present application reveals a plan to trade 7 days a week, from 07h00 to 02h00, and seating 120 patrons at each of the 3 meal sittings. It is therefore anticipated that more than 500 patrons per day would visit the premises – this is proof once more, of the deceitful approach taken by the applicant toward the surrounding residential community, and evinces an intention to deceive whomever needs to be misled so as to secure the rights the applicant seeks.

In addition, there is hopelessly insufficient parking on the premises and on the adjacent premises (the dividing wall has been removed, despite there being no consolidation of the property) which might, at a push, take 20 to 25 vehicles. The remainder of the vehicles will be parked in the street – this will inevitably bring in vagrants, beggars, dubious car guards, opportunistic criminals, drug peddlars and other undesirable people, who will begin to stay permanently in the vicinity. It will also cause the presence of intoxicated patrons in the street, increasing the risk of fights, noise and trash.

Furthermore, the Willemses did not reveal their plans to build high density accommodation units on the property until they lodged an application to rezone the property.

I note too, the submission by the applicant in its application, that the property has been rezoned at a cost of R3 million. That statement is factually incorrect – the property is zoned residential, with consent to operate a home enterprise.



RSDF AND PRECINCT PLAN PROHIBIT SUCH AN ENTERPRISE AT THE PREMISES

I have looked at the RSDF and the Precinct Plan for the immediate area – they do not support, in any degree, the type of business the applicant intends to run from the premises. I have also been advised that the close proximity of the Melville Koppies nature reserve precludes, by legislation, any such businesses within a certain distance of the Koppies.

The above documents make it abundantly clear that:

- the City recognizes the disruptive effect of businesses in Main rd on the residential properties close by
- the City intends to protect and strengthen the residential areas of Melville against disruptive businesses;
- the City will only support certain businesses within EXISTING business zoned properties (of which the property in question is not an example)

DISREGARD FOR THE LAW

The adjacent property, being erf 878, is presently being utilized illegally as a food preparation facility, despite a notice issued by the COJ's law enforcement department, to discontinue such illegal operations. The erf is controlled by essentially the same people that own the entity which owns erf 879.

The applicant has for some time publicly invited bookings for functions at which alcohol is served and paid for, despite there being no liquor license in place. Several functions have already been held there. Unless the applicant has obtained special permission for certain events, it is trading in direct and contemptuous contravention of the law, and does not appear to be concerned as to the consequences. This approach is very disquieting, as it suggests that the applicant expects that no action will be taken against it, for reasons not revealed.

The application, when viewed in light of the above reveals:

- an audacious contempt for the law and the residential community;
- a misleading approach;
- motivation based on pure greed;

- 37
- An intentional and reckless disregard for the fact that if approved, their business will destroy the surrounding residential amenity

INSUFFICIENT AND UNRELIABLE LAW ENFORCEMENT

The traditional business nodes in Melville (7th street and 4th avenue) generate noise levels which nearby residents often find unacceptable. Many legitimate noise complaints are lodged and recorded, with reference numbers. The JMPD and SAPS seldom respond, usually with the excuse that they are undermanned. Even when their officers are present at trouble spots, they usually do nothing to enforce the laws and by laws designed to minimize the negative effect of the businesses which serve alcohol.

The inability / unwillingness to enforce the law places massive risks of unmonitored and unchecked disruptions caused by the presence of such a business in the heart of a quiet residential suburb.

PRESENT AND IMPENDING LEGISLATION DO NOT SUPPORT THE ESTABLISHMENT OF THE PROPOSED BUSINESS

The proposed new Liquor Legislation envisages a substantial increase in the measures designed to keep liquor serving establishments away from residential areas.

Insofar as the applicant pretends that there will be no negative effect on the surrounding suburb, such claims are completely misleading and ought to be rejected.


The applicant, if granted the license it seeks, will almost immediately become the type of business that the impending legislation seeks to remove from residential areas. It would simply make no sense to grant a license which would create future challenges and complications for both the applicant and the Liquor Board.

The present application should not be supported under any circumstances by a responsible and accountable City administration.

I reserve the right to raise any further grounds or information which may become available, at the hearing.

Signed:

Date:


22/11/2016

38
OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR NCW
RESTAURANTS AND RESIDENCES (PTY)LTD IN RESPECT OF PREMISES SITUATED
AT 46 MAIN ROAD MELVILLE (BOUNDED BY 10th AND 11th AVENUE MELVILLE,
ERF 879

Application reference number GLB7000008218.

LODGED BY: -

Full name of objector: Vanessa La Trobe

Full address of objector: 12, 8th Avenue Melville

Contact telephone number of objector: 082 601 4773

Email address of objector: vanessa@latrobe.co.za

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: J G A Steenkamp
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(Member of the Liquor Licencing Consortium of SouthAfrica)
Applicant's Representative
PO Box 23170
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1733

Email: hannes.s@webakrica.org.za

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The present application should not be supported under any circumstances by a responsible and accountable City administration.

I reserve the right to raise any further grounds or information which may become available, at the hearing.

Signed:

Date:



22/11/2016

Pat

82

22 NOVEMBER 2016

Melville 878/879 -

Ref 7000008218

OBJECTION TO A LIQUOR LICENSE

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name ERIL-JOHN ESTMENT

Contact details 073 4824950

23

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

Ref 7000008218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Brendon Venter

Contact details 078 864 1455

FF

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

Ref 7000008218

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Your sincerely

Name

DEAN AUGUST

Contact details

019528 9492

65

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

Ref 7000008218

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Your sincerely

Name Roland Gregorio

Contact details 082 449 1289

46

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

-Bf 7000008218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Lynn Gregorio.

Contact details 082 770 54 66

47

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

- Ref 7000008218

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☐ Your sincerely

Name Patience N. Moyo

Contact details 084 220 5461

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

- Ref 7000008218

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Your sincerely

Name JENNY STEVENS

Contact details 0722373780

49

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

- Ref 7000008218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHOLD AND RESPECTED AT ALL TIMES.

Your sincerely

Name

Lynette van Rensburg

Contact details

0829631693

50

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

Ref 7000008218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Francois Burger

Contact details 083 287 6661 / fburger76@gmail.com

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE - Ref 7000008213

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Phildo Steyn

Contact details 082 788 1364 / phildo@treadcapital.co.za

52

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE - Ref 7000008218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Joleen Shah

Contact details 076 789 0420

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

- REF 7000008218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Yours sincerely

Name JENNIFER Dodgen Dodgen.

Contact details 081 843 3552.

54

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE - Ref 7000008218'

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHELD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Elke de Graaf

Contact details 082 770 5205

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE

- Ref 7000008218

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Yours sincerely

Name Karion de Pina

Contact details 082 568 0109

56

22 NOVEMBER 2016

Melville 878/879 -

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Your sincerely

Name Ju-ria Marek

Contact details 082 405 6237

57

22 NOVEMBER 2016

Melville 878/879 -

OBJECTION TO A LIQUOR LICENSE - Ref 700000 8218

I HEREBY ADD MY NAME TO THE OBJECTION TO A LIQUOR LICENSE BE GIVEN TO N C W RESTAURANT - 46 MAIN STREET MELVILLE - THIS IS A RESIDENTIAL SUBURB AND THE PROPERTY IS ZONED FOR RES 1 ONLY. THE STANDARD OF OUR NEIGHBOURHOOD MUST BE UPHOLD AND RESPECTED AT ALL TIMES.

Your sincerely

Name Sophie Motume

Contact details (011) 726 6287

58

OBJECTION FOR APPLICATION OF LIQUOR LICENCE

REFERENCE NO GLB 7000098218

Date:

Gauteng Liquor Licensing Office
Johannesburg Region
Department of Economic Development
142 Main Street
Cnr Main and Kruis Street

**NOTICE OF OBJECTION; RESTAURANT AND RESIDENCES LIQUOR
LICENCE APPLICATION FOR ERF 879, 46 MAIN ROAD MELVILLE, JHB**

Dear Sir/Madam

I Martin W. Marx do hereby strongly object to the application of a
liquor licence for ERF 879, for a business called "NCW RESTAURANTS AND RESIDENCES
(PTY)LTD.

- Huge concern regarding security, vagrants, car guards, loitering etc that comes with having an establishment like this in a quiet residential neighbourhood.
- Will have a very negative impact on our historical Melville Koppies, which is a very well visited reserve from people all over Johannesburg.
- The venue has been completely changed without any sign off from Heritage department
- The RSDF and Precinct Plan of 2011 does NOT support enterprise.
- They want to operate for 19 hours a day for 7 days a week. Serving alcohol, food and offering entertainment. This is unacceptable especially to the residents that surround the property.
- Property prices will fall dramatically if this is granted, people have put there all into being able to own a property in this quiet residential suburb.

PLEASE DO NOT GRANT THIS APPLICATION

Thanking you

NAME: Martin W. Marx
EMAIL: martin@ncw.co.za
ADD: _____
TEL: 077 887 0783

COMMENT:

I agree too many houses in
Melville at ready.

OBJECTION FOR APPLICATION OF LIQUOR LICENCE

REFERENCE NO GLB 7000008218

Date:

Gauteng Liquor Licensing Office
Johannesburg Region
Department of Economic Development
124 Main Street
Cnr Main and Kruis Street

**NOTICE OF OBJECTION; RESTAURANT AND RESIDENCES LIQUOR
LICENCE APPLICATION FOR ERF 879, 46 MAIN ROAD MELVILLE, JHB**

Dear Sir/Madam

I IAN SLATTERY, do hereby strongly object to the application of a liquor licence for ERF 879, for a business called "NCW RESTAURANTS AND RESIDENCES (PTY)LTD.

- Huge concern regarding security, vagrants, car guards, loitering etc that comes with having an establishment like this in a quiet residential neighbourhood.
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- Property prices will fall dramatically if this is granted, people have put there all into being able to own a property in this quiet residential suburb.
- There are sufficient restaurants that serve Liquor in Melville, and we do not want any more.

PLEASE DO NOT GRANT THIS APPLICATION

Thanking you

NAME: IAN SLATTERY
EMAIL: ian@livingstones.co.za
ADD: _____
TEL: 083 402 7289

OBJECTION FOR APPLICATION OF LIQUOR LICENCEREFERENCE NO GLB 7000008218Date:

Gauteng Liquor Licensing Office
 Johannesburg Region
 Department of Economic Development
 142 Main Street
 Cnr Main and Kruis Street

**NOTICE OF OBJECTION; RESTAURANT AND RESIDENCES LIQUOR
 LICENCE APPLICATION FOR ERF 879, 46 MAIN ROAD MELVILLE, JHB**

Dear Sir/Madam

I Grant Meikle

do hereby strongly object to the application of a
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- Property prices will fall dramatically if this is granted, people have put there all into being able to own a property in this quiet residential suburb.

PLEASE DO NOT GRANT THIS APPLICATION

Thanking you

NAME: Grant Meikle

EMAIL: refserv1@netactive.co.za

ADD:

TEL: 0825540948

COMMENT:

Melville saturated with eating and entertainment venues. Parking
 is always an issue in the suburban streets.

61

OBJECTION FOR APPLICATION OF LIQUOR LICENCE

REFERENCE NO GLB 7000008218

Date:

Gauteng Liquor Licensing Office
Johannesburg Region
Department of Economic Development
142 Main Street
Cnr Main and Kruis Street

**NOTICE OF OBJECTION; RESTAURANT AND RESIDENCES LIQUOR
LICENCE APPLICATION FOR ERF 879, 46 MAIN ROAD MELVILLE, JHB**

Dear Sir/Madam

I Melinda Meikle, do hereby strongly object to the application of a
liquor licence for ERF 879, for a business called "NCW RESTAURANTS AND RESIDENCES
(PTY)LTD.

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- Property prices will fall dramatically if this is granted, people have put there all into being able to own a property in this quiet residential suburb.

PLEASE DO NOT GRANT THIS APPLICATION

Thanking you

NAME: M Meikle
EMAIL: mijm@mwweb.co.za
ADD: _____
TEL: 083 267 1644

COMMENT:

There are enough restaurants, clubs and drinking establishments in Melville.

OBJECTION FOR APPLICATION OF LIQUOR LICENCEREFERENCE NO GLB 7000008218Date:

Gauteng Liquor Licensing Office
 Johannesburg Region
 Department of Economic Development
 124 Main Street
 Cnr Main and Kruis Street

**NOTICE OF OBJECTION; RESTAURANT AND RESIDENCES LIQUOR
 LICENCE APPLICATION FOR ERF 879, 46 MAIN ROAD MELVILLE, JHB**

Dear Sir/Madam

I ROGER ELLIS, do hereby strongly object to the application of a liquor licence for ERF 879, for a business called "NCW RESTAURANTS AND RESIDENCES (PTY)LTD.

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- They want to operate for 19 hours a day for 7 days a week. Serving alcohol, food and offering entertainment. This is unacceptable especially to the residents that surround the property.
- Property prices will fall dramatically if this is granted, people have put there all into being able to own a property in this quiet residential suburb.
- There are sufficient restaurants that serve Liquor in Melville, and we do not want any more.

PLEASE DO NOT GRANT THIS APPLICATION

Thanking you

NAME: ROGER ELLIS
 EMAIL: roger@livingstones.co.za
 ADD: 32 KENTABEN, COMPLEX, KIEKUNU RD
SUNNINGHILL
 TEL: 011 802 4822

OBJECTION TO THE APPLICATION FOR A LIQUOR LICENCE**REFERENCENO GLB 7000008218****Date:**

Gauteng Liquor Licensing Office

Johannesburg Region

Department of Economic Development

124 Main Street

Cnr Main + Kruis Street

**NOTICE OF OBJECTION: RESTAURANT AND RESIDENCES LIQUOR LICENCE
APPLICATION FOR ERF 879, 46 MAIN ROAD, MELVILLE, JOHANNESBURG**

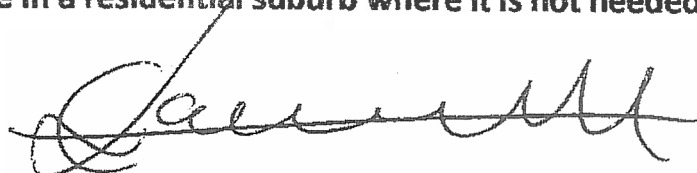
Dear Sir/Madam,

I ...Cindy Laufs....., do hereby strongly object to the application for a liquor licence for ERF 879, "NCW RESTAURANTS AND RESIDENCES (PTY) LTD.

- 1) I have a concern about the traffic congestion as vehicles arrive and leave the premises on 10th and 11th avenues in Melville – the corners on Main Road are a traffic problem already with vehicles and buses speeding passed on the downhill and on the uphill – it is hard to merge with the traffic flow. Additional blockage will occur as cars enter the business premises at all hours.
- 2) Vagrants already occupy used and unused premises at night and if this occurs in a residential area it will be very disturbing.
- 3) The natural heritage of the Melville Koppies – the Fauna and the Flora will be negatively affected by the constant noise of the traffic – already the delivery vehicles block 10th avenue and hoot waiting for the gate to open.
- 4) The construction of the modified house took months and may have broken the rules governing buildings that are older. No permission for business rights have been obtained for this property to date.
- 5) There are residential properties adjacent to the business as well as schools in the nearby vicinity.
- 6) There has been no interaction with the neighbors of this property.
- 7) There are sufficient restaurants and liquor establishments in the Melville business area.
- 8) We are already experiencing an increase in noise since the structure has gone up
- 9) There are already a high number of serious accident on almost a weekly basis of vehicles crossing the solid line from the main road into 10th. Increase traffic will only increase the probability of more accidents

Please investigate what business rights currently exist on this property.

Do not grant another liquor licence in a residential suburb where it is not needed.

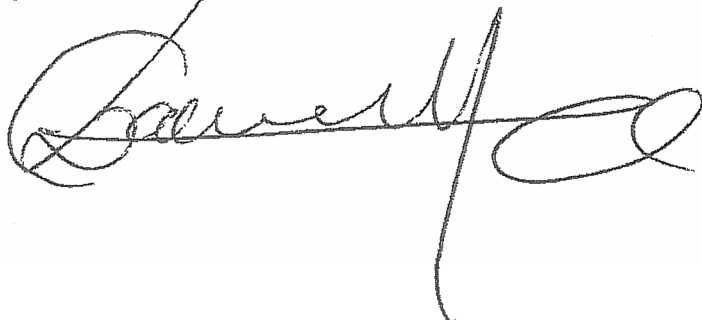


Name: Cindy Laufs

E-mail: cindy@hustlemedia.co.za

Address: 8 10th Avenue

Telephone number: 079 417 1764

A handwritten signature in black ink, appearing to read 'Cindy Laufs', written over a horizontal line.

65

OBJECTION TO THE APPLICATION FOR A LIQUOR LICENCE

REFERENCENO GLB 7000008218

Date:

Gauteng Liquor Licensing Office

Johannesburg Region

Department of Economic Development

124 Main Street

Cnr Main + Kruis Street

NOTICE OF OBJECTION: RESTAURANT AND RESIDENCES LIQUOR LICENCE APPLICATION FOR ERF 879, 46 MAIN ROAD, MELVILLE, JOHANNESBURG

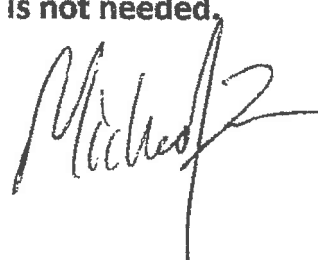
Dear Sir/Madam,

I ...Mike Furman do hereby strongly object to the application for a liquor licence for ERF 879, "NCW RESTAURANTS AND RESIDENCES (PTY) LTD.

- 1) I have a concern about the traffic congestion as vehicles arrive and leave the premises on 10 th and 11 th avenues in Melville – the corners on Main Road are a traffic problem already with vehicles and buses speeding passed on the downhill and on the uphill – it is hard to merge with the traffic flow. Additional blockage will occur as cars enter the business premises at all hours.
- 2) Vagrants already occupy used and unused premises at night and if this occurs in a residential area it will be very disturbing.
- 3) The natural heritage of the Melville Koppies – the Fauna and the Flora will be negatively affected by the constant noise of the traffic – already the delivery vehicles block 10 th avenue and hoot waiting for the gate to open.
- 4) The construction of the modified house took months and may have broken the rules governing buildings that are older. No permission for business rights have been obtained for this property to date.
- 5) There are residential properties adjacent to the business as well as schools in the nearby vicinity.
- 6) There has been no interaction with the neighbors of this property.
- 7) There are sufficient restaurants and liquor establishments in the Melville business area.
- 8) We are already experiencing an increase in noise since the structure has gone up
- 9) There are already a high number of serious accident on almost a weekly basis of vehicles crossing the solid line from the main road into 10th. Increase traffic will only increase the probability of more accidents

Please investigate what business rights currently exist on this property.

Do not grant another liquor licence in a residential suburb where it is not needed.



Name: Mike Furman

E-mail: furman@mtloaded.co.za

Address: 8 10th Avenue

Telephone number: 076 870 9797

A handwritten signature in black ink, appearing to read 'Mike Furman', with a stylized flourish at the end.

**OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR NCW
RESTAURANTS AND RESIDENCES (PTY) LTD IN RESPECT OF PREMISES
SITUATED AT 46 MAIN ROAD MELVILLE (BOUNDED BY 10th AND 11th
AVENUE MELVILLE, ERF NUMBER 879**

LODGED BY: -

Full name of objector: Victoria Cullinan

Full address of objector: 15 10th Ave Melville 2092

Contact telephone number of objector: 0825664031

Email address of objector: vic.cul@iafrica.com

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: J G A Steenkamp

Exclusive Liquor Consultants and Architectural Designers cc
(Member of the Liquor Licencing Consortium of South Africa)
Applicant's Representative
PO Box 23170
Helderkruijn
1733

Email: hannes.s@webakrica.org.za

Receipt of Objection Acknowledged:

Signed:

Date:

The applicant:

(1) NCW RESTAURANTS AND RESIDENCES (PTY) LTD,
REGISTRATION NUMBER 2015/111467/07 POSTAL ADDRESS C/O
EXCLUSIVE LIQUOR CONSULTANTS, P O BOX 23170
HELDERKRUIN 1733 (2) NICHOLAAS CASPARUS WILLEMSE, ID
NUMBER 881220 5233 083, Director, Postal address: P O Box 1010
Fonteinriet Boksburg, Gauteng 1460, Residential: 92 Peeksa Street
Stellenbosch, Western Cape 7600. 100% of the shareholders interest
in NCW RESTAURANTS AND RESIDENCES (PTY) LTD has applied
for a restaurant liquor licence in respect of NCW RESTAURANTS AND
RESIDENCES (PTY) LTD at 46 Main Road (Bounded by 10th avenue
and 11th avenue Melville Johannesburg Erf number 879), under
application reference number **GLB7000008218**.

I object to the granting of a liquor licence on the following grounds:

- The premises are zoned residential 1. In Annexure I of the application the applicant has submitted a 'zoning certificate' which misrepresents the status of the zoning. In fact the heading of this document clearly states that: 'reports from this website cannot be used for the purposes of zoning.'
- The applicant has applied for rezoning but there are in excess of 200 objections to the rezoning.
- The site is situated on a small, residential road inhabited by a number of young families and retirees who chose to live in this section of Melville because it is a quiet, residential neighbourhood
- The applicant claims to have spent R3 million rand in upgrading the premises yet fails to note the negative impact that a restaurant would have on the value of other properties in the neighbourhood
- The applicants description of the site of the premises to the board are inaccurate and misleading. The applicant is applying for liquor licence for Erf number 879 only. In fact the applicant also occupies Erf 878 and has been operating a restaurant and catering business from both stands which have been conjoined to create a single site. In Annexure A under 'exterior view' the photograph which the applicant describes as the front of the premises on Erf 879 is in fact a picture of a part of the restaurant which is situated on Erf 878 - a visit to the site will confirm this.

- For some months now the applicant has been flouting the law by operating his hospitality business without the necessary zoning permissions. The business is already causing a nuisance to local inhabitants as a result of increased traffic and noise
- It is on record that the applicant has been made aware of the objections of the local residents during various conversations and meetings yet he has chosen to ignore these.
- The applicant has stated that he wishes to operate the business from 07.00 - 02.00, these are not normal restaurant operating hours but more like those of a club or other late night venues
- The applicant states that he wishes to have events such as weddings, Christmas parties and other large functions. These type of celebrations are by their nature boisterous and often accompanied by loud music and continue into the early hours of the morning.
- The applicant wishes to be able to serve 300 meals and in Annexure D claims to have 'ample onsite secure parking'. This cannot be accurate and a visit to the site will confirm that the premises can probably only accommodate around 30 or 40 vehicles at most. This means that guests will have to park along 10th and 11th Ave which will have a severe affect on the residents of these streets.
- The two streets - 10th & 11th Ave - intersect with Beyers Naude Drive, a major east/west corridor. Any visitors wishing to enter or exit the premises via Beyers Naude Drive would be exposing themselves and other road users to a very hazardous situation. Several bad accidents have occurred at these intersections in the past. No traffic impact study has been submitted for the rezoning application.
- There are several schools and place of worship within the vicinity of the premises
- Melville already has a surplus of eateries from take away joints to high end restaurants. These which provide the residents and other visitors with more than enough opportunities to go out for meals. They are concentrated in 7th St, 4th Ave and along Melville Main Rd. This neighbourhood has no need and no desire for additional restaurants.

Summary:

It is ironic that the applicant quotes from Section 22 of the Constitution - The Human Rights Act - regarding his right to trade freely when he seems to have no consideration for the rights of the community around the premises. He has been engaged by the community on several occasions and has chosen to wilfully disregard any representations made to him by his neighbours as well as the local residents association. He seems hell bent on achieving his goals and financial rewards no matter the cost to the community.

In addition his apparent disregard for the law make him an entirely unsuitable candidate and submit that the applicant should not be granted a liquor licence.

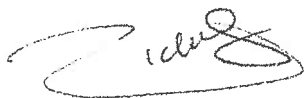
This letter serves as a formal notice of my objection.

I reserve the right to amplify and expand upon the formal objection contained in this correspondence at a later stage and in the appropriate forum, if necessary.

While I have many more concerns that can be tabled at this time, I reserve my right to express them during the hearings.

Please advise me of the date and time of any hearings and / or meetings pertinent to this objection.

Yours truly,



Victoria Cullinan

15 10th Ave
Melville
2012

vic.cul@iafrica.com

Cell Phone: 082 566 4031

Objection to granting of restaurant liquor licence to
NCW Restaurant and Residences (Pty) Ltd in respect of premises at 46 Main Road,
Melville (Erf No. 879), Application reference No. GLB7000008218

LODGED BY

Jaco Hoffman, 22, 4th AVENUE, MELVILLE 2092, cell No. 0720705090
jaco.hoffman@nwu.ac.za

TO

Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO

J G A Steenkamp
Exclusive Liquor Consultants and Architectural Designers cc
Applicant's Representative
PO Box 23170
Helderkruijn, 1733
hannes.s@webafrica.org.za

By email

With reference to the above mentioned application, I wish to object to the granting of yet another liquor licence in Melville. This application is in respect of premises that does not fall in the identified zone for businesses and currently businesses are conducted without the required licences or correct zoning.

I add my objection to that of the Melville Residents Association and confirm that I am in agreement with this association's reasons for objecting and concur therewith.

I trust this matter will receive the attention it deserves.

Best Wishes,

Signed JR Hoffman

Jaco Hoffman

Objection to granting of restaurant liquor licence to:
 NCW Restaurant and Residences (Pty) Ltd in respect of premises at 46 Main Road,
 Melville (Erf No. 879), Application reference No. GLB7000008218

LODGED BY:

Amanda Diener, 22, 4th AVENUE, MELVILLE 2092, cell No. 0763143506
 Email ad.amandadiener@gmail.com

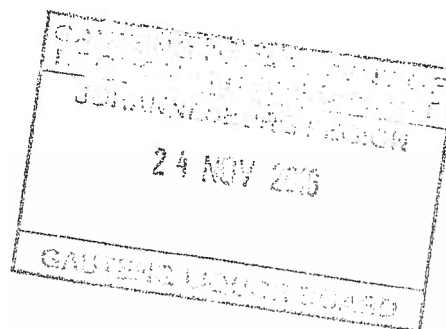
TO:

Liquor Licensing – Johannesburg Regional Office
 Gauteng Liquor Board
 Matlotlo House
 124 Main Street
 Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:



AND TO:

J G A Steenkamp
 Exclusive Liquor Consultants and Architectural Designers cc
 Applicant's Representative
 PO Box 23170
 Helderkruijn, 1733
 Email: hannes.s@webakrica.org.za

By email

With reference to the above mentioned application, I wish to object to the granting of yet another liquor licence in Melville, and that on a site that does not fall in the identified zone for businesses and which will create a further encroachment into the residential part of Melville.

I add my objection to that of the Melville Residents Association and confirm that I am in agreement with this association's reasons for objecting and concur with all of it.

I trust this matter will receive the attention it deserves.

Best Wishes,


 Amanda Diener

OBJECTION TO LIQUOR LICENCE APPLICATION

APPLICANT NAME: NCW RESTAURANTS & RESIDENCES (PTY) LTD
INTENDED TRADING NAME: NCW RESTAURANT
46 MAIN ROAD (BOUNDARY TO 10 AND 11 AVENUES) MELVILLE

Agent: hannes.s@webafrica.org.za

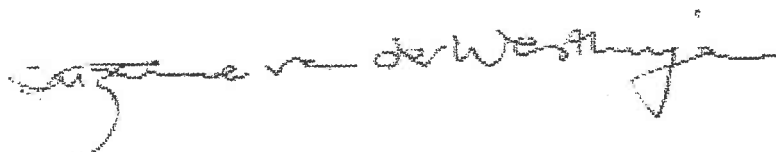
Objector: Suzanne van der Westhuizen
48 5th Avenue
Melville
2092.

Date: 22 November 2016

I support the Melville Residents Association's objection to the granting of a liquor licence for this establishment for the following reasons:

- It is situated in a residential area inhabited by families with young children attending school;
- The noise factor: Especially of concern are children studying for exams who are disturbed by excessive noise - the noise of cars coming and going, of people chatting and laughing as they enter and exit the restaurant at all times of night especially when inebriated; and music, which inevitably is part of the equation.
- Melville residents know only too well the negative impact of licensed premises in other parts of Melville where alcohol and drugs are a constant challenge for the authorities to control.

In closing, residential areas need to be havens for the ratepayers, who make their biggest investment in property in the belief that the council will protect their best interests from inconsiderate developers and business owners.



SUZANNE VAN DER WESTHUIZEN

082 491 0699

OBJECTION TO GRANTING OF RESTAURANT LIQUOR LICENCE FOR
NCW RESTAURANTS AND RESIDENCES (PTY) LTD IN RESPECT OF
PREMISES SITUATED AT 46 MAIN ROAD MELVILLE (BOUNDED BY
10th AND 11th AVENUE MELVILLE, ERF NUMBER 879

78

Application Reference number: GLB 7000008218

LODGED BY: -

Full name of objector: JC Burger

Full address of objector: 88 5th Avenue, Melville

Contact telephone number of objector: 082 4946 244

Email address of objector: jc@speedfreaks.co.za

TO: Liquor Licensing – Johannesburg Regional Office
Gauteng Liquor Board
Matlotlo House
124 Main Street
Johannesburg

Receipt of Objection Acknowledged:

Signed:

Date:

AND TO: J G A Steenkamp
Exclusive Liquor Consultants and Architectural Designers cc
(Member of the Liquor Licensing Consortium of South Africa)
Applicant's Representative
PO Box 23170
Helderkruijn
1733

Email: hannes.s@webafrica.org.za

Receipt of Objection Acknowledged:

Signed:

Date:

I object to the Liquor Licence application for NCW Restaurant as it is evident that the applicants simply do not care about the community as demonstrated by their arrogance with regards to the property built and expansion, not to mention having an opening and advertising without the correct licences and permits in place.

They clearly feel that they are above the law.

NCW Restaurant
@ncwrestaurant

Home
About
Photos
Reviews
Likes
Posts

HOURS
Closed now 18:00 - 23:00

BUSINESS INFO
Business Details
Parking: Parking, Car park
Specialties: Serves lunch, dinner, drinks and coffee
Services: Catering, Good for groups or parties, Outdoor seating, Takes bookings, Table service

ADDITIONAL CONTACT INFO
Email: ncwsuperchef@gmail.com
Website: http://www.ncwrestaurant.co.za/

STORY
NCW Restaurant's journey has just begun in this fabulous place we have carved out. The grown up quirk and tranquility of our space makes it simultaneously sophisticated and warm. We offer fluid meeting spaces, cocktail parties, exhibition and pop up space and a boutique restaurant with an innovative and seasonal menu.

It should be noted that

- This stretch of Main road is zoned residential, although a few properties have consent to include small home offices which have minimal negative impact on the surrounding residential properties. Restaurants and high density dwelling units are NOT allowed.
- Last year the property was sold to the present owners, and they embarked on extensive alterations without the necessary plans nor authorization.

- According to the MRA, they made inquiries with the owners, who gave the specific assurance that they would not operate outside the present zoning restrictions, and had no intention of opening or operating a restaurant from there.
- Despite such assurances, the owners have gone ahead and started operating a large restaurant.
- They have applied to re-zone the property for use as a restaurant AND for erecting 18 two-bed accommodation units there – much to the utter disbelief and anger of nearby residents. The proposed development is not allowed in terms of the Regional Spatial Development Framework of the City of Joburg, nor by the Precinct Plan for this region.
- 113 written objections to the rezoning have been submitted, including from the MRA and the Melville Koppies Management Committee.
- Increased noise, traffic congestion, an influx of vagrants, car guards and criminals, and an environmental threat to the Koppies (which is situated across the road) are some of the stated reasons cited by objectors for objecting.
- The present liquor license application forms an integral part of the owners' plans.

Signed:



Date:

19 November 2016

Full names of Objector: JC Burger

Address of Objector: 88 5th Avenue, Melville

Contact telephone number of Objector: 082 4946 244

Email address of Objector: jc@speedfreaks.co.za