

Companies & Intellectual Property Commission

Republic of South Africa

Article 1 - Incorporation and Nature of the Company

1.1 Incorporation

- (1) The Company is incorporated as a private company, as defined in the Companies Act, 2008
- (2) The Company is incorporated in accordance with, and governed by -
 - (a) the provisions of the Companies Act, 2008 without any limitations, extension, variation or substitution; and
 - (b) the provisions of this Memorandum of Incorporation.

1.2 Powers of the Company

- (1) The Company is not subject to any provision contemplated in section 15 (2) (b) or (c).
- (2) The purposes and powers of the Company are not subject to any restriction, limitation or qualification, as contemplated in section 19 (1) (b) (ii).

1.3 Memorandum of Incorporation and Company Rules

- (1) This Memorandum of Incorporation of the Company may be altered or amended only in the manner set out in section 16, 17 or 152 (6) (b).
- (2) The authority of the Company's Board of Directors to make rules for the Company, as contemplated in section 15 (3) to (5), is not limited or restricted in any manner by this Memorandum of Incorporation.
- (3) The Board must publish any rules made in terms of section 15 (3) to (5) by delivering a copy of those rules to each shareholder by ordinary mail
- (4) The Company must publish a notice of any alteration of the Memorandum of Incorporation or the Rules made in terms of section 17 (1), by delivering a copy of the notices to each shareholder by ordinary mail.

1.4 Optional provisions of Companies Act, 2008 do not apply

- (1) The Company does not elect, in terms of section 34 (2), to comply voluntarily with the provisions of Chapter 3 of the Companies Act, 2008.
- (2) The Company does not elect, in terms of section 118 (1) (c) (ii), to submit voluntarily to the provisions of Parts B and C of Chapter 6 of the Companies Act, 2008, and to the Takeover Regulations provided for in that Act.

Articles 2 - Securities of the Company

2.1 Securities

- (1) The Company is authorised to issue no more than the number of shares of a single class of common shares with no nominal or par value as shown on the cover sheet, and each such issued share entitles the holder to -
 - (a) vote on any matter to be decided by a vote of shareholders of the company;
 - (b) participate in any distribution of profit to the shareholders; and
 - (c) participate in the distribution of the residual value of the company upon its dissolution.
- (2) The Company must not make an offer to the public of any of its securities.
- (3) The pre-emptive right of the Company's shareholders to be offered and to subscribe for additional shares, as set out in section 39 is not limited, negated or restricted in any manner contemplated in section 39 (2), or subject to any conditions contemplated in that section.
- (4) This Memorandum of Incorporation does not limit or restrict the authority of the Company's Board of Directors to -
 - (a) authorise the company to issue secured or unsecured debt instruments, as set out in section 43 (2); or
 - (b) grant special privileges associated with any debt instruments to be issued by the company, as set out in section 43 (3);
 - (c) authorise the Company to provide financial assistance to any person in relation to the subscription of any

Companies & Intellectual Property Commission

Republic of South Africa

- authority of the Company to hold any such meeting in the Republic or in any foreign country, as set out in section 61 (9) is not limited or restricted by this Memorandum of Incorporation.
- (4) The minimum number of days for the Company to deliver a notice of a shareholders meeting to the shareholders, as provided for in section 62 (1);
 - (5) The authority of the Company to conduct a meeting entirely by electronic communication, or to provide for participation in a meeting by electronic communication, as set out in section 63 is not limited or restricted by this Memorandum of Incorporation.
 - (6) The quorum requirement for a shareholders meeting to begin, or for a matter to be considered are as set out in section 64 (1) without variation.
 - (7) The time periods allowed in section 64 (4) and (5) apply to the Company without variation.
 - (8) The authority of a meeting to continue to consider a matter, as set out in section 64 (9) is not limited or restricted by this Memorandum of Incorporation.
 - (9) The maximum period allowable for an adjournment of a shareholders meeting is as set out in section 64 (13), without variation.

3.6 Shareholders resolutions

- (1) For an ordinary resolution to be adopted at a shareholders meeting, it must be supported by the holders of at least 50% of the voting rights exercised on the resolution, as provided in section 65 (7).
- (2) For a special resolution to be adopted at a shareholders meeting, it must be supported by the holders of at least 75% of the voting rights exercised on the resolution, as provided in section 65 (9).
- (3) A special resolution adopted at a shareholders meeting is not required for a matter to be determined by the Company, except those matters set out in section 65 (11), or elsewhere in the Act.

Article 4 - Directors and Officers

4.1 Composition of the Board of Directors

- (1) The Board of Directors of the Company comprises the number of directors, and alternate directors shown on the cover sheet each of whom is to be elected by the holders of the company's securities as contemplated in section 68.
- (2) The manner of electing directors of the Company is as set out in section 68 (2), and each elected director of the Company serves for an indefinite term, as contemplated in section 68 (1).

4.2 Authority of the Board of Directors

- (1) The authority of the Company's Board of Directors to manage and direct the business and affairs of the Company, as set out in section 66 (1) is not limited or restricted by this Memorandum of Incorporation.
- (2) If, at any time, the Company has only one director, as contemplated in section 57 (3), the authority of that director to act without notice or compliance with any other internal formalities, as set out in that section is not limited or restricted by this Memorandum of Incorporation.

4.3 Directors' Meetings

- (1) The right of the Company's directors to requisition a meeting of the Board, as set out in section 73 (1), may be exercised by at least 25% of the directors.
- (2) This Memorandum of Incorporation does not limit or restrict the authority of the Company's Board of Directors to -
 - (a) conduct a meeting entirely by electronic communication, or to provide for participation in a meeting by electronic communication, as set out in section 73 (3); or
 - (b) determine the manner and form of providing notice of its meetings, as set out in section 73 (4); or

by the Companies and Intellectual Property
 Commission on Tuesday, March 06, 2012
 Confirmation of Incorporation

Registration number 20121045081157
 Enterprise name CHAPMAN'S SPORTS RESORT

Directors

Surname and first names	Status	ID number or date of birth	Director type	Appointed date	Addresses
WALLACE, PATRICIA SUSAN	ACTIVE	6495119817923	DIRECTOR	25/03/2012	Postal P O BOX 519, HOWARD PLACE, 7450 Residential 115 ATHOL ROAD, ATHOL, JOHANNESBURG, 2196
GERBER, LEON	ACTIVE	6392251992	DIRECTOR	25/03/2012	Postal P O BOX 519, HOWARD PLACE, 7450 Residential 115 ATHOL ROAD, ATHOL, JOHANNESBURG, 2196



**Companies and Intellectual Property Commission
Republic of South Africa**

**Memorandum of Incorporation
of**

Form CoR 15.1A

Legal Name of Company

Chapmans sports resort (Pty) Ltd

which is a private company, has 2 director(s) 0 alternate director(s), is authorised to issue no more than 1000 shares of a single class of common shares as described in Article 2, and is referred to in the rest of this Memorandum of Incorporation as "the Company".

in the Memorandum of Incorporation -

- (a) a reference to a section by number refers to the corresponding section of the Companies Act, 2008;
- (b) words that are defined in the Companies Act, 2008 bear the same meaning in this Memorandum as in the Act.

Adoption of Memorandum of Incorporation

This Memorandum of incorporation was adopted by the incorporators of the Company, in accordance with section 13 (1), as evidenced by the following signatures made by each of them, or on their behalf.

Name and address of incorporator	Identity or Registration No.	Signature	Date
Leon Gerber 115 Athol Road Athol Johannesburg 2196	6309235205084	 as per POA	05/03/12
Patricia Susan Wallace 115 Athol Road Athol Johannesburg 2196	6405310057083	 as per POA	06/03/12

Short Standard Form for Private Companies

The form is subject to the terms of Section 13 of the Companies Act, 2008 and Regulation 15 of the Companies Reg. Act, 2008.

This form may be used only for the incorporation of a private company.

A private company may be incorporated by one or more persons.

The incorporators must complete this form by:

(i) signing the Name of the Company, which must be approved by the Commission in terms of Regulation 14 (2) of the Companies Reg. Act, 2008;

(ii) inserting the number of directors and alternate directors in the space provided;
(iii) inserting the number of authorised shares in the space provided; and
(iv) each signing and dating the form on a date of the Year.

There are 4 copies in this form. If any of the copies of 4 pages must be filed.

This Form must be filed with Form CoR 14.1, Notice of Incorporation, and required signatures and fees.

Contacting the Commission
The Companies and Intellectual Property Commission of South Africa

Postal Address
PO Box 429
Pretoria 0001
Republic of South Africa
Tel: 086 100 2472

www.cipc.co.za



CAPE FARMS 1387 - 1
ED CHAPMANS SPORTS RESORT
21 AVONDRUST
NOORDHOEK

<p>NOTICE TO OWNER OF PARTICULARS OF PROPERTY ENTERED ON THE 2015 GENERAL VALUATION ROLL</p> <p>This letter contains the new valuation of the property (page 1), an explanation of the public inspection and objection process (page 2), the official notice of the objection process (page 3), a list of the public inspection venues (page 4) and general questions and answers (page 5 and 6).</p>	<p>ISAZISO KUMNNI WEENKUKACHA ZEPROPATI ENGENISWE KULUHLU LOQINGQO-MAXABISO NGOKUPHANGALELEYO LWANGO-2015</p> <p>Le ncwadi iqulathe uqingqo-maxabiso olutsha lwepropati (iphepha 1), Ingcaciso yenkqubo yohloko luluntu kwaneyokufaka isichaso (iphepha 2), isaziso esisemthethweni senkqubo yokufaka isichaso (iphepha 3), ufutshu lweendawo zohlolo zoluntu (iphepha 4) nemibuzo neempendulo jikelele (iphepha 5 nele-6).</p>	<p>KENNISGEWING AAN EIENAAR VAN EIENDOMSBESONDERHEDE AANGETEKEN IN DIE ALGEMENE WAARDASIELYS VAN 2015</p> <p>Hierdie brief bevat die nuwe waardasie van die eiendom (bladsy 1), 'n verduideliking van die proses van openbare insae en besware (bladsy 2), die amptelike kennisgewing van die beswaarpas (bladsy 3), 'n lys van die lokale vir openbare insae (bladsy 4) en algemene vrae en antwoorde (bladsy 5 en 6).</p>
<p>In terms of the provisions of section 49(1) (c) of the Municipal Property Rates Act, 2004 (ACT NO. 6 of 2004), hereinafter referred to as the Act, I hereby furnish the particulars as stipulated in section 48(1) of the Act, which are applicable to the under-mentioned property included in the above-mentioned valuation roll.</p>	<p>Ngokwemimiselo yecandelo-49(1)(c) loMthetho ongamaXabiso eePropati zikaMasipala onguNomb.6 wango-2004, apha ka ngoko othi ubizwe ngokuba nguMthetho, ka ngoko ndinikazela ngeenkukacha njengoko kubonakalisiwe kwicandelo-48(1) loMthetho, iinkukacha ezi eziJoliswe kwipropati esele lkhankanyiwe, equkwe kuluhlu loqingqo-maxabiso olukhankanyiwe ngentla apha.</p>	<p>Ingevolge die bepalinge van artikel 49 (1)(c) van die Wet op Munisipale Eiendomsbelasting, no 6 of 2004, hierna verwys as die Wet, verskaf ek die besonderhede soos gestipuleer in artikel 48(1) van die Wet, wat betrekking het op die ondergenoemde eiendom wat in die bogenoemde waardasielys ingesluit is.</p>

<p>Registered / other description of the property Inkcazelo ebhalishweyo okanye elolunye uhlobo yepropati Gereregistreerde / ander beskrywing van die eiendom</p>	<p>CAPE FARMS 1387 - 1 SPM0081763</p>
<p>Rating Category of Property Udidi lweXabiso lePropati Graderingskategorie Kategorie Van Eiendom</p>	<p>NON-RESIDENTIAL</p>
<p>Physical Address Idilesi yeNdawo Fisiese adres</p>	<p>21 AVONDRUST NOORDHOEK</p>
<p>Extent of the land Ubukhulu bomhlaba Grootte Van Grond</p>	<p>2244</p>
<p>Effective Date Umhla Wokuqaliswa Intreedatum</p>	<p>2016-07-01</p>
<p>Market Value Ixabiso leNtengiso Markwaarde</p>	<p>R 1200000</p>

For more information:
Sharecall: 086 010 3089
Fax: 0865886042
Email: valuationobjection@capetown.gov.za
Web: www.capetown.gov.za/propertyvaluations/

Ngokwazi oluthe vuthe:
Inombolo yocedo: 086 010 3089
Ifaka: 0865886042
I-imeyile: valuationobjection@capetown.gov.za
Iwebhusayithi:
www.capetown.gov.za/propertyvaluations/

Vir meer inligting:
Sharecall: 086 010 3089
Faks: 0865886042
E-pos: valuationobjection@capetown.gov.za
Web: www.capetown.gov.za/propertyvaluations/

1
I.D.No. 640531 0057 08 3



S.A.BURGER/S.A.CITIZEN

VAN/SURNAME

WALLACE

VOORNAME/FORENAMES

PATRICIA SUSAN

GEBOORTEDISTRIK OF-LAND/
DISTRICT OR COUNTRY OF BIRTH

SOUTH AFRICA

GEBOORTEDATUM/
DATE OF BIRTH

1964-05-31

DATUM UITGEREIK
DATE ISSUED

2009-08-03

UITGEREIK OP GESAG VAN DIE
DIREKTEUR-GENERAAL:
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL:
HOME AFFAIRS



J3

I.D. No. 630923 5205 084



S.A. CITIZEN

SURNAME
GERBE

FORENAMES
LLO



30 01 28

UNIT OF
GENERAL
YEARS

1K

GEREGISTREERDE WOON- EN POSADRES

... die bewys van u GEGEGISTREERDE WOON- EN POSADRES.

... van adres verander het, of indien besonderhede van u adres, by. straatnaam en of -nommer, ens. verander het, ... KENNISGEWING VAN ADRESVERANDERING, wat ... in die identiteitsdokument is, gebruik word om die ... te maak en moet dit ingedien word by of geops word ... van die DEPARTEMENT VAN ... SAKE.

REGISTERED RESIDENTIAL AND POSTAL ADDRESS

... the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.

... have changed your address, or if particulars of your address, e.g. name of street and/or street number, etc., have ... the NOTICE OF CHANGE OF ADDRESS form in the ... of the Identity document must be used to report ... and it must be handed in at or posted to the nearest ... of the DEPARTMENT OF HOME AFFAIRS.

1

I.D. No. 690218 0290 08 3



S. A. BURGER/S. A. CITIZEN

VAN/SURNAME

MYBURGH

VOORNAME/FORENAMES

SANDRA PAULA MENDES DOS SANTOS

GEBORTEDISTRIK OF LAND/DISTRICT OR COUNTRY OF BIRTH

MOZAMBIQUE

GEBORTE DATUM/DATE OF BIRTH

1969-02-18



DATUM UITGEREIK/DATE ISSUED

1996-04-17

UITGEREIK OP GESAG VAN DIE DIREKTEUR-GENERAAL/ISSUED BY AUTHORITY OF THE DIRECTOR-GENERAL

SIANHELANDSE SAKE/HOME AFFAIRS

Myburgh, Sandra

20 Camilla Street
Glencairn Heights
7975
SOUTH AFRICA

Property Bureau City Bowl
Company Name: N J Carson
Reg. No.

PO Box 575
Constantia
7848

Tel: 021 7978850 Fax: 021 7617380
Email: nicholas@propertybureau.co.za
Web: www.propertybureau.co.za

STATEMENT

Property: Camilla Street 20

Statement period: 2016-12-01 to 2017-05-01

Date	Ref no	Description	Method	Debit	Credit	Balance
2016-12-01		Opening balance				0.00
2016-12-01	17713637	Invoice - Electricity, Water, Refuse and Sewerage		2,410.53		2,410.53
2016-12-02	17920060	Payment	Direct Deposit		-2,410.53	0.00
2017-01-01	18089734	Invoice - Electricity, Water, Refuse and Sewerage		1,694.02		1,694.02
2017-01-03	18205951	Payment	Direct Deposit		-1,694.02	0.00
2017-02-01	18529312	Invoice - Electricity, Water, Refuse and Sewerage		1,281.21		1,281.21
2017-02-01	18544348	Payment	Direct Deposit		-1,281.21	0.00
2017-03-01	18578348	Invoice - Electricity, Water, Refuse and Sewerage		1,871.38		1,871.38
2017-03-02	18903484	Payment	Direct Deposit		-1,871.38	0.00
2017-04-01	18943788	Invoice - Electricity, Water, Refuse and Sewerage		1,438.84		1,438.84
Balance due on 2017-05-01						1,438.84
Damage deposit balance on 2017-05-01						19,648.38
Interest from 2016-12-01 to 2017-05-01 (After a monthly service provider fee of 0.1625%)						420.47

WAYS TO PAY

DIRECT DEPOSIT

ABSA acc no. 4076359635
Branch code: 632005
SWIFT code: ABSAZAJJ



Deposit Reference Number: YH299

ANNEXURE M

DESCRIPTION OF THE PREMISES

This description of premises is in accordance with Regulation 9(4)(c) of the regulations issued in terms in Section 88 of the Western Cape Liquor Act, Act 4 of 2008, which description must be read in conjunction with the plan and photographs filed in support hereof.

1. THE PREMISES

- 1.1 The premises are located at Portion 1 of Farm 1387, cnr of Avondrust, Circle & Chapman's Peak Drive, Chapman's Peak, Noordhoek .
- 1.2 The premises will consist of commercial premises in Noordhoek, on the Noordhoek common.
- 1.3 The premises are a project by the Applicant to expand its business interests in the Western Cape by establishing an upmarket restaurant at the new Sports Resort in Noordhoek which is owned by the Applicant.

2. LAYOUT

- 2.1 The building will comprise of a ground floor and a first floor. The main entrance leads off the spacious parking area, which provides on-site parking for visitors and tour buses to the centre.
- 2.2 The ground floor will consist mainly of the seating area of the restaurant, bar area, kitchen, refuse room, cold room and cloakrooms, which includes disabled toilets, all of which utilities are clearly indicated on the supporting plan.

- 2.3 There will be an exterior ground floor terrace for visitors to sit outside and enjoy a meal in the summer months.
- 2.4 An internal stairway leads to the first floor, where there will be an exterior seating lounge area, giving visitors a magnificent view of the mountain and surrounding forest area.
- 2.5 The first floor will also provide additional cloakrooms for visitors, which cloakrooms are easily accessible from the remainder of the first floor.
- 2.6 The layout of the premises are clear from the attached plan marked **Annexure A** and the colour photographs which are submitted in support of the application marked **Annexure D**. Further colour photographs will be submitted once the premises have been completely furnished and equipped.

3. THE AREA

- 3.1 The premises are situated at Portion 1 of Farm 1387, Avondrust Circle & Chapmans Peak Drive, Chapman's Peak, Noordhoek.
- 3.2 Chapmans Peak is world renowned as being part of the Table Mountain mountain range and home to Cape Point Nature Sanctuary, Cape Point Route, World of Birds Sanctuary and Monkey Park and there are various popular hiking trails in the area.
- 3.3 According to the published results of Census 2011, the population density of the area was approximately 31 980 people at the time.

4. GENERAL

- 4.1 The premises is a project by the Applicant's directors to expand their business interests in Cape Town to also include an on-consumption high quality restaurant and outdoor activity facility on a property owned by the Applicant.
- 4.2 The restaurant furnishings and fittings will be of good quality throughout, and in keeping with the theme of the meat based restaurant being established.

ANNEXURE N

WRITTEN REPRESENTATIONS, INCLUDING REPRESENTATIONS IN TERMS OF SECTION 34

This is an application by CHAPMANS PEAK SPORTS RESORT (PTY) LTD (REG NO: 2012/046081/07) for an on-consumption liquor licence in terms of Section 33(1)(b) read with Regulation 9 of the Regulations issued in terms of Section 88 of the Western Cape Liquor Act, Act 4 of 2008.

The Applicant's controller and appointed manager are as per Form 4 to which this annexure is attached.

1. REPRESENTATIONS IN TERMS OF SECTION 34

1.1 SECTION 33(1)

Type of business:

The business is essentially that of an upmarket on-consumption restaurant focusing on meat dishes.

1.2 SECTION 34(1)(a)

1.2.1 Public interest:

The granting of more licences promotes healthy competition, which in turn is also to the benefit of the public.

In terms of the unemployment statistics for the area, the unemployment rate in Cape Town is approximately 23.9 %. By encouraging local entrepreneurs, such as the Applicant to invest in the area by establishing new businesses, will assist in creating much-needed employment opportunities and also expand the variety of attractions to the area by adding a further option to tourists and visitors to the area.

It can therefore rightly be argued that the granting of this application will be in the **public interest**, given that it will create an alternative licensed establishment, as well as promoting healthy competition, job creation and entrepreneurship in the area.

In amplification of the reference to public interest as set out in paragraph 5 above, the Applicant refers the Board to the decision in **Maharaj vs Chairman, Liquor Board 1997(1)SA273**, where Nicholson J in the Natal Provincial Division considered, inter alia, the phrase 'in the public interest'.

Nicholson J at 278 and 281G-I held that the fact that the Chairman of the Board should not grant a licence unless he was satisfied that it was in the public whose interest was to be served as necessarily to be widely representative of the general public.

It meant that the public would be better served if the applicant were granted the licence than that the existing state of affairs were to continue, and it was not the national interest that was intended, but that of the inhabitants in the area for which the licence was sought or visitors to the area.

Nicholson J then goes on to consider the effect of the refusal, and concluded that, in the circumstances, the interest which benefited from the refusal of the licence was that of a personal and commercial interest of the other licensees in the area.

I respectfully also refer to the **Tribunal to ASKO Beleggings vs Voorsitter van die Drankraad NO en Andere 1997(2) 8A57NKA** where Steenkamp R, in referring to public, remarked as follows on p66H:

"Om te oordeel of die bestaan van die aansoek in die openbare belang is, moet daar na die betekenis van die begrip "openbare belang" gekyk word. "Openbare Belang" is 'n wye en onsekere begrip. Selfds die

begrip "gemeenskap" het onsekere betekenis soos dit duidelik in die saak van Jennings vs Stephens [1936] 1 All ER 409 (CA) deur Lord Wright aangetoon word, waar hy die volgende sê op bl 412:

"The public" is a term of uncertain import; it must be limited in every case by the context in which it is used. It does not generally mean the inhabitants of the world or even the inhabitants of this country. In any specific context it may mean for practical purposes only the inhabitants of a village or such members of the community as particular advertisements would reach, or who would be interested in any particular matter professional, political, social, artistic, or local. In the case of dramatic work the public may be regarded as including persons to whom the drama appeals, but that again must be limited by local or other conditions. Thus it is clear that by "public" is meant, in the words of Bowen, LJ, "a portion of the public". That particular portion of the public which is meant may sometimes be very small indeed."

1.2.2 Advantage to the public

In the current economic situation where unemployment is an ever growing problem to society, it is important to develop interest and skills in communities, which are cost-effective, but will empower individuals to become self-sufficient. It is therefore important that every possible opportunity be utilised to enhance businesses in order to ensure the health and wellbeing of such businesses, possible expansion and thereby job creation etc is imperative to the economy of the Western Cape.

1.2.3 Effect of the business on the neighbourhood/proliferation of licensed outlets

The business enhances the services on offer in the area, and also contributes towards job creation, healthy competition and variety of choice in the area.

The granting of the application will not in any way contribute to a proliferation of outlets in the area, given the particular nature and location of the proposed outlet.

The threat of proliferation of outlets as a policy guideline to refuse applications is in any event somewhat dangerous, given that the merits of each and every application stands to be judged separately and on its own in relation to the criteria of the relevant legislation.

1.3 SECTION 34(1)(b)

1.3.1 Suitability of Applicant/its director(s)/member(s) in terms of Section 35

Both Directors are South African citizens and in possession of South African ID documents. Both the directors of the Applicant are qualified in terms of Section 35 to hold and manage a liquor licence in that they comply with the provisions of Section 35(1)(a) to (g).

1.4 SECTION 34(1)(c)

1.4.1 Are premises completed?

The premises are currently being erected for purposes of the business.

1.4.2 Suitability of the premises for the intended purpose

The premises will be suitable for the intended purpose and all requirements in respect of health, safety and building regulations will be met.

1.4.3 Plan and colour photographs

It is submitted that the plan is a true reflection of the layout of the premises. Further colour photographs will be submitted upon completion of the premises.

1.4.4 Safety of the premises

The premises will be completely safe and secure in that it will be monitored by security cameras, the manager and staff members who will be present at all times during trading hours.

1.4.5 Minors

Minors will be allowed in terms of Sections 54 and 56 of the Act.

1.5 SECTION 34(1)(d)

1.5.1 Right of occupation

The Applicant has the right to occupy the premises, in that it is the owner of the premises as is clear from the copy of the Title Deed attached hereto marked **Annexure P**.

1.5.2 Ownership of premises

See **Annexure P**.

1.5.3 Will street/pavement form part of the licensed establishment?

No.

1.6 SECTION 34(1)(e)(i) – (v)

1.6.1 History of similar establishment on the premises

The premises will be located in a newly erected commercial building adjacent to the Noordhoek Common.

1.6.2 Nature of closest properties to the premises

The premises are located near some residences, Noordhoek Farm Village and Cape Point Vineyards.

1.6.3 Noise and possible unruly behaviour of patrons (also after closing time)

Due to the nature and location of the premises, the Applicant does not foresee that the noise emanating from its business will have any significant impact on the existing noise levels in the area.

1.6.4 Live entertainment

There will be no live entertainment at the Applicant's premises.

1.6.5 Soundproofing

No soundproofing is required due to the fact that no live entertainment will be provided.

1.6.6 Doors and windows

All doors and windows will be kept closed due to the fact that the interior will be fitted with air-conditioning units, designed to regulate the interior temperature, save for the outdoor dining/seating areas.

1.6.7 Direction of sound

All noise should travel upwards and forward towards the street and be absorbed by the surrounding ambient noise in the area.

1.6.8 Steps to curb the possible negative influence that the granting of the licence will have on surrounding area/neighbourhood

It is not foreseen that the proposed licensed business will have a negative impact on the surrounding area in any sense whatsoever.

1.6.9 Public open spaces

The Noordhoek Common is the nearest open space, but the upmarket restaurant will not in any way be affected by the common.

1.6.10 Control measures to be implemented by the Applicant

Access control will be strictly monitored by 24 hour CCTV cameras and staff on duty during trading hours. Security personnel from an accredited security service provider will be on standby at all times.

1.6.11 Is the business close to or adjacent to a residential area?

The nearest residences are approximately 50 metres from the premises, on the opposite side of Chapmans Peak Drive.

1.6.12 Zoning of the premises

As is clear from **Annexure O** hereto, a restaurant is a specifically permitted land use on the relevant Erf.

1.6.13 The area where business is located

The premises are located in a semi-rural area near Chapmans Peak Drive.

1.6.14 Crime and safety of patrons visiting the premises

Due to the location and the nature of the business it will have no negative impact on the crime in the area.

1.6.15 Traffic impact and parking

There is sufficient parking available parking on the premises to accommodate visitors. The area is a popular tourist destination due to the fact that it is also home to the Cape Point Nature Reserve, World of Birds and Monkey Sanctuary and various popular hiking trails. Numerous tourist busses visit the area on a daily basis.

2. CONCLUSION

2.1 It is clear from the above that:

- 2.1.1 the premises are suitable and correctly zoned for the intended purposes as a restaurant.
- 2.1.2 the Applicant (and its controller(s)) are suitable persons to hold/control a liquor licence.
- 2.1.3 the nearest school, church, old age/frail care facilities, rehab facility and filling station are as per **Annexure N1**.
- 2.1.4 It is submitted that the application meets the qualifying criteria as envisaged in terms of Section 34(e)(i-v) of the current Act, and it is further submitted that the Applicant has shown on a balance of probabilities that the application should be granted.

2.2 The relevant notices publishing this application, being Forms 3, 5 and 6 are annexed to this application.

For all the above reasons the Tribunal is respectfully requested to grant this application at the first available opportunity.

CHAPMANS PEAK SPORTS RESORT

ERF 594, PORTION 1 OF FARM 1387, 27 AVONDRUST CIRCLE, NOORDHOEK

SCHOOL

Sun Valley Primary School – 4.9 km

CHURCH

King of Kings Baptist Church – 4.2 km

OLD AGE

Plumstead Rusoord – 20.4 km

FRAIL CARE

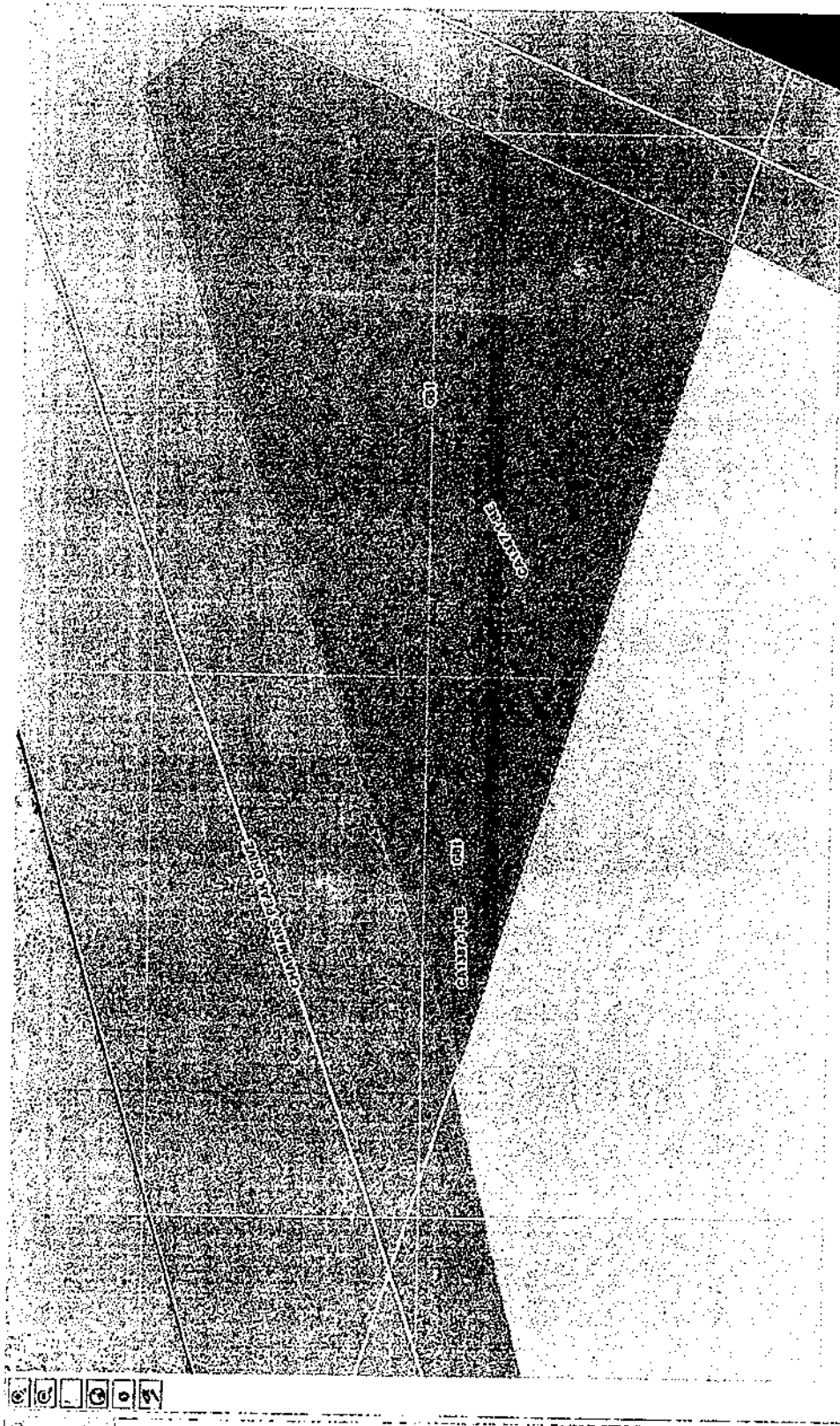
Serenity Frail Care & Nursing Home – 21.9 km

REHAB

Rehab Cape Town – Outpatient – 1.1 km

FILLING STATION

Engen – 9 km



Planning Viewer

Layers Legend Search

Search by Property Number: Search

Search by Farm Number: Search

Search by Street Address: Search

Search by Ward Number: Search

60 found.

Print Measure

Search Results

Property Number (RN)	Street Number	Suffix	Street Name	Street Name Type	Ward	Subcouncil	Suburb
594	7		BLINKWATER	Road	54	Subcouncil 16	CAMPS BAY / BAKOVEN
594	27		AVONDRUST	Circle	69	Subcouncil 19	NOORDHOEK
594	28		TOPAZ	Way	69	Subcouncil 19	NOORDHOEK
594	4		FASADAY	Way	73	Subcouncil 20	MEADOWRIDGE
594	1		ELGIN	Road	73	Subcouncil 20	BERGVLJET



ANNEXURE A

In this annexure:

"Council" means the City of Cape Town.

"The owner" means the registered owner of the property.

"The property" means Portion 1 of Cape Farm 1387, Corner of Avondrust Circle and Chapman's Peak Drive, Noordhoek

"Scheme Regulations" has the meaning assigned thereto by Ordinance 15 of 1985.

APPLICATION NUMBER: 223814
FILE REFERENCE: LUM/76/1387-1

1. REZONING GRANTED IN TERMS OF SECTION 16 OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985:

1. Rezoning of the property from Single Residential to Commercial.

2. DEPARTURE FROM THE FORMER DIVISIONAL COUNCIL OF THE CAPE ZONING SCHEME REGULATIONS GRANTED IN TERMS OF SECTION 15 OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985:

2.1 Part III Section 1(a): to permit the terrace to be 3.5m in lieu of 8m from Avondrust Circle.

3. CONDITIONS IMPOSED IN TERMS OF SECTION 42 OF THE LAND USE PLANNING ORDINANCE NO. 15 OF 1985 (AS PART OF THE REZONING APPROVAL):

3.1 Land use

3.1.1 The property may only be used as a restaurant and/or a dwelling house.

3.1.2 The restaurant on the property shall be generally in accordance with the Site Development Plan LUM/76/1387-1 attached as Annexure E to Council's report LUM/76/1387-1 (223814).

3.1.3 The development rules of the Single Residential Zone 1 of the new Cape Town Zoning Scheme (that came into effect on 2013-03-01) shall be applicable to any dwelling house on the property.

3.1.4 The total floor space (as defined in the Cape Town Zoning Scheme that came into effect on 2013-03-01) of any restaurant on the property shall not exceed 300m².

3.1.5 The restaurant shall be limited to 100 seats.

3.1.6 Any live music on the property in relation to the restaurant shall take place indoors.

3.1.7 A site development plan (SDP) with emphasis on landscaping, the design of the parking area, and boundary wall/ fence treatment, shall be submitted to the Director: Planning and Building Development Management, prior to building plan approval. Particular attention must be given to the public interface along Chapman's Peak Drive where planting for screening purposes must be undertaken.

3.1.8 The SDP referred to in Condition 3.1.7 shall be implemented by (and at the cost of) the Owner, prior to the occupation of any building on the property, to the satisfaction of the Director: Planning and Building Development.

3.2 Transport

3.2.1 No access from or egress to the property shall be taken via Chapman's Peak Drive.

3.2.2 If the property is used for a restaurant, parking for a minimum of 40 vehicles must be provided on the property.

3.2.3 The parking layout must be designed in accordance with the City's parking standards to the satisfaction of the Director: Transport.

3.2.4 Access/ egress to/from the property must be via a single vehicular access carriageway crossing off Avondrust Circle. The access point must be setback a minimum 60m from the Chapman's Peak Drive intersection.

Daylighting (cutting back of low vegetation) is required at the vehicular access/egress to the property to allow for adequate sight distance to the north and south, to the satisfaction of the Director: Transport.

Note: The conditions attached to the letter dated 2013-05-15 (with reference 13/3/5/1-35/512 (Job 21200)) from the Provincial Department of Transport and Public Works must be adhered to.

3.3 Solid Waste

3.3.1 A refuse room must be provided to the satisfaction of the Director: Solid Waste Management.

3.4 Sanitation

3.4.1 A septic tank or a conservancy tank must be installed, to the satisfaction of the Director: Sanitation, at the cost of the owner.

3.5 City Health

3.5.1 The landscaping contractor must take all the necessary precautions so as to not use manure or compost which is flyblown and may rise to offensive odours and cause a health nuisance.

3.5.2 A Noise Management Plan must be submitted for approval to the Executive Director: City Health which must comply with the Noise Control Regulations P. N. 200/2013 as promulgated under the Environmental Conservation Act 73 of 1989 and is to include recommendations for the satisfactory management of noise levels and impacts generated for the proposed use. The Executive Director: City Health reserves the right to call for the submission of a Noise Impact Assessment Report, carried out and completed by an accredited acoustic engineer or consultant. Such assessment will be for the cost of the applicant and is to be based on an acceptable series of recordings to the satisfaction of the Executive Director: City Health. In addition, subject to the outcome of the aforementioned report, the right is reserved to call for further restrictive requirements, such as limiting the hours of operation should it be deemed necessary.

Note: Application must also be made for a Certificate of Acceptability for food premises in terms of Regulation R962 of 2012 promulgated under the Health Act 1977 (Act 63 of 1977).

Note: The restaurant must comply with the Noise Control Regulations P. N. 200/2013 as promulgated under the Environment Conservation Act, 1989 (Act 73 of 1989) by not creating a disturbing noise and/or noise nuisance to surrounding property owners. In this regard it must be noted that any noise producing plant or equipment must be adequately muffled.

Note: An application for a Business License in terms of the Business Act, 1991 for the Sale and Supply of Meals must be submitted to the Director: City Health.

Note: The premises must comply with the requirements of the Tobacco Products Control Amendment Act 63 of 2008 and notice relating to the Regulation Relating to the Smoking of Tobacco Products in Public Places No. R975 dated September 2000.

Note: An integrated waste management approach must be used that is based on waste minimisation and should incorporate reduction, recycling, reuse and disposal where appropriate. Any solid waste shall be disposed of at a landfill site, licensed in terms of Section 20 the Environmental Conservation Act No. 73 of 1989.

Note: Adequate measures must be taken to control the emissions of dust into the atmosphere in terms of the City of Cape Town's Air Pollution Control By-Law, LA 12649 of 2003.

3.6 Environment

3.6.1 The owner must submit an A3 plan indicating all the elements of the Site Environmental Management Plan (SEMP) for the approval of the Director: Environmental and Heritage Resources Management (ERM) prior to building plan approval.

3.6.2 The SEMP shall be implemented to the satisfaction of the Director: ERM and the developer shall ensure that the contractors comply with the SEMP.

- 3.6.3 The developer shall appoint, at his/her own cost, an Independent Environmental Site Officer (ESO), with appropriate environmental qualifications, for the duration of the work contemplated in the SEMP. In this regard the ESO shall regularly liaise with Council's environmental officers.
- 3.6.4 The developer shall enter into a contract with the ESO detailing the minimum hours per week the ESO must be on site and conferring the power on the ESO to stop the construction on the site if there is non-compliance with the SEMP.
- 3.6.5 The Developer shall make good any damage to the environment caused as a result of non-compliance with the SEMP, to the satisfaction of the Director: ERM.

3.7 Roads and Stormwater

- 3.7.1 Full Civil Engineering and Stormwater Management Plans must be submitted to and approved by the Director: Roads and Stormwater prior to building plan approval.
- 3.7.2 A development contribution shall be paid in accordance with the signed Acknowledgement of Debt.

3.8 General

- 3.8.1 The owner/developer shall be responsible for all costs incurred in respect of the upgrading, extension, deviation or removal of any existing stormwater, sewerage, electricity or other service or works, whether on the property of the Council or of any other body whether public or private, which may be requested by the Council or any other body having the authority so to require as a result of the development of the property concerned and for any connection costs in respect of such service or works.

Note: The conditions attached to this approval do not exempt the owner from compliance with any other laws or requirements.

Note: Signage on the property shall comply with the Council's Outdoor Advertising and Signage By-Law.

Werksmans Attorneys
 155 - 5th Street
 Sandown
 Sandton 2196

Deed of Transfer		
Amount	Office fee	
R 1 425 000,00	R 850,00	
	Exempt i.t.o	
Cat.....	section.....	Act.....

Prepared by me

[Signature]
 CONVEYANCER
 KEW B M

DATA / VERIFY
 2012-06-27

DEED OF TRANSFER

000028127 / 2012

BE IT HEREBY MADE KNOWN THAT

JOHANNES GERHARDUS LOURENS VISAGIE

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at SANDTON on 17 April 2012 granted to him by

BRUCE EDWARD LEECH
 Identity Number 690603 5007 08 9
 Married out of community of property

DATA / VERIFY
 2012-06-22
 NCAPAI LINDA

And the appearer declared that his said principal had, on 21 March 2012, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

CHAPMANS SPORTS RESORT PROPRIETARY LIMITED
Registration Number 2012/046081/07

or its Successors in Title or assigns, in full and free property

PORTION 1 OF THE FARM 1387
CITY OF CAPE TOWN
CAPE DIVISION, WESTERN CAPE PROVINCE

IN EXTENT 2244 (TWO THOUSAND TWO HUNDRED AND FORTY FOUR)
SQUARE METRES

FIRST REGISTERED BY CERTIFICATE OF REGISTERED TITLE NO.
T11346/1985 with Diagram No. 3810/84 relating thereto and held by Deed of
Transfer T20466/2004

- A. Subject to the conditions referred to in Deed of Transfer No. T2862/1900.
- B. Subject further to the special conditions contained in the annexure marked "X" to Deed of Transfer No. T10944/1921 relating to :
- a) Roads and right of way;
 - b) c), f), g), h) water rights;
 - c) Maintenance, repair and cleaning of water ways, etc;
 - d) Existing buildings.
- C. SUBJECT further to the following conditions contained in said Certificate of Registered Title No. T11346/85 imposed by the Administrator at the time of approval of the subdivision in terms of Section 9 of Ordinance 33 of 1934 :

GhostConvey 13.8.8.3

1. The owner of this erf, shall without compensation, be obliged to allow gas mains, electricity, telephone and television cables and/or wires and main and/or other waterpipes and sewage and drainage, including stormwater of any other erf or erven to be conveyed across this erf, and surface installations such as mini-substations, meter kiosks and service pillars to be installed thereon if considered necessary by the Local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
2. The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

WHEREFORE the said Appearer, renouncing all right and title which the said

BRUCE EDWARD LEECH, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

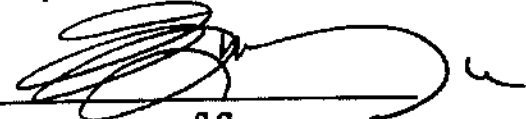
CHAPMANS SPORTS RESORT PROPRIETARY LIMITED
Registration Number 2012/046081/07

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 425 000,00 (ONE MILLION FOUR HUNDRED AND TWENTY FIVE THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

13 June 2012



q.q.

In my presence



REGISTRAR OF DEEDS



CHAPMANS PEAK SPORTS RESORT MENU

STARTERS

Italian Tomato Soup

TRADITIONAL boerewors

Hussar Beef Biltong (150g)

Chicken Livers

Snails

CURED Springbok Loin Carpaccio

Large Black Mushrooms

Topped with spinach, feta cheese and then grilled.

Steak Tartare

Prawn & fResh avo Cocktail (Seasonal) Calamari

Tender fried strips, served with tartar sauce on the side. A house favourite for decades.

SALADS

Tomato and Onion Salad

Cobb

Greek

Caesar

Fresh Greens

STEAKS AND GRILLS

Rump

Fillet Sirloin

MEAT ON THE BONE

FILLET ON THE BONE (Subject to availability)

SIRLOIN ON THE BONE

T-BONE

SPARE RIBS

GRILLED HOG RIBS

R

CHAPMANS PEAK SPORTS RESORT (PTY) LTD

REG NO: 2012/046081/07

RESOLUTION PASSED BY THE DIRECTOR AT CAPE TOWN

At a meeting of the club members, it was resolved that Yvette Louie du Toit, Identity Number : 700130 0278 08 3, the director of the abovenamed Company, be and is hereby authorised to sign all and any documentation necessary to file an application in terms of **Section 36** of the Western Cape Liquor Act, Act 4 of 2008, for an on-consumption liquor licence, and in respect of CHAPMANS PEAK SPORTS RESORT, Portion 1 of the Farm 1387, cnr of Avondrust Circle & Chapmans Peak Drive, Chapmans Peak, Noordhoek and generally to do all things necessary with regard to applying for the licence as fully and effectually as if he was acting in his personal capacity.

It was further resolved that Yvette Louie du Toit of Saunders Attorneys is hereby authorised to sign any application for the management appointment in respect of **SANDRA PAULA MENDES DOS SANTOS MYBURGH (ID: 690218 0290 08 3)** in terms of **Section 52** of the Liquor Act, Act 4 of 2008, and generally to do all such things necessary with regard to the said appointment as fully and effectively as if the director was acting in his personal capacity, and to do all things necessary to conclude and finalise the said application in accordance with the requirements of the Western Cape Liquor Authority.

Signed at CAPE TOWN this 26 day of MAY 2017


LEON GERBER

Payment Receipt



Beneficiary name: WESTERN CAPE LIQUOR
Bank name: NEDBANK LIMITED
Beneficiary account number: 1452069883
Branch code: 19876500
Branch name: ALL BRANCHES
My reference: WCLA
Beneficiary reference: S36 Chapmans Peak SC
Payment date: 2017-05-25
Amount: R 1,250.00

Print

Close