



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/14029

Our File Reference Number: Erf 1260 Stellenbosch

Your Reference Number:

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR CONSENT USE IN ORDER TO ACCOMMODATE A LIQUOR STORE IN THE FORM OF A WINE SHOP IN THE EXISTING RESTAURANT ESTABLISHMENT ON ERF 1260 STELLENBOSCH

1. The above application refers.
2. The duly authorised decision maker hereby decides on the above application as follows.
3. That the following application(s) in terms of Section 15(2) of the Stellenbosch Municipal Land Use Planning Bylaw, promulgated by notice number 354/2015, dated 20 October 2015 on Erf 1260 Stellenbosch, namely;

- 3.1. **Consent Use** in terms of Section 15 (2) (o) of the said by-law for liquor store in the form of a wine shop in the existing restaurant establishment

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

4. The approval is subject to the following **conditions** imposed in terms of Section 66 of the said Bylaw:
 - 4.1. The approval applies only to the proposed application under consideration as indicated on Drawing No: TWG01-1/3, dated 17 October 2021, Drawn by D. Van Driel, and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
 - 4.2. The approval granted shall not exempt the applicant from complying with any other legal prescriptions or requirements that might have a bearing on the proposed use.
 - 4.3. The development be implemented substantially in accordance with the site plan Drawing No: TWG01-1/3, dated 17 October 2021, Drawn by D. Van Driel, attached as **Annexure A**.
 - 4.4. The liquor store be limited to 30m² and be limited to the sale of wine only.
 - 4.5. An application for the erection of advertising signs be submitted for approval to the Municipality and that all signage on the property be erected to the satisfaction of the Municipality OR be in line with the signage policy of the Municipality.

- 4.6. The land use to not create any undue noise or be a nuisance to the neighbourhood and that precautionary measures be taken in order to avoid environmental noise pollution in terms of the Noise Control Regulations (PN627 dated 20 November 1998) made in terms of Section 25 of the Environmental Conservation Act, 1989 (Act No 73 of 1989).
 - 4.7. The outdoor dining areas indicated on the plan to not be constituted to be permitted by the approval of this application.
 - 4.8. Building plans be submitted for all changes of use in the existing buildings and which building plan(s) must be approved and related occupancy certificates be issued prior to the vesting of any of the related approvals.
5. The reasons for the above decision are as follows:
- 5.1 The application would not negatively affect the surrounding environment as the proposed uses are located within the existing establishment.
6. Matters to be noted:
- 6.1. It will be the responsibility of the owners to obtain the necessary liquor and business licence.
 - 6.2. A land use application be made to allow outdoor dining in the road reserve.
 - 6.3. A lease agreement to be entered into with the Municipality for the use of the road reserve.
 - 6.4. The conditions by the Concord Regsperson/Body Corporate as contained in their letter dated 17 August 2022 and 07 September 2022, attached as **Annexure B** be noted.
7. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.
8. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:
- (a) The personal particulars of the Appellant, including:
 - i. First names and surname
 - ii. ID number
 - iii. Company of Legal person's name (if applicable)
 - iv. Physical Address
 - v. Contact details, including a Cell number and E-Mail address
 - (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.
 - (c) The grounds of the appeal which may include the following grounds:

- i. that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
 - ii. grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
 - (d) Whether the appeal is lodged against the whole decision or a part of the decision.
 - (e) If the appeal is lodged against a part of the decision, a description of the part.
 - (f) If the appeal is lodged against a condition of approval, a description of the condition.
 - (g) The factual or legal findings that the appellant relies on.
 - (h) The relief sought by the appellant.
 - (i) Any issue that the appellant wishes the Appeal Authority to consider in making its decision.
 - (j) That the appeal includes the following declaration by the Appellant:
 - i. The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - ii. That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
9. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of e-mail at the following address: landuse.appeals@stellenbosch.gov.za.
10. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
11. The approved tariff structure and the banking details for the General Account can be accessed and viewed on the municipal website. For any enquiries the office can be contacted at landuse.appeals@stellenbosch.gov.za.
12. An applicant who lodges an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.

13. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
14. Kindly note the above decision in the case of any approval, is suspended, and may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



MANAGER: LAND USE MANGEMENT

DATE: 01/12/2022

ANNEXURE A: SITE DEVELOPMENT PLAN

NOTES
 This drawing is for liquor license application.
 It is, consequently not to be used for submission to municipality
 as a working drawing or to be used for construction purposes.

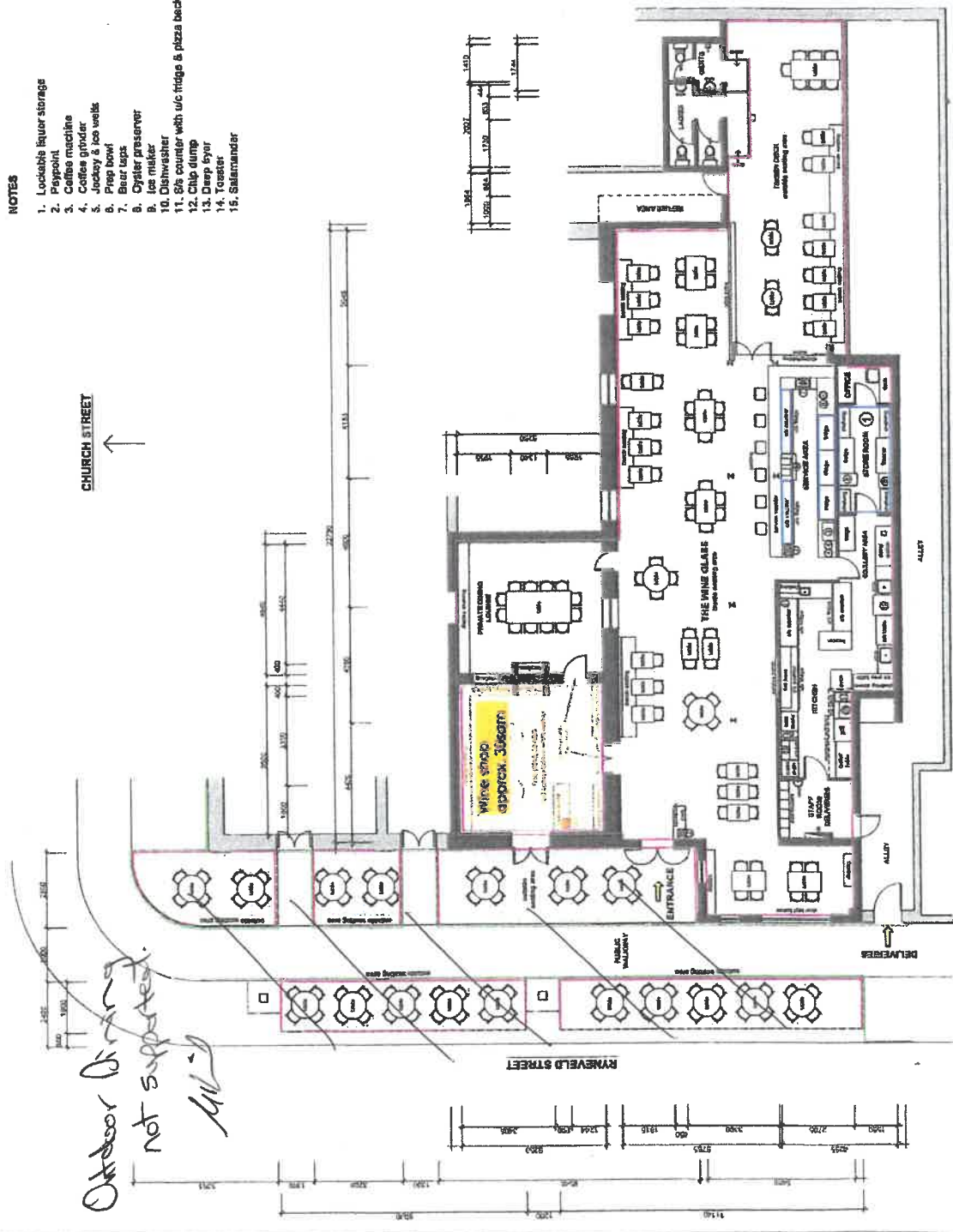
- NOTES**
1. Lockable liquor storage
 2. Pigpoint
 3. Caffe machine
 4. Coffee grinder
 5. Juicer & juve wels
 6. Prep bowl
 7. Blast tops
 8. Cylar preserver
 9. Ice milder
 10. Dishwasher
 11. SS counter with tic fridge & pizza back
 12. Chip dump
 13. Deep fryer
 14. Toaster
 15. Salamander

KEY

LICENSED AREA	red
LIQUOR STORAGE	blue
ENTRANCE/DELIVERIES	yellow
PUBLIC SPACE	green
PAYPOINTS	orange
OFF CONSUMPTION	purple

CHURCH STREET
 ↑

*Outdoor Dining
 not supported.
 ML*



**THE WINE GLASS
 (STELLENBOSCH)**
 ERF 1260
 DEVONSHIRE HOUSE
 13 RYNEVELD STREET
 C/O RYNEVELD & CHURCH ST
 STELLENBOSCH
 7600

Date: 17 October 2021
 Scale: 1:150 @ A3
 Drawn: D. van Driel
 Cell: 0724819745
 15 EmmaMile on Burgundy, 2 Ambar Rd.
 Burgundy Estate
 burgundy@emma.com

DWG. NO. TWG01-1/3

FLOOR PLAN

**ANNEXURE B: PROOF OF EVIDENCE (PUBLIC PARTICIPATION,
GENERAL PLAN & AFFIDAVIT)**

CONCORD
REGSPERSOON / BODY CORPORATE
SS 300/2004

Unit 1 Titan House
Terme Street, Tyhova-Pad
Stellenbosch 7600

TEL: 021 881 9001

Postbus 100 Box 876
Stellenbosch
7600

17 August 2022

Application for Consent use (Wine Shop) Erf 1260 Stellenbosch.

The application for the extension of the existing business service offering, The Wine Glass, to incorporate an off-consumption license have been considered by the Concord Body Corporate and we wish to herewith provide the comments and views of the Concord Body Corporate.

Although some of the Trustees of Concord Body Corporate initially felt almost compelled to support such a positive business introduction, it was decided to refrain from supporting or condemning the application at this stage. We require the undertakings listed below and based upon the undertakings, we will consider whether we will note our support to the application, or our objection thereto.

Interaction has taken place between Trustees of the Concord Body Corporate and the management of The Wine Glass, gaining an understanding of the envisaged off-consumption trading activities, but we still have certain questions pertaining to the operational impact the new off-consumption license activities could have on our prominent modern building across the street.

The occupant composition of the Concord building is unique in the sense that only about a third of the building is occupied by long-term residents and two thirds of the building is deployed mainly for visiting tourists from abroad staying on a short-term rental basis.

Exposure to additional noise pollution emanating from escalating wine trading activities will certainly inconvenience our Concord Building residents and hinder the chance of a peaceful sleep in the Concord Building.

When speaking to one of the next-door neighbours living in the Koetsies Huis, they claim that it is already impossible to have a good night's rest living next door to The Wine Glass, due to uncontrollable noise stemming from the empty wine bottle handling at 6 am, a major hindrance.

The Concord Body Corporate cannot be expected to accede to an application realizing full well that extending the service offering of the Wine Glass to include an Off-Sales will have a detrimental impact on the building and its occupants and owners.

Main issues

1. Severe lack of parking because now customers will have to come and collect bottles and boxes of wine glugging, no further the traffic in Ryneveld Street.
2. The new intended activity may cause additional noise pollution, more customer loitering, drinking, and buying wine.

For the Concord Body Corporate to support the application we need to be fully informed of the intended new operation and would at least require confirmation of ameliorating mechanisms in place ensuring the new customers

and delivery vehicles does not clog up parking in Kynneveld Street and steps taken to ensure no additional noise pollution affects our building.

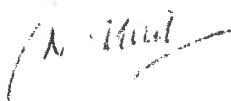
Then there is a strategic concern, so many eateries at the same premises over the years before the arrival of The Wine Glass have failed and there are already too many wine drinking alternatives available in old central Stellenbosch.

We assume that for every new business venture a new applicant will have to apply for a new license to be issued and that the granting of the Off Sale's license cannot simply be transferred to the new occupants of the premise.

We accordingly require the following undertakings:

1. the license, if issued, will only be in favor of the current operator and will not be transferable, whatsoever upon closure of The Wine Glass or the termination of its lease.
2. the applicant is invited to submit a working protocol as to the handling of empty bottles and to control the noise pollution, particularly early mornings or late in the evenings.
3. the applicant should confirm that it will not extend the area where the off consumption is applied for whatsoever, i.e., that it will not be enlarged at any point after the issue of the license.
4. the applicant must undertake that the sale of alcohol will be limited to wine only and no other spirits, beer or alcoholic beverages.
5. the trading hours must be limited from 09:00 to 19:00.

Upon receipt of these undertakings and your responses, the Trustees will officially consider their position and notify the Municipality of their stance. If the undertakings are not provided or sufficiently addressed, the Concord Body Corporate will object to the application.



Nelus Smit

Chairman Concord Body Corporate

29 August 2022

Concord Body Corporate
PO Box 856
Stellenbosch, 7599

Attention: Nelius Smit (Chairperson)

Dear Sir

RE: APPLICATION FOR CONSENT USE (WINE SHOP): ERF 1260 STELLENBOSCH

Your letter dated 17 August 2022 received by the applicant (Emile van der Merwe Town Planning Consultants) in respect of the above has reference.

We thank the Concorde Body Corporate for the above correspondence and wish to respond to the 5 points, stipulated as required undertakings, as follows:

1. A license for off-consumption trade, issued by the Western Cape Liquor Authority (WCLA), is awarded to a specific trading entity and trading place, in this case the company (Wine Travellers Pty Ltd) at the specific address (13 Ryneveld Street, Stellenbosch). The license is not transferrable to a new operator upon the termination of the business entity.
2. We note the reported "claims" by tenants of another building further down the road. Thank you for bringing this to our attention. We have to date not received any complaints of this nature, but we're predisposed to maintaining good neighbourly relations – regardless of the context of this application – as has been the case, in particular, with the owners and managers of Koetsier Huis. We undertake to investigate the matter and try to find a solution (or at least amelioration if not complete relief), but at this stage can only reasonably respond as follows:
 - i. The municipal rubbish removal depends on their route program, and in our experience the rubbish collection vehicles typically collect between 06:30 and 07:00 in Ryneveld Street in accordance with Municipal collection routes and travel times. Frequency cannot be reduced (for hygiene reasons), and later collections will result in rubbish still being on the pavements when offices and businesses open, and some of these tenants go outside, but the early morning noise will be less if they can collect after 07:00, which we will investigate.
 - ii. The same operator collects (on the same day and time) all the rubbish – including empty wine, water and cold drink bottles – from three immediately adjacent, licensed-for-on-consumption outlets on Ryneveld Street, namely Beyerskloof Wine Bar, Bootleggers and The Wine Glass (a restaurant, not a wine bar). These are not bottles originating solely or uniquely from The Wine Glass. We will confer with these neighbouring businesses.
 - iii. We have been instructed that all bottles have to be packed in bins and not in separate cardboard boxes or bags, due to the scourge of vagrants. Our bins are locked (a key is



held by the removal team). Stuffing some kind of dampening material (e.g. paper or cardboard, if available) between the bottles could bring some relief, but this may be negated by the hydraulic tipping method used by the trucks collecting the rubbish. We will investigate.

This is a business district and rubbish need to be removed, but The Wine Glass is an upmarket establishment and we are acutely aware that many of the residents in the area are, in fact, also our patrons. We will try our best to make their stay more comfortable.

3. The area applied for is less than 6 meters by 6 meters, a single room that is clearly demarcated on the application to the Municipality. Any application to enlarge the trading area will be subject to a completely new application in terms of the Municipal Land Use Planning By-Law (2015), which will again require comment or input from neighbouring properties (including the Concorde Body Corporate). The area therefore may not be extended in the future without written input from the Concorde Body Corporate. Furthermore, and regardless of the municipal restriction, there is no financial or business incentive to expand the wine shop trading area – and certainly not to give up additional, high-revenue seating in the restaurant. And practically, the room needs to be separable and lockable, and as Devonshire House is a historic building it will be very difficult to expand the self-contained shop in any direction.
4. We will give an undertaking to only sell wine and wine-derivative products of local wine farms (fortified wines, etc.), out of the shop, and no beer or other spirits.
5. Trading times are subject to the Municipal By-laws, which for Stellenbosch is 09:00 to 20:00 – with which we will, by law, comply. The extra hour (over the suggested 19:00) will make no difference to others, but in our experience (in Hermanus, where the other Wine Glass Restaurant is situated) provides a little extra time for short-stay visitors and tourists to purchase local products; many international visitors only dine out after 19:00 in the evening, and may thus be in a position to still purchase fine wine to take home, before 20:00.

In addition:

- Wine sold for off-premises consumption will, by definition, have no exacerbating impact or effect on the "bottle noise" issue.
- Due to restricted operating hours and the upmarket nature of the business (Fine Wines) it will also have zero impact on general noise generated.
- And due to the reduction of seating inside the restaurant to make way for the wine shop, the latter will have no more impact on day-time parking than any other retail business in the CBD, whether it be clothing or any other goods for sale. (Parking is strictly regulated in any case, with active law enforcement taking place.)

We believe that the fine wine boutique shop will be a welcome addition to the central business district and will provide a convenient amenity to the visitors and residents of the village - *including inhabitants and tenants of the Concord building and Koetsier Huis*. There are no other fine wine shops in the area; currently anyone wishing to purchase wine are either subjected to the (limited, non-local) ranges stocked by supermarkets in malls, or need to travel to multiple wine farms - at distance and cost, and at inconvenient times. Local producers of quality products miss out on exposing their brands to visitors. The wine shop aims to rectify this, and do so transparently and honestly instead of resorting to the loophole of



"online sales" of any products that are displayed and tasted on site but then "delivered" outside the premises – as is being exploited by another operator – without having any concern for acquiring an off-consumption license or the expense and red tape of a consent-use re-zoning application.

The rationale set out above is why the application carries the support of Visit Stellenbosch, Stellenbosch Wine Routes, our wine producer partners, and numerous accommodation providers in the area.

We trust that the Concorde Body Corporate too, will find the above in order and will support the application by way of written confirmation (addressed to Emile van der Merwe Town Planning Consultants) by **Wednesday 08 September 2022** that they have no objection to, and won't appeal against, the consent use application - *in which case, we commit to the actions outlined above.*

Your response is kindly awaited.

Sincerely,

Jacques A. Le Roux
Director

The Wine Glass Restaurant
13 Ryneveld Street
Stellenbosch
7600

CONCORD
REGSPERSON / BODY CORPORATE
SS 300/2004

Unit 1 Titan House
Termo Street, Techno Park
Stellenbosch 7600

Tel: 021-882 9061

Posbus/PO Box 856
Stellenbosch
7599

7 September 2022

MR J A LE ROUX
THE WINE GLASS RESTAURANT
WINE TRAVELLERS (PTY) LTD
13 RYNEVELD STREET
STELLENBOSCH
7600

CC: MR EMILE VAN DER MERWE
TOWN PLANNING CONSULTANTS
BY E-MAIL: emilevdm@adept.co.za

Dear Mr Le Roux,

RE: APPLICATION FOR CONSENT USE (THE WINE GLASS), ERF 1260 STELLENBOSCH

Thank you for your letter of 29 August 2022. The Trustees of the Concord Body Corporate have considered your response, for which they thank you.

Please be informed that in view of your responses, the Concord Body Corporate **does not oppose** your application for consent use and confirms the undertakings which you have provided in your letter of 29 August 2022 as being the basis of their **non-opposition** to your application. The undertakings will apply forthwith as to the non-opposition which is confirmed below for record purposes:

the liquor licence issued to The Wine Glass Restaurant (Wine Travellers (Pty) Ltd), will not be transferable to a new operator upon termination of the business entity, as communicated in paragraph 1 of your letter under reply;

the area for which you have applied for the off-consumption licence, may not be extended in future without the written input from the Concord Body Corporate. We note the motivation that there is no financial or business incentive for you to expand The Wine Glass Restaurant's trading area, as communicated in paragraph 3 of your letter under reply;

no beers or other spirits would be sold, other than wine derivative products as communicated in paragraph 4 of your letter under reply.

The Trustees thank you for the spirit in which the matter was addressed and look forward to cordial business relationships between the respective concerns.

Nina Hanekom
Portfolio Manager – On behalf of the Trustees of Concord Body Corporate
Marite Property Administrators

