



CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500155182

**Erf 97, 52 Stasie Road, Eersterivier,
Eerste River**

Development Management

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**APPLICATION FOR REZONING FROM RESIDENTIAL ZONING 1 (R1) TO
MIXED USE ZONING 1 (MU1) AND REMOVAL OF RESTRICTIVE TITLE DEED
CONDITIONS IN TERMS OF SECTION 42(j)
ERF 97, 52 STASIE ROAD, EERSTE RIVER
PREPARED IN SUPPORT OF:**

Section 99 of the City of Cape Town Municipal Planning By-law, 2025

Section 42(j) of the City of Cape Town Municipal Planning By-law, 2025

**Section 47 of the Spatial Planning and Land Use Management Act, 16 of
2013 (SPLUMA)**

**Section 39(5) of the Western Cape Land Use Planning Act, 3 of 2014
(LUPA)**

Development Management Scheme (DMS)

Municipal Spatial Development Framework (MSDF)

Khayelitsha / Mitchells Plain / Greater Blue Downs District Plan, 2023

FULL PLANNING MOTIVATION REPORT

ERF 97, 52 STASIE ROAD, EERSTE RIVER

**Application for Rezoning to Mixed Use Zoning 1 (MU1) and Removal of Restrictive
Conditions in terms of Section 42(j)**

**Prepared in support of Sections 99 of the City of Cape Town Municipal Planning By-law,
Section 47 of SPLUMA and Section 39(5) of LUPA**

INTRODUCTION

This report has been prepared in support of an application relating to Erf 97, Eerste River,
situated at 52 Stasie Road, Eerste River.

The City of Cape Town has advised that the previously proposed rezoning to General

Industrial Zoning 1 (GI1) is not supported as it is not aligned with the spatial intent of the Khayelitsha/Mitchells Plain/Greater Blue Downs District Plan, 2023.

The City has recommended that the application be amended to a rezoning from Residential Zoning 1 (R1) to Mixed Use Zoning 1 (MU1).

Furthermore, it has been established that restrictive conditions contained within the property's Deed of Grant were imposed through township establishment conditions in terms of the Township Ordinance applicable at the time and accordingly require removal in terms of Section 42(j) of the City of Cape Town Municipal Planning By-law.

This report motivates both application components and demonstrates compliance with all relevant planning legislation and policy.

1. EXECUTIVE SUMMARY

This report supports the rezoning of Erf 97, Eerste River from Residential Zoning 1 (R1) to Mixed Use Zoning 1 (MU1) together with the removal of restrictive township establishment conditions. The proposal will accommodate a construction materials testing and engineering laboratory comprising concrete cube testing, soil testing, DCP testing, laboratory analysis and associated office functions. The development is low intensity, employs approximately 6–10 staff members, generates minimal traffic and does not involve industrial manufacturing processes.

2. PROPERTY DESCRIPTION

The subject property is Erf 97, situated at 52 Stasie Road, Eerste River. The property is located within an established urban environment with access to public transport, engineering services and community facilities. The locality exhibits a mixture of residential, commercial and service-related land uses.

The property is located within an established urban environment characterised by:

- Residential development;
- Commercial activities;
- Community facilities;
- Public transport infrastructure;

Mixed urban activities associated with a developing urban corridor.

The site benefits from existing engineering services and accessibility to major transport routes.

The property is located within a PT2 Public Transport Accessibility Area in terms of the Development Management Scheme.

3. APPLICATIONS FOR APPROVAL

The application seeks approval for:

- Rezoning from Residential Zoning 1 (R1) to Mixed Use Zoning 1 (MU1).
- Removal of restrictive township establishment conditions in terms of Section 42(j) of the City of Cape Town Municipal Planning By-law.
- Any ancillary departures or approvals that may be required through the development process.

4. EXISTING AND PROPOSED LAND USE

The proposed facility will provide construction material testing and engineering laboratory services. Activities include concrete cube strength testing, soil analysis, DCP testing, reporting, administration and professional consulting services. The use is technical and professional in nature and does not constitute general industrial activity.

5. DISTRICT PLAN ASSESSMENT

The Khayelitsha/Mitchells Plain/Greater Blue Downs District Plan promotes integrated development, efficient land use, economic opportunity and appropriately located mixed-use activities. The proposed MU1 zoning is consistent with these objectives as it accommodates low-impact business and service activities while maintaining compatibility with the surrounding urban environment.

6. MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

The proposal supports the MSDF objectives of spatial integration, economic opportunity, efficient use of infrastructure and sustainable urban development. The development utilises well-located urban land and contributes to local economic activity.

7. DEVELOPMENT MANAGEMENT SCHEME (DMS)

The proposed activities align with the intent of MU1 zoning. The laboratory functions primarily as a technical, professional and office-based activity. The proposal does not require the operational characteristics typically associated with industrial zoning and can be effectively regulated through the MU1 zoning framework.

8. TRAFFIC IMPACT

The facility will employ approximately 6–10 staff members. Traffic generation will be low and primarily limited to staff vehicles and small utility vehicles transporting samples. No heavy trucks are required. The proposal is therefore not expected to adversely affect the surrounding road network.

9. PARKING ASSESSMENT

The property is situated within a PT2 accessibility area. Given the limited staff complement, low visitor numbers and access to public transport, parking demand is expected to be modest. The proposal supports transit-oriented development principles and efficient land use.

10. WASTE MANAGEMENT

Laboratory waste and testing remnants will be managed on a daily basis. Waste removal will be undertaken by small utility vehicles and bakkies. No significant environmental impacts are anticipated and municipal services will not be unduly burdened.

11. ENGINEERING SERVICES

The property is located within an established serviced area. Water, sanitation, electricity and solid waste services are available. The proposed development is not expected to place significant additional demand on municipal infrastructure.

12. SECTION 99 OF THE MUNICIPAL PLANNING BY-LAW

The proposal is desirable because it promotes economic development, supports specialised technical services, creates employment opportunities and facilitates efficient use of urban land. The development will not prejudice neighbouring properties and is in the public interest. The scale of the operation is modest and compatible with the surrounding environment.

13. SECTION 47 OF SPLUMA

Spatial Justice: Improves access to economic opportunities.

Spatial Sustainability: Utilises existing infrastructure and urban land.

Efficiency: Promotes efficient use of municipal resources.

Spatial Resilience: Provides flexibility for future economic activity.

Good Administration: Consistent with applicable planning legislation and policy.

14. SECTION 39(5) OF LUPA

The proposal supports integrated development, sustainable land use management, economic growth, efficient infrastructure utilisation and a compact urban form. The application is aligned with provincial planning objectives and principles.

15. REMOVAL OF RESTRICTIVE CONDITIONS

The restrictive township establishment conditions originated under historical legislation and no longer reflect contemporary planning objectives. Their removal will facilitate appropriate development while protecting the rights of surrounding property owners. The restrictions unnecessarily limit the reasonable use and development potential of the property.

16. PUBLIC INTEREST AND SOCIO-ECONOMIC BENEFITS

The proposed laboratory contributes to the construction and engineering sector through quality assurance and technical testing services. The development will support infrastructure delivery, create employment and provide specialist services within the local area.

17. SECTION 99 ASSESSMENT

The application satisfies the Section 99 decision-making criteria because:

It is desirable.

It supports economic development.

It creates employment opportunities.

It utilises existing infrastructure efficiently.

It is compatible with surrounding land uses.

It serves the public interest.

18. SPLUMA SECTION 47 ASSESSMENT

The application complies with SPLUMA's development principles:



Spatial Justice



Spatial Sustainability



Efficiency



Spatial Resilience



Good Administration

19. LUPA SECTION 39(5) ASSESSMENT

The proposal supports:

Sustainable development.

Economic development.

Efficient use of resources.

Integrated planning.

Public interest objectives.

20. SECTION 42(j) REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS

The restrictive conditions were imposed through a 1956 Deed of Grant under historical township establishment legislation.

These restrictions:

Pre-date the Constitution.

Pre-date SPLUMA.

Pre-date LUPA.

Pre-date the Municipal Planning By-law.

The planning context has changed substantially since 1956.

Current planning policy promotes:

Mixed-use development.

Economic opportunity.

Efficient use of urban land.

Urban regeneration.

The restrictions therefore no longer serve a meaningful planning purpose.

The proposed development:

Employs only 6–10 staff.

Generates limited traffic.

Uses no heavy trucks.

Produces minimal waste.

Generates negligible noise.

The removal of the restrictions will not prejudice surrounding properties and is therefore justified.

21. LEGISLATIVE COMPLIANCE MATRIX

Legislation Compliance

Municipal Planning By-law, 2025



Section 99



Section 42(j)



SPLUMA Section 47



LUPA Section 39(5)



MSDF



District Plan



22. PUBLIC INTEREST ASSESSMENT

The proposal contributes to:

Public safety through construction quality assurance.

Economic development.

Employment creation.

Improved infrastructure standards.

The proposal is therefore in the public interest.

23. CONCLUSION AND RECOMMENDATION

Having regard to:

Section 99 of the City of Cape Town Municipal Planning By-law, 2025;

Section 42(j) of the Municipal Planning By-law, 2025;

Section 47 of SPLUMA;

Section 39(5) of LUPA;

The Municipal Spatial Development Framework;

The Khayelitsha/Mitchells Plain/Greater Blue Downs District Plan;

it is concluded that the proposed rezoning from Residential Zoning 1 (R1) to Mixed Use Zoning 1 (MU1) together with the removal of restrictive title deed conditions represents a desirable, appropriate and sustainable planning outcome.

The proposed construction materials testing and engineering laboratory is a low-impact technical facility that:

Generates minimal traffic.

Requires no heavy truck access.

Produces limited waste.

Generates negligible noise.

Supports economic development and public safety.

The application is therefore respectfully recommended for approval.

The proposed rezoning to Mixed Use Zoning 1 and removal of restrictive conditions are consistent with the District Plan, the Municipal Spatial Development Framework, SPLUMA, LUPA and the City of Cape Town Municipal Planning By-law. The proposed laboratory is a low-impact technical and professional facility with limited traffic generation, minimal environmental impacts and modest infrastructure demands. Approval of the application is therefore supported.



Legend



1:3 000
Projection: Web Mercator Auxiliary Sphere (WMAS),
Central Meridian 19° East
Spheroid: WGS_1984

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- Every effort has been made to ensure the accuracy of information in this map at the time of publication.
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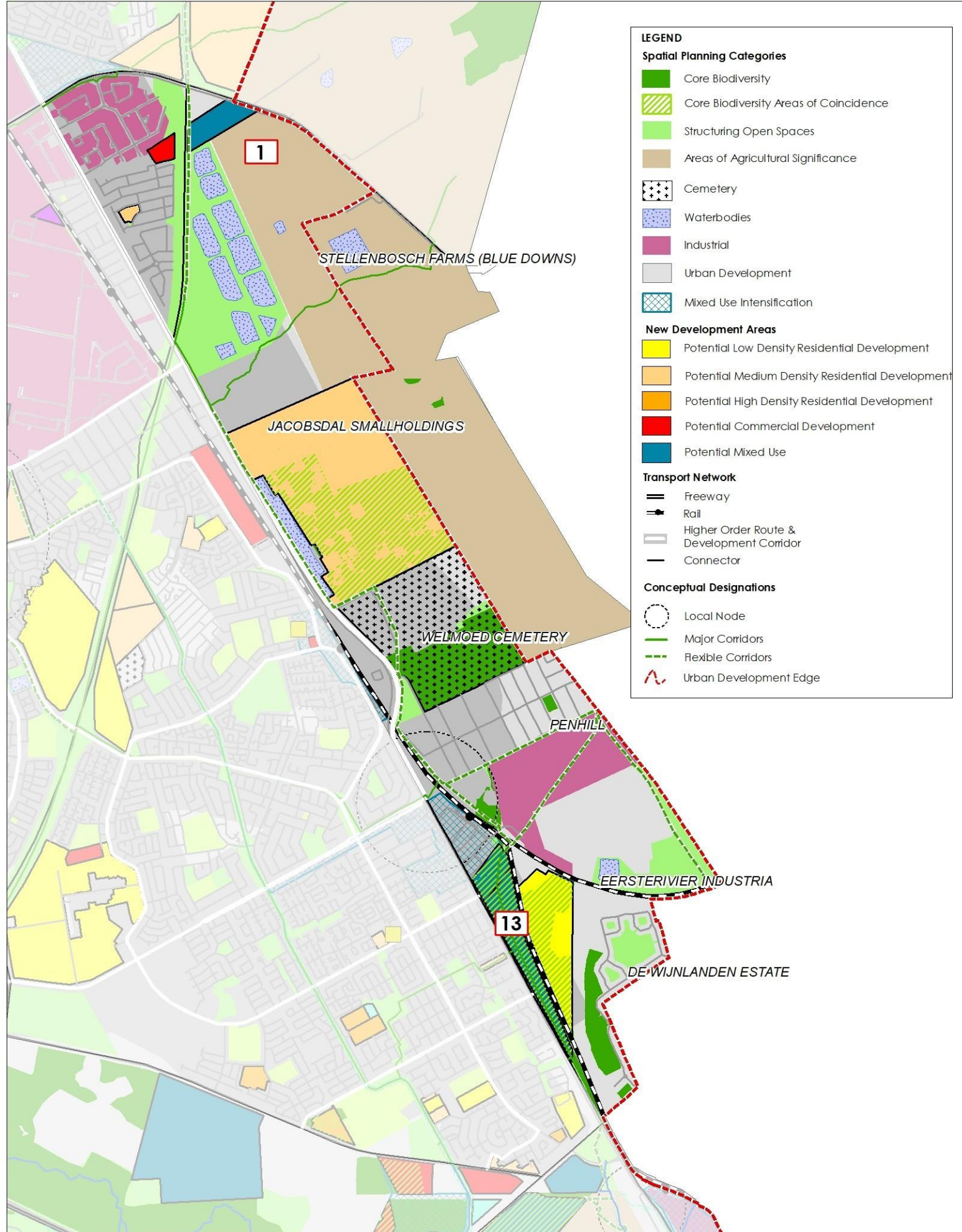
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Making progress possible. Together.



LEGEND

Spatial Planning Categories

- Core Biodiversity
- Core Biodiversity Areas of Coincidence
- Structuring Open Spaces
- Areas of Agricultural Significance
- Cemetery
- Waterbodies
- Industrial
- Urban Development
- Mixed Use Intensification

New Development Areas

- Potential Low Density Residential Development
- Potential Medium Density Residential Development
- Potential High Density Residential Development
- Potential Commercial Development
- Potential Mixed Use

Transport Network

- Freeway
- Rail
- Higher Order Route & Development Corridor
- Connector

Conceptual Designations

- Local Node
- Major Corridors
- Flexible Corridors
- Urban Development Edge

**CONSTRUCTION MATERIALS TECHNOLOGIES (PTY) LTD**

12 June 2026

Attention: Mr Bulelani Mzamo
Development Management
City of Cape Town
Per email

Dear Mr Mzamo,

RESPONSE TO INFORMATION REQUEST: ERF 97, EERSTE RIVER, 52 STASIE ROAD (LUMS CASE: 1500155182)

Reference: Internal Memorandum of the Environment and Heritage Management Branch (Environmental Section)
dated 2 June 2026, Ms C. Dickson-Paulsen

the applicant in the above rezoning application, thanks the
Environmental Section for its comment and responds as follows to the additional information requested.

Nature of Operations

The laboratory will primarily conduct testing to determine the physical, engineering, durability, and strength properties of construction materials in accordance with relevant South African National Standards (SANS), TMH, COLTO, and COTO testing methods.

Testing will include, but not be limited to:

- Soil classification and compaction testing
- Aggregate and gravel quality testing
- Concrete strength and durability testing
- Moisture content determination
- Density testing
- Sieve analysis
- Atterberg limits
- California Bearing Ratio (CBR) testing
- Asphalt and bituminous material testing (where applicable)

The facility is intended as a laboratory environment and not as a manufacturing or large-scale processing operation.

Types of Construction Materials Accepted

The laboratory will receive small representative samples of:

- Soils
- Gravel and aggregates
- Crushed stone
- Sand
- Concrete cubes and cores
- Asphalt samples
- Stabilised material samples



CONSTRUCTION MATERIALS TECHNOLOGIES (PTY) LTD



Only limited quantities required for testing purposes will be accepted.

Use of Heavy Machinery

No heavy industrial machinery will be used on the site.

Laboratory equipment will consist mainly of:

- Compression testing machines for concrete testing
- Laboratory ovens
- Balances and scales
- Sieve shakers
- Compaction equipment
- Small laboratory crushers and pulverisers (where required for sample preparation)
- Other standard materials testing equipment

The facility will not undertake large-scale crushing, recycling, or processing of construction waste.

Transportation of Materials

Construction material samples will be transported to and from the laboratory using light delivery vehicles, bakkies, and occasional small trucks. The quantities transported will be limited to representative samples required for testing and not bulk construction materials.

Disposal of Construction Waste

Testing generates relatively small quantities of waste material. All waste materials will be managed in accordance with applicable municipal requirements and environmental legislation.

Where possible, tested materials will be returned to clients for disposal. Materials not returned will be disposed of at appropriately authorised waste disposal facilities. No waste materials will be stockpiled outside the property boundaries or disposed of within adjacent environmentally sensitive areas.

Environmental Considerations

The applicant acknowledges the environmental sensitivity of the adjacent Critical Biodiversity Area (CBA 1c) and confirms that all activities will be restricted to the existing footprint of Erf 97, Eerste River. No encroachment into the adjacent biodiversity area, watercourses, or surrounding natural habitat is proposed.

The laboratory operations are low-impact in nature and are not expected to generate significant noise, dust, vibration, emissions, or environmental disturbance beyond the site boundaries.

Yours faithfully,

Darryll Peter Humphreys

Managing Director

Construction Materials Technologies (Pty) Ltd