

# Appendix N - Land Use Application Report



Physical Address:  
15 Alexandra Road, Pinelands  
7405  
Cape Town  
South Africa  
Tel: [+27 21 514 5000](tel:+27215145000)

Postal Address: Private Bag X3,  
Pinelands, 7405, Cape Town  
Email: [general@biovac.co.za](mailto:general@biovac.co.za)  
Website: [Contact Us – Biovac](#)

## Copyright and disclaimer

The information contained in this communication is confidential and may be legally privileged. It is intended solely for the use of Biovac, and others authorized to receive it. You are hereby notified that any disclosure, copying, distribution or acting in reliance of the contents of this information is strictly prohibited and may be unlawful. We wish to ensure you that all your personal information in our possession or under our control is processed only for the purpose for which it is collected. This document and its contents are subject to our Privacy Notice available at [Disclaimer – Biovac](#) or contact our information officer at [general@biovac.co.za](mailto:general@biovac.co.za).



# **UNREGISTERED ERF 183467, CAPE TOWN, ERVEN RE/118296, RE/103659 & RE/24176, CAPE TOWN & ERF 1056, PINELANDS**

---

## **APPLICATION FOR SUBDIVISION, CONSOLIDATION, AMENDMENT OF CONDITIONS OF APPROVAL, APPROVAL OF THE PROPOSED SDP & DEPARTURES**

**SUBMITTED TO THE CITY OF CAPE TOWN (TABLE DISTRICT)**

**ON BEHALF OF THE CITY OF CAPE TOWN AND THE BIOLOGICALS AND VACCINES  
INSTITUTE OF SOUTHERN AFRICA (PTY) LTD, T/A BIOVAC**

**JULY 2025**

(Revision 0)



Office: +27 (0)21 180 3171 | Cell: +27 (0)83 448 0376 | Email: [andre@arouxplanning.co.za](mailto:andre@arouxplanning.co.za)  
Office B1, La Concorde Building, 57 Main Road, Paarl 7646

[www.arouxplanning.co.za](http://www.arouxplanning.co.za)



# EXECUTIVE SUMMARY

## THE APPLICATION

Application is hereby made to the City of Cape Town for the following:

- The **subdivision** of Remainder Erven 118296, 103659 and 24176, Cape Town, each into two portions;
- The **consolidation** of Unregistered Erf 183467, Cape Town, Erf 1056, Pinelands, and proposed Portion 1 of Remainder Erf 118296, proposed Portion 1 of Remainder Erf 103659 and proposed Portion 1 of Remainder Erf 24176, Cape Town;
- The **amendment of conditions of approval** (x2);
- The **approval of the proposed Site Development Plan (SDP)**;
- **Permanent Departures** (x2 for building line encroachments).

## BACKGROUND AND PROPOSAL

- In 2024, the City of Cape Town's Property Holding Department approved the sale of a vacant site in the Ndabeni industrial precinct, comprising a portion of Remainder Erf 118296 and Unregistered Erf 148366 (a portion of Remainder Erf 103660), Cape Town, to The Biovac Institute to permit the development of a new vaccine production facility.
- As part of this process, the City consolidated the concerned properties to form Unregistered Erf 183467, Cape Town, and rezoned the consolidated property to General Industry Zoning 2 (GI2). The land use approval (issued in August 2023 ) includes conditions related to the submission of a site development plan (SDP) for approval, the implementation of recommendations of a Traffic Impact Assessment (TIA) and the payment of development contributions (DCs).
- At the time of the application, no SDP had yet been prepared. Consequently, the TIA and DC calculation were based on the full development rights of the site in terms of the GI2 zoning, which permits a floor factor of 4.0, equating to approximately 79 200m<sup>2</sup> of industrial floor space.
- Subsequent to the above approval, Biovac approached the City with a further request to acquire two additional land parcels adjacent to the site, also vacant and City-owned, to enable a larger and more efficient development site, enabling the construction of a facility that meets Biovac's operational requirements. These additional properties include portions of Remainder Erven 118296, 103659, and 24176, Cape Town, as well as Erf 1056, Pinelands.
- The City of Cape Town's Property Holding Department has indicated that the sale of the additional land parcels is acceptable in principle, subject to the required due process, which is currently in progress.
- In the meantime, the SDP for the proposed facility has been finalised. The SDP confirms that the total floor space ( $\pm 26\,000\text{m}^2$ ) is substantially less than the maximum development rights assumed in the 2023 approval.
- A new land use application is now required to incorporate the additional land portions into the approved development site, and to approve the proposed SDP. This includes:

- **Subdivision** of Remainder Erven 118296, 103659, and 24176, Cape Town, each into two portions;
- **Consolidation** of portions of these subdivisions with Unregistered Erf 183467, Cape Town and Erf 1056, Pinelands, to form the land unit of the proposed enlarged site (“the site”).
- **Approval of the proposed SDP**, as required by the conditions of the 2023 approval;
- **Amendment of conditions of approval** relating to the TIA and DCs, to reflect the reduced floor space as confirmed in the SDP;
- **Departures** to allow covered parking structures over common boundary building lines.



Unregistered Erf 183467 with the proposed additional land parcels

## MOTIVATION

- The proposed enlarged site and building design are appropriate in scale and massing, align with the surrounding industrial character, and will not negatively affect neighbouring properties. The consolidated erf will remain within the typical size range for the area and support the established development pattern of large industrial sites and buildings.
- The proposed development is aligned with the relevant spatial development frameworks. The site is situated within the Urban Inner Core and supports the MSDF’s strategy of supporting investment and local economic growth. The Table Bay District Plan identifies the site as being part of a mixed-use precinct and supports intensified infill development that reinforces the industrial and biomedical role of this area.
- The proposed Biovac development aligns with the City of Cape Town’s Inclusive Economic Growth and Social Development Strategies by creating jobs, attracting investment and using public land efficiently.

- The proposal will have a positive socio-economic impact. It will make a meaningful contribution to the local economy through job creation during construction and operation, benefiting both skilled and unskilled workers in nearby communities. It will also boost indirect economic activity through demand for local goods and services.
- The proposed development is fully compatible with the surrounding land uses, as it is located within an established industrial area characterised by large-scale industrial activities. The principle of industrial use was confirmed through the 2023 rezoning approval.
- The site is currently vacant and degraded, attracting illegal dumping and vagrancy. The proposed development will ensure that the site gets developed and will contribute to a safer and more orderly urban environment.
- The site does not contain any sensitive heritage resources and is not located within a heritage protection area. A Section 38 Notice of Intent to Develop has been submitted to Heritage Western Cape.
- The site, including the additional land portions, is heavily degraded and overrun by alien invasive species. An Applicability Checklist has been submitted to the Department of Environmental Affairs and Development Planning. It is believed that no listed activities will be triggered and that an Environmental Authorisation is unlikely to be required.
- The City's engineering departments have already confirmed that sufficient municipal service capacity exists to support a development of this scale, with no infrastructure upgrades required and no negative impact on existing municipal services.
- The 2023 TIA supported the previous land use application, subject to specific recommendations including exclusive 30m right turn lanes at the Alexandra/Ndabeni Road intersection and a controlled lane configuration at the access. The current SDP shows a significantly reduced floor area, meaning the traffic impact will be much lower. A new TIA is currently being undertaken.
- The proposal will not impact on existing rights. It aligns with existing zoning and approved uses, consolidating additional land without increasing intensity. It will not impact neighbouring land rights and fits the industrial precinct's character.
- The proposal complies with the development principles of LUPA and SPLUMA by promoting productive use of underutilised municipal land within the urban area, supporting local job creation, and optimising existing infrastructure
- The proposed SDP complies with the DMS development rules and zoning provisions. The only departures required is to allow covered parking structures along the site's southern and eastern boundaries to encroach on common boundary building lines. These encroachments are minor in nature and will not affect any surrounding property.

## CONCLUSION

It has been demonstrated that the inclusion of the additional land portions to form an enlarged development site is desirable and will not impact negatively on the surrounding properties and environment. The proposed SDP allows for an appropriate development in accordance with the land use rights and conforms to the City's development standards and requirements. ARoux Town Planning recommends that the application be considered for approval, based on the above merits.

# TABLE OF CONTENTS

|            |                                                            |           |
|------------|------------------------------------------------------------|-----------|
| <b>1.0</b> | <b>INTRODUCTION.....</b>                                   | <b>1</b>  |
| 1.1        | Property and Application Details                           | 1         |
| 1.2        | Background                                                 | 3         |
| 1.3        | Statutory Information of the Properties                    | 5         |
| 1.4        | Pre-Application Consultation                               | 6         |
| <b>2.0</b> | <b>CONTEXTUAL ANALYSIS &amp; SITE DESCRIPTION.....</b>     | <b>7</b>  |
| 2.1.       | Locality                                                   | 7         |
| 2.2.       | Character of the Area and Surrounding Land Uses            | 7         |
| 2.3.       | Site Description                                           | 9         |
| <b>3.0</b> | <b>THE PROPOSAL.....</b>                                   | <b>10</b> |
| 3.1        | The Proposed Subdivision and Consolidation                 | 10        |
| 3.2        | The Proposed Site Development Plan                         | 12        |
| <b>4.0</b> | <b>MOTIVATION.....</b>                                     | <b>13</b> |
| 4.1.       | Motivation for Consolidation                               | 13        |
| 4.2.       | Compliance with the Development Management Scheme          | 13        |
| 4.3.       | Consistency with Applicable Spatial Development Frameworks | 15        |
| 4.4.       | Consistency with Municipal Policy and Strategy             | 18        |
| 4.5.       | Desirability of the Application                            | 19        |
| 4.6.       | Impact on Existing Rights                                  | 21        |
| 4.7.       | Consistency with Planning Legislation (SPLUMA & LUPA)      | 22        |
| 4.8.       | Motivation for Amendment of Conditions of Approval         | 22        |
| <b>5.0</b> | <b>CONCLUSION &amp; RECOMMENDATION.....</b>                | <b>23</b> |

## LIST OF FIGURES

|                |                                                                                                                                                                    |    |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| <b>Fig. 1</b>  | An aerial view of the site, including the initial site area (yellow) and the additional land portions proposed to be included in the enlarged site area (red)..... | 4  |
| <b>Fig. 2</b>  | The properties forming part of the application.....                                                                                                                | 5  |
| <b>Fig. 3</b>  | Regional locality map.....                                                                                                                                         | 7  |
| <b>Fig. 4</b>  | Local context map.....                                                                                                                                             | 8  |
| <b>Fig. 5</b>  | Zoning Map.....                                                                                                                                                    | 8  |
| <b>Fig. 6</b>  | Aerial Image of the site.....                                                                                                                                      | 9  |
| <b>Fig. 7</b>  | A street view of the site's entrance, at the corner of Ndabeni and Diesel Roads.....                                                                               | 9  |
| <b>Fig. 8</b>  | The additional land portions proposed to be consolidated with Unregistered Erf 183467.....                                                                         | 10 |
| <b>Fig. 9</b>  | Extract of the zoning map, illustrating the previous public road (grey), which has since been closed.....                                                          | 11 |
| <b>Fig. 10</b> | The proposed covered parking structure.....                                                                                                                        | 14 |
| <b>Fig. 11</b> | Extract of the Cape Town MSDP Consolidated Spatial Plan Concept .....                                                                                              | 16 |
| <b>Fig. 12</b> | Extract of the Sub-District 3 District plan (TRUP / Observatory / Salt River / Maitland.....                                                                       | 27 |

## LIST OF ANNEXURES

|                    |                                        |
|--------------------|----------------------------------------|
| <b>Annexure 1</b>  | Application Form                       |
| <b>Annexure 2</b>  | Power of Attorney and Resolution       |
| <b>Annexure 3</b>  | Title Deeds                            |
| <b>Annexure 4</b>  | SG Diagrams                            |
| <b>Annexure 5</b>  | Copies of Previous Land Use Approvals  |
| <b>Annexure 6</b>  | Notice of Road Closure                 |
| <b>Annexure 7</b>  | Record of Pre-Application Consultation |
| <b>Annexure 8</b>  | Application Maps                       |
| <b>Annexure 9</b>  | Proposed Subdivision Plans             |
| <b>Annexure 10</b> | Proposed Consolidation Plan            |
| <b>Annexure 11</b> | Proposed Site Development Plan         |

# 1.0 INTRODUCTION

## 1.1 PROPERTY AND APPLICATION DETAILS

**Table 1** below provides a summary of the property and application details (the completed land use application form is attached as **Annexure 1**):

| Table 1 – Summary of Property and Application Details |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant</b>                                      | ARoux Town Planning                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Property Description</b>                           | <ul style="list-style-type: none"> <li>• Unreg. Erf 183467, Cape Town</li> <li>• Rem. Erf 118296, Cape Town</li> <li>• Rem. Erf 103659, Cape Town</li> <li>• Rem. Erf 24176, Cape Town</li> <li>• Erf 1056, Pinelands</li> </ul>                                                                                                                                                                                                                                      |
| <b>Property Address</b>                               | Diesel Road, Maitland                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Registered Owner(s)</b>                            | City of Cape Town                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Property Extent</b>                                | <ul style="list-style-type: none"> <li>• Unreg. Erf 183467, Cape Town: 1,9787 ha</li> <li>• Rem. Erf 118296, Cape Town: 3,0174ha</li> <li>• Rem. Erf 103659, Cape Town: 25,0977 ha</li> <li>• Rem. Erf 24176, Cape Town: ±6,2329 ha</li> <li>• Erf 1056, Pinelands: 332m<sup>2</sup></li> </ul> <p>Size of Proposed Consolidated Property (the site): ± 2,53 ha</p>                                                                                                   |
| <b>Municipality</b>                                   | City of Cape Town                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Administration / District</b>                      | Table Bay District                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Applicable Zoning Scheme</b>                       | City of Cape Town Development Management Scheme (DMS)                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Current Zoning</b>                                 | <ul style="list-style-type: none"> <li>• Rem. Erf 118296: Utility Zoning (UT)</li> <li>• All other properties: General Industry Zoning 2 (GI2)</li> </ul>                                                                                                                                                                                                                                                                                                             |
| <b>Overlay Zone(s)</b>                                | PT2                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Current Land Use</b>                               | Vacant                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Title Deed No.</b>                                 | T25156/1996, T29990/1970, G28/1942, T3422/1948<br>( <b>Annexure 3</b> )                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Title Deed Restrictions</b>                        | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Proposed Development / Land Use</b>                | A vaccine production facility (industry)                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Application Components</b>                         | <ul style="list-style-type: none"> <li>• <b>Subdivision</b> of Rem. Erven 118296, 103659 and 24176, Cape Town each into 2 portions;</li> <li>• <b>Consolidation</b> of Unreg. Erf 183467, Cape Town, Erf 1056, Pinelands and portions of Rem. Erven 118296, 103659 and 24176, Cape Town</li> <li>• <b>Amendment of conditions of approval (x2)</b></li> <li>• <b>SDP approval</b></li> <li>• <b>Permanent Departures</b> (building line encroachments x 2)</li> </ul> |
| <b>MSDF Designation</b>                               | Urban Inner Core                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Subject to PHRA / SAHRA</b>                        | Yes – Section 38 NID required due to number of properties involved. NID has been submitted to HWC.                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Subject to NEMA</b>                                | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Unauthorised land use / building work</b>          | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Policy Compliant</b>                               | Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## **The Application**

Application is hereby made to the City of Cape Town for the following, in terms of the City of Cape Town Municipal Planning By-Law, as amended in 2019 (MPBL):

- In terms of **Section 42(d)** of the MPBL: The **subdivision** of Remainder Erf 118296, Cape Town into two portions, in accordance with the proposed Subdivision Plan with plan no. 24092-001, Rev A, dated 2025-07-28;
- In terms of **Section 42(d)** of the MPBL: The **subdivision** of Remainder Erf 103659, Cape Town into two portions, in accordance with the proposed Subdivision Plan with plan no. 24092-002, Rev A, dated 2025-07-28;
- In terms of **Section 42(d)** of the MPBL: The **subdivision** of Remainder Erf 24176, Cape Town into two portions, in accordance with the proposed Subdivision Plan with plan no. 24092-003, Rev A, dated 2025-07-28;
- In terms of **Section 42(f)** of the MPBL: The **consolidation** of Unregistered Erf 183467, Cape Town, Erf 1056, Pinelands, proposed Portion 1 of Remainder Erf 118296, Cape Town, proposed Portion 1 of Remainder Erf 103659, Cape Town and proposed Portion 1 of Remainder Erf 24176, Cape Town, in accordance with the proposed Consolidation Plan with plan no. 24092-004, Rev A, dated 2025-07-28;
- In terms of **Section 42(j)** of the MPBL: The **amendment of conditions of approval**, namely conditions 2.6 and 2.14 of Annexure A of the City of Cape Town Land Use Approval for Case ID 1500000760, dated 19 July 2023 (final notification dated 11 August 2023). It is proposed that the conditions be amended as follows:

2.6 *The developer at their cost shall implement the recommendations of the Traffic Impact Assessment ~~dated April 2023~~, to the satisfaction of the authorised official.*

2.14 *The owner/ developer shall pay a development charge towards the provision of engineering services ~~in the amount of R20 788 059.31~~ in accordance with the set relevant policy. Such payment shall be made prior to the approval of building plans.*

The texts proposed to be deleted from the above conditions can be replaced by a new date and DC amount respectively, both of which are to be determined.

- In terms of **Section 42(m)** of the MPBL: The **approval of the proposed site development plan (SDP)**, with drawing number S\_0001, revision F, dated 2025-07-28.
- In terms of **Section 42(b)** of the MPBL, read with Item 68(d) of the City of Cape Town Development Management Scheme (DMS): The approval of the following **permanent departures**:
  - To permit a building line encroachment of 0m in lieu of 3,0m on the eastern common boundary for the proposed covered parking structures.
  - To permit a building line encroachment of 0m in lieu of 3,0m on the southern common boundary for the proposed covered parking structures.

The above applications are made by **ARoux Town Planning** on behalf of the **City of Cape Town** who is the registered owner of the concerned properties. A power of attorney and resolution are attached as **Annexure 2**.

## 1.2 BACKGROUND

Biovac (The Biologicals and Vaccines Institute of Southern Africa (Pty) Ltd) is a Cape Town-based biopharmaceutical company established in 2003 through a public-private partnership with the South African Government. The partnership aimed to develop local vaccine manufacturing capacity in support of national health management and security.

Biovac's existing manufacturing facility is located in Alexandra Road, Ndabeni, adjacent to Pinelands. In response to increasing demand for vaccine production, the need was identified to establish an additional manufacturing facility, preferably in close proximity to the existing premises.

A suitable vacant site within the Ndabeni industrial precinct, comprising City-owned land, was identified to accommodate this expansion. Following a comprehensive statutory process, the City of Cape Town approved the sale of a portion of this site to Biovac for the development of a new vaccine manufacturing facility.

The site comprises portions of Remainder Erf 118296 and Unregistered Erf 148366 (a portion of Remainder Erf 103660), Cape Town. The sale of these properties has been approved by Council, and transfer to Biovac is currently in progress, with registration expected to be finalised during 2025.

As part of this process, the City of Cape Town submitted a land use application for the subdivision, consolidation and rezoning of the concerned properties to create a single developable land unit with appropriate zoning rights. This application was approved on 11 August 2023 (a copy of the approval is attached as **Annexure 5**). A number of conditions was included with the approval, including:

- Submission of a Site Development Plan (SDP) prior to building plan approval;
- Implementation of the recommendations of the approved Traffic Impact Assessment (TIA);
- Payment of Development Charges (DCs) prior to submission of building plans.

At the time of the 2023 application, no SDP had yet been prepared. Consequently, the TIA and DC calculation were based on the full development rights of the site in terms of the G12 zoning, which permits a floor factor of 4.0, equating to approximately 79 200m<sup>2</sup> of industrial floor space.

The SG Diagram for the newly created land unit (Erf 183467, Cape Town) has since been approved by the Surveyor-General, although registration is still pending (a copy of this diagram is attached as part of **Annexure 4**).

Subsequent to the above approval, Biovac approached the City with a further request to acquire additional adjacent land portions, also vacant and City-owned, to enable a larger and more efficient development site. These additional properties include portions of Remainder Erven 118296, 103659, and 24176, Cape Town, as well as Erf 1056, Pinelands (refer to **Figure 1**).

The principle of the sale of these additional portions has been approved by the City of Cape Town Property Holding Department, and the statutory processes for the sale and transfer are currently underway.



**Figure 1 – An aerial view of the site, indicating the initial site area (yellow) and the additional land portions proposed to be included in the enlarged site area (red).**

In the meantime, the SDP for the proposed facility has been finalised. The SDP confirms that the total floor space ( $\pm 26\,000\text{m}^2$ ) is substantially less than the maximum development rights assumed in the 2023 approval.

A new land use application is now required to incorporate the additional land portions into the approved development site. This includes:

- Subdivision of Remainder Erven 118296, 103659, and 24176, Cape Town, each into two portions;
- Consolidation of portions of these subdivisions with Unregistered Erf 183467, Cape Town and Erf 1056, Pinelands, to form the land unit of the proposed enlarged site (“the site”).
- Approval of the proposed Site Development Plan (SDP), as required by the conditions of the 2023 approval;
- Amendment of conditions of approval relating to the TIA and development charges, to reflect the reduced floor space as confirmed in the SDP;
- Departures to allow covered parking structures over common boundary building lines.

For this phase of the project, ARoux Town Planning was appointed by Biovac to provide town planning consultation and to facilitate the submission of the second land use application. As the properties are still owned by the City of Cape Town, a Power of Attorney has been provided, authorising Biovac and ARoux Town Planning to act on the City's behalf for the purposes of this application.

This motivation report, together with the attached annexures, provides a comprehensive overview of the proposed development and all relevant information required to enable the decision-making authority to make an informed determination on the application.

### 1.3 STATUTORY INFORMATION OF THE PROPERTIES

The application involves the following properties (also refer to **Figure 2**):

- **Unregistered Erf 183467, Cape Town.** This property is a consolidation of Erven 183465, 183466 (both portions of Remainder Erf 118296) and 148366, Cape Town, following the land use approval issued by the City of Cape Town in 2023. The underlying properties are still owned by the City of Cape Town, but the registration of this property and the transfer upon registration to The Biologicals and Vaccines Institute of Southern Africa (Pty) Ltd is in process, after the disposal of these land units was approved by Council. It is envisaged that that the registration and transfer of this property will be completed before the end of 2025.
- **Remainder Erf 118296, Cape Town.** The property is owned by the City of Cape Town, held under title deed T25156/1996.
- **Remainder Erf 103659, Cape Town.** The property is owned by the City of Cape Town, held under title deed T29990/1970.
- **Remainder Erf 24176, Cape Town.** The property is owned by the City of Cape Town, held under title deed G28/1942.
- **Erf 1056, Pinelands.** The property is owned by the City of Cape Town, held under title deed T3422/1948.

*To be inserted*

**Figure 2 – The properties forming part of the application**

**Table 2** provides a summary of the statutory information of the above properties.

| <b>Table 2- Statutory details of the concerned properties</b> |                                                 |                                   |                                   |                                  |                            |
|---------------------------------------------------------------|-------------------------------------------------|-----------------------------------|-----------------------------------|----------------------------------|----------------------------|
| <b>Property Description</b>                                   | <b>Unreg. Erf 183467, Cape Town</b>             | <b>Rem. Erf 118296, Cape Town</b> | <b>Rem. Erf 103659, Cape Town</b> | <b>Rem. Erf 24176, Cape Town</b> | <b>Erf 1056, Pinelands</b> |
| <b>Registered Owner</b>                                       | City of Cape Town (to be transferred to Biovac) | City of Cape Town                 | City of Cape Town                 | City of Cape Town                | City of Cape Town          |
| <b>Title Deed No.</b>                                         | Not yet available.                              | T25156/1996                       | T29990/1970                       | G28/1942                         | T3422/1948                 |
| <b>Restrictive Conditions</b>                                 | None                                            | None                              | None                              | None                             | None                       |
| <b>Property Size</b>                                          | 1,9787 ha                                       | 3,0174ha                          | 25,0977 ha                        | ±6,2329 ha                       | 332m <sup>2</sup>          |
| <b>SG Diagram No</b>                                          | 2423/2024                                       | 5893/85                           | 03679/69                          | 1094/41                          | 3612/42                    |
| <b>Servitudes</b>                                             | None                                            | None                              | None                              | None                             | None                       |
| <b>Zoning</b>                                                 | General Industry 2                              | Utility                           | General Industry 2                | General Industry 2               | General Industry 2         |

The following is highlighted in summary:

- All properties included are owned by the City of Cape Town. Unregistered Erf 183467, Cape Town is currently being transferred to Biovac. The remaining land portions forming part of the proposed consolidated property will also be transferred to Biovac, subject to the conclusion of the disposal process at the City of Cape Town Property Holding Department.
- The title deeds of all properties are attached as **Annexure 3**. There are no restrictive conditions in any of the title deeds.
- There are no existing servitudes in the area that forms the proposed consolidated property (refer to the SG diagrams, attached as **Annexure 4**).
- Remainder Erf 118296, Cape Town is zoned Utility. All other properties included in this application are zoned General Industry Zoning 2 (GI2).
- Note that a public road previously existed over Rem. Erf 118296, but has recently been deproclaimed and closed (the closure notice is attached as **Annexure 6**). The zoning of this closed road area, previously Transport Zoning 2, will be General Industrial Zoning 2 as a “deemed zoning” following transfer to Biovac and consolidation with the other land units which are zoned General Industrial Zoning 2, in terms of Item 16(8) of the DMS. This is discussed in greater detail in Section 3.1 of this report.

#### 1.4 PRE-APPLICATION CONSULTATION

A pre-application meeting was held with Mr Wimpie Naudé on 10 April 2025 to discuss the proposed application, with specific focus on the public participation requirements. This meeting was followed by further correspondence via email. A record of the consultation is attached as **Annexure 7**.

It was agreed during the consultation that formal circulation of the application to surrounding property owners would not be required. The City considers the owner of Erf 118929, Cape Town, to be the only interested and affected party. An acceptable alternative to formal advertising is to request that the owner of Erf 118929 signs a notice of no objection to the application.

## 2.0 CONTEXTUAL ANALYSIS AND SITE DESCRIPTION

### 2.1 LOCALITY

The site is located in the Table Bay District of the Cape Metropolitan Area, within Ndabeni, an established industrial precinct adjacent to Pinelands in Cape Town. It lies south of the N1 highway, east of the Black River Parkway (M5), and near Settlers Way (N2), with direct adjacency to the Cape Town Metrorail line. This ensures excellent local and district-level accessibility across the broader metropolitan area (refer to **Figure 3**).

In a local context, the site is situated adjacent to Diesel Road, east of Alexandra Road and adjacent to the railway line (refer to **Figure 4**).

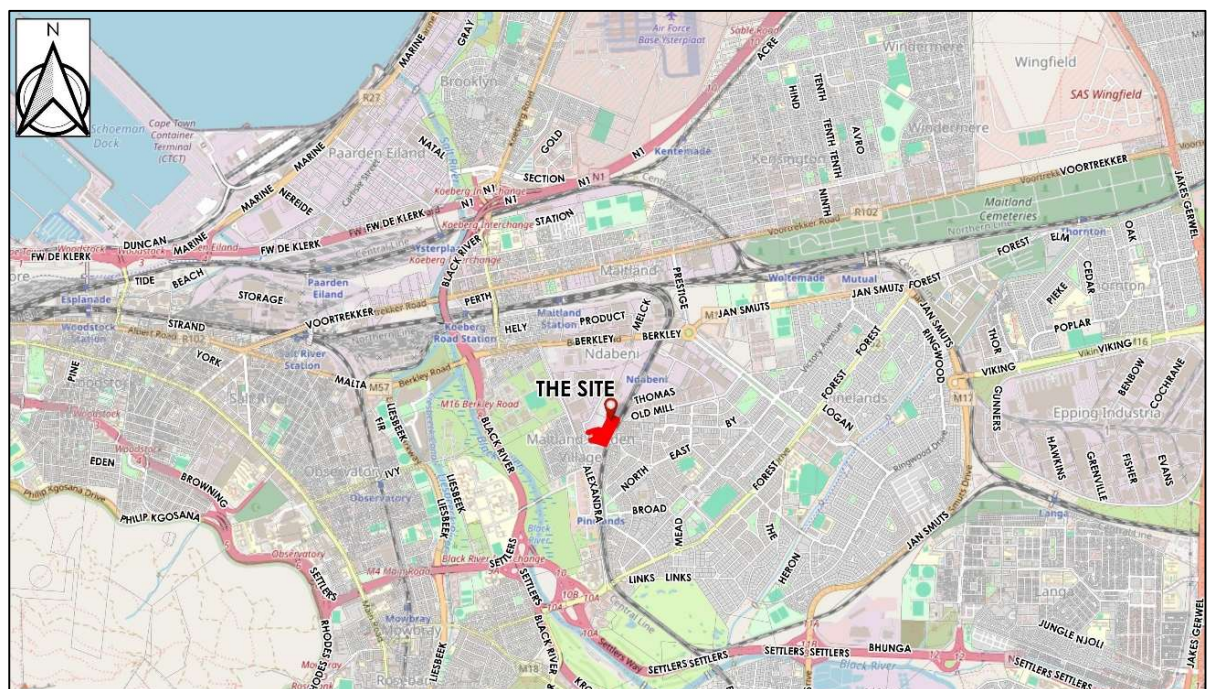
A locality map is attached as **Annexure 8**.

### 2.2 CHARACTER OF THE AREA AND SURROUNDING LAND USES

The surrounding area is a well-established industrial precinct, with industrial uses dominating the properties to the north, west, and south of the site. Notable neighbouring facilities include the One Day Only warehouse and the City of Cape Town's Mowbray Electrical Depot to the north, as well as the TFC warehouse to the west.

A number of adjacent properties are owned by the City of Cape Town and accommodate municipal light-industrial operations. These include the Metro Emergency Medical Services Depot to the south and the City's Auction Yard directly to the north.

The zonings of the surrounding properties demonstrate the industrial and municipal-use character of the area, with most properties zoned Industrial Zoning 2 and Utility Zoning (refer to **Figure 5**).



**Figure 3 - Regional locality map**

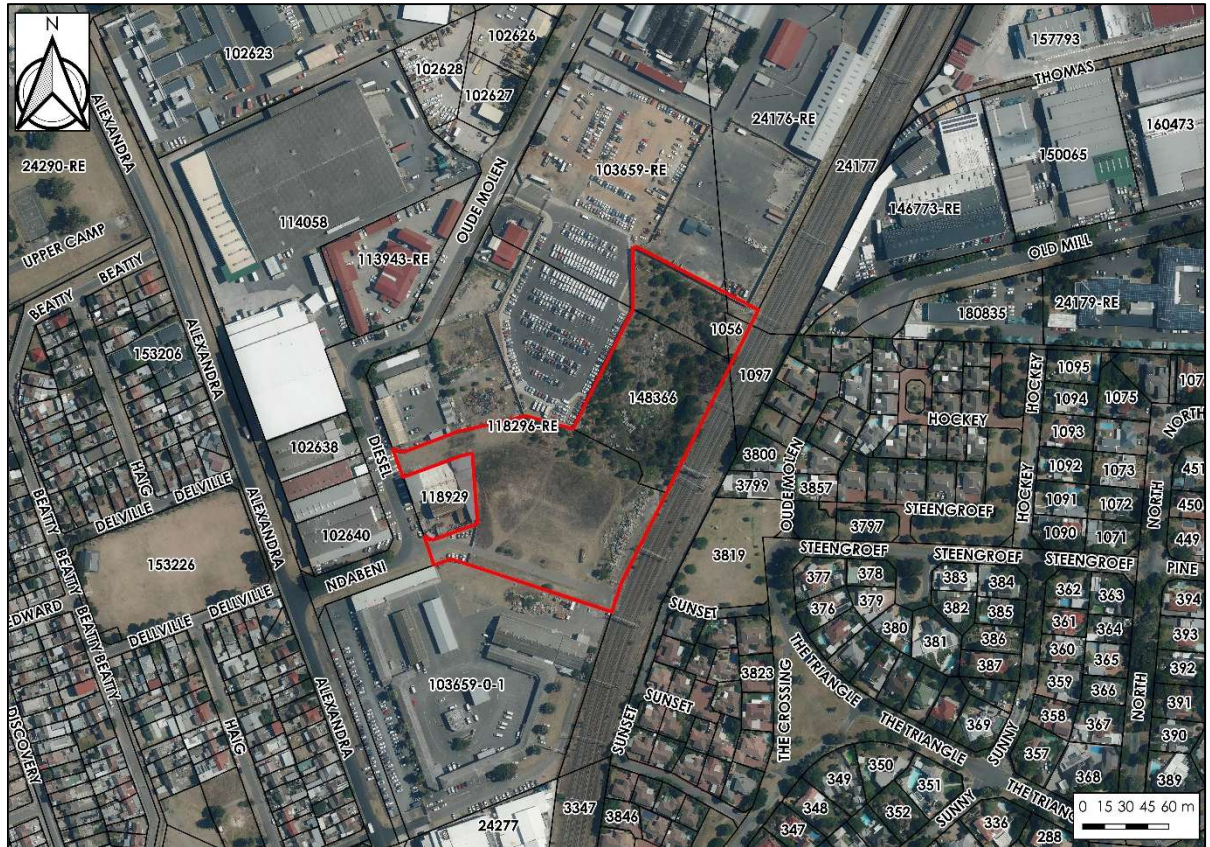


Figure 4 - Local context map

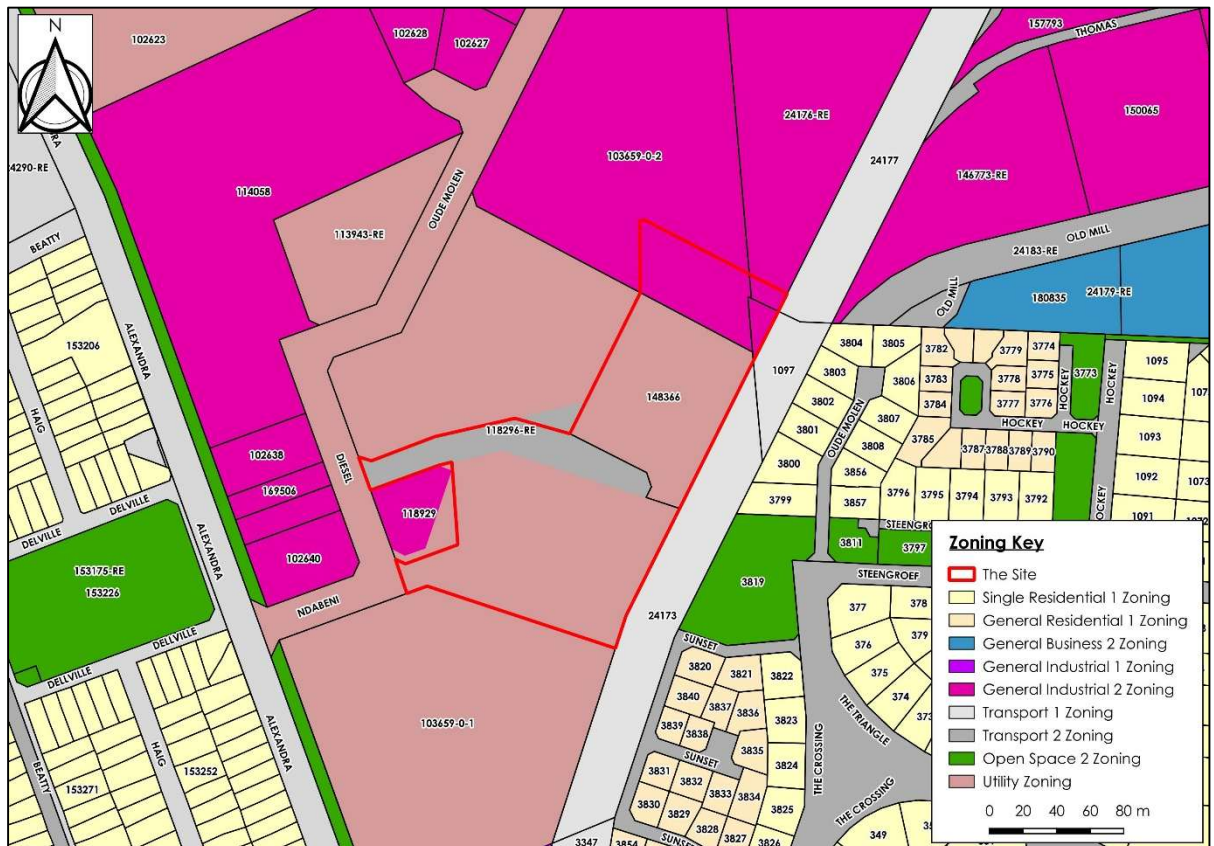


Figure 5 - Zoning map (note that the zoning map does not yet reflect the new zonings following the 2023 land use approval)

## 2.3 SITE DESCRIPTION

The site has a relative flat topography consistent of vacant disturbed land. There are no structures on site, only construction rubble due to illegal dumping. This site is not subject to any pedestrian movement due to the railway line isolating the eastern boundary (refer to **Figure 6**).

The site is largely screened from the street, with limited visibility and access provided only through narrow corridors on either side of the adjacent Erf 118929 (refer to **Figure 7**). The remaining boundaries are enclosed by the railway line and surrounding industrial properties.

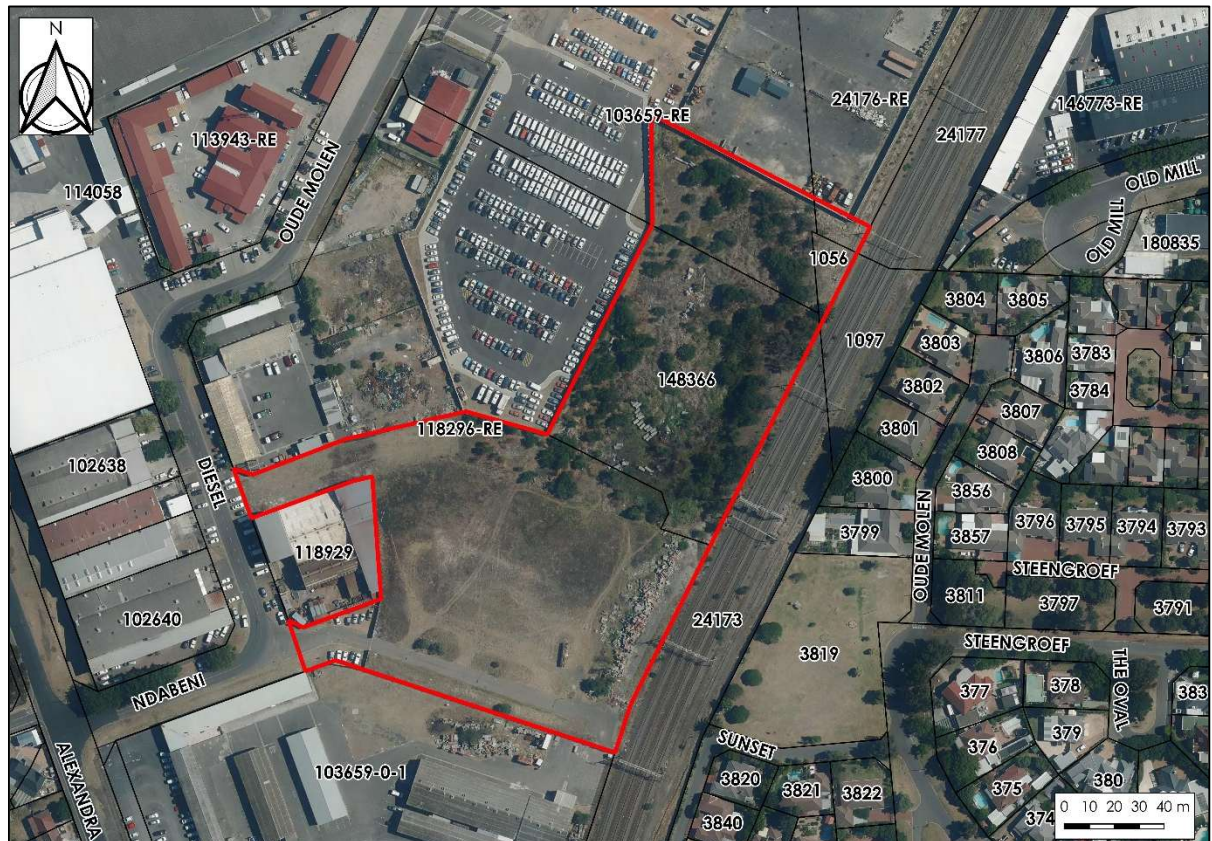


Figure 6 - Aerial image of the site

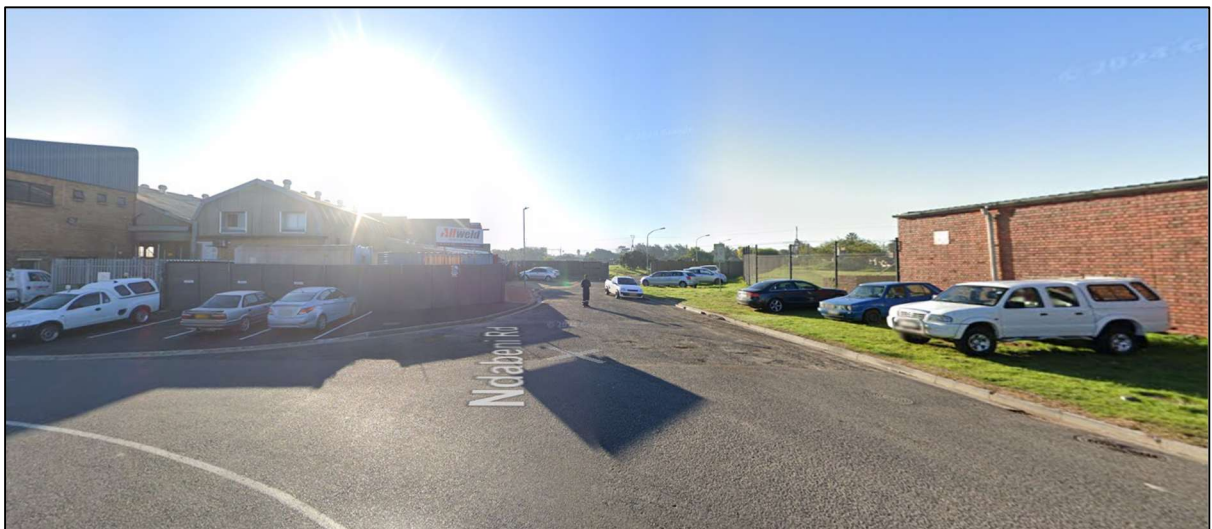


Figure 7 - A street view of the site's entrance, at the corner of Ndabeni and Diesel Roads.

## 3.0 THE PROPOSAL

### 3.1 THE PROPOSED SUBDIVISION & CONSOLIDATION

Following the previous land use approval issued by the City of Cape Town in 2023, Unregistered Erf 183467, Cape Town was formed. The SG diagram for this property has been approved, but the registration and transfer are still in process.

To create a larger land unit to accommodate the needs of Biovac, it is proposed to add two additional land portions to the approved site, namely (also refer to **Figure 8**):

- A portion of Remainder Erf 118296, Cape Town,  $\pm 2\,135\text{m}^2$  in extent, which was previously a proclaimed public road. This road was subsequently deproclaimed and is proposed to be included in the enlarged site to provide additional space and access opportunity.
- The portion of land to the north of the site,  $\pm 2\,865\text{m}^2$  in extent, bordered by the railway line and existing municipal / industrial facilities. This land area consists of Erf 1056, Pinelands and portions of Remainder Erven 103659 and 24176, Cape Town and is proposed to be included to provided additional space for the proposed facility.



**Figure 8 – The additional land portions proposed to be consolidated with Unregistered Erf 183467.**

To formalise the enlarged site as one land unit, it is required for the additional land portions to be consolidated with Erf 183467. Some of these land portions form part of larger properties. Therefore, to create the enlarged land unit, a number of subdivisions are also required, with portions of these subdivisions included in the consolidation.

The following subdivisions and consolidation are therefore applied for as part of this application.

- The **subdivision** of Remainder Erf 118296, Cape Town into two portions;
- The **subdivision** of Remainder Erf 103659, Cape Town into two portions;
- The **subdivision** of Remainder Erf 24176, Cape Town into two portions;
- The **consolidation** of:
  - Unregistered Erf 183467;
  - Proposed Portion 1 of Remainder Erf 118296;
  - Proposed Portion 1 of Remainder Erf 103659;
  - Proposed Portion 1 of Remainder Erf 24176;
  - Erf 1056, Pinelands

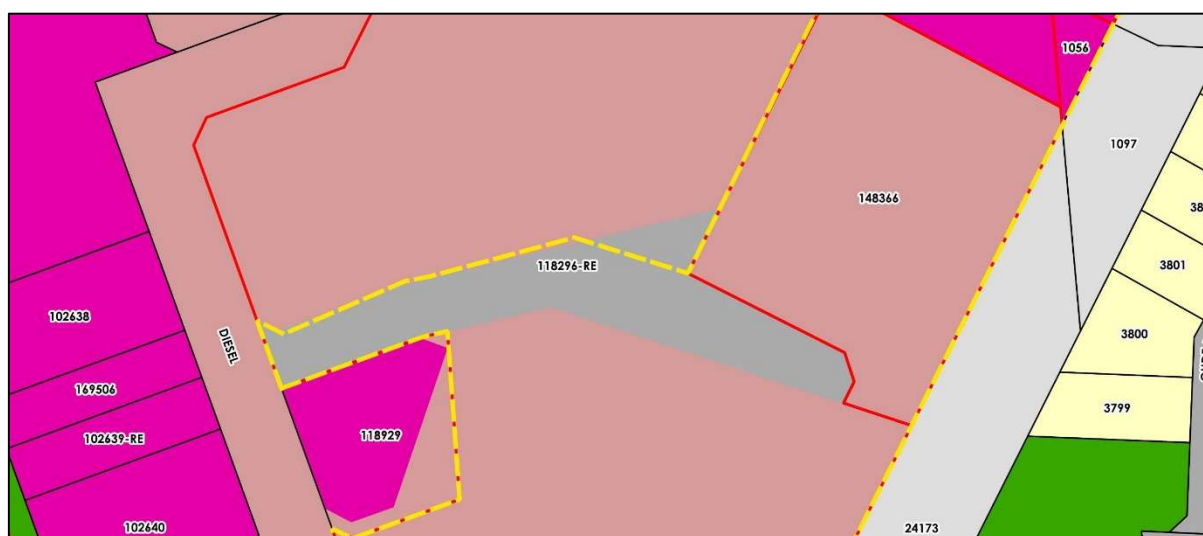
The consolidated property will have a total extent of  $\pm 2,53$ ha.

The proposed Subdivision Plans are attached as **Annexure 9**. The proposed Consolidation Plan is attached as **Annexure 10**.

### **Zoning:**

All portions of land proposed to be included in the consolidated property are zoned General Industry Zoning 2 (GI2).

It should be noted that a portion of Remainder Erf 118296 was previously a proclaimed public road and accordingly zoned Transport Zoning 2. However, this public road has since been formally deproclaimed and closed, as confirmed by the closure notice attached as **Annexure 6**.



**Figure 9 – Extract of the zoning map, illustrating the previous public road (grey), which has since been deproclaimed and closed.**

In terms of Item 16(8) of the City of Cape Town Development Management Scheme (DMS), *“where any portion of land...which was previously a public street or public open space vested in or owned by the City, is closed and transferred to an abutting owner, such portion of land shall be deemed to fall into the same zoning and subzoning, including any conditions of approval, if any, as that of the abutting land belonging to such owner...”*.

The portion of Remainder Erf 118296 which contains the closed public road, and which is proposed to be transferred from the City and incorporated into the consolidated property, will therefore be zoned General Industrial Zoning 2 as a “deemed zoning” in terms of Item 16(8) of the DMS, in alignment with the zoning of the adjoining property (Unregistered Erf 183467).

This confirms that, upon registration, the entire consolidated property will be zoned GI2.

### 3.2 THE PROPOSED SITE DEVELOPMENT PLAN

The SDP for the proposed development is attached as **Annexure 11** and is submitted herewith for approval, as required by condition 2.1 of the 2023 land use approval.

The proposed SDP provides for the following:

- A four-storey main industrial building to accommodate the main vaccine production activities and associated space.
- A separate utility building adjacent to the main building.
- A main vehicular access at the intersection of Ndabeni / Diesel Roads. The access will be security controlled and provides for one ingress and one egress lane.
- An additional emergency / service access.
- An on-site parking area, to the south of the main building. A total of 132 parking bays are provided. The parking bays will all be covered with solar panel structures above the parking space.
- A loading and waste management area in the space east of the parking area.
- Circulation space around the main building, along all boundaries.
- Landscaping in the parking area.

The proposed development provides for 25 979m<sup>2</sup> floor space (13 144m<sup>2</sup> GLA).

The SDP contains all information required in the condition of approval.

## 4.0 MOTIVATION

Section 99 of the City of Cape Town Municipal Planning By-Law, as amended in 2019 (MPBL), stipulates that when deciding whether or not to approve an application, the decision maker must consider all relevant criteria listed in Section 99(2) of the MPBL. The following sections is an assessment of the application in terms of the afore-mentioned criteria and serves as the motivation for the approval of this application.

### 4.1 MOTIVATION FOR CONSOLIDATION

In terms of Section 99(2)(f) of the MPBL, the following must be considered with applications for consolidation:

- (i) The scale and design of the development
- (ii) The impact of the building massing
- (iii) The impact on surrounding properties

The proposed consolidation will enlarge a property that was recently formed and approved for industrial development. The surrounding area is a well-established industrial precinct, with many large erven and substantial industrial buildings already in place. The proposed consolidation fits in with this existing development pattern.

Although the application involves increasing the size of the site, the new consolidated property will still fall within the typical size range for erven in the area. In fact, it will be smaller than some of the surrounding erven from which the portions are being subdivided. The proposed land unit will therefore remain in line with the general layout and structure of the industrial precinct.

The scale and massing of the proposed building are appropriate for the area. The design meets the operational needs of an industrial facility but does not exceed the size or height of other buildings nearby. Several adjacent properties also contain large industrial structures, which supports the suitability of the proposed development.

Given the industrial character of the area, the consolidation and resulting development will not be out of character with the area. On the contrary, it will strengthen the existing land use pattern and will not have any negative visual or functional impact on neighbouring properties.

### 4.2 COMPLIANCE WITH THE DEVELOPMENT MANAGEMENT SCHEME

#### 4.2.1 Permitted Land Use

As confirmed in Section 3.1 of this report, the proposed consolidated property will be zoned General Industry Zoning 2 (GI2). “Industry” is a primary land use right in this zoning and is defined as follows:

*“A property used as a factory or for such purposes and in or on which an article or part of such article is made, manufactured, produced, built, assembled, compiled, printed, ornamented, processed, treated, adapted, repaired, renovated, rebuilt, altered, painted (including spray painting), polished, finished, cleaned, dyed, washed, broken up, disassembled, sorted, packed,*

*chilled, frozen or stored in cold storage; including offices, caretaker's quarters or other uses which are subservient and ancillary to the use of the property as a factory; and includes a warehouse, but does not include a noxious trade or risk activity”.*

The proposed vaccine production facility complies with the DMS definition of an “industry” and is therefore permitted as a primary land use right.

#### 4.2.2 Assessment of compliance with GI2 DMS Development Rules

**Table 3** below provides an assessment of the proposed development’s compliance with the development rules of the MU1 and GB1 zonings.

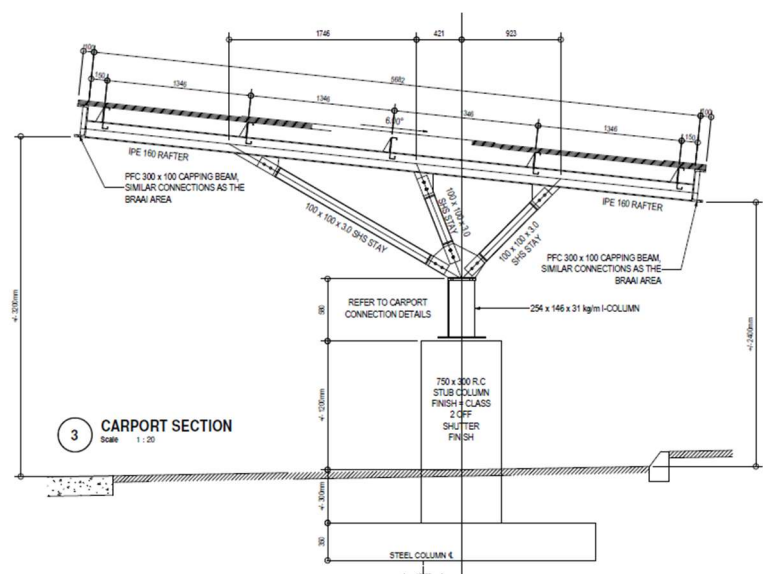
| <b>Table 3 – Compliance with DMS Development Rules (MU1 &amp; GB1)</b> |                        |                            |                  |
|------------------------------------------------------------------------|------------------------|----------------------------|------------------|
| <b>Development Rule</b>                                                | <b>Permitted (GI2)</b> | <b>Proposed</b>            | <b>Compliant</b> |
| <b>Floor Factor</b>                                                    | 4,0                    | 1,018                      | Yes              |
| <b>Coverage</b>                                                        | 75%                    | 52%                        | Yes              |
| <b>Max. Height</b>                                                     | 18,0m                  | 18,0m                      | Yes              |
| <b>Street boundary building line</b>                                   | 5,0m                   | Diesel Rd: N/A             | Yes              |
| <b>Common boundary building line</b>                                   | 3,0m                   | North-west boundary: ±9,0m | Yes              |
|                                                                        |                        | North-east boundary: ±6,0m | Yes              |
|                                                                        |                        | Eastern boundary: 0m       | No               |
|                                                                        |                        | South-west boundary: 0m    | No               |

It is evident from Table 3 above that the proposed development complies with the applicable floor factor, coverage and height restrictions. Although the main building complies with all building lines, the proposed covered parking structures encroach over the eastern and southern 3,0m common boundary building lines. Departures are therefore required for these encroachments.

#### 4.2.3 Motivation for building line departures

The following is provided as motivation for the proposed building line departures:

- The encroachments involve the proposed covered parking structures which encroach over the southern common boundary and a portion of the eastern common boundary only. All other industrial buildings comply with the building lines. The encroaching structures are minor structures, ±3,3m in height, that will not impose any impact on the adjacent properties (see **Figure 10**).
- The covered parking structures consist of solar panels and will contribute to the energy provision of the facility, thereby contributing to sustainable development.



**Figure 10 – The proposed covered parking structure design.**

#### 4.2.4 Assessment of compliance with other relevant DMS development rules

The following is an assessment of the proposed development's compliance with the other development rules in the DMS that are relevant to the proposed development:

- **Item 126 - Earth banks, retaining structures, support structures and similar devices:** The site is relatively flat and therefore all retaining structures and support structures comply with the DMS.
- **Item 136B - Boundary walls:** The design of the proposed boundary walls is included with the SDP. With all boundaries being common boundaries, a 2.5m high solid boundary wall is proposed for all boundaries, in compliance with the maximum height restriction.
- **Item 137 - Off-street parking requirements:** The site is situated within a PT2 parking area. Therefore, no parking provision is required.
- **Item 140 - Site access and exits:** The site will utilise an existing access point at the Ndabeni Road / Diesel Road intersection. The access complies with the provisions of the DMS.
- **Item 141 - Parking layout requirements:** The on-site parking layout complies with all layout requirements of the DMS.
- **Item 142 - Parking for the physically disabled:** Sufficient provision is made for disabled parking, in compliance with the DMS minimum requirement.
- **Item 144 - Loading:** Sufficient provision is made for loading facilities, in accordance with the DMS minimum requirements.
- **Item 145 - Refuse Room:** Due to the nature of the facility, waste will be removed by the property owner in accordance with a waste management plan. Provision is made for waste storage on site. It is however not necessary for the Municipality to gain access to this waste storage facility.

### 4.3 CONSISTENCY WITH APPLICABLE SPATIAL DEVELOPMENT FRAMEWORKS

#### 4.3.1 Cape Town Metropolitan Spatial Development Framework (2023)

The Cape Town Municipal Spatial Development Framework (MSDF) identifies four primary Spatial Transformation Areas (STAs) which establish the basis for growth management in the City, namely an Urban Inner Core, Consolidation Area, Discouraged Growth Area and Critical Natural Assets.

The site is situated within the **Urban Inner Core** (refer to **Figure 11**). A key principle of this spatial transformation area is a commitment by the City, public and private sectors to a coordinated, spatially targeted investment and land development to spatially transform and integrate the city form. The intensification and diversification of land uses in support of city growth is supported in this area.

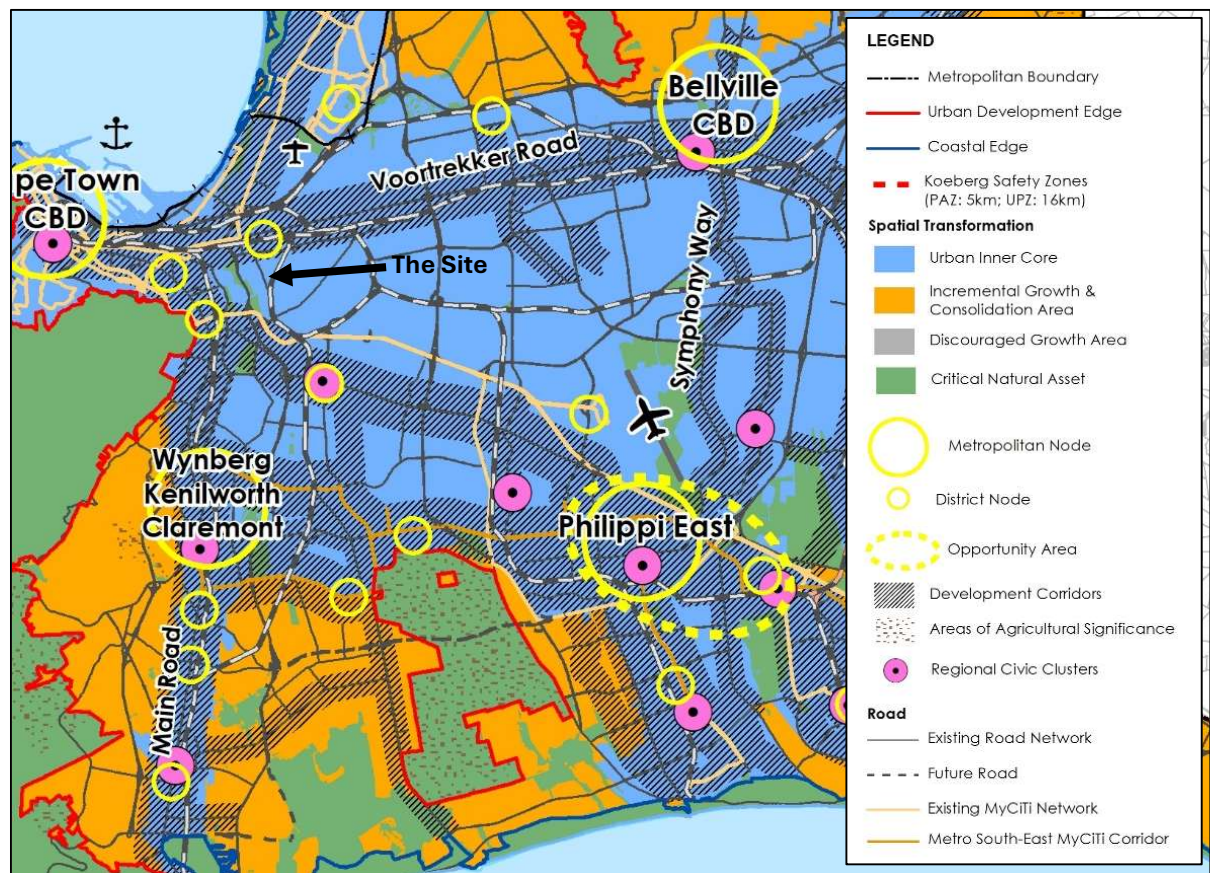
The MSDF identifies three spatial strategies to direct decision-making that is binding on the City and that must be used to inform the City's capital budget expenditure to give effect to the implementation of the MSDF. One of these spatial strategies is to **"Plan for economic growth,**

**and improve access to economic opportunities (Strategy 1).** It further explains that the extent to which the City realises its spatial development goals is directly linked to its ability to sustain employment-generating economic growth in the medium term and to reduce accessibility costs for the urban poor. To this end, imperatives for this spatial strategy include the following (as relevant to this application):

- Encouraging a more compact city form by promoting higher land use and building densities compatible with existing residential land uses to create an optimum relationship between urban form and public transport services.
- Establishing and maintaining a liveable, vibrant and productive urban environment through effective urban services and engineering infrastructure, management and maintenance.
- Creating and attracting investment that will ensure integrated, sustainable communities by providing new infrastructure and maintaining that which already exists.
- Facilitating formal and informal economic growth and responding appropriately to the spatial needs of the economic sectors that are attracted to, and operate in, Cape Town.

The proposed development will inject substantial investment into the local area, significantly boosting economic growth. The facility is expected to create over many employment opportunities, contributing to job creation and economic upliftment.

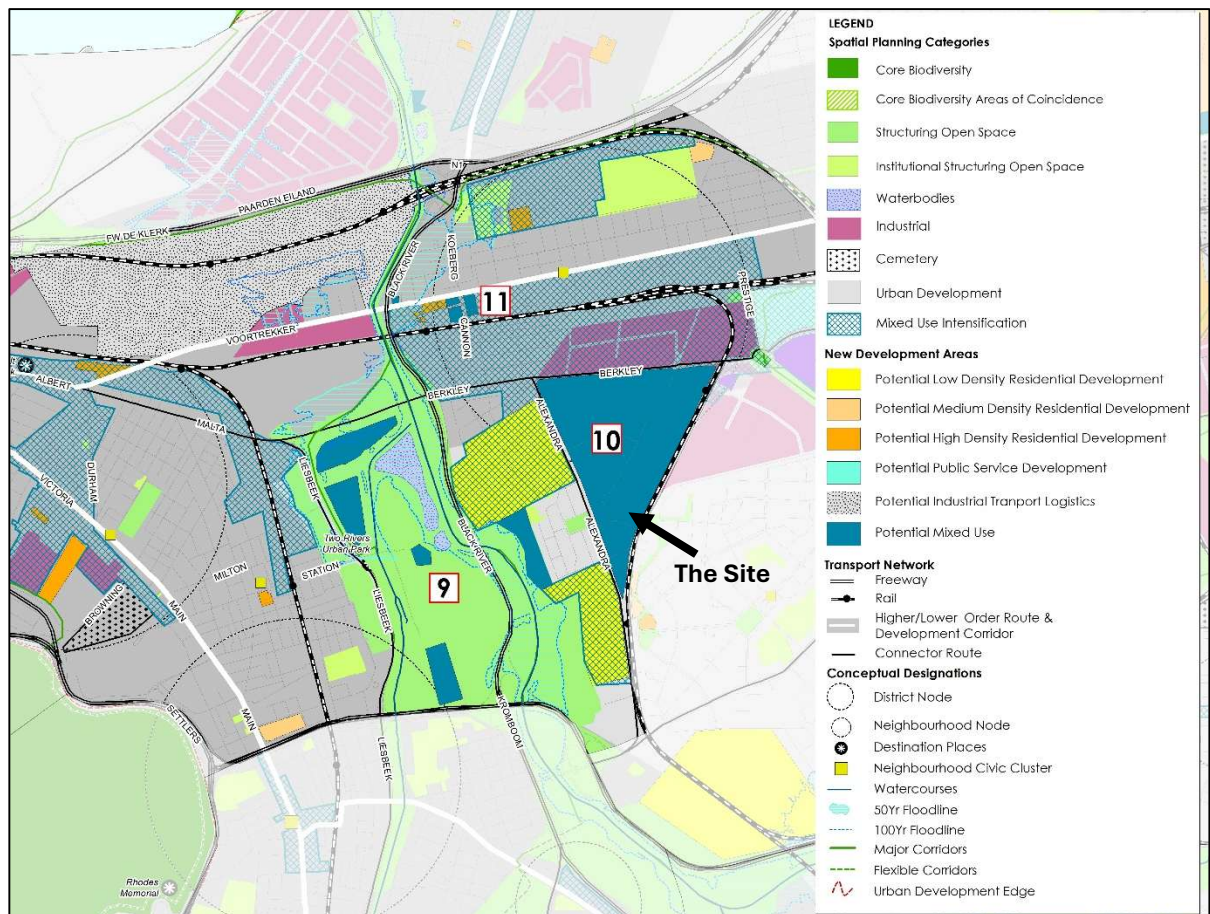
This proposed development is therefore fully aligned with the spatial guidelines and strategies outlined in the MSDF.



**Figure 11 - Extract of the Cape Town MSDF Consolidated Spatial Plan Concept.**

#### 4.3.2 Table Bay District Plan (2023)

The site is situated within the Sub-District 3 – Central District of the Table Bay District Plan (refer to **Figure 12**).



**Figure 12 – Extract of the Sub-District 3 District Plan (TRUP / Observatory / Salt River / Maitland)**

The District Plan encourages conditions for continued industrial uses as well as high tech and biomedical clusters, and also encourages intensification of commercial, industrial and institutional uses in Ndabeni, particularly in association with Berkeley Road and Alexander Road.

Furthermore, the precinct that includes the area between Berkeley Road, Alexander Road and the railway line is identified on the District Spatial Plan for “Potential Mixed Use”. This area is included amongst the identified “new development and strategic” sites, with the following supporting development guidelines:

- *Investigate the feasibility of developing a mixed use precinct with light industrial, commercial and higher density residential components.*
- *Alternatively consider the site as part of a municipal hub of services that is rationalised and efficiently developed, given the existing ownership and facilities on site.*
- *Ensure that portions facing Berkeley Road are optimally developed in line with its importance as a route.*
- *Determine the viability of various development options depending on the re-use of existing built structures and the associated costs.*

- *Develop a spatial framework (based on the feasibility study) that addresses concerns around integration of the site; linkages with the urban park and the interface along Berkley Road amongst others.*
- *Capitalise on the site's strategic location and size by optimising density and bulk.*
- *Consider the impact of development on heritage buildings on the site particularly which buildings could be exempt from section 34 of the National Heritage Resources Act.*
- *Minimise potential land use conflicts on the site and ensure an appropriate transition between the residential uses in the area and the industrial uses.*

The proposed development supports the spatial development guidelines of the Table Bay District Plan by promoting intensified infill development that reinforces the industrial and biomedical role of this area. It also contributes to the mixed-use character of the precinct and makes efficient use of the site's development potential in terms of density and bulk.

The proposal is therefore clearly aligned with the objectives of the Table Bay District Plan.

#### **4.4 CONSISTENCY WITH MUNICIPAL POLICY AND STRATEGY**

##### **4.4.1 City of Cape Town Inclusive Economic Growth Strategy**

The principal objective of the Economic Growth Strategy (EGS) is to grow the economy and create jobs – the overarching objective of the Opportunity City. According to the EGS, the single most important factor determining poverty and inequality is the employment situation.

The proposed Biovac development supports the goals of the City of Cape Town's Inclusive Economic Growth Strategy, which aims to build a stronger, fairer local economy by promoting job creation, investment in key industries, and better use of urban land. The new vaccine manufacturing facility will boost the City's growing health and biotechnology sector, create both construction and long-term jobs, and help develop local skills through training and partnerships.

By developing a modern facility on vacant land within an established industrial area, the project makes efficient use of public land and existing infrastructure. It also strengthens local vaccine production capacity, which supports public health and economic resilience. In doing so, the development helps unlock investment and opportunities in a way that aligns with the City's vision for inclusive and sustainable economic growth.

##### **4.4.2 City of Cape Town Social Development Strategy**

The proposed development supports the City of Cape Town's Social Development Strategy, which focuses on building safe, healthy, and inclusive communities where people can access opportunities and improve their quality of life. The project contributes to public health, supports local job creation, and promotes skills development — all key goals of the strategy.

The project also brings positive social impacts by using well-located vacant land for a purpose that benefits the broader community. It helps reduce health-related risks by strengthening local vaccine supply, while also creating a safer and more productive urban environment. In this way, the development supports social inclusion and long-term well-being in Cape Town.

## 4.5 DESIRABILITY OF THE APPLICATION

The following is provided as motivation for the application's desirability, as required in Section 99(3) of the MPBL.

### 4.5.1 Socio-economic Impact

The proposed development will make a significant contribution to the local economy, both during the construction phase and once the facility is operational. A large number of employment opportunities will be created, including skilled and unskilled jobs, which will benefit residents in the surrounding communities and broader Cape Town area. In addition to direct employment, the facility will also stimulate indirect economic activity through demand for local goods and services, including logistics, maintenance, and support services.

Furthermore, the establishment of a local vaccine production facility will contribute to public health objectives by supporting the availability and affordability of vaccines. Local manufacturing will reduce reliance on international supply chains, potentially lowering costs and improving access. This not only benefits the healthcare sector but also enhances the resilience and competitiveness of South Africa's biomedical industry.

### 4.5.2 Compatibility with Surrounding Land Uses

The proposed development is fully compatible with the surrounding land uses. The site is located within an established industrial area characterised by a range of industrial activities and large-scale facilities. The proposed industrial development aligns with this context, both in terms of land use and built form.

The principle of the proposed land use has already been confirmed through the approval of the 2023 rezoning application, which established the site's suitability for industrial purposes. The current application builds on this approved framework and seeks to accommodate the same use on an expanded site.

Given the industrial nature of the surrounding area and the fact that the proposed development is consistent with the prevailing land use pattern, the proposal will integrate appropriately with its surroundings and will not introduce any land use conflicts.

### 4.5.3 Impact on External Engineering Services

In the previous land use application, no Site Development Plan (SDP) was submitted. As a result, the application was assessed based on the full development potential of the GI2 zoning, which permits a floor factor of 4.0. This allowed for a total of 79 200m<sup>2</sup> floor space, and approximately 59 400m<sup>2</sup> GLA.

Although the current application includes a larger consolidated site, the SDP now submitted confirms that the total floor space at ±26 000m<sup>2</sup>, and 13 144m<sup>2</sup> GLA. This means the proposed development is at a significantly lower scale than what was previously assessed and approved, with more than 46 000m<sup>2</sup> less GLA.

The relevant engineering departments have previously confirmed that sufficient municipal service capacity exists to accommodate a development of this scale. The proposed development can therefore be supported from a services infrastructure perspective, and no upgrades are

required. No existing municipal service infrastructure will be negatively impacted by the development.

Development charges (DCs) are payable in accordance with the City's Development Charges Policy. However, this application also seeks to amend the existing condition relating to DCs to allow for the amount to be recalculated based on the actual floor space proposed in the approved SDP, rather than the full development potential of the GI2 zoning.

#### **4.5.4 Impact on Safety, Health and Wellbeing of the Surrounding Community**

The proposed development will have a positive impact on the safety, health, and wellbeing of the surrounding area. The facility is designed specifically for vaccine production, with strict safety and security measures in place. These include controlled access, secure perimeters, and high standards of hygiene and operational safety, ensuring a well-managed and low-risk environment. The site is located within an established industrial area and is surrounded by similar industrial uses. As such, the proposed use is compatible with its surroundings and will not have any negative impact on nearby communities.

Currently, the site is vacant and disturbed, and is subject to illegal dumping, vagrancy, and other undesirable activity. By developing the site, these safety and security concerns will be addressed. The development will improve the physical condition of the area and reduce the opportunities for criminal activity.

#### **4.5.5 Impact on Heritage**

The site does not contain any sensitive heritage elements and is not situated within a heritage protection area.

Due to the proposed development involving three or more existing properties, a Notice of Intent to Develop (NID) must be submitted to the heritage authority in terms of Section 38 of the National Heritage Resources Act No. 25 of 1999. The NID has been submitted to Heritage Western Cape (HWC). The correspondence from HWC will be provided when available.

#### **4.5.6 Impact on the Biophysical Environment**

The site and its vegetation is completely degraded. A site assessment conducted by an environmental practitioner confirmed that most of the natural vegetation associated with the Cape Flats Sand Fynbos have been damaged or removed. The site is covered with alien invasive species, e.g. *Acacia saligna* and *Acacia longifolia* and very limited indigenous vegetation is present on site.

No watercourses or natural wetlands are located on the site. The Black River is located approximately 700m southwest of the site and the area between the site and Black River is mostly build environment.

Note that an Applicability Checklist has been submitted to the Department of Environmental Affairs & Development and a letter will be issued to confirm whether an environmental authorisation (EA) is required. The environmental practitioner is however of the opinion that none of the listed activities contained in the National Environmental Management Act will be triggered by the proposed development and therefore an EA should not be required.

#### 4.5.7 Traffic Impacts, Parking, Access and Other Transport Related Considerations

A Traffic Impact Assessment (TIA) was prepared by Trafficon Traffic Engineering Consultants as part of the previous land use application in 2023. The TIA supported the application and confirmed that there were no traffic-related reasons preventing the development from proceeding, subject to the following recommendations:

- Exclusive 30m right turn lanes for the south and east approach at Alexandra / Ndabeni Road intersection.
- Access control lane configuration to be three ingress lanes (One visitor and Two Staff) and one egress lane with 20m stacking distance for the ingress lanes.

The 2023 land use approval included a condition that these recommendations (as per the April 2023 TIA) be implemented at the developer's cost.

It is important to note that, when the 2023 TIA was prepared, no SDP was available. The assessment was therefore based on the maximum development potential permitted under the G12 zoning, which allows a floor factor of 4.0. Accordingly, the TIA considered a floor area of 79,200m<sup>2</sup> / 59,361m<sup>2</sup> GLA, and the associated traffic generated by a development of that scale.

With a detailed SDP now available, it is confirmed that the proposed development will have a total floor area of only 13 144m<sup>2</sup> GLA, approximately 22% of the floor space assessed in the previous TIA. While the proposed consolidation and subdivision will result in a larger property, the total floor space of the development is substantially reduced. As a result, the anticipated traffic impact will also be significantly lower than previously assessed.

In addition, it is also highlighted that the required upgrades at the Alexandra / Ndabeni Road intersection are not required for the proposed development, but is necessary to address traffic congestion of existing background traffic. The intention of the initial TIA was that this upgrade should be the responsibility of the City of Cape Town (for whom the TIA was done), and should not be the responsibility of Biovac.

Trafficon has been appointed to prepare a new TIA reflecting the reduced scale of the proposed development and upgrades that are required to be implemented by Biovac (if any). This may result in the previous recommendations being revised or even removed. The updated TIA will be submitted in due course.

#### 4.6 IMPACT ON EXISTING RIGHTS

The principle of the proposed industrial use has already been approved through a previous rezoning approval. This application simply seeks to consolidate additional municipal land to accommodate the approved use more effectively, without intensifying the development beyond what was previously assessed.

The proposed development will therefore not negatively impact any existing land use rights in the surrounding area. The site is located within a well-established industrial precinct, and the proposed use is consistent with the prevailing zoning and surrounding land uses. No changes are proposed that would infringe on the rights of neighbouring property owners in terms of access, use of their land, etc.

In light of the above, it is evident that the proposal will not result in any negative impact on the existing rights of surrounding landowners or occupiers.

## 4.7 CONSISTENCY WITH PLANNING LEGISLATION (SPLUMA & LUPA)

Both the Spatial Planning and Land Use Management Act No.16 of 2013 (SPLUMA) and the Western Cape Land Use Planning Act No.3 of 2014 (LUPA) specifies that, in considering and deciding a land use application, decision-making authorities must be guided by a set of development principles, including the principles of spatial justice, spatial sustainability, efficiency, good administration and spatial resilience.

The proposed development adheres to the development principles relevant to this application, as stipulated below:

- **Spatial Justice:** The development supports spatial justice by promoting the productive use of underutilised, municipally owned land within the existing urban footprint. It contributes to redressing historical spatial imbalances by supporting local economic development and job creation in an accessible, well-located area.
- **Spatial Sustainability:** The proposal promotes sustainability through the infill development of vacant land within an established industrial area, making optimal use of existing infrastructure and services. It avoids urban sprawl and supports the efficient use of land and resources.
- **Efficiency:** The development makes efficient use of land, infrastructure, and bulk services by concentrating development in an area that is already well-serviced and accessible.
- **Spatial Resilience:** By strengthening the local biomedical and industrial sectors, the development enhances the economic resilience of the city and region. Local vaccine production reduces dependency on external supply chains and supports public health resilience.
- **Good Administration:** The application process will follow transparent and lawful planning procedures as required by both SPLUMA and LUPA.

## 4.8 MOTIVATION FOR AMENDMENT OF CONDITIONS OF APPROVAL

### 4.8.1 Amendment of condition 2.6, related to TIA

It is proposed to amend condition 2.6 by removing the reference to the April 2023 TIA. As mentioned, the proposed SDP provides a total floor space that is substantially less than the floor space provided for in the 2023 TIA. A new TIA is currently being undertaken by Trafficon, which is based on the reduced floor space as indicated on the proposed SDP. It is possible that the recommendations of the 2023 TIA will be revised, due to the reduction in floor space. It is therefore proposed that condition 2.6 be amended to refer to the new TIA.

### 4.8.2 Amendment of condition 2.14, related to the payment of DCs

Condition 2.14 specifies an amount of R 20 788 059.31 that needs to be paid as DCs. The calculation for this amount was based on the total floor space permitted on the property in terms of the zoning's specified floor factor. With the reduced floor space on the proposed SDP, it is proposed to amend this condition to reflect the recalculation based on the floor space on the SDP.

## 5.0 CONCLUSION & RECOMMENDATION

It has been demonstrated that the inclusion of the additional land portions to form an enlarged development site is desirable and will not impact negatively on the surrounding properties and environment. The proposed SDP allows for an appropriate development in accordance with the land use rights and conforms to the City's development standards and requirements.

We highlight the following in conclusion:

- The application is made to allow the inclusion of additional land portions to form an enlarged development site, enabling the construction of a facility that meets Biovac's operational requirements.
- The consolidated erf will remain within the typical property size range for the area and support the established development pattern of large industrial sites and buildings.
- The proposal complies with all relevant SDF's and planning policies.
- The proposal aligns with the LUPA and SPLUMA development principles.
- The proposal will not affect existing rights.
- The proposal will have a positive socio-economic impact as it will lead to significant investment, job creation and local economic growth.
- The proposed development and property size will remain aligned with the general land use and urban character of the surrounding area.
- The site is degraded and does not contain any sensitive environmental or heritage resources.
- Sufficient municipal engineering service capacity is available to accommodate the development, as previously confirmed by the municipal engineering departments.
- A TIA undertaken as part of the previous application supports the development. The total floor space of the proposal is substantially reduced from the floor space assumed during the previous TIA, resulting in a reduced traffic impact.
- The proposed SDP complies with the DMS development rules and zoning provisions. The only departures required is to allow covered parking structures along the site's southern and eastern boundaries to encroach on common boundary building lines. These encroachments are minor in nature and will not affect any surrounding property.

ARoux Town Planning recommends that this application, for subdivision, consolidation, SDP approval, amendment of conditions of approval and permanent departures, involving Unregistered Erf 183467, Cape Town, Remainder Erven 118296, 103659 and Erf 24176, Cape Town, and Erf 1056, Pinelands, be considered for approval, based on the above merits.